**Caesar’s Praetorship: Nothing Violent Came of it (Plut. Caes. 9.1)?**

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A certain conflict happened in January 62[[1]](#footnote-1) when Caesar became praetor. The tribune Q. Caecilius Metellus Nepos proposed a bill that Pompeius should be recalled to Italy to deal with Catiline; Caesar supported Nepos, but two other tribunes – M. Cato and Q. Minucius Thermus – opposed. Gradually the conflict moved to a violent clash on the Forum and the battle was won by Cato’s partisans (Plut. Cat. 28.5; ср. Cass. Dio XXXVII. 43. 2–3). Hereupon the Senate suspended Caesar and Nepos from their duties and also issued the *senatus consultum ultimum* (Suet. Iul. 16; Plut. Cat. Min. 26–29, Cic. 23; Dio Cass. XXXVII. 43; Schol. Bob. 134 St.). In a recent article[[2]](#footnote-2) R. Frolov has discussed these events in detail and he argues that neither Nepos nor Caesar lost their offices; rather they were deprived of “political initiative”[[3]](#footnote-3) and as a result both found themselves in some intermediary status between *magistratus* and *privatus*[[4]](#footnote-4)*.* Generally his reconstruction is convincing enough and it partially allows us to remove contradictions in our texts. However R. Frolov is more interested in the legal aspect of the problem, in the status of Caesar and Nepos, in the character of restrictions imposed on them and in mechanisms of their implementation; and for this very reason he does not give a full discussion of general chronology and certain details of those events. So in this article my aim is not only to enhance the reconstruction proposed by R. Frolov, but also to connect with these events the other episode that occurred around the same time when Cicero’s informers – Q. Curius and L. Vettius – accused Caesar of aiding Catiline in the Senate and before *quaestor* or *quaesitor* Novius Niger respectively (Suet. Iul. 17).

1. **Suspension of Caesar and Metellus Nepos**

**Discrepancy in Sources.**

The first problem was formulated by H. Strasburger: “*irreconcilable contradiction* (my italics) in the sources doesn’t allow unanimity of the sources: Suetonius writes about the senate’s decree which removed Caesar and Nepos from their offices, Dio – about *senatus consultum ultimum* after which Metellus voluntarily (and still in office) left the city and in the Cato’s biography (by Plutarch – S. T.) Metellus also leaves Rome voluntarily but Cato prevents the senate from depriving Nepos of his office”[[5]](#footnote-5). One may agree with H. Strasburger that all our authors have used different sources. But is the contradiction indeed irreconcilable?

As to the beginning of the conflict on the Forum, statements of ancient authors generally correspond with each other: the clerk started to read the bill that Pompeius should be recalled to Italy, Cato forbade him to speak, Metellus Nepos took the text and began to read it himself, Cato (alone or with the help of Minucius Thermus) snatched the document away from him, Nepos continued to recite the text, Minucius Thermus (alone or with the help of Cato) clapped a hand upon his mouth and shut off his speech, a violent clash started on the Forum and Cato’s partisans won the field (Plut. Cat. Min. 28; Dio Cass. XXXVII. 43). As notes H. Strasburger, the contradiction concerns further events. According to Suetonius (Iul. 16): “… at last both (Caesar and Nepos – S. T.) were suspended from the exercise of their public functions by a decree of the senate. Yet in spite of this Caesar had the audacity to continue in office and to hold court; but when he learned that some were ready to stop him by force of arms, he dismissed his lictors, laid aside his robe of office, and slipped off privily to his house, intending to remain in retirement because of the state of the times. Indeed, when the populace on the following day flocked to him quite of their own accord, and with riotous demonstrations offered him their aid in recovering his position, he held them in check. Since this action of his was wholly unexpected, the senate, which had been hurriedly convoked to take action about that very gathering, publicly thanked him through its leading men; then summoning him to the House and lauding him in the strongest terms, they rescinded their former decree and restored him to his rank”[[6]](#footnote-6). Dio Cassius (XXXVII. 43) narrates: “Therefore the senators met in the senate-house that very day, changed their raiment [to the mourning ones – S. T.] and gave the consuls charge of the city, that it might suffer no harm. Then Nepos once more became afraid and immediately retired from their midst; subsequently, after publishing some piece of writing against the senate, he set out to join Pompey, although he had no right to be absent from the city for a single night”[[7]](#footnote-7). And, finally, Plutarch (Cat. Min. 28—29): “Cato had come forward with commendation and encouragement for the people, the majority of them stood prepared to put down Metellus by any and every means, and the senate in full session announced anew that it would assist Cato and fight to the end against the law, convinced that it would introduce sedition and civil war into Rome. Metellus (…) suddenly rushed off into the forum, assembled the people, and made a long and invidious speech against Cato; then, crying out that he was fleeing from Cato’s tyranny and the conspiracy against Pompey, for which the city would speedily repent in that it was dishonouring so great a man, he set out at once for Asia, intending to lay these accusations before Pompey. Accordingly, Cato was in high repute for having relieved the tribunate of a great burden, and for having in a manner overthrown the power of Pompey in the person of Metellus. But he won still more esteem by not allowing the senate to carry out its purpose of degrading Metellus and deposing him from his office, which course Cato opposed, and brought the senate over to his views”[[8]](#footnote-8).

The theory of R. Frolov allows us to bring into accordance the stories of Plutarch and Suetonius. After the disturbances on the day of the vote, the senate declared that it sided with Cato and was opposed to the bill of Metellus Nepos, which could lead to sedition and civil war (Plut. Cat. Min. 28. 6), and after that suspended Caesar and Nepos from their administration of the state by depriving them of the political initiative (Suet. Iul. 16. 1: *ambo administratione rei publicae decreto patrum submouerentur*). Both Caesar and Nepos disobeyed and continued to perform their duties: Nepos “suddenly” (αἰφνίδιον) assembled the people and delivered a speech against Cato (Plut. Cat. Min. 29. 1); Caesar continued to hold a court on the Forum (Suet. Iul. 16. 1). But both these actions – the speech of Nepos and the court session of Caesar – had roughly the same finale: when Caesar learned that some were ready to stop him by force of arms, he laid aside his *toga-praetexta*, dismissed his lictors and went home (Suet. Iul. 16. 1); Metellus declared that “he was fleeing from Cato’s tyranny and the conspiracy against Pompey” and left Rome (Plut. Cat. Min. 29. 1).

1. Unless otherwise stated, all dates are B.C.E. [↑](#footnote-ref-1)
2. Frolov 2017, 1–19. Also closely related to this are two other articles by the same author: the first concerning the situation with Caelius Rufus in 48 (Frolov 2016a, 919–937) and the second dealing with the meaning of the expression «administratione rei publicae summovere» (Frolov 2016b, 101-109). [↑](#footnote-ref-2)
3. The detailed analysis of the context and the meaning of this expression cf.: Frolov 2016b, *passim*. [↑](#footnote-ref-3)
4. Frolov 2017, 11, 14. Unfortunately, F. Drogula is not acquainted with this article of R. Frolov and so he asserts that Suetonius is wrong because “the Senate did not have the legal authority to invest or rescind magisterial offices”: Drogula 2019, 94. And based on this, F. Drogula thinks that the whole passage in Suetonius is a “literary invention intended to lionize Caesar”: Drogula 2019, 96. But the hypothesis of R. Frolov gives an answer which better coincides with the Roman laws and customs of that time; so to my view, although the assertion of F. Drogula that the Senate had no right to rescind magisterial offices is totally correct, he has still hurried too much to declare the whole passage of Suetonius to be merely a fiction on this ground. [↑](#footnote-ref-4)
5. Strasburger 1938: 104. [↑](#footnote-ref-5)
6. Unless otherwise stated, all translations are from the Loeb Classical Library with minor corrections.

   ceterum Caecilio Metello tribuno plebis turbulentissimas leges aduersus collegarum intercessionem ferenti auctorem propugnatoremque se pertinacissime praestitit, donec ambo administratione rei publicae decreto patrum submouerentur. ac nihilo minus permanere in magistratu et ius dicere ausus, ut comperit paratos, qui ui ac per arma prohiberent, dimissis lictoribus abiectaque praetexta domum clam refugit pro condicione temporum quieturus. multitudinem quoque biduo post sponte et ultro confluentem operamque sibi in adserenda dignitate tumultuosius pollicentem conpescuit. quod cum praeter opinionem euenisset, senatus ob eundem coetum festinato coactus gratias ei per primores uiros egit accitumque in curiam et amplissimis uerbis conlaudatum in integrum restituit inducto priore decreto. [↑](#footnote-ref-6)
7. οἱ βουλευταὶ συνῆλθον αὐθημερὸν ἐς τὸ συνέδριον, καὶ τά τε ἱμάτια ἠλλάξαντο καὶ τοῖς ὑπάτοις τὴν φυλακὴν τῆς πόλεως, ὥστε μηδὲν ἀπ' αὐτῆς ἀποτριβῆναι, ἐπέτρεψαν. φοβηθεὶς οὖν καὶ τότε ὁ Νέπως ἔκ τε τοῦ μέσου εὐθὺς ἐξεχώρησε, καὶ μετὰ τοῦτο γραφήν τινα κατὰ τῆς βουλῆς ἐκθεὶς πρὸς τὸν Πομπήιον ἀφώρμησε, καίτοι μηδεμίαν αὐτῷ νύκτα ἀπολιπῆναι ἐκ τῆς πόλεως ἐξόν. [↑](#footnote-ref-7)
8. τοῦ δὲ Κάτωνος προσελθόντος καὶ τὰ μὲν ἐπαινέσαντος, τὰ δ' ἐπιρρώσαντος τὸν δῆμον, οἵ τε πολλοὶ παρετάξαντο παντὶ τρόπῳ καταλῦσαι τὸν Μέτελλον, ἥ τε σύγκλητος ἀθροισθεῖσα παρήγγειλεν ἀρχῆθεν βοηθεῖν τῷ Κάτωνι καὶ διαμάχεσθαι πρὸς τὸν νόμον, ὡς στάσιν ἐπεισάγοντα τῇ ῾Ρώμῃ καὶ πόλεμον ἐμφύλιον. ῾Ο δὲ Μέτελλος… αἰφνίδιον ἐξεπήδησεν εἰς τὴν ἀγοράν, καὶ συναγαγὼν τὸν δῆμον ἄλλα τε πολλὰ περὶ τοῦ Κάτωνος ἐπίφθονα διῆλθε, καὶ φεύγειν τὴν τυραννίδα βοῶν τὴν ἐκείνου καὶ τὴν κατὰ Πομπηΐου συνωμοσίαν, ἐφ' ᾗ μετανοήσειν ταχὺ τὴν πόλιν ἀτιμάζουσαν ἄνδρα τοσοῦτον, ὥρμησεν εὐθὺς εἰς ᾿Ασίαν, ὡς ταῦτα πρὸς ἐκεῖνον κατηγορήσων. ῏Ην οὖν δόξα μεγάλη τοῦ Κάτωνος, ἄχθος οὐ μικρὸν ἀπεσκευασμένου τῆς δημαρχίας καὶ τρόπον τινὰ τὴν Πομπηΐου δύναμιν ἐν Μετέλλῳ καθῃρηκότος. ἔτι δὲ μᾶλλον εὐδοκίμησε τὴν σύγκλητον ὡρμημένην ἀτιμοῦν καὶ ἀποψηφίζεσθαι τὸν Μέτελλον οὐκ ἐάσας, ἀλλ' ἐναντιωθεὶς καὶ παραιτησάμενος. [↑](#footnote-ref-8)