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The Grievance of L. Domitius Ahenobarbus

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In early August of 50 B.C. M. Caelius Rufus began a letter to Cicero, Proconsul in Cilicia at the time, as follows (*Fam.* VIII.14):

Tanti non fuit Arsacen capere et Seleuceam expugnare ut earum rerum quae hic gestae sunt spectaculo careres; numquam tibi oculi doluissent, si in repulsa Domiti vultum vidisses. magna illa comitia fuerunt, et plane studia ex partium sensu apparuerunt; perpauci necessitudinem secuti officium praestiterunt. itaque mihi est Domitius inimicissimus, ut ne familiarem quidem suum quemquam tam oderit quam me, atque eo magis quod per iniuriam sibi putat ereptum <auguratum> cuius ego auctor fuerim. nunc furit tam gavisos homines suum dolorem unumque m(e Curi)onem studiosiorem Antoni.

On the reading in the last sentence, where the Mediceus, here our sole authority, has *unumque move*, see *Philol.* 105 (1961), p. 88. In *Phil.* II.4 Cicero represents Curio as the mainstay of Antony's campaign.

A subject for *ereptum* has to be supplied, and *auguratum* (Gronovius) is the vulgate. But Cicero did not have to be told at this stage what the election was for; he is assumed to know. In *Philol.* l.c. I proposed *putat* <hoc> *ereptum*. That, or something similar (as *sibi* <id> *putat*), avoids the awkward juxtaposition of *cuius* with a substantive which is not its antecedent.

Since then I have come to doubt the natural and hitherto universal assumption that the words *quod . . . fuerim* refer to the augural election. If they do, what is to be made of them? Commentators from Manutius on explain on the lines "that it was an insult to prefer Antony, a young man who had only held the Quaestorship, to Domitius, who had been Consul" (How). E. S. Gruen puts it more colourfully: "The haughty *nobilis* and ex-consul did not take defeat by a rank newcomer lightly" (*The Last Generation of the Roman Republic*, p. 355).

Per iniuriam implies an iniquity aggravating the defeat (cf. *Quinct.* 95 *miserum est exturbari fortunis omnibus, miserius est iniuria*). With *cuius ego auctor fuerim* it would naturally point to a specific proceeding (not just an aspect of the defeat) for which Domitius held Caelius responsible. But if the vulgate, or an equivalent, is sound, Manutius' explanation has to be accepted, for otherwise the *iniuria* would have been particularized.

According to Caelius, support for either candidate in this election went on party lines, apart from a very small minority who, like himself, were motivated by personal friendship. Antony's victory was in effect Caesar's, and the candidates' relative status and prestige did not count as they ordinarily would have done. But were Domitius' qualifications really so superior? Antony was no rank newcomer, but, like Domitius, a plebeian *nobilis*. Cicero lays stress on the nobility of the Antonii (*summo loco natos . . . dignum maioribus suis*) in a letter written a few months earlier (*Fam.* II.18). True, he was some fifteen years younger than Domitius and correspondingly low on the official ladder, though he may already have been elected Tribune for 50-49. But election of young noblemen to priestly dignities was nothing unusual, and sometimes they prevailed against their seniors. A year previously Caelius had reported the surprise victory of young Dolabella, whose first recorded office is his Tribunate in 47, over Lentulus Crus, Praetor in 58 and Consul in 49, in a contest for the Quindecimvirate (*Fam.* VIII.4.1). Gruen himself recalls that the current Pontifex Maximus, Caesar, had been elected over the venerable Catulus when himself only *aedilicius*, or perhaps Praetor-Designate. As a candidate for the Augurate in 53(?) Cicero competed, successfully it is true, against a Tribune or *tribunicus* who was not even a *nobilis*; and Antony could take credit for waiving his own candidature in Cicero's favour (*Phil.* II.4). Furthermore, Antony had an advantage, noted by Broughton (*Historia*, 2 (1953), pp. 209 f.), which in normal conditions might have been expected to tell heavily in his favour: his grandfather, the orator, had been an Augur. The information comes to us quite accidentally, from a scholiast on Lucan (Schol. Bern. on II.121), and since these things ran in families, it is not unlikely that his father, M. Antonius Creticus, may also have been so distinguished. The Domitii, on the other hand, had been Pontiffs for at least three generations before the Consul of 54, whose father was Pontifex Maximus; and therefore not Augurs.

This introduces a remarkable feature of Domitius' candidacy, which gets only passing notice from commentators and historians. He is usually supposed to have been already Pontiff before he stood for the Augurate; so L. R. Taylor (*Am. J. Phil.* 63 (1942), p. 405): "His election should be placed before the year 50 . . . Otherwise Caelius, who writes to Cicero

of the contest for the augurate (*ad Fam.* VIII.14.1), would surely have mentioned the pontificate." Similarly Broughton, *Magistrates of the Roman Republic*, II, p. 254: "M. Antonius will therefore have ruined his attempt to attain both the pontificate and the augurate." As is well known, combination of these two dignities in the same individual is unheard of for well over a century before 49, no matter how prominent or powerful. Marius, Sulla, Pompey, L. Lucullus, and Hortensius were Augurs. Scaurus,¹ the younger Catulus, M. Lucullus, and Metellus Scipio were Pontiffs. Caesar became Pontiff about 73 and Pontifex Maximus in 63. He did eventually become Augur, but only after Pharsalia under a senatorial decree granting him membership of all four of the principal priestly Colleges. In making his own appointments Caesar stuck to the rule of one man, one College (Dio, XLII.51.4). So did the early emperors, except in the case of members of the imperial family; cf. M. W. H. Lewis, *The Official Priests of Rome under the Julio-Claudians* (1955), p. 157.

If Domitius was really guilty of such exorbitance, he asked for defeat and the usual interpretation of *per iniuriam* becomes still harder to sustain. But that is not proved. He was Pontiff when he died in 48 (Nic. Damasc. *Vit. Aug.* 4) and the *terminus a quo* for his election is 57 (*Har. Resp.* 12). It could have been later in 50, after the failure in August. A vacancy may have arisen by the death of Metellus Creticus (see below). As for Taylor's argument that Caelius would have mentioned the Pontificate, it is the purpose of this paper to suggest that Caelius did mention a Pontificate; but Metellus' death may have occurred after he wrote. But if Domitius' candidature for the Augurate was not a defiance of established custom, it was at least a breach of family tradition, all the stranger because, as it seems, he might have stood for a Pontificate in the previous year. In an article already quoted L. R. Taylor pointed to three (or possibly four) pontifical vacancies occurring in 54-50: Metellus Creticus died sometime during that period (*Planc.* 27; *Vell.* II.48.6), the elder Curio died in 53 (*Fam.* II.2), M. Scaurus was exiled in 52. M. Crassus the "Triumvir" also perished in 53, but the Pontifex M. Crassus in *Har. Resp.* 12 may have been his son. Assuming then that Metellus died in 50 and was replaced by Domitius, we have two certain vacancies; also two successors, one certain, the other probable. Curio the younger became Pontiff between his father's death and early 50 (Dio, XL.62.1), and M. Brutus was Pontiff in 50 (cf. Broughton, *op. cit.*, II, p. 254).

Normally patricians were succeeded by patricians and plebeians by plebeians (Mommsen, *Römische Forschungen*, I, 80 ff.). Brutus, a patrician

¹ Perhaps Augur (not Pontiff): see E. Badian, *Arethusa*, 1 (1968), pp. 29 ff.

by adoption, is therefore likely to have been Scaurus's successor. It appears to follow that Curio succeeded his father, but there is a difficulty. In a letter to him of *ca.* 19 December 51 (*Fam.* II.7.3) Cicero writes: *de sacerdotio tuo quam curam adhibuerim quamque difficili in re atque causa, cognosces ex iis litteris quas Thrasoni, liberto tuo, dedi.* "Since the letter implies that Cicero had been concerned with the question recently, the election may have taken place in 51, though Curio's candidature is not mentioned in Caelius' letter *Ad Fam.*, VIII, 4, in which the priestly *comitia* and Curio's candidacy for the tribunate are referred to" (Taylor, l.c., p. 405, n. 65). It looks hardly possible that the priesthood in question could have been other than the Pontificate or that Cicero was not writing about the recent past. But why was the elder Curio's place left unfilled so long?

The puzzle is annoying, but hardly affects what is here to be contended: that the *iniuria* to which Caelius refers had to do, not with the Augural election in 50, but with an earlier disappointment sustained by Domitius in connection with the Pontificate. It is certain that there had been a plebeian vacancy in the College of Pontiffs not very long previously and that the younger Curio had filled it. Domitius' family record made him an obvious candidate. Had he in fact stood, unsuccessfully? If so, we may be sure that Caelius supported his bosom friend Curio as vigorously as he later supported Antony. But for two reasons I prefer a different theory. First, our sources might have been expected to preserve some record of such a contest, especially if it took place after the flow of Cicero's correspondence recommences in the spring of 51. Second, Cicero's language to Curio about his concern on the latter's behalf and the difficulties in which he had found himself involved does not suggest open support in an electoral fight so much as activity behind the scenes. Before standing for election to any one of the four chief priestly Colleges a prospective candidate had to be nominated by one member or two members (cf. *Phil.* II.4) of that College (Mommsen, *Staatsrecht*³, II, pp. 29 f.). The intrigues and bargainings, involving not only members of the College but possible candidates and their influential friends, can be imagined. The inference waiting to be drawn is that at this preliminary stage Domitius was persuaded not to stand or somehow jockeyed out of the nomination. If he felt he had been cheated out of the Pontificate, his augural candidature is explained, and so is his additional rancour against a person whom he blamed for both discomfitures—*ex hypothesi* Caelius. Cicero's involvement in the former (he did not love Domitius) can be deduced from his letter to Curio, and Caelius' close relations with both might naturally bring him into the picture.

If so, the missing word in *Fam.* VIII.14.1 is not *auguratum* but *pontificatum*:

atque eo magis quod per iniuriam sibi <pontificatum> putat ereptum cuius ego auctor fuerim. The mechanical reason for its disappearance is obvious.

The following sentence also benefits, *nunc*, hitherto pointless, contrasts the present disappointment with the previous one. Also the reading *unumque me Curionem* gains in plausibility. Curio and Caelius again! Domitius might well fume.

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