A HISTORY OF EXILE IN THE ROMAN REPUBLIC

Roman senators and equestrians were always vulnerable to prosecution for their official conduct, especially because politically motivated accusations were common. When charged with a crime in Republican Rome, such men had a choice concerning their fate. They could either remain in Rome and face possible conviction and punishment or go into voluntary exile and avoid legal sentence. For the majority of the Republican period, exile was not a formal legal penalty contained in statutes, although it was the practical outcome of most capital convictions. Despite its importance in the political arena, Roman exile has been a neglected topic in modern scholarship. This study examines all facets of exile in the Roman Republic: its historical development, technical legal issues, the possibility of restoration, as well as the effects of exile on the lives and families of banished men.

Gordon P. Kelly is a Visiting Assistant Professor at Lewis and Clark College.

A HISTORY OF EXILE IN THE ROMAN REPUBLIC

GORDON P. KELLY LEWIS AND CLARK COLLEGE



CAMBRIDGE

CAMBRIDGE UNIVERSITY PRESS Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press 32 Avenue of the Americas, New York, NY 10013-2473, USA

www.cambridge.org Information on this title: www.cambridge.org/9780521848602

© Gordon P. Kelly 2006

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2006

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication Data

Kelly, Gordon P. A history of exile in the Roman republic / Gordon P. Kelly. p. cm. Includes bibliographical references and index. ISBN-13: 978-0-521-84860-2 (hardback) ISBN-10: 0-521-84860-1 (hardback) I. Exiles–Rome–History. 2. Rome–History–Republic, 510-30 B.C. I. Title. JC85.E95K45 2006 305.9'069140937 – dc22 2005035965

ISBN-13 978-0-521-84860-2 hardback ISBN-10 0-521-84860-1 hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLS for external or third-party Internet Web sites referred to in this publication and does not guarantee that any content on such Web sites is, or will remain, accurate or appropriate.

> To my parents, Shirley and James Kelly, and to my wife, Molly Robinson Kelly

Contents

Pre	face	page ix
Ι.	Introduction	I
	1.1. Overview	I
	1.2. The Cultural and Political Background of Roman Exile	7
	1.3. Summary of the Relationship of Exile to Roman	
	Republican Politics	14
2.	Exilium: Legal and Historical Issues	17
	2.1. The Basics of Exile	17
	2.2. Exilium as a Citizen Right	20
	2.3. Aquae et ignis interdictio	25
	2.4. Exile and Interdiction as a Legal Penalty	39
	2.5. Exile and Citizenship	45
	2.6. The Attempted Exile of L. Hostilius Tubulus and Q. Pleminius	47
	2.7. The ius exulare	54
	2.8. Relegatio	65
3.	The Journey into Exile: The Early Republic to the Social War	69
	3.1. Choosing a Site for Exile: An Introduction	69
	3.2. Brief Journey into Exile: The Early Republic to 123	70
	3.3. Politics, Demonstrations, and the Hope of Recall	71
	3.4. The Advantages of Dyrrachium and Western Greece	
	for Exiles	77
	3.5. Locations Distant from Rome and the Permanence of Exile	81
4.	Exilium from the Social War to the Death of Julius Caesar	93
	4.1. The Mass Recall of Exiles in the 80s	93
	4.2. Exules in Italia: The Cases of Oppianicus and Q. Pompeius	100
	4.3. The 60s and the Exile "Boom" in Western Greece	108
	4.4. The Exile of M. Tullius Cicero	110
	4.5. Milo and the Mullets of Massilia: <i>Exilium</i> in the 50s	125
	4.6. A New Civil War and Mass Recall of Exiles	127
	4.7. Defeated Pompeians and Casesar's <i>clementia</i>	128

viii contents

5.	Topics of Exile	133
	5.1. Accompaniment into Exile	133
	5.2. The Economics of Exile	137
	5.3. Exempla and Accounts of Exile	141
6.	Prosopography of Roman Exiles	161
	Conclusions	221
Appendix I. The leges Clodiae Concerning Cicero's Exile		225
Appendix II. Restoration of Legendary Figures of the Early Republic		239
Bibliography		241
Index		251

Preface

SCHOLARS HAVE ATTEMPTED TO RECONSTRUCT AND INTERPRET THE HISTORY OF Greco-Roman antiquity for centuries. As a graduate student at Bryn Mawr College investigating several potential dissertation topics, I was pleased to discover that there are still areas of the ancient world that have received very little attention from previous generations of academics. The practice of exile in the Roman Republic is one such topic that has largely escaped detailed examination. In this work, which is a revised and expanded version of my 1999 dissertation, I have tried to look at the major features of exile and, as much as possible, put them into the context of the wider world of the Roman Republic. Even so, this study is not intended to be an all-inclusive treatment of the topic, but rather as a beginning for further investigations of Roman exile.

I would like to acknowledge the support of others that made this book possible. T. Corey Brennan first suggested the topic of Roman Republican exile to me, and has provided guidance and support well above and beyond what is expected of a good dissertation advisor. His tireless dedication to his students is truly remarkable. Indeed, his advice and constant support on the dissertation and other professional matters have been invaluable to me over the years. In short, he is an exemplary scholar and mentor. Equally as important has been the guidance of R. T. Scott, the co-director of my dissertation. At numerous points in the drafting of the dissertation, his vast expertise steered me toward areas of research that have greatly improved the quality of the finished product. I am very much indebted to the contributions of both Professor Brennan and Professor Scott, but any shortcomings of this work are solely my responsibility.

In addition to my dissertation advisors, I benefited much from the other faculty members in the Department of Greek, Latin, and Classical Studies at Bryn Mawr College during my time as a graduate student: Julia H. Gaisser, Mabel Lang, Richard Hamilton, and Gregory Dickerson. I would also like to thank my fellow graduate students at Bryn Mawr, especially Gary Farney, Pamela Lackie, Marshall Johnston, and David Pollio. I have greatly profited from discussions with them (often at late hours in Canaday Library or over beers at a local watering hole). Their insights and suggestions have helped me tremendously. My colleagues at other

CAMBRIDGE

X PREFACE

schools have also supported me as I continued work on this volume, especially Kirk Summers and Tatiana Tsakiropoulou-Summers at the University of Alabama, and Robert Kugler and Nicholas D. Smith at Lewis and Clark College. I am indebted to Lewis and Clark for their generous faculty research grant to support the completion of this book. Two of my students at Lewis and Clark, Thomas Adams and Frances Wells, have my thanks for their diligent proofreading of this manuscript.

At Cambridge University Press, I especially thank Beatrice Rehl (U. S. editorial offices) for her outstanding and efficient support of this project. I would also like to mention Eric Crahan and James Dunn, with whom it was a pleasure to work. I also owe thanks to Cambridge's anonymous reviewers, whose detailed comments on the initial manuscript greatly aided me in the subsequent revision. In the production stage of this book, I was truly impressed by the efforts of Peggy Rote and Vivek Sood at Techbooks.

On a more personal level, I would like to acknowledge the support of my brother, Kevin. I cannot adequately express my appreciation for my parents, Shirley and James Kelly, who filled me with their love of literature and history from a young age. Unfortunately, they did not live to see the publication of this volume, but their influence is on every page. And finally, I owe my deepest gratitude to my wife, Molly Robinson Kelly, whose constant love and support never wavered as I spent long hours on this project.

> G. P. K. Portland, Oregon April 2006