Searching for Blood in the Streets: Mapping Political Violence onto Urban Topography in the Late Roman Republic, 80-50 BCE

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Searching for Blood in the Streets: Mapping Political Violence onto Urban Topography in the
Late Roman Republic, 80-50 BCE

An Honors Thesis

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The Faculty of the Department of Classical and Medieval Studies

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By

Theodore Samuel Rube

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Abbreviations for Latin and Greek authors are those found in the Oxford Classical Dictionary.

Unless specifically noted, all other texts are the Loeb Classical Library versions

Introduction: A Spatial Approach to Political Violence in the Late Roman Republic

Where did political violence happen in Late Republican Rome? Political violence in the years 80 to 50 BCE has been an enduring subject for historians of Ancient Rome for millennia. Scholars have poured over and over again the period of the “Fall of the Republic” and urban violence’s role within it. However, despite the years of scholarship on the subject, the spatial aspect of political violence in the final years of the Roman Republic has not fully been examined. Situating political violence in its topographical setting can yield important conclusions about everything from Roman political behavior to social values. It is an unsatisfactory response to simply say that violence happened “in the Forum” or “at the Rostra,” of “on the Campus Martius,” as many scholars have done in the past. In the case that an instance of violence did take place in the Forum—where exactly in the Forum does it take place? What side of the Forum is it on? What buildings is it close to? How does where it occurred affect the social meaning of the violence? Human activity does not simply exist in geographical space as a container, as Irad Malkin argues.¹ The space around us shapes our behavior, and our behavior shapes the world around us.

At the same time, advanced digital tools exist to help scholars image the ancient world in never-before seen ways. Online projects such as UCLA’s Digital Roman Forum project, Archaeology Mapping Laboratory’s Digital Augustan Rome, Stanford’s ORBIS Geospatial Network Model of the Roman World, and a number of other projects demonstrate that the field of Classics is increasingly embracing the use of digital modeling as a method to understand ancient history and behavior. These online applications are user-friendly, information-filled, and of value

to both scholars in the field and those with a layperson’s interest. In particular, acquainting myself with the Digital Augustan Rome project, which provides an interface for exploring structures on the 2-D map of Rome, inspired my own desire to map not only structures, but political behavior in the Late Republic. Based on those projects, I wanted to make a visualization that would help me come to grips with the slippery location of political violence in the sources and the scholarship, while also being accessible to individuals of all scholarly background.

I decided for my thesis that I would attempt to map the political violence that occurred in the final 30 years of the Roman Republic, a period for which there is no shortage of information. The goals of this thesis are then threefold:

1. Find out how many instances of political violence occurred between 80 BCE and 50 BCE
2. Where possible, locate where these instances occurred. If possible, map with accuracy this information onto a GIS-based digital mapping platform (Geographic Information System)
3. Explain why there: What about these places contributed to violence in politics—or vice versa? How did trends in Roman politics contribute to the use of these spaces?

In short, this thesis intends to map and explicate the relationship of political activity, violence, and space in the period of the Late Roman Republic. This is admittedly a large task.

A number of scholars have informed my own research. The seminal work on political violence in the Late Republic is Andrew Lintott’s 1968 *Violence in Republican Rome*. Lintott’s interest was discovering the what of Republican violence—what forms did violence take? P.J.J. Vanderbroeck’s *Popular Leadership and Collective Behavior* is also a foundational work for my own study. Starting with Lintott’s list of instances of violence, Vanderbroeck compiled a list of instances of collective behavior in the Late Republic, some of them being instances of violence. His main interest in political violence was the who—who was in the “crowd,” or “gang” that
perpetrated acts of demonstration, protest, and political violence? How were they organized? What was their relationship to one another? While his development upon the concept of the plebs contionalis—an interest-group of plebeians who spent the majority of their time attending contiones and participating in legislative activity—has been contested by later scholars, his examination of organizational structures and the composition of the late Republic’s crowds is valuable. Like Lintott, Vanderbroeck’s study made strides towards a more spatial approach. This study is indebted to his appendix, which expands upon Lintott’s list of political violence and attempts to some extent topographically locate instances of collective action. His locations for events are often vague, with general category titles of “Forum,” “Campus Martius,” and “Capitol.” There is more topographical information to be gained from the ancient sources.

Fergus Millar’s The Crowd in Republican Rome is a crucial work that underpins my own approach. He recognizes the use of violence in the Forum and elsewhere, and much of my chronology follows his own. However, where Millar often speaks of the actual violence in general terms, I attempt to delve into greater physical and spatial detail about what actually occurred, and how. Millar was also one of the first scholars to truly introduce the concept of physical control of individual pieces of topography as critical in Late Republican political culture. Diane Favro and Christopher Johanson’s examination of the kinetic and sensory experiences of Roman funeral processions have also enlivened how I think about ancient space and visualize the sources and encouraged me to consider kinetics and motion more in my analysis. Midway through my research I came upon Amy Russell’s recent book, The Politics of Public Space in Ancient Rome. Her ideas about the use of violence as a both an indicator of a space’s uncontrolled nature, as well as a mode of claiming public space for one’s own purposes, influence in particular this thesis’ later chapters.
Erich Gruen’s *The Last Generation of the Roman Republic* is an indispensable companion for the chronology and the cast of characters of the Late Republic. Additionally, the colorful character of Publius Clodius Pulcher looms large every of Late Republican violence. Jeffrey Tatum’s *The Patrician Tribune* is the most effective analysis to-date that breaks through Ciceronian invective to present a balanced picture of the man and his motives. Tatum also corrects and clarifies some of the wilder inductive leaps that Vanderbroeck makes regarding the *plebs urbana*.

As for the primary sources: I have attempted to cast as large a scope as I can. Despite its undeniable bias towards its author, the Ciceronian corpus is the richest literary source we have for information about events, violence, and topography in the Late Republic. Along with Cicero, Asconius, Appian, Cassius Dio, Sallust, Plutarch, Velleius Paterculus, Caesar, Suetonius, Varro, and other more minor authors provide crucial information on events in the Late Republic. Of course, the City of Rome itself is one of the most important primary sources. The secondary scholarship on Roman archaeology and topography is immense and I will not make an attempt to summarize it all here. Filippo Coarelli’s *Rome* has been an invaluable guide to Rome’s excavated spaces, and Lawrence Richardson’s *A New Topographical Dictionary of Ancient Rome* has been of significant value as well. Jon Coulston and Hazel Dodge’s companion to Roman archaeology has been beneficial, particularly for its wide-ranging bibliography.

**Mapping Violence onto Urban Topography**

To create my own map, I used ArcGIS, a Geographical Information System that allows me to situate my data points in the world of real geography, not an arbitrary visual model. In locating my findings on a universal coordinate system, my findings can be compared, contrasted, and integrated with that of other geospatial projects dealing with ancient Rome. My data is compatible
with that of other classical scholars and projects that utilize GIS modeling, satellite mapping, and even 3-D mapping. This compatibility makes the findings of the individual locations of violence even more valuable. It is my hope that my findings on the locations of political violence can be shared with other scholars at all levels. My goal in designing this map is to produce a product that is accessible and both to academics and proverbial laypeople alike.

For my mapping process, I began with satellite images of modern Rome.

![Modern Rome, ArcMap Satellite Image](image)

*Figure 1: Modern Rome, ArcMap Satellite Image*

To make sense of the archaeological sites viewed from the air, I overlaid topographical reconstructions from a variety of scholarly sources onto the archaeological sites. Many works that deal with Republican politics since Lily Ross Taylor’s *Roman Voting Assemblies* provide sketch
maps of Republican sites have been helpful in conceptualizing the Republican city. However, they are ill-suited for use in precise GIS work. I started with Imperial-era or present-state maps—these allow me to overlay the map images with accuracy. The most useful of these have been reconstructions from Filippo Coarelli’s *Rome*, an English-language archaeological guide that synthesizes the results of modern excavations throughout the city, including Coarelli’s own seminal excavations of the Forum. Coarelli’s reconstructions include present-state remains and modern streets, which is critical for aligning the map overlays in ArcMap. For the Western Forum and the Campus Martius, where many sites have been excavated and mapped with certainty, I have followed Coarelli’s reconstructions. For the Eastern Forum and the Sacra Via, I have relied on a combination of Coarelli’s work and that of Andrea Carandini, filtered through English-language articles that summarize his work and include maps based off his excavations. I have also relied upon Digital Augustan Rome’s satellite map of modern Rome to situate many of my points and buildings.
On the basis of these plans, I have reconstructed particular buildings around the locations where political violence occurred most frequently.
Figure 3: Ancient Buildings in the Forum reconstructed over modern topography

The locations of certain monuments in the Forum, such as the Fornix Fabianus, the Gradus Aurelii and the Praetor’s Tribunal are conjecture, but informed conjecture. For the locations of certain homes, I have followed the locations provided the scholars at the Digital Augustan Rome project. With these reconstructions overlaid on Rome’s geography as my guide, I have located data points representing the location of each of the 69 different instances of political violence, each given a number according to their chronological order (#1 being an event in 75 BCE, #69 being an event in 50 BCE). For ease of understanding the data, I have compiled my GIS map into a user-friendly webmap which is to be consulted simultaneously with the written thesis.
The use of data points as opposed to other forms of representation has some drawbacks. Fixed points only allow for a static representation of activities that were frequently kinetic and mobile. For example, I use only one point (#4) to represent the attempted lynching of the tribune Gabinius by senators in the Curia, Gabinius’ flight to the Rostra, and the subsequent attack by Gabinius’ supporters on the Curia, itself a set of three different actions. For another example, the execution of the Catilinarian conspirators in the Carcer in 63 (#18) is represented on the map by a single point over the Carcer. However, the single point marking the place of death fails to visually encompass the symbolic and politically weighted process by which Cicero escorted the chief conspirator Lentulus from a senatorial home on the Palatine Hill, across the Forum, and presented him to the executioners. The small paragraph included in the pop-up information on each data point works to try and supply this crucial information about additional actions and topographical
relationships. Included in the pop-up box is also references to the ancient sources and modern scholarship. Like almost all web-based projects, this one is continuously developing. A further expansion of this mapping project might see the inclusion of more route-based representation, in an attempt to better visualize the kinetic experiences inherent of political violence. However, for now, the visual representation and the prose exploration must be consulted in concert in order to understand the full picture.

The link to the map can be found here: https://trube.maps.arcgis.com/apps/webappviewer/index.html?id=542ac0cc162b45d388f390c6aaecb922

*Space, Exclusion, and Politics in the Late Republic*

Starting with Lintott and Vanderbroeck’s respective lists of instances of violence and collective action, I compiled my own list of instances of political violence between 80 and 50 BCE, pouring back over the ancient sources, in many cases reaffirming those scholars’ findings, in a few cases reassessing, and in other cases discovering anew. In total, I discovered 69 individual instances of political violence between 80 and 50 BCE. Three occurred in the 70s, twenty-two occurred in the 60s, and forty-three occurred in the 50s. 29 instances of political violence took place in the Western end of the Forum, where the senate, met, speakers addressed assembled groups from the Rostra, and legislative assemblies took place. Another 17 took place on the Eastern side of the Forum, where the courts met and more legislative activity took place. 11 occurred in relation to aristocratic homes located on the Palatine, Velia, and Carinae. Four occurred in Rome’s temporary theaters, which although located in different places across the city, shared similar characteristics. Finally, 8 occurred on the Campus Martius, the flat plain to the west of the city walls.
Chapter I examines instances of violence that occurred in the 70s. In doing so, it charts an arc of transition in the type and locations of political violence that occurred in the 80s. By analyzing news scholarship about the location of the praetor’s tribunal and its relationship to political violence, this chapter sets the topographical stage for the rest of the thesis.

Chapter II examines violence in the western end of the Roman Forum. Romans used violence at the Curia, on and in front of the Rostra, and within the *saepta*, the voting apparatus used in passing legislation. Violence was tailored to the piece of topography it was intended to impact, and was deployed with a particular political goal in mind.

Chapter III continues the examination of the Western Forum, but presents new trends. Starting in the late 60s, politicians began to use violence to control wider and wider spaces, particularly during legislative assemblies. Instead of directing their attacks at one piece of topography, politicians began to fight for control of the entire Forum, fortifying it for themselves while physically excluding their opponents. Cicero, Clodius, and Pompey all used violence to stake a personal claim to control the Forum. Their attempts to do so represent an increasing personalization in the spatial battles over Rome’s primary political space.

Chapter IV continues to present the arc of towards attempts at increased personal control and exclusion in the Eastern Forum. In the 60s, individual politicians organized attacks on the courtroom to disrupt proceedings and achieve a particular judicial outcome. Like in the Western Forum, these instances of violence started as narrowly targeted on particular spaces. However, because of the physical permeability of the Eastern Forum, politicians who fought to control the courts were required to control larger and larger areas. By 52, political supremacy over the embattled courts was achieved by controlling the entirety of the Forum and forcibly expelling one’s opponents. The second part of the chapter examines how P. Clodius Pulcher used a
calculated program of political violence to establish personal dominance over the area of the Eastern Forum.

Chapter V examines the role of the senatorial aristocratic residence in the expanding battle over political space. The chapter’s first section examines the architectural layout of the atrium house and how aristocratic houses served their owners both as bastions against political violence and protected spaces from which to plot it. The second part of the shows how Clodius further expanded the spatial battlefield and made the senator’s domicile an acceptable location for political violence. Clodius, Cicero, and Pompey’s battles for political dominance over the city were fought on the arena of the Palatine, Velia, and Carinae in addition to the Forum.

Chapter VI analyzes another type of exclusion and inclusion. Rome’s temporary festival theaters were largely reserved for Rome’s upper classes, and each theater performance put Rome’s entrenched class divisions on display. Rome’s theaters were the site of four instances of class-based violence between 63 and 56. Especially after 57, plebeians frustrated by grain shortages attacked upper-class theater performances as a method of political protest to force the political elite to address their grievances.

Chapter VII looks at a final category, violence outside the city walls on the Campus Martius. These instances primarily consisted of electoral violence, which appeared later in the 50s. Politicians learned from the legislative battles in the Western Forum and used violence to disrupt election processes and exclude opponents from the Campus Martius.

Each chapter presents a diachronic study of the topographical area in question. This thesis is far from the first work to determine that Roman politics in the Republic’s final years was veering towards a zero-sum game of political control over certain spaces. However, it is the first to attempt to comprehensively investigate where all of these spaces were, and analyze them within a single
narrative. It also the first to attempt to pair in-depth textual examinations of these instances with an accessible and geographically accurate visual representation. Throughout the narrative, references to the map will be made with the following notation: (#__).

Despite my attempts to be wide-ranging in my scope of identifying and locating instances of political violence, I do not claim to have achieved perfection. Some instances of political violence have undoubtedly slipped through my own list. However, I have attempted to be as comprehensive as I can in parsing and locating the often vague references in ancient sources. In this thesis, I have attempted to balance the desire to infuse ancient sources with topographical and spatial detail with the impulse to understand the development of how Romans conducted political violence in the spaces of their city. The result, I hope, is a detail-rich multi-media experience that informs and enlivens the reader’s conception of the physical and spatial experience of ancient politics.
Chapter I: Topography and Violence in Transition

This first chapter locates and analyzes the instances of political violence that occurred in the 70s BCE. In contrast to the military bloodshed that sealed the dictator L. Cornelius Sulla’s control over the city in the 80s, the 70s were quite peaceful. There were only three instances of political violence in Rome in the 70s. However, these three instances tell a critical topographical story. They constitute an arc of a transition from large-scale extramural military conflict to smaller-scale, internal political violence centered on specific pieces of topography within the city. Additionally, events mid-decade had an immense role in shaping the patterns of political violence that would emerge in the 60s and 50s. A spontaneous food riot in 75 kick-started a transformation of the Forum’s political topography that would define patterns of political violence until the Republic’s collapse. The Rostra became once again a focus of political activity, and the courts were moved to the Eastern Forum. These two locations became the most frequent sites of political violence in the Late Republic. Finally, a tribune’s use of force to determine the outcome at a trial in the relocated courts demonstrated that targeted violence committed with topography carefully considered yielded successful results. This chapter will establish the topographical stage on which the remaining 66 instances of political violence took place. In doing so, it also serves as a case study of this thesis’ method, demonstrating the value of taking a topographical approach to the sources’ descriptions of political violence.

Exiting the 70s

The decade before the 70s BCE was one of massive bloodshed and civil war, caused primarily by generals and their armies fighting outside of Rome’s walls. In 87 After Gaius Marius and his supporters managed to revoke Sulla’s command against Mithridates and transfer it to Marius himself, Sulla marched on Rome with his army and invaded the city via the Esquiline.
Gate—directly east of the city center—and the Colline gate, directly north-east of the city center. He used his troops using them to kill Marian partisans, destroy homes and force Marius into exile.²

Marius and his supporter Cinna re-invaded the city in 86, battling again outside the city walls. They too used their soldiers to carry out bloody purges of their enemies once victorious.³ During his dominatio, a virtual dictatorship, Cinna used consular soldiers for wholesale assassination of political enemies.⁴ Finally, in Sulla’s final invasion of the city in 82, his armies fought the Marian forces throughout Italy and finally crushed them outside of the city walls at the city’s northern Colline Gate.⁵ Immediately afterwards, Sulla used his soldiers to murder thousands of captured opponents outside the walls on the Campus Martius. The same soldiers later conducted his proscriptions.⁶

While some of this violence took place within the city, instances that did were frequently linked to military conflicts taking place outside of the city walls between consular armies. The majority of violence taking place within the walls was carried out by soldiers and armed partisans of conflicting generals. Sulla’s subsequent dictatorship is often regarded as the end of an era of civil war in Roman historiography. Sulla instituted wide-ranging constitutional and judicial reforms. He created more standing quaestiones, restructured the cursus honorum, and expanded

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² Plut. Sull. 9, Mar. 35; Appian BC, 1.57-61.
⁵ Plut. Sull. 26-29;
⁶ Cassius Dio, 33.109-10; Plut. Sull. 30-31; Lawrence Richardson, A New Topographical Dictionary of Ancient Rome (Baltimore, MD: John Hopkins University Press, 1992), 430. Sulla’s execution of captured prisoners—an alleged 8,000—took place in the Villa Publica, a building on the Campus Martius. Plutarch notes that Senators receiving Sulla in the Temple of Bellona on the southern section of the Campus could hear the cries of the dying prisoners as he triumphantly addressed them.
the Senate’s membership. Additionally, he stripped the Tribunes of the Plebs of their right to propose legislation to the people and disbarred them from seeking higher office, hoping to turn the position into an unenviable and de-clawed magistracy. Sulla’s reduction of the tribunate would have repercussions for the forms of both political violence and political topography from the 70s onward.

The first violence of the 70s appears in the sources as an echo, an afterthought of the recently-concluded Civil Wars. In the consular elections for 78, the first after Sulla had resigned his dictatorship, the consulships went to two men of opposing political ideologies. One, Q. Lutatius Catulus, was a supporter of Sulla and his reforms. His colleague, M. Aemilius Lepidus, was a political moderate who had nevertheless run on a platform attacking the most divisive aspects of Sulla’s program. After Sulla’s death in 78, tensions between the two consuls simmered until they reached a boiling point. Lepidus passed a number of laws attempting to roll back Sulla’s program, including a restoration of some proscription victims and a corn distribution. However he was stonewalled by opponents in the Senate in attempts to rescind veterans’ settlement on the land of the proscribed and restore tribunician powers. Frustrated by legal attempts to institute his program, Lepidus resorted to the military tactics of the previous decade. When called back to Rome

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7 Flower, 2010, 121.
8 Ibid., 124-25.
9 Plut. Pomp. 16.1-2; Plut. Sulla 34.5; App. BC 1.105
10 App. BC 1.105; Plut. Pomp. 15.2; Plut Sull. 34.4-5; Sall. Hist. 1.48-1.67. In a speech during his election canvass recounted by Sallust, Lepidus struck an insurrectionary tone, decrying Sulla’s rule as tyranny, crime, and slavery and urging and uprising.
11 Leonie Hayne, "M. Aemilius Lepidus (Cos. 78): A Re-Appraisal," Historia: Zeitschrift fur Alte Geschichte 21, no. 4 (1972): 664. Hayne stresses that although opposed to the Sullan program, Lepidus himself was not a radical, and may have mobilized his army not with revolutionary intent but as a response to senatorial intransigence to legitimate reforms.
from the province of Transalpine Gaul by the Senate to hold the consular elections, Lepidus brought his consular army along with him. It was tantamount to a declaration of war.\textsuperscript{12}

In 77, Lepidus arrived outside of the city and fought the consular army of his colleague Catulus outside of Rome (#1). While our information on the actual violence is vague, it is clear that it revolved around an attempt to invade the city walls with soldiery. Lepidus camped his army outside the city walls and demanded he be given a second consulship, attempting to hold the city hostage by threat of violence.\textsuperscript{13} Appian records that Lepidus was “intending to bring [his whole army] into the city with him,” and when he was prevented from doing so, he “ordered his men under arms.”\textsuperscript{14} Catulus did the same, and the two armies fought a battle outside the city walls “not far from the Campus Martius.”\textsuperscript{15} While a specific location is not given, the battle must have taken place either north of the Campus Martius or just across the Tiber River to the west.\textsuperscript{16} Citizens watching the clash from the walls would have had the violence of the 80s fresh in their minds, and sight of soldiery fighting in these areas would have been an ominous and gut-wrenching sight.\textsuperscript{17}

\textsuperscript{13} Plut. 16.3. “Meanwhile, Lepidus had made a hasty rush upon Rome, and sitting down before it, was demanding a second consulship, and terrifying the citizens with a vast throng of followers.”
\textsuperscript{14} App. 1.107.
\textsuperscript{15} Ibid.
\textsuperscript{16} The Campus Martius was considered as the area between the Tiber River’s bend, the Capitoline, and the Esquiline. It seems most sensible that the battle took place North of the Campus, rather than the west side, seeing as Lepidus was returning from Etruria marching south, and likely approached the city from that direction. Sulla’s armies entered through the Colline Gate in 82, and the combatants in this battle may have been following recent practice by engaging here. Because the Republican Saepta—the closest thing to a boundary of the Republican Campus—stretched all the way up to the modern Pantheon, I have placed the point denoting this battle on my map somewhat above this point. However, the real location of the point is unrecoverable.
\textsuperscript{17} The visceral memory of these civil wars lingered. Even over a decade after this—and nearly twenty years after the height of the civil wars—Cicero could count on the listeners of his Third Catilinarian in 63 to still clearly remember them: “For call to mind, citizens, all the civil wars, not only those of which you have heard, but those which you yourselves remember and have seen” (Cic. Cat. 3.25).
Catulus’s army defeated Lepidus, who fled Rome. His rebellion collapsed when his allies in Gaul and Italy were defeated by Pompey.\textsuperscript{18}

It in attempting to invade the city, Lepidus was following a model of military violence set by Marius, Cinna, and Sulla. Given that the consular elections were due to take place, it is likely that Lepidus intended to use his soldiers to demand a second consulship. His soldiers would have pacified senatorial resistance to his re-election, and participated in the \textit{Comitia Centuriata}, the assembly that elected consuls.\textsuperscript{19} However, with the exception of the Catilinarian uprising in 63, this type of extramural army-on-army violence was largely absent from Roman politics until the outbreak of the next round of civil wars in 49. Pompey, Caesar and their subordinates would later use military forces to influence the outcome of legislation, elections, and trials (\#25, 56, 68), but there was no engagement of consular armies outside the walls or a full-on military invasion until Caesar crossed the Rubicon in 49.

There is vague evidence that Lepidus’ revolt occasioned violence within the walls. In 78, Catulus passed a \textit{Lex Lutatia de vi} which was later used to prosecute perpetrators of urban violence in the 60s.\textsuperscript{20} The law’s existence suggests that there had been disturbances within the city in addition to the battle on the plains.\textsuperscript{21} Later charges under Catulus’ law and other \textit{vis} legislation included accusations of conspiracy to murder a magistrate, leading violent gangs, and burning or

\textsuperscript{18} Appian, 1.107-108.
\textsuperscript{19} Hayne, "M. Aemilius Lepidus (Cos. 78): A Re-Appraisal."
\textsuperscript{20} Cic. \textit{Cael.} 70; A. W. Lintott, \textit{Violence in Republican Rome} (Oxford: Clarendon Press, 1968), 110-18. In defending Marcus Caelius against an accusation of \textit{vis}, Cicero mentions that Caelius is charged under a law passed by Catulus during the Lepidian insurrection: “…a law which Quintus Catulus passed at a time when armed dissensions were dividing the people, and when the republic was almost at its last gasp.”
\textsuperscript{21} Michael Alexander, \textit{Trials in the Late Roman Republic, 149 Bc to 50 Bc} (Toronto: University of Toronto Press, 1990), 212.
otherwise harming public and private property. It is likely that actions along these lines prompted Catulus to pass the law. It is also believable that Lepidus’ march on Rome, reminiscent of Marius and Sulla’s own approaches, sparked fighting between supporters of both factions within the city.

Lepidus’ march on Rome stands as transition of both the type of violence perpetrated, and its location, between the 80’s and the subsequent three decades. While pitched military combat, proscriptions, and invasions of the city by military forces largely disappeared, intramural civilian violence increased. Compared to the entire period in question, the 70s had very few incidents of political violence—3, out of the 69 between 78 and 50. However, the two remaining incidents in the 70s both presaged a transformation of the Forum’s political topography. As Rome’s political system worked its way to restoring the tribunate’s full powers, an act of urban violence prompted a consul of 75 to reorganize aspects of the Forum in an attempt to decrease political disruption and violence. However, his actions inadvertently set the stage for the patterns that came to characterize the violence of the 60s and 50s.

**Setting the Topographical Stage**

The act that initialized this topographical transformation took place in 75 during the consulship of L. Octavius and C. Aurelius Cotta. That year, the city was experiencing a grain shortage caused by piratical activity in the Eastern Mediterranean and cash shortages resulting from foreign wars in Syria, Spain, and Macedonia. According to a fragment of Sallust’s

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22 Ibid., 111-82.
Histories, the lack of grain was “intolerable” to the urban plebs, and the built-up tension released itself around the time of the elections for the 74 offices. As the consuls Octavius and Cotta escorted Q. Caecilius Metellus, a candidate for the praetorship, into the Forum from the direction of the Via Sacra, they were set upon and attacked by an angry crowd. The crowd chased the consuls and Metellus out of the Forum and back eastward up the road. The three escaped by taking shelter in Lucius Octavius’ house, which Sallust describes as “nearer,” propior, than other spaces of refuge. This indicates that Octavius’ home, like many of the homes of elite senators, was located directly along the Sacra Via. Thus, the entirety of this attack and chase took place in the area of the Sacra Via directly east of the Forum. Briefly analyzing the topography of the Sacra Via and its relationship to the Forum illuminates why this attack was successful.

The Sacra Via began at the Temple of Jupiter Stator on the Velia, a hill in the Republican period largely leveled by later Imperial construction. The road descended westward down the

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25 Sall. Hist. 2.42.
26 Fergus Millar, *The Crowd in Rome in the Late Republic* (Ann Arbor: University of Michigan Press, 1998), 44. Millar explains that we can be sure that the consuls were approaching the Forum from the Sacra Via because of Sallust’s use of deducentes to describe the Consuls’ action—they were literally “bringing down” Metellus. The Sacra Via was on a slope down from the Velia, which although obliterated by later Imperial constructions, would have been a prominent grade in Republican times. Miller’s point is helpful for locating other aspects of political violence, as other ancient sources often describe individuals “going down” to the Forum.
27 Sall. Hist., 2.40.: “cum magno tumultu invadit, fugientisque secuta ad Octavi domum, quae propior erat, in [. . . pu] gnaculum . . . perve[nit].”
29 Richardson, 1992, 224, 338; Coarelli, 2007, 82-83. Richardson argues that the Sacra Via started all the way to the east at the imperial Arch of Titus and ran from there down to the Forum as it does in the current archaeological site. However, Coarelli points out that this tracing of the street dates to the imperial period, after Nero’s destruction of much of the northern Palatine slopes and the Velia in the fire of 64. Coarelli argues that what was called the “Sacra Via” would have headed east only for a few hundred meters until turning northwards towards the Carinae at the corner of the imperial Basilica of Maxentius.
Velia and entered the Forum just north of the Regia. At the Regia, the road forked into two: the primary fork was the northern one, which ran under the the Fornix Fabianus, a triumphal arch built 121 BCE and located just north-west of the Regia.\textsuperscript{30} From there, it ran across the northern side of the Forum along the Basilica Fulvia to the Comitium, and then stopped at the Scalae Monetae, which led up the eastern side of Capitoline Hill.\textsuperscript{31} Although the area in the modern archaeological site of the Forum appears relatively open to a modern observer, in the Republican period, the Sacra Via was densely crowded on either side by residences. Figure 1 is a reconstruction of the Forum by Christopher Johanson that includes the Sacra Via and the residential area of the Northern Palatine that spread out south of the road. While not archaeologically precise for the Forum in 75, it provides a much-needed imaging of the closed-in and restricted nature of the Sacra Via.

\textbf{Fig. 1: Diagram of extended funeral routes at Rome in 160 BCE from Christopher Johanson, “Spectacle in the Forum,” 160.}

\textsuperscript{30} Richardson, 1992, 154. Richardson dismisses F.E. Brown’s argument that the original Sacra Via was the southern fork, which curved below the Regia and entered the Forum’s southeast end in front of the Temple of Castor. Richardson asserts that the road would have initially developed along an ancient brook which sprung from the Velia and ran across the Forum’s north end.

\textsuperscript{31} Ibid., 338.
As demonstrated by Figure 1, the Sacra Via’s entrance to the Forum at the Regia was a choke point that could easily be blocked by a crowd. Not pictured in Johanson’s map above, but located directly northwest of the Regia and spanning the road, was the Fornix Fabianus, which may have blocked lateral escape to other parts of the Eastern Forum.

Many of the houses along the Sacra Via belonged to members of the Senatorial elite, and one of the plots Johanson images above, not far east of the Forum, must have been the home of the consul L. Octavius. The houses themselves are topographically relevant. Christopher Johanson, in his 3-D imaging of funeral processions on the Sacra Via, shows that these homes dominated the road. Often two stories tall, the buildings had large projecting balconies and facades that contained independently accessible tabernae that were rented out to artisans and craftsmen.

During funeral processions, “The road was narrow, and viewing space would be limited to the few who could line the streets, and those who could sit in the balconies of homes that lined the streets.” As Johanson’s 3-D modeling of a procession viewed from a Senator’s balcony (Figure 2) illustrates, there was barely room for three or four people to walk side-by-side comfortably. Johanson emphasizes of the road “Space was limited…The streets in the area barely had room for the chariots they conveyed.” The figure below demonstrates the extreme narrowness of the street, and the imposing, alley-like nature of the tall buildings surrounding it.

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34 Christopher Johanson, ”Spectacle in the Forum: Visualizing the Roman Aristocratic Funeral of the Middle Republic" (University of California Los Angeles, 2008), 57.
35 Ibid., 61.
Reading Sallust’s account in conjunction with Johanson’s models provides a topographical clarity to the study of this individual piece of violence that has henceforth not been achieved. Understanding the topography involved in this event helps modern readers better understand the event itself. It helps us situate ancient actions described in text in the physicality of the urban space, and doing so, helps us understand the very real relationship between individual actions and urban topography. Understanding the topography behind this scene—and the many other scenes of violence that will be addressed—brings sense and coherence to the actions of all involved.

On this day in 75, with the city in a frenzy over grain shortages, the news of the consuls entering the crowded Forum with Q. Metellus must have provoked an angry and spontaneous response. Although Sallust does not specify the size of the crowd, the restrictive topography of the Sacra Via meant that it did not have to be large to block the street and have a threatening effect. In
the tight space of the house-lined street, with a violent group charging at them from the Forum, Octavius, Cotta, and Metellus must have felt dangerously boxed in. As would one in a modern urban alley, with lateral views blocked by large buildings and the narrow forward outlet blocked by charging attackers, the three panicked and ran. The fact that they fled to Octavius’ house specifically because it was “nearer” indicates that there was no time to dawdle—The three were frightened for their lives.

Cornering the consuls on the Sacra Via was a canny use of topography on the part of the crowd. It had a harrowing effect on the consuls, who took pains to mollify angry urban residents. Soon after the incident, C. Aurelius Cotta appeared in the Forum dressed in mourning clothes and made a humble public apology, explaining the lack of state funds and offering to forfeit his own life if necessary. However, the urban plebs’ attack at the Sacra Via was much more than just a simple food riot. Beyond frightening a pair of consuls, it had a wide impact on Rome’s political institutions and political topography. It took place as Sulla’s reduction of the tribunes’ powers had increasingly come under fire. Restoration of the tribunes’ powers had become a live question in 78, 77, and 76 and the proposal had enthusiastic support among the plebs, as well an increasing support among a number of aristocrats. The potent show of force on the Sacra Via demonstrated to the consuls that the urban plebs were a force to be reckoned with, and and their demands for strong political representation had to be either mollified or circumvented. Cotta opted to do both.

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36 Sall. Hist. 2.44-58.
37 Asc. 66-67C Erich S. Gruen, The Last Generation of the Roman Republic (Berkeley, CA: University of California Press, 1974), 26-28; Kondratieff, "Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal," 334-35. Sall. Hist. 3.41; Lepidus had promised to restore tribunician powers in his campaign speech in 78; a Gaius Sincinius, a tribune of 76, had also suggested it.
First came the mollification. Sallust writes that Cotta, out of fear of the power of the plebs—no doubt cultivated by his near-death experience on the Sacra Via—passed a law that removed Sulla’s prohibition on tribunes standing for higher offices.\footnote{Sall. Hist. 3.41. In a speech to the populace in 73 arguing for the restoration of full tribunician power, the tribune G. Licinius Macer (MRR, 110) specifically cites Cotta’s fear as a motivation.} This had important implications for the Forum’s political topography. By restoring tribunes’ ability to climb the political ladder of the \textit{cursus honorum}, the tribunate again became a desirable position for ambitious politicians. With this came a revived focus on the Rostra as a political center. Although tribunes had held \textit{contiones}—public addresses—on the Rostra between 83 and 75, these addresses under Sulla’s regime held neither the appeal or the political capital that they had in previous years. After Cotta’s reform, however, this trend reversed. Both Kondratieff and Millar assert that Cotta’s re-opening of the \textit{cursus honorum} in 75 encouraged tribunes to return to the Rostra with an aggressive vigor.\footnote{Millar, 1998, 54-57; Kondratieff, "Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal," 336-37.} In \textit{Pro Cluentio}, Cicero recalled a telling anecdote about the tribune Lucius Quinctius, who in 74 “seized upon the Rostra, now long unoccupied, that place uninhabited by a tribune's voice since Sulla's tribunician voice arrival, and recalled the masses, by then unaccustomed to \textit{contiones}, to a semblance of their old habit.”\footnote{Cic., \textit{Cluent.} 110.} Although exaggerated, Cicero’s emphasis demonstrates that there was a clear break from the years prior. Kondratieff summed up the trend, writing, “None would disagree that tribunician cntional activity had been in a serious state of decline since Sulla's reforms, or that Quinctius’ activity represented a comprehensive revival of the tribunate's "cntional habit" on a scale not seen since the days of the pre-Sullan tribunes.”\footnote{Kondratieff, "Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal," 337.} With the cntional habit restored, the Rostra, as the tribunes’ traditional pulpit for
addressing the *plebs*, became again an important piece of political topography. This topographical change occasioned by the 75 food riot had huge implications for the future of politics, violence, and space in the Forum. As will be shown later, the Rostra was the site of immense political violence in the 60s and 50s. Much of that violence involved the tribunes, and accelerated after 70, when the tribunician *potestas* was fully restored. However, this spontaneous food riot in 75 shares a good deal of the responsibility for a centering of politics and violence in the succeeding decades around the Rostra.

At the same time that he re-empowered the tribunes, Cotta took steps to circumvent the political power that he knew would come with their use of the Rostra. To do so, Cotta instituted another topographical transformation, in this case involving the Forum’s judicial apparatus. As early as the 130s, tribunician activity on the rostra had come to be disruptive to the other political processes that took place in the Western Forum. Tribunician *contiones* before Sulla’s reformations were loud, disruptive affairs that often consumed the entire Western Forum, especially when controversial political issues were involved. The Rostra was just one section of a complex of stands that surrounded the Comitium, the traditional religious and political space in front of the Curia. Only 30 meters northeast of the Rostra, located directly to the southwest of the of the Curia, was the Praetor’s tribunal and the stands for *quaestiones perpetuae*. Like all other government functions, trials took place outside in full public view. Praetors presided over the proceedings on wooden tribunal stands, and trials often functioned like theatrical performances,

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42 Ibid., 340-41.
43 Coarelli, 2007, 51-54; Kondratieff, "Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal," 324; Richardson, 1992, 401. Although the praetor’s tribunal could be moved throughout the Forum, the traditional location for the urban praetor was in the Comitium, distinguished from the tribunal of the praetor peregrinus, which was *in foro*. Additionally, new *quaestiones* established in the late 2nd and early 1st century like the *quaestio de ambitu* were also originally located on the Comitium.
with large crowds of spectators watching.\textsuperscript{44} In this open-air atmosphere, large \textit{contiones} held by tribunes had the effect of disrupting legal proceedings at the close-by praetor’s stand and the other tribunals around the Comitium. Many ancient writers aptly describe the commotion caused by \textit{contiones} as storms and turbulent winds. The noise of fiery oratory, coordinated chanting, and thunderous shouts that attended \textit{contiones} could easily interfere with and even drown out forensic speeches at trials.\textsuperscript{45} \textit{Contiones} held by popular orators could generate crowds so large that participants had to squeeze into loggias of basilicas and \textit{tabernae} and sit on top of basilicas just to hear the speeches.\textsuperscript{46} In a packed environment like this, it is unlikely that an open-air trial would have been able to proceed. The amount of such \textit{contiones} was also an issue. According to Cicero, some tribunes in the 90s and 80s, and later in the 60s and 50s all but lived on the Rostra, speaking from it every day.\textsuperscript{47} The high frequency of \textit{contiones} greatly reduced the number of days functioning trials could take place. Eric Kondratieff sums up disruptive results of overlap between the Forum’s tribunician and praetorian topography:

We can conclude from the foregoing that the urban praetor would frequently have found it difficult to conduct affairs at his own tribunal, especially when a popular tribune capable of attracting very large audiences was addressing an assembly nearby. The praetor’s predicament would be intensified if that tribune were also capable of eliciting enormous roars from the crowd; or worse, if he had supporting him a claque of noisemakers to drown out the addresses of his opponents.\textsuperscript{48}

\textsuperscript{45} Kondratieff, "Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal," 340.
\textsuperscript{47} Cic. \textit{Brut.} 305-306. Cicero describes tribunes in 90 as “said to have lived upon the Rostra” and the of tribune Sulpicius in 88 as having “the occasion to speak in public almost every day.”
\textsuperscript{48} Kondratieff, "Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal," 344.
Cotta realized that the revival of the “contional habit” occasioned by his legislation meant that disruptions to judicial processes would return. To prevent this, Cotta decided to physically separate the tribune and praetors’ spaces. During an overall renovation of the Forum, he moved the praetor’s tribunal and and tribunals for the quaecstiones perpetuae to the Easternmost side of the Forum. There, just north of the Temple of Castor and Pollux and slightly overlapping with the area now occupied by the remains of the Temple of Divus Julius, Cotta built a tribunal stand referred to as the Tribunal Aurelium and a set of wooden seats called the Gradus Aurelii. The seats were completed late in 75 or early in 74. In Pro Cluentio, Cicero emphasized that at the trial of a certain C. Junius in 74, the steps “were new at that time.” In the same sentence, Cicero says that the set of seats were designed like the grandstand of a theater, for jurors to sit on. Citing several references

49 Kondratieff acknowledges that there is some confusion dating whether it was C. Cotta in 75 or his brother M. Cotta, cos. 74, who made the switch. However, he considers the former more likely, because he engaged in other renovations around the Forum during his consulship, whereas his brother spent the majority of 74 in Bithynia.

50 Leanne Bablitz, Actors and Audience in the Roman Courtroom (New York: Routledge, 2007), 14-15; Kondratieff, "Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal," 329-34, 47-50; Millar, 1998, 42-43; Richardson, 1992, 181-2, 400-1. This tribunal and stairs have confused scholars for years; Fergus Millar, although locating them in the correct location in front of the Temple of Castor, attributed them to Sulla, whom he asserts moved both the praetor’s tribunal and the quaecstiones there during his reforms at the end of the 80s; however, this fails to address the 6-year gap between the gradus’s postulated construction date and its apparent newness in 74, as attested by Cicero in Cluent. 93. Lawrence Richardson is further confused; he denies that the “Tribunal Aurelium” and the “Gradus Aurelii” were related, and untenably identifies the tribunal with a stand at the Saepta in the Campus Martius. Kondratieff argues based on Cicero’s constant association of the Tribunal Aurelium with the Temple of Castor—usually in reference to Clodius’ activities there—that the moved tribunals had to be in that area. For a fuller refutation of Millar’s dating and Richardson’s location, see Kondratieff 329-330, n. 35. Kondratieff’s argument is supported by Bablitz, who argues that the location of the tribunal was either directly on the space now occupied by the Temple of Divus Julius, or slightly north-west of the temple. For my map, I have accepted Bablitz’s first proposition, that the tribunal and the Gradus would have been on the North-Western end of the space now occupied by the Temple.

51 Cic. Clu. 93. “Those steps of Aurelius, which were new at that time, appeared as if they had been built on purpose for a theatre for the display of that tribunal.”
in speeches and letters of Cicero from 70 to the 50s, both Kondratieff and Millar maintain that almost all courts and trials, including the majority of the *quaestiones perpetuae*, the special investigative courts for public crimes, were moved to the Eastern Forum and stayed there.\(^\text{52}\) In an undelivered 5th oration composed for Verres’ prosecution in 70, Cicero appealed to Castor and Pollux as patrons of the court and indicated that jurors could see the *templum* right before their eyes, indicating that the court’s location was in that precinct.\(^\text{53}\) Cicero describes activity at the Tribunal Aurelium as connected with the Temple of Castor in 57.\(^\text{54}\) Although no archaeological remains of the Gradus Aurelii have been found, both Millar and Kondrateieff agree that the stands would have been made of wood, akin to the grandstands for contemporary theaters.\(^\text{55}\)

Cotta’s removal of the Forum’s judicial apparatus to near the Temple of Castor and Pollux likely succeeded in its functional goals of preserving the courts’ day-to-day ability to properly convene. The distance between the Rostra and the Gradus Aurelii, nearly one hundred meters, would have sufficiently dampened the disruptive noise from small and moderately-sized *contiones*; The distance would also have left ample room for large crowds to form around both the Rostra and the courts without interfering with each other. Additionally, moving the Praetor’s tribunal had an added political benefit for or the senatorial class of theoretically reducing the amount an aggressive *popularis* tribune could voluntarily interfere with traditional judicial processes.\(^\text{56}\) Building a prominent new judicial nexus in front of an important temple would have lent prestige to the


\(^{53}\) Cicero is quoted in Asc. 27-28C; Millar, Crowd, 42-43.


\(^{56}\) “Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal," 348.
praetor and the institution of the *quaestiones*, which at this time were judged by members of the Senatorial class. Already wary of plebian power, Cotta would have had these political considerations in mind when he moved the courts.

Understanding the exact location of the Praetor’s tribunal and the *quaestiones perpetuae* is imperative to telling the story of political violence and topography in the 60s and 50s. Violence during judicial proceedings is one of the largest categories of political violence in the 60s and 50s. However, ancient sources and modern scholars that discuss violence during trials frequently fail to mention where exactly the trial took place. Understanding Millar and Kondrateiff’s placement of the praetors’ tribunal and courts in the 60s and the 50s definitively in the eastern Forum helps to make sense out of ancient sources’ descriptions of the flow of people and activity across areas of the Forum, as will be shown in later chapters.

Despite his intentions, in the same way that his conciliatory gesture to the plebs ultimately resulted in the Rostra becoming a nexus for tribunician activity in the 60s and 50s, C. Aurelius Cotta’s relocation of the judiciary to the Eastern end of the Forum did not stop the praetor’s tribunal from becoming a focus of political violence. In fact, it put the courts in the sphere of other important elements of political topography which actually increased the potential for violence. This section of the Forum was lined with *tabernae* (shops) and banking stands, based primarily along the nearby Basilica Aemilia. Individuals working in and patronizing these shops provided many individuals to act first as spectators in the 60s, and but later as disruptive agents in the 50s.58

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Moving the courts to the eastern end of the Forum put them close to where the Sacra Via entered onto to the Forum. As a result, the courtroom was almost directly in the path of oncoming pedestrian traffic. Courtroom often proceedings had effect of spilling out into the busy road. Leanne Bablitz notes that when walking westward down the Via Sacra and after passing the Temple of Vesta, the poet Horace and his friend, a defendant in an upcoming case, were accosted by the case’s plaintiff, who had seen them from the courtroom. She writes, “Horace and his companion had likely passed directly by the court itself,” making them an easy target for the angry plaintiff.\(^{59}\) However, the reverse of this was also true. Court proceedings, so close to a major pedestrian and economic channel, were susceptible from outside interference, particularly from the direction of the Sacra Via. The courts’ new proximity to the road made it easy for organized groups to rush from the Sacra Via and interrupt proceedings. The juncture would continue to be a flashpoint for violence throughout the 60s and 50s.

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\(^{59}\) Bablitz, 2007, 16.
Fig. 3: Plan of the Forum after 75 B.C.E., by Eric Kondratieff showing approximate location of the Gradus Aurelii. From Kondratieff, 2009.

The final instance of recorded political violence in the 70s foreboded an eventual failure of Cotta’s topographical restructuring. It occurred in December of 74 at the trial of one C. Junius. As mentioned briefly above, Cicero recounts took place at the new Praetor’s tribunal at the Gradus Aurelii. Junius’ prosecutor was none other than the tribune L. Quinctius, who is mentioned above as one of the first tribunes to aggressively return to the Rostra after Cotta re-opened the cursus honorum to tribunes. Quinctius accused Junius of corruption while serving as iudex quaestionis—the magistrate in charge of seating and swearing in a jury—during the trial and conviction of

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60 Alexander, 1990, 74; Vanderbroeck, 1987, 221. Both derive the date of December from Cluent. 92, in which Cicero states Quinctius accused Junius only a few days before his term as tribune expired, which would have been in mid-December.
Statius Albius Oppianicus, which had occurred earlier in 74. Quinctius had been Oppianicus’ defense attorney, and the conviction in that case had been a large loss of face for a tribune who was attempting to make the most of his and the tribunate’s re-emergent role in Roman public life.\footnote{Cic. Cluent. 86-96, 108, 113.}

Junius’ trial took place under the praetor C. Verres in the new court at the eastern end of the Forum.\footnote{Alexander, 1990, 77; Vanderbroeck, 1987, 221. Both authors mistakenly describe this trial as a \textit{iudicium populi}, a judgment by the people. If that were the case, this trial would have taken place in front of the Rostra. Both cite \textit{Pro Cluentio} 110-112, which references Quinctius transferring a certain trial from a court to an assembly trial. However, this is a misreading of Cicero’s presentation of precedents. Both have conflated the trial of Junius, described mostly in sections 86-96 with very clear references to the praetor’s tribunal as noted above, with a second and later trial of another juror in Oppianicus’ case, Caius Fidiculanius Falcula, detailed in 103-114. Although Junius is mentioned briefly in 108, it is only to transition to Fidiculanius’ succeeding trial, which he indicates was a \textit{iudicium populi}. Kondratieff 2009 correctly ascertains the type of trial and its location.} However, Quinctius’ actions demonstrated that a determined tribune could still disruptively bring the worlds of the tribune’s Rostra and the praetor’s tribunal together. In the days before the trial, Quinctius held loud daily \textit{contiones} on the Rostra in which he accused Junius of malfeasance. When the time came to prosecute Junius, Quinctius was not to be deterred by space; if trials had moved away from the \textit{contio}, Quinctius would have to bring his \textit{contio} with him. On the day of the trial, Quinctius simply descended from the Rostra and directed his crowd to follow him. He strolled over to Verres’ tribunal, a manageable distance of only a football field’s length southeast through the paved central area of the Forum. Cicero described the scene evocatively: “He [Quinctius] came to the court not from the \textit{contio}, but bringing the \textit{contio} with him.”\footnote{Cic. Cluent. 93.}

To assess the impact of dropping a crowded \textit{contio} into Verres’ courtroom, it helps to first illustrate for a moment already crowded composition of a traditional Roman court. At the center of the Roman courtroom was the Praetor’s tribunal stand, a platform of wood, elevated between 1
and 1.25 meters, on which the presiding magistrate, in this case sat. At this height, the tribunal stand was sufficient to put the magistrate above the heads of those standing before the court, but low enough to ensure communication between the magistrate and litigants. Due to the administrative burden resulting from a praetor’s nearly constant courtroom schedule, Verres would have been assisted by a coterie of official scribes, time-keepers, and other aides, located at seats and tables beside the platform at ground level. The cases’ jurors, Senators and *equites* selected from the year’s jury lists, also sat beside the Praetor’s tribunal; in criminal cases the number of jurors could reach up to 45.

In attendance would of course be the plaintiff and the defendant, sitting on benches across from each other. They individuals were accompanied by their advocates—who themselves had supporting advocates—and a host of other attendees: *nomenclatores*, scribes, character and evidentiary witnesses, close friends, patrons family members, clients, and perhaps a few freedmen. These attendees would have been placed on benches that ringed the praetor’s tribunal in a half-circle. In this new court, the *gradus Aurelii*, which Cicero describes as the steps to a theater, served as some of these benches, accommodating all of these individuals while leaving room for spectators. Finally, Verres’ court would have been surrounded by a peripheral crowd, often called a *corona*. This consisted of both individuals just happening to be in the area, and those who had come specifically to watch a proceeding. In the Late Republic, the courts functioned nearly as public entertainment, and lawyers vied with oratory to enlarge their *corona* by catching the attention of passerby. The court’s new location near the well-trod Sacra Via all but guarantees

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65 Bablitz, 2007, 56.
66 Ibid., 52-54.
67 Ibid., 57-59.
that there were passerby who had stopped in their tracks to view the proceedings, as one does today when passing by a performance of public art or sport.

Insert into this already noisy and hectic scene the outraged participants of a noisy contio, and the disruption it must have caused becomes evident. The crowd poured into the east end of the Forum and dramatically surrounded the courtroom and tribunal stand. Cicero states that Quinctius “stuffed full” (complerat) the steps with his supporters, suggesting that the crowd was not only part of the court’s corona, but made its way into the existing space on the Gradus Aurelii for spectators. Having physically installed his contio within Verres’ courtroom, Quinctius used it to violently threaten Junius into submission and the court into conviction. Quinctius’ contional attendees, described as violently agitated (concitatis hominibus), prevented not only Junius and his advocates but all involved from rising up to speak. Cicero further describes Quinctius’ crowd, albeit hyperbolically, as “all violence…a sort of earthquake or tempest—it was anything rather than a court of justice.” It is most likely that Quinctius’ crowd used a traditional tactic of drowning out or shouting down defendants with noise or roars.

In a crowded courtroom, located at an end of the Forum already noisy with the transactions of shopkeepers and bankers, it is not hard to envision the injection of an incensed, shouting crowd as a terminally disruptive to the trial. Ringed by a large and incensed audience, Junius and his advocates may have also feared for their personal safety. Unlike the Praetor, who had the benefit of an elevated stand, the defendant and advocate stood and argued vulnerably at ground level. As a result of the tumult, Junius could mount no defense and was convicted. Cicero later describes the

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68 Cic. Cluent. 93.
69 Ibid.
70 Ibid., 96.
guilty verdict as a result of “an instance of the violence of the multitude.” Despite Cicero’s exaggerated language, it is clear from his treatment of the trial in Pro Cluentio that the tribune had used his rowdy crowd to significantly impact the court’s processes. Cicero contrasts this with the later trial of a C. Fidiculanius, in which the defendant was acquitted on the same charges “because at the trial there was no sedition, no violence, and no crowd.”

Quinctius’ arrogation of the Praetor’s court for his contional crowd demonstrates the continued vulnerability of the courts in spite of Cotta’s attempt to create two separate topographies for both. Moving the praetor’s tribunal to the eastern end of the Forum had the effect of reifying its immobility. In contrast, the tribunes were largely mobile and could speak from almost anywhere in the city. One hundred meters, although farther than the original thirty meters between the Praetors’ and Tribunes’ stands, is still not a large distance, and with the aid of an attendant or another tribune, magistrates and audiences could quickly make their way to the other side of the Forum. The majority of Rome’s day-to-day political functions—excepting elections on the Campus Martius—still took place in a relatively small and circumscribed area within the Forum. The courts still lacked real barriers and were conducted in the open air. All of these aspects evident in Junius’ case that contributed to Quinctius’ victory—topographical closeness of the Forum’s political processes, relative vulnerability of such processes, resulting vulnerability to noise and physical bodies—become increasingly relevant for political activity in the 60s and 50s. Quinctius’ disruption of Junius’ trial is a telling coda to the 70s, and a foreboding introduction for the next two decades.

71 Cic. Cluent. 103.
72 Cic. Cluent. 103.
When an angry plebian mob cornered the Consul C. Cotta among the houses of the narrow Sacra Via in 75, little did they know that the harrowing experience would occasion a topographical transformation that would establish the locational patterns of violence for years to come. Cotta’s response to the attack on his life led to the resurgence of the Rostra as a site of political importance for the Tribunes; it also established the eastern Forum as the new center of judicial affairs, and thus, violence. The re-arrangement of the Forum’s topography fulfills of a transition in the style and location of political violence. In 78, the destruction of the Consul Lepidus’ armed rebellion in a violent clash marked the end of an era in which armed conflict with soldiers outside of the walls and attendant bloodshed inside the walls was the norm. In its place, the 70s ushered in an era in which almost all of the violence took place within the Servian Walls. From 75 onward, the extramural military conflicts of the 80s were replaced by civilian-led violence, often but not always within the Forum, that centered on control of specific topographic elements, including the Rostra and the praetor’s tribunal. Cotta’s attempt to remove the courts from harm’s way was prescient if unsuccessful, as he realized the courts were a strategic target that was vulnerable to interference.

Quinctius’ actions demonstrated a keen awareness of the relationship between space, people, and political decision-making. It also demonstrated for future politicians that force could produce results. This relationship would be revisited again and again, first at the Rostra and the Praetor’s tribunal, then elsewhere in the city in search of results throughout the 60s and 50s. Political violence in Rome’s succeeding two decades was rarely random; nor was it often spontaneous or crowd-directed, like the attack on Octavius and Cotta. Instead, like Quinctius’ actions at Junius’ trial, violence was committed by single individuals or small groups, targeted on specific topographic elements, and fundamentally related to the political function and space that it was intended to impact.
Chapter II: Controlling Topography in the Western Forum

Twenty-nine instances of political violence occurred in the Western Forum, the majority of which will be investigated in-depth in this chapter. The space that I am categorizing as the Western Forum stretches from the Area Capitolina on the Capitoline Hill, down the Capitol’s western side, to the eastern end of the Basilica Sempronia. It is a largely arbitrary designation, as the Forum was not divided in such categories in ancient times. At the northwest corner of the Forum proper sat the Curia, the thickly built meeting house for the Senate. Adjacent to the Curia was the Basilica Porcia, the headquarters of the Tribunes of the Plebs. Just across a street, the Clivus Argentarius, was the Carcer, the state prison. Monumental buildings framed the Forum’s western end. The Basilica Opimia, the Temple of Concord, and the massive Tabularium rose on the slopes of the Capitoline Hill to the west of the Curia. Along the Southwestern corner stood the Temple of Saturn, the site of the state treasury. Sometimes, if there was a religious festival occurring, the space between the Temple of Saturn and the Curia would be occupied by a large wooden theater. A steep road, the Clivus Capitolinus, led up from the area of the Temple of Saturn to the imposing mount of the Area Capitolina, the sacred and political space in front of the massive temple of Jupiter Optimus Maximus. At the center of the Western Forum was the Rostra, the speaker’s platform, from which the members of Rome’s political aristocracy communicated with the rest of the city. Behind it was the Comitium, a curved space in which the archaic Romans had voted on legislation until 145 BCE. The paved space in front of the Rostra was where Romans assembled to hear speakers, and male citizens assembled in their tribal units to vote on legislation in the Comitia Tributa, the tribal legislative assembly. Still south of that was the Lacus Curtius, a monument to an early Republican hero/anti-hero.⁷⁴

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In addition to these monumental buildings, as an individual in the Forum, you would have to reckon with the crush and press of daily business going around you. As the paved area of the Forum stretched out to the Eastern end of the space, it was bounded by the monumental Basilica Aemilia to the north and the Basilica Sempronia to the south. Stretching in front of these were the Tabernae Argentariae and Tabernae Veteres respectively, lines of one-room stalls to be used as shops. Multiple roads, including the Clivus Argentarius, Argiletum, Sacra Via, Vicus Tuscus, and Vicus Iugarius all ran into the central space, making the Forum a permanently busy crossroads.

This chapter has three sections, focusing on the three locations of political violence in the Western Forum: The Curia, the Rostra, and the saepta, the voting apparatus used for legislative assemblies. Ten of the instances of political violence in the Western Forum took place around the Curia, the senate’s official building on the Comitium, or additional temples in which the Senate was meeting. The Senate’s ability to meet indoors was designed to protect it from disruption. However, it also made the senators that constituted it easy to locate, surround, and subject to public pressure. Starting in the 60s and intensifying in the 50s, politicians hoping to pressure the senate into adopting certain policies used organized demonstrations, riots, and attacks on the Senate building to intimidate Rome’s senators. While the ability of the aristocracy to shift its meeting place proved a counterweight, anti-senatorial politicians proved that they could follow the aristocracy.

The second part of the chapter examines violence at the Rostra, the speaker’s platform. The Rostra’s height lent impressive symbolic weight to a speaker’s words, but also made him extremely vulnerable to hostile crowds. For politicians that had the manpower to organize sizeable crowds and the appeal to control them, the Rostra could be used as a tool with which to humiliate and intimidate political opponents, and a place to force one’s enemies to be exposed to
physical assault. The third section examines violence during legislative assemblies. Legislative assemblies were centered on the physical act of walking in a line and casting a ballot at one specific location. The physical process of assemblies was frequently interrupted, and battles over laws revolved around control of the physical voting apparatus or the immediate space around it. For each section, the chapter tracks developments in how Romans used the space for violence chronologically throughout the 60s to the 50s.

**Boxing in the Senate—Violence around the Curia(e)**

The discussion of the role of the senate building in political violence in the Western Forum is best begun with an example that illustrates the topographical relationships at play between the Curia and the rest of its surroundings. In 67, a tribune of the plebs named Aulus Gabinius proposed a bill that would have transferred the command of the war against Rome’s great enemy in Asia, Mithridates, to the wildly popular general Gnaeus Pompeius Magnus (Pompey).\(^75\) Hoping to ingratiate Pompey and increase his own stock with the public by openly supporting the general, Gabinius proposed a tribuniciam bill in 67 to give a yet-to-be-designated consul—understood to be Pompey—a three-year extraordinary command to fight pirates in the Mediterranean. The bill was received well at its introduction by attendees of a contio held by Gabinius.\(^76\) However, trouble ensued when the proposal was subsequently debated by the Senate.

That day, the Senate met in the Curia.\(^77\) The Curia was a imposing rectangular building with a high walls and a roof. The Senate was unique in that it was the sole public institution of the

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\(^75\) For Gabinius’ close and supportive relationship with Pompey, see Gruen, 1974, 63, 66, 106, 10-11, 31, 43.

\(^76\) Dio 36.23.4; Plut. Pomp. 25; Cic. Imp. Pomp. 44; Asc. 72; Liv. Per., 99.

\(^77\) Dio 36.24.1. Dio writes that the attack takes ἐν αὐτῷ τῷ συνεδρίῳ, meaning “in the council chamber itself,” indicating that the Senate was meeting in the Curia as opposed another of its typical meeting locations. The interaction with the attendant populace at the doors of the Curia addressed below is one that would have most likely taken place within the Forum.
Republic that met indoors, as opposed to the courts and the assemblies.\textsuperscript{78} The Curia had recently been enlarged in 80 by Sulla to accommodate the new senators Sulla enrolled as dictator. Inside, the Curia had rows of wooden benches along each of the two longer sides, with a central aisle running down the middle.\textsuperscript{79} At the northern end of the aisle, the presiding magistrate, often a consul or a praetor, would sit on a curule seat; at the other end of the aisle was a nearly perpetually open door which opened on to the Comitium, the ancient circular space in which the \textit{comitia tributa} had met to vote until 145.\textsuperscript{80}

The open door was politically and topographically relevant. It allowed for interconnectedness within the Western Forum’s political topography. Roughly fifty meters south across the Comitium was the Rostra, the speaker’s platform which faced the Forum’s open space. The Rostra itself was associated with tribunician activity, and used by magistrates of all types to communicate with a citywide audience. The short distance from the Curia’s open door allowed the rapid transfer of information across the city: Events inside the Curia could be transmitted via an informant on the Senate’s porch across the Comitium to the Rostra. From the Rostra, reports of senatorial deliberations could be transmitted to the rest of the Forum and the city. Just south of the Rostra was the open space of the Forum where the \textit{Comitia Tributa}, the legislative assembly, voted on legislation debated in the Senate, and citizens were accustomed to mass there and wait for the results of senatorial debate.\textsuperscript{81} Including the short distance to the Rostra, the area was also cramped

\textsuperscript{78} Millar, 1998, 39.
\textsuperscript{80} ibid., 533; Millar, 1998, 39.
with other buildings and activities. Adjoining the Curia to the west was the Basilica Porcia, the headquarters of the ten tribunes of the plebs. Directly to the southwest of the Curia, until its removal by Aurelius Cotta in 74, was the praetor urbanus’ tribunal stand. After 80, the Curia-Comitium complex had become even more cramped. Sulla had extended the building southward into the Comitium during his expansion to accommodate his expansion of the senate to 600 men.

Fig. 1 demonstrates the Curia-Comitium complex in the Mid-Republic as modeled by Christopher Johanson.

The Curia, then, was a uniquely identifiable space located at Rome’s political heart. In the small space of the physically and politically crowded area of the Western Forum, it was also subject to the pressures that this crowdedness generated. As senators entered, exited, and debated within the Curia, they were forced to contend with any individuals that may have been outside. The uniquely closed nature of the building provided senatorial meetings with a level of protection unknown to other political processes; However, it also meant that senators could be easily trapped and influenced by surrounding crowds.

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82 Coarelli, 2007, 52-24; Richardson, 1992, 56.
84 Richardson, 1992, 102.
Figure 5: The Mid-Republican Comitium-Curia complex, viewed from the East. In Christopher Johanson, Spectacle in the Forum, p. 91. Note that as a result of Sulla’s reconstruction of the Curia, in the period 80 to 50 the building would have actually been larger and extended forward into the circular Comitium space, decreasing the distance between it and the Rostra. From left: Temple of Concord, Carcer, Basilica Porcia, Curia, and Comitium.

On the day that Gabinius introduced his legislation to the Senate, the Curia was likely a full house, given the controversial nature of the legislation. Although the building had the capacity to hold all of Sulla’s 600 senators, more often in the Late Republic attendance for controversial debates was between 200 and 400 senators. Given that Gabinius’ proposed bill generated violently strong feelings among the Senate, it is likely that the number fell on the higher end of this range.\(^{86}\) While members of the populace outside of the senate supported the proposal, many Senators viewed the arrogation of more power to Pompey as a step towards tyranny.\(^{87}\) The debate in the Curia quickly turned acrimonious. Soon, threats of violence gave way to the real thing, and an

\(^{86}\) Taylor and Scott, "Seating Space in the Roman Senate and the Senatores Pediarii," 532.
\(^{87}\) Dio 36.24.1-2.
undefined number of senators made a move on the tribune Gabinius, attacking him (#4). Dio states that the Senate “came near slaying Gabinius in the very senate-house, but he eluded them somehow.” Inside the Curia, with its narrow central aisle and benches filled with hundreds of senators, the threat to Gabinius’ life was legitimate. Senatorial groups had beaten the popular tribune Tiberius Gracchus to death with their wooden seats in 133, and if this group had cornered Gabinius, they may have done the same. Dio’s use of the word “somehow” registers appropriate surprise that Gabinius made it out of the filled building alive. There also may have been a few senators who offered Gabinius support, as the entire house was not opposed to the plan: A young C. Julius Caesar is described as supporting the proposal. Gabinius may have had other supporters that held off the mass of the house long enough for him to escape. Regardless, Gabinius escaped his attackers and fled out of the Curia’s main door.

Cassius Dio indicates that soon after the Senate’s rejection of the tribune’s proposal and their attempt to kill its proposer), a group of individuals waiting outside was informed of what had taken place. He writes, “when the people learned the feelings of the senators, they raised an uproar.” This immediacy should be interpreted literally, as the topography of the Western Forum allowed the information to spread quickly to those waiting elsewhere in the Forum for results of the debate. The attack on Gabinius, a supposedly sacrosanct tribune of the plebs, was a symbolic

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88 Dio 36.24.1.
89 Dio 36.24.1. This was not the first time that violence had occured in the Curia. Appian 1.31 records that the popularis tribune Saturninus violently dragged Q. Caecilius Metellus Numidicus out of the Curia and up to the Temple of Saturn in order to compel him to swear under oath. Appian later reports in 1.32 reports that during the violence over Saturninus’ was captured from the Capitol, Marius “shut them up in the senate-house as though he intended to deal with them in a more legal manner. The crowd considered this a mere pretext, tore the tiles off the roof, and stoned them to death, including a quaestor, a tribune, and a praetor, who were still wearing their insignia of office.”
90 Dio 26.24.2.
affront to the *plebs* worth disseminating. Other listeners on the Senate’s porch—such as his tribunician colleagues—could have quickly announced it from the Rostra. Upon entering the Forum from the Curia, Gabinius could easily have rushed directly across the Comitium to mount the Rostra himself. From there, he could have announced the attack on his person—and the insult to the *plebs* that it constituted—to the assembled crowd waiting in front.\textsuperscript{91} A speaker’s vocal range from the Rostra into the Central Forum was limited by the bustle of the space’s daily economic and political life to a radius of 42 meters in front and 30 meters to the speaker’s side.\textsuperscript{92} However, 3-D modeling work done by Christopher Johanson on sight lines demonstrates that a speaker on the Rostra would have been seen from almost anywhere in the Forum in the Late Republic.\textsuperscript{93} Speakers frequently used dramatic gestures like waving their arms to communicate with individuals at the back of *contiones*. They were also known to have displayed visual aids and props such as paintings, *spolia, imagines*, mourning clothes, and—especially later in the 50s—weapons and wounds.\textsuperscript{94} In this case, Gabinius could have displayed any rips in his clothing or bodily wounds he may have received at the hands of his attackers in addition to any other gestures. The sight of a

\textsuperscript{91} Vanderbroeck, 1987, 223. Vanderbroeck argues it is likely that Gabinius called a *contio* on short notice to inform the crowd of the Senate’s reaction.

\textsuperscript{92} Johanson, "Spectacle in the Forum: Visualizing the Roman Aristocratic Funeral of the Middle Republic," 158, 59-60.

\textsuperscript{93} Richardson, 1992, 174; Johanson, "Spectacle in the Forum: Visualizing the Roman Aristocratic Funeral of the Middle Republic." Although Johanson’s imaging primarily applies to the mid-Republic, his model of the Forum holds largely true for the period 80-50, with the only change being an enlargement of the Curia which had little effect on the rest of the Western Forum’s topography. In the Late Republic, the middle area of the Forum was still free of the large Imperial Rostra with their dedicatory columns and statues seen in Late-Imperial reconstructions.

\textsuperscript{94} "Spectacle in the Forum: Visualizing the Roman Aristocratic Funeral of the Middle Republic," 127, 60-61. The effectiveness of props demonstrates the extent to which visuals aided and often supplanted spoken words.
bloody tribune, even if far-off, would have been an instant attention-grabber. Quickly, then, individuals throughout the Forum were informed of the violence at the Curia.

The listeners in turn moved rapidly. Before the Senate even had time to move from where it was convened in the Curia, a crowd charged from various points in the Forum across the Comitium to the Curia’s door. Dio describes a hurried scene: “When the people learned the feeling of the senators, they raised an uproar, even going so far as to rush upon them as they sat assembled.”

Viewing the charging crowd through the entrance the Senators made for the door and literally ran for the hills, likely escaping out of the Forum via the nearby exits on the Capitoline Hill. The crowd seemed determined to do harm: “And if the senators had not gotten out of the way,” Dio continues, “they [the crowd] would certainly have killed them.”

Although no sources describe the size of the group, it must have been large, or appeared that way, in order to cause the Senate to flee like it did. Unlike the Rostra, the Curia was not significantly elevated off of the Comitium, making the Senate’s position indefensible to an onrushing crowd. In the scrum outside of the Curia, the crowd managed to grab one of the senators—the Consul, C. Calpurnius Piso. Plutarch writes that the crowd nearly tore Piso to pieces, and Dio says that Piso “was about to perish” for the sins of his Senatorial colleagues.

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95 Dio 26.24.2.
96 Coarelli, 2007, 52; Richardson, 1992, 234. Coarelli shows four exits to the Forum that would have been convenient as a crowd approached from the south-east central area: The Vicus Iugarius, which led south-west along the base of the Capitoline Hill towards to the Forum Holitorium (see also Coarelli 310-11); Richardson writes that the Clivus Capitolinus, the thoroughfare which climbed the Capitoline Hill toward the temple and precinct of Jupiter Optimus Maximus; The Scalae Gemoniae, which climbed the north-eastern side to the Capitoline to the Arx; and the Clivus Argentarius which ran along the northeast slope of the Capitoline hill behind the Curia.
97 Dio 26.24.2.
98 Dio 26.24.2; Plut. Pomp. 25.4.
of the attack, begged that the crowd spare him. Calmed by the tribune, the crowd released Piso and dispersed.

This first incident reveals much about how the Curia functioned in the topography of the Western Forum. The Curia was a well-known and visible target. Importantly, Curia was very close to the rest of the topography in the Western Forum. There were no barriers between the central Forum and the Curia with the exception of the Rostra, which had to be circumnavigated, in the case of this crowd. The Curia could house up to 600 senators, but it is unlikely that all of them—many of whom will have been old—were spry enough to escape a charging crowd. In the instance involving Gabinius, the senate barely had time to escape once they saw the crowd charging over from the Rostra. Especially if you were a politician who could organize large crowds, you could entrap the senate with ease. The following examples will show that once entrapped in their Curia, the senate was malleable to outside pressures.

In 63, Gaius Julius Caesar was a rising popular star. He had gained early prominence and wide popularity among the *plebs urbana* by stressing his family connections to the famous *popularis* general Marius and providing enormous largess in the form of spending on games.\(^99\) During the Catilinarian Crisis of 63, suspicion had fallen on Caesar as a potential conspirator after he gave a rousing speech in support of clemency for the captured conspirators.\(^100\) After the execution of the conspirators, Caesar was himself called to the Curia to testify regarding his alleged involvement in the conspiracy.\(^101\) Caesar’s summons must have caused his supporters some

\(^99\) In particular, his funeral oration for Julia, Marius’ deceased wife and Caesar’s aunt, as well as his restoration of Marius’ victory trophies over the Cimbri on the Capitoline Hill, established his popular credentials and greatly increased his popularity. On his popular largess, see Plut. *Caes.* 8 and Vanderbroeck, 1987, 222-3, 229-30.
\(^100\) Plut. *Caes.* 7.4-9.
agitation. Only days before, the other alleged conspirators had been executed without trial. As Caesar’s questioning in the Curia dragged on, a group of his supporters that had assembled in the Forum grew restless. Concerned that Caesar might be coming to some harm, the crowd “came up with loud cries and surrounded [περιέστη] the senate-house, demanding Caesar and ordering the senate to let him go.” Plutarch uses the Greek περιέστη for “surrounded” which also mean “encircle” or “station around,” as with a military force. The language suggests that the crowd was not only protesting outside the Curia, but had actually blocked the way in and out, trapping the Senators in until they decided to release Caesar (#19). As with the charging crowd in 67, the demonstration around the Curia seems to have significantly alarmed the Senate. Not only did they release Caesar, but Cato, that staunch supporter of the Senate’s primacy, introduced a bill for free grain distributions in order to further appease popular anger.103 As with Gabinius’ appeal to the crowd in 67, a large group of urban plebs had exploited the Senate’s immobility and closeness to the central Forum space.

One potential antidote to this problem of being cornered in the Curia was a change of venue. Of all the primary political functions of ancient Rome, the Senate was the only one that frequently changed its location. In addition to meeting in its ancestral house in the Western Forum, the Senate could meet officially in other spaces that were inaugurated templa.104 Throughout the late Republic, it met variety of temples and other halls designated “curia,” including the Temple of Concord in the Western Forum, The temple of Jupiter of Optimus Maximus on the Capitoline Hill, the Temple of Jupiter Stator, the Temples of Bellona and Apollo in the Campus Martius, and,

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102 Plut. Caes. 8.5.
103 Plut. Cat. Min. 26.1
104 Amy Russell, "The Definition of Public Space in Republican Rome" (University of California, Berkeley, 2011), 101.
after 55, the Curia hall built into the porticus surrounding the massive Theater of Pompey on the Campus Martius. There were different motivations for choosing these different sites. The Temples of Bellona and Apollo lay outside the *pomerium*, the city’s ritual boundary that a general with *imperium* could not pass, and the Senate often met there to receive victorious generals or enemy ambassadors.\(^{105}\) However, as R.D. Weigel argued, during the Late Republic the Senate’s mobility often derived from a desire for isolation from interfering crowds, so senators could debate without outside pressure. When he feared attack and assassination during the Catilinarian Conspiracy in 63, Cicero summoned the Senate to meet in the Temple of Concord, which was higher up on the slope of the Capitoline Hill to the west of the Curia, or the Temple of Jupiter Stator, which was in the less accessible, building-packed residential region to the east of the Forum along the Sacra Via.\(^{106}\)

The change of venue was not always effective. During the debate over whether to exile Cicero in 58, the senate met in the Temple of Concord, an imposing marble structure that sat on the slope of the Capitoline and overlooked the Forum. Built in 121 by Lucius Opimius, the patrician consul who had killed the popular Gaius Gracchus, it was suffused with connotations of state and senatorial power, and it was used as Senatorial stronghold during the Catilinarian conspiracy. However, in 58, it was shown to be just as vulnerable to outside pressure as the Curia down in the Forum. The Temple of Concord was only 80 meters from the Rostra and was clearly


\(^{106}\) Traditionally, scholars have placed the Temple of Jupiter Stator on a set of foundations near the Arch of Titus. However, Coarelli argues that the course of the Sacra Via in Republican times did not, as other scholars like Johanson imagine it, run to meet the Clivus Palatinus, but instead turned north around the area of the remains of the Basilica of Maxentius. Carandini disagrees with Coarelli’s assessment. However is important in all of this debate is that the Temple of Jupiter Stator was far from the Rostra and the Forum, where it would be less vulnerable to crowds and demonstrations.
visible from all over the Forum. As the Senate debated Cicero’s exile, two groups took advantage of their accessibility to stage demonstrations. Cicero, not one to go easily into the night, organized a crowd of supporters to protest the fact that his exile was even a question. The crowd was largely equestrian clients from the city and supporters from the municipal elite in the countryside. Their presence was designed to put pressure on the debating senators. However, shortly after Cicero’s crowd had assembled, a competing group arrived. They were the supporters of C. Clodius Pulcher, the aggressively *popularis* tribune of that year and the architect of the campaign to exile Cicero. In front of the steps of a temple ironically dedicated to the god of civil unity, Clodius’ and Cicero’s supporters broke into a massive brawl, the sounds and violence of which could not have been lost on senators debating within the temple’s cella (#29).\(^{107}\) Clodius’ group, apparently armed with rocks and a few swords, drove away Cicero’s band of supporters and ringed the area themselves, likely engaging in the sort of shouting protest that has been described above.

Clodius used the tactic of intimidating a cornered senate frequently, almost always with success. In December of 57, the Senate was debating when to set the upcoming elections and trials. Clodius had been accused *de vi*—for using violence, an eminently provable charge against him—and was pushing for the elections to be held before the trials.\(^ {108}\) If elected aedile for 56, he would have judicial immunity and the case would be dropped.\(^ {109}\) During the crucial debate, the Senate was back in the Curia in the Forum. As senators within the Curia began moving from one side of the room to the other—an informal way of voting with their feet to show support for a speaker or proposal—Clodius began to loudly argue for postponing the trials. It appears that his speech was a signal, because at that moment, a loud shout came from just outside the senate door (#44).

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\(^{108}\) Vanderbroeck, 1987, 252.  
\(^{109}\) Gruen, 1974, 442.
According to Cicero’s letter to his brother, Clodius had stationed a number of supporters on the Graecostasis, a wooden platform that stood to the right of the senate door along the Comitium, and on the steps of the Curia. The Graecostasis was so close to the open door that people standing outside on it could hear the Senatorial debates inside.\textsuperscript{110} When it seemed that the debate was going against Clodius, he indicated to his supporters to begin their shouting protestations.

As with previous instances, the sound of shouts from directly outside the Curia—this time, on its doorstep—spooked the senators. Cicero wrote to his brother Quintus, “At this sudden alarm we broke up with loud expressions of indignation on all sides.” The fact that all it took was one well-timed threatening burst of shouting from immediately outside to force the Senate to quickly adjourn indicates an immense skittishness about outside agitators. The senators, it seems, were easily intimidated. The tactic was effective, as the frazzled Senate decided to put off the issue. As Cicero wrote ruefully to his brother, “Here are the transactions of one day for you: the rest, I think will be put off to January.”\textsuperscript{111}

Also in 57, Clodius staged a large-scale food riot designed to intimidate a cornered Senate. During the annual \textit{Ludi Romani}, the annual festival held for Jupiter, the senate was meeting in the Temple of Concord. At the same time, Rome was going through the throes of a virulent grain shortage, leaving much of the urban \textit{plebs} in distress.\textsuperscript{112} Clodius organized a hungry mob of plebeians to first charge a theater set up in the Western Forum, and then rush to the Temple of Concord to menace the senate (\#40). The group was armed, and injured a consul who emerged from the temple’s cella in a vain attempt to quell the crowd.\textsuperscript{113} If few shouting protestors spooked

\textsuperscript{110} Varro L. L. 5.155.
\textsuperscript{111} Cic. \textit{Q. Fr.} 2.1.3
\textsuperscript{112} Jeffrey Tatum, \textit{The Patrician Tribune: Publius Clodius Pulcher} (Chapel Hill, NC: University of North Carolina Press, 1999), 185-86.
\textsuperscript{113} Cic. \textit{Att.} 4.1.6, \textit{Dom} 12-14.
the senators, an injured consul must have been a shock. The next day, the Senate convened and hastily approved Pompey as commissioner of the grain supply in an attempt to placate the plebs’ fears and prevent another riot outside the senate building. In this instance, both Clodius and the plebs were able to get what they wanted: Clodius appeared as the plebs champion in helping pressure the senate into addressing the grain situation; the plebs, by using violence, forced the cornered senate to address their grievances.

In 56, Clodius used a similar tactic to force the Senate into accepting Pompey and Crassus’ bids for second consulships. Many members of the senate opposed the attempt as a power grab by the members of the first triumvirate, which had reconciled with each other during the conference at Lucca earlier in 56. Following a bitter debate within the Senate which went against the former general, Clodius arrived with a large group of supporters to turn the tide. When he arrived, senators barred Clodius from entering the building. It also appears that the Senate had planned for Clodius’ arrival, and had installed a group of armed equestrians on the senate’s steps as protection. When the equestrians threatened to kill Clodius if he entered, Clodius called to the large crowd behind him for help. His supporters charged up the steps towards the door and attacked the equestrians. The steps around the senate must have been crowded in this inter-class free-for-all (#49). Somehow—the sources are silent on the matter—the riot ended down without significant injury. As they retreated, Clodius’ supporters forebodingly threatened to burn down the Curia. Despite his inability to access the Curia itself, Clodius as usual got his way. The senate later voted to approve Pompey and Crassus’ consulships.

115 Dio 39.27.3-29.3; Val. Max. 6.2.6.
This is not to suggest the senate was helpless or hapless when it came to preventing outside influence. There were times where it took advantage of a venue far enough from the forum to act without fear of Clodius’ organized protesters. When the senate wanted to approve a resolution supporting Cicero’s recall from exile in early 57, they held the meeting in the Temple of Jupiter Optimus Maximus on the Capitoline Hill. They met in the same location in September of the same year, the day after Clodius’ had led the food riot during the Ludi Romani. In both cases, it seems clear that they were seeking slightly more isolation and protection from the mobs that had harassed them previously on both issues.116 After the Curia was burnt down in 52 during the violence following Clodius’ murder on the Via Appia, the senate met on the Palatine hill, in one of the temples on the southwest corner.117 Compared to the Forum, which had been completely taken over by Clodius’ rioting supporters, the Palatine was a relative refuge. When a series of attacks on aristocratic homes on the Palatine later proved even that refuge to be unsafe, the Senate met in the Curia attached to the Theater of Pompey on the Campus Martius, where it could be guarded by Pompey’s soldiers.

**The Rostra: A Double-Edged Weapon**

The second area that political violence took place at in the Western Forum was the Rostra, the speaker’s platform. The Rostra was the city’s most public space, and a speaker who could command a crowd had immense political influence. This influence could also be used to visit violence on others. In the 60s and 50s, politicians used the Rostra as a weapon with which to humiliate, harass, and assault their political opponents, who they repeatedly hauled up onto the stand to face hostile crowds. Up on the Rostra, individuals were exposed and vulnerable to the

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116 Weigel, "Meetings of the Roman Senate on the Capitoline " 337-38.
117 Dio 40.49.5.
vicissitudes of the crowd. Because the Rostra was such a powerful tool for those who possessed it, violence was also used to keep others from opponents the Rostra.

To start with the discussion of the Rostra, we return to Gabinius and his bill to give the Pirate commission to Pompey in 67, which caused violence in the Curia.\textsuperscript{118} In 67, following his near-lynching in the senate—and the crowd’s near lynching of the consul Piso—Gabinius put his bill to give the pirate commission to Pompey to a vote. Gabinius and his fellow nine tribunes had assembled a \textit{Comitia Plebis Tributa}, a plebian tribal assembly, to vote on it.\textsuperscript{119} As Lily Ross Taylor’s pioneering study on Roman voting assemblies discovered, the \textit{Comitia Plebis Tributa}—along with the \textit{Comitia Tributa}, the tribal assembly that included all citizens—often voted in the central space of the Forum directly in front of the Rostra—although there were other potential locations.\textsuperscript{120} Voting could also take place in the Area Capitolina at the stairs of the Temple of Jupiter, or on the stairs and tribunal at the Temple of Castor and Pollux in the Eastern end of the Forum.\textsuperscript{121} While none of the sources explicitly indicate that the Rostra was the tribunal for this assembly, it can be contextually inferred. The Rostra was, as Quinctius’ activity in the 70s demonstrated, the domain of the Tribunes. For a wildly popular proposal such as this, it was to Gabinius’ interest to hold the \textit{comitia} in the most visible space possible. The Rostra, with its symbolic value and high-profile location, was a natural choice. Furthermore, a quote from a speech of Cicero only a year later indicates the Rostra and the Central Forum was the \textit{comitia}’s location.

\textsuperscript{118} While Plutarch’s narrative immediately jumps to a description of the vote on Gabinius’ bill and Trebellius’ attempt to veto, Vanderbroeck indicates that Cassius Dio’s chronology, which is more detailed, should be followed. Dio places an unspecified time between Gabinius’ introduction of the bill and the vote upon it, which Vanderbroeck argues follows a legally obligatory three-week gap between a law’s promulgation and its vote, c.f. Taylor, 1966, 16.

\textsuperscript{119} Dio 36.24.3-5; Plut. Pomp. 25.5-26.2; Asc. 72C.

\textsuperscript{120} Taylor, 1966, 43-44.

\textsuperscript{121} Ibid., 41-42, 46.
Describing the *comitia* that ratified Gabinius’ proposal, Cicero describes the Western Forum as unbelievably crowded for the vote:

> When the whole Roman people, the forum being crowded, and all the adjacent temples from which this place [the tribunal] can be seen being completely filled,—the whole Roman people, I say, demanded Gnaeus Pompeius alone as their general in the war in which the common interests of all nations were at stake.\(^{122}\)

The mention of “adjacent temples” is particularly telling. The steps of the Temples of Concord and Saturn were close to the Rostra, respectively 98 and 90 meters away.\(^ {123}\) More importantly, these temples had clear sight lines straight to the Rostra, making their steps and *podia* prime seating locations for the day’s entertainment.\(^ {124}\) The sheer crowdedness of Cicero’s scene—spectators climbing over buildings to get a view—is similar to scenes of what Kondratieff calls “super-*contiones*” with crowds crammed into and atop basilicas. At such *contiones*, these spectators’ goal was invariably to get a view of the Rostra, not the Temple of Castor and Pollux.\(^ {125}\) Gabinius then was officiating this *Comitia Plebis Tributa* from the Rostra, facing the central area of the Forum. Several meters below him, running along the Rostra’s curved front was laid out the legislative voting apparatus.\(^ {126}\) As Amy Russell argues, the Rostra’s height was part of a symbolic process designed to encourage citizens to conform to “expected forms of behavior” when watching speeches or voting.\(^ {127}\) A height of several meters in theory made it hard for spectators to physically

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\(^ {122}\) Cic. *Man.* 44.  
\(^ {123}\) Measurements are based on Coarelli’s reconstruction of the western Forum overlaid on Rome’s extant archaeology using ArcMap.  
\(^ {124}\) Johanson, "Spectacle in the Forum: Visualizing the Roman Aristocratic Funeral of the Middle Republic," 91-93. The gradual lower slope of the Capitoline hill on which the Temple of Concord sat also provided natural seating for spectators.  
\(^ {125}\) Kondratieff, "Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal," 341.  
\(^ {126}\) While Taylor asserts that the Rostra as an inaugurated *templum* would have had to be rectangular, many modern reconstructions follow Coarelli’s seminal plan of the Curia-Comitium complex in *Il Foro Romano* which presents the Rostra as part of the curved Comitium.  
\(^ {127}\) Russell, 2016, 65.
disrupt proceedings. It also was intended to psychologically engender respect. Russell writes that, “As [a citizen] stood on the ground and looked up to the Rostra,” he would have been acutely “aware of his position in the hierarchy vis-à-vis the speakers.”128 However, as Russell herself goes to argue, these psychological controls often failed. They did so tellingly during the voting on Gabinius’ bill.

As the voting was about to begin, a number of co-tribunes stood beside Gabinius on the Rostra.129 One, Lucius Trebellius, had been convinced by the senate to oppose the law. Trebellius

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128 Ibid.
129 Asc. 58C. In addition to other Tribunes, the Rostra would have been relatively crowded with additional individuals. Asconius’ description of C. Cornelius’ assembly on his *solutio*
interposed his tribunician veto by uttering the word *intercedo*, and brought the proceeding crashing to a halt.\(^{130}\) Gabinius was furious, and a large amount of the crowd clogging the Western Forum likely felt the same. With temple *podia* crowded with supporters and all eyes on him, Gabinius had to respond assertively or suffer a massive loss of face on an extremely public stage. Infuriated by his colleague’s veto, he immediately re-ordered the *comitia* to vote not on his own law, but on whether or not Trebellius should be deprived of his office. Despite the clogged Forum, the change seems to have been adopted quickly and orderly, as Asconius and Dio report that the tribes began immediately voting on Trebellius’ fate. Trebellius initially persisted in his veto. However, tribe after tribe the same result was returned to the Forum—yes for deposition. After the 17th tribe voted for deposition, a tense Trebellius grudgingly rescinded his veto before the 18th could vote and make it a majority.\(^{131}\) Gabinius quickly re-organized the *comitia* yet again to resume voting on the original question, the pirate commission. The ease with which Gabinius did so—the sources provide no narrative break between the original vote, the deposition, and the return to the original vote—suggests rapt attention to Gabinius’ directions as the presiding magistrate, despite the Forum’s acoustic imperfections. It also suggests the role of other tribunes, tribal officials, and lower magistrates—who themselves were in hearing distance—in organizing the activity of the *comitia* taking place at his feet.\(^{132}\)

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\(^{130}\) Asc. 72C; Dio 36.30.1.

\(^{131}\) Asc. 72; Dio 36.30.2. Dio writes that Trebellius maintained his silence “with difficulty.”

Wary of Trebellius’ fate, most of the other tribunes stayed quiet. However, one named Lucius Roscius Otho was still determined to make his opposition to the law known. At first, he attempted to speak in opposition, but when he came forward to speak, “no one would listen to him.”133 The spectators and voters, supportive of the law, had no time for further interruptions. When Roscius attempted to persist in his opposition, raising two fingers to indicate a division of the command, the Forum erupted explosively (#5). It is clear that Roscius’ hand gesture was seen by watchers throughout the Forum. Responding in anger, “the crowd gave a great threatening shout” that was apparently of such vitriol and such volume, that Plutarch and Dio both report that “a raven flying over the Forum was stunned by it and fell down into the throng.”134 Roscius, threatened by the violence of the crowd’s reaction, “kept quiet not only with his tongue but with his hand as well.”135 Alerted by a visible hand signal, spectators throughout the Forum, many of them likely plebeians, exploded in rage that their will was being disrespected by their own tribune. Although no official number is given, Cicero’s description above indicates that the crowd in the Forum was large enough to be impressively—if not fatally—loud. Although the anecdote about the bird is doubtful, Plutarch’s description of “surge and billow in the air” raised by the crowd is a realistic description that could just as well apply to a crowd in a packed football stadium screaming threateningly at an opposing team. Exposed to the open air, surrounded by a mass of voting citizens only meters below and spectators all around, Roscius will have felt accordingly vulnerable and threatened. The Rostra’s stairs were easily accessible, and could have been mounted by spectators if passions had demanded it. The figure below is modeling by Christopher

134 Plut. Pomp. 25.6. Dio 36.30.2 writes the crowd gave a great threatening shout and a crow flying above their heads was so startled that it fell as if struck by lightning.
135 Dio 36.30.3-4. Plut. 25.7.
Johanson of a mid-Republican funeral oration which envisions the Forum as packed as it was for the vote on Gabinius’ bill. It is a view of the Rostra and the Curia from alongside the Basilica Aemilia, and models the Western Forum at its maximum viewing capacity. If we replace the orator on the Rostra (the black figure) with Roscius, then the Rostra looks like an incredibly isolated island in the center of a sea of angry opposition. Roscius’ concern becomes more convincing.

Figure 7: Looking west, the Western Forum at maximum viewing capacity, highlighting the Rostra and Comitium space. Visible behind the Rostra from right to left are the Curia, the Basilica Porica, the Carcer, and the Temple of Concord. In Christopher Johanson, Spectacle in the Forum, p. 136.

The episode is telling about both the power and the vulnerability inherent in the Rostra as a political tool. As the presiding tribune with a supportive crowd, Gabinius was able to use his dominant and central position to communicate his orders and yoke the *comitia* proceedings to his will. On the other hand, Roscius, advocating an unpopular position with little support, was vulnerable to the noise and ill-concealed rage of the crowd. Although physically protected for the moment by the Rostra’s elevation, Roscius was also fully exposed and unprotected. Fear of the
crowd, even when on the Rostra, was an important motivating factor, and Roscius’ actions showed that sound in addition to physical roughhousing could act as effective political violence. Furthermore, as following examples will show, height was no guarantee of protection from political violence.

Intimidation could give way to harrowing physical attack easily on the Rostra, as an attempted vote in 67 illustrates. Another tribune, Gaius Cornelius, had promulgated a law that aroused fierce senatorial opposition. When the day came to vote on the exemption law, the scene was almost exactly the same as that of Gabinius’ law. The Comitia Plebis Tributa stood assembled in front of the Rostra and voters waited with their tribes to be called to vote. A significant amount of people stood on the Rostra. As the presiding magistrate, Cornelius would have been standing on or sitting near his wooden tribunal stand, Standing nearby were other members of the tribunician college as well the consul C. Piso, who was attended by his lictors, bearing the fasces. Proximate to Cornelius, a scribe stood holding the codex containing the law’s text. Next to him stood a praeco, an official herald or crier, whose role it was to read the law. The scribe handed the codex to the herald, who began to read it. However, almost immediately, another cry of intercedo rang out. As Asconius records, senatorial opponents had once again convinced a tribune to veto the

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136 Asc. 57C; Miriam Griffin, "The Tribune C. Cornelius," The Journal of Roman Studies 63 (1973): 208-09. Gabinius’ bill prohibited the Senate from providing solutio—the granting to an individual exemption from a law’s obligation—without being ratified by a legislative assembly of the plebs. According to Asconius, the Senate in ancient times had, if exempting an individual via decree, referred such decrees to the people for perfunctory ratification. However, by Cornelius’ time, such referrals had long been abandoned and ceased to be a political issue. In resurrecting the issue, Cornelius sought to reduce the Senate’s power by re-inserting the popular assemblies into its decision-making process. 136

137 Asc. 58C; Dio 36.39.1-4.

proposal. All eyes turned to the tribune P. Servilius Globulus, who refused to allow the herald to continue to read the bill. Yet another vote ground to a halt.

Facing the same predicament as Gabinius, Cornelius did not bother with the elaborate procedure of deposition. Instead, he simply ripped the codex out of Globulus’ hand and proceeded to read the law from where the herald had left off. The consul Piso, still present on the stand, was indignant. Interrupting Cornelius’ reading, he shouted at both Cornelius and the assembled citizens watching the escalating drama unfold above their heads that Cornelius’ act was an illegal subversion of the tribunician right to veto laws. Piso’s vehemence was met, as was Trebillius and Roscius’ opposition, “with a torrent of abuse from the people” and “a great uproar” from the assembly. Asconius writes that a number of people in the crowd were “shaking their fists at him,” suggesting a threatening intent.

This is where events take a more violent path than Gabinius’ legislation. Unintimidated by the angry roars of the crowd, Piso ordered his lictors to descend into the crowd to arrest those shaking their fists at him. Piso’s twelve lictors descended the Rostra to ground level to arrest the men. Almost immediately, the shouting match escalated into a physical conflict. Members of

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139 Asc. 58C; Dio 36.39.1-4. Asconius and Dio’s accounts here vary in multiple respects. Asconius provides a clear sequence: Cornelius introduced legislation against provincial corruption; The Senate frustrated it; Cornelius introduced the law on exemptions and held a legislative assembly. Dio does not mention the provincial loan-shark law, and states that the subsequent violence was primarily over electoral regulations, not the exemption law. Griffin, 1973, 192-203, notes that Dio’s account presents “obstacles to belief” due to a number of logical errors. She asserts that Asconius, who had access to Cicero’s speeches, letters, biography, and other accounts when writing the commentary on Pro Cornelio, presents a much clearer and more credible account of events.

140 Asc. 58C; Dio 36.39.3. Here, Asconius and Dio’s sources align again, and describe the subsequent attack on Piso in similar language, albeit with more detail provided by Asconius.

141 Asc. 58C.

142 Liv. 2.55.3; Wilfred Nippel, Public Order in Ancient Rome (Cambridge, UK: Cambridge University Press, 1995), 13. Twenty-four lictors in total attended the Consuls in the early Republic, twelve for each consul.
the crowd overpowered the lictors and snapped their fasces, the bundled wooden rods with axe-heads that symbolized the consul’s imperium. At the same time, the crowd turned its ire to Piso, still on the Rostra. Picking up stones from the Forum ground around them, members of the crowd made Piso the subject of target practice (#6). It is unclear how many individuals participated in the stoning. Asconius writes that “stones were hurled at the consul even from the furthest fringe of the contio,” suggesting that there were throwers all the way in the back of the crowd. Vanderbroeck reads this “even” as a qualifying adverb and accordingly limits the throwers to have only been a small group in the back of the crowd. Vanderbroeck suggests that “it is possible that an organized small group was responsible for the escalation of violence, since Asconius mentions that not the entire assembly threw stones at Piso.” For the purposes of his collective action model, Vanderbroeck is interested in demonstrating that the stone-throwing may have been organized by a smaller group operating from the edge of the crowd, potentially directed by Cornelius himself. If so, this event provides an illustrative example of how an assembly could be undermined by a small group of people on the sidelines with (literally) well-targeted action. However, the Latin for “even” is etiam, which can be defined as “likewise,” “furthermore,” “and also,” and “and even.” All these definitions connote an addition of sorts, and Asconius’ etiam could be taken to mean that stones were hurled throughout the crowd and also from the furthest fringe of the assembly.

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143 Asc. 58C; Dio 36.39.3; Nippel, 1995, 13.
144 It is unclear how many individuals participated in the stoning. Vanderbroeck suggests that “it is possible that an organized small group was responsible for the escalation of violence, since Asconius mentions that not the entire assembly threw stones at Piso. If so, this event provides an illustrative example of how an assembly could be undermined by a small group of people on the sidelines with (literally) well-targeted action.
146 Ibid.
fringe of the *contio*. Either way, the impact would have been similar.\footnote{Both interpretations support the claim that Piso was on the Rostra. If he was on the ground at the front of the crowd, or somewhere in the middle of it, it would have been difficult for throwers at the furthest edge of the crowd at the same elevation to get a clear shot. However, Piso on the Rostra was an easy target no matter where in the crowd the thrower stood.}\footnote{Richardson, 1992, 174.} Apart from some memorial statuary, the Rostra offered little protection to a speaker.\footnote{Ibid.} Lictor-less and exposed multiple meters up on the Rostra, Piso was an easy target for projectiles from anywhere in the crowd.

Pelted by stones, Piso may have retreated from the Rostra. Apart from some memorial statuary, the Rostra offered no protection to a speaker.\footnote{Dio 36.39.3.} Dio records that “the crowd…threatened to tear him limb from limb,” similar to the language he and Plutarch used to describe Piso’s near-lynching outside the Curia.\footnote{Asc. 58C; Dio 36.39.4.} Having attempted to kill the consul once, the members of the crowd may have been comfortable attacking him again. As he descended the stairs down the back of the Rostra, members of the crowd could have easily come around the stand and intercepted him. This is not to suggest Piso was entirely alone. As consul, he would have been defended by the retinue of friends and clients that unceasingly followed the officials around. Though seeing as the crowd quickly dispatched his lictors, he may have been in serious danger.

Before any real harm could come to Piso, Asconius writes that Cornelius dismissed the *comitia*.\footnote{Dio 36.39.4.} Dio leaves Cornelius’ intentions as to the violence in question, saying only that “Cornelius, accordingly, seeing their violence, dismissed the assembly for the time being before calling for any vote.”\footnote{Asc. 58C.} Asconius, ascribing to Cornelius good intentions, writes, “Cornelius, greatly concerned at this disorder, dismissed the concilium forthwith.”\footnote{Asc. 58C.} Asconius’ goodwill
towards the tribune is likely as a result of his sources—it was probably the view Cicero took in his own defense of Cornelius. Both sources report that later, Cornelius passed a slightly moderate version of the bill, this time with Senatorial approval. If we consider, as Dio implies and Vanderbroeck suggests, that a small group potentially associated with Cornelius used the stoning to purposefully disrupt the assembly when events started going against him, it offers a chilling demonstration of a cunning tribune exploiting political topography, crowd behavior, and projectiles to sabotage political processes and force the Senate to compromise. Alternatively, if we take Asconius’ account to be true and Cornelius’ concern to be genuine, the episode offers an equally chilling demonstration of how quickly and easily a determined crowd could wrest control of political processes and spaces from exposed and outnumbered magistrates. The Rostra as a political space, as this episode shows, had a number of vulnerabilities that made conducting normal governmental actions volatile and potentially dangerous, but also politically beneficial if one could control the crowd.

These two examples viscerally demonstrate how the Rostra could be used as a weapon to humiliate, pressure, and even injure political opponents. Henrik Mouritsen’s conclusions on the nature of contiones in the Late Republic are particularly illuminating in light of the evidence presented above:

Contiones called ad hoc seem to have been one-sided, organized events—masquerading as the assembled Roman people. The 'staged' character of the meetings offered magistrates an opportunity to pressurise and embarrass political opponents in public. An invitation to a hostile contio was a 'no-win' situation for the politician in question. Ignoring a challenge from a magistrate could be used against oneself...attending however, meant that one had to face a hostile crowd organized by an opponent who could thus attack from a much stronger position, supported by their shouts and jeers.¹⁵⁴

¹⁵⁴Henrik Mouritsen, Plebs and Politics in the Late Roman Republic (Cambridge: Cambridge University Press, 2001), 53.
The first example, in which Gabinius successively intimidated Trebellius and Roscius, has the feeling of a drama in which Gabinius—because he controls the crowd—controlled the action. The second example also falls under Mouritsen’s definition of “staged,” if we assume that Cornelius had organized the stone-throwing himself. Between 67 and 52, politicians *popularis* bases of support in particular relentlessly exploited the Rostra as a site from which to expose their opponents to intimidation and harm.

In 67, Cornelius and Gabinius dragged Piso up on the Rostra yet again (#7). This time, it was to compel him to publicly support the consular candidacy of another *popularis* and ally of Pompey, M. Lollius Palicanus. Valerius Maximus writes that up on the Rostra, Cornelius and Gabinius “harassed” Piso and “from all sides pestered him” with questions and “terrible threats.” Their rapid-fire questioning likely elicited the excitement and anger of the crowd, which had proved to be receptive to their pronouncements in the past. Both understood very keenly that atop the Rostra with the two of them, with an angry crowd below, Piso was vulnerable. By forcing him to appear on the Rostra, Gabinius and Cornelius drew on their past experiences and tried to use the intimidating topography of the Rostra to bludgeon Piso into submission.

A similar type of public bludgeoning—this time, in a physical sense—took place in 62. In the wake of the Catilinarian Conspiracy, Cicero and his senatorial allies used the remnants of the initial hysteria to conduct a wave of prosecutions against both actual participants in the conspiracy, 

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155 Val. Max. 3.8.3.  
156 Maximus presents some liabilities as a source. First, his personal biases are clearly against the two tribunes—he describes the episode as “pitiful and shameful,” and praises Piso’s bravery. Secondly, he is a collector of rhetorical anecdotes has an interest in sensationalizing the tribunes’ conduct, as the episode is included in his book of rhetorical anecdotes to provide an example of Piso’s determination in the face of harassment. Even if exaggerated though, Maximus’ story further demonstrates the use of the Rostra as a political tool. Both Gabinius and Cornelius knew how to elicit roars and threats from a crowd, and Piso was a favorite target of theirs.
and old rivals within the aristocracy they wanted out of the way. During these prosecutions, an
informant of ill-repute named Lucius Vettius alleged that Caesar had been involved in the
conspiracy. Caesar had no desire to see his nascent career stopped by a lowly informant. In his
capacity as praetor, Caesar confiscated Vettius’ property and ordered him jailed. However,
before throwing him in the Carcer, Caesar wanted to ensure that Vettius’ credibility was crushed
in the most public of ways. According to Suetonius, while he was on his way to the prison, Vettius
was presented to an assembled crowd in the Forum on top of the Rostra. Although Suetonius’
narrative does not specify who put Vettius up on the Rostra, it is likely that Caesar or one of his
agents allowed Vettius to speak. Up on the Rostra “Vettius…was handled very roughly in a contio
before the Rostra and nearly torn apart” (#62). Suetonius’s description of Vettius as almost

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157 For a clear and cogent discussion of the post-Catilinarian wave of prosecutions, see Gruen,
1974, 282-87.
158 Significant ink has been spilled on Vettius’s relationship with Caesar. The argument can be
followed in William McDermott, "Vettius Ille, Ille Noster Index," Transactions and Proceedings
of the American Philological Association 80 (1949); Lily Ross Taylor, "The Date and the
Meaning of the Vettius Affair," Historia: Zeitschrift für Alte Geschichte 1, no. 1 (1950); Walter
Philological Association 81 (1950); Gruen, 1974, 95-96, 286. McDermott argues the entire affair
was orchestrated by Caesar In McDermott’s opinion, Caesar was at one time a member of the
Catilinarian Conspiracy. When Cicero discovered the Conspiracy, McDermott alleges Caesar
compelled Vettius to turn informant in order to save both of their skins. Vettius’ accusations
against Caesar were thus simply for show, in order to give Cicero the opportunity to clear
Caesar’s name and preclude in advance more serious attacks from his aristocratic opponents
Qunitus Catulus and Cn. Piso. Walter Allen and Lily Ross Taylor both follow McDermott’s
assumptions that Vettius was a stooge of Caesar in 62 and later in 59, when he gained infamy for
“exposing” a conspiracy against Pompey. However, Gruen denies that Vettius was working for
Caesar in 62 or 59. However, it is unlikely that Caesar would have allowed Vettius to appear on
the the Rostra and denounce him immediately after his goods were confiscated and immediately
before he was thrown into prison unless Caesar stood to gain from it. Additionally, Vettius was
later released from prison with little fanfare, and he reappears at large in 59 when is is seen
serving Caesar’s purposes by accusing Caesar’s opponents of a conspiracy against Pompey (Cic.
Att. 2.24, Vat. 24-26, Sest. 132).
159 Suetonius, Jul. 17
mangled seems hyperbolic, particularly as he does not describe anyone coming around the Rostra and climbing the stairs to reach Vettius. However, as we have seen above, perceived attacks on leaders popular with the *plebs urbana*—such as Pompey, Caesar, and their allies—provoked a ferocious response. It is not surprising that those same supporters would have been just as vicious to a lowly informer. They may have thrown rocks as they had at Piso in 67, or attempted to grab Vettius as he was on his way up or down from the platform.

Vettius’ appearance on the Rostra is a good example of a “staged” *contio*. If Gruen is correct, and Vettius was indeed hired by Caesar’s opponents Q. Catulus and Cn. Piso to disgrace him, then Vettius’ treatment sent a violent signal to Caesar’s opponents in the aristocracy. If Q. Catulus or Cn. Piso were watching, they could easily imagine themselves in Vettius’ shoes could be them the next time they spoke from the Rostra. If we accept McDermott’s assumption that Vettius was Caesar’s agent, Vettius’ appearance on the Rostra is evidence of minutely calculated stage-management, with the Rostra as the intended performance space. Furthermore, regardless of Caesar’s intentions, the event also allowed Caesar’s supporters, many of them members of the *plebs urbana*, to send a potent message to all involved in Roman politics: if you touch our popular heroes, there will be consequences.

A similar scene ensued when a young budding politician, C. Porcius Cato, announced from the Rostra his intention to try Gabinius for corruption in 59. In the same speech, he made the mistake of referring to the wildly popular Pompey as a tyrant. Cicero wrote dryly to his brother “[Cato] mounted the Rostra in a public meeting and called Pompey an ‘unofficial dictator.’ No one ever had a narrower escape of being killed” (#26).\footnote{Cic. *Q. Fr.* 1.2.15.}

When Clodius wanted to prosecute his archrival Milo in 56, he did not in the Praetor’s court in the Eastern Forum, but instead held an *iudicium populi*, a judicial assembly on the Rostra,
decided by the *comitia plebis tributa*. The reason? “An aedilician *iudicium populi* held out the prospect of grand political drama, whose consequences...could hope to be shaming if not downright tragic for Milo.”

On the day of the trial, Clodius stacked the audience with his own supporters whom he had taught a set of chants in advance. When Pompey arrived came to testify on Milo’s defense, Clodius began using call-and-response chants to insult humiliate the general.

This time though, Clodius’ opponents hoped to prevent potential humiliation and violence by stacking the audience in front of the Rostra with their own supporters. Milo’s personally organized gang of gladiators and clients were present, and once the chanting started, tensions flared up between the two groups until a scuffle broke out. A few of Milo’s men ran around and forcibly ended Clodius’s humiliation of Pompey only by tackling Clodius off of the Rostra and knocking him onto the ground (#45).

The finale of Milo’s trial demonstrates the reverse to the Rostra’s use as a weapon. Just as politicians endeavored to force their enemies up to the Rostra to shame or attack them, it was also important to prevent opponents from reaching the Rostra. A strong speaker who could capture the attention of the crowd could do considerable political damage to his opponents, as the previous events have demonstrated. In the 50s in particular, violence was used specifically to prevent individuals from mounting the Rostra.

In 55, Cato the Younger, who had filibustered the passage of *Lex Trebonia de provinciis consularibus* for over two hours, was physically dragged backwards down the steps of the Rostra and into the Comitium by the lictor of the tribune Trebonius, who proposed the bill and wanted it passed (#55). Once off the Rostra, Cato continued speaking to the men lined up to vote alongside

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162 Tatum, 1999.  
164 Cic. *Q. Fr.* 2.3.2.
the stand, so the lictor “once more laid hands on him, led him away, and put him out of the Forum.” \textsuperscript{165} Likely the lictor dragged him towards the nearest exits on the Argiletum or the Clivus Argentarius. However, Cato wriggled free and dashed back towards the Rostra and attempted to mount it again before being caught by other lictors and hauled off. \textsuperscript{166} Plutarch reports that this was repeated several times until Trebonius finally lost his temper and ordered Cato dragged off to the Carcer to be temporarily imprisoned. \textsuperscript{167} Two years later, Cato was attacked again attempting to mount the Rostra. He had proposed in the senate what amounted to a campaign finance reporting law in the wake of massive bribery during the elections for the consulship of 53. In retaliation, a crowd of supporters of the targeted consular candidates attacked him as he was making his way across the Forum to the Rostra, pelting him with rocks and other projectiles (\#58). He apparently made his way back to the Rostra only by grabbing hold of one of the ships’ prows that stuck off it and clambered up to the platform. Once up on the platform, Plutarch writes that Cato was able to bring the disturbance completely to an end with his oratory. \textsuperscript{168} While likely an exaggeration of Cato’s oratorical powers, the comment does indicate that once a politician was able to make it up on the Rostra, the height and symbolism of the stand lent him immense influence.

The final instance of violence around the Rostra demonstrates what happened when these two approaches to the Rostra—use it as a staged political tool, or keep your enemies off it—collided. After Milo murdered Clodius on the Via Appia, he returned to Rome in secret and began bribing individuals among the tribes. \textsuperscript{169} A few days later, Milo and the tribune M. Caelius held a contio in which the only attendees were bribed slaves and plebs from the countryside. Caelius

\begin{footnotesize}
\textsuperscript{165} Plut. Cat. Min. 43.2.
\textsuperscript{166} Dio 39.34.3-4.
\textsuperscript{167} Plut. Cat. Min. 43.3.
\textsuperscript{168} Plut. Cat. Min. 44.2-4.
\textsuperscript{169} Vanderbroeck, 1987, 264.
\end{footnotesize}
made a dramatic show of professing Milo’s innocence, and demanded that the assembled crowd act as the *populus Romanus* and declare Milo innocent in a *iudicium populi* on the spot.\textsuperscript{170} Despite the almost farcical nature of Caelius’ production staged production, pleading their case from the Rostra in front of a supportive crowd threatened to have a powerful public impact in Milo’s favor. However, the late Clodius’s supporters were unwilling to give Milo any chance to plead his case in an unbiased court. The other tribunes for the year burst into the Forum along with a huge crowd and attacked Milo (\#67). They killed a number of Milo and Caelius’ supporters, and forced the two to dress as their own slaves in order to escape.\textsuperscript{171}

*Brawls in the Saepta: Controlling Space during Legislative Assemblies*

Closely related to violence on the Rostra was violence during legislative assemblies. Unlike the Senate, which deliberated within the four walls of a building, the assemblies took place in the open air. These processes were both time-intensive and equipment intensive. Although this chapter already discussed an instance of violence at a legislative assembly—the stoning of Piso during the passage of Gabinius’ law (\#5)—the violence in that instance was directed at the magistrate. However, violence at legislative assemblies was focused on control of the physical voting apparatus. Since *comitia* play a large role in political violence both in this and in later chapters, it is important to explain the physical nature of the voting process. Lily Ross Taylor’s reconstruction of tribal assembly legislative procedure is as follows: Rome’s voters were divided into thirty-five tribes, artificial divisions created for the legislative process. When it came time to vote, citizens assembled into their thirty-five tribal divisions and waited in front of the Rostra, cordoned off from each other by means of ropes. The first tribe to vote was selected by lot; afterwards, the tribes were

\textsuperscript{170} App. 2.22; Asc. 33C
\textsuperscript{171} App. 2.22; Cic. Mil. 91.
summoned successively. Once his tribe was called, a voter would walk single-file down one of two roped-off lines, called the *saepta*. At the end of the column, he mounted the *pons*, a wooden plank which led up to a wooden platform a few feet high. The platform contained the *cistae*, the wicker baskets that served as ballots. If the voting was taking place in front of the Rostra, this platform was attached alongside the Rostra’s front so the presiding magistrate could sit up above the *cistae* and ensure the proper procedure was followed. Before he reached the *pons*, a voter was handed a wax tablet by the *custodes*, an election official. On the tablet he would write a V to approve legislation or an A to reject it. Walking up the *pons*, he placed his tablet in the basket and descended the apparatus on the other side. If the assembly was taking place at the Rostra, as voter placed his ballot, he would have walked under or near the Rostra’s “beaks,” the captured ships’ prows that stuck out from the edifice and gave it its name.

Legislative assemblies, as Taylor’s reconstruction makes clear, were predicated on an orderly physical process. The voter was expected to wait patiently with his tribe, walk single file through the *saepta*, and take and deposit his ballot without and interruption. However, because the materials used in the *comitia* were so fragile—ropes, wooden posts, wicker baskets—they were particularly susceptible to violence. Individuals who wanted to disrupt the legislative process could direct their ire at the magistrates, as happened during Cornelius’ legislation in 67. Or, perhaps easier and more simpler, they could physically destroy the apparatus used for voting. This final section will examine three instances of legislative violence in the Western Forum that provide different examples the topographical relationships involved in the disruption of a legislative assembly.

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172 Taylor, 1966, 74-78.
173 Ibid., 39.
174 Ibid., 37-45.
In 67, the much-beleaguered consul Calpurnius Piso proposed a law against electoral bribery at the behest of the Senate, and held a *Comitia Tributa* for its passage in the Forum. According to Asconius, the legislation laid harsh penalties on the *divisores*, “bribe-distributors,” for electoral bribery.\(^{175}\) Initially reputable officials who ensured voter turnout among Rome’s thirty-five legislative tribes by distributing largess from wealthy patrons, the *divisores* had become middlemen for individual candidates’ electoral bribery by the late Republic.\(^{176}\) Although effectively middlemen for acceptable patronage and then unacceptable bribery, the *divisor* for each tribe had an established and public role “in that everyone knew who they were and they had a specific relationship to a particular tribe.”\(^{177}\) The law thus threatened their social standing among their tribes as well as their increasingly central role in electoral politics. They did not take the threat lightly.

When the day came to pass the law, Piso, attended by his lictors and his retinue was officiating the *Comitia Tributa* within the Forum. A crowd of voters, separated into their thirty-five tribes, was assembled below him. Some were beginning to walk down the roped-off *saepta* and place their ballots in the baskets. However, during the middle of the voting process, Asconius writes that Piso was forcibly ejected from the voting area by a large group of *divisores*.\(^{178}\) How Piso’s ejection took place is unclear. Perhaps, as an interest group aware of each others’ identities with a recent history of having been assembled together,\(^{179}\) the *divisores* had planned their attack

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\(^{175}\) Asc. 74-75C.


\(^{177}\) Lintott, "Electoral Bribery in the Roman Republic," 8.

\(^{178}\) Ibid. Asconius’ prose says the attack happened just as Piso “was in the process of carrying a law,” indicating that it took place during the actual voting itself.

\(^{179}\) Prototypical account of misusing the *divisores* is that of Cicero’s allegation against Verres in Verr. 1.22-26. Cicero writes that Verres summoned *divisores* of “all the tribes” to his home before Cicero’s election as aedile, despite the fact that Verres had a right to distribute to only the
in advance. It is also unknown how many *divisores* there were per tribe. Rome’s tribes were large, and may have required multiple *divisores* to effectively mobilize voter turnout. Regardless of the actual number of *divisores*, they likely had help in disrupting the voting process. As middlemen of significant social standing whose profession was to mobilize voter activity, they were likely to have adherents and attendants within their own tribe who would have assisted them in disrupting the assembly.\(^\text{180}\) Even if the *divisores* amounted to only thirty-five, that multiplied by at least two personal clients would have been more than a match for Piso’s twelve lictors and personal retinue.

How did the *divisores* disrupt the voting process? The form of violence is also not specified in Asconius. However, another disrupted legislative assembly in 61 may provide some answers. In 61, P. Clodius been indicted on a charge of *incestum* for multiple offenses of a scandalous nature, including violating the rites of the female-only Bona Dea festival, adultery with Caesar’s wife, and alleged incest with his sister.\(^\text{181}\) Clodius’ opponents wanted to ensure a conviction, and proposed a law regulating the selection of the jury that was intended to make a conviction more likely. Clodius, who had no desire to see his nascent career cut short, used carefully planned violence to disrupt the assembly. On the day of the *comitia*, a crowd of Clodius’ supporters arrived separately from the rest of the assembled voters in front of the Rostra and began shouting to their fellow citizens to vote against the proposal. When that failed, Clodius opted for physical

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\(^\text{180}\) Vanderbroeck, 1987, 227., agrees with this proposition, suggesting that “perhaps the *divisores* were able to mobilize other people in addition to themselves for the riot.”

\(^\text{181}\) For an in-depth discussion of the accusations and how the charges were formulated, see Tatum, 1999, 71-86. The initiating episode was when Clodius, dressed as a female flute-player, snuck into the home of Julius Caesar (at this time the Pontifex Maximus) during the Bona Dea festival in order to liaise with Caesar’s wife.
intervention. Cicero writes that Clodius’ supporters actually forced their way under the ropes dividing the lines of voters from the rest of the Forum, and blocked the paths of the voters. Standing on the front of the pontes, they took over the job of ballot distribution and ensured that only ballots with “A” were distributed. Cato, seeing the spectacular illegality of what was taking place, rushed up to the Rostra and with a few other magistrates, dissolved the comitia.\footnote{Asc. 74C}

It is likely that something of the sort was taking place in 67, when Piso confronted the divisores. Given that the divisores were tribal election officials, they may have already been there at the start of the comitia, ostensibly serving as extra support staff, at which point they could have infiltrated the saepa. However, seeing as Asconius describes them forcing Piso out of the voting area with vis, some sort of aggressive violence must be posited. Perhaps they threw stones to force Piso off the Rostra, or began ripping up ropes, posts, and baskets of the voting apparatus to prevent any vote from happening. Evidently, Piso realized that he needed some backup. With his retinue trailing behind him, he fled the Forum eastward. He ascended the Sacred Way and disappeared in the narrow street dwarfed by senatorial villas. The divisores, for the moment, had won. However, their victory was only temporary. For not long after he disappeared up the street, Piso reappeared striding down the Sacred Way.\footnote{I derive Piso’s point of exit and entry into the Forum from a single word in Asconius’ account, descenderat. He writes that Piso \textit{maiore manu stipatus ad legem perferendam descenderat}, “had come down with a larger band of men about him to secure the passage of the law.” \textit{Descendere} means to “go down” “to descend.” When Latin texts of the Late Republic and Early Empire use \textit{descendere} in relation to the Forum, they often indicate that an individual is approaching from the Forum’s main entrance via the Sacra Via. As we saw earlier, Sallust indicated the same thing. While there are no shortages other entrances into the Forum that Piso could have “come down” through—including the \textit{Clivus Capitolinus}, the Scalae Gemoniae, the Clivus Argentarius, and the Argiletum—few would have yielded him as immediate a group of supporters.} Asconius writes that Piso “had come down [\textit{descenderat}] with
a larger band of men about him to secure the passage of the law.”

Entering the Forum, Piso marched his now-swollen retinue west across the Forum over to the crowd assembled before the Rostra and engaged the *divsores* in battle. According to Asconius, Piso’s group was larger, and thus able to force the *divsores* out of the Forum. Subsequently, the assembly resumed and the law was passed.

This episode demonstrates first and foremost that an organized group with an interest in preventing the passage of certain legislation could physically take control of the voting apparatus in an attempt to prevent its passage. However, it also shows that topographical limitations provided magistrates an opportunity to adequately respond. Piso was able to leave the Forum, issue a call for emergency support, organize that support, and return down into the Forum to find the assembly still voting. How long did all of this take? Henrik Mouritsen’s calculations on the length of legislative *comitia* sheds light on these circumstances. According to Mouritsen, a 3,000-person legislative assembly taking place in the Forum would have taken six and a half hours for all 3,000 participants and thirty-five tribes to vote. As most assemblies held less than that number, the time would have taken shorter. Following the logic of a multi-hour voting process, Piso would have had some time to publicize his supporters before the *comitia* concluded, and the events described not be pictured as so rushed. However, the immediacy with which Asconius’ narrative characterizes Piso’s turnaround is also realistic. Piso was the magistrate presiding over an assembly passing an important law with his name on it. Any minute off of the Rostra and outside of the Forum posed a political loss of face and the opportunity for a tribe’s votes to be influenced.

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184 Asc. 76C.
185 Asc. 76C.
186 Mouritsen, 2001, 23. Where Ramsay MacMullen posited that 20,000 citizens could vote in the space in front of the Temple of Castor, Mouritsen demonstrates that a maximum of even 10,000 is unrealistic, and most assemblies would have even involved below 3,000 voters.
Given the fragility of the voting apparatus—consisting of wooden stands, ropes, and wicker baskets—the *divisores* could have been expected to demolish it quickly. The close topography of the Forum—the Rostra was less than 300 meters from the Sacred Way—allowed Piso to exit and re-enter with rapidity, picking up a large group of supporters in the process. While Mouritsen’s calculations demonstrate that assemblies could be vulnerable to violence for multiple hours, the logic of Asconius’ account suggests that Piso allowed little of those hours to elapse.

This chapter will examine one more instance of legislative violence in the Western Forum. The previous examples of Piso and the Bona Dea trial legislation demonstrated the extent to which the voting apparatus, located in the open in the Forum, could be penetrated and tampered with. In 67, a tribune named Gaius Manilius attempted to rectify this vulnerability in attempting to pass his own legislation. Late in 66 Manilius introduced a law which would have distributed the vote of Rome’s freedmen to the tribe of the person that had manumitted them, thus increasing an individual freedman’s voting power.\(^{187}\) The law was unpopular among the *plebs* and opposed by the aristocracy, and lacked the support to pass in an assembly.\(^{188}\) Manilius knew that too many would turn out to oppose his bill if he held it in the Forum. In an attempt to prevent his opponents from making it to the assembly, he summoned it at dusk, which was technically a violation of legal procedure. He also held the *comitia* on the day of the *Compitalia* festival, a citywide festival in

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\(^{187}\) Asc. 45C, 65C; Dio 36.42.1-2; Millar, 1998, 35-36; E.J. Phillips, "Cicero and the Prosecution of C. Manilius " *Latomus* 29, no. 3 (1970): 546; Taylor and Linderski, 2013, 144-45. Most wealthy patrons belonged to families from rural tribes, but their manumitted slaves, many of whom lived within Rome, voted in the four urban tribal units. Since they were concentrated in these tribes, freedmen’s votes had a relatively circumscribed impact within the *comitiae*. However, if redistributed across all the tribes, the individual freedman’s vote would be worth more. The freedmen’s gain would have come at the loss of the non-servile *plebs urbana*, who would lose voters in their tribes as well as suffer the slight of having freedmen’s interest advanced over them. The aristocracy also opposed the bill because they thought Manilius was trying to build himself a freedman clientele.

\(^{188}\) Dio 36.42.3; Gruen, 1974, 407-08; Taylor and Linderski, 2013, 145.
which many freedmen participated, hoping that some would come and vote on the bill. This was also illegal.\textsuperscript{189} However, to top it all off, he summoned the *comitia* not in the center of the Forum, but in the Area Capitolina, the precinct high atop the Capitoline hill in front of the steps of the mammoth temple of Jupiter Optimus Maximus.

The walled site was far from optimal for legislative assemblies. Including the Temple of Jupiter, there were over five smaller temples, multiple sacrificial altars to Jupiter and other divinities, multiple freestanding commemorative statues of gods and famous men, and bronze tablets serving as public records of legislation. In addition to these state-erected structures, personal victory trophies and votive offerings were so densely strewn across the area that they required wholesale removal twice, in 179 and later under Augustus, to ensure that people could access the Temple.\textsuperscript{190} Given all of these objects, the space for a *comitia* was quite limited, and the *saepta, pontes* and *cistae* of Manilius assembly were squeezed up against the large steps of the Temple of Jupiter, with the tribune presiding from the Temple’s podium.\textsuperscript{191}

However, a large group was the opposite of what Manilius had in mind. According to Asconius, Manilius, followed by a “gang of slaves and freedmen,” ascended the Clivus Capitolinus and initiated the assembly. As other magistrates—traditionally present at assemblies, as Piso’s appearances at tribunician *comitia* have shown—and voters began to climb the hill to participate, they encountered a violent surprise. Asconius writes that Manilius…was pursuing this aim [of passing the law on freedmen’s votes] with rioting and blockading the climb to the Capitol.”\textsuperscript{192} As

\textsuperscript{189} Lintott, 1999, 43. Aulus Gellius, *Attic Nights*, 10.24.3. Gellius quotes Augustus, writing specifically of the Compitalia festival: “On the ninth day the Roman people, the Quirites, will celebrate the Compitalia; when they shall have begun, legal business ceases.”

\textsuperscript{190} Richardson, 1992, 32.

\textsuperscript{191} Taylor, 1966, 46.

\textsuperscript{192} Asc. 45C.
Henrik Mouritsen demonstrated, Roman voting assemblies required no quorum to legitimize legislation. “Even the most far-reaching bills could be passed by any number of citizens, as long as the correct procedures were followed.” Despite his temporal violations, Manilius could potentially pass his legislation with only a nominal group of citizens participating as long as he could complete the voting process uninterrupted. The Capitoline Hill was an eminently defensible bastion for this purpose. It loomed an imposing 35 meters high above the Forum’s center, with sheer cliffs on all sides except to the north. The Area Capitolina itself was ringed by large retaining walls, and had only three narrow entrances. The main entrance was the Clivus Capitolinus, the only road from the Forum up the hill; other entrances were narrow stairs that could be easily blockaded.

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194 Coarelli, 2007, 30; Richardson, 1992, 70.
195 Coarelli, 2007, 31; Richardson, 1992, 70.
196 Richardson, 1992, 70. It rose steeply towards the southwest starting at the Temple of Saturn and was relatively narrow, only wide enough to accommodate a procession of moderate width.
197 Ibid., 69, 80; Russell, 2016, 107. Richardson associates the Centum Gradus with the Tarpeian Rock, which he places on the Capitoline’s southwest. Coarelli more convincingly argues that the Tarpeian Rock would have been part of the Arx and was located above the Forum, where public executions would have been in more public view and located proximate to other pieces of judicial topography, including the Carcer and the tribunal spaces (before their removal to the Eastern Forum in 75). Regardless of the rock’s location, the Gradus’ ascent up the south-western Capitoline was a steep one.
It was not the first time a magistrate had used the Area Capitolina as a bastion. Tiberius Gracchus held his final assembly there, and his supporters violently defended it as members of the senate marched up the *Clivus Capitolinus* to beat Gracchus to death with their wooden senate benches. In 100 the tribune Lucius Appuleius Saturninus seized the Area Capitolina with a large band of supporters and barricaded themselves in for a number of days, resisting the efforts of consular troops under Gaius Marius’ command to dislodge them. Although Saturninus later surrendered, it was not due to weakness in the fortified site. Marius’ troops did not take the Capitoline by force, but compelled his surrender by cutting off his water supply.

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This time, however, Manilius’ supporters did not fare as well. Asconius writes that as Manilius tried to rush the bill through the *comitia*, L. Domitius, one of the quaestors for the year, charged up the *clivus Capitolinus* and broke through the crowd. Although quaestors were assigned few lictors, Domitius may have had help from other magistrates, clients, and passerby. Although at an elevated remove from the Forum, the Area Capitolina was entirely visible throughout the Forum and only 330 meters away from the Rostra. Domitius or another magistrate could easily have mounted the Rostra and pointed out to any citizens in the vicinity the commotion happening in the sacred precinct of Rome’s supreme patron. The sight of an illegal vote which would have reduced the *plebs urbana*’s power may have also contributed to some plebs joining Domitius’ train. Many of Manilius’ supporters were apparently killed by Domitius’ group, but Asconius does not record how many, if any, of Domitius’ supporters were killed.\textsuperscript{200}

Despite Domitius’ success in breaking through the crowd, Manilius’ plan evinced a keen understanding of the Capitoline’s topography and its political potential. Asconius reports that the next day—the first of the political year—the new consuls convened the Senate, which invalidated the law based on the fact that it had been illegally legislated on a festival day and on the grounds that it had been passed with *vis*.\textsuperscript{201} However, the fact that the Senate took pains to annul it suggests that Manilius’ assembly on the Capitol was at least procedurally successful. Manilius’ blockading of the Area Capitolina’s entrances evidently held off Domitius’ supporters for long enough for the ill-attended assembly to conduct its business. In its success, Manilius’ ploy reveals a deep weakness in Roman legislative functions. The lack of quorums for assemblies provided an opening for politicians to utilize both violence and space to their advantage. If you could somehow keep

\textsuperscript{200} Asc. 45C.
your opponents out of the voting apparatus while providing access to your supporters, you could technically achieve your goal. However, this approach had its drawbacks. If the space in which a politician attempted to pass legislation was too small and his group of supporters too limited, he risked alienating large numbers of the voting population, as did Manilius. Without the broad-based support of larger crowds, Manilius had no pressure with which to counter the Senate’s annulment of his law. For comparison, C. Cornelius’ attempt to pass his exemption law with violence procedurally failed—in that his assembly was disbanded. However, the show of force by his supporters forced the Senate to compromise, providing him with the legislative victory that he sought. Although effective in an immediate sense, Manilius’ success with force was limited to the Area Capitolina.

**Conclusion: Targeted Violence Yielded Results**

As this chapter has shown in detail, the process of participating in politics in the Western Forum was built around a number of physical and spatial experiences. A dizzying amount of political violence took place in the area of the Western Forum in multiple different locations and for multiple different reasons. However, this chapter has shown that Roman politicians were extremely attentive to topography. Violence was committed in a particular space for a particular reason, for a particular political goal. Outside attackers used noise, protests and physical attack in attempts to force the senate into adopting specific policies. Attacks on the Senate could be used to provide particular results, whether it was the release of a popular champion, the exile of Cicero, or the creation of a grain commission. Similarly, the Rostra could be used as a tool with which to humiliate, harass, and harm opponents. The Forum was the site of other *ad hoc* attacks on property. In 58 when the consuls Gabinius and Piso tore down the altars of the gods Isis and Serapis following a senate prohibition of the cult, there was a riot, likely at the site of the altar on the
Capitoline. In 56, Cicero and a group of personal clients marched up the Capitoline Hill to where public laws were exhibited and destroyed the bronze law tablet recording his exile (§50). Later, he stole the full records of Clodius’ tribunate from the Tabularium and either destroyed them or hid them in his house. However, the story of violence in the Forum is primarily one of violence against people, not against property. Romans used violence at specific pieces of topography, against each other to achieve certain political goals. However, starting in 63, the scope of the area that political actors wanted to control began to increase. Instead of just focusing on one piece of topography and one goal, politicians set their sights on the entire Forum and beyond. Manilius’ attempt to assert control over a wider space—the Area Capitolina—to protect his legislative process presages a new trend in Roman politics that would appear starting later in the 60s.

204 Ibid.
Chapter III: Expanding the Battlefield

The preceding chapter amply demonstrated the mechanics and tactics of the majority of instances of political violence in the Western Forum. As noted in that chapter, violence was often directed at a specific piece of topography for a specific political result. The first two chapters charted a narrowing of scope of political violence. In the 80s, generals used wide-scale violence to impose control over the entire city. After Lepidus’ failed rebellion, the topographical focus narrowed down to attacks on individual spaces like the Rostra and the Curia. However, starting in the late 60s and then extending into the 50s, that trajectory began to reverse. The comitia of Manilius on the Area Capitolina, in which Manilius attempted to control a larger space than just the immediate area of the comitia, presaged a trend in Roman politics. Starting in the 60s and accelerating in the 50s, political actors began expanding the topographical scope of their political violence. This chapter will introduce this analysis by examining the remaining instances of violence that occurred in the Western Forum.

Topographies in the Western Forum in particular were linked and interwoven. It was no longer sufficient to force an individual off the Rostra, or corner the senate in the Curia. Particularly in legislative assemblies, dominating the entire space of the Western Forum with violence became necessary in order to achieve a political goal. More and more sources start speaking of battling groups forcing each other “out of the Forum.” This chapter introduces what this concept looks like physically. The concept that Roman politics increasingly devolved into a battle for the space of the Forum is not a new one. However, what that really means in terms of the spatial experience has not been sufficiently imaged in detail. This chapter also introduces another concept that is crucial to the trajectory of Roman political violence: personal control of political space. In the years after 63, politicians increasingly fought to control topography in ways that not only achieved
a specific political goal, but in ways that accrued to their own personal prestige. Later chapters will demonstrate how Cicero, Clodius, and Pompey vied with each other for personal domination over Rome’s political spaces, both public and private.

**Claiming the Forum—Cicero’s Catilinarian “Triumph”**

The Catilinarian Conspiracy of 63 looms large in ancient sources, historiographical tradition, and modern scholarship. Cicero’s *Catilinarian Orations* portray the supposed revolt of the disaffected senator L. Sergius Catalina (anglicized as Catiline) as a power-hungry degenerate who had plans to burn the city and unleash a civil war worse than the likes of Sulla and Marius.²⁰⁵ Reading Cicero’s prose, one would assume that the year 63 was one of significant violence. However, there is almost no evidence for the violence of the sort that Cicero describes in his speeches. The so-called “First Catilinarian Conspiracy” of 66-65 has been shown to be myth, an exaggeration of Ciceronian rhetoric.²⁰⁶ The instances of violence associated with the alleged plot were actually independent instances of judicial violence that will be explained in the next chapter. In fact, the most prominent instances of violence that occurred in Rome were committed not by Catiline or his co-conspirators, but by Cicero himself. Catiline had fled the city without harming anyone; the plot on Cicero’s life had been foiled;²⁰⁷ and the conspirators who were captured at the Mulvian Bridge, allegedly heading to Gaul to cause sedition, surrendered without almost without a fight.²⁰⁸ It was Cicero’s own personal bodyguard of equestrian men who nearly killed Julius Caesar after he had made his compelling speech in favor of clemency for the conspirators. They

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²⁰⁷ Sall. *Cat.* 28.2-3.
²⁰⁸ Cic. *Cat.* 3.5; Sall. *Cat.* 45
grabbed him as he was leaving the Temple of Jupiter Stator, and only escaped with the help of his friend Curio, who shoved him out the temple’s threshold to safety.\(^{209}\)

It is well known that Cicero ordered the captured conspirators controversially executed without trial in the Carcer, the fearsome state prison a few hundred meters west of the Curia. However, what is less frequently discussed is how he does it. Hoping to fight questions about the execution’s legitimacy as well as to start building a control over the city that rivalled Pompey’s, Cicero had them killed in a very particular way. Cicero’s process of killing the Catilinarian conspirators drew on the symbolism of the military triumph and the funerary procession in a way that was intended to legitimize his borderline illegal actions. In drawing on this symbolism, Cicero laid a momentary but powerful claim to the space of the entire Forum-Palatine complex that was calculated to raise his own political stature and compete with Rome’s foremost military figure, Pompey.

The captured conspirators were being held in the homes of prominent men of praetorian rank or above. Lentulus, the ringleader in Rome, was imprisoned in the house of Publius Lentulus Spinther, whose home was located on the Palatine Hill.\(^{210}\) Another conspirator, Statilius, was handed over to C. Julius Caesar who at this point had moved to the official residence of the Pontifex Maximus, which was located at the eastern end of the Forum directly east of the Atrium Vestae.\(^{211}\) Instead of having Lentulus summoned to him, Cicero very publicly ascended the Palatine to retrieve him. Plutarch describes the pair’s return to the Forum in a tense and topographically-minded paragraph:

> And first he took Lentulus from the Palatine hill and led him along the Via Sacra and through the middle of the Forum, the men of highest authority surrounding him as a body-

\(^{209}\) Sall. *Cat.* 49; Plut. *Caes.* 7.7-8.3.

\(^{210}\) Plut. *Cic.* 22.2.

\(^{211}\) Plut. *Caes.* 7.1-5; Sall. *Cat.* 49.1-3; Suet. *Jul.* 16, 46
guard, and the people shuddering at what was being done and passing along in silence, and especially the young men, as though they thought they were being initiated with fear and trembling into some ancient mysteries of an aristocratic regime. When Cicero had passed through the forum and reached the prison, he delivered Lentulus to the public executioner with the order to put him to death. Then Cethegus in his turn, and so each one of the others, he brought down to the prison and had him executed. (Plut. *Cic.* 22)

Having retrieved Lentulus from Spinther’s home on the Southwest of the Palatine, Cicero likely descended the Clivus Palatinus northwards, and then took a left to join up with the Sacra Via as it entered the Forum. Cicero’s route into the Forum was one that was loaded with immense symbolism. Once he joined with the Sacra Via, Cicero was following the route of Rome’s most prominent public rituals, the funeral procession and the triumph of a victorious general.

As Diane Favro and Christopher Johanson have concluded, aristocratic funeral processions were arranged to begin along the Sacra Via, beginning from the house of the deceased. They then descended the Sacra Via, crossed the forum’s plaza, and stopped at the Curia-Comitium complex. A general’s triumph joined the Sacra Via and followed the same route into the Forum. In a triumph, the general started out on the Campus Martius and entered the city at the slopes of the Capitoline Hill. The triumph wound its way across the Circus Maximus, north around the Palatine Hill, and turned west across the Velia to meet up with the the Sacra Via as it entered the Forum.

As with a funeral procession, Cicero was surrounded by members of the nobility—“men of the highest authority”—who helped guide Lentulus, soon to be a corpse himself, to his final

213 Mary Beard, *The Roman Triumph* (Cambridge, MA: Harvard University Press, 2007), 81; Favro and Johanson, "Death in Motion: Funeral Processions in the Roman Forum," 16. A triumphant general would have a much longer path. The Triumphal procession would enter the city from the Porta Triumphi
d214 Beard, 2007, 335.
destination. Most importantly, as with both funerals and triumphs, all eyes were watching. Triumphs and funeral processions were consuming and overbearing affairs, particularly if you lived along the procession route through the clustered Palatine, where both types of procession clogged up the streets; They were also captivating acts of street theater that were hard to ignore. Plutarch’s description of “the people shuddering at what was being done and passing along in silence” suggests that the onlookers are transfixed as they would be with a funerary procession or a triumph, but in grim horror. Aristocrats and day laborers alike stopped to watch Cicero’s descent towards the Forum.

Usually, triumphs would finish by ascending the Clivus Capitolinus to provide offerings at the Temple of Jupiter Optimus Maximus. However, occasionally they would pause at the Carcer to drop off prisoners to be executed. The Carcer was Rome’s only public prison building. In its basement was the fearsome dungeon called the Tullianum, where executions of non-citizens took place. It was located in a complex that Eric Kondratieff calls the “topography of punishment,” a cluster of sites associated with Rome’s judicial process. The Carcer was close to the old location of the courts and the Praetor’s Tribunal, which had stood on the northwestern curve of the Comitium until 74 BCE. The Carcer was separated by a small path from the Basilica Porcia, outside of which the tribunes of the plebs sat stationed on wooden benches, prepared to intercede—

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217 Ibid.
or choose not to—on behalf of citizens about to be imprisoned or executed.\textsuperscript{219} Looming fearsomely above the Carcer on the slope of the Capitoline hill was the Tarpeian Rock, the ancient site of execution from which citizens accused of capital crimes were thrown.\textsuperscript{220} As a general’s triumphal procession approached the Carcer, it thus drew on old and visceral associations of legal punishment to legitimize the general’s actions.

Cicero’s procession stopped here, and committed Lentulus to the executioner. As Richardson notes, traditionally, only non-citizens were executed in the Carcer. Cicero’s execution of Lentulus, a leading Roman citizen, was then unorthodox. Then again, the entirety of Cicero’s process was unorthodox, and of dubious legality as the conspirators had received no formal trial. As Mary Beard writes in her book \textit{The Roman Triumph}, “the killing of the leading captives [in a triumphal procession] was not ‘ancestral custom’ at all.” In fact, the execution of captives, particularly those that were potentates or commanders, was “something that was rarely done.” However, Beard argues that executing captives was so rare that when it was done, it had an “exemplary, mythic quality.”\textsuperscript{221} By killing the conspirators in the Tullianum, Cicero was drawing on ancient traditions to provide a sort of sanction for his own questionable actions. In Cicero’s war, Lentulus and his conspirators were akin to were the defeated captives. Cicero’s escorting of Lentulus drew explicitly on the imagery of a captured foreign potentate—what Beard calls a “celebrity prisoner”—publicly debased in the triumph.\textsuperscript{222}

\textsuperscript{220} Kondratieff, "Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal," 327.
\textsuperscript{221} Beard, 2007, 131.
\textsuperscript{222} Ibid., 119-24.
Cicero’s show of consular strength, with its allusions to military force, carried semantic overtones that he may have hoped would legitimize—hallow, even—his rather hasty decision. As Fergus Millar notes, the scene Plutarch describes resembles “a sort of ritual.” Cicero was not a conquering general, but he was consciously drawing upon the triumph’s violent connotations. As K. H. Waters argued convincingly in 1970, Cicero was attempting to make the most of the conspiracy for his own personal gain, and fancied himself rising through his defeat of the conspiracy to the level of eminence that Pompey had achieved through war. In his Third Catilinarian oration to the senate after the conspirators’ capture, he compared the conspiracy to a war—“the very greatest and most cruel war within the memory of man.” He also compared his service to “those that have carried on foreign wars.” Plutarch’s subsequent, lighter description of Cicero being escorted home after the execution “with cries and clapping of hands as he passed along, calling him the saviour and founder of his country” evokes the scene at a celebratory victory triumph. To his critics, Cicero certainly looked like he was attempting to accumulate a militaristic-type prestige. In addition to his lictors, Cicero used the opportunity of the conspiracy to justify having a bodyguard of armed equites, the same ones who nearly murdered Caesar after the senate debate on the conspirators’ fate. Plutarch’s reference that Metellus Nepos and Caesar introduced a bill directly after the execution of the conspirators in order to recall Pompey from abroad not to deal with Catiline’s army, but Cicero’s increasingly arbitrary power, indicates that

\[224\] Cic. Cat. 3.25.
\[225\] Cic. Cat. 3.27.
\[226\] Plut. Cic. 22.5.
Cicero was perceived of as taking advantage of his emergency powers in an increasingly militaristic way, perhaps with the intent to rival Pompey himself.\textsuperscript{227}

This is not to argue at all that Cicero, was aiming at a dictatorial rule, as his critics later would crow when they exiled him in 58 for the execution of the prisoners. However, the analysis above exists to highlight two aspects of Roman politics that become increasingly important in the 50s. The first is that topography in Rome should be viewed as relational. The conspirators’ execution cannot be thought of simply as occurring at the Carcer. As this section has shown, a whole symbolic and freighted process that drew on multiple topographical relationships preceded Cicero’s arrival at the prison. By bringing the conspirators down personally to the Tullianum, Cicero created a topographic link between the aristocratic homes on the Palatine Hill and the Western end of the Forum. Had Cicero simply waited at the Carcer and had somebody else led the prisoners down, the deed would have been done, but it would have lacked symbolic power. By utilizing the entire space between the Carcer and the Palatine, not just a fragment of it, Cicero legitimized his executions with performative spatial action.

Secondly, by evoking a military triumph, Cicero laid a personal claim to the space between the Forum. For the brief time that he was the \textit{triumphator}, for those moments that led Lentulus down from the Palatine, Cicero extended his personal authority all the way from Lentulus’ house on the Palatine to the Carcer—and over everything in between. An execution in the Forum allowed Cicero to strike fear and respect into the hearts of residents on the Palatine. This “personal claim” was something that would happen increasingly often in the 50s. Cicero, Pompey, and Clodius increasingly battled over larger and larger swaths of Rome’s space, using violence to claim a type

\textsuperscript{227} Plut. \textit{Cic.} 23.4-5.
of personalized control over public and private spaces. Cicero’s execution of the conspirators should be seen in that light.

“They drove him out of the Forum”: Widening the Space to be Controlled

Cicero’s command of the entire Forum—presaged a shift in the battles over political space. Instead of fighting over specific pieces of topography—the Curia, the Rostra, the Saepta, the Area Capitolina—the entirety of the Forum became up for grabs. As individual actors became more accustomed to using violence, it was no longer sufficient to have control over the Rostra, the Forum, or even the Curia: A politician needed to control as much of it as possible in order to be successful. One of the most visceral examples of this process is the battle over the Lex Fabricia in 57. The law was a proposal to recall Cicero from exile promoted by the tribune Fabricius, a Ciceronian ally. Aligned against Fabricius was Clodius, who was determined to prevent Cicero’s return.

In a novel move, both groups descended to the Forum not at daybreak, the traditional time to arrive at a comitia, but at night. Each was trying to get a better field position vis-à-vis the Forum’s legislative topography. Fabricius’ group had arrived first—as a result, they took the Rostra. During a tribunician comitia, the Rostra was the most important objective. It allowed the presiding magistrate to oversee the voting below his feet. Additionally, if you were excluded from the Rostra, you could not interpose a tribunician veto to stop the proceedings. Fabricius’ group was large. He was supported by seven other tribunes, each of whom likely had their own clientelia and personal supporters. On the Rostra with them was Cicero’s brother Quintus, who had come to make a personal appeal for his brother’s recall. Clodius’ group arrived second.

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228 Cic. Sest. 75.
229 Vanderbroeck, 1987, 245.
Realizing that Fabricius had already occupied the Rostra, Cicero writes that Clodius took everything else: “They had occupied the Forum, the Comitium, and the Curia, at an early period of the night, with a number of armed men and slaves.”\(^{230}\) When Cicero says “Forum,” he likely means the space directly in front of the Rostra, where the *saepta*, *pontes*, and *cistae* for voting were set up. Cicero’s comments that Clodius also occupied the Curia and the Comitium do not have to mean literally that his supporters were inside the Curia, but should be taken to mean that Clodius’ forces surrounded the Rostra from the area of the Comitium, on the edge of which was the Curia.

At daybreak, Clodius’ allied tribunes attempted to climb the Rostra’s stairs to interpose their vetoes, but they were stopped by Fabricius’ supporters. Frustrated in his attempts to legally obstruct the vote, Clodius put his supporters into action (\(^{#34}\)). As Dio reports, Clodius had borrowed a set of leftover gladiators from a set of funeral games his brother Appius had recently held.\(^ {231}\) These gladiators, along with Clodius’ usual coalition of plebeian supporters, surrounded Fabricius’ group on the Rostra. Fabricius and his men put up a fight, but were no match for Clodius’ superior numbers and his professional gladiators. Fabricius, Q. Cicero, and the other tribunes fled the Rostra down into the area of the *saepta*, and unspecified number of people were killed in the voting enclosures. Cicero paints a hyperbolic picture of the bloodshed, claiming later that his brother only escaped death by hiding under the bodies of the dead in the *saepta*: “Having been driven from the Rostra, he lay down in the place of the *comitia*, and covered himself with the

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\(^{230}\) Cic. *Sest.* 75. Although Cicero writes that Clodius had arrived earlier in the night, Vanderbroeck notes that this information is more indicative of Cicero’s strategy to prove Sestius’ innocence that of the truth. The fact the Fabricius’ group managed to occupy the Rostra suggests that they did in fact arrive first.

\(^{231}\) Dio 39.7.2.
corpses of slaves and freedmen.”

When another pro-Ciceronian tribune named Marcus Cispius arrived to the Forum with reinforcements, Clodius’ group drove attacked him as well. Cicero writes “They drive away by force [vi depellerunt] Marcus Cispius…as he was coming into the Forum.”

In August, Cicero’s supporters tried again to recall him from exile. Realizing that the Forum was too vulnerable to Clodius’ attacks, they decided instead to hold the vote in the comitia centuriata, the archaic and cumbersome assembly used to elect consuls. Procedurally, the assembly was slanted towards the wealthier citizens, whose votes mattered more. Perhaps more importantly, it voted on the Campus Martius, the flat plain to the west of the city. It would be harder for Clodius to obstruct voting there, as opposed to in the constricted space of the Forum.

Before the vote, there was a preliminary contio held in the Forum, and Pompey planned to use it as a last-ditch effort to demonstrate that Clodius’ control over the space could be broken. Pompey escorted the contio’s main speaker, a skittish Quintus Cicero, down from the Palatine along the Sacra Via. They were surrounded by a large band of armed men. Following them was a procession of municipal elites, wealthy equestrians, and members of Pompey’s rural veteran clientele, who all had arrived in the city for the sole reason of voting for Cicero’s recall. At some point during the contio, Clodius’ plebeian supporters attempted to attack the gathering (#37). However, Pompey was prepared. His armed men—some of whom may also have been military veterans—fought back. There were wounded on both sides, but Pompey ultimately got the better

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233 Cic. Sest. 76.
234 Tatum, 1999, 183-84.
235 At the time, both Pompey and Q. Cicero lived east of the Forum; Pompey had just spent the remainder of 57 barricaded in his home on the Carinae by Clodius’ mobs, and Q. Cicero had a home on the Palatine Hill and on the Carinae near Pompey.
236 Plut. Cic. 33.3; Pomp. 49.3.
of Clodius. The former tribune and his forces were expelled from the Forum \[\textit{ἀναστήσας ἐκ τῆς ἁγορᾶς}\] and the \textit{contio} continued undisrupted, followed immediately by the vote to recall Cicero.

The battles over Cicero’s recall had demonstrated that conflicts in the Forum were becoming increasingly complex, and of a larger scale than in the previous decade. Before 57, there are few recorded deaths during instances of violence in the Western Forum.\textsuperscript{237} Fatal violence was often threatened, and it was that threat that often proved so powerful a tool in intimidating a magistrate, group, or even the assembled Senate. However, the battles over Cicero’s recall saw bloodshed on an unprecedented scale for the period. They also saw an expansion of the space that was intended to be controlled. As Fabricius’ aborted stand on the Rostra demonstrates, merely controlling one piece of topography was no longer sufficient. Clodius’ group got the upper hand by surrounding Fabricius’ group by claiming the Comitium and the open Forum space for themselves. Pompey’s show of force at the \textit{contio} preceding the vote to recall Cicero was his answer to Clodius’ widening zone of control. Clodius’ large numbers of occupying \textit{plebs} and gladiators could only be countered by even larger supporters from the countryside. However, Clodius, it seems, had the last laugh. The fact that Cicero’s supporters were forced to resort to the \textit{comitia centuriata} on the relative safety of the Campus Martius was in itself a symbolic expulsion from the Forum. Using it for the recall bill was a less-than tacit admission that Clodius had achieved a sort of legislative dominance over the Western Forum’s voting space. Legislative success no longer depended on being able to expel opponents from the Saepta or control the voting apparatus, but the ability of actors to expel opponents from the entire Forum. The verbs \textit{depellerunt} “expel” and \textit{ἀναστήσας}, “drive out” are meant to be taken literally.

\textsuperscript{237} Gaius Manilius’ attempt to pass his law distributing freedmen’s votes from the Area Capitolina (\#9) is one.
In 55 BCE, the events of the battle over the Lex Fabricia repeated themselves, albeit with some topographical innovations. Rome’s politicians had clearly learned the experiences of the past few years. Pompey and Crassus had been elected consuls in 56 with the aid of violence on the Campus Martius (#52), and they intended to pass a tribunician law granting themselves five-year proconsular terms in Spain and Syria respectively, as well as extending Caesar’s proconsular term in Gaul for five years. They chose the tribune Trebonius to propose the legislation. However, the law was opposed by Cato and a coalition that included two tribunes, Aquilius Gallus and Ateius Capito.\textsuperscript{238} Cato had used violence other times to combat the triumvirs, and he could be expected to do so again.

The night before the vote, forces descended to the Forum as they had in 57. Like the Lex Fabricia, the Lex Trebonia was a tribunician proposal that would be passed in the comitia plebis tributa. This also meant that the assembly could be dismissed by another tribune, should he be able to mount the Rostra. Thus, it was critical for Cato’s group to get either Aquilius or Ateius on the Rostra in order to dismiss the assembly. For Trebonius, it was equally critical to ensure that neither tribune made it up the Rostra’s stairs. Aquilius in particular was rightly worried that Trebonius would attempt to keep him out of the Forum or attack him—or both. Dio writes that, “Hence Gallus, fearing that some one might on the next day keep him from the Forum or do something worse still, went into the Curia in the evening and passed the night there.”\textsuperscript{239} Protected during the night by the Curia’s walls, he planned to be the first to reach the Rostra the next morning and dismiss the comitia.\textsuperscript{240} However, Trebonius anticipated Aquilius’ actions. When his group came

\textsuperscript{238} Vanderbroeck, 1987, 257.
\textsuperscript{239} Dio 39.35.3.
\textsuperscript{240} Dio 39.35.3. Dio writes that Gallus chose the Curia partially “for the sake of the safety afforded by the place.”
down after Aquilius, Trebonius barred the doors of the Curia, leaving Aquilius locked inside for the entire day (#56).  

Aquilius neutralized, Trebonius solidified his position. With the aid of men provided by other colleagues in the tribunate, multiple consular and tribunician lictors, and armed gangs organized by Pompey and Crassus, Dio writes that Trebonius “occupied the meeting-place of the assembly by night and barred out Ateius, Cato, Favonius, and the others with them.” The physical details are vague, but rather than let the opposing group find a foothold, it appears that Trebonius and his group fortified the space of the *comitia* with some sort of human barrier. Potentially they had set up guard-posts around the *comitia* space. It is clear from the events of the morning that they had not only occupied the Forum’s *saepta* and central space but also the Rostra. Ateius deemed the Rostra so inaccessible that instead of trying to mount it, he and Cato clambered onto the shoulders of individuals in the crowd waiting to vote. Ateius may have been trying to get high enough above the crowd to shout out his tribunician veto. However, Trebonius’ lictors knocked them to the ground and hustled both out of the Forum. Trebonius’ other supporters engaged Cato and Ateius’ supporters, wounding many and killing a few (#57). Despite the violence, Trebonius’ hold on the Western Forum remained solid. Cato’s group had not managed to damage the voting apparatus in any way, so the *comitia* continued and passed the law.

**Towards an Expanding Field of Battle**

The battle over the *Lex Trebonia* demonstrates a clear development towards a desire—and a need—to control increased amounts of space in the Forum. Whereas earlier legislative assemblies depended on one piece of topography, these battles in 57 and 55 border on attempts to

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241 Dio 39.35.4.  
242 Dio 39.35.2-4.  
243 Dio 39.35.5
try and control the entirety of the Forum. Political violence in the Forum was not successful unless the Curia, Rostra, central Forum space, and even entrances to the Forum could be controlled. As the three examples of this chapter have shown, controlling topography was becoming increasingly relational. Whereas in chapter II, possession of a single space was enough to achieve a political goal, politics in the Forum was characterized by possession and exclusion. Returning to Cicero’s use of the execution-cum-triumph to claim control of the Forum, if briefly: The next chapter, on the Eastern Forum, will document an increasing trend towards the use of violence to programmatically impose a type of private control over parts of the city. Cicero, Clodius, and Pompey all experimented with this type of personalized spatial politics, but Clodius is the one who truly developed it in a calculated way. The themes of exclusion and personalization are ones that will be further explored in the subsequent chapters.
Chapter IV: Personalizing Space in the Eastern Forum

Eighteen of Rome’s 67 instances of political violence took place in the area this thesis is describing as the “Eastern Forum” (Fig. 1). The area I describe was bounded by the Basilica Aemilia to the North, and the Temple of Castor and Pollux to the south. Romans would have considered the Regia and the Fornix Fabianus the closest thing to an “entrance” of the Forum in the modern sense. However, I have included the first part of the Sacra Via leaving the Forum as far as the Temple of Jupiter Stator. Before 75 BCE, the space between the Temple of Castor and Pollux, the Basilica Aemilia, and the Regia was unoccupied. However, after Cotta’s restructuring in 75, this space was afterwards occupied in part by the court of the urban praetor. The zone, like the Western Forum, was defined by its role as a crossroads: The thoroughfares of the Via Sacra, Vicus Tuscus, and Scalae Graecae all opened into the area.244 The Eastern Forum also like the Western Forum, had a commercial character.245 A large section of the tabernae fronting the Basilica Aemilia opened up onto the Sacra Via and the court space. Directly to the southwest of the Temple of Castor was the Velabrum, which housed workshops and storehouses.246 Even the ostensibly residential Sacra Via was packed with commercial activity, as aristocrats with houses along the road rented out spaces along their facades to artisans and shopowners to set up stalls. People were constantly moving in and out of the Eastern Forum, shopping, selling, and transacting. The Temple of Castor, which had a symbolic associations with popular politics, lent the area a popularis air. Though, like all spaces in ancient Rome, the presence of the aristocracy was felt looming up ahead. Behind the temple of Castor, the Palatine Hill rose steeply, ascended by a set

244 Russell, 2016, xix.
245 Ibid., 48.
246 Coarelli, 2007, 78.
of stairs called the Scalae Graecae. On it were the large, visually impressive homes of Rome’s elite, watching the Forum like guards.

Figure 9: The Eastern Forum

Courtroom Permeability and Judicial Violence

After L. Quinctius’ occupation of court proceedings during Junius’ trial 74, there are no recorded instances of violence at the courts until the year 66. However, between 66 and 52, there were 8 instances of political violence that took place at the courts. The lack of physical barriers around the courts, and its location in the busy flow of the Forum provided an opportunity for groups, large and small, to disrupt trials. Unlike violence in the Western Forum, which was often spontaneous and less organized, judicial violence was almost always the result of an organized group. The mid-60s saw multiple politicians hoping to prevent convictions use personalized gangs to intimidate or physically attack court proceedings. The predictable time and location—a result
of the lack of a concept of a change of venue—meant that the state’s only recourse to violence was increased strength in numbers. Magistrates hoping to prevent physical interruption used their lictors and senatorial bodyguards to ring proceedings, with marginal success. It was only in 52 that Pompey managed to imperfectly prevent judicial disruption at the cost of bringing the space of the entire Forum under his coercive personal control.

Important to keep in mind for this section is the setup of the Roman open-air courtroom, summarized in Chapter I but repeated here for clarification. The center of the proceedings was the urban praetor, who sat on a curule chair on his wooden tribunal stand built by Aurelius Cotta, about a meter above the ground. In front of him were the wooden benches of the jurors. Past the jurors were the benches of the litigants and their advocates, separated by an open space which provided. Behind the litigants’ benches would be more benches for the litigants’ immediate supporters, mostly close personal clients and family. On these secondary benches might also be additional scribes and junior advocates. Surrounding the entire setup would be the corona, the ring of spectators that watched the trials. Flowing around the corona was the daily life of the Forum.

Not far, possibly to the south of the court space was the Gradus Aurelii, the wooden grandstand set up for extra spectator seating at the tribunal. While calling the space in which the urban praetor’s trials took place a “courtroom” may have an uncomfortably modern feel, I follow Leanne Bablitz in using the term. The “courtroom” was delineated by physical objects—stands, benches—and the people who filled them. However, no physical barriers separated the corona from the

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248 Millar, 1998, 40; Kondratieff, "Reading Rome's Evolving Civic Landscape in Context: Tribunes of the Plebs and the Praetor's Tribunal." Millar and Kondratieff have the seating of the Gradus Aurelii facing north to face the Praetor’s tribunal. The iudices who sat in front of the Praetor’s tribunal would have looked south, which accounts for Cicero’s comment that the jurors can see the Temple of Castor right before their eyes (Clu. 93).
litigants and jurors. This accessibility is critical to keep in mind when reconstructing instances of judicial violence.

*Patterns of Organized Judicial Violence, 66-61*

After a nearly decade-long respite, violence returned to the courts with the same type of disruptive tactics seen in the legislative assemblies in the previous chapters. In 66, the two men elected for the consulship of 65, P. Autronius Paetus and P. Cornelius Sulla, had been charged with *ambitus* (electoral corruption). Their prosecutors were L. Aurelius Cotta and L. Manlius Torquatus. Sometime after July, Autronius’ trial began. The trial’s outcome had particularly high stakes—a conviction would result in Autronius being stripped of his office—and we can assume benches of the court and the Gradus Aurelii would have been packed full with witnesses, family, clients, and spectators. Around the court flowed the life one of the busiest sections of the Forum, with pedestrians entering and exiting from the Sacra Via, people conducting business on the steps of the nearby Temple of Castor which loomed over the court from the south, and the shops and bank-tables associated with the Basilicas Aemilia and Sempronia. Interested passerby would have no doubt stopped to watch the prosecution of a consul-elect. As examined earlier, the courts sat in the middle of this commotion at ground level with little protective fencing. As demonstrated earlier with L. Quinctius’ invasion of Verres’ courtoom during C. Junius’ trial in 75, these locational factors made the Roman courts easily permeable.

Autronius was the first in his family to reach the consulship, and did not want to lose it all through a bribery conviction. To defend his newfound prestige, Autronius hoped to disrupt the proceedings. On the day of the trial, Cicero reports in his *Pro Sulla*, delivered four years after the

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249 Dio 36.44.3.
250 Asc. 57C, 60C; Cic. *Sull.* 30, 49; Dio. 36.44.3. Cotta and Torquatus would become the consuls after their convictions of Autronius and Sulla.
events, Autronius used a heavy-handed attack on the court by an organized gang under his command (#10).

[Autronius] tried to disturb and get rid of a prosecution for bribery by raising in the first instance a sedition among gladiators and runaway slaves, and after that as we all saw, by stoning people, and collecting a violent mob.\textsuperscript{251}

Some aspects of Cicero’s report are exaggerated and designed to mis-represent Autronius, such as the allegation that Autronius commanded runaway slaves. This description comes during Cicero’s defense of P. Cornelius Sulla—Autronius’ consular colleague who was also convicted of ambitus in 66—against charges of participating in the Catilinarian Conspiracy of 63. Autronius himself was convicted in 62 for participating in the Conspiracy, and Cicero throughout \textit{Pro Sulla} uses the negative comparison of the seditious Autronius as a foil to demonstrate Sulla’s comparative good behavior.\textsuperscript{252} However, despite Ciceronian rhetoric, it is entirely plausible that the attack was organized by Autronius’ legally-owned slaves, some of which were gladiators. By the late Republic, gladiatorial games had a central and entrenched role in popular entertainment. It was the custom for wealthy politicians to hold gladiatorial games to gain public prestige, and the leftover gladiators were easily converted to a bodyguard as part of a politicians’ retinue.\textsuperscript{253} Autronius was merely one of the first in this period to turn his bodyguard into a riot squad.\textsuperscript{254}

Because the attackers are described as throwing rocks as opposed to physically entering or upending the courtroom, it seems possible that the group appeared after the trial had begun and found themselves on the outside of what must have been a rather large corona of spectators, given

\textsuperscript{251} Cic. \textit{Pro Sulla}, 15.
\textsuperscript{252} Ibid. Cicero contrasts the violent Autronius with the mild and law-abiding Sulla, who “sought no other assistance” at his trial, throughout his defense speech in an attempt to demonstrate the latter’s good graces.
\textsuperscript{253} Lintott, 1968, 76 n. 1, 83-5.
\textsuperscript{254} See Lintott, 1968, 84 for a list of the politicians who mobilized gladiatorial gangs for violence.
that this was a high-profile trial of an elected consul. The attack was designed to cause damage and harm. The tables of scribes and time-keepers may have been knocked over, and the crowd around the court sent into a panic. The praetor, his lictors, the prosecutors, and even Autronius would have been forced to take cover with all of the projectiles flying about in the packed space. Autronius’ gang must have been of a significant size, as Cicero calls it a concursus, a “mob.” As with C. Junius’ trial, the assembled gang could have additionally drowned out participants with shouts.

It is unclear what the immediate result of Autronius’ attack was, as Cicero provides few details.255 Despite his best efforts, Autronius was at some point convicted of ambitus and deprived of his office.256 Given the accessibility of the court and the large amount of tumult that Cicero implies, it is likely that the trial was significantly disrupted by Autronius’ attack, and the court adjourned by the praetor. However, Autronius’ reprieve was brief. The court reconvened on a later day and Autronius was convicted, Asconius informs us.257

Autronius’ act had immediate imitators. Also in 66, C. Cornelius, the tribune who caused Cn. Piso much trouble in 67, was indicted on charges of maiestas by two brothers named Publius and Gaius Cominius.258 The charge was related to the assembly on the Rostra in 67 which resulted in the stoning of Piso (#6).259 Cornelius used a more subtle and targeted version of Autronius’

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255 Cic. Sull. 15.
256 Asc. 75C, 80C; Cic. Sull. 15.
257 Asc. 75C, 88C. While Asconius tells us definitively that Autronius was convicted, he does not explicitly say that the trial was adjourned, although it is very likely. Political proceedings, especially trials, were frequently adjourned in the case of violence and resumed later. As will be shown with the subsequent trials of Cornelius and Manilius, both used violence to disrupt proceedings. Both trials were temporarily adjourned and resumed on another day and both were convicted. The process was likely the same for Autronius.
258 Asc. 59C
259 Asc. 60-61C. The Cominii asserted that in reading out his bill over the veto of his colleague Globulus and presiding over an attack on the consul Piso, Cornelius had damaged the maiestas of
riotous intervention, and was more attentive to both topography and timing. The trial took place in
the court of the praetor L. Cassius Longinus. On the tenth day after the Cominii filed their
indictment, both they and Cornelius were legally obliged to appear in court. However, on that day,
the praetor Cassius was conspicuously absent. Asconius writes that he may have been called away
to publicly account for his conduct while commissioner of the public corn supply. However,
Asconius also suggests that Cassius had intentionally not appeared “to do the defendant a
favour.”

As the brothers Cominius stood up in front of the praetor’s tribunal stand, conspicuously empty, they suddenly found themselves cornered by men who ringed threateningly around them (#11).

How these men got into the courtroom is left unexplained, not hard to reconstruct. They could have been just outside the court within the corona of spectators and burst in at a planned time. They also could have been seated in the benches behind Cornelius, as often did the litigant’s supporters, and quickly forced their way up to the front of the courtroom with ease. Without the praetor present, there was no figure representing magisterial authority to stop them. Asconius describes the men as noti operarum duces, “known-gang-leaders.”

Vanderbroeck suggests that they were organized through a collegium, one of Rome’s associations that were popular among poorer plebs and freedmen. It is unclear whether the group was organized by Cornelius himself, or by a group that acted on his behalf. From the lack of mention

the tribune. Asconius’ description of the charge comes not from this trial in 66, but from
Cornelius’ actual maestas trial in 66, at which Cicero delivered Pro Cornelio. However,
Asconius records that the accuser in the later trial was one of the Cominii, and the charges would have been the same as in the first trial.

Asc. 59C
Ibid.
Ibid.
Vanderbroeck, 1987, 228.
Asc. 75C. Cicero, in his later defense of Cornelius in 65, mentions a collegia with the name of
Cornelius, which Vanderbroeck suggests could be associated with this C. Cornelius. However,
he concedes that this collegia might have more relation to the group that organized the slaves
of large mobs or similar language, it appears that there were no actual gangs present, just their leaders.\textsuperscript{265}

Regardless of who employed them, the gang-leaders evidently wanted Cornelius acquitted, and they had the Cominii cornered. Boldly in front of the courtroom, this group of men openly “threatened them [the Cominii] with death, if they did not desist forthwith” and rescind the charge against Cornelius.\textsuperscript{266} However, in a confluence of time and topography fortunate for the Cominii, the Consuls of 66, M. Aemilius Lepidus and L. Volcatius Tullius, happened to be strolling down the Sacred Way to conduct business in the Forum. Their path, as has been shown, took them directly by the location of the courts.\textsuperscript{267} As they came into sight of the courtroom trailed by their combined twenty-four lictors and personal retinues of clients, the gangleaders fled, apparently unwilling to enter into pitched battle with the consuls’ veritable squadron of attendants. Despite being saved from immediate danger, the gang-leaders’ threats left a huge impression on the Cominii. Instead of resuming the trial, the “The Cominii had taken refuge in some kind of garret, 

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freed by P. Cornelius Sulla the dictator. Whatever their relation to Cornelius, the effect was the same. 
\textsuperscript{265} Asc. 59-61C. The fact that the gangleaders dispersed when the consuls arrived with their twenty-four lictors indicates that they were not attended by a large gang or mob as in Autronius’ trial. 
\textsuperscript{266} Asc. 59C. 
\textsuperscript{267} Asconius 60C states that “They [the Cominii] escaped this peril with difficulty, on the intervention of the consuls, who had come down as advocates for the defendant.” Like Sallust’s description of Octavius and Cotta entering the Forum from the Sacra Via, and Asconius’ description of Piso re-entering the Forum, Asconius here uses \textit{descenderant}, which connotes a descent into the Forum. R.G. Lewis’ commentary on this section argues that Asconius is mistaken about the Consuls’ support for the defendants and says that “it is merely their arrival, presumably with lictors, that dispersed the gangleaders.” He also notes that they need not have intended to scatter Cornelius’ support,” either. It appears most likely that the consuls arrived coincidently at the right moment. Rome’s small area and close distances between important political functions facilitated this sort of coincidence.
\end{flushright}
locked themselves in and stayed their in hiding until nightfall.”

Evidently, although there was no violence used at the trial, the gangleaders’ threats had significant credence. The fact that the Cominii went into hiding implies that members of their gangleaders’ gang or collegium were on the hunt for the brothers, or at least they feared so. Rome was a relatively small city, and the Cominii could not expect to stay concealed for long. The Cominii even judged the streets too unsafe to use. Therefore, at night, they “fled from the city over the roofs of the adjoining buildings.”

The next morning, the Cominius brothers were far from the city, and the praetor L. Cassius was conveniently present again at his tribunal. When the Cominii failed to present their accusation, Cassius struck Cornelius’ name from the indictment list.

One more trial followed this pattern. In 65, Gaius Manilius was charged with corruption while in office—however, his accusers actually intended to punish him for his violent and unorthodox attempt to redistribute the freedmen’s votes from the Capitol. Although that legislation had been ill-fated, Manilius won popular support for his more famous Lex Manilia de imperio Cn. Pompeii, which—in the vein of Gabinius’ pirate bill—transferred command of the war against Rome’s enemy Mithridates of Pontus to the wildly popular Pompey. In 66, Cicero was praetor, and was at the time was strengthening his existing relationship with Pompey. So Manilius could be tried in his own court, Cicero attempted to accelerate the trial process and scheduling his court appearance before the statutory ten days provided to a defendant to prepare his case had elapsed. Sensing an injustice—or perceiving that they could create one—two tribunes forcibly

268 Asc. 60C: “The Cominii had taken refuge in some kind of garret, locked themselves in and stayed their in hiding until nightfall.”
269 Asc. 60C.
270 Ibid.
dragged Cicero up to the Rostra and demanded that he account for his actions (#12). Cicero faced the hostility of an angry crowd and was denounced by the tribunes. As Chapter II demonstrated ad nauseam, the Rostra was an effective tool to compel compliance. Not only did Cicero allow Manilius his requisite ten days, but he promised to defend Manilius himself.

When the trial began in early 65, Manilius looked to the strategy of Autronius and Cornelius before him. Asconius reports that on the day of the trial, Manilius had “broken up the trial by means of gang-leaders” (#13). Dio correspondingly records that “a tumult that immediately arose prevented the court from being convened.” While no other details are supplied, the previous examples demonstrate the mechanics of how the physical disruption could have taken place. In this case, it is likely that Manilius’ gang-leaders had brought their adherents with them, intending to cause the most disruption and intimidation possible. Plebeians in the Forum nearby may also have joined in when they saw efforts being made to prevent the prosecution of a popular champion. Like the others, Manilius’ trial was adjourned momentarily.

Dio’s comment that the court was not only interrupted, but prevented from being convened in the first place reveals a relationship between topography, accessibility, and timing. Because trials took place at specified times and in an unchanging location, defendants, prosecutors, and others with access to that information could convey it to a well organized group. The group then appeared at the exact time and place where the trial was going to take place, ready to use violence.

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272 Plut. Cic. 9.6-7; Dio 36.44.1-2. Plutarch writes τῶν δὲ δημάρχων αὐτὸν διαγαγόντων ἐπὶ τὸ βῆμα, “when the tribunes carried him onto the Rostra.” Cassius Dio writes that Cicero, having mounted the Rostra, complained that he did so only ἀναγκασθεὶς δῆθεν ὑπὸ τῶν δημάρχων, “having been forced in reality by the tribunes.”
273 Plut. Cic. 9.5; Dio 36.44.2.
274 Asc. 60C; Vanderbroeck, 1987, 229.
275 Dio 36.44.2.
to stop it before it even started. Rome’s courts had always been open-air affairs, like legislative assemblies and elections. As judicial violence increased into the 50s, as described below, magistrates opted not to move the courts to an interior location like a basilica or a temple. Instead, they would reinforce the site with more and more supporters. The reaction of the consuls of 65 was indicative of this reticence. Instead of changing the venue, they doubled down on defensive support. When the trial reconvened on a later date, both consuls stood in the court with their twenty-four lictors, determined to prevent further disruption.\footnote{Asc. 60C} The presence of the consuls had an impressive effect. Asconius writes that Manilius did not even bother to show up to the trial: “He had made no answer, and had been condemned.”\footnote{Ibid.}

The succession of disrupted trials in 66 and 65 demonstrate consistency in how topography and violence interacted in the court system in the Eastern Forum. Given the physical insecurity of the courts, the commotion caused by the bustle of everyday economic and religious life, and the large crowds that attended trials, instigating violence was relatively easy. Since trials happened in exactly the same place, at pre-determined times, a politician with a well-organized base of support could enact well-coordinated strikes on specific targets. The accessible nature of the court left it vulnerable to rowdy crowds around it, as in the case of Autronius and Manilius, as well as individual entry into the courtroom itself, as in the case of the gangleaders at Cornelius’ trial. However, the centrality of the courts also worked against individuals who hoped to disrupt or influence outcomes with violence. Their location close to the aristocratic homes on the Sacra Via and the Palatine Hill meant that magistrates—often wealthy men from senatorial families—could mobilize backup quickly. As the consuls’ arrival in Cornelius trial showed, the Forum had a
number of magistrates who could offer their support to quell violence on short notice. The courtroom could also be fortified by magistrates, who were supported by lictors and authorized to use legal force. The courts’ ability to adjourn and reconvene at a later time also posed a challenge to violent actors. Unless they could find a way to intimidate prosecutors, as did the gangleaders in Cornelius’ trial, there was always the chance that the opposite outcome could result when the trial re-convened. Even in that case, Cornelius’ violence was only temporarily successful. Publius Cominius returned to the city in 65 and charged Cornelius with maiestas again. This time, Cornelius had no gang supporters to protect him, and was convicted.²⁷⁹

The use of personal gangs would prove to be an enduringly successful tactic for defendants to escape prosecution. There was one more trial disrupted this way in 54.²⁸⁰ A former tribune named C. Cato was being prosecuted for violation of legislative procedure by Asinius Pollio. Seneca the Younger reports that during the trial, Cato’s personal clients arrived at the court and assaulted the prosecutor Pollio (#59).²⁸¹ Although it is unclear from Seneca’s account what the immediate result of the violence was, Cicero wrote to Atticus that Cato was acquitted.²⁸² Perhaps Pollio failed to re-appear to continue the prosecution, as had happened in Cornelius’ trial, or the jurors were intimidated into acquitting. As we have seen from the examples above, both are likely

²⁷⁹ Asc. 57-81C; Alexander, 1990, 105. The second, undisrupted trial is where Cicero’s fragmentary Pro Cornelio comes from.
²⁸⁰ This is not to suggest that the above trials were the only instances in the Late Republic where trials were disrupted by gang violence—but they are the only ones for which we have sources. Given the vast amount of litigation that took place in the Late Roman Republic, court disruptions must have occurred many more times than this section and chapter documents that fell outside of the realm of interest or the memory of our senatorial historians and writers. Many of those disruptions may have been caused by organized groups of personal supporters.
²⁸¹ Sen. Controversiae, 7.4.7.
²⁸² Cic. Att. 4.15.4, 4.16.5.
options. Cato’s tactics were by this time a run-of-the-mill exploitation of the court’s physical vulnerabilities.

*Attempts and Failures to Fortify the Court*

The presence of the consuls at Manilius’ trial showed an acknowledgement that defensive force was required to deter outside agitators. In Manilius’ trial, the consuls’ presence was preventative. However, three instances of judicial violence between 61 and 54 demonstrated that providing a fortifying force to protect prosecutors and jurors was not in itself a foolproof measure. The section of the Eastern Forum was by nature accessible, and once a crowd got close enough to the court, it was nearly impossible to stop them from influencing the proceedings, despite a fortifying bodyguard.

In 61, a young P. Clodius Pulcher faced a charge of *incestum* for multiple offenses of a scandalous nature, including violating the rites of the female-only Bona Dea festival, adultery with Caesar’s wife, and alleged incest with his sister.\(^{283}\) The trial was high-profile, and high stakes. Clodius, the scion of the wealthy Claudii Pulchrii family, was an ambitious man with his career ahead of him. If convicted, he faced the chance of exile, death, and worst of all, political disgrace. The prosecutors, advocates, and witnesses were all men and women of prominent aristocratic families who had brought their own family and supporters.\(^{284}\) Clodius likely had a significant crowd of supporters as well, composed of friends and clients of his famous family. Included in that

\(^{283}\) Tatum, 1999, 71-86.

\(^{284}\) Ibid., 80-83. The personages involved lent the publicity of something approaching a modern celebrity trial. Two future consuls, L. Cornelius Lentulus Crus (cos. 49) and Cn. Lentulus Marcellinus (cos. 56) were the accusers. Cicero, M. Porcius Cato, and L. Lucullus testified as witnesses, as did Julius Caesar’s mother Aurelia and sister Julia. C. Scribonius Curio (cos. 76), who had won a military triumph in Macedonia, testified on behalf of Clodius.
group was perhaps bands of youths, or family retainers, the type of personal client who could be counted on to cause violence should the proceedings not go Clodius’ way.285

The selection of jurors alone was a raucous process, with supporters from either side of the courtroom offering “cheers and counter-cheers” as jurors were rejected.286 When Cicero stood up to deliver his testimony as a witness, Clodius’ supporters caused attempted to shout him down. The approach was the same one that the supporters of L. Quinctius used when they swarmed the court during the trial of C. Junius in 74 and successfully intimidated the jury into conviction. Although Cicero did not admit himself cowed, the jurors were intensely disturbed. Perhaps inspired by the example of the consuls of 65 that prevented violence at Manilius’ resumed trial, the skittish jurors demanded a bodyguard to protect them when the trial resumed the next day.287 Cicero wrote to Atticus that in the Senate, “Our eminent Areopagites then exclaimed that they would not come into the court unless a guard was assigned to them.”288

Assigning a bodyguard—called a praeidium—was a measure the Senate did not take lightly. Usually, it depended on magistrates to use their lictors and personal clients to support them in maintaining order.289 Requests for official bodyguards were so infrequently granted—and skeptically treated—that even during the tension over the Catilinarian conspiracy in 63, Cicero did not request a bodyguard but enlisted private clients from the Equestrians as his guard.290

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285 Ibid., 81. At this point in his political development, Clodius had yet to organize his effective bands of demonstrators and rioters that Tatum calls Clodiani, recruited from members of the urban plebs. However, as a patrician from a politically powerful and wealthy family, he was guaranteed to have a devoted set of personal and familial clients willing to stand up for him in court.

286 Cic. Att. 1.16.

287 Cic. Att. 1.16; Dio. 37.46.2-3; Plut. Cic. 29.6, Caes. 10.7.

288 Cic. Att. 1.16.


290 Ibid., 52.
Bodyguards were granted only when the Senate considered that serious disturbances could occur unless there was a protective force. Such bodyguards were usually recruited from magistrates’ personal clients, and other citizen volunteers. It was not until a decade later would the praesidium be recruited from consular soldiers.291

The bodyguard seems to have been successful in preventing physical violence against the jurors. Although the remainder of the trial was probably noisy and boisterous as the first day had been, no author records a flat-out attack on the court as recorded in Autronius and Manilius’ trials.292 However, the bodyguard certainly did not fill the jurymen with courage, either. Plutarch writes that when it came time to vote, frightened jurors wrote the letters A—absolvo—and C—for condemno—with shaking hands: “most of [the jurors] cast their voting-tablets with the writing on them confused.”293 Plutarch further explains that “the majority of the jurors giving their verdicts in illegible writing, in order that they might neither risk their lives with the populace by condemning him, nor get a bad name among the nobility by acquitting him.”294 The jurors—with the exception of Lentulus Spinther, who dropped his ballot to convict into the voting urn with an elaborate flourish—were evidently fearful that they would be targeted for their votes.295 It seems that the show of force the day before had instilled in them a fear that the senatorial praesidium could not shake. Additionally, the fact that they had to resort to illegible scribbling to physically protect their vote from prying eyes suggests that Clodius’ supporters had arrived in force on that day and were close enough to the jurors to see the ballots. Although the jurors were defended, the entire area around the courts in the Eastern Forum was still permeable to public traffic. Even if

291 Ibid., 51.
292 Cic. Att. 1.16; Dio 37.46; Plut. Cic. 29.5-6.
293 Plut. Cic. 29.6.
294 Plut. Caes. 10.11.
295 Dio 39.6.2.
they were prevented from entering the immediate space of the court by the bodyguard, Clodius’ supporters could still ring around the bodyguards and make the usual intimidating noise and shouts (#24). When Clodius’ acquittal was announced, Clodius’ critics suggested that it was in part due to bribery, which modern scholars have agreed played a role.\textsuperscript{296} Despite allegations of bribery, it seems clear from Plutarch and Cicero’s reports that the threat of violence by Clodius’ supporters certainly influenced the conduct of the jurors.

One lesson of Autronius, Cornelius, and Manilius’ trials was that violence that disrupted the functioning of the court were effective in bringing proceedings to a halt in the short term. However, this had a flipside. The denouements of these trials showed that disruption of the courtroom worked only as long as one was continuously able to use violence. In all three cases the courts reconvened and handed down convictions when the accused declined to use violence, or was prevented from using it. Clodius’ trial suggests that a more effective method of ensuring a lasting reprieve from prosecution was not to target the immediate proceedings of the court, but threaten violence against individual jurors who would have to deal with the consequences after the trial was over. Jurymen might be safe within the circle of the bodyguard surrounding the court, but once they left the safety of the bodyguard, they became targets. Intrusions physical space of the court could be foiled by a force occupying the space, as it did in Manilius’ and Clodius’ trials. However, the failed attempt to fortify Clodius’ trial against judicial interference also shows that the presence of a guard alone was not proof against intimidation if the crowd around the court was large enough.

\textsuperscript{296} Cic. \textit{Att} 1.16; Dio 37.45.2-3; Plut. \textit{Cic} 29.6-7. Catulus is sarcastically supposed to have asked the jury afterwards whether the bodyguard was intended to protect them from the wrath of Clodius’ supporters, or because they feared being robbed of the bribes they had received.
The use of crowd violence to achieve a desired outcome in a trial was not restricted to the calculated planning of the upper echelons. Spontaneous crowds, if they were large enough, could have just as intense an effect on the permeable courtroom, as the following case demonstrates. In 54 BCE, Pompey’s supporter Aulus Gabinius was tried multiple times before the praetor’s tribunal. He was officially charged with illegally interfering with the foreign affairs of Egypt by restoring Ptolemy XII Auletes to the throne of Egypt during his consulship. More importantly however, in doing so he violated a prohibition in the Sybilline Books, an ancient collection of oracles and religious orders. His violation of these religious prohibitions—widely publicized by his political opponents for propaganda purposes—made him deeply unpopular. At the first trial in late September, he was acquitted despite large and riotous crowds surrounding the court. Shortly after the trial though, the Tiber river flooded in October or November. While the homes of Rome’s political elite situated on the city’s central hills were safe, the flood devastated the lowlands alongside the Tiber. For Rome’s not-so wealthy residents who lived in this low-lying area, the flood was devastating. Houses collapsed, a large number of the city’s shops in the Forum Boarium and Holitorium were wrecked. Many plebs died. The floodwaters also devastated the city’s granaries which were also situated along the river, leading to food shortages and panic among

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298 Ibid.
299 Dio 39.62.3. Dio writes that “practically the whole populace surged into the court and often wished to tear him to pieces, particularly because Pompey was not present.” However, an imputation of sentiment is not the same as actual violence, and Cicero
300 Dio 39.61.1-2.
301 Cicero wrote to his brother Quintus (Q. Fr. 3.7.1.) that the floodwaters reached all the way out to the Temple of Mars on the Appian way, a distance of over two miles from the river’s banks. As the flood moved, it would have swept through the Forum Boarium and Holitorium, which were situated along the river’s eastern bank, and swept through the valley between the Aventine and the Palatine Hill. The Campus Martius, being a low plain surrounded by the river, would have also been hit hard. For the topography of the areas, see Coarelli, 2007, 307-30.
302 Dio 39.61.2-3.
many *plebs* who were now homeless, without a livelihood, and close to starving.\textsuperscript{303} The flood was taken as a sign of divine displeasure at Gabinius’ acquittal and retribution for his religious violation. Gabinius’ second trial in 54, this time under corruption charges, provided the devastated plebeians a chance to violently voice their displeasure.\textsuperscript{304}

On the day of the trial, hundreds of plebeians, enraged over the divine misery that Gabinius had brought on them, packed into the Eastern Forum and surged into the space designated for the court. The crowd directed their anger not at Gabinius, but jurors who had the power to deliver a conviction. According to Dio, the crowd threatened the jurymen with death (\#60).\textsuperscript{305} Orations by Pompey and Cicero did nothing to quell the crowd’s anger or calm juror’s nerves. Gabinius was convicted and sent into exile.\textsuperscript{306} It is not clear from the sources whether any attempt had been made to fortify the court against crowds, as no *praesidium* is recorded to have been requested. Even if it had, it is unlikely that it would have had an effect in the face of such large numbers and anger.

As the two examples above make abundantly clear, Rome’s court system’s problems stemmed not simply from the ease with which individual agents could enter the courtroom, but from the permeability of the whole area of the Eastern Forum itself. As long as the many thoroughfares into the Eastern Forum were open, large groups could ring a courtroom—whether defended or undefended—and use violence or the threat of it to compel a desired outcome. The Senate’s attempt to protect Clodius’ trial with a bodyguard failed not because there was violence inside the courtroom, but because Clodius’ supporters occupied the space all around it. Gabinius’

\textsuperscript{303} Cic. *Q. Fr.* 3.7; Dio 39.61.
\textsuperscript{304} Alexander, 1990, 303.
\textsuperscript{305} Dio 39.63.1. Dio makes it clear that the jurors were frightened, writing “the men who were chosen by lot to pass judgment on the charges both feared the people…hence they condemned him, even though Pompey was near at hand.”
\textsuperscript{306} Dio 39.63.2.: “Hence they condemned him, even though Pompey was near at hand and Cicero acted as his counsel.”
trial similarly showed that spontaneous displays of crowd anger could overwhelm jurors as well, provided that the crowd was large and intimidating enough.

Soldiers in the Forum: The Trial of Milo in 52

Efforts to prevent disruption in the courts reached their apex in April of 52 after T. Annius Milo murdered his archrival P. Clodius Pulcher in a bloody brawl on the Appian Way in January. Clodius’ supporters embarked on a weeklong rampage, attacking private homes, and even burnt down the Curia in the Forum when they lit their dead leader’s funeral pyre inside it. In the midst of the chaos, the Senate voted Pompey sole consul and tasked him with restoring order to the city. To help him do so, they passed a senatorial decree to allow him to bring his troops within the pomerium, the city’s ritual boundary. One of Pompey’s tasks was to bring those responsible for the violence—both Clodius’ supporters and Milo—to justice. Pompey wanted these trials to be orderly, well-regulated, and non-violent, as proof of his ability to rein in civil disorder. He passed a number of laws re-structuring the judiciary process, and selected the potential jurors for the cases himself. The first agitator to be tried was Milo, whose trial in April was to be a test case of Pompey’s new regime.

Milo’s trial began like many others in the Eastern Forum. The late Clodius’ supporters, still wrathful over his murder, showed up in droves as a result of incessant urging in contiones held by

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307 Of all the instances of violence in Republican Rome, the physical action of Milo’s murder of Clodius has perhaps been examined in the most detail and is extremely well sourced from Asconius’ commentary to the Pro Milone. The battle happened in the countryside on the Appian Way near the town of Bovillae, about twenty kilometers south of Rome. See Asc. 30-32.

308 Dio 40.50.2.

309 Asc. 38C; Nippel, 1995, 80-81.

310 For a detailed chronology of the events leading up to Milo’s trial, see James S. Reubel, "The Trial of Milo in 52 B.C.: A Chronological Study," Transactions of the American Philological Association 109 (1979).
pro-Clodian tribunes during the proceeding days.\footnote{Asc. 37-8C.} On the first day, Asconius writes that a “Clodian mob surrounded the proceedings,” much as had been seen in previous years.\footnote{Asc. 40C.} When one of Milo’s advocates, M. Marcellus, rose to speak, he was met by a huge uproar from the Clodian supporters. Asconius writes that Marcellus was so afraid he would be physically attacked that he leapt onto the tribunal stand of the presiding \textit{quaesitor}, Domitius, and begged him for armed protection.\footnote{Ibid.; Millar, 1998, 183. This Domitius is L. Domitius Ahenobarbus, consul of 54. Under Pompey’s new judiciary law, designed specifically to try Milo quickly and peacefully, the magistrate presiding over this case was not the praetor but a \textit{quaesitor}, a specially elected judge.} The disturbance was also loud enough to be heard by Pompey, who was stationed at the state treasury, the \textit{Aerarium}.\footnote{Asc. 40C} As the \textit{Aerarium} was located inside the Temple of Saturn in the Western end of the Forum, it is safe to assume that Pompey was watching the drama unfold on the temple’s steps, which afforded an impressive and unbroken view east across the Forum. Just as important, it had the added benefit of being a safe distance of 200 meters away from whatever violence might occur in the courtroom. However, at Domitius and Milo’s urging Pompey promised to appear the next day with a guard.\footnote{Ibid.}

When the trial resumed the next day, Pompey arrived in the courtroom with an armed \textit{praesidium} made up of consular soldiers. Asconius writes that the presence of armed soldiers intimidated Clodius’ supporters at least temporarily, and the trial continued undisturbed for the next two days.\footnote{Ibid.} However, on the last day of the trial, it appeared that violence would return. Cicero—Clodius’ hated enemy and favorite target—was giving the closing oration, and violence

\footnote{Ibid.}
from Clodius’ group was almost guaranteed. The tribune T. Munatius held a contio the evening before.

T. Munatius in a contio urged people to attend next day in large numbers and not allow Milo to escape, but to make clear their own view of the matter and their own feelings of outrage as the jurors went to cast their votes.317

Munatius’ exhortation demonstrates a clear understanding of previous interventions in the court system. It is an almost textbook summary of the tactics used in judicial disruptions from 74 to 52: Show up in force, vocally assert your opinion through shouts and threats, and intimidate the jurors as they voted. As this chapter has demonstrated, the formula had worked many times before. On the next morning, individuals descending towards the Forum saw that the tabernae that surrounded the Forum were closed, a menacing sign that Clodius’ coalition of shopkeepers, artisans, and laborers would be foregoing their work to attend in large numbers.318

Pompey took novel steps to counter this proven method of judicial intervention, doing what no political actor had yet been able to do to protect a trial: Restrict access not only to the courtroom, but to the entire Forum. As magistrates, defendants, advocates, spectators, and potential attackers alike descended to the various entrances of the Forum, they found something not seen in the past 30 years: Armed consular soldiers, blocking the way in. Asconius writes:

Pompeius deployed armed guards in the Forum and round all the approaches to it; he himself took is seat, as on the previous day, before the Treasury, fenced in by a picked unit of troops…After that there was as great a silence in the Forum as there could possibly be in any forum.319

Pompey correctly divined that the problem had plagued the courts in the past was access to the entire Forum, particularly the Eastern end. Instead of using his praesidium to ring only the jurors

317 Ibid.
318 Vanderbroeck, 1987, 80, 90, 147, 265.
319 Asc. 41C.
or the immediate court space, Pompey extended the concept of the bodyguard to the entire Forum. Asconius’ comment that Pompey re-stationed himself at the *Aerarium* at the Temple of Saturn, all the way across the Forum is significant. Plutarch writes that Pompey’s position at the Temple of Saturn was intended to intimidate all involved in the trial into compliance and submission. Pompey “posted his soldiers “as in a camp” in order that they might “command the forum.” Asconius’ emphasis on the Forum’s stillness suggests that if not emptied, the Forum was less populated than it regularly was. However, as Russell points out, the silence was not absolute, but relative. The Forum was famously the city’s most bustling space—now, it was only as silent as any forum could possibly be (which, an ancient reader would understand, was not entirely quiet). The Forum, with its main entrances and dozens of side-accesses, was a logistical nightmare to control. While the constant flow of traffic that moved across the Forum’s many entrances does seem from Asconius’ account to have been regulated, it cannot have been stopped entirely.

Asconius’ rosy picture of militarily-induced calm did not last for long. Spectators were quiet as the two prosecutors delivered their final orations without disruption. However, when Cicero rose to speak, “he was greeted by a shout from the Clodians *acclamatione Clodianorum*, who could not contain themselves despite their fear of the surrounding soldiery.” Thus Cicero “spoke with less than his usual steadiness.” Later historians have exaggerated Cicero’s weakness in this scene. Dio and Plutarch speak of no Clodian interruption, and allege that Cicero was dumbfounded by the sight of Pompey’s armed soldiers and gave a brief and timid defense. However, a large number of modern historians have come to Cicero’s defense, arguing that

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320 Plut. *Cic.* 35.1-5.
321 Russell, 2016, 47.
322 Ibid., 47-48.
323 Asc. 41C.
324 Ibid. 41-42C.
Asconius’ account of an interruption is credible. Cicero’s allegedly weak performance was not from fear, scholars argue, but the result of being interrupted multiple times by Clodius’s supporters. Given that the tabernae were closed and Munatius had encouraged mass attendance, we can assume that Clodius’ supporters showed up in even larger force than they had on the first day. For the moment, it looked like the events of the trial’s first day were going to repeat themselves.

This time though, Pompey was prepared to use the furthest measures to defend the proceedings. Pompey’s credibility as sole consul rested on his ability to maintain public order, and allowing the same people who burnt down the Curia to shout down a defense counsel would have been a severe embarrassment. Dio writes that Pompey ordered his soldiers into action:

Pompey kept the rest of the city well under guard and entered the court himself with armed soldiers. When some raised an outcry at this, he ordered the soldiers to drive them out of the Forum by striking them with the side or the flat of their swords; and when they still would not yield, but jeered as if they were being struck in sport, some of them were wounded and killed.

For the development of the argument, see James Settle, "The Trial of Milo and the Other Pro Milone," Transactions and Proceedings of the American Philological Association 94, no. 268-280 (1963); A. W. Lintott, "Cicero and Milo," Society for the Promotion of Roman Studies 54 (1974); B. A Marshall, "'Excepta Oratio,' the Other 'Pro Milone,' and the Question of Shorthand," Latomus 46, no. 4 (1987). These scholars all consider Dio and Plutarch to be “hostile” to Cicero and find fallacious their claims that Cicero was intimidated by the armed guards that he himself had asked for. All three assert that Cicero completed A notable exception is Gruen, 1974, 341-42. He calls Asconius Cicero’s “ingratiating commentator,” and suggests that Cicero’s attempt at a defense was halfhearted.

The strongest statement to this effect is in Marshall, "'Excepta Oratio,' the Other 'Pro Milone,' and the Question of Shorthand," 736. “To conclude: on the basis of evidence from Asconius, Quintilian, Plutarch and Dio, there is no reason to believe that Cicero was intimidated by the presence of Pompeius' soldiers and of Clodian supporters at the trial of Milo and could say no more than a few halting words in defence of his client on the last day of the trial...[Asconius’] phrase illa excepta eius oratio merely repeats the idea expressed in his previous sentence that Cicero was interrupted by the shouting of the Clodian supporters.”

Dio 40.53.2-3.
It seems clear from this passage that Clodius’ supporters indeed attempted to intimidate Cicero with shouting as they had done to M. Marcellus on the first day. Asconius’ account of the *acclamatione Clodianorum* was thus the start of a protracted battle for entry to the Forum (#68).\(^{328}\)

The soldiers jumped into action, driving the Clodians back towards the Forum’s guarded entrances. Once the soldiers forced them out of the entrances, they had to resort to drawing blood to keep them out of the Forum for good. The frequent interruptions throughout Cicero’s speech were caused by the Clodians’ repeated attempts to burst through Pompey’s checkpoints. Given Clodius’ vast base of support, it is not a stretch of the imagination to think that significant numbers of people lined the streets around the Forum, either trying to get in or trying to get a good look at the action. Even though they had been forced out of the Forum, the entrances that Pompey’s soldiers were guarding still close enough for the sound and sight of violence to present. The main entrances to the Eastern Forum, the Sacra Via, the Scalae Graecae from the Palatine, and the Vicus Tuscus from the Velabrum, were respectively only around 30, 70, and 90 meters away from the praetor’s tribunal.\(^{329}\) Although no author mentions them specifically, members of Milo’s own gangs of gladiators and professional fighters were probably also in the mix, adding to the havoc. This fighting could have easily accounted for the interruptions in Cicero’s speech. Despite the conflict

\(^{328}\) Appian 2.24 provides a similar description of judicial violence at a trial in 52 of M. Aemilius Scaurus for taking bribes. “The people interceded for Scaurus, but Pompey made proclamation that they should submit to the decision of the court. When the crowd again interrupted the accusers, Pompey's soldiers made a charge and killed several.” However, Gregory Bucher convincingly argues that Appian’s account is incorrect, and that Scaurus’ trial took place not in 52, but earlier in the decade, and was likely free of violence. Bucher’s article suggests that Appian’s account of violence describes another trial during the 52 prosecutions. In light of this argument, it seems probable that this description, which matches Dio’s account of Milo’s trial, describes the actions of Clodius’ supporters at Milo’s trial. For the full argument, see Gregory S. Bucher, "Appian B.C. 2.24 and the Trial "De Ambitu" of M. Aemilius Scaurus," *Historia: Zeitschrift fur Alte Geschichte* 44, no. 4 (1995).

\(^{329}\) Measurements made in ArcGIS based on Coarelli’s reconstructions of the Eastern Forum, and Bablitz and Kondratieff’s supposition of the location of the praetor’s tribunal.
raging at the Forum’s edges, Pompey’s guard held the entrances. Cicero’s completed oration—albeit somewhat shaky, clocked in at nearly three hours. After his speech, the jury commenced voting. Milo was convicted by a large margin.

As Wilfred Nippel writes in his book *Public Order in Republican Rome*, Pompey’s response to civil unrest was to some extent unprecedented. Fortifying the city with soldiers for significant periods of time was something that had not been seen since the civil wars between Sulla and his enemies in the 80s, and posed a threat to Republican values. Although unprecedented, the use of troops should not bee seen as unpredictable. Since Manilius’ trial in 66 when the two consuls appeared with their lictors in the courtroom to deter disruption, the Romans understood that the only way to ensure a trial free of disruption was to somehow fortify the court with enough clients, lictors, and supporters to keep opponents out. However, a civilian guard was an ineffective deterrent if those looking to disrupt the trial could outnumber and surround the bodyguard, as Clodius’ trial in 61 demonstrated. Pompey’s innovation on the last day of Milo’s trial was to expand the concept of the *praesidium* from only the area of the court to the entire Forum. Furthermore, the use of soldiers, as opposed to guards recruited from civilian groups lent professional fighting skills and fear to the court’s defense. The issue with the courts was that they were located in an inherently accessible and tough to control space. Pompey needed to go above and beyond what had been done before in order to combat that vulnerability.

However, we should be cautious in accepting Pompey’s defense of the Forum as an action of measured neutrality. Nippel warns, “It might be argued that this use of troops did not differ in principle from the employment of the *praesidia*, but that would be a one-sided version of

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330 Marshall, "'Excepta Oratio,' the Other 'Pro Milone,' and the Question of Shorthand," 730-33.
331 Asc. 53-4C.
332 Nippel, 1995, 80-81.
events.” Pompey was not merely a neutral arbiter attempting to ensure the restoration of the rule of law—it was a barely concealed secret that he wanted a conviction. He badly wanted to find a way to calm Clodius’ supporters while eliminating Milo, who had become a political liability for him. Pompey’s soldiers, stationed threateningly throughout the Forum, were there not only to protect the trial from Clodius’ supporters but to intimidate the defense. In his published Pro Milone, Cicero reproached Pompey for using his soldiers—ostensibly for their protection—to instill fear in the speakers and the jurors. The account of Cicero’s own fear of the soldiers may not be true, but the story speaks to Pompey’s overall intent. The sight of Pompey’s soldiers drawing swords and bloodying Clodius’ supporters at the Forum’s boundaries may have also brought more dread to the jurors than comfort.

When this is taken into account, it suggests Pompey’s soldiers should not be viewed as a stabilizing, neutral force, but as the newest development in the use of personal gangs to intimidate jurors and advocates. Like the groups of personal clients, slaves, gang members, and gladiators that influenced earlier trials, these soldiers were answerable to Pompey alone. Levied from the countryside, they were immune to political and social links to individuals in the city, subject to military discipline, and obliged to follow only the instructions of their commander. As Amy Russell sums it up, “the soldiers were not enforcing abstract political norms, but the private control of one individual: Pompey.”

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333 Ibid.
334 Cic. Ad. Fam. 3.10.10, Vell. Pat. 2.47.2.
335 Gruen, 1974, 338.
336 Cic. Mil. 2, 71.
337 Nippel, 1995, 80-81.
Russell’s framework of distinguishing private and public space is helpful for understanding the escalation of conflict in the courts during the 60s and 50s. Russell writes that whether a space can be considered private or public depends on the level of behavioral control that exists the space. Public space, Russell writes, was “often characterised by the absence of a controlling authority.”\(^{339}\) In private space, however, “the owner wielded control and only he had the licence to use violence.”\(^{340}\) Spaces like the Forum were “public” because many individuals had the ability to use violence.\(^{341}\) Autronius, Cornelius, Manilius, Clodius, and Cato’s use of personal supporters, in Russell’s framework, demonstrates the continued uncontrollable nature of the Forum. However, even as their violence proved the uncontrollable, “public” space of the Forum, it was tinged with the private as well. By disrupting a trial, individuals used personal resources to impose a level of behavioral control—albeit extremely brief—on the speakers, jurors, and magistrates in the courtroom to achieve a desired outcome. While this does not make the space of the court a “private” one, it does show how violence was used repeatedly to try to claim the space of the court at least temporarily. In lining the Forum with soldiers, blocking out the Clodians, and intimidating the jurors, Pompey made the best stab at truly claiming the public space of the courts as his own. Pompey’s occupation of the Forum was intended to prove to everyone in Rome that he was the only person who had the right to use violence in the courts. In using violence to prevent the Clodians from doing the same, Pompey was asserting his monopoly of force over the area. However, as Asconius’ account shows, the violence of Clodius and Milo’s supporters was only held at bay, not really controlled. Like all spaces in Rome, spatial control was often fleeting.

\textit{Clodius Personalizes the Temple of Castor and the Eastern Forum}

\(^{339}\) Ibid., 190.  
\(^{340}\) Ibid.  
\(^{341}\) Ibid., 30-40.
Pompey was not the only person who attempted to establish a monopoly of force in the Eastern Forum. Of the fifteen instances of political violence that occurred in the Eastern Forum between 80 and 50, eight were the indirect or direct work of P. Clodius Pulcher, the patrician-turned-plebeian tribune. Starting in 58, Clodius attempted to become the “controlling authority” over this zone of the Forum through a set of symbolic acts and violence associated with the area’s topography. Clodius’ activities in the Eastern Forum had a systematic and calculated approach. The Eastern Forum had a known *popularis* character that largely derived from the Temple of Castor, which developed as a site for *contiones* and *comitiae* in competition with the aristocratically-dominated Curia-Comitium complex. Two shocking instances of political violence committed by *popularis* heroes on the Temple of Castor in the late 60s BCE further lent a subversive and anti-senatorial symbolism to the area. Clodius used acts of munificence and legal recognition, directed at *plebs urbana*, the Temple of Castor and the Praetor’s tribunal to associate the space with himself. Having built these associations, Clodius consistently used violence to regulate activities of others and claim control over the area. In the same way that Pompey’s attempts to fully control the courts was ill-fated, Clodius’ attempts to control the Eastern Forum cannot be called “private.” They were, however, an ambitious attempt towards controlling the behavior of his political opponents in the area that achieved a remarkable level of success. Although he conducted violence all over the city, Clodius was successful building a personal relationship with the topography of the Eastern Forum that enhanced his political power and stature.

*Popular Politics at the Temple of Castor*
The Temple of Castor visually dominated the Eastern Forum. It was the highest building in the vicinity, and its front façade towered over the adjacent Basilica Sempronia, the Atrium Vestae, and the Regia. Two of the three main entrances to the Eastern Forum, the Vicus Tuscus and the Scalae Graecae, entered the Forum alongside the Temple. The Temple’s podium was unusually high and stood at 7 meters above the Forum’s pavement level.

Geoffrey Sumi has documented the close relationship between the Temple of Castor and popular political activity that predated Clodius’ tribunate. Before 145 BCE, comitae and contiones took place in the Comitium, the ancient space that was wedged between the Rostra and the Curia. Meeting there symbolically and practically reinforced the power of the Senatorial aristocracy. The limited space prevented too many individuals, in particular any disruptive elements, from participating in legislative activity. The presence of the Curia looming above the proceedings symbolically accentuated the Senate’s primacy in decision-making. However, in 145 a plebeian tribune C. Licinius Crassus was the first to lead a comitia plebis tributa to vote instead in the Forum’s central space on the other side of the Rostra. Crassus’ move may have been designed in order to allow larger audiences to participate in contiones and comitiae. It was also a pointed rejection of senatorial control over the popular legislative process. After Crassus, politicians addressed assembled groups in the Forum’s central space, looking eastward.

342 The naming convention for this temple has been erratic both in the ancient period and in modern scholarship. The Romans referred to it both in the singular (Aedes Castoris) and in the plural (Aedes Castorum). For simplicity’s sake, I follow Richardson and Sumi in calling it the former, which I translate as the Temple of Castor.
343 Richardson, 1992, 74-75.
345 Cicero, in Flacc. 71, describes the Curia as a regulator against provocative speaking: “The chastiser of rashness, the directress in the path of duty, commands and surveys the Rostra.”
346 Russell, 2016, 66.
It was not long until legislative processes shifted even further east. By the end of the second century, the Temple of Castor appears in sources as an alternative location for public meetings and legislative assemblies. To accommodate increased political activity, in 117 BCE the temple was renovated and a long platform that ran the full width of the temple was added. Its height was 3.66 meters above the Forum’s pavement, approximately the same height as the Rostra on the Comitium. This platform became known as a second rostra. As Fig. 10 shows, the temple had no central stairs leading up to the platform, but small lateral stairways. These stairways allowed the temple’s front to function as a speaker’s platform similar to the Rostra, providing room in the front for large crowds to approach close to hear a speaker. For contiones and funeral orations, the stairless front was visually striking. It likely impressed upon a viewer a sense of power and inaccessibility, as did the stairless front of the Rostra in the Forum. The Senate also met frequently in the temple starting from the mid-second century, and it is likely the temple’s front was designed in part to lend seriousness to senatorial announcements and decrees.

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348 Ibid.
349 Richardson, 1992, 74-75.
351 Frischer, B. and D. Favro, Digital Roman Forum Project UCLA Cultural Virtual Reality Laboratory.
352 Cerutti, "P. Clodius and the Stairs of the Temple of Castor," 293, 95-96.
353 Ibid., 297-98.
The unbroken façade also facilitated voting in the *comitiae*. For voting, a central wooden stair was erected that led up to a small platform or landing, just below the height of the temple’s stone platform. The *cistae*—the wicker baskets in which ballots were dropped—were placed on this stand. Directly above, on the temple’s platform, the magistrate presiding over the *comitia* sat with his attendants, including a herald and a scribe. The *pontes*—the wooden voting bridges described earlier for voting at the Rostra—were attached on either side of this central stairway. Voters marched up the *pontes* in single file lines with their tribe, cast their ballot on the landing
under the watchful eyes of the presiding magistrate, and descended down the central stair. The Temple of Castor was used for legislation, the wooden structure was regularly installed for long periods at a time. The Temple may have also gained a *popularis* legislative character simply because it allowed more individuals to participate, as opposed to the Comitium or even the Forum area below the Rostra.

As Sumi argues, the Temple of Castor’s topographical relationship to the traditional Curia-Comitium complex in the west of the Forum naturally lent it anti-Senatorial connotations. It was far removed from the Curia, which stood diagonally across the Forum. It was close to the new praetor’s tribunal established after 74. Taken together, the complex of the temple, the speaker’s platform, and the courtroom provided a symbolic opposite to the senatorially-dominated Curia/Comitium/Rostra complex. Sumi eloquently paints a vivid picture of the the anti-Senatorial imagery that was performed during *contiones* and *comitiae* at the temple’s speaker’s platform:

The *rostra* of the Temple of Castor provided an effective vantage point from which a popular politician could gesture angrily at the Curia across the Forum—the symbol of a remote and insensitive ruling elite; and the crowd would stand with its back to the Curia, instead of facing it, as it would if it were listening to a speaker standing on the Rostra.

As a symbolically subversive analogue to the traditional sites of deliberation and legislation, the Temple of Castor provided opportunities to politicians with an axe to grind against the senatorial aristocracy. Sumi writes “The temple became the ideal location for a champion of the people... to

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354 Ibid., 298-99; Taylor, 1966, 24-28, 41-45. Taylor’s original work on the Temple of Castor suggested that the side stairs were built to accommodate voters, and the voters ascended one side stairway, marched across the platform to vote, and walked down the side stairs on the other end. Cerutti more sensibly argues that the pontes were set up—as with the Rostra—in front of the Temple, as the temple’s platform would have been reserved for the presiding magistrate and his attendants, who were directing the voting process.
355 Cerutti, "P. Clodius and the Stairs of the Temple of Castor," 304.
emphasize the gulf that existed between the senatorial aristocracy and the urban plebs."

Beginning in 58 BCE, that champion of the people was to be P. Clodius Pulcher.

Before Clodius began to cement his grip on the eastern Forum, however, there were two incidents at the Temple of Castor in the years preceding his tribunate that provided him with precedents for popular violence and led to the temple’s association with popular politics. In 62, Q. Caecilius Metellus Nepos and C. Julius Caesar had attempted to pass a law recalling Pompey to take command against Catiline’s army in Etruria from the Temple’s podium. The bill was strongly opposed by the senatorial aristocracy, and had wide support outside of the senatorial class due to Pompey’s popularity. Potentially he may have been considering the anti-senatorial optics that such a location provided. The Temple of Castor also allowed for larger amounts of people to participate, and Metellus seems to have anticipated significant numbers in attendance, given Pompey’s popularity among the plebs. Compared to the Rostra, the narrow lateral stairways up to the speaker’s platform could be more easily blocked. On the day of the vote, Nepos and Caesar fortified the temple by stationing armed men and gladiators around the edges of the temple, specifically ordering the gladiators to guard the narrow stairways. Violence broke out when Cato the Younger, who was also on the temple’s platform, tackled Metellus and stuffed his hand in his mouth to prevent the bill from being read (#20). A fight broke out between competing groups of supporters in the crowd, and the assembly was dissolved. Three years later during Caesar’s consulship, the scene was repeated when Caesar and the tribune Publius Vatinius used the Temple of Castor to pass an equally controversial bill distributing public land for the veterans of Pompey’s

358 Ibid.
360 Mouritsen, 2001, 23.
361 Plut. Cat. Min. 27.4.
362 Dio 37.42.3; Plut. Cat. Min. 26-29.2
eastern wars. The two stationed men—this time, furloughed soldiers sent home from Pompey’s army for the sole purpose of supporting the vote—around the temple’s lateral stairways (#25). When Caesar’s co-consul Bibulus attempted to climb the podium with his lictors, his fasces were broken and a bucket of excrement dumped on his head. Known for his persistence in summiting pieces of political topography, Cato attempted to climb the stairs twice. After being dragged out of the Forum’s exit at either Vicus Tuscus or the Scalae Graecae, he took a back street around and came out the other of the two streets, only to be thrown out again.

These two assemblies were quite sensational and must have left an indelible impression on politicians and regular citizens alike. Geoffrey Sumi writes that as a result of these incidents, “the temple became a locus for popular politics and therefore resonant of popular sovereignty.” They also demonstrated the tactical advantages of holding assemblies on controversial legislation from the platform of the temple as opposed to on the Rostra, which was harder to defend. The memory of the latter successful assembly was still fresh a year later in 58, when Clodius was elected tribune.

Clodius Claims the Eastern Forum

Clodius took pains to ensure that his supporters would associate the Temple of Castor with his personalized brand of popularis politics. His legislative program, outlined masterfully by Jeffrey Tatum, included two proposals designed to capture the support of large swaths of the plebs urbana. The first was a lex frumentaria, a grain distribution, providing a free monthly ration of

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364 App. 2.10-11; Cic. Vat. 22, 31; Dio 38.6.1-4; Liv. Per. 103; Suet. Jul. 20.
grain to all citizens 10 and over for the first time in Roman history. In a city frequently plagued by food shortages and hunger, this law gained Clodius immediate popularity. The second was a lex de collegiis, which re-legalized the city’s collegia, religious and social organizations based on occupation or neighborhood. The collegia were somewhat analogous to modern trade associations and neighborhood boards, and provided poor Romans job security, recreation, and social dignity. They were also a potent tool for political mobilization. Tapping into their networks of officers and members could yield a politician significant on-the-ground support for contiones or comitia. The organizations had had been outlawed since 64 for their perceived contribution to increasing violence. Clodius’ law also created new collegia intended to enroll Rome’s poorest, who had heretofore been excluded from collegia as a result of inability to pay the membership fees. No source describes what site Clodius passed this aggressively popularis program. However, both Sumi and Cerutti indicate that it may have been from the rostra of the Temple of Castor, given Clodius’ later activities there. Passing his laws from there would have further deepened the association between the temple and the concept of popular politics.

After passing his law re-instating the collegia, Clodius held a descriptio, an accounting of the city’s collegia and their members. Working street by street, Clodius publicly recognized and recorded each of the city’s collegia, restoring legitimacy and self-respect to much of Rome’s

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369 Lintott, 1968, 77-83, 123, 96-97; Tatum, 1999, 25-26; Vanderbroeck, 1987, 87, 91, 102, 04, 12-16. Lintott and Vanderbroeck argue that collegia were the source of the “gang-leaders” at Cornelius and Manilius’ trials in 66 and 65.

370 Asc. 7C; Tatum, 1999, 117.

lower-class population. The event also served as a recruitment fair for Clodius’ newly founded collegia. Cicero lambasts Clodius for holding a *dilectus servi*, a recruitment of slaves into these new collegia. He describes slaves and freedmen flocking to the site usually occupied by the courtroom to be enrolled by Clodius himself in a collegia. As Tatum more sensibly writes, it is likely that these “slaves” were simply “Romans of the poorest stamp.” While previously these citizens had been prevented from joining collegia because they were too poor to pay the dues, Clodius’ newly founded collegia accepted newcomers regardless of their ability to pay, supported by patronage from Clodius and his immediate associates. Tatum argues that the enrollment of the new collegia had an important symbolic impact on the new members. Recognition of their collegia bestowed a sense of significance and state recognition that was entirely new for the poorest members of the *plebs urbana*. These poor Romans who were newly enrolled in the collegia “had ample reason to feel grateful to the tribune who had raised their stake in public life by enhancing and enriching their local prestige.”

What is most interesting about Clodius’ enrollment of the collegia is its location. Cicero writes that Clodius conducted the affair from the “Tribunal of Aurelius”—the wooden tribunal stand built at the center of the praetor’s courtroom. As new collegia members lined up to be officially recognized, they did so in the area that the praetor usually organized his court. Perhaps many waited on the Gradus Aurelii before it was their turn to come before Clodius. Why did he

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372 Cic. Dom. 54, 129, Sest. 34, Pis. 23.
373 Tatum, 1999, 118.
374 Ibid., 119.
375 Cic. Dom. 54.
376 Russell, 2016, 79. Russell notes that the some of the *tabernae* that stood along the nearby Basilica Aemilia may have been used to house the wooden structures needed for voting and other administrative processes when they were not being used. This theory is easily extendable to the benches and tables of the courtroom, which could not have been left out in the open permanently, but were likely moved and stored elsewhere when the courts were not in session.
use the praetor’s stand, as opposed to the Rostra or some other public location? The stand, as described in Chapter I, would have been only 1 to 1.25 meters off the ground. In the courtroom, this height provided the urban praetor some imposing elevation above the courtroom, but leaving him close enough to the ground to be fully engaged in the proceedings. It seems from Cicero’s accounts of the event that Clodius was personally involved in the counting and recruiting for the *collegia*, and it would have been hard for him to be so engaged if he were on the Rostra, or the podium of a temple. Using the praetor’s stand lent an official and legalistic tone to the work, and contributed to the sense of importance that individual *collegia* members felt when they and their organization was legally recognized.

More importantly, the choice of locale was also designed to foster an association between Clodius’ personal patronage and the topography of the Eastern Forum. By conducting his business at the tribunal stand, Clodius symbolically claimed jurisdiction over trials and judgments in the Eastern Forum, usually the purview of the urban praetor. Clodius’ use of the courtroom space was a symbolic collapse of the very distance between tribune and praetor that Aurelius Cotta aimed at in 74 when he moved the courtroom to the eastern Forum. By recruiting his supporters within the space that also contained the courtroom, it sent the message that this space belonged to Clodius and his supporters, at least for the moment. The entire process took place under the auspices of the Temple of Castor, which loomed conspicuously above the tribunal stand from the south. To demonstrate the visual impact holding the *descriptio* in this location, Fig. 11 shows the area of the Eastern Forum, facing south. At the photo’s center is the modern-day remains of the Temple of Castor, still standing commandingly above the central forum space. The stone structure on the left is the remains of the Augustan-era Temple of Divus Julius—also the theorized location of the urban praetor’s tribunal. The tourists in the foreground would be standing just to the side of the
urban praetor’s courtroom. For a plebeian waiting to be recognized or enrolled in a *collegia*, the Temple of Castor’s presence would have been impossible to ignore.

![Image: The Temple of Castor Overlooking the Eastern Forum. Author's work, Feb 21 2016.](image)

*Figure 11: The Temple of Castor Overlooking the Eastern Forum. Author's work, Feb 21 2016.*

The temple was already associated with *contiones* and popular legislation in the consciousness of the *plebs urbana*. By conducting an unprecedented act of recognition for the city’s poorest classes in the Temple’s shadow, Clodius tied his own name to the temple’s pre-existing associations with popular sovereignty, popular legislative proposals, and tribunician violence. When newly minted members of the *collegia* looked at the Eastern Forum and saw the towering Temple of Castor and the praetor’s tribunal, they would have been reminded of the gratitude they felt for Clodius’ recognition and patronage in that very space. If Clodius did indeed

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Tatum, 1999, 143-44.

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pass his legislative program from its Rostra, the association would have been even stronger. The _descriptio_ in the Eastern Forum was a crucial second step in Clodius’ campaign to establish control over the area.

*Controlling Topography: Clodius’ Activities in the Eastern Forum*

Clodius’ attempt to foster semantic connections between his authority and the topography of the Eastern Forum was soon tested. Not long after the _descriptio_ of the _collegia_, Publius Vatinius, the tribune who helped Caesar violently pass his Lex Agraria from the Temple of Castor’s steps, was indicted for illegal activities as a tribune. Vatinius boldly surrendered his legal immunity and returned to the city to face trial, hoping the charges would dissolve. When they did not, he appealed to Clodius for aid. After an attempt failed to defend Vatinius on a legal technicality, Clodius indicated publicly that he would be showing up to the trial in person. The day before the trial, he put out a call to the _plebs_: assemble and defend the liberty of a wronged citizen. Vatinius’ trial was to be Clodius’ first test of whether the topographical associations he had attempted to build by recognizing the _collegia_ at the tribunal of Aurelius would pay off.

Clodius’ work paid off spectacularly. The next day, judicial intervention occurred on a scale that had not been seen before. Large numbers of the _plebs urbana_ turned out to the trial. Apparently without Clodius’ prompting, the crowd wasted no time in completely destroying the court (#28). They physically pushed the praetor C. Memmius off his tribunal stand, scattered the

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378 Gruen, 1974, 244.
379 Tatum, 1999, 140-41.
380 Cic. _Vat._ 34; Vanderbroeck, 1987, 244; Tatum, 1999, 141-42. Cicero calls the attackers _“milites,”_ soldiers, in his later speech against Vatinius. Vanderbroeck somewhat overzealously understands this to indicate that Vatinius had literally brought back soldiers with him from Caesar’s army. Tatum realizes Ciceronian invective for what it is, and stresses the enthusiasm that Clodius’ grain distribution and _collegia_ laws engendered among the _plebs_.

jurors’ benches, and overturned the voting urns. Tatum writes that this incident was a turning point in Clodius’ career: “It was the first sign that Clodius’ lex de collegiis and lex frumentaria had procured the tribune not only unprecedented popularitas but also a mechanism that could rally vocal and violent demonstrations whenever needed.” However, the incident was also evidence that Clodius’ had succeeded in linking his own person to the space of the courts. His supporters had no qualms in completely wrecking the praetor’s court on Clodius’ command. Having recruited many of them into collegia at that very spot, they may have felt that the space belonged more to their patron Clodius than to the praetor.

Clodius lost no time in turning his symbolic relationship with the Temple of Castor into one of physical dominance as well. Cicero’s writings lay a serious allegation on Clodius, that he tore out the stairs of the temple of Castor and stored weapons inside it. Cicero harangued him thus in *De Domo Sua*:

> When you were having arms collected and carried to the temple of Castor, had you no other object beyond preventing others from being able to effect anything by violence? But when you tore up and removed the steps of the temple of Castor, did you then, in order to be able to act in a moderate manner, repel audacious men from the approaches and ascents leading to the temple?  

Much has been made of this alleged “fortification” of the temple. Vanderbroeck interprets the event literally. Tatum dismisses the whole idea as empty Ciceronian rhetoric. However, Steven Cerutti presents the most sensible option. Clodius could not have actually torn out the lateral stone steps of the Temple, as it is noted to be intact by the summer when the Senate met.

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382 Tatum, 1999, 141.  
385 Tatum, 1999, 142-43.
However, he could have easily destroyed the wooden stairs, landing, and *pontes* that were regularly set up in front of the temple for voting in *comitiae*. This would have been in part a tactical move to defend his legislative program, which was finalized with the bill formally exiling Cicero in April. After that, Cerutti argues, Clodius dismantled the frontal wooden stair to prevent anyone else from passing legislation that might repeal his laws. By preventing anyone else from passing legislation from the temple that year, Clodius asserted that the space was his for legislation, not anyone else’s.

Instead of just occupying the temple with armed men, as Nepos and Caesar had done in 62 and 59, Clodius altered its physical appearance. Altering the Temple’s exterior was a performative act that allowed Clodius to claim a space that had elements of the public and the sacred for his own. Russell writes that most temples in Republican Rome were built, paid for, and refurbished by individual members of the elite. Constructing these temples allowed the Romans responsible for them to stake a personal and private claim to sacred space ostensibly shared by the community. When individual Romans patronized a temple, or a basilica, or a portico that had been built by a wealthy aristocrat, he or she would have been reminded of the power of the patron that had built it. Clodius’ destruction of the Temple of Castor’s wooden voting apparatus reverses the expectation of senatorial refurbishment. Instead of renovating a temple, Clodius—in the eyes of his critics—destroyed it. However, the symbolic effect may have been the same. Anyone accustomed to looking at the Temple of Castor and seeing its wooden attachments would have been reminded of Clodius’ presence and past actions in the Eastern Forum. Like a renovation or a new construction, Clodius left a physical mark on the temple that was conspicuous. Clodius’

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386 Cerutti, "P. Clodius and the Stairs of the Temple of Castor," 295.
387 Ibid., 304-05.
388 Russell, 2016, 105.
alteration of the Temple of Castor was a bold statement of his own attempt to control the Eastern Forum.

Having attained legislative superiority in the Eastern Forum, Clodius used the Temple of Castor and at the same time neutralize one of Rome’s leading men. As mentioned above, the Senate had met in the Temple of Castor frequently since the second century. Temple interiors, as we have seen, often served as refuge from outside threats like plebeian crowds and potential assassins. Clodius was to shatter that assumption of safety. On August 11th, the Senate was meeting in the Temple’s interior, and Pompey was in attendance. As Pompey entered the temple’s cella, a commotion erupted when a slave that happened to be near the door conspicuously let a dagger or a sword fall to the floor (#32)\(^{389}\) The slave was immediately seized. When questioned, he confessed that he had been ordered by Clodius to assassinate Pompey. It is probable that the attempt was intended to be discovered and not carried out.\(^{390}\) Even though Pompey’s popularity was waning, killing the man who restored the tribunician potestas and won numerous wars in the east would have been a rash move. Tatum argues that it is more likely Clodius wanted Pompey intimidated.\(^{391}\) If that is the case, then Clodius’ was again entirely successful. Pompey was notoriously afraid of assassination, and after the failed attack in the Temple’s cella, he barricaded himself in his house on the Carinae hill and refused to enter the Forum until the end of Clodius’ tribunate.\(^{392}\) There was no investigation and no charges against Clodius on account of the incident.\(^{393}\) Not only had Clodius physically penetrated a bastion of the Senate and shaken their sense of security, he had

\(^{389}\) Asc. 46C; Cic. Dom. 129, Sest. 69, Har. Resp. 49, Pis 28, Mil. 18; Plut. Pomp. 49.2.
\(^{390}\) Tatum, 1999, 174.
\(^{391}\) For the date, see ibid.; Cerutti, "P. Clodius and the Stairs of the Temple of Castor," 295.
\(^{392}\) Asc. 46C; Plut. Pomp. 49.2.
\(^{393}\) Tatum, 1999, 174.
singlehandedly expelled one of the most powerful men in Rome from the Forum and forced him out of political life for multiple months.

Clodius’ control of action in the Eastern Forum outlived his tribunate. In 57, Cicero’s ally the tribune Publius Sestius attempted to interrupt a legislative assembly being held by Metellus Nepos in front of the Temple of Castor. Although the circumstances and the substance of the bill are unknown, Tatum suggests that Sestius’s attempt to end the assembly was part the senate’s decision to filibuster all government activity in protest until Cicero was restored.\(^{394}\) In this case, the interruption of the assembly would have been a public insult to Clodius and the anti-Ciceronian forces. Clodius would brook no senatorial obstruction in his stronghold. His subordinates Lentitdius and Titius—both collegia leaders who had perhaps joined Clodius after their recruitment at the Tribunal of Aurelius—attacked Sestius and beat him nearly to death. When the presiding consul attempted to intervene, Lentidius and Titius attacked him too, shattering his lictors’ fasces (#36).\(^{395}\) Nor did Clodius let events at the praetor’s tribunal go awry. When C. Cato disrupted his own trial in 54 by attacking his prosecutor (#59), Clodius may have played a role. Tatum notes that Clodius and Cato were political allies, and Clodius may have even been on Cato’s defense team.\(^{396}\)

Clodius’ control of the Eastern Forum also spilled out into the neighboring section of the Sacra Via that ran into the Eastern Forum along the Regia. In November of 57, Clodius and a group of supporters actually ambushed Cicero as he was descending the narrow and compact Sacra Via towards the Forum. Clodius’ forces charged down the road towards Cicero, brandishing clubs,

\(^{394}\) Evidently by then the wooden stairs at the front of the Temple of Castor had been re-assembled. Perhaps in the face of senatorial obstruction, Clodius switched his policy and allowed the stairs to be re-constructed so his successors could fight senatorial obstruction.


\(^{396}\) Tatum, 1999, 229.
swords, and throwing stones. Although hemmed in, Cicero and those accompanying him did not have to go far for safety. Like the consuls Cotta and Octavius who were attacked on the road in 75, they took refuge in one of the nearby aristocratic houses that lined the road. Apparently, the attack occurred right as Cicero was passing the house of a friend named Tettius Damio. Cicero’s group hastily “stepped aside” inside Damio’s vestibule and drove Clodius and his men off from that position of relative protection. Clodius may have been trying to keep the newly arrived Cicero, triumphantly returned from exile, out of the Forum. A more serious clash occurred in 53, when the retinues of the consular candidates T. Annius Milo and Plautius Hypsaeus met on the Sacra Via alongside the Regia. Cicero was backing Milo, and Clodius was supporting Hypsaeus, Asconius tells us, and both were present with their respective candidates. Given that both candidates were on their consular canvass, their retinues would have been swelled with dozens of clients and freedmen. Milo had his guard of gladiators. Clodius likely also brought a large group of supporters. In the 9-meter space of the road between the Regia and the houses on the other side, the two trains collided with force. A number of Milo’s supporters were killed, and Clodius himself nearly murdered Cicero alongside the Regia. In both cases, Clodius may have been attempting to keep Cicero and his allies out of the Forum, and in particular out of the Eastern Forum. Additionally, if Clodius had planned to ambush or kill Cicero both times, the narrow, alley-like space of the Sacra Via would have been an opportune location.

Assessing Clodius’ “Control”

Taken together, these instances of Clodian violence in the Eastern Forum demonstrate that the popular demagogue took pains to establish some type of personal control over the Eastern Forum.

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397 Cic. Att. 4.3.3.
398 Asc. 48C.
399 Ibid.
section of the Forum. That is not to say that the space was entirely under his control, or that he had a monopoly of political activity that took place there between 58 and his death in 52. Legislative and judicial activity went on as usual in the Eastern Forum. Compared to the amount of trials that took place between 58 and 52, Clodius’ presence, and more importantly, Clodius’ violence—is miniscule.400 Additionally, after his tribunate expired in 57, Clodius no longer could avail himself of tribunician lawmaking. As a result, his need for the Temple of Castor’s tribunal likely waned, although, although he still probably held contiones from it. Furthermore, particularly as trials are concerned, Tatum notes that in the years after 56, Clodius was attempting to maintain a level of détente with the senatorial aristocracy to gain support for a race for the praetorship in 52. Clodius was active in the courts, but as an advocate. Nor should this section suggest that Clodius’ interest was restricted to the Eastern Forum. Chapters II and III have amply demonstrated that Clodius attempted to use violence to control spaces all over the Western Forum, especially as they related to his campaign to prevent Cicero’s recall. After 57, Clodius violent ire was more frequently targeted at the private homes of his enemies, as the next chapter will show.

However, this section should impress upon the reader the calculated process with which Clodius attempted to combine symbolism, topography, and ideology in an attempt to create himself a clientele and a political stronghold out of the Eastern Forum. He demonstrated a keen interest in regulating the political activity of others, and ensuring that he could achieve his own goals with impunity. His followers, having first been swayed and recruited in the area by his legislation and his descriptio of the collegia, enthusiastic responded to his calls to conduct violence in the area. It is his supporters’ enthusiasm and that sense of ownership of the space which Pompey’s soldiers had to reckon with even after Clodius’ death in 52 during Milo’s trial. Clodius’ attempt to

400 Alexander, 1990, 124-49.
personalize the eastern form, and Pompey’s stab at privatizing the Forum’s space are indicative of important trends in Roman politics. As the next chapter will show, the battle over Rome’s political direction—via its political spaces—was becoming increasingly personalized. Clodius and Pompey in particular used novel combinations of political and private space to assert their own political interests.
Chapter V: Violence at the Aristocratic Domus

Of the 69 instances of political violence that occurred between 80 and 50 BCE, 11 of them involved the urban homes of Rome’s elite. The central and multifarious role of aristocratic houses in Roman political culture is a field unto its own. Homes were the site of business and political transactions; the location where social obligations between clients and patrons of all differing levels were performed; showcases of a family’s fame, history and its political standing; and the location where a politician organized his social network.\(^{401}\) As urban real-estate grew increasingly scarce in the Late Republic, the importance of having a home that was visible and close to the Forum multiplied exponentially. Rome’s most influential political families packed into homes within a two-kilometer space between the Palatine and Esquiline hills.\(^{402}\) The most prominent of those were squeezed into the coveted real-estate of the Palatine Hill, which housed nearly more than thirty of the Republic’s most famous political families. A house in the district signaled elevation to fame and prominence. Building grander and grander homes became a central part of the bitter aristocratic competition for *dignitas* in the first century BCE.\(^{403}\)

Scholars have established that an aristocratic home cannot be strictly called “private.” Hans Beck recognized that aristocratic houses, although nominally in the control of their owner, were governed by a set of communal traditions and behavioral expectations relating to the idea of the

\(^{401}\) For extended bibliographies of living space in the Late Republic, see John R. Patterson, "Living and Dying in the City of Rome: Houses and Tombs," in *Ancient Rome: The Archaeology of the Ancient City*, ed. Jon Coulston and Hazel Dodge (Oxford, UK: Oxford University Press, 2000), 258-89, additional bibliography on 371-72; Hales, "Republican Houses." Hales’ review provides a brief review of Andrea Carandini’s finds on the northern Palatine which have led to a reassessment of traditional locations of many famous homes.


Amy Russell writes that we should think of Republican homes “not just as semi-public, but as mutable and even manipulable.” Complexes like the Porticus Catuli, a victory monument attached to the home of Q. Lutatius Catulus, and Pompey’s theater complex, which included his own residence, used monumental architecture to blend public and private to fit the owner’s needs for political and social influence. However, despite the claims the community might have on a house, it is clear that it existed first and foremost to amplify its owner’s personal prestige. Hans Beck writes in summary, “aristocratic homes came to symbolize their owners and everything they stood for in politics.”

This chapter examines the role of the aristocratic domus in the political violence of the Late Republic. The first section of this chapter will show how the aristocratic home functioned both as a stronghold for weathering political violence and a space from which it could be organized. The architectural layout of aristocratic homes of senatorial homes made them eminently defendable, and the relative privacy that they offered meant that homes were the space where political violence was planned in secret. The second section of the chapter will focus on the aristocratic home’s primary role in the political violence of the 50s: as a proxy for the political power of the owner. Although homes had been the targets of violence in the past, that violence had been an act of the community and sanctioned by the state. However, starting in 58, P. Clodius Pulcher inaugurated a calculated program of personalized violence against senatorial homes, using them as proxies for formal political space in the Forum. In the battle over control of urban space between Pompey and

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405 Ibid., 155-86.
Cicero on one hand and Clodius on the other, the ostensibly “private” aristocratic houses packed into the Palatine, Velia, and Carinae became a public battlefield. Although homes were already politically significant, Clodius’ actions made senators’ residences central to the spatial battles that defined the Republic’s last decade. At the same he made houses central to public politics, Clodius also attempted to effect a sort of privatization on them. By attacking certain homes, Clodius made the buildings serve not the owner’s prestige, but his own. Clodius’ targeting of senatorial homes had an impact on Roman political culture even after his death in 52. The actions of other actors in the urban violence following Clodius’ funeral showed that the tribune’s elision of political and residential space had permeated Roman political culture.

Defensive Bastions and Offensive Headquarters

In 75, the consuls Octavius and Cotta were chased up the Sacra Via by a mob of plebeians enraged over food shortages (#2), as described in Chapter I. Sallust writes that that the consuls were luckily saved only by escaping into Octavius’ own house, which was not far up the road. Sallust’s text is fragmentary and only records that the consuls were chased to the house, leaving what happened when they got to the house unclear.409 However, a similar attack on Cicero in 57 can help explain how Octavius and Cotta’s experience may have ended—and helps explain the utility of the aristocratic domus as a defensive site. As mentioned in the previous chapter, Cicero escaped an attack by Clodius on the Sacra Via (#42) in much the same way the consuls of 75 did. When charged by Clodius’ gang, he hopped off into the vestibule of the house of a friend, Tettius Damio: “There were shouts, stone-throwing, brandishing of clubs and swords…I and my party stepped aside into Tettius Damio’s vestibule (vestibulum).” Once inside the vestibule of the house, Cicero wrote Atticus that “those accompanying me easily prevented his [Clodius’] roughs from

409 Sall. Hist. 2.40.
getting in. He might have been killed himself.”

According to Cicero, once he and his retinue were inside the house, it was no trouble to defend themselves against Clodius and his attackers, so little trouble that they were able to turn the tables on Clodius and nearly kill him.

Why were these houses such effective in-the-moment bastions? The answer lies in an investigation of the street-facing architecture of an aristocratic home. As Johanson’s modeling of processions on the Sacra Via has demonstrated, Republican houses were imposing two-story edifices that towered over the road. They had balconies that projected over the street; under the balconies were independent tabernae spaces, rented out for extra income, and wooden benches placed alongside the façade on which clients awaited access to the house and their patron. In between these benches and tabernae was the home’s entrance, which was designed to regulate the access of outsiders. The plan below, adapted from Shelly Hales’ plan of the Late Republican aristocratic “House of Diana” at the Latin colony of Cosa—a Latin colony 140 kilometers from Rome—demonstrates the features of an “ideal” aristocratic house, including its entranceway.

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410 Cic. Att. 4.3.3.
411 Johanson, ”Spectacle in the Forum: Visualizing the Roman Aristocratic Funeral of the Middle Republic,” 58, 62-64.
412 Hales, ”Republican Houses,” 54.
413 Ibid.; Elizabeth Fentress, Cosa V: An Intermittent Town, Excavations 1991-1997 (Ann Arbor: University of Michigan Press, 2004). As a result of the building projects of the Emperors on the Palatine, much of the Late Republican housing has disappeared under these structures. Many scholars look to Pompeii, preserved by dint of its grim fate, and Roman colonies like Cosa. Hales follows Fentress in viewing the House of Diana as “standard pattern and size” for Republican housing.
Entrances to an aristocratic home were quite restricted. A visitor from the street would first enter the vestibulum, the small outdoor space between the door and the street which was bounded by the three walls of the building. Climbing a set of steep steps, the visitor crossed the threshold, itself only two meters wide. Then, he entered a narrow corridor of the same width (A)—what some scholars call the fauces—leading into the atrium (B).\textsuperscript{414} The doors to these homes were also frequently left open, so passerby could be appropriately impressed by the wealth, decoration, and power of the home’s paterfamilias, seeing across the building’s central axis to the beautifully

\textsuperscript{414} Hales, "Republican Houses," 54.
painted atrium, decorated with spoils of war and the images of famous ancestors.\textsuperscript{415} However, the narrow entrance placed a restrictive frame on the passerby’s view, preventing visual access to the majority of the home. Thus aristocratic homes managed to both provide the image of accessibility, but in reality be visually and physically inaccessible.\textsuperscript{416}

It was this mix of accessibility and inaccessibility that saved Cicero and the consuls of 75. The two-meter wide threshold was perhaps room for only two people to at most get through. It could be blocked with a door, ropes, chains, or manpower. If the door was open, an assailed group could retreat into the narrow fauces and then fight from there. When Cicero wrote that he stepped into Damio’s \textit{vestibulum}, it seems likely that his group backed as far as into the fauces. The \textit{vestibulum} would likely have been too small to contain his whole group. As mentioned above, it is likely that the door was open to provide passerby an impressive glance at the owner’s power.\textsuperscript{417} However, if the door was closed, the \textit{vestibulum} would have provided enough protection at least for Cicero, the group’s patron, to back in while his attendants defended him. If Tettius Damio was home, he, members of his family, and his household slaves may have come to Cicero’s aid. Octavius and Cotta likely escaped the mob on the Sacra Via the same way. Since the home they fled to was Octavius,’ members of the consul’s household probably joined in repelling the assault.

\textsuperscript{415} Ibid., 63.
\textsuperscript{416} Ibid.; Russell, 2016, 13.
\textsuperscript{417} Another famous Roman was inadvertently saved by an inadvertently open door. In 89, the eventual dictator L. Cornelius Sulla was forced to flee from a riot that broke out in the Eastern Forum during an assembly at the Temple of Castor. With a group of armed equestrian men on his trail, Sulla ran from the temple to the Forum’s exit along the Sacra Via. As he rounded the corner of the Regia with the crowd close behind him, Sulla did what no one expected him to do: He ran across the street and burst through the front doors of the closest home, which had been left open. His pursuers rounded the corner of the Regia and missed him, thinking that he ran further off up the road. The great irony? The home belonged to Sulla’s great rival Gaius Marius, the very man who was attempting to force Sulla out of the city.
It was not only the main entrance that provided defensive strength. The balconies that projected from the second floor of a building also provided a house’s defenders with a tactical advantage vis-à-vis those in the street below. The members of a besieged household could use the balconies to get a better vantage point with which to appraise a crowd outside the building and negotiate with them. Like the Rostra, the balcony provided the speaker a high point from which to address a group. In 62, when Caesar resigned his praetorship in advance of being stripped of his position by the Senate, an unruly mob of plebeians flocked to his house (#21). At the time, he had moved into the Domus Publica, the official residence of the Pontifex Maximus, a position Caesar had achieved in 63. It was located just to the east of the Atrium Vestae and to the immediate southeast of the Regia; Today, the modern Temple of Romulus stands immediately across the Sacra Via. In the Late Republic, the area represented the the end of the Forum, and the start of the thickly packed residences on the Palatine’s northern slope. Suetonius writes that the crowd was unruly and “with riotous demonstrations offered [Caesar] their aid in recovering his position.” Given their enthusiasm for Caesar in the past, it is not hard to imagine that the crowd intended to do some violence to Caesar’s perceived opponents. Caesar, we are told, had to rein the crowd in—Suetonius writes that “held them in check.” This suggests that he gave some sort of speech or address to calm them. With such a large group clogging the street, Caesar likely addressed them not from his narrow doorway, but from the imposing elevation of the balcony. Suetonius’ language is similar to that of a magistrate calming a crowd before the Rostra, and we ought to imagine Caesar, from the height of his balcony, urging calm. The balcony could also be used for more

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418 Plut. Caes. 7.1-5; Sall. Cat. 49.1-3; Suet. Jul. 16, 46.
419 Richardson, 1992, 133-34; Coarelli, 2007, 38, 81, 89, 93; Russell, 2016, 3-7.
420 Suet. Jul. 16.
421 In particular, his supporters’ protest around the Curia in 63 when they worried he was going to be accused of conspiracy by the Senate (#19).
assertive defensive tactics. In 52 when Clodian mobs attempted to burn down Milo’s house, they were repulsed by men with arrows shooting from his home’s balcony.422

Figure 13: Reconstruction of a large aristocratic domus along the Sacra Via, demonstrating the height of the balcony over the road. The taller door in the center was the narrow entranceway of the home—the other doors led to small tabernae that were installed in the façade. From Johanson, “Spectacle in the Forum,” 58.

It may have been for these defensive purposes that Cicero imprisoned the Catilinarian Conspirators of 63 not in the state prison in the Forum, the Carcer, but committed them to house arrest in the homes of various prominent senators.423 The majority of these senators lived on the Palatine Hill.424 Appian writes that the personal slaves of Lentulus and Cethegus led a crowd of

422 Asc. 33C.
423 Sallust 47.2-4 writes that Lentulus was given to P. Lentulus Spinther, Cethegus to Quintus Cornificius, Statilius to C. Julius Caesar, Gabinius to M. Licinius Crassus, and Caeparius to Gnaeus Terentius.
424 Of these, we know for sure that Spinther (Plut. Cic. 22) and Crassus (Richardson, 1995, 125) lived on the Palatine Hill, and Caesar lived in the Domus Publica. The other senators’ homes are
slaves and artisans to attack the homes where each was imprisoned in an attempt to free them.\textsuperscript{425} However, the attacks were repulsed and unsuccessful, as sources report that Cicero and his subordinates reinforced the homes with guards and dispersed the attackers.\textsuperscript{426} Later, as Cicero led the prisoners down the Palatine Hill to be executed in the Carcer, there was no disruption.\textsuperscript{427} With its closed-in streets lined by towering aristocratic homes high up above the Forum, the Palatine residential complex as a whole seems to have been viewed as aristocratic stronghold and a refuge from the accessibility and vulnerability of the Forum. After the Curia was burnt down in 52 by Clodius’ mobs, the Senate’s first meeting to not in a temple or basilica in the Forum or the Capitoline hill, their usual refuge, but on the Palatine.\textsuperscript{428} When endangered, the senate met amongst its own class and amidst the protective thick of aristocratic homes.

Houses could also be used as strongholds for offensive purposes. Many accounts exist of the interior rooms of an aristocratic home being used as a secret space for planning conspiracies and attacks, away from the prying eyes of the Forum where nearly all activity was visible. Matthew Roller writes that even in the earliest conspiracy narratives (retold later by Livy) about citizens allegedly aiming for tyrannical control, the home was viewed as a space that could be used to nurture ambition and plan sedition.\textsuperscript{429} Sp. Maelius, a wealthy equestrian who allegedly desired a

\textsuperscript{425} App. 2.5.1: “The slaves and freedmen of Lentulus and Cethegus, reinforced by numerous artisans, made a circuit by back streets and assaulted the houses of the praetors in order to rescue their masters.”
\textsuperscript{426} Ibid.
\textsuperscript{427} App. \textit{BC} 2.5.1; Plut. \textit{Cic.} 22.1-4; Sall. \textit{Cat.} 55.1-2.
\textsuperscript{428} Dio 40.49.5.
\textsuperscript{429} Matthew Roller, "Demolished Houses, Monumentality, and Memory in Roman Culture," \textit{Classical Antiquity} 29, no. 1 (2010): 125-31. Roller’s observation that Livy’s picture reflects the Late Republic and Early Principate more than it did Archaic Rome, indicates that these
kingship in 440 BCE, used his home to distribute free grain and gain a plebeian clientele, stored weapons secretly in it, and held meetings to plan a coup.\textsuperscript{430} M. Manilius Capitolinus, executed in 384 for alleged tyrannical ambitions, was accused of using his house as a personal surrogate for the Rostra, delivering seditious speeches akin to \textit{contiones} to assembled plebs in his atrium.\textsuperscript{431} The home was a place where the \textit{paterfamilias} could marshal his social network for undisclosed and violent purposes.\textsuperscript{432} When the corrupt C. Verres wanted to prevent Cicero’s election to aedile in 70, he had Q. Hortensius Horaltus campaign against Cicero publicly in the Forum. However, in the relative privacy of his own home, he summoned together the \textit{divisores}—the tribal bribe-distributors—and planned secretly with them to distribute money to the tribes and defeat Cicero’s candidacy.\textsuperscript{433}

In the 60s, these “conspiracies” within the house had a particularly violent hue. When Catiline first began his conspiracy in 63, he gave his initial recruitment speech to his closest conspirators in a \textit{abditam partem aedium}, a “concealed part of his house” from which witnesses had been excluded.\textsuperscript{434} The inaccessibility of the space allowed him to utter sentiments that could not be made outside of the home. Catiline similarly summoned his co-conspirators to the \textit{domus} of M. Porcius Laeca on the “street of the scythe-makers” in the dead of night to plan an assassination attempt on Cicero and his army’s march on the city.\textsuperscript{435} While the location of the

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\textsuperscript{430} Liv. 4.13-16.
\textsuperscript{431} Liv. 6.11-20.
\textsuperscript{432} Roller, "Demolished Houses, Monumentality, and Memory in Roman Culture," 171.
\textsuperscript{433} Cic. \textit{Verr}. 1.22-26; Millar, 1998, 68.
\textsuperscript{434} \textit{Sall. Cat}. 20.1.
\textsuperscript{435} \textit{Sall. Cat}. 27-2.4; Cic. \textit{Cat} 1.8-10, 2.13; Richardson, 1992; Eva Margareta Steinby, \textit{Lexicon Topographicum Urbis Romae: Volume Secondo: D-G} (Roma: Edizioni Quasar, 1995), 241. It is unclear where exactly the scythe-makers were situated within the city. Richardson makes no attempt to speculate on its location, and E. Papi in \textit{LTUR} merely indicates that it was somewhere
street of the Scythe-makers is impossible to discover, Cicero’s indignation stems from the fact that Catiline, within an ostensibly private home, made personal plans for divvying up the res publica: “At the house of Laeca on that night, Catiline, you apportioned the parts of Italy… you parceled out the parts of the city to be burned.”

When Catiline’s co-conspirators were trying to woo the ambassadors of the Allobroges to revolt against Rome, they took them “to the house of Decimus Brutus, which was not far from the Forum” and disclosed their plan. Planning attacks inside the privacy of one’s home also permitted individuals of lower status not usually privy to political planning and discussion in the Forum to participate. Inside his own home, a paterfamilias could freely organize slaves, freedman, and gladiators. Many of the pre-planned attacks on trials and comitiae were probably planned in the interior rooms of homes. Meeting in the home meant that women also had the opportunity to play a role in the planning political violence. Sallust famously writes that Catiline sought the help of many aristocratic women in his conspiracy. Sempronia, whose husband was Decimus Brutus, is described as one of the most talented of Catiline’s conspirators.

When the conspirators wanted to woo the Allobroges, Decimus Brutus’ home was “not unsuitable for their plot because of the presence of Sempronia.” Sallust also suggests that Sempronia’s husband is unaware of her participation on the plot, writing that at the time of the meeting, “Brutus, as it happened was away from Rome at the time.”

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436 Cic. Cat. 1.9.
437 Sall. Cat. 40.5.
438 Sall. Cat. 25.
439 Sall. Cat. 40.5.
440 Sall. Cat. 40.
doubt on Sempronia’s prominence within the conspiracy, meeting in houses allowed women like Sempronia to play a role in planning political violence that they could not achieve out in the Forum or the streets.441

Later in the 50s, houses served as more immediate headquarters for instances of political violence. In November 57, Clodius and a group of supporters attempted to burn down Milo’s house, the Domus Anniana, on the southwestern Palatine Hill overlooking the Circus Maximus.442 Clodius, Cicero writes, that Clodius used the home of P. Sulla as the headquarters from which he planned the attack, and the location to which he retreated.

At eleven o'clock in the morning he brought men there armed with shields and with their swords drawn, and others with lighted torches. He had himself occupied the house of P. Sulla as his headquarters from which to conduct the assault upon Milo's. Thereupon Q. Flaccus led out some gallant fellows from Milo's house, the Anniana; he killed the most notorious bravoes of all Clodius's gang. He wanted to kill Clodius himself, but my gentleman took refuge in the inner part of Sulla's house.443

Sulla’s house, large and protected as all aristocratic houses, seems to have been chosen as a staging ground particularly because of its proximity to Milo’s. It was not far from Milo’s and located on

441 Scholars have aggressively combated Sallust’s claims about Sempronia, focusing on her portrayal as an exaggeration of fact to suit various literary and structural needs of Sallust’s narrative. Boyd, in a long line of scholars, argues Sempronia is used to demonstrate the influence of eastern luxuria—gendered feminine—that threatens Roman virtus. Ann Wilkins agrees that Sempronia’s involvement was minimal and her role is to serve as a structural comparison with Catiline and a contrast with Sallust’s ideal Roman society. Despite their rejection of Sempronia’s role, it seems that Sempronia and other women had knowledge of the conspiracy. While both argue Sallust’s depiction is out of proportion with the facts, neither deny her existence or that she was a participant, if minor, in the conspiracy. For a summary of the relevant material Barbara Boyd, "Virtus Effeminata and Sallust's Sempronia," Transactions of the American Philological Association 117 (1987): 61, 86-87, 113; Ann Wilkins, Villain or Hero: Sallust's Portrayal of Catiline (New York: Peter Lang Publishing, 1994).
443 Cic. Att. 4.3.3.
the Cermalus as well. Clodius’ group could easily retreat into its safety if the assault on Milo’s home went south (as it did). Using a home as a staging ground for violence was not restricted to Clodius, and his opponents warmed to his tactics. In the Pro Milone, Cicero had to respond to allegations that Milo himself had purchased an extra property on the lowest slopes of the Capitoline hill along the Vicus Iugarius behind the Temple of Saturn and filled it with shields and other arms. The accusation indicates that Milo may have purchased the house because of its proximity to the Forum. An extra home with weapons on the street that lead to the Curia would have allowed Milo an organizational and tactical edge in responding to Clodian violence in the Western Forum.

**Clodius and the Elision of Political and Domestic Space**

As summarized at the start of the chapter, an aristocrat’s home was indisputably representative of his personal political power. An attack on a home, then, represented both a symbolic and an extremely practical way to neutralize a political opponent. Physically attacking or destroying a home endangered its ability to serve as a visible symbol of a politician’s prestige. It also prevented the target from using the home as a base of social organization, political activity, and business transactions, thereby striking a blow to their role within social and political life.

There existed a tradition of attacks on homes from Rome’s earliest days. Attacks on houses were one of the earliest forms of quasi-legitimate popular justice in Rome. In the procedure known as *occentatio*, a crowd would gather around the home of an individual who had done an act deemed unconscionable by the community and harass him with loud shouting and chanting of insulting

444 Tatum, 1999, 162.
445 Cic. Mil. 64; Beck, "From Poplicola to Augustus: Senatorial Houses in Roman Political Culture," 369; Richardson, 1992, 131. Since the death of M. Manlius Capitolinus, the Capitoline hill proper had been closed to private residences, leading Richardson to infer that Milo’s *domus in clivo Capitolino* was actually on the lower parts of the slopes.
446 Roller, "Demolished Houses, Monumentality, and Memory in Roman Culture," 125.
words. The process was designed to bring immense public shame on a violator of community norms, an experience that was politically fatal in Rome’s dignitas-driven society. Sometimes, a severe *occentatio* would result in a man’s door being burnt down, but rarely anything further.\(^{447}\)

Matthew Roller and Hans Beck skillfully explore the tradition of razing the houses of those deemed to be enemies to the Republic. Spurius Maelius (440 BCE) M. Manlius Capitolinus (384 BCE) M. Vitruvius Vaccus (330 BCE) were all accused of using their homes to conspire towards tyranny. Their homes were razed by the state after a vote of the *comitia*.\(^{448}\) Two equestrians who had elaborate homes north of the Forum had their homes confiscated by the state and razed when it was discovered they were also robbers. The censors initiated a building project on the site, replacing the private homes with a new basilica, the Macellum, which held a public fish market.\(^{449}\)

Fulvius Flaccus, a supporter of Gaius Gracchus, had his home demolished after for his perceived attempts to make Gracchus king during the violence of 122 BCE.\(^{450}\) All of these acts of violence against homes were originally communal ones—decisions made by the community to punish an individual who had violated community values, carried out by representatives of the state. Between 80 and 58, there is little evidence for political violence against homes outside of this mold. What instances occurred were *ad hoc*. As described above the Catilinarian conspirators attempted to free themselves from custody by attacking the homes that in which they were imprisoned. In 62, an angry crowd assembled at Caesar’s house, but with little organized intent to commit violence.


\(^{448}\) Beck, "From Poplicola to Augustus: Senatorial Houses in Roman Political Culture," 368-70; Roller, "Demolished Houses, Monumentality, and Memory in Roman Culture," 125-44.

\(^{449}\) Beck, "From Poplicola to Augustus: Senatorial Houses in Roman Political Culture," 371.

\(^{450}\) Roller, "Demolished Houses, Monumentality, and Memory in Roman Culture," 131-33.
These do not provide evidence of a pattern of politicized house attacks between 80 and 50. Political violence, before 58, remained almost without exception the Forum.451

However, beginning with Clodius’ tribunate in 58, there are records of eight physical attacks on aristocratic homes. Except for one, these attacks were not sanctioned by the state but carried out on the initiative of individual citizens. Six were carried out by Clodius himself. Clodius’ attacks on homes were calculated, discriminate, and designed to further his own campaign for personal political control of the city during and after his tribunate. Although he began by drawing on the tradition of state-sanctioned demolition, Clodius soon went beyond tradition. His innovation was to turn senatorial homes into politicized targets. Republican homes on the Palatine and elsewhere became proxies for the battle between Clodius, Pompey, and Cicero to bring the city’s political space under their control. In using violence against Cicero, Milo, and Pompey’s homes, Clodius attempted to claim the prestige they brought their private owners for himself.

After passing his legislative program from the Temple of Castor and thus securing an enduring base of popular support, Clodius turned his ire towards Cicero, whose testimony at Clodius’ Bona Dea trial and his incessant harangues of the tribune since 61 had engendered a deep enmity between the two.452 More importantly, as Jeffrey Tatum argues, Cicero was “a vital symbol of senatorial authority” and whose public oratory made him “the very embodiment of senatus auctoritas.”453 If Clodius could use his newfound popular support to bring Cicero to heel, he could potentially do the same to almost any member of the Senatorial aristocracy.

451 The other exceptions are the food riot on the Sacra Via in 75 (#2) (which although resolved at the house of Octavius, the consuls Cotta and Octavius were the targets, not the house), the voting in the Area Capitolina for Manilius’ bill on the freedmen’s votes (#9), and the attack on Caesar in the Temple of Jupiter Stator (#16), which was itself not far up on the Sacra Via from the Forum.
453 Ibid., 151, 55.
To effect Cicero’s complete political destruction, Clodius turned towards that symbol of a senator’s power, his house. In February, Clodius passed the *lex Clodia de capite civis*. The law provided for the exile of anybody, regardless of position or magistracy, who had put Roman citizens to death without trial.\(^4\) Although the law’s language was general, only one man was intended. Cicero’s spectacular command of the Forum’s political space achieved by his tense and barely-legal execution of the Catilinarian conspirators in 63 (#18) had finally come back to haunt him. Clodius had masterfully isolated Cicero from his senatorial allies through political machinations with the triumvirate, and the law passed in the *comitia plebis tributa* without violence.\(^5\) On the day that Cicero left Rome, Clodius’ supporters plundered his home almost immediately, stealing his possessions and burning the building to the ground.\(^6\) However, Clodius sought to make Cicero’s home’s destruction permanent and formal. A few weeks later, Clodius passed a second bill, the *Lex Clodia de exsilio Ciceronis*. The law declared Cicero a public enemy and declared the actions of his consulship illegal. Most importantly, it confiscated Cicero’s property, provided for its sale at auction, and assigned to Clodius the job of demolishing Cicero’s home and the construction of a new monument on the site.\(^7\)

To gauge the impact of the demolition of Cicero’s home, it is important to understand the house’s topographical context. The location of Cicero’s house and its relation to its neighbors was paradigmatic of Roman aristocratic housing. After his election to the consulship, Cicero paid M. Licinius Crassus a fabulous sum of 3,500,00 sesterces for a mansion on the Palatine.\(^8\) The cost was minimal compared to the public exposure and prestige Cicero gained from moving into the

\(^4\) Ibid., 154-56.
\(^5\) Ibid., 157.
\(^6\) Cic. *Dom.* 60–62; *Pis.* 26
\(^7\) Tatum, 1999, 156-57.
\(^8\) Beck, "From Poplicola to Augustus: Senatorial Houses in Roman Political Culture," 372.
district, a spectacular leap for a novus homo whose family had never achieved consular status.\textsuperscript{459} Cicero entered a neighborhood dominated by famous families: The Aemilii Scauri, Caecilii Metelli, Licinii Crassi, Claudii—a veritable who’s who of the Roman aristocracy. Cicero’s home had belonged to the famous M. Livius Drusus (tr. pl. 91) before it passed into Crassus’ hands, and the home was renowned even in antiquity for its visibility.\textsuperscript{460} On one side of Cicero’s house was the Porticus Catuli, a large portico set up by Q. Lutatius Catulus to celebrate his victories over the Cimbri. The porticus was apparently viewable from the Forum as well. On the other side of Cicero was the home of an equestrian, Q. Seius Postumus. Adjacent to Seius and only a plot away from Cicero, in an ironic demonstration of the clustered nature of Republican housing, was the home of Clodius. Clodius’ home was itself linked to a complex of houses of famous aristocrats that included L. Licinius Crassus and M. Aemilius Scaurus, both of whose houses Clodius would ultimately purchase by 53.\textsuperscript{461} After Seius died before 58 under mysterious circumstances, Clodius acquired the home, thus making him Cicero’s next-door neighbor.\textsuperscript{462}

   Given its role in urban politics in 58-57, scholars have for decades have sought the location of Cicero’s home, and this chapter will not conclusively end the debate.\textsuperscript{463} Although early scholars located Cicero’s home on the north-northeastern Palatine, most 20th century scholars associated it with the Clivus Victoriae, a road that began at the Temple of Victoria at the southern end of the

\textsuperscript{459} Tatum, 1999, 161.  
\textsuperscript{460} Vell. Pat. 2.14.3; Cicero stresses in Dom. 100 that his house is “in the sight of the whole city.”  
\textsuperscript{461} The major sources for Cicero’s home and its location are Cicero’s’s speeches De Domo Sua and De Haruspicium Responsa. For cogent modern summaries of the large amount of detail we know about the property, see Steven M. Cerutti, "The Location of the Houses of Cicero and Clodius and the Porticus Catuli on the Palatine Hill in Rome," American Journal of Philology 118, no. 3 (1997): 159-66; Tatum, 1999.  
\textsuperscript{463} For a strong bibliography of the debate, see Tatum, 1999, 302-04.
Palatine Hill and ran along the hill’s western side through the Cermalus neighborhood.\textsuperscript{464} However, excavations by Andrea Carandini since the 1980s have challenged that assumption. Carandini identified the remains of the large republican house (Fig. 14 #11) the intersection of the “Clivus Palatinus” and “Sacra Via,” slightly to the northwest of the Arch of Titus as the house of M. Aemilius Scaurus (aed. 56).\textsuperscript{465} This positive identification means that nearby must be the homes of Clodius, Cicero, Cicero’s brother Quintus, Q. Lutatius Catulus must not be far away. Carandini goes as far as to label a home three plots to the west of Scaurus’ as Clodius’ home (Fig. 14 #8). If we follow Carandini’s reconstruction, this would put Cicero’s home close by, separated by the plot of Q. Seius Postumus, but clearly within the lower north-eastern section of the Palatine Hill. Carandini’s conclusions about Clodius' home is controversial, and it is unclear from his reconstruction of the ancient streets in Fig. 14 exactly where Cicero’s home would have to be to be judged adjacent to Clodius’ complex.\textsuperscript{466} However, Coarelli, Beck, Hales, and Tatum all agree that it is likely Cicero’s home was on the northeastern side of the Palatine in the exclusive area between the Arch of Titus and the Atrium Vestae, not the northwestern side that overlooked the Velabrum.\textsuperscript{467} What is important for this thesis is that the house was deep in exclusive aristocratic

\textsuperscript{466} On my webmap, I have adopted for imaging’s sake Carandini’s visualization of Clodius’ initial home, meaning that Cicero’s house would only be a plot away. I have chosen to situate Cicero’s home and the instances of violence associated with it to the west of Clodius’ original plot, allowing for Clodius’ complex to stretch eastward towards Scaurus’ house, and also westward past Seius’ home.
territory, visible to those above and below on the hill and even in the Forum, and by 58, adjacent to Clodius’ residence. Like all aristocratic homes, it was a signifier of Cicero’s dignitas and his political importance.

On its face, Clodius’ treatment of Cicero’s home reflected the historical tradition associated with men who had behaved tyrannically and were punished for it. Clodius completed the demolition of Cicero’s house, and in haste began the construction of the promised monument to replace it. Clodius constructed a shrine to the goddess Libertas, the personified deity of the freedom of Roman citizens. For Clodius’ supporters, Cicero’s exile could be viewed as an exercise of

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Figure 14: The residential quarter of the northern Palatine, reconstruction by Hans Beck, 2010, after Carandini. 1. Sacra Via, 2. Temple of Vesta, 3. Regia, 5. Domus Publica, 7. Temple of Jupiter Stator, 8-14 Aristocratic houses. 11 is the home Carandini identifies as Scaurus’ residence. 8. Is the proposed location of Clodius’ home.

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we should consider the area of the Lucus Vestae, around the Atrium of Vesta, as one end of this exclusive neighborhood, and the other the space now occupied by the Arch of Titus.

Tatum, 1999, 165.
political freedom and a restoration of liberty to the city, and Clodius evidently hoped to foster this association. However, despite the dedicatory justification, it was clear to all that this shrine was also a monument to Clodius’ personal victory over his opponent. Threatening the prestige of another senatorial politician, Clodius’ monument incorporated the pre-existing Porticus Catulus on the other side of Cicero’s home. Clodius removed the initial inscription bearing Catulus’ name on the portico and inserted his own.469 Along with the statue of Libertas, the shrine housed a statue of Clodius himself, designed by a sculptor for whom Clodius was the personal patron.470

Furthermore, in addition to being a monument to Clodius’ strength, the monument was meant to be a permanent attack on Cicero’s memory. Matthew Roller determined that the monuments built over demolished houses in the Republic were not meant to eliminate the memory of the former owner, but to ensure their enduring infamy. A demolished house would “keep an account of the proprietor and his misdeeds in circulation, but in a negative ethical mode—that is, as a negative exemplum.”471 The shrine of Libertas did not occupy the entire space, meaning that the ruins of Cicero’s burnt home remained to be viewed by passerby.472 As long as Clodius’ shrine stood, it was a reminder that the man whose house lay in ruins beside it had been deemed a tyrant and a public enemy of the Republic.

As Tatum notes, up to this point Clodius had done nothing novel. He was following typical precedent for the treatment of exiled public enemies.473 However, his subsequent behavior towards another private house was markedly different. After eliminating Cicero, Clodius turned his gaze towards Pompey and his house. As described in the previous chapter, Clodius orchestrated a failed

469 Ibid., 164.
471 Roller, "Demolished Houses, Monumentality, and Memory in Roman Culture," 122.
assassination attempt on the general during a senate meeting in the Temple of Castor (#32). Legitimately frightened for his life—and shocked by the lack of public outcry for his safety—Pompey retreated to his home on the Carinae, a section of Rome just northeast of the residential quarter of the Palatine, on the lower slopes of the Esquiline Hill. Clodius, however, was not merely content with Pompey’s elimination from the Forum—and thus, from Roman political life. He wanted to control Pompey’s activity in his ostensibly private space as well. Not long after Pompey’s self-imposed retreat to his house, Clodius made it a forced exile. According to Asconius, Clodius’ freedman Damio laid Pompey “under siege” in his own house. Damio deployed armed men at various “guard-posts” around Pompey’s house. It is unclear for how long this siege lasted. It need not have been constant to be effective. Perhaps Damio would send plebeian

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474 Asc. 47C; Coarelli, 2007, 178-79; Richardson, 1992, 131; Tatum, 1999, 174. The exact location of Pompey’s house within the Carinae is impossible to determine. Richardson describes the Carinae as “probably the whole brow of the western end of the Oppius [hill] from the vicinity of the Church of S. Pietro in Vincoli around to the Thermae Titii.” In the Late Republic, it was a fashionable district, but not as competitive as the northern Palatine. In addition to Pompey, Cicero’s brother Quintus had a house there. On my map, following Richardson’s description of the Carinae, I have placed Pompey’s house for imaging purposes in the area between the modern church of S. Pietro in Vincoli and the remains of the Baths of Titus, which are themselves just north of the Colosseum. I have placed the home somewhat on the northern end of that range, further up the hill, in order to account for the house’s high elevation and visibility from the Palatine Hill. The remains of two lavish 1st century BCE homes, with mosaics, cisterns, and large atria have been discovered under the nave of S. Pietro in Vincoli (Digital Augustan Rome, #350, “Domus: Carinae”), but it would be irresponsible to attempt to assign Pompey’s home to one of these spots. However, their construction gives us an indication of the wealth of homes in this sector. The closeness of these homes to the Temple of Tellus, discovered in the piazza in front of the church make an identification of one of these homes with that of Q. Tullius Cicero, who was reported to live near the Temple, equally tempting but irresponsible (Digital Augustan Rome, #351, “Tellus, Aedæ”). However, the temple’s location is helpful nonetheless. Quintus and Pompey’s homes were close enough to be considered neighbors, and the temple’s location there supports placement of Pompey’s home further up on the Carinae.

475 Asc. 47. One might think that this militarized description reeks of Ciceronian fluff. However, Asconius indicates that he has fact-checked Cicero’s rhetoric with the acta, the public records of that year. Asconius reports that that the praetor had brought some sort of proceedings against Damio for his harassment of Pompey, but Damio was defended by L. Novius, a tribunician ally of Clodius.
supporters by Pompey’s home often enough to be conspicuous. Paranoid (and perhaps not without reason), Pompey remained inside his home until the end of Clodius’ tribunate, months later. By simply threatening violence, Clodius publicly made himself not only master of the Forum, but master of Pompey’s property. If—as some scholars have proposed—Pompey’s home on the Carinae was his Domus Rostrata, decorated with the prows of enemy ships captured during his pirate campaign, Clodius’ victory would have been even more symbolic. It would have been a second senatorial victory monument he triumphed over, following Catulus’ portico. Clodius was cognizant of the symbolic victory his barricade of Pompey lent him. To make his victory more complete, he let slip the rumor that he was planning to build a porticus on the Carinae—suggesting that he intended to confiscate Pompey’s home as he had done with Cicero’s on the Palatine. Had Clodius gone through with the threat, he would have built two monumental complexes facing each other—one on the Palatine and one on the Carinae. The twin sites would have cast Clodius’ symbolic dominance over the many aristocratic homes on the Palatine, the Velia, and the lower Carinae that fell on the axis between the two.

Whether he actually intended to raze Pompey’s home is beside the point. That he could even make the threat represented the extent to which Clodius had politically neutralized the man. Clodius’ domination of Pompey and Cicero’s houses demonstrate the extent to which personal homes had become elements of political competition. However, it was at the same time indicative of how personal Clodius’ crusade for political control had become. His destruction of Cicero’s

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477 The location of the Domus Rostrata is a question still up for debate. However, Russell has made a convincing argument that Pompey’s new house in his gardens by his theater complex was actually the Domus Rostrata and the home on the Carinae was his original, more modest home.
The bloody battle over Fabricius’ bill to recall Cicero (#34), fought in the Western Forum.

Cic. Att. 4.3.3; Coarelli, 2007, 131; Ingrid Edlund-Berry, "Early Rome and the Making of "Roman" Identity through Architecture and City Planning," in Blackwell Companions to the Ancient World: Companion to the Archaeology of the Roman Republic, ed. Jane Evans DeRose (West Sussex, UK: John Wiley & Sons, 2013), 412-13; Richardson, 1992, 81. As with the location of Cicero, Clodius, and Pompey’s homes, the location I have chosen for Milo’s home is an approximation. The Cermalus/Germalus has been variously defined as above the Velabrum and more on the center of the hill (Richardson), or closer to the Scalae Caci and the Temple of Magna Mater, where it is associated with the remains of archaic huts that have been located south of the Magna Mater temple (Coarelli, Edlund-Berry). The Digital Augustan Rome mapping projects, citing excavations of the Domus Tiberiana (which later occupied much of the Palatine’s western side), locates the foundations of several Late Republican houses along the middle Palatine’s western side. I have chosen for imaging purposes the location of their “Domus: Palatine (4)” to represent Milo’s home. While far from certain, it is in a location that is not far from the southern section usually called Cermalus while still maintaining its publicity along the Velabrum overlook, which slopes steeply to the west of the proposed site of the house.
visible to viewers looking up from the flatlands to the south and west along the Tiber. Just as on
the northern slope, many famous Romans had homes not far from this zone. Cicero in Pro Sestio
claimed one year later that “the house of another tribune of the people [Milo]…was attacked with
fire and sword by the army of Clodius.” Milo’s supporters repelled the attack, and the tribune
continued his opposition to Clodius unintimidated.

Clodius was persistent in his use of violence against the personal homes of Cicero’s
supporters. Drawing on the tradition of occentatio, Clodius strove to include the larger population
of the plebs as a whole in his attacks on politicians’ homes. During the Ludi Apollinares, the yearly
festival to Apollo in July of 57, the city was struck by a severe grain shortage, leaving many of the
poorer plebs dependent on the grain distributions panicked and angry. At the same time, Pompey
proposed his bill to recall Cicero to the Senate. Popular fury over the grain prices culminated in a
riot by some of Rome’s poorest and hungriest citizens at the festival’s theater performance (#37).
Simultaneously, Clodius directed a second group to besiege the home of L. Caecilius
Rufus, the urban praetor who was responsible for producing the games (#38). Caecilius was a
supporter of Cicero and had attempted to legally obstruct Clodius’ confiscation of Cicero’s
property. Clodius knew that Caecilius was a target that the plebs could get behind attacking. As
praetor, Caecilius was also the highest official responsible for the grain supply and could be blamed

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481 Cic. Sest. 85; for similar language, see Cic. Red. Sen. 19, Sest. 88-90, Mil. 35; Tadeusz
482 Tatum, 1999, 179.
484 Asc. 48C.
485 Asc. 48C describes the attack as “a house siege.” Vanderbroeck theorizes that the group that
besieged the home was narrow and made up of a select collection of collegia members. Tatum
argues for wider participation by broader sectors of particularly poor plebs. It is likely a
combination of both—Clodius used his intermediaries in the collegia to direct the actions of a
larger crowd.
486 Cic. Red. Sen. 22.
for the grain shortages.\textsuperscript{487} It is unclear where Caecilius’ home was, although like many others he may have lived on the Palatine, given his prestigious family connections.\textsuperscript{488} While details do not exist of what the crowd did when it got to Caecilius’ house, it seems that a traditional \textit{occentatio} may have been in order. Caecilius’ failure to provide an adequate grain supply for Rome’s poorest was certainly justification enough to justify shouting insults and creating a commotion to publicly shame the man. However, Clodius’ personal supervision may have resulted in a more violent scene, with rock-throwing and firebrands. The attack on Caecilius’ house allowed Clodius to continue presenting himself as the protector of the \textit{plebs} while continuing his crusade against the homes of Cicero and his allies.

Despite Clodius’ best efforts, Cicero was recalled and returned to the city in September determined to fight Clodius at his own game. Cicero had only one thing on his mind: the reconstruction of his home. Although he might be back in Rome, his prestige would not be mended until his house was reconstructed. Cicero confessed this to Atticus himself, fretting “What of my \textit{domus}? Can it be restored? And if it cannot be restored, how shall I myself?”\textsuperscript{489} After a complicated legal case argued before the College of Pontiffs disputing the legality of Clodius’ procedure in erecting the shrine of Libertas, Cicero convinced the Senate to vote that his home be rebuilt, and at the state’s cost no less.\textsuperscript{490} If destroying a house was destruction of a politician, reconstruction of his home represented a restoration of his political power. Clodius’ shrine to Libertas and new porticus was torn down, and senatorially-paid workmen began reconstructing

\textsuperscript{487} Asc. 59C. \\
\textsuperscript{488} Cic. \textit{Sul.} 62-64; Gruen, 1974, 172-73. Caecilius was from a storied consular \textit{gens}, and it appears that Caecilius and P. Sulla, the son of the dictator, were half-brothers, meaning that Caecilius would likely have been a well-connected aristocrat with a prominent home. \\
\textsuperscript{489} Cic. \textit{Att.} 4.1.3. \\
\textsuperscript{490} Tatum, 1999, 187-93.
Cicero’s destroyed site.\textsuperscript{491} Just as the sight of Clodius’ Libertas shrine rising on Cicero’s burnt site was a mark of Clodius’ power, Cicero’s rebuilt home was a testament to the orator’s revived political potency. The destruction of the shrine also represented Pompey’s restoration to political pre-eminence in Rome. Pompey had personally arranged Cicero’s recall as a way to combat Clodius, and the orator’s restoration of his home was a vindication of Pompey’s ability to manage politics.\textsuperscript{492} Both sides could use private homes as political footballs, Pompey’s actions indicated to Clodius. For Clodius, who now lived immediately next door to Cicero, the sound of workmen rebuilding the house must have been a grating reminder of defeat.\textsuperscript{493}

Clodius would not go down without a fight. On November 3rd, 57, he sent a group of armed men to the site where workmen were rebuilding on Cicero’s foundations. The men physically knocked down what had been rebuilt of the Porticus Catuli and Cicero’s house. Taking the building materials of Cicero’s home, they used them as projectiles which they threw at the adjacent home of Quintus Cicero. Shortly thereafter, they took the ritual of \textit{occidentatio} to its violent end, setting Quintus’ home alight with firebrands.\textsuperscript{494} It was a move that represented the depth of Clodius’ anger. Rome, with its narrow streets, and wooden buildings packed closely together, was particularly susceptible to conflagration. Even in the Late Republic, many residential buildings were still constructed with a flammable combination of wood and plaster.\textsuperscript{495} Fires frequently ravaged sections of the city, most recently in 83 BCE. As shown by Cicero’s repeated reference to

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\textsuperscript{491} Cic. \textit{Att.} 4.3.3.
\textsuperscript{492} Tatum, 1999, 176-78.
\textsuperscript{493} The walls between aristocratic houses were often so thin that one could hear from house to house. Cicero wrote to Atticus in Cic. \textit{Att.} 4.3.3 that one of Clodius’ allies, a candidate named Marcellus “is snoring so loud that I can hear him next door.”
\textsuperscript{494} Cic. \textit{Att.} 4.3.3.
fire in his orations against Catiline in 63, fear of a conflagration was a potent motivator. Homes were packed particularly close on the Palatine residential complex. Clodius’ home now abutted Cicero’s, and was nearby to Quintus’. Lighting a home on fire in the densely packed Palatine so close to his on complex was a risky move that likely frightened Clodius’ allies and opponents alike, seeing that many were his neighbors. When Cicero writes that “simply every human being” in the city reacted with “loud exclamations of indignation and sorrow” at the arson, it is more likely that this aristocratic outcry was in fear of fire spreading to their own property rather than an overriding concern for Cicero’s.

Clodius did the same to Milo’s home a week later. On the Ides of November, he led a group of men armed with swords, shields, and torches out of the atrium house of his ally P. Sulla on the Cermalus and attempted to light the Milo’s house on fire at 11 o’clock in the morning. Milo’s client Q. Flaccus led an armed group out of his vestibule where a vicious battle occurred in the narrow street. As Milo’s house was situated high above the Velabrum and the Eastern Forum, people going about their daily commerce in these areas may have heard the commotion and looked up to see the beginnings of flames. Milo’s men fought Clodius’ group back, forcing them down the street to Sulla’s home, which was close by. Clodius’ group retreated to the relative safety of Sulla’s home’s entrance and then the basements deep in the house.

Clodius’ attacks on the homes of his opponents were clearly meant to be intimidating. However, there was something more innovative in Clodius’ approach than mere terrorism. Fergus Millar notes that Clodius was the first man in Roman history to translate political discourse in the

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496 Throughout the Catilinarian orations, Cicero made incessant references to Catiline’s desire to torch the city and destroy private homes. Cic. Cat. 1.3, 1.32; 2.1, 2.10; 3.1, 3.2, 3.8, 3.10, 3.25; 4.12, 4.17.
497 Cic. Att. 4.3.3.
498 Cic. Att. 4.3.3.
Forum into physical effects on prominent houses. As we saw in chapters I-IV, the spaces that were controlled by violence were constantly expanding. In the early 60s, political violence in the Forum was directed at specific locations in pursuit of particular results—attacks on the Rostra, the Curia, and the Praetor’s tribunal were designed to ensure a particular legislative, senatorial, or judicial outcome. These spaces were ones understood to be expressly political and to a large extent public. However, beginning in the late 60s, the space in which political battles were fought began to expand. Cicero’s execution of the Catilinarian conspirators, in a triumphal style that mirrored that of a victorious general, constituted a claim to not just specific topography but the entire Forum that had not been seen by civilian politicians. The legislative battles over the Lex Fabricia in 57 (#34) and the Lex Trebonia de provinciis consularibus in 55 (#56 & 55) demonstrated that that political control was no longer supplied by mere dominance of individual spaces, but control of the Forum as a whole. Likewise, the trajectory of political violence around the courts examined in Chapter IV saw violence move from ad hoc disruptions, to a calculated, programmatic attempt on the part of Clodius to assert a sort of personalized dominance over the area, ultimately countered and then replicated by Pompey and his soldiers, who fought to make the entire Forum his own. By making senatorial residences part of the equation, Clodius again expanded the field on which the Late Republic’s political battles were fought. Aristocratic homes, although always marked by significant elements of the public, had long been personal strongholds that served their owner first and foremost. However, by making them sites of political violence, Clodius’ attacks transformed aristocratic residences into expressly political spaces and effective proxies for the Rostra, Curia, and courts where violence traditionally played out. At the same time as he dragged the aristocratic domus fully into the sphere of public space, he simultaneously used violence to privatize them

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under his own control. Clodius’ subsequent attacks on homes after Cicero’s in 58 were not, as previous attacks were, acts of community-sanctioned violence. They were part of a private campaign that used violence to arrogate both the political power and personal dignitas of the owner to himself.

Clodius’ tactics had a profound impact on the practice of political violence that outlived him. Multiple attacks on homes during the violence after his death in 52 shows that Clodius had created an indelible link between violence, private homes, and political control. After he was murdered by Milo on the Appian Way, Clodius’ body was brought back to his home on the northeast Palatine. That night, Clodius’ house took on an entirely public character. Asconius writes that Clodius’ body was laid out in his atrium and “a huge crowd of the lowest commoners and slaves stood round it in the hallway of his house in deep sorrow.”

Given Clodius’ popularity, the crowds must have filled the house and clogged the streets outside of his house, effecting a sort of Plebeian invasion of what was undoubtedly viewed as aristocratic space by most Palatine residents. The home was Clodius’ newest annexation to his ever-growing complex, the sumptuous mansion of M. Aemilius Scaurus. Clodius’ wife Fulvia officiated at what had the appearance of an informal contio. She displayed Clodius’ wounds and spoke to the crowd, allegedly attempting to inflame them. The next day, the house was used as a rallying point for Clodius’ supporters. An even larger plebeian crowd flooded the streets to escort Clodius’ body to the Forum as part of the funeral procession. At the funeral, things went awry when Clodius’ scribe and lieutenant Sextus Cloelius brought the body into the Curia and lit the funeral pyre inside (#33). The Curia Cornelia—

500 Asc. 32C.
501 Ibid.
502 Ibid.
503 Asc 32C.
the preeminent symbol of the senate’s primacy—soon went up in flames. With it went the adjacent Basilica Porcia, the headquarters of the tribunes of the plebs.\textsuperscript{503}

After destroying the Curia, Clodius’ supporters chose not to attack other “public” monuments, but directed their ire at a succession of senatorial homes. Cassius Dio reports that with a clear and deliberate sense of purpose, the crowd marched up the Palatine Hill and attempted to once and for all burn down Milo’s long-suffering Domus Anniana, the third such attempt in the past six years.\textsuperscript{504} However, Milo’s supporters were prepared. Archers from the second-story balcony barraged the crowd with arrows and forced them off. After their assault on Milo’s home, they marched to the grove of Libitania on the Esquiline and stole sets of dummy \textit{fasces} from the headquarters of the libitinarii, the professional undertakers.\textsuperscript{505} They then ran to the homes of Q. Metellus Scipio and P. Plautius Hypsaeus and demanded they become consuls, offering each the stolen sets of \textit{fasces}. It is unclear exactly where the homes of both were. Scipio, being both a member of the storied Caecilii Metellii family and a Scipio, likely had a home on the Palatine, the location of his illustrious forebears. Hypsaeus too was from a consular family, but this evidence provides little more than supposition.\textsuperscript{506} Finally, the crowd marched all the way the other direction across the city towards the Campus Martius, where they ringed Pompey’s home in the gardens behind his massive theater and acclaimed him at once consul and dictator.\textsuperscript{507} It is telling of a shift

\textsuperscript{503} Asc. 33C. The pyre was lit with the benches, platforms, and tables inside and around the Curia.
\textsuperscript{504} Asc. 33C; Dio 40.49.3-4; Sumi, "Power and Ritual: The Crowd at Clodius' Funeral," 234.
\textsuperscript{505} Asc. 33C.
\textsuperscript{506} Gruen, 1974, 63, 107-8. LTUR, 158: “The location of the two homes cannot be reconstructed exactly, and they may be placed between the Esquiline and Carinae or Campus Martius [as that is the route that the procession took]. Due to lack of real evidence for their location, and the absence of discoverable violence at these sites, no attempt has been made to locate them on my webmap.
\textsuperscript{507} Asc. 33C; Sumi, "Power and Ritual: The Crowd at Clodius' Funeral," 85; Russell, 2016, 162.
in political behavior that when they wanted to make their desires known regarding Rome’s highest public office, the crowd did not continue to demonstrate in the Forum, but went directly to the homes of the decision-makers they were targeting.

The spontaneous crowd was not the only group that targeted homes in the wake of Clodius’ murder. Scipio and Hypsaeus, Clodius’ supporters and two candidates for the consulship against Milo, hoped to capitalize on the chaos to have the elections called quickly while Milo’s forces were disarray. The decision was in the hands of M. Aemilius Lepidus (the future triumvir) whom the senate had appointed interrex. 508 Whereas in an earlier decade Scipio and Hypsaeus might have held riotous contiones in the Forum to compel a magistrate’s action, the two did not bother waiting for Lepidus to come to the Forum. With a large group of personal supporters, they ascended the Palatine’s slopes and began a multi-day siege of Lepidus’ home. 509 On the fifth day, when it became clear Lepidus was not going to budge, the group “broke through the gateway with all manner of violence.” 510 Once inside, they set about destroying valuable symbolic pieces of Lepidus’ property. The “pulled down his ancestral portraits, broke up the symbolic marital couch of his wife…and also vandalized the weaving-operations which in accord with ancient custom were in progress in the entrance-hall.” 511 Lepidus was only relieved on the 5th day because Milo’s gang arrived and engaged Scipio and Hypsaeus’ group. Showing the extent to which Clodius’ tactics had been adopted even by his greatest opponents, Milo had not intended to come to Lepidus’ aid. Instead, he was planning on laying siege to the house himself, and inadvertently freed him when he found Scipio and Hypsaeus’ group there first.

508 Asc. 33C; Dio 40.49.5
509 Asc. 33, 36, 43C. Asconius reports that they “laid siege to his home on each and every day of his interregenum—which numbered the customary five.”
510 Asc. 43C.
511 Asc. 43C.
Pompey also benefited from the elision of residential and political space that took place in the wake of Clodius’ death. Dio writes that after the Curia was burnt down, the Senate met not in the Forum but on the Palatine Hill to elect an interrex. Although the meeting space is not specified, it is likely that they met in one of the three temples on the southern side of the hill near the Cermalus.\textsuperscript{512} However, the attacks on Milo’s and Lepidus’ homes seem to have convinced the senators that not even their residential stronghold on the Palatine was safe from assault. The next senate meeting took place far away from the dangerously public Forum and the now-unsafe Palatine. Dio writes that the senate assembled under an armed guard outside the city’s walls in the Curia hall in the monumental theater-garden-portico-house complex on the Campus Martius belonging to Pompey.\textsuperscript{513}

As Amy Russell writes, Pompey’s complex was the most ambitious attempt yet to use a mixed-use complex to claim public space as private. Although the theater, its gardens, and its porticoes were ostensibly open to the public, the complex was architecturally designed to regulate the behavior of attendees and project Pompey’s power.\textsuperscript{514} Pompey’s complex made a particularly strong claim to privatizing political space. Attached to the complex at the far end of the portico was a large exedra, consecrated as a templum specifically so it could be an alternate Curia. Pompey constructed the building’s Curia as a clear attempt to impose his name on one of the Republic’s oldest political processes. In offering his Curia to the senate as their last bastion of safety, Pompey exercised that control over its members. Meeting in a Curia named after Pompey, surrounded by a

\textsuperscript{512} Dio 40.49.5. For the temple complex on the southern side, see Coarelli, 2007, 133-38. The senate always had to meet in an inaugurated templum, and the temples of Magna Mater, Victoria, and the small shrine of Victoria Virgo were the only temples on the summit in the Late Republic. The Temple of Magna Mater, the largest, likely held the meeting.

\textsuperscript{513} Dio 40.50.2.

\textsuperscript{514} For an in-depth examination of the regulatory impulses at work in Pompey’s complex, see Russell, 2016, 167-86.
armed guard of the general’s personal soldiers, and standing underneath a massive statue of the man, the Senate unprecedentedly voted Pompey consul for the third time without a colleague, and bid him take all measures necessary to protect the city.515

Pompey continued to break down the barrier between private and political in his residential complex after 52. Russell notes that after the Senate had formally received Caesar’s letter proposing that he and Pompey lay down their commands at the same time, Pompey summoned the entire Senate at dusk to his personal residence at the complex. Although senate meetings were illegal after dusk, Pompey held an informal meeting in his own house, as if it were a Curia.516 In the days that immediately preceded the senate’s decision to strip Caesar of his command—thus inaugurating the civil war—Caesar wrote that “the senate is convened outside the city.”517 While the Senate had multiple meeting places on the Campus Martius, they were likely meeting in one place: Pompey’s complex.

Conclusion: Towards the Politicization of Private Space and the Privitization of Political Space

As this chapter has shown, the private homes of senatorial aristocrats played an important role in the political violence of the Late Republic. The architectural layout of aristocratic homes meant that they were eminently defendable and could be used as a bastion from which to repel attack. The different levels of privacy afforded by a house’s interior rooms provided space for individuals to plot political violence. Before 63, it was infrequent that houses were the targets of the same sort of calculated political violence seen in the Forum. However, starting in 58, Clodius expanded the political battlefield to include the private homes of the elite. An attack on a home

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515 Dio 40.50.2; For the statue of Pompey in the Curia, see Plut. Caes. 66.1-2, and for discussion, Russell 168-170.
516 Russell, 2016, 184-85. Pompey
517 Caes. BC 1.6.
was an attack on a politician’s power, and Clodius used attacks on Cicero and Pompey’s home to diminish their prestige and increase his own. His campaign in 57 against Milo and Cicero’s houses left an indelible mark on political culture. After his death in, private homes, just as much as the formal political spaces, were the sites where individuals attempted to claim control over Rome’s politics. These claims could be made with violence, or they could be made more subtly, as Pompey did by extending his Curia space to the senate. In the same way that Pompey ultimately used Clodius’ own tactics to assert a type of dominance over the Eastern Forum during Milo’s trial, in the wake of Clodius’ funeral Pompey embraced Clodius’ amplified elision of residential and political space to his advantage.
Chapter VI: Class and Conflict in Rome’s Theaters

Four out of the remaining eleven instances of political violence in Republican Rome took place in yet another new category of spaces; the city’s theaters. Like aristocratic homes, Rome’s theaters were also imbued with a political role before they became the target of political violence in the 50s. Theaters were places where attendees could voice their opinions without compunction. They were also places where class divisions were reified and tensions ran high. Starting in 58, Clodius drew on the class tensions around the theater, mobilizing excluded members of the *plebs urbana* to attack two separate theater performances as part of his campaign against Cicero’s recall. However, lower-class mobs rarely needed organizing or encouragement. As is shown by a final attack on festival games that Clodius himself held, lower-class crowds used attacks on theaters as a legitimate mode of making their demands known to Rome’s elite.

*Locating Rome’s Theaters*

Although theatrical performances are attested in Rome from the 3rd century BCE onward, the question of where these performances took place, and what form the stages and audience seating took is complicated by Rome’s lack of a permanent single space for theatrical events. Rome’s earliest theaters were temporary and erected in multiple sites as a result of their religious nature. Roman drama developed as performances associated with Rome’s annual religious festivals, such as the Ludi Romani, Ludi Plebeii, Megalenses, and Apollinares, and this association limited the locations where theatrical performances took place. As Wiseman writes, “The theatre games (*ludi scaenici*) were held in front of the respective temples of the deities honoured at each

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Therefore, during the *Ludi Apollinares* for example, a festival in honor of Apollo, the *ludi scaenici* would be performed near the Temple of Apollo in the Campus Martius. In the earliest days of Roman theater, plays were initially performed in the space directly in front of the temple, and the audience sat or stood on the steps leading up to the temple’s podium.\(^{521}\) As Rome’s population grew—and its festival occasions for theatrical performances increased—Romans began by at least 179 BCE to construct *ad hoc* stages and auditoria out of wood to hold larger audiences. These stands would still be located within the temple precinct, or within reasonable sight of the temple.\(^{522}\) Importantly, these stands were always temporary—they were constructed for the festival, and were deconstructed soon thereafter, following the dictates of Rome’s conservative political elite, who feared decadent Greek social influences.\(^{523}\) As a result of conservative political and their association with festivals, Roman theaters remained both location-specific and temporary until Pompey’s construction of his enormous stone theater in the Campus Martius in 55.

Despite their temporary nature, these stages could be quite elaborate. Constantly constructing and deconstructing theaters each year, made Romans experts at wooden architecture, and by the first century BCE, elite patrons were commissioning increasingly showy temporary theaters. M. Aemilius Scaurus’ theater, which was built and taken down within the year 56, was lavishly decorated with 360 columns, mosaic floors, gilded wood, and was allegedly three stories high.\(^{524}\) C. Scribonius Curio (tribune in 50) built two large wooden theaters in 52 that rotated

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\(^{520}\) Wiseman, 2009, 164; Coleman, "Entertaining Rome," 220.

\(^{521}\) Hanson, 1959, 29-30; Coleman, "Entertaining Rome," 220.

\(^{522}\) Liv. 40.51.3; Katherine Welch, *The Roman Amphitheatre: From Its Origins to the Colosseum* (Cambridge, UK: Cambridge University Press, 2007), 59. Livy records that in 179, M. Aemilius Lepidus, as Pontifex Maximus and Censor, “contracted for the building of an auditorium in the Area of the Temple of Apollo” to provide for the *Ludi Apollinares*.

\(^{523}\) Ibid.; Coleman, "Entertaining Rome," 220.

\(^{524}\) Welch, 2007, 64-65.
impressively on a pivot. Wooden republican theaters were frequently decorated with marble statuary and often even marble columns. These theaters were treated as architectural marvels and sites of significant notice.

However, despite the alleged size of theaters’ cavea, attendance at theater performances was an extremely exclusive affair. The Theater of Pompey, the largest theater in the Republican period, could only hold 13,000-15,000 people; the temporary wooden theaters that preceded it held even less. If estimates of Rome’s population as near 1 million at the start of the Principate are true, then the wooden theaters of the Late Republic would have held only a miniscule amount of the population. Katherine Welch writes that access to most games was based on one’s connections to the elite. High ranking magistrates provided passes to their wealthy family, friends, and colleagues. These well-to-do Romans handed out passes to their personal clientele. Those not linked into the network were out of luck. “Romans who lacked connections could only have access to seating at gladiatorial games by paying a substantial amount of money,” something that would have been impossible for much of the city’s non-elite. As a result, much of the audience in a typical Roman theater—at least those seated in the cavea, the wooden seats—was drawn from

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525 Richardson, 1992, 381.
527 Welch derives her version of Rome’s much-debated population numbers from Neville Morley, Metropolis and Hinterland: The City of Rome and the Italian Economy 200 B.C.-A.D. 200 (New York: Cambridge University Press, 1996). Although population projections are notoriously unreliable, an estimate of 750,000 to 1 million has been standard. See also Stambaugh, 1988, 89, 336-37.
528 Welch, 2007, 54.
529 Elizabeth Rawson, "Discrimina Ordinum: The Lex Julia Theatralis," Papers of the British School at Rome 55 (1987): 102; Welch, 2007, 54. C.f. Cic. Mur. 72-3, Att. 2.1. Rawson indicates that it was the primarily the aediles who had the responsibility of running each year’s public games that controlled the distribution and the reservation of seats. However, as Cicero’s repartee (Att. 2.1) with a young P. Clodius Pulcher about Clodius’ inability to reserve seats for the Sicilians on account of the consul’s wife’s ill feelings towards him indicates, the process could also be influenced by higher magistrates.
the Senatorial and Equestrian classes. Cicero, in multiple letters and speeches, describes the audience at theaters and games as *boni*, referring to Rome’s social elite.\(^{530}\) Vanderbroeck surmises realistically from the conservative political outbursts that occurred in the theaters during festivals that the majority of theatergoers at the *ludi scaenici* were of this social group.\(^{531}\) The rest of the population that lacked connections or wealth had to improvise. As with packed *contiones* on the Rostra, when *ludi scaenici* or funeral games were held in the Forum, excluded spectators—largely poorer urban dwellers—crammed into the natural rise of the Capitoline slope and clambered onto the balconies of the Forum’s basilicas in order to see the show.\(^{532}\) Sometimes, these attempts were unsuccessful, and the height of the wooden stands prevented those outside of the stands from seeing the performance. Plutarch records an instance in which Gaius Gracchus had wooden seating for an arena in the Forum taken down overnight because they blocked poorer citizens’ view.\(^{533}\)

As Kathleen Coleman and Amy Russell both note, the theater was clearly a political space. Coleman writes that the theater “bred a politicized atmosphere in which audience response could invest the spoken word with highly-charged political and ideological overtones.”\(^{534}\) Crowds expressed political opinions by responding with acclamation or booing to lines deemed to be freighted with political value; They also reacted, positively and negatively, to the arrival of famous politicians in the theater.\(^{535}\) Russell notes that in particular elite audience members, who lacked anonymity, put themselves on public display when they entered the theater.\(^{536}\) The tradition of political outbursts, along with the very public optics of class exclusivity inherent in theater

\(^{530}\) For examples, see Cic. *Pis. 65; Sest* 115; *Att. 2.19; Ad. Fam.* 8.2.
\(^{531}\) Vanderbroeck, 1987, 230, 38, 47, 59, 66.
\(^{533}\) Plut. *C. Gracch.* 12.4.
\(^{535}\) For examples, see Cic. *Att. 2.19.3, 4.15.6, Q. Fr.* 2.15.2, *Sest.* 124; Val. Max. 6.2.9.
\(^{536}\) Russell, 2016, 170.
performances made Rome’s theaters especially charged locations. The politics of class exclusion and inclusion within the theater was central to their role as sites of political violence in the Late Republic.

**Class Distinctions in the Theater: Riot at the Ludi Apollinares**

The first instance of violence took place in 63, during Cicero’s consulship. L. Roscius Otho, one of the tribunes who succumbed to the crowd’s intimidation on the Rostra in 67, had passed a law during his tribunate that only went into effect in 63.\(^{537}\) Roscius’ law affected the distribution of seats at public theatrical performances. Traditionally, the first fourteen rows of Rome’s temporary theaters were reserved for members of the senatorial class.\(^{538}\) The reservation of seats for only Senators in the theater, like the privilege to serve on juries for *quaestiones*, was a mark of the Senatorial class’ prestige that set them apart from Rome’s other classes. Plutarch writes that before Roscius passed this law, the rest of Rome’s population, equestrians and plebeians sat mixed in the theater: “Men of the equestrian order were mingled with the multitudes in the theatres and saw the spectacles along with the people [μετὰ τοῦ δήμου], seated as chance would have it.”\(^{539}\) However, Roscius’ law provided that the fourteen rows of the theater immediately after the seats of senators be reserved for members of the equestrian class only.\(^{540}\) The equestrian section was apparently conspicuously marked, as Dio writes that the law, “marked off sharply the seats of the

\(^{537}\) Asc. 78-79C; Dio 36.42.1.

\(^{538}\) Asc. 78-79C.

\(^{539}\) Plut. *Cic.* 13.2.

\(^{540}\) Asc. 78-79C; Cic. *Phil.* 2.18; Dio 36.42.1; Liv. *Per.* 99; Plut. *Cic.* 13.2; Vell. Pat. II.32. Velleius Paterculus suggests that Roscius’ law was a restoration of the Equites to a status they had previously held in an indeterminate time period, while Plutarch, Livy, and Asconius are all silent on the issue. Given the amount of legislation dealing with equestrians on the juries, it would not be incongruous for legislation in this area to have been passed before. For discussion of whether this privilege was an innovation or a restoration of a past status, see Rawson, "Discrimina Ordinum: The Lex Julia Theatralis," 102, n. 10.
knights in the theatres from the other locations.” In terms of visibility, the new section was the ancient equivalent of a high-profile luxury box. The Lex Roscia went further in stratifying the theater based on class reputation. Cicero writes that it also required equites who had gone bankrupt to sit in a separate section.

Preferential social policies directed towards the equites had been very controversial in the past, and this was law was to be no exception. Roman politicians of both elite and popular persuasion had attempted to use laws like these to either divide the equites from the senatorial class, or unite them. Gaius Gracchus had attempted to turn the equites against the Senatorial class by removing the Senators from jury duty and giving that privilege to the equites alone. Sulla had attempted to co-opt the equites into political complacency by selecting many members of his new 600-man senate from their ranks, while simultaneously excluding those equites not conscripted into the senate from jury service. A Lex Aurelia in 70 reversed Sulla’s change and restored equites’ right to serve on juries. In opposing Gabinius’ legislation to give the Pirate command to Pompey in 67, Roscius took a distinctly pro-senate stance. His goal in passing this theater law may have been to draw the equites politically further away from the plebs and closer to the senatorial class, as others had done before.

Regardless of intent, Roscius’ law was a physical and visual change that had a visceral symbolic impact and violent repercussions. For an equestrian theater attendee who had formerly sat shoulder to shoulder in the higher wooden stands with plebeians—albeit plebeians wealthy enough to gain access to the limited seating at theater performances—sitting in a clearly reserved

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541 Dio 36.42.1.
542 Cic. Phil. 2.24.
544 Gruen, 1974, 29.
section alongside Rome’s senatorial elite was a “point of honor,” as Plutarch writes.\textsuperscript{545} For the plebeian attendee who remained stuck in the upper seating, every time he looked down to towards the stage and glimpsed the new equestrian section, he would be reminded of his own lower social and political position. Many plebeians already suffered restricted access to \textit{ludi scaenici} if they lacked funds or attentive elite patrons. Removing the \textit{equites} to their own section seemed to add insult to injury, and Plutarch writes that “The people took this as a mark of dishonour to themselves.”\textsuperscript{546} By sharply sectioning off the theaters, Roscius’ law allowed Rome’s class distinctions to constitute themselves anew in the mind of each individual Roman who entered the theater.

As recorded by Plutarch, the tension caused by the law exploded into violence July of 63 during a theater performance given as part of the \textit{Ludi Apollinares}, the yearly games held in honor of Apollo. Although Plutarch’s account does not state where the theater was located, it was certainly erected in front of the Temple of Apollo Sosianus on the Campus Martius, the plain directly to the West of the city walls.\textsuperscript{547} This temple was the primary shrine to Apollo by the Late Republic, and thus most likely to serve as the location for theatrical performances.\textsuperscript{548} The flat land of this section of the Campus Martius alongside the Tiber River offered ample space to construct seating and a stage. In the early Principate, it would become the site of one of Rome’s most

\textsuperscript{545} Plut. Cic. 13.2
\textsuperscript{546} Plut. Cic. 13.3.
\textsuperscript{547} Hanson 1959, was one of the first scholars to concretely locate the mid-republican “\textit{theatrum ad Apollonis}” described by Livy 40.51.3 in front of this temple, approximately in the same space as the Theater of Marcellus. Although Hanson himself is cautious on the location of the \textit{Ludi Apollinares} theater after 179, following Coleman, 2007, and Wiseman, 2009, I draw the conclusion that later theaters erected for these games would have been held on this spot as a matter of religious tradition and suitable geography. Plutarch’s mention of the Temple of Bellona, located by Coarelli close by to both the Theater of Marcellus and the Temple of Apollo, confirm that this instance in 63 took place in space now occupied by the Theater of Marcellus.
\textsuperscript{548} Asc. 90C; Hanson, 1959, 18-24; Richardson, 1992, 12-13.
prominent permanent theaters, the Theater of Marcellus. John Arthur Hanson argues that the modern Theater of Marcellus is a “virtual rebuilding” of the temporary theaters that had stood in front of the Temple for centuries. The theater in 63 would have stood on approximately the same site as Theater of Marcellus, although with a slightly different orientation designed to align its cavea along the central axis of the theater. As Coarelli’s plan of the Campus Martius in the Late Republic demonstrates, the curved back of the cavea in the 63 theater would have been very close to temple’s steps.\textsuperscript{549}

\textsuperscript{549} 1992, 13.
After thousands of spectators had arrived and taken their wooden seats—those without reserved seats in the back and the senators and *equites* in front—one man’s entry created a stir: L. Roscius Otho himself. As he entered and headed towards the first fourteen rows, resentful members of the *plebs* started hissing at him. At the same time, the *equites*, seated in the first fourteen rows, greeted their benefactor with raucous applause. What followed was a shouting

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match reminiscent of two athletic teams’ supporters each trying to drown the other out. Plutarch writes, “The people renewed and increased their hisses, and then the knights their applause.” As tensions escalated, the two groups abandoned mere noises and took to trading insults. Shortly after that, members of both groups rose to their feet, and chaos erupted in chaos as plebs and equites broke out into a physical brawl (#14). 551

It appears that the fight was significant, because Cicero, one of the year’s consuls, was forced to intervene. He did so with rapidity. Plutarch writes that “when Cicero heard of this [the brawl], he came and summoned the people to the Temple of Bellona, where he rebuked and exhorted them.” 552 The Temple of Bellona was an ancient temple, built in 296 on the Campus Martius. 553 Cicero chose this temple for a number of reasons. The Temple of Bellona was a well-known building in its own right that carried connotations of state authority. It was known to house meetings of the senate, and because it was outside the city’s ritual boundary, it was there that the senate often received returning generals and debated whether to grant a triumph. 554 Members of the senate announced the decisions of those debates from the Temple’s podium, and citizens would have been accustomed to receive such announcements while waiting in the space in front of the temple’s steps.

However, equally as important for Cicero would have been the temple’s location: it was located mere meters east of the Temple of Apollo. 555 Fig. 16 demonstrates the very short distance between the modern ruins of the Temple of Bellona and cavea of the Theater of Marcellus, which as Hanson argued, is an approximation of the theater in 63. The wooden theater set up for the Ludi

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551 Plut. Cic. 13.3  
552 Plut. Cic. 13.4  
554 Richardson, 1992, 57-8.  
555 Coarelli, 2007, 268-9, 71.
Apollinares may have been only 10 to 20 meters away from the steps of the Temple of Bellona. Thus, rioters in the theater would have had to move only a small distance once Cicero summoned their attention. Cicero most likely addressed the crowd from the temple’s podium. Those plebeians in the highest seats of the cavea may have even been able to Cicero mounting the temple’s steps from their seats. Having been notified to the presence of a consul, the crowd worked its way out of the theater—although some may have stayed in their seats to get a good view—and walked the few meters to the area around the Temple of Bellona. The sight of a consul, attended by his lictors and his consular retinue, mounting a stand frequently associated with public addresses seems to have encouraged calm. Cicero delivered a speech rebuking all for their fighting and praising Roscius. The speech was apparently effective in shaming Roscius’ detractors. After Cicero finished, the crowd returned to the theater peacefully. The performance proceeded without further interruption.

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556 Measurements made based on Coarelli’s visualization of the theatrum ad aedem Apollonis in ArcMap.
557 Cic. Att. 2.1. Cicero describes the speech as “On Otho” when he is giving Atticus an account of his consular year.
558 Plut. Cic. 13.4.
While Plutarch ascribes Cicero’s successful quelling of the riot to “the charm of his discourse” it was in fact a result of a combination of fortunate proximity and canny use of topographical symbolism. While Plutarch suggests that Cicero was away from the site of the theater and had to arrive, it is more likely that he himself was in the vicinity of the performance, or at least nearby on the Campus Martius. Consuls and other magistrates are frequently recorded in attendance at Rome’s festal theatrical performances, and it is likely that Cicero, as one of the highest magistrates, would have been at the theater during a major annual festival. If he were in

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559 Plut. Cic. 13.2.
560 Cic. Att. 2.19.3, and Val. Max. 6.2.9, record Caesar as consul being present at the Ludi Apollinares in 59 BCE.
the Forum, or elsewhere east, it would have taken him longer to reach the theater. In the time that it took him and his retinue to be notified, leave the Forum via the Vicus Iugarius and, exit the city walls onto the Campus Martius, the crowd of thousands should have been expected to have done significant damage to the theater or each other. However, because he was not far from the action, Cicero was also able to reach the Temple of Bellona before the riot had moved anywhere, or too much damage had been done to the theater and its occupants.

**Food, Class, and Clodius**

For the remainder of the Late Republic, violence at theatrical performances did not come from inside the theater, but from outside of it. Having already taken his battle against Cicero and Pompey to the private homes of the aristocracy, Clodius took the same battle to Rome’s theaters. In the year 57 alone there were two attacks by crowds on festival theater performances, one in July, and another in September. Instead, they were carefully orchestrated by Clodius, who hoped to use public attacks against upper-class theatergoers to pressure politicians into acceding to his personal political agenda regarding Cicero’s recall. To do so, Clodius channeled the discontent of the *plebs urbana* against Rome’s exclusive theaters.

Between the years 58 and 56, Rome experienced continuous grain shortages and bouts of high prices that were particularly acute in 57. While modern consensus is that poor harvests and speculation by private businessmen were the most probable culprits, in the moment blame abounded.⁵⁶¹ Some blamed the large free grain distributions instated during Clodius’ tribunate in 58; Clodius himself publicly accused senatorial politicians of conspiracy and graft.⁵⁶² The poorer members of the urban *plebs* were dependent on the free grain, and even a mild shortage could

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⁵⁶¹ Tatum, 1999, 183.
⁵⁶² Lewis, 2006, 252.
provoke panicked rumors of famine.\textsuperscript{563} To make matters worse for the \textit{plebs}, during July’s \textit{Ludi Apollinares}, many out-of-towners came in for the celebrations, swelling the city’s population and exacerbating the grain shortage. Many of these new arrivals were members of municipal elite, countryside residents who were well-to-do enough to travel for the length of a six-day festival. At the height of the festival, Pompey planned to announce a senate bill to recall Cicero from exile. The timing was calculated to encourage the support of these municipal elite, whom Pompey was counting on to return to Rome the next month to vote on the bill in the \textit{comitia centuriata}.\textsuperscript{564}

As they had in 63, the \textit{ludi scaenici} were being held in a wooden theater in front of the Temple of Apollo. In the middle of the performance, as magistrates, senators, Equites, and well-to-do members of the municipal elite were watching the stage with their backs to the Temples of Apollo and Bellona, a crowd appeared and charged up to the theater (#37). Asconius derogatorily writes that the group was \textit{infima coacta multitude}—“a gathered crowd of social dregs.”\textsuperscript{565} Despite his bias, it is clear that these individuals were very poor members of the \textit{plebs} who were most hard his—and and most angry—about grain shortages.\textsuperscript{566} Struggling for daily survival and squeezed by spikes in grain prices, were the sort of people who would never make it into the theater’s stands during a normal performance.\textsuperscript{567} The social distance between themselves and the people sitting in the theater was immense. Vanderbroeck asserts, reading \textit{coacta} as “having been gathered,” that the crowd had been organized by Clodius’ well-organized networks of mobilization among the \textit{plebs urbana}.\textsuperscript{568} Knowing that Pompey was attempting to sell Cicero’s recall to many of the people

\textsuperscript{563} Tatum, 1999, 183.
\textsuperscript{564} App. 2.16; Cic. \textit{Att.} 4.1.4, \textit{Dom.} 75, 90; Dio 39.8.2-3.
\textsuperscript{565} Asc. 48C. A bias he undoubtedly receives from his source for the event, Cicero’s biography by his freedman Tiro.
\textsuperscript{566} Tatum, 1999, 183.
\textsuperscript{567} Ibid.
\textsuperscript{568} Vanderbroeck, 1987, 247.
sitting in the theater, Clodius wanted to deliver a threatening message: support Cicero, and there will be consequences. Jeffrey Tatum suggests that the initial outpouring of anger was spontaneous, but that he likely gave it direction.\textsuperscript{569}

Once they had arrived at the plain surrounding the theater, the mob created a violent commotion, interrupting the performance. In fact, Asconius writes that they “rioted so violently…that all who had taken their seats were driven off”.\textsuperscript{570} It appears that the demonstrators had not simply wanted the attention of Rome’s elite, but intended to stop the performance altogether. Unlike the incident with Roscius, in which both groups started out inside the theater, the crowd came from outside, and had never been included in the show. A group of poor \textit{plebs} ejecting the wealthy spectators from a theater that they could never make it into was subversive symbolic act that drew on the tension of accessibility and exclusion that Rome’s theaters so prominently displayed. Unlike in 63, magisterial force seems to have been unable to stop the demonstrators, which seems to indicate that the crowd was particularly large. It also suggests that the group was particularly angry and violent—the poor \textit{plebs} may have been enthusiastic to attack such a symbol of class distinction. In stating that everyone was driven off, Asconius suggests that even the high magistrates present, cornered inside the theater, were forced to flee ignominiously. By directing their ire towards the physical space of the theater, the \textit{plebs} delivered a frustrated political cry for redress of their grievances.

The riot had mixed results. For the \textit{plebs urbana} it appeared that their protest had been heeded. Grain prices dropped shortly after the riot. Vanderbroeck suggests that Rome’s upper stratum were affected by the disorder demonstrated by the riot, and put pressure on grain traders

\textsuperscript{569} Tatum, 1999, 183.
\textsuperscript{570} Asc. 48C
to alleviate the shortages in order to prevent further disorder in the weeks leading up to the vote on Cicero’s recall.\textsuperscript{571} However, Clodius’ personal threat, although colorfully delivered, was less effective. In August, the \textit{comitia centuriata}, swelled by arrivals from the countryside, voted to recall Cicero from exile.\textsuperscript{572}

Two months later, when Cicero returned to Rome, Clodius was intent on spoiling the victory, and he was prepared to use similar tactics. Cicero’s return from exile was staged to coincide with another festival, the \textit{Ludi Romani}, the annual games to Jupiter Optimus Maximus. The games provided Clodius another opportunity to target the theater, a space for which his supporters had demonstrated an enthusiasm for disrupting. As in July, food prices spiked again with the arrival of thousands into the city, and the poorer members urban plebs felt a rising panic which Clodius stoked into violent resentment.\textsuperscript{573}

This time, the main theater for the games was not located immediately the precinct of Jupiter, as tradition might suggest. That would have put the stage in the middle of the Area Capitolina in front of the Temple of Jupiter, an area intensely cluttered with statues, other temples, and statuary dedications. The space was too crowded to accommodate \textit{ludi scaenici} of the size common during the Late Republic. So, T.P. Wiseman explains, the Romans compromised by building two theaters: A smaller one was set up in the Area Capitolina, and second theater, far enough away to accommodate more spectators, but close enough to still be deemed technically in view of the god.\textsuperscript{574} Wiseman argues that the theater would have stood where the natural slope of

\textsuperscript{571} Vanderbroeck, 1987, 247.
\textsuperscript{572} App. 2.16; Cic. \textit{Att.} 4.1.4, \textit{Dom.} 75, 90; Dio 39.8.2-3. Cicero notes specifically in \textit{Dom.} 90 that during the voting \textit{non tabernis, sed municipiis clausis}, “not the shops, but the municipal towns having been emptied.”
\textsuperscript{573} Tatum, 1999, 185.
\textsuperscript{574} Wiseman, 2009, 166-67, 69. Wiseman draws this conclusion from evidence in Cicero and Plutarch that indicates the \textit{Ludi Megalenses} had two different theaters set up in a similar
the Capitoline begins to rise up to the Tabularium, close to the site of later Rostra of Caesar.\textsuperscript{575} The hill’s slope would have provided a natural incline to put up seating. The theater would have been situated at the heart of the Western Forum. Directly to the north would have been the curve of the Comitium, and the curved cavea would have backed on to the Vicus Iugarius, a path ran between the Temple of Saturn and the Central Forum towards the Curia.\textsuperscript{576} This location provided a sight line to the Temple of Jupiter Optimus Maximus, as well an enormous statue of the god that had been erected on the Capitol in 63.\textsuperscript{577} For the sake of convenience, the clear sight line allowed the actors to perform under the eyes of the god, if not immediately in his space.

The theater was surrounded by buildings symbolizing senatorial authority. Turning behind themselves in their seats, spectators would have seen immediately to the west the massive Temple of Saturn. Turning their heads to the right, they would have seen the Curia. Further up the hill, the Temple of Concord and the Basilica Opimia jutted out above spectators’ heads. Both were the work of Lucius Opimius, a conservative politician famed for his role in the killing of the popular hero Gaius Gracchus.\textsuperscript{578} Behind them, Sulla’s Tabularium loomed imposingly from the valley between the Capitoline’s twin summits.\textsuperscript{579} These last three buildings, constructed by senatorial champions after bloody violence, reminded the viewer far below of the Senate’s authority and were designed in part to encourage compliant political behavior.\textsuperscript{580} The controlling intent was recognized, and sometimes resented by Romans, as Plutarch’s account of rueful anti-senatorial situation, with one at the top of the Palatine hill in the precinct of the Temple of Magna Mater, and another, at the base of the hill, to accommodate more spectators.

\textsuperscript{575} Ibid., 169.
\textsuperscript{576} Coarelli, 2007, 42-43.
\textsuperscript{577} Cic. Cat. 3.19-20
\textsuperscript{578} Richardson, 1992, 98-99.
\textsuperscript{579} Coarelli, 2007, 52, 65-68.
\textsuperscript{580} Russell, "The Definition of Public Space in Republican Rome," 55-56, 72.
graffiti on the Temple of Concord indicates. Any attack on this theater, then, would be an attack deep in the heart of senatorial symbolic territory.

During the night of September 5th, Clodius’ organizers spread themselves throughout the city, again playing on poorer citizens’ resentment, and organized them into a large mob that included Clodius’ normal supporters, craftsmen and shopkeepers, as well as destitute individuals. When the 6th dawned, with Clodius at the front the mob poured into the Forum and headed towards the theater at the western end where a performance was taking place. This time, the crowd performed an even more subversive act. Instead of stopping at causing havoc outside of the theater, the mob forced its way into the theater and occupied the seats that they were otherwise not privileged to sit in (#40). The imposing marble edifices and political symbolism of the Western Forum had failed to control rebellious behavior, and the disorder that reigned was an an assertive challenge to senatorial authority by Clodius and his collected crowd.

However, in this case, attacking the theater was a prelude to the main goal—which was to directly attack the Senate itself. Having thoroughly disrupted the show, Clodius and a group of supporters quickly ascended the Capitoline Hill behind the theater and made a beeline for the steps of the Temple of Concord, where the Senate was meeting to discuss the grain shortages. Clodius’ group was armed, and began chanting threateningly that Cicero had caused the dearth of grain. When one of the consuls, Q. Metellus Nepos emerged from inside the temple with his lictors, it provoked an even more violent response. Clodius’ rioters picked up stones from the ground and

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581 Plut. C. Gracch. 17.6. The graffiti, alluding to Opimius’ murder of Gracchus, said ἔργον ὠπονοίας ναὸν ὠμονοίας ποιεῖ, “a work of mad discord built the temple of Concord.”
583 Dio 39.9.2. Dio writes that the crowd rushed “ἐς τὸ θέατρον,” “into the theater.”
584 Cic. Att. 4.1.6-7.
began pelting Metellus, who had to retreat, injured. The crowd, now seemingly out of Clodius’ control, began demanding that the remaining senators huddled inside do something—anything—about the grain shortages. With the stairs blocked by the rioters, the senators inside were trapped. At some point—the sources are not clear how or when—the crowd dissipated. Again, the demonstration of anger and resentment seems to have worked in the plebs favor. The next day, the senate met in a tense session and appointed Pompey special commissioner for Rome’s grain supply, empowering him with legates and funds to address the plebs’ anger.

As with his targeting of private homes, Clodius’ attacks on the theaters were largely unprecedented. Before 57, there is no record of attacks on a theater in Rome or elsewhere in Italy. The only record of rioting within a theater before 63 comes not from Rome, but the town of Asculum Picenum, where in 91 tensions preceding the Social War bubbled up into a lynch mob. In both cases, Clodius took advantage of plebeian concerns about the grain and directed them towards his own personal goals. Theater performances with thousands in attendance—including the majority of Rome’s ruling class—were opportunities for Clodius to demonstrate his own strength. However, they also provided the plebs a way to get their grievances at the center of the political stage, so to speak.

The Plebs’ Conditioned Behavior: The Attack at the Ludi Megalenses in 56

One more attack occurred on a theater, and this time, it was definitively not organized by Clodius. In 56, Clodius was elected aedile, and was as a result was responsible for putting on the

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586 Cic. Att. 4.1.6-7, Dom. 16; Tatum, 1999, 185, 98. Tatum argues that “Random violence against the senate was not in Clodius’ interest at this point,” as he still hoped to maintain ties with important aristocratic families within the senate. The stoning of Metellus most likely represents the spontaneous initiative of incensed individual rioters.
587 Russell, 2016, 170.
Ludi Megalenses, the annual games in early April dedicated to the deity known as Magna Mater. Like the Ludi Romani, there were two theaters set up for the event due to space restrictions. The Temple of the Magna Mater was located on the southwest corner of the Palatine, perched on a steep slope overlooking the Circus Maximus to the south. Below it, a street called the Clivus Victoriae curved northwesterly around the corner of the Palatine and led towards the Forum (?). It was also accessible from two other directions, the Clivus Palatinus, which led south through the center of the Palatine up from the prestigious residential section on the hill’s northern slope. The other was the Scalae Caci, which steeply descended the Palatine below the Temple of Magna Mater and ended in the valley below near the Lupercal, the sacred cave in which Romulus and Remus were said to have been found. It was not the only monumental building on this corner the Palatine. Slightly to the east was the Temple of Victory. A small shrine to Victoria Virgo was crammed in between the two. In front of the three temples was a precinct which was where theater performances had been celebrated for centuries before 56 BCE. In 191, the dedication of the Temple of the Magna Mater was celebrated by a performance of plays by Plautus and Terence. In fact, a number of abortive attempts had been made to construct Rome’s first stone theater here in 154.

However, the area, as so many other Temple precincts in the Late Republic, was particularly cramped. The distance from the temple’s steps to where the slope dropped off was only around 60 meters. In the Late Republic, the area around the temple was residential, and the

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589 Richardson, 1992, 239.
591 Ibid., 135; Wiseman, 2009, 168.
monumental houses of many senatorial families were nearby. There was so little space that at the southern end of the precinct, a platform was built to extend it over the Clivus Victoriae to accommodate additional spectator space for festival games. In light of the cramped space in the Magna Mater precinct, there was a second, larger theater constructed below the foot of the Palatine. The additional theater was located near the Lupercal cave. Wiseman asserts that like the theater for the *Ludi Apollinares* in the Forum which was theoretically in Jupiter’s sight, “the Lupercal site was linked to the temple precinct by the Scalae Caci, and was no doubt through of as under the goddess’ influence, if not literally within her sight.”

Our single ancient source for this event, Cicero, presents a predictably sensational story. He claims that Clodius ruined his own performances by gathering a group of “slaves” from neighborhoods throughout the city, and at a planned signal, ordered them to invade both the theater on the Palatine and at the Lupercal grove. In the former case, they most likely ascended the Scalae Caci, which began at the Lupercal. Once they reached the precinct of the Magna Mater, Cicero writes, the slaves burst into the theater. They leapt on stage and started jeering at and mocking the audience. In the cramped conditions in the platform in front of the Temple of Magna Mater, the audience was trapped in and unable to move. Cicero describes evocatively the cramped space within a wooden theater, swelled with an angry mob: “[they were]…hampered by the dense body in which they were sitting, chained as it were to the spectacle, and hindered by the crowd and narrow space, to a multitude of slaves and buffoons.” In the theater down at the Lupercal grove,

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592 Coarelli, 2007, 138-43. Q. Lutatius Catulus lived directly east of the temple (cos 102); Q. Hortensius Horaltus, the famous orator, lived here at this time. The Emperor Augustus later lived here, buying up Hortensius’ and other aristocrats’ homes.
593 Ibid., 137.
something different—and equally enraging—happened. Like the earlier instances in 57, the crowd ejected the wealthy spectators. Cicero describes the consuls, senators and equites getting up and leaving the theater. However, in this case, Cicero says that the performance continued performed, with only the gleeful invaders in the audience. “These games, I say, were celebrated by slaves, and had slaves alone for the spectators,” Cicero complains. 597

Modern scholarship has noted the immediate exaggerations in Cicero’s story. Instead of being slaves, the crowd was likely composed of the poorer members of the plebs urbana, who Cicero so frequently reduces to slaves. 598 A strain of modern scholarship accepts Cicero’s claim that Clodius engineered the attack himself as “a challenge to the ‘elitst’ nature” of festival theater performances. 599 The argument is that Clodius did so to shore up his role as the patron of the poorest citizens that were systematically excluded from theater performances. By encouraging them to invade the theater, and allowing the shows to continue, Clodius could have satisfied poorer plebs’ longing for the privilege of attend theater shows. This might seem to be a natural development from his two previous riots: the mob first stopped a performance by rioting outside of it; then it invaded the theater; Finally, the mob disrupted, entered, and stayed in the theater.

However, as Jeffrey Tatum argues, it is unlikely that Clodius would have so dramatically sabotaged his own festival. Successful aedilican games were important for future electoral success, and Clodius was still aiming to climb the cursus honorum in the traditional way. 600 Additionally, Clodius spent an immense amount of money on the games as a whole—going as far to import lions from Macedonia—and it is unlikely that he would have done so if he was planning to disrupt them.

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597 Ibid. 24.
599 Tatum, 1999, 212. Vanderbroeck takes this approach.
600 Ibid.
Clodius was still attempting to make inroads within the senatorial aristocracy, and sabotaging that with such an outrage to the entirety of the upper class, Tatum argues, “must be considered absurd.” Tatum concludes that the riot was not an instance of political largesse on Clodius’ part, but simply a food riot in response to still-volatile grain prices. Tatum writes that the riot was “in reality spontaneous and unforeseen,” and likely unlooked-for by Clodius.

Accepting Tatum’s argument leads us to a much more interesting conclusion about topography and the political behavior of the plebs. Before Clodius began his food riots in 57, there are records of food riots—but never food riots at theaters. Hard-pressed plebeians had demonstrated their displeasure during the food shortages of 75 by attacking the consuls Cotta and Octavius in the Forum, the traditional space for political activity and protest. However, in 56, unprompted by Clodius’ organizing, rioters attacked not one, but two theaters in the middle of the performances. It seems that participating in the riots of 57 had conditioned the behavior of members of the plebs urbana. The results of the first two riots—a drop in grain prices and the appointment of an emergency grain commissioner—must have left the impression that invading and attacking theaters was not only a legitimate, but effective model of addressing grievances. The theaters, with their identifiable locations and readymade audiences, had been proven to be spaces where their voices could be most heard. As with the festivals in 57, the Ludi Megalesii had caused yet another grain shortage, putting stress on the plebs urbana. Drawing from previous experience, the two groups of plebs applied the lessons they had learned. The stage in front of the Temple of Magna Mater was particularly crowded in by the surrounding temples and houses, and the crowd understood they had a captive audience which had little chance of escaping. By leaping

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601 Ibid., 211.
602 Ibid., 211-12.
on stage in the theater on the Palatine to deliver a mocking performance, the crowd seems to have
realized that rioting at theaters provided them a stage from which their desires could be publicized.
Shortly after the riots, the Senate voted to allocate 400,000 sesterces to Pompey to further fund his
work as grain commissioner.\textsuperscript{603} The tactic that Clodius had pioneered in 57, the \textit{plebs} discovered,
could be used effectively without him.

\textsuperscript{603} Ibid.
Chapter VII: Violence on the Campus Martius

The remaining instances of political violence (#s 46, 52, 53, 54, 62, 69) in the Late Republic occurred outside of the city walls, on the plain west of the Forum called the Campus Martius. The Campus Martius is considered the space between the Capitoline Hill to the east, the bend of the Tiber River to the West and the North and the Quirinal and Capitoline to the south. Named after an ancient altar of Mars. Since the beginning of the Republic, the space had a civic nature. It was initially the rallying space for Rome’s citizen-soldier army in the Republic’s earliest days, and by the Late Republic, important civic functions such as the taking of the Census and voting in elections occurred on the Campus. The northern end of the space was dominated by the Saepta, the large rectangular complex used for annual elections. By the late Republic, the southern portion had become a monumentalized mixed-use zone that combined the residential, the sacred, and the political. The flat land was ideal for the construction of temples. As we have already seen, the Temples of Apollo and Bellona as well as the former’s temporary wooden theater stood in the southern part of the Campus. By the Late Republic, the southwestern section of the Campus had become cluttered with shrines and monuments—fifteen were built between 218 and 31 BCE, many of them before 50 BCE.\(^{604}\) The land had begun as *ager publicus*, public land, but after Sulla’s reign, pieces of it were increasingly sold to private owners. Men like Q. Caecilius Metellus and Pompey built huge religious complexes that blurred the line between public and private. In the space between the Theater of Pompey, the Saepta, and the Porticus of Metellus, stood the Villa Publica, a porticoed park used for tasks related to the taking of the Census.

In contrast to the previous two chapters, which dealt with violence in spaces that were not explicitly related to formal political functions, the violence that occurred on the Campus Martius

\(^{604}\) Richardson, 1992, 76.
related to two prominent structures of state functioning—the Villa Publica and the Saepta. One of the instances of violence took place within the Villa Publica and was a result of Clodius’ characteristic tactical mix of plebeian demonstrations with humiliating attacks on property. The final five instances were related to the electoral process. The voting process for elections took place in the open air and had similar characteristics to that of voting in legislative *comitia* in the Forum. The patterns of violence seen in electoral settings drew on tactics used earlier in the Forum.

**Clodian Demonstration at the Villa Publica**

In 57, as discussed in the previous chapter, Pompey was appointed as a special commissioner of the grain supply in the wake of frequent shortages and Clodian-organized violence against private homes and Rome’s temporary festival theaters. Pompey’s work as grain commissioner stationed him in the Villa Publica, which was located on the Campus in the area north of the Temple of Bellona, East of the Largo Argentina, and south of the Saepta. Originally a park without structures, by the Late Republic it became an open central area surrounded by porticoes, and planted with trees throughout to provide shade. The Villa Publica was undeniably a political space, and was designed to facilitate the linked functions of citizenship and military service: From the earliest days of the Republic, Censors conducted the census within the park, and consuls levies for early Rome’s citizen-army there. There was at least one building in the park by the Late Republic, the Temple of the Nymphs, which stored the records of the census. After

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605 Ibid., 430; Coarelli, 2007, 281.
606 Richardson, 1992, 430.
58, records of relevance in particular to the urban plebs were also stored in its cella: The names of those who had the right to receive public grain under Clodius’ *lex frumentaria*. In his capacity as grain commissioner, in 57 and early 56 Pompey directed his free distributions from the Temple’s podium.

In March of 56, the temple was burnt down. In later speeches, Cicero accused Clodius and his scribe Sextus Cloelius of the deed. Cicero asserted that Clodius burnt it down “in order to extinguish the public record of the census which was committed to the public registers.” Pompey was in the process of revising Clodius’ records, and it has been posited that Clodius intended to foil Pompey’s attempts to alter them. At this point, Clodius and his supporters had a solid track record of attempting to burn down buildings, albeit residential ones. A direct attack of firebrands on a temple, however, would be another thing entirely. Tatum argues that it is more likely the destruction of the Temple was not a direct attack, but an inadvertent result of a Clodian-staged food riot gone wrong. Throughout 57, Clodius had been staging demonstrations and attacks over the grain supply in a variety of spaces—the Ludi Apollinares theater (#37) the house of Caecilius (#38), The Ludi Romani theater and the Temple of Concord (#57)—in each case taking advantage of the *plebs’* hunger to publicly shame Pompey. Given its role in Pompey’s ill-faring grain commission, the Temple of the Nymphs was a natural choice for a demonstration that would embarrass Pompey and portray Clodius as the defender of the *plebs*. Although made of travertine marble, the temple, like most Roman temples, had a wooden roof that was susceptible to fire. An

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608 Cic. Mil. 73; Tatum, 1999, 211; Coarelli, 2007, 281.
610 Cic. Cael. 78; Mil. 73; Har. Resp. 47.
611 Cic. Mil. 73.
612 Tatum, 1999, 211. Tatum dismisses Cicero’s allegations of a planned arson as “hostile rhetoric” that “hardly constitutes compelling evidence.”
attempt by Clodius’ supporters to threaten Pompey or wreck the temple could have easily gotten out of hand and knocked a torch, lighting the scrolls of the census records aflame. Although the location was different from Clodius’ usual targets, the tactics fit his established pattern.

**Electoral Violence in the Saepta**

After the destruction of the Villa Publica, the remaining violence on the Campus Martius was not against buildings, but against persons. The remaining instances of political violence occurred in a sole location, the large rectangular zone of the Saepta, the structure used for annual elections of magistrates. The years between 56 and 50 saw the violent battles for control over physical space that had become matter of course in the Western and Eastern Forum, Palatine, and even the city’s theaters, penetrate the electoral process. Battles in the Saepta drew on tactics that had been developed and refined during the legislative fights in the Western Forum.

Like voting in the *comitia* in the Forum, the civic experience was highly spatial. The Saepta was a long, rectangular space that stretched from just north of the Villa Publica all the way to the later Pantheon. Before the vote, the voters massed at the northern end of the Saepta, in the area just north of the modern Via del Seminario. On the northern end of the Saepta was a wooden tribunal stand inaugurated as a *templum* on which the presiding magistrate sat, along with any additional magistrates. The candidates up for election also stood on the stand as votes were cast. The tribunal stand must have been tall enough for the presiding magistrate to been seen offering the introductory prayer, or in the case of bad omens, dismissing the crowd. As with legislative assemblies, the magistrate’s support staff stood around the stand. When voting, citizens walked single file down long passages. Instead of ropes, as in legislative assemblies, these passages were more akin to wooden fencing. At the southern end of the passage, the voter climbed a wooden *pons*.

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613 Taylor, 1966, 57.
to a platform where he cast his vote in a wicker cista and walked away, or waited for the results to be counted in the shade provided by the Villa Publica which was just to the south. The passages of fencing were designed to be more solid than the temporary ropes in the Forum, to control up to thirty-five lines of voters at the same time. However, they were still permeable, like almost everything else in Roman politics. Plutarch wrote in his life of Marius an anecdote about someone being accused of bribery during a praetorian election because his slave had been sighted moving through the partitions. The accused’s explanation: the slave was bringing him a cup of water. The anecdote demonstrates that the fences were not solid, but could be entered and exited. The anecdote also demonstrates how long and arduous a process elections were. Citizens could be lined up and waiting for hours for the voting to finish. Anywhere in that process, disruptions could be introduced.

With his public prestige plummeting and pretensions to control over the city vanishing in the wake of Clodius’ humiliating attacks, Pompey held his famous conference at Luca with Caesar in 56, renewing the triumvirate’s bonds. One of the many decisions made was that Pompey and Crassus would stand for the consulship. Although they had done their best to intimidate opponents out of the race, there was a third competing consular candidate, L. Domitius Ahenobarbus. He was campaigning on the promise that he would remove Caesar from Gaul, which threatened the triumvirate’s stability.

When it came time to vote, the triumvirs drew on tactics refined over legislative violence in the Forum. As the battle over the Lex Fabricia of 57—the bloody attempt to recall Cicero in the

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614 Ibid., 39-40.
615 Plut. Mar. 5.3-4.
617 Gruen, "Pompey, the Roman Aristocracy, and the Conference of Luca," 96-97.
Western Forum—had shown, arriving and occupying a desired space before your opponent was viewed as key to securing victory, and an opportune time to do that was at night. A few hours before daybreak on the day before the election, L. Domitius Ahenobarbus set out with by torchlight with a train of followers—including his brother-in-law, Cato—from his home on the Velia. Their plan was to seize the area of the Saepta and defend it when the voting began at daybreak. However, Pompey and Crassus had anticipated their actions and were already stationed on the plain. In addition to their own personal clientele, they had proconsular soldiers from Gaul, furloughed by Caesar for the sole purpose of supporting his fellow triumvirs in the vote.

It is unclear what route Domitius took taken out to the Campus Martius. The two most direct gates out of the city walls were the Porta Fontinalis, which was just north of the Arx, and the Porta Carmentalis, which exited the walls south of the Capitol. From Domitius’ home on the Velia, the former would have been the most direct route, and thus should be treated as more likely. However, once Domitius’ group never made it to the Saepta. Soon after they exited the gate, they were set upon by Pompey and Crassus’ group, reinforced by Caesar’s soldiers. They killed Domitius’ torchbearer first, plunging the procession into darkness and panic. In the ensuing brawl, the soldiers wounded Cato in the arm and attempted to kill Domitius. Despite Cato’s urging that he stand his ground, Domitius fled all the way back up into the city and to the safety of his home. There was no vote, and an intimidated Domitius later pulled out of the elections.

Violence happened again at the subsequent Praetorian elections, held in February of 55. As consuls, Pompey and Crassus were the candidates that presided over the elections in the comitia centuriata. Having won the consulships for themselves, they wanted to ensure their own candidates

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618 Coarelli, 2007, 10, 13, 18.
619 App. 2.17; Dio 39.31; Plut. Cat. Min. 41.4-5, Crass. 15.3-5, Pomp. 51.4.
were elected, including Caesar’s old ally P. Vatinius. Complicating matters, their enemy Cato also entered his name for the office. On the day of the *comitia centuriata*, Pompey was officiating from the stand, with the assembled voters—likely no more than 6,000, according to Mouritsen’s calculations—standing in their units waiting to enter the enclosure. As first unit started walking down the Saepta, it became clear to Pompey that Cato had the votes to carry the day. After the first unit voted in favor of Cato, Pompey dismissed the assembly on account of an apparent bad omen, the sound of thunder.

After an unspecified period of time—likely the next comitial day allowed by the calendar—the *comitia centuriata* reconvened and Pompey was prepared with a more foolproof strategy. As the voting began, an unspecified group of people under Pompey’s command “ejected the best citizens from the Campus Martius, and so by force got Vatinius elected praetor instead of Cato.” (#53). While Plutarch’s account is sparse, at this point the mechanics of disrupting the voting process have been made clear. Plutarch’s writes that during the first aborted *comitia* that Pompey’s supporters stood offering bribes at the southern end of the Saepta, where votes were cast. Having forced out their most vocal opponents with violence, it would not be surprising that they stationed men at the balloting urns again, this time menacing instead of bribing voters. Vatinius and other trivumviral allies were elected, and Cato was defeated.

56-55 was to be a violent year at the Saepta. During the election of the aediles later in 55, another fight broke out. It occurred in the immediate vicinity of the wooden platform on which Pompey was presiding. According to Dio, Plutarch, and Appian, a number of people were killed.

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621 Plut. *Cat. Min.* 42.3.
622 Plut. *Cat. Min.* 42.4.
Pompey was so close to the fight that his toga was completely splattered with blood. Pompey’s proximity to the bloodshed suggests it may have been an altercation between different candidates; perhaps they had refused to co-exist peacefully up on the tribunal. Or, perhaps it was a battle over the entrances to the Saepta, which would have been just behind the tribunal stand. The circumstances of the fight are unclear, and our sources provide no motivation.

In 53, Cicero, Milo, and Clodius returned to the fore. Milo, Hypsaeus, and Scipio were all running for the consulship. Earlier in the year, Milo and Hypsaeus’s gangs had collided with bloodshed on the Sacra Via alongside the Regia. A consular position for Milo would be an insufferable victory for Cicero over Clodius. On the day of the comitia, Clodius waited until the comitia had begun voting to attack. Appearing suddenly with a group bearing swords and stones, Clodius, “burst into the enclosures [in saepa inrupisset] and and contrived to have swords drawn and stones thrown.” It seems that rather than give Milo the chance to be elected, Clodius opted to destroy the wooden enclosures and attack voters in an attempt to disrupt the whole process.

Why did Clodius attack after the comitia had begun voting, as opposed to occupying the space? The majority of voters that participated in consular elections were not members of the urban plebs, but from the propertied classes that had the leisure to participate. The exclusionary tactics of the Forum, although used in 56 and 55 for the Saepta, may not have been completely adaptable to the Campus Martius. The central voting space of the Forum had an area of around 10,000 square meters, and although permeable was also surrounded by buildings that constricted the space. By contrast, the Saepta covered a hundreds of thousands of square meters. Clodius’s gangs functioned best in the constricted spaces of the Forum and the narrow streets between homes. He also may

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623 App. 2.17; Dio 38.3.2; Plut. Pomp. 53.3.
624 Cic. Mil. 41.
not have had enough support among his plebeian clientele for a full-out occupation. Milo had also amassed a significant amount of popularity among the urban plebs for holding a set of magnificent public games. Cicero later writes that Clodius fled the Saepta in fear of Milo’s forces, running west towards the Tiber river. Rather than fear—which can be attributed to Cicero’s purple prose—it would seem that Clodius was outnumbered, outmaneuvered, and was forced to flee.

One last instance of violence occurred on the Campus Martius in 50, the year before the Republic’s collapse. In his increasingly tense battle with the Senate, Caesar enlisted the aid of Mark Antony the future triumvir, to serve as a political bulwark. With the help of Caesar’s ally Curio, Antony won election to the tribunate. However, he also ran in 50 to become a member of the college of augurs. Cicero writes in his scathing Second Philippic that Antony only secured election with the help of the clientele of Curio. Cicero mentions these same clients “were convicted of violence for having been too zealous in your favour.” The comitia that elected augurs was the comitia sacerdotum, and it, like the other electoral comitia, met on the Campus Martius. The type violence committed on Antony’s behalf is unrecoverable, and may not have actually happened. In a letter from M. Caelius Rufus to Cicero about the election results, Rufus fails to mention any violence. However, Antony’s opponent was L. Domitius Ahenobarbus, the consular candidate who was attacked in 56. Domitius coveted the consulship, and was reportedly incensed that a newcomer as Antony would dare challenge him. Antony himself was renowned later for

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625 Tatum, 1999, 235. Although this may seem contradictory given the reaction of Clodius’ mobs to Milo after Clodius’ funeral, Tatum asserts that the elections 53 may have been the only time when the plebs urbana planned to vote for Milo for consul and Clodius for praetor.
626 Cic. Phil. 2.24
his brutality, so violence may have well been used on both sides. It was not long after Antony’s election that affairs came to a head between Caesar, Pompey, and the senate, leading to Caesar’s crossing of the Rubicon river and the resumption of civil war.
Conclusions

To restate, the goals of this thesis were to:

1. Find out how many instances of political violence occurred between 80 BCE and 50 BCE
2. Where possible, locate where these instances occurred. If possible, map with accuracy this information onto a GIS-based digital mapping platform (Geographic Information System)
3. Explain why there: What about these places contributed to violence in politics—or vice versa? How did trends in Roman politics contribute to the use of these spaces?

The question that first prompted this thesis was “Where did violence happen in the Late Republic?” This thesis, if anything, provided an answer to that question in detail. This thesis identified 69 instances of political violence that occurred in the last thirty years of the Roman Republic, located them, and provided detailed examinations of their contexts and impacts. Some of those, like the ones in the Western Forum, Rome’s legislative heart, or the Campus Martius, Rome’s election space, could be expected. However, it is not a reductive conclusion to say that political violence happened in the spaces that politics took place. Political violence, even in the formalized spaces of the Forum, took a variety of forms and interacted with different locations in different ways.

Political violence was rarely random in this period. It almost always had a function within the space it occurred in. Elite politicians and lowly plebeians alike learned from past experiences with political violence; They tried it, refined it, and developed it. The plebeian crowds at Rome’s theaters in 56 and the aristocratic homes in 52 used the violence they saw modeled by political leaders and made it their own, using it to stake their own claims to political relevance.

Throughout the thesis, I attempted to trace an arc of the changing scale of battles over space. In the civil wars of the 80s BCE, violence was large-scale, bloody, and overwhelming. Military men clashed outside the city walls and soldiers enforced vicious proscriptions. In the
subsequent 70s, political violence changed dramatically. With the vanquishing of Lepidus’ revolt in 78, political violence became intramural, urban, and to a certain extent, regulated again. In the early 60s, violence was used in *ad hoc* ways for *ad hoc* goals that fit the political space it was in. Tribunes wanted bills passed? They intimidated consuls at legislative assemblies. Defendants wanted charges dropped? They disrupted the court system. However, in the late 60s and early 50s, politicians began going beyond the bounds of a single piece of topography. Battles for the Rostra escalated into battles for the entire Forum, where domination of the entire space and exclusion of one’s opponent became par for the course. The same with the court system, which saw a similar escalation come to a head with the showdown between Pompey’s soldiers and Clodius’ supporters. The expansion was not merely a matter of scale, but also a matter of scope. Aristocratic homes, although always semi-public locations, were dragged fully into the public sphere and made prime targets for political violence. Rome’s theaters, too, seemed to have a minimal role in urban violence before they became a target of lower-class resentment, encouraged but not created by Clodius. As battles over formal politics expanded outward from the Forum, these adjacent spaces—both physically adjacent, and in terms of their adjacent in terms of their relatively political nature—got caught. Spaces all over the

Something else this thesis tracked was individual politicians’ attempts to extend their own personal control over topography, both public and private. At the end of the Catilinarian conspiracy, Cicero achieved the symbolic role of military general and triumphed over his peers in the senatorial aristocracy, at cost of the Catilinarian conspirators’ ritually-ended lives. Clodius made the most outwardly calculated attempts to bring more and more space—be it ostensibly public or private—under his own personal control. In doing so, he modeled activity for his allies and opponents. However, by 52 the trajectory seen in the Eastern Forum section and in the
Aristocratic homes section saw Clodius’ two—the Forum and the Senate itself—devolve instead under the private control of Cn. Pompey Magnus. Both Clodius and Pompey’s interactions with political space indicate in their own way a trend towards the privatization of public, political space.

This thesis has made a concerted effort to steer away from categorical claims about the “Fall of the Republic,” which so often accompany analyses of violence. If anything, the trend towards the privatization of public space through the use of political violence foreshadows the eventual privatization of the res publica under the Principate. However, I argue that locating and examining violence’s role in situ has certainly yielded thought-provoking results in its own right. It is my belief that pinpointing and analyzing these 69 instances of political violence provides an illustrative contribution to our scholarly understanding about Romans’ political behavior and how they interacted with the spaces in which they lived—and with each other.


