

we cannot know why Cicero had determined originally that the legislation was in his interest.³⁵

Plutarch's claim that Clodius sought the reconciliation only to take more effective revenge on Cicero is doubtless oversimplified. But Cicero confirms that the two did succeed in overcoming their quarrel at least temporarily early in Clodius' tribunate. There is no reason to reject Plutarch's report that Clodius blamed Terentia for his differences with Cicero in the past or to doubt that Cicero found this explanation convincing. Clodia, presumably with her brother's encouragement, continued to harass Terentia even after Cicero's exile, a further indication that the Clodian family held her responsible for Cicero's testimony.³⁶ The hounding proved so effective that Terentia was obliged to take refuge with the Vestal Virgins, among whom Fabia was presumably still serving.³⁷

Cicero doubtless miscalculated the risks of testifying against Clodius at the *Bona Dea* trial. But he was not acting foolishly or inexplicably. Terentia saw an opportunity to avenge the humiliation that Clodius had caused her sister and used her considerable influence with Cicero to achieve her objective. Surely no one anticipated how gravely her grudge would affect her husband's career and the history of the Republic.³⁸

DAVID F. EPSTEIN
The University of Chicago

35. *Att.* 3. 15. 4. Stockton, *Cicero*, p. 187, suggests that Cicero may have favored the legislation because he believed that it would make it easier to mobilize his own supporters should the need ever arise.

36. *Cic. Cael.* 50.

37. *Cic. Att.* 14. 2. 2.

38. I am grateful to the anonymous reader and the Editor for valuable suggestions.

SUFFRAGIUM IN EXODUS RABBAH 37. 2

Suffragium, in the sense of the exercise of influence by a powerful man, especially to procure a government appointment for his client, was a feature of Roman government under the principate.¹ The extent and pervasiveness of its

1. For this meaning of the term, see *OLD*, s.v. *suffragium* 5, and esp. G. E. M. de Ste. Croix, "Suffragium: From Vote to Patronage," *British Journal of Sociology* 5 (1954): 33–48. The fullest study of the institution under the principate is R. P. Saller, *Personal Patronage under the Early Empire* (Cambridge, 1982). Useful accounts for the dominate include A. H. M. Jones, *The Later Roman Empire* (Oxford, 1964), pp. 391–96, 568–69; C. Collot, "La pratique et l'institution du *suffragium* au Bas-Empire," *RHDFE* 43 (1965): 185–221; and, particularly on legislative efforts to restrain *suffragium*, D. Liebs, "Ämterkauf und Ämterpatronage im der Spätantike: Propaganda und Sachzwang bei Julian dem Abtrünnigen," *ZSav* 95 (1978): 158–86. Bibliography of works since the sixteenth century is given by Collot, "Pratique," p. 186, n. 6; and Liebs, "Ämterkauf," p. 169, n. 7. To these may be added J. K. Evans, "The Role of *Suffragium* in Imperial Political Decision-Making: A Flavian Example," *Historia* 27 (1978): 102–28; W. Schuller, "Ämterkauf im römischen Reich," *Der Staat* 19 (1980): 57–71; W. Eck, "Einfluss korrupter Praktiken auf das senatorisch-ritterliche Beförderungswesen in der Hohen Kaiserzeit," in *Korruption im Altertum*, ed. W. Schuller (Munich and Vienna, 1982), pp. 135–51, and see the discussion, pp. 152–61; W. Schuller, "Prinzipien des spätantiken Beamtentumus," *ibid.*, pp. 201–8, and see the discussion, pp. 209–14; P. Veyne, "Clientèle et corruption au service de l'état: La vénalité des offices dans le Bas-Empire romain," *Annales* 36 (1981): 339–60; K. L. Noetlich, *Beamtentum und Dienstvergehen: Zur Staatsverwaltung in der Spätantike* (Wiesbaden, 1981).

use is debated: some see in *suffragium* "the key to the working of the Roman constitution in the imperial period";² others consider it to have had strictly limited scope.³ There is no dispute, however, that under the dominate the operation of *suffragium* reached major proportions, and scholarly attention has been devoted rather to the question of what measures were taken to suppress *suffragium* and to what degree it was considered improper.⁴

The evidence that has been collected so far relates mainly to the capital cities and to a small number of provinces;⁵ little comes from the late third century. I wish to suggest here that some evidence to fill part of this gap may be found in a somewhat obscure Hebrew text which becomes intelligible, and pointed, if it assumed that in late-third-century Roman Palestine *suffragium* was both common and acceptable. Since the text is a *midrash*, an imaginative homily on or elaboration of a biblical verse, those parts of the *midrash* which are not directly called for by the biblical text can reflect the social and intellectual experience of the author of the *midrash* and of his audience, and can therefore be useful as evidence of contemporary social realities.

The *midrash*, contained in Exodus *Rabbah* 37. 2, is by the late-third-century Palestinian Rabbi Levi. The verse here elaborated is Exodus 28:1, where God says to Moses, "You shall bring forward your brother Aaron, with his sons, from among the Israelites, to serve me."⁶ The *midrash* is as follows:

Rabbi Levi said: It can be compared to the friend of a king who was a *comes* and a *defensor*, and when the king was about to appoint a *strategos*, he notified his friend, saying: "It is your brother." So the Lord made Moses *comes*, "Not so with my servant Moses etc. (Numbers 12:7)." He made him *defensor*, as it is said, "Moses sat as a magistrate among the people (Exodus 18:13)." When He was about to appoint a high priest, He notified him saying, "It shall be *your* brother Aaron."

The Greek and Latin terms in the translation appear in the Hebrew in transliteration. The Hebrew represented here by *defensor*, however, is a paleographically attractive emendation made in a recent study by D. Sperber of the received text's *rfws*, which is senseless in Hebrew.⁷ In the second part of that study I suggested that the author of the *midrash* had in mind the function of the *defensor*

2. E.g., de Ste. Croix, "Suffragium," p. 33; Saller, *Personal Patronage*, p. 3 and passim.

3. E.g., H. G. Pflaum, *Les procureurs équestres sous l'Haut Empire romain* (Paris, 1950), p. 206; P. Veyne, *Le pain et le cirque: Sociologie historique d'un pluralisme politique* (Paris, 1976), p. 620; Eck, "Einfluss"; J. Andreau, review of Saller, *Personal Patronage*, in *Annales* 37 (1982): 1036-39.

4. E.g., for Julian's legislation: W. Goffart, "Did Julian Combat Venal Suffragium? A Note on CTh 2. 29. 1," *CP* 65 (1970): 145-51; T. D. Barnes, "A Law of Julian," *CP* 69 (1974): 288-91; Liebs, "Ämterkauf," pp. 174-82. For a bibliographical study of Justinian's legislation, see R. Bonini, *Ricerche sulla legislazione giustiniana dell'anno 535. Nov. Iustiniani 8: Venalità delle cariche e riforme dell'amministrazione periferica* (Bologna, 1976).

5. Africa has been studied in particular by Saller, *Personal Patronage*, pp. 145-204.

6. Translations of biblical texts are from *The Torah: The Five Books of Moses. A New Translation of the Holy Scriptures according to the Masoretic Text*² (Philadelphia, 1967); translations of the *midrash* are adapted from Exodus (trans. S. M. Lehrman), in *Midrash Rabbah*³, ed. H. Freedman and M. Simon (London and New York, 1983).

7. See D. Sperber and R. Katzoff, "On the Office of the Defensor in Palestine and Egypt during the Third Century C.E.," in *Beit Midrash*, vol. 1: *Studies in Memory of Saul Lieberman*, ed. S. Friedman (forthcoming). See also D. Sperber, *A Dictionary of Greek and Latin Legal Terms in Rabbinic Literature* (Ramat Gan, 1984), p. 23.

attested by late-third-century papyri, involvement in appointments to public office. The key to the sense is to be found in the sequence of verses beginning with Exodus 18:13, only the beginning of which was copied into the text of the *midrash*, where Moses is seen to appoint a vast array of minor officials: thus the text commented on (Exod. 28:1), the parable, and the proof-text (Exod. 18:13–26) have in common the involvement in appointments. Left unexplained in that study, however, were the designation, as *comes*, of Moses in the text commented on (Exod. 28:1) and of the king's friend in the parable, and the relevance of the proof-text (Num. 12:7). I wish to suggest here that a consideration of the way *suffragium* worked can explain these seemingly superfluous clauses.

It will be recalled that, as Roman emperors became ever more involved in appointments at all levels of the growing government service, they relied increasingly on recommendations from subordinates. This gave an opportunity for well-placed persons to use their influence to procure desirable public offices for relatives, friends, and clients. Exercise of such influence was considered proper and was expected of a prominent family member or friend.⁸

It is important that the client who receives the favor know that it was received by the mediation of the *suffragator*-patron. Otherwise he could become guilty of ingratitude.⁹ Indeed, only if the recipients know to whom they owe the favors received could the reciprocal relationships created by *suffragium*, crucial to the operation of the "system,"¹⁰ come into being. It is useful, then, for the patron-*suffragator* to inform his client of the favor that he procured for him. An instance of this is found in Pliny's correspondence with Trajan. *Epistles* 10. 6 requested that Alexandrian citizenship be conferred on his therapist, Arpocras, to satisfy the precondition required of Egyptians for the Roman citizenship which Pliny had requested in *Epistles* 10. 5. In his response, *Epistles* 10. 7, Trajan asks to be told Arpocras' name so that he, Trajan, may send Pliny the appropriate letter to forward to the prefect of Egypt ("ut epistulam tibi ad Pompeium Plantam praefectum Aegypti amicum meum mittam").¹¹ Rather than send the grant-letter directly to Egypt, Trajan sent it to Pliny so that he could claim the credit for his efforts.

Finally, for a patron to exercise his influence, he would have to have access to the emperor himself or to whichever lower official was making the appointment desired. Presence in the imperial household, and especially face-to-face contact with the emperor, was of special importance and could be effective even if the person exercising the influence was of much lower social standing than the emperor. Much influence could be exercised by those present in the imperial household of the emperor—litterateurs, physicians and teachers, women, imperial slaves, and freedmen.¹²

8. Saller, *Personal Patronage*, pp. 7–39, esp. p. 30.

9. Nothing can be worse than ingratitude according to Sen. *Ben.* 1. 10. 4: "Erunt homicidae, tyranni, fures, adulteri, raptores, sacrilegi, proditores; infra omnia ista ingratus est." See also Saller, *Personal Patronage*, pp. 14, 19.

10. Saller, *Personal Patronage*, pp. 69–78.

11. The clause is repeated in Pliny's reply to Trajan, *Epist.* 10. 10; cf. Pliny *Epist.* 10. 106 and 107 (*tibi*).

12. Saller, *Personal Patronage*, pp. 58–69.

An instance particularly instructive for our case appears in *POxy.* 47. 3366 = *PColl. Youtie* 2. 66, dating from A.D. 253–60. It contains drafts of a petition to the emperor from a certain Lollianus, public grammarian of Oxyrhynchus, requesting the emperor to instruct the city to give him an orchard for his livelihood; and of a letter to an unidentified friend addressed as “brother,” asking him to see to it that the petition reach the emperor and that the response be favorable and unambiguous. From lines 24–25 of the letter it appears that the “brother” is outside Egypt with the imperial retinue (*comitatus*), apparently as a *comes*, which will explain his influence on imperial rescripts.

Returning to our *midrash*, Rabbi Levi recognizes in Exodus 28:1 a situation familiar from his contemporary experience. When a high priest is to be appointed, Moses should certainly wish to exercise *suffragium* to procure the appointment for his brother, as would a *defensor* when a *strategos* is to be appointed. Whether he asked for this appointment, or whether God (and, in the parable, the king) anticipated his wish, we are not told. In any case, God does oblige Moses by letting him be the bearer to Aaron of the news of the appointment.

For this interchange to have taken place, Moses must be described as having immediate access to God, much as a *comes* would have face-to-face contact with a “king.” For this the proof comes from the passage in Numbers 12:7–8, where God describes Moses’ character. Here again the key is the sequence of verses following the one copied in the *midrash*, “Not so with my servant Moses; he is trusted throughout my household. *With him I speak mouth to mouth*, plainly and not in riddles, and he beholds the likeness of the Lord.”¹³

Exodus *Rabbah* 37. 1 provides a second, somewhat more complex *midrash* on the same verse and theme. Here when a king is about to appoint a *strategos*, the *katholikos* hopes that he will be chosen. He is disappointed when he does not receive the office but is pleased when the king tells him to make the appointment, and that it may be from the *katholikos*’ own *genousia*. The emphasis in this *midrash* is on the successive disappointment and pleasure of the person who first is denied an anticipated appointment but then is given the opportunity to choose the appointee himself. The *midrash* makes its point, as the commentators observe, only if it is assumed that there is more honor in making the appointment than in receiving it. Here, too, *suffragium* is apparent. Unfortunately, this *midrash* is anonymous and therefore cannot be dated more precisely than third to sixth century. Since it seems to be an elaboration of the *midrash* by Rabbi Levi, one could conjecture that it is later.

Several further points may be noticed. First, the *suffragium* in the *midrash* is exercised in favor of a brother, and clearly no opprobrium attaches to it. Though to modern sensibilities the closer the relative is for whom the influence is exercised, the greater the impropriety is considered to be, in the Roman world the opposite was the case. There does not appear to be a study of *suffragium* in favor of close relatives as such, but several cases, from the first and second

13. The context of the proof-text, curiously, is also one in which the relationship of Moses and Aaron is at issue. In Numbers Aaron is chastised by God for speaking ill of Moses. The possibility was available to the author of the *midrash* to describe Aaron as the ungrateful client. I have not, however, found a *midrash* along this line.

centuries, have been identified.¹⁴ An anecdote related by Suetonius *Vespasian* 23. 2 illustrates the point. A *suffragator*, in this case venal (to use the fourth-century term), pretended to Vespasian that his candidate for a government post was his brother, but Vespasian saw through the deception. Plainly, the *suffragator* thought that his request would more likely be granted if it was made for a brother than if it was made for a stranger. The patron may have reasoned that, since the social obligations to one's close relatives were greater than those to distant relations and acquaintances, so that the emperor's favor would help the patron discharge a greater obligation and, in turn, place the patron under a greater debt of gratitude to the emperor, the latter would be more likely to grant the request. Possibly the subterfuge was merely an effort to hide the venality. Nonetheless, modern notions concerning the impropriety of recommending close relatives did not prevent him from choosing this particular subterfuge.

Second, although we have not determined the exact denotation of *strategos* in the *midrash*, we should expect that in the third century a civil administrator would be meant. Nonetheless, a military commander of some sort is not out of the question.¹⁵ *Strategos* is glossed *dux exercitum* in an ancient lexicon,¹⁶ and the *strategos* of various military troops is honored in a late-third-century inscription from Lower Moesia.¹⁷ Again, the modern reader may expect the appointment of military officers to be more insulated from *suffragium* than civil appointments, but here too ancient evidence indicates the contrary. For instance, Dio Cassius 60. 17. 8 and 65. 14. 3 lump military commands together with civilian offices as the objects of corrupt *suffragium*. Both Vitellius and Vespasian are reported by Suetonius (*Vit.* 7. 1; *Vesp.* 4. 1) to have received their early military commands through the influence of *suffragatores*.¹⁸

Finally, the question arises at what level of government the interchange described in the parable is imagined to have taken place. "Kings" in the parables of rabbinic literature may be modeled variously on Roman emperors or provincial governors, and parables may even be internally inconsistent in this respect.¹⁹ In our parable the presence of a *defensor* would indicate that the model for the "king" is a provincial governor, if we assume that a *defensor civitatis* is meant. On the other hand, *comes* in late antiquity would point rather to an imperial context. Through the third century A.D., however, the term was still used for aides of lower officials, in particular provincial governors. It is so used in a papyrus dated A.D. 220 (SB 3 7181 A 8) and by the third-century jurists Ulpian

14. Evans, "Role," p. 104; Saller, *Personal Patronage*, pp. 135, 176–78.

15. E.g., A. Kohut, *Aruch Completum* I 175 and VI 40. In particular, see *Midrash* Psalms 104:21 (p. 446 Buber), where *strategoī* appear to be associated with *duces* and *eparchoi*.

16. *CGL* 3. 275. 56.

17. *IG Rom.* I. 1496. I thank J. Reynolds for this reference.

18. See E. Birley, "Promotions and Transfers in the Roman Army, II: The Centurionate," *Carnutum Jahrbuch* (1963/64): 21–33; G. R. Watson, *The Roman Soldier* (London, 1969), pp. 37–38; Evans, "Role," p. 103, n. 5; Eck, "Einfluss," p. 144; Saller, *Personal Patronage*, pp. 157–58. For late antiquity: Noetlich, *Beamtenum*, passim, esp. pp. 23–24. For the conception of military office which underlies this, see B. Campbell, "Who Were the 'Viri Militares'?" *JRS* 65 (1975): 27.

19. See I. Ziegler, *Die Königsgleichnisse des Midrasch beleuchtet durch die römische Kaiserzeit* (Breslau, 1903), pp. xxvi and xxxi.

(*Dig.* 48. 19. 6. 1), Modestinus (*Dig.* 4. 6. 32), and Hermogenianus (*Dig.* 27. 1. 41. 2).²⁰ Indeed, *suffragium* operated at levels lower than that of the emperor wherever appointments were to be made.²¹

RANON KATZOFF

*Institute for Advanced Study /
Bar Ilan University*

20. O. Seeck, "Comites, B," *RE* 4 (1900): 623–24.

21. Saller, *Personal Patronage*, pp. 157–66. For appointments made by subordinate officials, cf. *Midrash Deuteronomy Rabbah* 2. 3 (= *Yalkut Shimoni* 812), ascribed to the fourth century.

I wish to express my thanks to G. Bowersock, D. Liebs, and D. Sperber, who read the manuscript and made valuable suggestions, and to friendly colleagues at the Institute for Advanced Study with whom I discussed various individual points.

PROSPER'S *EPITOMA CHRONICON*: WAS THERE AN EDITION OF 443?

The first continuation of Jerome's world chronicle to come out of the western provinces of the Roman Empire was the *Epitoma chronicon* of Prosper of Aquitaine.¹ Prosper issued this work in a number of editions; in other words, after first composing the chronicle in A.D. 433, he updated it several times later in his life. The best-attested editions are those of 445 and the final edition of 455. Each survives in a large number of manuscripts, and each was continued by other hands soon after it was composed. The first edition, dating from 433, does not survive in its original form, but its extent and contents can be ascertained by examining the later versions. There was probably also an edition of 451.²

It has been proposed that Prosper also issued an edition dating from the year 443.³ No such version of the chronicle has come down to us; although there are a number of related manuscripts of Prosper which end in 443, these have been correctly identified as copies of a mutilated archetype which belonged to a later edition of the chronicle.⁴ The evidence for the existence of the edition of 443 is, rather, the present form of Victor of Tunnuna's chronicle, composed around 567. We know from Isidore of Seville that Victor, an African bishop, began his chronicle with the Creation.⁵ Most likely the earlier part of this chronicle was an epitome of earlier works; what we have today is Victor's continuation of Prosper, commencing with the year 444 (*Theodosio XVIII et Albino cons.*). In none of the manuscripts does Victor's chronicle actually follow a copy of Prosper that ends at 443; nevertheless, Victor begins his continuation with the prefatory statement "Up to this point the religious Prosper arranged the order of the preceding years. To this we have added the following material."⁶

1. Edited by Th. Mommsen in *Chronica Minora*, vol. 1 (*MGH:AA*, 9:341–499). Prosper is designated "Prosper Tiro" in some manuscripts of his chronicle; that the church father Prosper of Aquitaine wrote the chronicle is, however, certain. See Mommsen, *MGH:AA*, 9:343–44, and L. Valentin, *St. Prosper d'Aquitaine* (Toulouse, 1900), pp. 122–24, 195–97.

2. On the editions of Prosper, see Mommsen's introduction, *MGH:AA*, 9:345–47.

3. By Mommsen, *MGH:AA*, 9:345, and in his introduction to Victor of Tunnuna, *Chronica a. CCCXLIV–DLXVII* (*MGH:AA*, 11:180).

4. Mommsen, *MGH:AA*, 9:358, 11:180.

5. Isidore *De viris illustribus* 49–50, quoted by Mommsen, *MGH:AA*, 11:178.

6. Victor of Tunnuna, incipit (*MGH:AA*, 11:184): "Hucusque Prosper vir religiosus ordinem praecedentium digessit annorum: cui et nos subiecinus."