

## ABSTRACT

Title of Dissertation: *FIDES* IN JULIUS CAESAR'S *BELLUM CIVILE*: A STUDY IN ROMAN POLITICAL IDEOLOGY AT THE CLOSE OF THE REPUBLICAN ERA

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In this dissertation, we show not only that Julius Caesar depicted his struggle with Pompey and the government of the Roman Republic as politically legitimate, but that he grounded this legitimacy primarily in notions of *fides*. *Fides* is a fundamental Roman notion. A man of *fides* always does the right thing of his own volition, not under pressure. Such a man might change his mind about what is right, but he would never pursue his private aims at the expense of the public interest. It is crucial at Rome to be seen this way. Caesar wishes to persuade his audience that he has been justified in taking unusual action—action that is outside the law and has not been authorized by the senate or the people—in defense of his claims. Caesar bases his political case on *publica fides*, that is, on the ideologically deep-rooted Roman notion that concern for the public welfare must be an official's paramount concern at all times. It should always take precedence over private and personal interests. My hypothesis in this dissertation is that not just in Caesar's *BC* but in the writings of Cicero, *publica fides* as a notion subsumes not merely the usual,

but also some of the unusual actions that may be undertaken by public figures. We can infer from this that unusual, unauthorized, or unprecedented actions may sometimes be seen as legitimate at Rome if the people engaged in the activity are believed to be guided and motivated by *publica fides*.

We show that Caesar defines the major political themes of the *BC* in 1.1-33. They can be summed up as follows: (1) Caesar's good *fides* vs. Pompey's bad *fides*; (2) the good *fides* of Caesar's friends vs. the bad *fides* of their Pompeian counterparts during the political crisis of December 50 and January 49 B.C.; (3) the good *fides* of Caesar's friends and commanders vs. the bad *fides* of their Pompeian counterparts once violence was involved; (4) the impact of both good and bad *fides* on the respective armies and on the civilian community in each theater of battle.

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IDEOLOGY AT THE CLOSE OF  
THE REPUBLICAN ERA

by

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This dissertation is dedicated to the memory of my father

Thomas William Barry

(1922–2005)

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## INTRODUCTION

Communities obey their ideals; and an accidental success fixes an ideal, as an accidental failure blights it.

William James

The purpose of this introduction is merely to inform the reader in succinct terms what my subject is, and what my hypothesis is about the subject.

Caesar wrote the *Bellum Civile* for the purpose of justifying for a politically astute audience the unusual action that he took in January 49 B. C., when he left his Gallic province for the purpose of resisting certain measures that had been undertaken against him by the republican government at Rome.<sup>1</sup> The English novelist Anthony Trollope neatly sums up the famous event:

Caesar was, so to say, at home north of the Rubicon. He was in his own province, and had all things under his command. But he was forbidden by the laws to enter the territory of Rome proper while he was in command of a Roman province; and therefore, in crossing the Rubicon, he disobeyed the laws, and put himself in opposition to the constituted authorities of the city.<sup>2</sup>

So far, so good. Caesar's position was (for the time being) legal north of the Rubicon, but became illegal the moment that he moved south of it. Therefore he was an outlaw, a rebellious proconsul engaged in armed aggression against the legitimate government of the Roman state. Caesar's opinion concerning that government (which clearly was that the government was bad), it would seem, could in no way serve to justify

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<sup>1</sup>That the audience is politically knowledgeable may easily be inferred from the contents of the *BC* itself.

<sup>2</sup>Anthony Trollope, *The Commentaries of Caesar*, with an introduction by Ruth Roberts (New York: William Blackwood, 1870; reprint, New York: Arno, 1881), 119. Trollope read Latin fluently. He also wrote a book on Cicero in two volumes.

what he did—either in the ancients’ eyes, or ours. It is a widely held belief today that people in politically free societies (for purposes of this discussion, the Roman republic circa 50/49 is counted as a politically free society) may disagree with their governments, but are not supposed to subvert them. In a free republic, political competitors and citizens alike are supposed to be law-abiding. Political controversies should be resolved non-violently. If they are not, all people in the society suffer. Violence diminishes individual security, political rights usually go by the board, and the republic (in the extreme instance) fails altogether. Therefore, Caesar can have had no putative right to rebel. He committed high treason when he left his province.<sup>3</sup> The case seems open and shut. So why is there a problem? Or is there one?

Let us see what more Trollope has to say about Caesar’s action: Of particular interest is his comment about how Caesar’s crossing of the Rubicon was perceived at the time:

...but offers to treat with him on friendly terms were made by Pompey and his party after he had established himself on the Roman side of the river.<sup>4</sup>

Trollope grasps an important truth here. Caesar’s action, in fact, was not seen as irrevocable in its consequences at the time, and negotiations to end the crisis were ongoing for weeks after Caesar crossed the Rubicon and left his province. We are in a position to compare Caesar’s statements and claims in the *BC* with Cicero’s contemporary observations preserved in his letters. Despite much typical Ciceronian hyperbole and

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<sup>3</sup>See, for example, Elizabeth Rawson, *The Cambridge Ancient History*, vol. 9, 2d ed. (Cambridge: Cambridge University Press, 1994), 429. Henceforth, the abbreviation *CAH* is used for *The Cambridge Ancient History*.

<sup>4</sup>Trollope, *Commentaries*, 119.

frequent prognostications of disaster, it is clear that Cicero remained hopeful for several weeks that the crisis could be resolved without irrevocable harm to the republic. In late January 49, Cicero writes that Caesar's conditions (for peace) had been accepted (by Pompey and the consuls), with the reservation that Caesar withdraw from the towns he had occupied outside his province.<sup>5</sup> If Caesar complied, then *they* (Pompey, the consuls, Cicero and the rest of the senate) would return to Rome and work the thing out in the senate.<sup>6</sup> Cicero still hopes for peace and believes that Caesar is sorry for his madness (*Spero posse in praesentia pacem nos habere; nam et illum furoria...suppaenitet*).<sup>7</sup> The next day, Cicero writes that he thinks Caesar *will* withdraw his forces from the towns he has occupied. He explains that Caesar (if he complies) will win (i. e., politically) if he is elected consul, and win less invidiously than if he continues down his present path (*Vicerit enim, si consul factus erit, et minore scelere vicerit, quam quo ingressus est*).<sup>8</sup> For our purposes, there are two important points to note. One is that this shows that contemporaries did not perceive Caesar's unusual action as irrevocable in its consequences. The other is that Cicero is well able to conceive of Caesar being elected legal consul for the next year in a normal election and working within the system to gain his political ends, despite the fact that what Caesar had just done amounted to high

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<sup>5</sup>See *Att.* 7.14.1.

<sup>6</sup>*Ibid.*: *Id si fecisset, responsum est ad urbem nos redituros esse et rem per senatum confecturos.*

<sup>7</sup>*Ibid.*

<sup>8</sup>*Att.* 7.15.3.

treason. Moreover, Cicero evinces no lingering sense of outrage at this, nor does he appear to have particular misgivings about it. It is business as usual. All sins are forgiven.

This presents us with a problem, if we evaluate Roman political behavior according to conventional modern notions. In the modern world, public officials who openly commit treasonable offenses are generally seen as utterly disqualified from public service ever after (if they do not incur the death penalty).<sup>9</sup> Such a person would find it difficult, in a functioning democracy, to campaign for public office again, let alone do so just weeks after having committed his offense. Yet despite the fact that Cicero thinks Caesar has been acting disgracefully, he does not appear to feel that Caesar's unusual action has disqualified him from public service in some indelible way. Nor, indeed, does Caesar himself. Therefore Cicero and Caesar share a thought-world, surprising as this may seem in view of their many differences in politics. But the main point for us is that it is not our thought-world.

This brings us to the point of this dissertation. What sort of political thought-world was it, we may ask, that might so readily accommodate itself to the idea that “unusual action”—that is, action taken outside the law and without the sanction of what Trollope calls the “constituted authorities”—could occur without penalty, might sometimes in fact even be seen as necessary by large numbers of citizens on one side or another, and actually be justified by the agents involved on one ground of republicanism or another? The broad answer suggested in this dissertation is that it was a political thought-

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<sup>9</sup>I say that this is generally true of the modern world or of how moderns like to think. Of course, there are exceptions, the American Civil War being one such case. Within a few years of the conflict's end, many ex-rebels were able to rehabilitate themselves and take an active part in politics and public life. In fact, it had been Lincoln's intention that this should happen as soon as possible.

world in which it was a politician's personal reputation for *fides*, more than anything else, that was seen as ensuring that he would always act in the public interest, rather than his own.

*Fides* is a fundamental Roman notion. I will have much more to say later about its meaning for Romans. Briefly, *fides* is in a sense an “immoveable” moral quality. That is, a man of *fides* always does the right thing of his own volition; he does not require any special prompting to see the need for action. Such a man might sometimes change his mind about what is right, but he would never do so as a result of external pressure, and would never pursue his private aims at the expense of the public interest. It is crucial at Rome to be seen in this way—i. e., as someone who does not serve the times. A politician who seeks only to curry favor in such matters as his friendships and political views is worthless, whether as a friend or an ally. This sort of man's *fides* is not “immoveable;” hence he is frequently seen as likely always to offer his services to the highest bidder (metaphorically speaking), rather than keep agreements or understandings favoring the public interest that might not be to his personal advantage, or that might have become difficult for him to keep as a result of adverse circumstances.

Since there was this powerful correlation between *fides* and the public interest, politicians facing unusual circumstances in politics might sometimes take unusual or technically illegal measures in confronting those circumstances, and claim that by so doing, they were merely acting in the public's best interest. Whether from our vantage point such action is right or wrong is not the issue. The point is that at Rome, an excellent

reputation for *fides* would tend to make such claims by politicians plausible for a large segment of the community. That was what mattered.<sup>10</sup>

My broad purpose is to show that *fides* was one of Caesar's major themes in the *BC*, and that the original audience would easily have recognized this. The reason why Caesar gave the theme great prominence in his text should be clear from what I stated in the preceding paragraph; Caesar wishes to persuade his audience that he has been justified in taking unusual action—action that is outside the law and has not been authorized by either the senate or the people—in defence of his claims. Caesar bases his political case squarely on *publica fides*; that is, on the ideologically deep-rooted Roman notion that (particularly for men of senatorial rank, whether actively engaged in public business or not), concern for the public welfare must be an official's paramount concern at all times. It should always take precedence over private and personal interests. My hypothesis in this dissertation is that not just in Caesar's *BC* but in the writings of Cicero, *publica fides* as a notion subsumes not merely the usual, but also some of the unusual, actions that may be undertaken by public figures.<sup>11</sup> We can infer from this that certain unusual, unauthorized, or unprecedented actions may sometimes be seen as legitimate at Rome if the people engaged in the activity are widely believed to be guided by and motivated by *publica fides*. Hence Caesar (somewhat paradoxically) consciously defends his crossing of the Rubicon in the *BC* on the extra-legal grounds of *publica fides*—and, presumably, Pompey would

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<sup>10</sup>Indeed, David Epstein has described *fides* as the Roman substitute for ideology when it came to uniting factions competing for power. See the conclusion of Chapter Four for details.

<sup>11</sup>Cicero is of course not the main focus of the dissertation. But a number of passages from his work are used to show that Caesar's argument in the *BC* is not novel or unorthodox, but actually shares common ground with Cicero, a writer generally viewed as a moderate conservative in politics.

have defended any decision to enter negotiations with Caesar after the crossing of the Rubicon on the same grounds.<sup>12</sup>

What this often seems to mean in the senate is that if there is no clear precedent for action in a given situation, it is *fides* that should serve as a senator's guide in decision-making. But even if there is an available precedent, *fides* does not mean following it blindly, without regard for justice; *fides* is not technical in Caesar or in Cicero. The implicit criticism that Caesar makes about the senate's decision-making in his case in December 50 and January 49 is that since there was no clear precedent in law to guide them, senators ought to have been guided by their *fides* in making a decision about his claims, though ultimately, they were not. Because they did not observe *fides*, they failed the Republic as well as delivered an intolerable blow to Caesar's *dignitas*—to which he had a right to respond.

Caesar writes in the expectation that Romans of the political class will understand his situation and sympathize with it. This is why, not only in the crucial *BC* 1.1-33 but throughout the entire text of the *BC*, Caesar at crucial moments stresses his adherence to the moral code and requirements of *fides*. It may seem an odd, even arrogant position for a man whom many moderns would view as a traitor. But we will see that within Roman culture, Caesar's position was not so easily dismissed.

Indeed, we will see in Chapter Four that Caesar's famous references to his *dignitas* in *BC* 1.7-9 are actually intended to emphasize his strict adherence to the moral code and requirements of *fides*. Caesar's statements in these chapters are not meant to

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<sup>12</sup>I speak here of Caesar's "crossing of the Rubicon" as a matter of convenience. I am, of course, aware that Caesar never actually refers to the event as such in the *BC*.

assert an egoistic and wholly personal claim of justification for beginning the civil war, as many scholars seem to assume almost automatically.

Of course, *BC* 1.1-9 deals only with Caesar's rationale for *beginning* the war, a rationale that includes some legal and constitutional issues. After the outbreak of war and the extension of the military struggle to areas outside Italy, Caesar is somewhat less concerned with legal and constitutional matters. Instead of and in addition to the legal and constitutional justification presented to the audience (mainly) at *BC* 1.1-9, the *fides* of Caesar's conduct toward his opponents in a time of war becomes for him (throughout the remainder of the *BC*) an additional kind of justification. This is because Caesar's behavior in wartime would unquestionably be judged by the audience according to the moral requirements of *fides*. Thus to the Roman mind (however paradoxical it may seem to us), Caesar's display of *fides* in wartime now becomes a mainstay of his political legitimacy.

However, the major political themes of the *BC* are defined for the audience in 1.1-33. They can be summed up as follows: (1) Caesar's good *fides* vs. Pompey's bad *fides*; (2) the good *fides* of Caesar's friends and the bad *fides* of their Pompeian counterparts during the political crisis (i. e., in December 50 and January 49); (3) the good *fides* of Caesar's friends and commanders vs. the bad *fides* of their Pompeian counterparts once violence was involved; (4) the impact of both good and bad *fides* on the respective armies (with each army, in a sense, being a kind of microcosm of a "good" or "bad" society), and sometimes, on the civilian community in each theater of battle.

The ideology of *fides* was important. The ancient Romans, including Caesar, lived within that ideology.

## CHAPTER ONE

### THE IMPORTANCE OF *FIDES*

Let me begin by describing the major topics that are covered in this chapter. First, I sketch the main argument of the dissertation. I further state the positions I have taken on several issues that relate to my approach to the topic. Then, we move on to consider an important passage in Livy concerning Camillus's *fides* towards Falerii. This episode has ramifications for our topic because it illustrates the ideological role that individual *fides* was seen by Livy and his audience to play in bringing about reconciliation between warring or estranged parties. We next consider some recent suggestions concerning the nature of trust that have been made by the sociologists Robert C. Solomon and Fernando Flores. They argue that rather than being fragile, and irreparable if broken, trust is almost always capable of being restored and recreated. But it involves a willingness on behalf of at least one party to trust in the absence of trustworthiness. I argue that this, in fact, amounts to what Camillus did at Falerii. We then consider additional ancient texts which furnish evidence for this disposition at Rome, including Cicero's correspondence with C. Matius, and the *Commentariolum Petitionis*. Finally, we establish that the issue of Caesar's *fides* was a topic of contemporary interest in January 49.

I shall summarize the main thesis concerning Caesar's *Bellum Civile* that I argue in this dissertation. Matthias Gelzer has asserted that Caesar's main theme (apart from the military narrative) was—in Caesar's own words at *BC* 3.91—to show *quanto*

*studio pacem petisset* (i. e., with how much zeal he had sought peace).<sup>1</sup> Additionally, Gelzer observes, Caesar wanted to portray his actions as self-defence in the spirit of the republican tradition.<sup>2</sup> This is all fair enough, as far as it goes. Indeed, Gelzer's second point (as well as Caesar's own case for himself) can be said to have found recent support in the second edition of Andrew Lintott's *Violence in Republican Rome*: "We find in ancient Rome a society whose ethos supported violence, where this could be justified by expediency, and which positively welcomed the use of force in defence of rights, and we also have two opposed visions of what was right."<sup>3</sup> All of the above ideas have merit, but in this dissertation I will argue on the basis of Caesar's use of the word *fides*—and even more importantly, the prominence he gives to situations in which issues of *fides* and trust are plainly implicated—that it is possible to go well beyond what Gelzer and Lintott have said concerning the topic of self-defence. Arguably, Caesar's most fundamental problem in terms of defending his actions and cultivating public opinion circa 50/49 B. C.<sup>4</sup> was that many among the aristocracy were uncertain whether they could trust him, and he was likewise viewed with great apprehension (the majority of the senate desired only peace and harbored no necessarily greater love for Pompey, either). Caesar's camp notoriously had attracted, during his years in Gaul, a disturbingly large number of bankrupts, debtors, exiles, opportunists. It was therefore widely believed that a victory for Caesar in a civil

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<sup>1</sup>See Matthias Gelzer, *Caesar: Politician and Statesman*, trans. Peter Needham (Cambridge, Mass.: Harvard University Press, 1968), 232 n. 1.

<sup>2</sup>*Ibid.*, 245.

<sup>3</sup>See Andrew Lintott, *Violence in Republican Rome*, 2d ed. (Oxford: Oxford University Press, 1999), xviii.

<sup>4</sup>Henceforth all dates are B. C. unless otherwise noted.

war would likely mean, as Gelzer puts it, “the massacre of the leading men of the state as under Cinna, the proscription of the rich as under Sulla, a complete cancellation of debts and the return of all criminals who had fled the country.”<sup>5</sup> Caesar faced a daunting task if he were effectively to put a damper on these fears.

In the realm of action, the tactic Caesar devised to meet the situation was his so-called policy of *clementia* toward the vanquished, a policy he first implemented on a large scale at Corfinium, early in the conflict.<sup>6</sup> Caesar’s moderation and reasonableness toward defeated foes is a theme he stresses throughout the *BC*. However, I argue that Caesar recognized that in order for his strategy of mercy to be effective, it was necessary that it be seen to depend on his *fides*—on his honor, in other words, rather than his power. If it were seen merely as the kind of *beneficium* that fell within any powerful man’s discretion, something that could be taken away as easily as it had been given (especially in a civil war), then it would fail of its object. The masses would see it as worthless, the nobles as disgraceful. Therefore Caesar’s *fides* (and the *fides* of trusted Caesarian commanders such as Curio) is an important and neglected theme of the *BC*. As Caesar presents his case in the *BC*, he is not so much granting mercy as he is attempting reconciliation. But a policy of reconciliation could not possibly take root if Caesar’s *fides* were seen not to be good. The quality of Caesar’s *fides* was the indispensable pivot-point

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<sup>5</sup>See Matthias Gelzer, *Caesar*, 189.

<sup>6</sup>Caesar himself never uses the word *clementia*; the likely reasons will be discussed below. Caesar was conscious of the implications of his policy; see his private letter to Cornelius Balbus discussing what he had done at Corfinium, preserved in *Att.* 9.7c and discussed below.

of the strategy. Our aim in this dissertation is to show how Caesar skillfully uses or exploits a number of *fides* issues to support his claims.<sup>7</sup>

### Caesar's Sincerity

Anthony Trollope wrote the following in 1870: “I think we hate Caesar the more for his cruelty to those who were not Romans, because policy induced him to spare his countrymen.”<sup>8</sup> It is probably fair to state that Trollope’s view (that policy, understood as something distinct from any moral consideration, stood at the core of Caesar’s moderation) is still widely shared among professional scholars and students of history alike. That is, Trollope and many others seem to assume that Caesar’s motives are altogether Machiavellian. They suggest that Caesar is not sincere in showing mercy to his foes. If he had thought he could best prevail in the civil war by employing the same methods he had used in Gaul, he would have done so. The question of Caesar’s “sincerity” is an important one. It is best to raise it now, notwithstanding the fact that no definitive answer will ever be possible. Without delving into the issue of what perfect sincerity might mean in either the ancient world or our own, I argue in this dissertation, broadly speaking, that Caesar—if not always strictly sincere—is not being truly Machiavellian in our sense when he publicly announces self-imposed limits on his use of his power.<sup>9</sup>

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<sup>7</sup>It will be well for the reader to bear in mind that the present discussion is not a comprehensive examination of *fides* as such, nor is it intended even as a comprehensive survey of any and all kinds of *fides* that may in some fashion be contained in Caesar’s work. I am concerned with *fides* as it relates only to one topic—the question of Caesar’s ideological justification as presented in the *BC*.

<sup>8</sup>See Anthony Trollope, *The Commentaries of Caesar*, with an introduction by Ruth Roberts (London: William Blackwood, 1870; reprint, New York: Arno, 1881), 181n (page citation is to the reprint edition).

<sup>9</sup>Concerning sincerity, I will only observe that at Rome, sincerity and constancy of purpose mainly tend to be seen as practically the same thing. It is futile to attempt to disentangle the two notions.

A very important text for this issue is *Att.* 9.7c. It is important because its relatively early date (written not long prior to March 11, 49) means that the notions expressed have not been tainted by hindsight, and because Caesar actually comments here in his own person on his tactic of moderation; whereas in the *BC*, as a rule, Caesar does not editorialize overly much about his motives (apart from issues relating to his *causa*). Regarding “*clementia*,” he is mostly content only to say without comment that he is dismissing his foes unharmed (or words to that effect). *Att.* 9.7c can be used to support Trollope. It can also be seen to refute him. *Att.* 9.7c is important because its purpose (in effect) was to address the very question of Caesar’s sincerity.<sup>10</sup> It was with this aim in mind that Caesar addressed the following to his friends Balbus and Oppius (who, in turn, passed it along to Cicero) at 7c.1:

I am very glad to hear from your letters how strongly you approve of what happened at Corfinium. I shall follow your advice with pleasure—with all the more pleasure, because I had myself made up my mind to act with the greatest moderation, and to do my best to effect a reconciliation with Pompey. Let us see if by moderation we can win all hearts and secure a lasting victory, since by cruelty

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<sup>10</sup>Cicero’s remarks about Caesar’s intentions at *Att.* 8.9.2 (Note: *Att.* 8.9 is a composite of two different letters; 9.1-2 dates from late March, while 9.3-4 [except for the first sentence of 3] was written on Feb. 25, 49) show that Caesar’s sincerity in wanting to reconcile his differences with Pompey and avoid extreme measures was still a topic of vital interest even in the wake of Corfinium. Atticus and S. Peducaeus were planning to meet with Caesar on the highway before he entered Rome. At 9.2, Cicero expresses his concern that it was not yet known how much Caesar was “pledging” concerning himself (*de se recipienti*), what he was doing, or what he would do. Cicero also feared that if Caesar saw delight writ large on the faces of Atticus and Peducaeus (and others like them), he might (as a result) become very encouraged about the prospects of his own *causa* (*causae suae confidet*) and grow more fierce [i. e., adopt extreme measures and disdain moderation] (...*quid nunc ipsum de se recipienti, quid agenti, quid acturo? Quanto autem ferocius ille causae suae confidet, cum vos, cum vestri similes non modo frequentes, sed laeto vultu gratulantes viderit!*). That is, Cicero (and doubtless others) thought that Caesar’s moderation thus far might only be a cynical tactic, and that Caesar (i. e., if his *fides* were not good) could be influenced (e. g., by unfolding and unpredictable events, by such things as the sudden flattery of onlookers such as Atticus and welcoming crowds) to change course and resort to bloodthirsty measures. In the portion of this letter that dates from late February, Cicero expressly states his fear that “all these proofs of Caesar’s *clementia*” are being “rounded up” only to set the stage for cruelty like Cinna’s (*et metuo, ne omnis haec clementia ad Cinneam illam crudelitatem colligatur*). Any problems with the text of this letter do not affect its purport, as far as Cicero’s reservations about Caesar are concerned.

others have been unable to escape from hatred and to maintain their victory for any length of time except L. Sulla, whose example I do not intend to follow. This is a new way of conquering, to strengthen one's position by kindness and generosity (*miser cordia et liberalitate*). As to how this can be done, some ideas have occurred to me and many more can be found. I should like you to turn some attention to this matter. [Loeb trans.]<sup>11</sup>

It is not difficult to understand why Caesar's position here might be construed by many as Machiavellian. There is plainly a rational utilitarian component to Caesar's thinking. He is conscious that by pursuing one strategy as opposed to another, he rationally stands to gain. When Caesar spares someone's life, he hopes the individual will be grateful and display his gratitude in a manner that will benefit him.<sup>12</sup> However, Caesar's obvious desire to win a decisive political and military victory over his foes should not automatically be seen as restricting the range of his serious internal motivation categorically to just this one seeming aim—the achievement of solid material objectives for wholly selfish reasons. For one thing, there is, in fact, nothing in the text which suggests that Caesar did see things in this way—in purely material and/or amoral terms, or even purely selfish terms. Rather, Caesar seems here to recognize that in some respects his “new” approach to dealing with internal enemies may actually be counterintuitive—for himself, in terms of procuring a decisive advantage for even his strictly rational interests (since there is no external guarantee that the recipients of his mercy will feel obliged to forswear violence in turn)—and from the perspective of his broad audience, many of

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<sup>11</sup>*Gaudeo mehercule vos significare litteris, quam valde probetis ea, quae apud Corfinium sunt gesta. Consilio vestro utar lubenter, et hoc lubentius, quod mea sponte facere constitueram, ut quam lenissimum me praeberem et Pompeium darem operam ut reconciliarem. Temptemus, hoc modo si possimus omnium voluntates recuperare et diurna victoria uti, quoniam reliqui crudelitate odium effugere non potuerunt neque victoriam diutius tenere praeter unum L. Sullam, quem imitaturus non sum. Haec nova sit ratio vincendi, ut misericordia et liberalitate nos muniamus. Id quem ad modum fieri possit, non nulla mi in mentem veniunt, et multa reperiri possunt. De his rebus rogo vos ut cogitationem suscipiatis.*

<sup>12</sup>Caesar says as much in the next sentence at 9.7c.2.

whom must have been convinced that Corfinium would prove to be an isolated example of leniency (given their traumatic recent encounters with Sulla, Cinna, and much else).<sup>13</sup> This shows sophisticated moral understanding on Caesar's part (of himself too, perhaps, as well as of his audience) and even some historical insight—not undiluted cynicism. Rather than advertising a “policy,” *Att.* 9.7.c was written with the intent of displaying Caesar's *magnitudo animi* and his *fides* (and with the knowledge that such a display entailed negative consequences for Caesar's *fides* if it were incontrovertibly seen to be false).<sup>14</sup>

Furthermore, Caesar does not appear to share with Balbus and Oppius a completely cynical or Machiavellian estimate of Roman society. They do not seem to view their elite Roman audience with contempt, or to suppose that this audience (which includes people such as Cicero) can be easily won over by sham or flummery. For another thing, we should note that Caesar goes out of his way to inform his friends Balbus and Oppius that while he is grateful for their advice, he himself (*mea sponte*) had already resolved upon a moderate course. Likewise, he asserts that he will not imitate Sulla (Balbus, Oppius, Cicero and any other elite Romans to whom the letter may have been shown probably all knew that one of the consuls for 49, L. Cornelius Lentulus Crus, was boasting to his friends right around the same time that *he*, Lentulus, *would* be a second Sulla<sup>15</sup>). These statements are thus intended as public tokens of Caesar's *fides*. When Caesar speaks of the usefulness of moderate tactics for securing a lasting victory, we must

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<sup>13</sup>See *Att.* 8.9.2 and 4.

<sup>14</sup>I believe that Caesar's statement in *Att.* 9.7.c is sincere, i. e., Caesar does think that he possesses *magnitudo animi* and *fides* (and simultaneously, he also thinks that he should be seen as possessing these notions).

<sup>15</sup>See *BC* 1.4.2 and discussion in Chapter Three.

remember that he is not referring to his own personal triumph over the Republic, but to a lasting peace and a resumption of normal republican activity. Balbus and Oppius would never have given Cicero a copy of the letter and lobbied (successfully, as it turns out) for his continued support<sup>16</sup> in the behind-the-scenes peace negotiations if Caesar's ideological statements here were being interpreted *at the time* to mean that he was striving for a personal *dominatio*.<sup>17</sup>

Likewise, Caesar's statement that he will not imitate Sulla would be read as an invitation to compare his *fides* with that of Lentulus, even though he does not mention Lentulus by name. It was not out of the ordinary in the late Republic for politics to take the form of a competition for trust (on this, more in the next chapter). Caesar's declaration was meant to imply that he, the supposed outlaw, was actually a better republican than a man who was legally consul.

My view, then, is that *Att.* 7.9c is fair evidence that at the time of writing, Caesar is sincere in wanting to end the Roman suffering caused by the war, and that he is very likely to be sincere in the *BC* whenever he states or shows (as he often does) that he wishes to make peace on republican terms and limit as much as possible the suffering that

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<sup>16</sup>Cicero had since his return to Rome in December been using his personal influence with Pompey (and others in the latter's camp) to try and arrange a compromise settlement. At *Att.* 9.11.2 (dated March 20, 49), he reiterates his willingness to do what he can to achieve peace (which he still apparently sees as possible, if less and less likely).

<sup>17</sup>This is not to say that many people did not believe that Caesar wanted to control the state. I only mean that this letter would not have been read as articulating or advocating such a claim.

the war has caused for Romans.<sup>18</sup> What Trollope calls “policy” is a policy. It is also nevertheless *fides*.

### The Date of Composition of the *BC*

Now, let us very briefly look at the question of the *BC*'s actual date. There is no unambiguous factual information in the sources as to the exact time of writing and publication of the *BC*. Hirtius, for example, says that it was incomplete when Caesar died, but he does not say that none of it had ever been published before in some form (*BG* 8 *praef.*). The relevant ancient texts are Cic. *Brut.* 262 (on literary style), Hirtius *BG* 8 *praef.*, and Suet. *Div. Jul.* 56.4-5. The most recent comprehensive scholarly treatment of issues related to writing and publication is the unpublished 1991 dissertation of Roger Thomas Mcfarlane.<sup>19</sup> Mcfarlane's thesis is that the work we know as the *BC* was composed and published in increments, not all at once, and that the different sections of the work thus mirror the specific political challenges that Caesar faced at each stage of writing. For example, Mcfarlane sees the first 33 chapters as forming a unit that was composed by Caesar for the specific purpose of defending his actions in the early weeks of the war, and countering his opponents' propaganda. This conclusion is based on Mcfarlane's significant observation that Caesar never again uses the term *inimicus* to

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<sup>18</sup>See also *Att.* 8.15a.3 for Balbus's remarks to Cicero about Caesar's sincerity in resolving to adhere to the kind of moderation he had displayed at Corfinium. Balbus says he knows that whatever Cicero has been told about Caesar by an intermediary (also named Balbus, awkwardly), and whatever Caesar himself has written to him (to Cicero), it will soon be clear to Cicero on the strength of how Caesar will act (*re tibi probabit*) that *whatever Caesar's fortune may be* (my italics), Caesar told Cicero the truth [about his moderation] (*Is quaecumque tibi de Caesare dixit, quaeque Caesar scripsit, scio, re tibi probabit. Quaecumque fortuna eius fuerit, verissime scripsisse*). Balbus is telling Cicero that Caesar is acting from principle (i. e., *fides*), not expediency.

<sup>19</sup>Roger Thomas Macfarlane, “The Narrative of Politics: Julius Caesar and the ‘Bellum Civile’” (Ph.D. diss., University of Michigan, 1991).

describe his foes; after chapter 33, they are simply called *hostes* (I will comment on this point in Chapter Six).<sup>20</sup> I am likewise inclined to believe that Caesar wrote close in time to the events he described, although this is not a point that is susceptible to proof. However, as far as the time of publication goes, in Mcfarlane's words (p. 21), "it is reasonable to suppose that Caesar would have wished to capitalize on his victory. Cui bono? asks Adcock. 'To Caesar before he won and not to Caesar after.'" <sup>21</sup>

### **Other Literary Sources for the Ideology of *Fides***

Specifically, the present chapter is intended to help us understand some of the ideological underpinnings of the important thematic role played by *fides* throughout the *BC* (although our primary focus will be on the first 33 chapters, detailed discussion of which is reserved for Chapters Three, Four, and Five). Together with Chapter Two (which mainly examines the topic of *publica fides*), this chapter simply sets the stage for the rest of the dissertation. In particular, our concern here is with the perceived importance of *fides* at Rome, as well as with the question of how the Romans seem to define or characterize the notion. Since this is a matter of utmost importance for our discussion, a few more preliminary comments about the evidence and my approach to it are in order.

Our discussion in the first two chapters focuses on selected passages from writers other than Caesar. These texts have been included for the purpose of locating Caesar's depictions of *fides* in the *BC* in the most probable ideological context circa 49-48. In Cicero's case, I have purposely avoided relying too heavily in this chapter on the

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<sup>20</sup>For this and the preceding statement, see *Ibid.*, 6.

<sup>21</sup>*Ibid.*, 21.

important analytical writings dealing with aspects of philosophy, ethics, political morality and friendship that he composed between 46-44. Some of the judgments Cicero makes pertaining to republicanism in these works (*De Legibus*, *De Officiis*, *De Finibus*, *De Amicitia*, primarily) have arguably been significantly affected by the course of events from 50 onward. Thus these works, while still valuable sources (*De Officiis* in particular provides some vital evidence), should not always be taken as furnishing us with unimpeachably definitive criteria for republicanism in all its forms prior to the civil war between Caesar and Pompey. Instead of our thinking of Cicero in 46-44 (as classics professors traditionally have) as a retired statesman and intellectual blessed with leisure to write, formally surveying the cultural landscape of his world with no more than bittersweet philosophic detachment, we would do better to rank the Cicero of those years alongside Sallust as an often despairing writer whose concern was not merely to criticize republican failure, but possibly to revalue republicanism in certain respects. Both politicians were responding in their works (Sallust only starting in 42) to roughly the same very deep political and social crisis. When they look back by means of their written works at the world they have lost, they may not always, due to evident personal remorse and equally evident political passion, describe it (or their former place in it) precisely as it actually was.<sup>22</sup>

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<sup>22</sup>As Nicola Mackie has recently put it, “Retired politicians live on the sidelines of politics, and rake over events whose outcome has often been less than desirable. Disaster born out of good intentions hardly seems to make sense ... If we want to understand the politics of the late Republic, we should look for evidence to what was said and done; not to the remarks of ex-politicians whose personal failures convinced them that politics had always been dead.” See Nicola Mackie, “*Popularis* Ideology and Popular Politics at Rome,” *RhM* 135 (1992): 73.

On the other hand, both in this chapter and elsewhere, I do rely upon certain chronologically later passages from Livy, Valerius Maximus, Velleius Paterculus, and Aulus Gellius because the points that these writers stress in the selected passages are mainly ideological (i.e., they are not themselves failed republican politicians with their own personal political agendas)—and ideology is the focus of this study. These authors also tend to be consciously conservative in terms of the historical culture. Rather than being prone to *inventio*, their tendency is, if anything, accurately to record or explain (as best they can) what they find already present in the tradition. In other words, these writers (in the passages cited) are not saying anything for which Polybius or Cato, judging from what remains of their works, would not have been apt to vouch.

To return very briefly to the *BC*, before delving into other authors. Where *fides* is concerned, I take the position that Caesar presents all of the major themes of the *BC* in chapters 1.1-33. He develops them further in the rest of the work. Detailed discussion of these issues will be put off until Chapter Three. However, one or two more preparatory remarks about the case I am presenting will prove useful. The same issues will recur throughout the dissertation. It is best to begin acquainting the reader with them now.

Above all, I want to reiterate that, from the reader's standpoint, the *BC* insistently displays Caesar as seeking peace by means of negotiation and compromise (or attempting reconciliation, since much of the third book was obviously composed after Pharsalus). If we allow that he wanted his *fides* to be seen as an incentive to these activities in a variety of ways, then it follows that much of what Caesar records of himself (such as what he tells the reader about his intentions in a given situation, the demeanor he shows toward friend and foe in moments both of triumph and of adversity) has significance for

the quality of his *fides*. It must therefore have significance also for what Romans of the day understood by it. Consequently, we may draw valid conclusions about the broader contemporary Roman understanding of *fides*, relying upon Caesar's perception and use of the concept in the *BC* (or *BG*). As P. A. Brunt puts it, "men do not appeal to standards that no one observes, and hypocrisy serves no purpose where virtue is not to be found."<sup>23</sup>

### **Camillus's *Fides*, Rome's *Fides***

I also argue that Caesar's understanding of the notion—the conception of *fides* that is reflected in the pages of the *BC*—is traditional, republican. What does this mean? It is the aim of the present chapter (as well as the next one) to explore this question. Provisionally, let me suggest at least the outline of an answer. In our surviving republican prose sources (I include Livy, as we shall shortly see) the notion of *fides* as it pertains to conduct often seems to combine at least three things that are, arguably, unusually difficult to combine: (1) profound and sincere frankness (sometimes in the sense of being extremely blunt), honesty, and candor in attending to all matters public and private perceived as touching honor; (2) conspicuous fidelity to inherited fundamentals of all kinds (all fundamentals did not necessarily co-exist harmoniously, but that did not

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<sup>23</sup>Quoted by Zwi Yavetz. See Zwi Yavetz, *Julius Caesar and his Public Image* (Ithaca, N.Y.: Cornell University Press, 1983), 219. Yavetz cites P. A. Brunt, "Amicitia in the Late Roman Republic," *Proceedings of the Cambridge Philological Society* 191, n.s. 11 (1965), 19; cf. the statement of J. H. Thiel: "The emphasis [on such virtues as *fides*] proves that such a nation [Thiel means Rome] realizes the value of those virtues (which is *something*, but not very much), but it does *not* prove that the nation in question possesses or practices those virtues any more than others." See J. H. Thiel, "Punica Fides" in *Studies in Ancient History*, ed. H. T. Wallinga (Amsterdam: J. C. Gieben, 1994), 131. What Thiel says is correct, as far as it goes. Roman awareness of the importance of *fides*, taken by itself and in the absence of any context, does not prove anything. What I intend to show in these pages, however, is that *fides* was a historical factor in the decision making that led to the civil war, in helping to determine how the participants chose sides, and in "winning the peace." Whether this means that the Romans did or did not practice *fides* in reality in a way that mostly accorded with their precepts is now, and was then, almost wholly a matter of perception.

matter<sup>24</sup>); (3) the perceived capacity to act effectively with regard to all honorable commitments. Moreover, the capacity to keep commitments at Rome drew heavily upon the notion that a man must not swerve from his duty as a result of pressure, moral weakness, or the dictates of fortune.<sup>25</sup> This was an inherited, fundamental concept. The moral man was expected to be constant and steadfast when confronted with adversity or temptation (whether it be the temptation to gratify an illicit desire, unlawfully or immorally enrich himself, abuse a trust, or misuse power). Thus if a politician were to switch sides, for example (as Pompey did when he began actively to support Caesar's enemies<sup>26</sup>), it was important for him to be seen as having done so from principle, not from greed, fear, ambition, or as a result of unseemly pressure.<sup>27</sup> These motives were not seen as honorable.

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<sup>24</sup>For instance, standards appealed to as moral and ethical fundamentals might sometimes disclose themselves plainly through the emphasis on mercy, "greatness of soul," and profound generosity of spirit that is contained in some of the historical *exempla*, but also through a related emphasis on austerity and unbending rigor that may be found to co-exist sometimes even in the identical *exempla*. Things that were considered *mos* could pull in more than one direction. Caesar and Cato were each presenting an argument based to a large extent on *fides* when they made their very different proposals concerning what should be done with the senate's citizen prisoners in Sallust *BC* 51-52.

<sup>25</sup>Adverse or difficult fortune might extenuate a course of action that did not meet the highest standard. To take a famous example, Cicero contemplated remaining neutral for several months prior to his finally taking a ship for Greece in May 49. Neutrality under the circumstances would have been a morally defensible choice, but not the most honorable one for him (as Cicero knew or came to see). For a defence of "expediency with honor" as enlightened behavior, see Caelius's remarks to Cicero (August 50) at *Fam.* 8.14.3.

<sup>26</sup>The precise moment when Pompey, in fact, began to work against Caesar politically is a topic of controversy. It remains an open question. One wonders if Caesar himself really knew for certain.

<sup>27</sup>Rigid adherence to a particular political stance, in and of itself, would not necessarily always be taken to signify *fides*. Cicero observes in *Pro. Marc.* 31 that steadfast, resolute behavior can be characterized sometimes as *pertinacia*, sometimes as *constantia*. It apparently depended upon the observer's point of view (*quae enim pertinacia quibusdam, eadem aliis constantia videri potest*). But extreme pertinacity or obstructionism was plainly not to be thought of in the same way as *constantia* (Cicero does not imply that it was), and depending on the circumstances, might well betoken an outright lack of *fides*.

Certainly, the primary ideological aim for the distinguished public man was to act (especially in a crisis) in a way that would display his character in the best light.<sup>28</sup>

Roman notions of *fides* included the idea that conspicuous displays of *fides* in difficult situations (situations in which it is often the case that observing *fides* means foregoing a near certain advantage, or running a risk one need not have run for another's benefit), quite apart from furnishing adequate proof of *fides*, could have a powerful moral impact on friends and foes alike, in war or in peace.<sup>29</sup> Such notions were widely understood to apply in informal as well as formal contexts.

Much of what I state above can be observed in the actions of Camillus and the Roman senate towards the Faliscans in Livy 5.27-28.1 (Indeed, Livy uses the word *fides* 5 times in these lines).<sup>30</sup> A Roman army under Camillus's command had placed the hostile

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<sup>28</sup>In December 50, for example, Cicero tells Atticus that he must act in the senate in a way that shows that his motivation (to speak in support of whatever line Pompey proposes, even though he admits that his true opinion is that it would be best to compromise with Caesar) is not ignoble (*Att.* 7.6.2: *neque id faciam humili animo*). See also Suet. *Div. Iul.* 14.2 for the notion that it was shameful for a senator to appear less than constant in his opinion (*quia mutare turpe erat*).

<sup>29</sup>On risk-taking: Velleius Paterculus viewed Massilia as having behaved according to *fides* but not with much good sense or prudence when the Massiliotes attempted to arbitrate the conflict that had broken out between Pompey and Caesar (the free Greek city had enjoyed friendly relations in the past with both leaders), since the city, he says, was not powerful in a role where superiority in power was indispensable to enforcing agreement (thus the Massiliotes offended Caesar, ended up siding with Pompey, and lost their independence as the ultimate result of their magnanimous gesture); see Vell. Pat. 2.50.3: *Festinationem itineris eius aliquamdiu morata Massilia est, fide melior quam consilio prudentior, intempestive principum armorum arbitria captans, quibus hi se debent interponere, qui non parentem coercere possunt*. In his speech defending Cornelius Balbus in 56, Cicero had called attention implicitly to the historical *fides* of Massilia towards Rome by mentioning it along with ill-fated but loyal Saguntum (and faithful Gades) as a city whose citizens had rendered such valuable services to Rome that some of them had merited Roman citizenship (*Balb.* 23). On the usefulness of a reputation for *fides* in making allies (in the case of Gn. Cornelius Scipio in 218), see Livy 21.60.4: *Inde conciliata clementiae iustitiaeque fama non ad maritimos modo populos sed in mediterraneis quoque ac montanis ad ferociores iam gentes valuit*. Whether or not this kind of thing actually took place in Spain in 218 (instead of later) is irrelevant to our discussion.

<sup>30</sup>For the republican character of Livy's history, see P. G. Walsh, *Livy: Historical Aims and Methods* (Cambridge: Cambridge University Press, 1970), 271-72. For example, Walsh states: "He [Livy] is to be regarded, then, as pre-eminently a traditionalist, only superficially affected by the Augustan

city-state of Falerii under siege. Livy's narrative here concerns an internal Faliscan act of treachery and Camillus's unexpected (from the Faliscan point of view) reaction to it. The male children of the most important Faliscans had been entrusted for their education to the care of their most learned scholar, in accordance with their custom (Livy does not inform us whether or not this individual was free; he could have been a slave). Seizing an opportunity, this man led the boys away from the city and into the Roman camp, where he delivered his pupils into the custody of their enemies. This action, the tutor explained to Camillus, would give Rome victory over Falerii. Camillus spurned the advantage. In his reply, he stressed that there was no fellowship between Rome and Falerii based on man-made agreement or covenant; he asserted that there was a fellowship between both parties that nature had implanted (*Nobis cum Faliscis quae pacto fit humano societas non est: quam ingeneravit natura utrisque est eritique*). Thus there existed rights of war as well as of peace. Romans, Camillus said, did not bear arms against defenceless children. He and Rome would seek their victory on the battlefield. They would not avail themselves of a most despicable kind of treachery. Concluding his speech, he had the tutor stripped and bound, gave him into the custody of the boys, and also gave the boys switches with which to flog their treacherous guardian back to the city. Camillus's self-motivated acknowledgment of a binding moral dictate transcending material power and interest (and applying in situations where neither law nor precedent may serve to guide) is clearly meant to be interpreted as a mark of his and Rome's *fides*.

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*Zeitgeist* and motivated chiefly by the Republican patriotism which his formative years in Patavium fostered. The general presentation of Roman history would not have been vastly different if Livy had written thirty years earlier." On Livy's republicanism, see also Paul James Burton, "Livy and Concordia: The Last Republican Historian"(master's thesis, University of Maryland, 1995).

The role played by *fides* in the episode is developed further by Livy when he describes the consequences that ensued as a result of Camillus's actions. When news of what had transpired became public in Falerii, the inhabitants could talk of nothing else. The magistrates called a meeting of the Faliscan senate to discuss the event. A sudden change of feeling took place regarding Rome. The *fides* of the Romans and the justice of Camillus were praised in the forum and the senate house alike (27.11). Livy states that men who had previously felt such hatred for Rome that they were prepared to fight to the death now called for peace. By universal consent, envoys were despatched to surrender the city to Rome. When the envoys spoke before the Roman senate, they stressed *fides* in explaining their decision. The Romans had placed *fides* higher than easy victory (27.13); Falerii, challenged by Roman *fides*, willingly granted Rome her victory (27.14). In the future, the envoys pledged, Rome would not have cause to complain of their city's *fides* (27.15). Camillus was then thanked both by his former enemies and his fellow-citizens. Livy concludes his discussion of the episode with the comment that as a result of all this, Camillus returned to Rome distinguished by a much better kind of glory even than he had previously garnered when he had been honored with a triumph. The reason was that on this occasion, he had conquered his enemies by justice and *fides* (28.1).<sup>31</sup>

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<sup>31</sup>Ogilvie comments that "the story ends with the gentlemanly behavior of the Falisci who respect Camillus' *fides* sufficiently to be inspired into an equal act of *fides* themselves. The great stress laid on *fides* points the moral of the tale..." See R. M. Ogilvie (ed.), *A Commentary on Livy Books 1-5* (Oxford: Oxford University Press, 1965), 686. Arnaldo Momigliano observes that the generosity of Camillus to Falerii was a stock example for Roman orators and historians, as shown by Livy 42.47.6; Livy employed it in his account of the debate in the senate in 171, so as to cast in relief the *nova sapientia* of L. Marcius Philippus. Momigliano believes that Rome's peace with Falerii was not connected to Camillus (or *fides*, presumably) in the historical tradition prior to the late third/early second century (his argument cannot detain us). But he concludes that while there is no way of knowing if the Faliscan example was really used in 171, the topic is strongly redolent of Scipionic *humanitas* (and attendant Greek influence) and should not be much earlier or later in date. If Momigliano is correct, it means at the very least that the notion of *fides* presented in the Camillus story was a well-established part of the Roman moral tradition by

Many of the criteria that I stress above as applying to *fides* can be found in this passage.<sup>32</sup> The point is not its historicity (or lack thereof) but what it tells us about *fides* in Roman culture. Camillus was blunt and forthright in his demeanor, rigorously observant of inherited fundamentals, and able to act effectively in the service of the perceived obligation. Conversely, those who see the *fides* in operation are moved by it through a common human perception of the good; Camillus's *fides* has a far-reaching moral impact both on the Faliscans and the Romans that is not unlike the result that Caesar depicts himself both achieving and hoping for throughout the *BC*. We should also note that (as can be seen above) the obligation to act in accordance with *fides* was not limited only to those instances in which a specific pledge of *fides* had been exacted. Frequently, the contrary was the case. In other words, an individual's *fides* is often seen as exceptionally distinguished by our sources because the person in question acted with regard for justice in situations when he was either not obliged to do so by virtue of a sworn covenant or other prior agreement (or even by shared morality, conventionally understood), or when it was difficult for him to do so.<sup>33</sup> To put it another way, a morality seen as based on *fides* might be perfectionist in its leanings.

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the mid-first century; how *fides* or Camillus may have been viewed at Rome historically prior to the Scipionic era is not a concern of this discussion. See Arnaldo Momigliano, "Camillus and Concord," *CQ* 36 (1942): 112-13.

<sup>32</sup>Later in the argument, we will have reason to consider the account of the same episode that is preserved in Flor. *Epitom.* 1.12.5-6. Florus explicitly praises both the *fides* and the *dignitas* of the Roman commander (whom he does not name).

<sup>33</sup>For example, Cicero says that his brother Quintus should be careful to use his power as governor so impeccably that no other power [to constrain him] will be sought by his subjects, the provincials (*Qu. fr.* 1.1.22: *sic se adhibere in tanta potestate, ut nulla alia potestas ab iis, quibus ipse praesit, desideretur*).

Indeed, Cicero implied as much when he made the following statement about *fides* at *De Off.* 1.40: *Semper autem in fide quid senseris, non quid dixeris, cogitandum* (“On the contrary, in matters of *fides* what must always be taken into the reckoning in deciding the limit or nature of your obligation is what you yourself know to be the truth, not the mere wording of the protocols to which you would commit yourself.”). Another way of interpreting Cicero’s statement would be to say that *fides* is not just technical or legalistic.

There were those who apparently believed that (at least upon occasion) *fides* might be legalistic. Writing to Lentulus Spinther in the summer of 56, in the wake of the Egyptian debates, Cicero transmitted some carefully measured advice from Pompey about a last-ditch effort that Spinther might yet make to restore the king (who wanted Roman help in recovering his domain of Egypt). We will see in the next chapter that Spinther’s legal authority to restore Auletes had been demolished by a tribune’s opportune discovery of a Sibylline oracle. Pompey’s advice now was of a piece with the legalistic dimension of Roman thinking. The oracle had been interpreted to mean that no one might restore the king using an army. Therefore Pompey suggested that Spinther (who at the time was in Cilicia with an army) might go to Egypt with both the king and his army, simply drop the king off at Ptolemais, use his army to suppress the Alexandrians, and then allow the king to return to his capital by himself. That way, Pompey reasoned, the restoration would have come about through Spinther’s agency, as the senate originally decreed; yet by the same token, it would not have come about through the use of an army, which had been the source of the religious objection (for these details, see *Fam.* 1.7.4). This is actually a rather complex example of Roman political thinking. On the one hand, it seems to rely upon the

element of *quid dixeris* rather than *quid senseris* (in Cicero's words above) to make the case. But on the other hand, if we use this case as an example of how the Romans (Pompey himself, in fact, in this case) could—when they wished—readily devise (at least minimally) acceptable methods for circumventing technical obstacles that might be contained in law and tradition, it seems reasonable to suppose that Caesar has a point when he argues that the crisis in 50/49 could have been resolved without violence, despite unusual or unprecedented circumstances.

Still, there might indeed from the Roman standpoint be many situations where a literal or (even from the perfectionist viewpoint) superficial (or convenient) application of a moral rule would be not just defensible, but the right thing to do—regardless.<sup>34</sup> In such a situation, perfectionist criticism (implying that the true meaning of the rule had somehow been slighted) would be out of place, odd, and difficult to justify. I suggest that the perfectionist dimension of Roman *fides* often tends to come into the picture in special situations where a purely conventional interpretation of an important rule might be

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<sup>34</sup>An example of the less rigorous but still (apparently) morally acceptable *fides* is Caesar's harsh treatment of Uxellodunum. Hirtius tells the tale at *BG* 8.44: "Caesar's clemency (*lenitas*), as he knew, was familiar to all, and he did not fear that harsher action on his part might seem due to natural cruelty; at the same time he could not see any successful issue to his plans if more of the enemy in different districts engaged in designs of this sort. He therefore considered that the rest must be deterred by an exemplary punishment; and so while granting them their lives, he cut off the hands of all who had borne arms, to testify the more openly the penalty of evildoers. (*Caesar, cum suam lenitatem cognitam omnibus sciret neque vereretur ne quid crudelitate naturae videretur asperius fecisse, neque exitum consiliorum suorum animadvertet, si tali ratione diversis in locis plures consilia inissent, exemplo supplicii deterrendos reliquos existimavit. Itaque omnibus qui arma tulerant manus praecidit vitamque concessit, quo testator esset poena improborum*)." It is significant that Hirtius felt it was necessary to explain why Caesar had not acted on this occasion in accordance with (in effect) the perfectionist kind of *fides* that was practically customary with him. This goes to show the importance for the audience of the perfectionist dimension of *fides* (cf. Caesar's action here with Scipio's treatment of Indibilis at 28.34; discussion immediately below). Caesar's brutality on this occasion drew a puzzled exclamation from Anthony Trollope: "And his apologist adds, that he gave them life so that the punishment of these wicked ones,—who had fought for their liberty,—might be the more manifest to the world at large! This was perhaps the crowning act of Caesar's cruelty,—defended, as we see, by the character he had achieved for clemency!" See *Commentaries of Caesar*, 115.

inadequate, or be seen as inadequate (perhaps because it could lead to an injustice, or to the perception of an injustice—perpetrated by Romans; or pose a threat to Roman interests and honor in other ways), or where no clear or reliable precedent existed to provide guidance.

Another case in point may be found at Livy 28.34.3-11. In 206, P. Cornelius Scipio's Spanish foe Indibilis (through his representative, his brother Mandonius) begged mercy from the Roman commander for himself and for his people (34.3:*nihil tutius in afflictis rebus experta fide et clementia Scipionis ratus*, etc.). Livy goes out of his way to remind his audience that the Romans generally followed an old rule (*mos vetustas*) when establishing *amicitia* with a people to whom they were bound neither by any treaty nor by compatible institutions (*nec aequis legibus*). In such situations, the Romans would normally not accept the *deditio* until the foes had surrendered all *divina et humana*, hostages had been received from them, all weapons confiscated, and Roman garrisons established in their cities (34.7). Scipio, however, does not follow *mos vetusta* very literally (though this is not to say that he does not do so strictly, according to his judgment). He accepts the *deditio* and spares his foes. But he replies to Mandonius (who had been described by Livy as clasping Scipio's knees, a powerful gesture for invoking *fides*) that he will neither confiscate their arms nor demand hostages. Scipio declares that these things were pledges for men (i. e., other Roman commanders) who feared rebellion (presumably either because other commanders are lesser men than Scipio—technically possible, but unlikely, since in the absence of provocation this could only betoken gratuitous arrogance on Scipio's part—or because putatively, Roman commanders in a normal *deditio* situation must deal with foes whose word is not necessarily to be

trusted<sup>35</sup>); he would leave Indibilis and his people their arms without restriction, their spirits free (*se libera arma relinquere, solutos animos*).

Scipio's action here (his decision to trust Indibilis, clearly based on *fides* in terms of the text) is an expression of a kind of moral perfectionism. Scipio seems to have felt free to interpret *mos vetustas* with some flexibility in dealing with Indibilis (this does not mean that Scipio would not have acted any differently if the circumstances had been different).<sup>36</sup> But in doing so, he shows that he is being guided by his own internal sense of what *fides* requires of him in the situation.<sup>37</sup> It is this internal (and arguably, potentially boundless) sensitivity to *fides* that is the source of the perfectionism. Scipio, though, shows (in Livy's text) by trusting Indibilis that he is willing to run a risk in this situation, in part, so that he will be *seen* as acting with conspicuous *fides*.

This strain of perfectionism at Rome has a variety of implications. For one, there is the subjective element in Roman *fides*, pursuant to which the exemplary moral

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<sup>35</sup>In fact, Livy has already presented enough evidence for his audience to judge that Indibilis and Mandonius are not really to be trusted either; cf. 28.32 *passim* for Scipio's opinion that Indibilis and the other tribal leaders who have rebelled are, in fact, nothing less than criminals for having broken their *fides* and *amicitia* with Rome (32.5). Therefore they should be treated like criminals and punished (32.12). This previous history shows that Scipio's decision to leave Indibilis and his people with their power of action relatively unimpaired is a rhetorical stance intended to highlight Scipio's truly exceptional *fides*. And it is unabashedly a perfectionist *fides*.

<sup>36</sup>The accuracy of Livy's account is not relevant to our discussion (which is concerned with ideology), so I will not compare it or try to reconcile it with the somewhat different narrative of Polybius (10.35-38). For a historical discussion of Scipio's diplomacy in this situation, see Arthur M. Eckstein, *Senate and General: Individual Decision Making and Roman Foreign Relations, 264-194 B. C.* (Berkeley and Los Angeles: University of California Press, 1987), 210-16. See also R. M. Errington, *The Dawn of Empire: Rome's Rise to World Power* (Ithaca, N.Y.: Cornell University Press, 1972; Cornell Paperbacks, 1973), 88-89.

<sup>37</sup>Similarly, for example, Eckstein, *Senate and General*, 214-15, observes that "these decisions depended on his (Scipio's) volition alone." The senate and people were far away—they could not ratify or oversee Scipio's activities. Thus "the continued existence of the Scipionic pacts depended primarily upon sheer custom, informal *fides*, and the prestige of P. Scipio...."

man (e. g., Camillus, Scipio Africanus, Cato the Censor, or indeed the senate itself collectively) is often seen as likely to have his conscience pricked in situations where the claims of law and custom may well have been conventionally and satisfactorily met from the standpoint of a more ordinary man: a more ordinary Roman leader than Camillus arguably might not have refrained from taking advantage of the tutor's treachery because he truly might not have been sensitive enough to recognize the moral dilemma; and it was also certainly possible for the Roman mind to think of ways one might circumvent the perceived moral implications of *fides* without technically violating *fides*.<sup>38</sup> Camillus appealed to a standard of conduct that qualifies as an inherited fundamental in explaining his action (*Nobis cum Faliscis quae pacto fit humano societas non est: quam ingeneravit natura utrisque est eritique, etc.*), but the standard might have gone unnoticed altogether (or, if noticed, gone unenforced by a weaker man) if he had not decided (or not been able) to recognize its relevance to the situation. Thus in the end it all came down to one man's subjective moral discretion, that is, to his willing discernment of the fact that compliance or non-compliance with a perceived obligation rests upon nothing more solid than his own

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<sup>38</sup>See, for example, Polybius 6.58, the well-known story of the distinguished Roman captive (one of ten) sent by Hannibal after Cannae to negotiate the ransoming of the many prisoners taken in the battle (Cicero relates the story in *De Off.*1.40; he interpreted its significance for *fides* much as Polybius does). This man had thought he could remain in Rome without violating an oath he had sworn to Hannibal to return to captivity if the negotiations failed. This was because shortly after leaving Hannibal's camp en route to Rome, he turned around and went back to collect something he said he had forgotten. Polybius said the man did this because he thought by this device to keep both his *pistis* (i. e., *fides*) and his oath. The senate rejected his argument and sent him back to Hannibal. The senate's message for the reader: The only acceptable interpretation of the claims of *fides* in this case is the most stringent one. It was a perfectionist interpretation that made real moral demands of the oath-takers, thus making a clear distinction between the sense of moral duty and a mere technical compliance (cf. Livy 3.20.3-5; it is clear from this passage describing an attempt to evade an oath that Livy shares the view that *fides* is not technical). Similarly, as we shall see below, Caesar contends in *BC* 1.10-11 that while the consuls and Pompey demand a pledge of *fides* from him, which they plainly mean to be interpreted strictly, the pledge they propose to offer in return as a guarantee of their behavior is one that (Caesar argues) can and probably will be construed by them casuistically, i. e., after the fashion of Hannibal's Roman prisoner.

honor. The fact that Camillus (and the same applies to Scipio) was an exceptional man is something that in the event was disclosed by the quality of his *fides* more than by anything else: *Camillus, meliore multo laude quam cum triumphantem albi per urbem vexerant equi insignis, iustitia fideque hostibus victis cum in urbem redisset.* The historical and anecdotal tradition often chose to illustrate the meaning of *fides* by preserving and transmitting these kinds of stories. The morality hit home over generations. Caesar, I suggest, portrays himself in the *BC* as just the sort of man whose conscience was pricked in this sense—as a man like Camillus whose sensitivity to the claims of *fides* was very great.

One might argue that Caesar actually would not want this particular comparison made because Camillus went into exile voluntarily (i. e., he accepted political defeat) when he was faced with successful prosecution by a tribune (on what turned out to be the eve of the Gallic invasion circa 390; see Livy 5.32.7-9). Camillus's acceptance of exile (while a mark of his *fides*) should not necessarily be seen as an example of good *fides* with which Caesar's refusal to accept defeat in 49 would automatically be unfavorably compared. The situations of the two with respect to perceived popular support were not identical. According to Livy, Camillus took care personally to ascertain the will of the *plebs*. Even his own tribesmen and clients informed him that while they would be responsible for the financial damages in his case, they would vote to convict him (*cum accitis domum tribulibus clientibusque, quae magna pars plebis erat, percontatus animos eorum responsum tulisset se conlaturos quanti damnatus esset, absolvere eum non posse, in exsilium abiit...*). There was plainly no valid political or moral ground on which he could have exercised a putative right of self-defense. At the heart of Caesar's case lies the

notion that the actual will of the senate and people had been thwarted by the machinations of a political cabal for the private benefit of its members. The consistent implication of Caesar's reasoning in the *BC* is that if he, like Camillus, had been able (in his case, through surrogates) freely to ascertain the will of the senate and *plebs* regarding his final proposals (both the January 1, 49 letter and/or the official result of the behind-the-scenes negotiations that were taking place, if these had proven successful) and found that they had rejected his claims, he would, in fact, have accepted defeat. Much of the early narrative in the *BC* displays Caesar as receiving the enthusiastic approbation of the various Italian communities through which he passes, and hence, their de facto approval of his cause. This is meant to be seen as a vindication of his *fides* (and his patriotism, not selfish obsession with private interests) in choosing to resort to armed struggle in defense of his *dignitas*. Cicero's take on the exile and restoration of Camillus is interesting in that connection. Cicero sees Camillus (in company with others he mentions) as having been restored to his own original *dignitas* by the will of the people (*Dom.* 86: *rursus ab eodem populo placato sunt in suam pristinam dignitatem restitui*). Likewise, Caesar's struggle to regain his own *pristina dignitas* was not one that could be accomplished successfully with armed force. His cause had to be embraced (and/or seen to be embraced) on a popular level and its justice conceded. Without perceived popular support, Caesar might win a military victory, but he would never recover his *dignitas*. He understood this.

It is also worth noting that Livy's treatment of the Faliscan surrender garnered the attention of Niccolo Machiavelli in his *Discourses on the First Ten Books of Titus Livius* (Bk. 3, ch. 20). In the latter's words, the example of Camillus "shows that an act of humanity and benevolence will at all times have more influence over the minds of men than

violence and ferocity.” In the same chapter, he draws attention to Xenophon’s characterization of Cyrus the Great as a leader who “gained by his humanity and affability, and by his not having exhibited a single instance of pride, cruelty, or luxuriousness, nor of any other of the vices that are apt to stain the lives of men.”<sup>39</sup> We know from Suetonius that Caesar was familiar with Xenophon’s *Cyropaedia* (*Div. Jul.* 87).<sup>40</sup> It is my intention to show that Caesar in the *BC* is operating squarely within the Roman moral and political tradition. We can never know the extent to which Caesar may have been influenced by the Greek intellectual tradition in formulating his civil war policy of conciliation, mercy, and compromise. But we may at least observe that Caesar (like Cicero and other bilingual Roman intellectuals) was exposed to a broad range of Greek intellectual analyses of approximately the same kinds of political and military dilemmas that Roman leaders faced.<sup>41</sup>

### ***Amicitia* Damaged or Broken, *Amicitia* Restored**

There is a tendency in modern scholarship to treat *fides* as if it were an abstraction that in some way managed to get itself insinuated easily into most Roman social activities because it was just passively “there” inside the culture. A relatively recent

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<sup>39</sup>For these translations, see Niccolo Machiavelli, *The Prince and the Discourses*, with an introduction by Max Lerner (New York: Random House, 1950), 472-73.

<sup>40</sup>In *Qu. fr.* 1.1.23, we learn from Cicero that Africanus (it is unclear which Africanus is meant, and the standard commentaries—Tyrrell and Purser, Shackleton-Bailey—shed no light on the question) was intimately acquainted with the *Cyropaedia*. This was because, Cicero says, the work omitted nothing of the *officium* that was indispensable for a conscientious and moderate exercise of power (*nullum est enim praetermissum in his officium diligentis et moderati imperi*). *Officium* here is being used roughly as a synonym for *fides*.

<sup>41</sup>In Chapter Six, we shall note that some of Caesar’s descriptions of action at Massilia and in Africa have echoes in Greek historiography.

example of this kind of thinking about *fides* may be found in Neal Wood's 1988 study of Cicero's social and political thought:

The use of *fides*, "trust" or "faith," stressed by Cicero to describe the relationship between magistrate and citizens, is also salient. Trust, as he and the Romans see it, is central to all the business of society: buying, selling, hiring, letting; in trusteeships, partnerships, and commissions. Trust is also the foundation of *amicitia*, that special brand of friendship and loyalty linking together groups of members of the senatorial and equestrian orders; and of the patron-client relationship between these notables and those of lower station. Any violation of a trust threatens to undermine the whole of social life. Trust is at the very heart of justice itself. Justice, the basis of human society, absolutely necessary for its existence and preservation, is concerned with allotting to each his due and with seeing that each individual meets his obligations (*rerum contractorum fide*). Where immense power reposes in a single individual such as a king, there can be no trust in or responsibility of government, and the social bonds joining men are placed in jeopardy.<sup>42</sup>

Another example may be found in a 1967 study of Roman politics and politicians by Heinz Haffter:

*Fides* is the sense that a human alliance or obligation, a promise, a commercial agreement, a friendship, a relationship of *clientela*, makes for a moral obligation, and that only from this obligation can arise what a republic stands in need of, the unconditional trust of the citizens in one another. No compulsion, no statute prescribes this *fides*; yet no one can withdraw himself from *fides*, for the observance of *fides* strengthens the society...*Fides* was one of the moral forces which held this people together, this people who had built up their state so reluctantly upon legal and constitutional formulations.<sup>43</sup> [Trans. from the German by John Barry]

These various assertions about *fides* (some of Wood's are culled directly from Cicero, who of course is a valuable source but who also had his own ideological axes to grind), taken as separate propositions, are true, but as mere descriptions devoid of specific context they are really able to tell us little about *fides*. Wood's attempt is accurate as far as

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<sup>42</sup>Neal Wood, *Cicero's Social and Political Thought* (Berkeley and Los Angeles: University of California Press, 1988), 136.

<sup>43</sup>Heinz Haffter, *Römische Politik und Römische Politiker* (Heidelberg: Carl Winter Universitätsverlag, 1967), 24.

it goes, but it does not really capture the singular influence and even majesty that Livy obviously attributed to *fides*. Haffter hints at the latter. However, his definition veers off into obscure generalization. Haffter is correct that the perception of *fides* creates a sense of moral obligation, and his suggestion that the Romans saw trust among citizens as arising ultimately only from *fides* has many echoes in the sources. But it remains unclear how *fides* arises in his view, how it is created. Both of these views of *fides* are influenced unconsciously by some commonly encountered misconceptions about trust, particularly the notion that trust is simply a medium, the “glue” that holds things together in human affairs.

The recent work of Robert C. Solomon and Robert Flores on trust sheds much light on this misconception.<sup>44</sup> These scholars observe that trust is typically treated as a pervasive property of a society, community, or culture. Therefore trust tends to be seen as equivalent merely to an underlying sense of security, a palpable reason for confidence in an uncertain world. The problem with this, they argue, is that when trust is “metaphorically conceived of as ‘glue’ or a ‘lubricant’ or ‘atmosphere’ or ‘a medium’ or just plain ‘stuff,’ the images are all static.” When conceived as static, trust just seems to sit there, where it may be acted upon, or where, as lubricant or glue, it may passively facilitate or constrain action. Such things as climate and atmosphere may surround and affect trust, but they also are impersonal and inert. Trust itself is viewed as inert and preexisting, and as something that can be taken for granted and, most of the time, even ignored.

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<sup>44</sup>See Robert C. Solomon and Fernando Flores, *Building Trust in Business, Politics, Relationships, and Life* (Oxford: Oxford University Press, 2001), 87, for the following statements.

Solomon and Flores propose an alternative to the conventional model. Trust, they argue, “is not a medium but a human virtue, cultivated through speech, conversation, commitments, and action.”<sup>45</sup> Therefore, they stress, trust is never something already at hand, but rather, is always a matter of human effort.<sup>46</sup> We should note that this is also Livy’s point in the Camillus story discussed above. Indeed, Livy did not simply depict the creation of trust between Romans and Faliscans as the result of human effort, he revealed it as something cultivated (and cultivated *a novo*, at that) through speech, conversation, commitment, and action, much as Solomon and Flores suggest. The latter also conclude that trust can and often must be consciously created, not taken for granted. In their own words:

Understanding trust means understanding what must be and what must not be said, avoiding those cataclysmic comments that provoke fear and suspicion. It consists of assurances, in deed as well as in word, and both the continual making and keeping of promises (trustworthiness) and the encouragement of others to make and keep their promises (trust). Trustworthiness is clearly a virtue. What is much less often recognized is that *trusting* is a virtue—that is, trusting is a good thing to *do*. Individuals trust, and individuals collectively trust, but trust is not primarily a sociological phenomenon, nor is it a value-free cultural or sociological variable. It is an essential aspect of ethics, even of morality, and a matter of human interaction, choice, and responsibility. Trust is not a “given” in a lucky life but a creative part of virtually all our social practices...<sup>47</sup>

Solomon and Flores also argue that the most insidious consequence of treating trust as a static and ultimately impersonal medium is the notion that trust is fragile, “not only in the obvious sense that it can be violated by a single untrustworthy act or statement,

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<sup>45</sup>Ibid.

<sup>46</sup>Ibid.

<sup>47</sup>Ibid., 88.

but in the...sense that it is fragile as crystal or glass is fragile.”<sup>48</sup> The false metaphor of fragility (as well as the equally false metaphor of “solidity”) leads to the belief that trust breaks easily, and that once broken, it cannot be mended.<sup>49</sup> In the standard narrative, when a friendship goes bad due to mutual mistrust, no outcome is possible except the permanent dissolution of the friendship. Likewise, if two ethnic groups that have lived side by side in peace for centuries suddenly turn on one another violently, peace between them cannot be restored or the cycle of violence effectively broken. Trust betrayed even once is lost forever. But this belief, Solomon and Flores insist, is untrue. Both history and personal experience teach us that shattered trust can, in fact, be regained. Broken or difficult relationships involving communities as well as individuals can be repaired or improved (again, as we have seen in the example from Livy). They argue that this is so because trust is dynamic at its root. It is much more flexible and reasonable than the standard narrative would allow. Therefore trust is negotiable, neither “solid” nor wholly destructible. It is never established once and for all, nor is it finally destroyed once and for all as long as at least a semblance of a relationship, even a hostile relationship, exists. They conclude:

Just as trust requires reinforcement ... trust once betrayed remains open to new possibilities ... if only we will ... commit ourselves to restore that trust. And the key to restoring trust is not just earning trust but *giving* trust, even in the absence of encouraging evidence. We can resolve to ignore—not deny—even a long history of hostility and betrayal, if we keep our eyes on the long-term relationship and the possibilities for the future and refuse to dwell solely on the past. We need to trust, in other words, in the absence of trustworthiness.<sup>50</sup>

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<sup>48</sup>For the remaining statements in this paragraph, see *Ibid.*, 87-88.

<sup>49</sup>*Ibid.*, 88.

<sup>50</sup>*Ibid.*, 88-89.

Much of what Solomon and Flores have to say about trust in these paragraphs (and certainly the idea that trust is an essential aspect of ethics and morality) holds true for Roman *fides*. Neal Wood is undoubtedly correct when (echoing Cicero) he states that the Romans saw violations of trust as threatening to undermine the whole of social life. But we often overreact to pronouncements such as this. The fact that the Romans saw this as a threat does not mean that they saw themselves as helpless in the face of the threat. There seems to be a sense in the work of modern Roman historians that *fides* viewed as a mainstay of the social order was a sort of finite commodity in the Late Republic. When it was gone, it was just gone. In some measure, at least, this tendency probably derives from Cicero. Even when Cicero is insightful, though, he can be very alarmist when he talks about the vulnerability of cherished republican institutions.

But the fact is that the Romans were adept at restoring broken trust and rebuilding even badly damaged relationships, even in the Late Republic. Indeed, we see this in the efforts Cicero himself frequently made either to restore a broken *amicitia* or to try and correct misunderstandings that sometimes arose in the course of his relationships with various friends and correspondents, such as his attempt to assuage the injured feelings of his Caesarian friend C. Matius (*Att.* 11.17). Through a mutual friend, C. Trebatius, Cicero learned that Matius felt himself to have been gravely wronged by Cicero in the context of their *amicitia*. The specific grievance is not mentioned, but it seems that a rumor had reached Matius to the effect that Cicero had been critical of him in a way that cast doubt on his fundamental integrity. The apparent misunderstanding concerned the nature of Cicero's attitude to Matius, in light of the fact that Matius had continued to have

and show respect for his deceased friend Caesar during the period after the Ides of March (the correspondence between the two took place in August 43).

The point is that Cicero felt obliged to communicate with Matius immediately upon learning that there was trouble afoot, for the purpose of showing that the rumors Matius had heard concerning his supposed attitude were false and that he had always had great respect for him. It is patent that Cicero here is motivated by *fides*. In his letter, he praises Matius for always having displayed the “very greatest *fides* in their friendship (11.27.6).” It was plainly incumbent upon Cicero to demonstrate that he would not have violated the *fides* of such a friendship. His own reputation for *fides* might well suffer if he were seen to have done so. Matius, in his turn, composed an extremely eloquent reply in which he accepted Cicero’s explanation of what had transpired (*Fam.* 11.28).<sup>51</sup> But he did so without backing away one inch from his attachment and sense of duty to Caesar. His own *fides* was deeply involved in that sense of duty. Indeed, the crux of the matter, when it came to preserving the friendship, was that Cicero had to concede the propriety of Matius’s obligation to Caesar (see *Fam.* 11.27.8: *laudandum esse fidem et humanitatem tuam qui amicum etiam mortuum diligas*).<sup>52</sup> This exchange between the two men bears out much of what Solomon and Flores have said above concerning trust. The preservation

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<sup>51</sup>This is not to say that Matius necessarily altogether believed Cicero, who, as we can see from his letters, had a penchant for indiscretion and a ready wit. But he clearly accepted Cicero’s letter as a valid gesture of *fides*. It amounted to a performance consistent with what Solomon and Flores describe as the “assurances” that must be made in deed as well as word to create and sustain trust. The serious enmity that might have erupted between the two men was preempted by Cicero’s initiative and Matius’s acceptance of it.

<sup>52</sup>Later in this discussion, we shall discover that issues of mutual respect and *fides* were similarly seen to be at stake in the breakup of the *amicitia* relationship between Caesar and Pompey. In the latter case, of course, nothing that was done by either party sufficed to restore the friendship. The only doubtful issue is whether either or both parties were truly serious about trying to reconcile, and if they were, why the attempt failed.

of *amicitia* at Rome, judging from these letters, required effort on both sides, including the mutual recognition of what must and must not be said between friends. The trust involved in the relationship between Cicero and Matius was neither “fragile” nor “solid,” but dynamic.

Not to belabor the point, but a strained relationship between Pompey and Lentulus Spinther was similarly restored by active intervention and letter-writing. Due to suspicions arising from Pompey’s actions in the senate during the so-called “Egyptian Debates (to be discussed below),” Lentulus felt that Pompey had betrayed their *amicitia*. We learn from *Fam.* 1.7.3 that Cicero had been working more or less an intermediary for Pompey to try and patch things up, and that Spinther, as a result of Cicero’s successful mediation, finally wrote to Pompey. In Cicero’s words, “you have retained his friendship by the writing of that letter (*illa epistula retinuisti*).

It is worth taking a look at a few additional examples of this “dynamic *fides*” in other contexts. First, the case of Cicero and Crassus. The two were frequently at odds. They quarreled and reconciled at least three times. Cicero describes their final reconciliation to Lentulus Spinther in *Fam.* 1.9. 20-21, where he recites the various motives that led him to restore the *amicitia* once more with great fanfare. It needed explaining because the latest feud with Crassus ostensibly benefitted Cicero politically. His rift with Crassus had been popular both with enemies of the triumvirate in the senate and even with some of the people (*etiam foris fructum tulisset*). In effect, Cicero presents the reconciliation as having been motivated by his concern for public welfare (*communis concordiae causa*), notwithstanding that it was also urgently requested by both Pompey and Caesar, with both of whom he also had strong personal ties.

Then there is the case of Clodius and Pompey. In *De Har. Resp.* 49-52, Cicero describes a series of vicious attacks made against Pompey by Clodius, including an alleged assassination attempt. The assault was unexpected because the two politicians had sometimes cooperated in the past. Yet despite the virulence of his campaign against Pompey, Clodius (according to Cicero) took public steps to initiate a reconciliation and a renewal of their *amicitia*. Clodius praised Pompey, asserted that Pompey was the only man in the *civitas* who was worthy of the glory of *imperium*, and let it be known that he, Clodius, was most friendly to Pompey and desirous of a reconciliation with him (52; *et significat se illi esse amicissimum et reconciliationem esse gratiae factam*).

Finally, Cicero and Caesar. Cicero spoke publicly at considerable length concerning the renewal and restoration of his broken *amicitia* with Caesar in *De Prov. Cons.* 18-28 and 40-47, an action he says he took for the good of the republic (23: *Hic me meus in rem publicam animus pristinus ac perennis cum C. Caesare reducit, reconciliat, restituit in gratiam*); in these passages, he cited a number of other examples of distinguished men in the past at odds with one another who also reconciled their differences and took steps to repair damaged *amicitia* for the good of the community.<sup>53</sup>

Cicero's explanation indicates that the primary ideological motive for reconciliation in his case and the others was *fides*. A major component of *fides* involved loyalty to inherited fundamental concepts, as I stated earlier. The Roman notion of this

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<sup>53</sup>We might also recall that Suetonius devotes a chapter to Caesar's penchant for reconciliation. Caesar, he states, never formed such bitter enmities that he would not set them aside when opportunity offered, citing the cases of C. Memmius, C. Calvus, and the poet Catullus; see *Div. Jul.* 73. David Epstein notes that Roman public opinion seems to have taken reconciliations very seriously, and expected that the terms of a reconciliation would be scrupulously observed. See David F. Epstein, *Personal Enmity in Roman Politics 218-43 B. C.* (London: Croom Helm, 1987), 6.

was perhaps best expressed by Ennius in his *Annals* (Fragment 467): *Moribus antiquis res stat Romana virisque*, i. e., “Upon the manners and men of former times stands the Roman state.” At the core of this idea (which was clearly broad enough to be construed in a variety of ways, not all consistent) was often found the imperative that the welfare of the community should always be placed higher than individual self-interest. History often furnished the personalities and precedents which might serve as exemplars of the idea, as was the case with the individual figures Cicero singled out in *De Cons. Prov.* because, like him, they had made peace with foes for the sake of the common good.

The general notion that republican concerns should take precedence over private matters was deeply lodged in Roman culture (there will be more on the political aspect of this in the next chapter). For example, Matius, in the correspondence with Cicero mentioned above, mentions that critics of his ties to Caesar have stated to him that patriotism must always come before friendship (*Fam.* 11.28.2: *aiunt enim patriam amicitiae praeponendam esse*) and imply that he is wanting in virtue. Naturally, Matius took issue with their conclusion, but not with the principle these opponents of his had invoked. Indeed, Caesar himself paid homage to it in *BC* 1.9.5 when he stated that he was prepared to accept a reduction in his status and endure all manner of unpleasant things for the sake of the Republic (*Sed tamen ad omnia se descendere paratum atque omnia pati rei publicae causa*), even as he was taking up arms against the state (I shall have much more to say about this important passage and its significance later in the dissertation).

Therefore the likelihood is that Cicero's assertion in *De Prov. Cons.* would have been viewed in the same light, as an expression of *fides*.<sup>54</sup>

To take some other examples which illustrate the importance of reconciliation at Rome, Velleius Paterculus (though he criticized Pompey for the latter's unwillingness to tolerate an equal in *dignitas*) praised Pompey particularly not merely for constancy in friendship, but for not holding a grudge after a quarrel and for the sincerity (*fidelissimus*) he showed in reestablishing damaged friendships (see 2.29.3: *...nisi ubi vereretur ne quem haberet parem, modestissimus, amicitiarum tenax, in offensis exorabilis, in reconcilianda gratia fidelissimus*). In February, 56 Pompey stood on the senate floor and implied that Crassus had plotted his assassination (see *Qu. Fr.* 23.3-4). A few weeks later, though, he and Crassus were meeting together with Caesar at Luca to reaffirm and restore their mutual *amicitia*. We will see below that Caesar himself in the *BC* leaves the door open to reconciliation with Pompey, not once only, but repeatedly. In spite of the fact that Caesar believes himself to be fully justified in taking up arms in self-defense, he does not see the destruction of trust between himself and Pompey, between his followers and the supporters of his opponents, as irrevocable and final.<sup>55</sup> If trust were inherently fragile and

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<sup>54</sup>There seems to be no up-to-date modern commentary on *De Prov. Cons.* The most recent commentary, H. E. Butler and M. Cary, eds., *M. Tulli Ciceronis de Provinciis Consularibus Oratio ad Senatum* (Oxford: Oxford University Press, 1924), offers no useful insights for our discussion. A recent article on Cicero by Peter Rose examines both *De Prov. Cons.* and *Pro Lege Manilia* from an overtly Marxist perspective. In his discussion of the former speech, Rose astutely observes that Cicero chooses to organize much of it in terms of what his rhetorical strategy "implies about his own handling of a potential conflict between his private grievances and the interests of the state." For Rose, reading Cicero's repeated claims that what he does is for the best interest of the state calls to mind "the dictum about patriotism being the 'last resort of scoundrels.'" This is how a sophisticated modern reader might typically see the matter. The Roman audience would have seen an appeal to *publica fides*, whatever they thought of the merits. See "Cicero and the Rhetoric of Imperialism: Putting the Politics Back into Political Rhetoric," *Rhetorica* 13 (1995): 393.

<sup>55</sup>I should observe that it is not clear whether even Caesar himself knew for certain the precise moment when Pompey began to work against him. By December 50, a number of oddly-assorted

in short supply, Caesar would not have bothered to write a book defending himself that emphasizes not simply his good *fides* but the fact that his *fides* can have far-reaching beneficial consequences.

Interestingly, Cicero, writing to C. Cassius Longinus (the future assassin of Caesar) in August, 47 (*Fam.* 15.15 *passim*), expressed a compatible view. Even after Pharsalus, Cicero states, though the republic had suffered much destruction, he still had *magna spes* that (in effect) a sincere reconciliation on republican terms was possible.

The remark is especially noteworthy when viewed against the backdrop of Solomon and Flores's contention that reconciliation is nearly always possible. Thus *Fam.* 15.15 deserves further comment. It is a fascinating letter for the historian interested in whether the ancients truly saw the destruction of the republic as the inevitable outcome of the armed struggle between Caesar and Pompey. From the perspective of 47, Cicero in this letter does not see the "point of no return" for the republic as Caesar's invasion of Italy, or even his victory at Pharsalus. He sees it as the lengthy delay that ensued after Pharsalus while Caesar was variously engaged in Asia and Africa. This long delay prevented the verdict of Pharsalus from being decisive, Cicero argues, because it gave renewed hope to the scattered Pompeian forces, prolonging the war. However, he does

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laws, customs, and pronouncements—and interpretations of these laws, customs, and pronouncements—had come into play simultaneously as bearing on the validity of Caesar's claims. More than one plausible interpretation was possible. The senate treated the issue roughly like Alexander the Great did the Gordian Knot, when it voted in favor of requiring both Pompey and Caesar to surrender their *imperia* (we will explore this topic later). [That is, the senate in effect decided that *fides* is not legalistic.] Regardless of when Caesar sees the personal break between Pompey and himself occurring, he seems to be arguing in the *BC* that Pompey's sense of *publica fides*—given that Caesar's claims derived from *leges* and in part rested on Pompey's own personal assurances to him about what the laws meant—ought to have dictated that he lend his support to Caesar in the senate. Failure by him to do so was thus a breach of *fides*. From Caesar's perspective (and it is in this light he paints him in the *BC*), Pompey had in these transactions shown himself publicly to be an untrustworthy and unreliable friend, as well as a bad citizen.

not blame the delay on Caesar but on fate: *fortuna*, i. e., Caesar, Cicero implies, could not have foreseen the threat from Pharnaces in Asia or the length of the struggle in Egypt (15.2). Cicero seems to believe that Caesar's *clementia* (which Caesar himself arguably sees as a public measure of his own *fides*, as we will see below), had he been able to act on a purely political level straightway after Pharsalus, would have been effective in ending the global violence (*Quae si fuisset, eandem clementiam experta esset Africa, quam cognovit Asia, quam etiam Achaia...*).

Several of Cicero's comments in *Fam.* 15.15 suggest (he does not state this baldly) that he thinks that Caesar probably would not have opposed the eventual resumption of "normal" republican politics and government if the war had stopped soon after Pharsalus. For example, Cicero states that he had great hope—*magna spes*—for those remnants of the republic that would still exist in the aftermath of a decisive battle, as opposed to the conditions likely to obtain after a protracted struggle: *Ego autem ex interitu eius nullam spem scilicet mihi proponebam, ex reliquis magnam* (15.1). By "normal," I mean the sort of free political activity we see described in a document like the *Comm. Pet.*, but with Caesar presumably occupying Pompey's old political spot (which was strong though fluid, not omnipotent and constant) as a very special person in the state—not quite the same thing as before, but still apparently acceptable to Cicero. In other words, Cicero implies that broken trust on nearly all fronts could have been repaired rather easily if the violence could have been limited to one decisive battle (and he seems to be saying that with a bit of luck, it could have). Cicero himself thus did not really see a "crisis without alternative" (to use Christian Meier's phrase). But more important for our point, the tone of the final paragraph is still not wholly despairing a year after Pharsalus. Cicero

concludes by asking Cassius for his impressions and ideas about the situation and what may be done about it. It is clear from his preceding statements that he is not yet (in 47) thinking about taking violent action, but rather, is still referring to the prospects for a return to republicanism based on reconciliation between the belligerent parties, and that he (and probably Cassius) does not yet view Caesar as an obstacle to such reconciliation or such an outcome.

Solomon and Flores conclude above that an important component of trust, especially where the task is to renew or restore trust, is the disposition to trust in the absence of trustworthiness. Indeed, they go so far as to state that trusting strangers is the “very heart of wisdom, strength rather than foolishness.”<sup>56</sup> This accurately describes an aspect of *fides*. It is more or less what we have seen Camillus do with regard to the Faliscans, in the example from Livy above. Camillus resolved to do what he thought was right regardless of whether or not there was any likelihood that the other side would reciprocate. Caesar depicts himself in a comparable light in the *BC*, albeit as one who, by the same token, plainly acts with prudence and discretion in such situations; like Camillus, he is no pushover, and he is not afraid to make it clear to the reader that he is nobody’s fool.

We should note that this is also how Sallust depicts Caesar’s ideological stance in the *Bellum Catilinae*. In his important speech to the senate about the punishment of captives, Caesar stresses that it is in the best Roman tradition to maintain *fides* in accordance with the highest attested standards (ones that do not depend upon the moral

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<sup>56</sup>Solomon and Flores, *Building Trust*, 43.

desert of the other party) of conduct, rather than (he implies) some merely plausible or defensible standard (and one that may hold the most appeal for the audience only because it is the most extreme), even in some cases where the faithlessness of Roman friends or enemies has been established beyond doubt (see 51.5-6, where Caesar considers the historical examples of magnanimous Roman conduct toward faithless foes Macedon and king Perseus, the city-state of Rhodes, and Carthage).<sup>57</sup>

Likewise, Quintus Cicero advises candidate Marcus to trust in the absence of trustworthiness in *Comm. Pet.* 35. He tells the candidate that if he suspects or even knows for certain that a “friend” is not really committed to him, he should pretend not to have noticed the friend’s deception. If the false friend suspects he has been unmasked and tries to clear himself of the allegations, the course Quintus urges is for Marcus to reassure the man that his good faith (*voluntas*) has never been in doubt, and that, indeed, he has had no grounds at all for doubting it. The reasoning behind this suggested action is stated explicitly: no one can be a friend if he thinks that he can never be a good enough friend (*is enim qui se non putat satis facere amicus esse nullo modo potest*). The implication is the same as in the Camillus story—*fides* even towards an untrustworthy or unfriendly party stands a good chance of being met by *fides* in return.

### ***Fides and Imago: The Commentariolum Petitionis***

It was vitally important for someone at Rome who hoped to make headway in public life to have a reputation for good *fides*, given the serious nature of the

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<sup>57</sup>We should also recall here the similar example (discussed above) of Scipio’s willingness to trust Indibilis in the absence of proven trustworthiness at Livy 28.34.

responsibilities involved.<sup>58</sup> From the standpoint both of the office-seeker whose mind was set on climbing the political ladder and of the senior statesman who had climbed it, having *fides* and having a reputation for having it almost amounted to the same thing.<sup>59</sup>

The perception was often the reality because perceptions make politics. In terms of ideology, Livy clearly sees things working in this way. Camillus's activity on behalf of the kidnapped Faliscan schoolboys signaled his *fides* (*Ad quod spectaculum concursu populi primum facto*) so powerfully both to the Faliscans and to the Romans (*Camillo et ab hostibus et a civibus gratiae actae*) that it created an entirely new set of mutual perceptions. These new perceptions, in turn, gave birth to a new (and meant to be enduring) political reality. In Chapter Six, we will similarly observe how Caesar's perceived *fides* is effective in helping to end conflict with the Pompeians in Spain. It may be countered that Livy's model of political behavior in this case is romantic idealism. But the idealism was a fundamental element of the traditional culture. Moreover, notions that connected political success with the perception of moral probity arising at least in part from *fides* directly influenced actual political behavior in the fully historical Republic.

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<sup>58</sup>I do not, of course, mean to suggest that it was unimportant for many Romans of lower status or lesser ambition likewise to have strong personal reputations for *fides*. In the *Comm. Pet.*, for example, a successful candidate is viewed as requiring the services of many individuals from a variety of backgrounds to help muster votes. The assumption in the text is that many of these less eminent people will be eager to be asked for their help. It stands to reason that a reputation for reliability and loyalty would be an asset for such people. Why would a candidate bother to solicit a necessary service if the odds were that the service might not be performed?

<sup>59</sup>Cicero makes the following statement in *Planc. 50: Equidem primum ut honore dignus essem, maxime semper laboravi; secundo ut existimarer; tertium mihi fuit illud, quod plerisque primum est, ipse honos...* ("Indeed, the first thing with me, for which I have always striven greatly, is to be worthy of honor; the second is that I be seen to deserve it; the third is that which comes first with most people, the honor itself..."[Trans. by J. Barry]).

This can be seen in chapters 25 through 27 of the *Commentariolum Petitionis* (“Handbook on Electioneering”) attributed to Quintus Cicero (and dating to the mid-60s BC).<sup>60</sup> Quintus reminds his brother, consular candidate Marcus, that although support from the friends one already has is indispensable to electoral success, very many (*permultae*) very useful (*perutiles*) friendships are made in the canvass itself. The implication is that such new friendships must be made if success is to be achieved. Quintus makes the further interesting point that in an electoral canvass, one can honorably (*potes honeste*) make friends with people of any sort whatsoever, and that this is something that cannot be done in the rest of life. Indeed, he says, Marcus will be thought to be not much of a candidate at all unless he seeks out the friendship of these people who are obviously beneath him socially in many ways. But Quintus’s main point is that with the exception of people who are very closely bound (*adiunctus*) to his competitors, there is no one Marcus cannot easily win over if he makes an effort. The supposition in the text is that the sought-after new friends will be very apt voluntarily to bestow their *beneficia* upon candidate Marcus if they judge that Marcus in the future will be a friend to them in turn, and show them respect. As Quintus explains it, all things hinge upon the new friends believing that Cicero holds them in high esteem (*te magni se aestimare*), that he is sincere in this (*ex animo agere*), that they (the friends) will do well if Cicero succeeds (*bene se ponere*), and that the result of their familiarity will not be a brief, vote-grabbing interlude but a solid and

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<sup>60</sup>On the question of the authenticity of the *Comm. Pet.* and its usefulness as a source, see the recent important article by Robert Morstein-Marx. He concludes that only two positions on authenticity are now seriously tenable: that it is either, as it purports to be, a letter to M. Cicero from his brother advising him on his candidacy, or a later fabrication so well-informed it constitutes a first-rate source for late Republican electoral politics. I take it to be a first-rate source for the political dimension of the Roman mind at this time, as well. But on the above point, see “Publicity, Popularity, and Patronage in the *Commentariolum Petitionis*,” *CA* 17 (1998): 261.

permanent friendship (*fore ex eo non brevem et suffragatoriam sed firmam et perpetuam amicitiam*). No person in whom there is any worth at all (*in quo modo aliquid sit*), Quintus emphasizes, will let slip away the opportunity of setting up a friendship with Marcus, especially since his competitors (i. e., Catiline and Antonius) are men whose friendship will surely be condemned and shunned by most people. In chapter 28, Antonius's lack of a sense of duty (*officium*) is cited as one of the many reasons he will not appeal to voters. *Officium* is a synonym for *fides* in the context of the statement.

This advice on how to win an election is in the form of an address to the *novus homo* M. Cicero, but arguably, much of what is stated in the *Comm. Pet.* would apply to any honorable candidate, including someone who came from a great consular family.<sup>61</sup> While the work often stresses activities that push the ordinary limits of moral and ethical discretion, its premises imply scruples that would vex a dishonest candidate. That is, a thoroughly dishonest candidate would display no internal concern for the truth whatsoever in a private memorandum (whereas the author of the *Comm. Pet.* does display such concern). This makes the *Comm. Pet.* a useful source for the practical political morality by which elite Romans were supposed to abide (standards for which candidates apparently could still be given credit by voters in the 60s if they were seen as observant).

There is an interesting comparison with Livy here. As we saw, M. Cicero is advised by his brother that with the exception of voters who are already obligated or committed (*adiunctus*) to another candidate, nearly anyone can be induced to lend

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<sup>61</sup>Ibid., 261-62. Morstein-Marx here concurs in the view of Alexander Yakobson that the individual *nobilis* (not just the *novus homo*) could not reach the highest honors, i. e., the consulship, without competing with his peers for the votes of the Roman people. In other words, even the networks of clients and friends typically possessed by great nobles would not, as a rule, suffice in and of themselves to secure the necessary votes. The candidate always had to reach out to those outside his personal circle.

electoral support if he, the uncommitted voter, thinks (*intellegat*) that the candidate holds him in high esteem, that he is sincere (*ex animo agere*), and that he (the voter) is likely to benefit. The expression *ex animo agere* is a synonym for *fides* here. It is the voter's subjective perception of the candidate's *fides* that is seen by the author of the *Comm. Pet.* as the crux of the matter.

Likewise, it was the Faliscans' perception that Camillus's *fides* must be good that led to their remarkable change of heart in Rome's favor. After all, if a candidate did not truly seem to behave *ex animo*, how could the voter realistically believe what he said? How else could you calculate the odds that you (and the Republic) would be better off in some way if the candidate won? Of course, Livy's example does not hold categorically as a moral imperative. If an enemy with whom Rome might decide to conclude a peace involving considerable potential risk for Rome did not seem to possess outstanding trustworthiness, a rational and (for Romans) morally defensible decision could be made to continue the war (for example, the Third Punic War). But this only emphasizes the perceived importance of *fides*. Camillus, having returned the Faliscan children, could still, arguing the bad *fides* of the Faliscans, have declined the peace offer that followed as a poor risk, without incurring public dishonor. But with his decision to the effect that it was *fides* that dictated Roman acceptance, he defined both himself and Rome ideologically.

Camillus's action (i. e., the telling of stories about it) was one of those that made a lasting imprint on the Roman moral and political landscape, one that helped shape the first century B. C. tradition about *fides* we find Caesar appealing to in Sallust's *Bellum Catilinae* and, I argue in these pages, in his own book about his struggle with Pompey and the senate. These latter were internal conflicts. Plainly, if one were to consider repairing a

broken *amicitia* relationship with a member of one's internal community (Caesar, Pompey—even Catiline, arguably), the question of whether or not the individual in question had been trustworthy in the past was vital—it might not be decisive, but it would surely play an important role in deciding whether to take a risk and trust the person again. So, displaying *fides* was clearly viewed both as a fundamental means of winning friends at home and of conciliating enemies abroad (as Livy put it in the Camillus passage discussed above—*iustitia fideque hostibus victis*). Moreover, in both of the above cases (i. e., Camillus, the passage from the *Comm. Pet.*), however different they may be, the perception of good *fides* is seen to lead directly to more or less what the author of the *Comm. Pet.* describes as *firmam et perpetuam amicitiam*.

Another point needs to be made which has relevance for our reading of Caesar's *BC*. It seems clear from both the *Comm. Pet.* (on the basis of the entire work, not merely the above passage), and from many statements contained in the various forensic productions of M. Cicero, that morally permissible limits existed at Rome within which a politician perceived to be worthy could stretch a fact or two in a public speech or in defending a client, as well as make some promises here and there he might not actually be able to keep, without suffering undue harm to his reputation for truthfulness. Caesar's authorial standpoint in the *BC* is not so unlike that of the candidate engaged in a canvass for office. As we have seen above, a serious candidate needed (1) to make lots of friends from all walks of life in order to be successful, bearing in mind that part of making friends at Rome among the elite lay in simply showing that you were deserving of the friendship of the right people; in practice, a man with many friends of stature would naturally be seen

as someone whose friendship was probably worth cultivating,<sup>62</sup> and (2) he could regard most of the public as being open to his overtures to some degree unless they were already deeply committed to an opponent. Caesar, as we shall see, puts himself and his *fides* on display in the *BC* in much this sense, even if his position as technically a rebel in arms is not quite analogous. It is also the case that the first generation of readers would have understood that in doing so, Caesar was consciously creating and projecting a particular image of himself as well as engaging in zealous advocacy of his position. Simply doing that, as long as he did not furnish serious grounds for causing his sincerity to be questioned, did not violate *fides*. Quintus Cicero describes the pose that a candidate running for office must adopt for that purpose as a *simulatio* (*Comm. Pet.* 1).<sup>63</sup> It is not the truth, exactly. Nor is it a pure deception. It is a very carefully groomed image of oneself, in which one's strengths are projected to their best effect, and one's weaker points avoided or smoothed over, if they cannot be concealed.<sup>64</sup>

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<sup>62</sup>Of course, this impression could sometimes be misleading. Cicero had once thought that Catiline, with all his charm, following, and energy, would make a good friend. See *Cael.* 14: *Me ipsum, me, inquam, quondam paene ille decepit, cum et civis mihi bonus et optimi cuiusque cupidus et firmus amicus ac fidelis videretur; cuius ego facinora oculis prius quam opinione, manibus ante quam suspicione deprehendi* ("I myself, yes, I say, I was once myself nearly deceived by him, when I took him for a loyal citizen, eager for the acquaintance of all the best men, and for a true and faithful friend. I had to see his crimes before I believed them, and to have my hands on them before I even suspected them." [Loeb trans.]) The latter remark to the effect that Cicero would not credit Catiline's misdeeds without proof was meant to be seen by the reader as a mark of Cicero's *fides*).

<sup>63</sup>Cf. the distinction that Cicero makes between *simulatio* and *voluntas* at *Att.* 8.9.2.

<sup>64</sup>Compare Cicero's description of the role of a lawyer trying to influence an audience in *Cluent.* 139: *Nam si causae ipsae pro se loqui possent, nemo adhiberet oratorem. Nunc adhibemur, ut ea dicamus, non quae nostra auctoritate constituentur, sed quae ex re ipsa causaque ducantur* ("For if a case could speak for itself, no one would employ a pleader. As it is, we are employed to express, not the conclusions warranted by our own judgment, but the deductions which can be made from the facts of the case." [Loeb trans.]). Unlike the lawyer-for-hire Cicero describes, Caesar could certainly express conclusions warranted by his own judgment in a literary work intended to defend his reputation. His audience would expect him to do so, given the gravity of the situation. His readers would also grant him a fair amount of latitude in how he presented the facts of his case, with no disparagement to his *fides* implied, unless they detected an effort by him to misrepresent his aims and grievances. The evidence of

Simply calling the *BC* propaganda can be misleading. The word for us often connotes utter suppression of the truth as a form of advocacy, as opposed simply to self-advocacy. Romans would not have seen a document like the *BC* that way. For one thing, Caesar did not control the flow of information after the fashion of a totalitarian system. He could not possibly suppress all knowledge of the facts even if he so wished. Therefore the *BC* could not be anything other than a republican political document.<sup>65</sup> For example, at least some of the arguments in his favor that Caesar presents in the *BC* circulated widely in written and oral form during the early weeks of the war. Cicero responded at one point to these ephemera with a public statement of his own to the effect that he approved of Caesar's cause (*Att.* 8.9.1: *causam eius probo*). Moreover, he states in the same letter that he had given copies to many people because he wanted his feelings about peace to be widely known. In the ancient world, this kind of limited, informal circulation was tantamount to publication (indeed, Cicero writes in *Att.* 8.9 that he would not mind if the letter about Caesar he had given out was recited by someone at a *contio*).<sup>66</sup> This indicates

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*Fam.* 15.15 (noted earlier) regarding Cicero's hopes for a republican peace and reconciliation after Pharsalus, suggests that Caesar's contemporaries, at the time of the events Caesar described in the *BC*, did not believe that he had up to that point at least, misrepresented his aims and grievances.

<sup>65</sup>On the republican character of the work, see John H. Collins, "On the Date and Interpretation of the *Bellum Civile*," *AJP* 80 (1959): 117-19.

<sup>66</sup>On the various forms and nature of publication in antiquity, see David S. Potter, *Literary Texts and the Roman Historian* (London: Routledge, 1999), 29-35. One point Potter makes is that in the classical world, publication meant that an author lost control of his text and that the ancients understood this (he cites Cicero *Att.* 13.20.2; Cicero notes that the text of his speech for Ligurius is too widespread for him to make changes). It is noteworthy that in the case of the letter he had written expressing some measure of approval of Caesar's claims, he seems to have understood perfectly well that once it left his hands, it was out of his control and might indeed end up being read out at a public meeting. He appears to welcome this possibility and also to be confident that the individuals to whom he had given copies would not misrepresent or misstate his views if they chose to share them with much broader circles of people, which is what Cicero seems to have wanted to have happen all along. This fact should perhaps bolster our confidence in the accuracy of some of the information contained in his letters that he seems to have picked up himself indirectly through third parties, rather than through his own personal observation or contact.

that a dialogue on republican terms was in progress between the various camps. Also, both Cicero and Caesar recognized that there were important respects in which this pronouncement of Cicero's was not the whole truth when it came down to the question of where Cicero stood. But the declaration by Cicero was not only not a breach of *fides*, it was a notable mark of his *fides*, in that he was prepared to acknowledge widely (despite his own well-known ties to the Pompeian camp) that there was some justice in Caesar's claims, if such acknowledgment might help bring about peace.

Perceptions therefore could not be safely ignored. It was a major task of the successful Roman politician to try and shape them through whatever effective means were at his disposal. Such means included oratory and literary production, as well as personal communication, either oral or written. None of these means were neglected by Caesar (or by his foes).

### **Was Caesar's *Fides* an Issue in 50/49?**

It should be emphasized once more and borne in mind that the quality of Caesar's *fides* was a topic of contemporary interest. Cicero raises the issue explicitly in a letter to Atticus dated February 18, 49—*quanta fides ei sit habenda* (8.3.2). Writing to Tiro two weeks earlier on January 27, Cicero states that if Caesar were not to stand by the peace terms he had offered, he would not be able to sustain the war that would result; Cicero implies that this is because he would be seen as having abandoned his own conditions, i. e., displayed a lack of *fides*.<sup>67</sup> Cicero had still not determined upon the

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<sup>67</sup>See *Fam.* 16.12.4: *Sin autem ille suis condicionibus stare noluerit, bellum paratum est; eiusmodi tamen, quod sustinere ille non possit, praesertim cum a suis condicionibus ipse fugerit...* It is also the case that Caesar had felt compelled to threaten a Pompeian tribune, Metellus, with force upon his return to Rome in April. This action caused harm to his reputation, which he will have wanted to combat

course of action that he ought to pursue in the conflict. At the time of this letter, hostilities between Caesar and the government's forces led by Pompey had been underway for about six weeks. For Cicero, there were only two choices—neutrality or casting his lot with Pompey. Neutrality would be (at least, technically) an honorable choice, but a foolhardy one if Caesar could not be trusted to keep his word to respect neutrals. Many others in Italy faced more or less the same dilemma.<sup>68</sup> Furthermore, there were still hopes for a negotiated settlement of the crisis as late as March: Caesar himself publicizes reconciliation with Pompey as his aim in early March; see his previously cited letter to Oppius and Balbus, forwarded by them to Cicero (*Att.* 9.7.c). Public perceptions of Caesar's *fides* therefore mattered on a number of levels. From Caesar's standpoint, even if a favorable public estimate of his reliability did not suffice by itself to halt the bloodshed, it might further help to pin blame for the civil war on Pompey and his political allies if negotiation failed, since they would then be seen as having rejected peace with honor (*otium cum dignitas*). This was legitimate self-defense, in Roman terms.<sup>69</sup>

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by his presentation in the *BC*. For contemporary reaction to this incident, see Cic. *Fam.* 10.8.6; for a modern discussion, see Gelzer, *Caesar*, 209-10.

<sup>68</sup>For example, Cicero wrote on March 6, 49 (*Att.* 9.1.4), that Scipio (Pompey's father-in-law) might flee from Caesar's wrath (*vel Caesarem fugit iratum*; the context suggests that Scipio was not really keen on fighting) and that the Marcelli, bitter foes of Caesar, would have stayed in Italy as neutrals if they had not feared Caesar's sword (*Marcelli quidem, nisi gladium Caesaris timuissent, manerent*). The Pompeian surrender at Corfinium and Caesar's leniency toward the captives, including his personal enemy Domitius Ahenobarbus, had occurred about two weeks earlier, but news of these events was only just beginning to spread. There was still apparently no definite feeling in Italy that Caesar could be counted on to show leniency again and do so as a matter of policy. For the motives and decision-making of the Roman nobility as its members contemplated the risks of going to war or staying neutral, see D. R. Shackleton-Bailey, "The Roman Nobility in the Second Civil War," *CQ* 10 (1960), especially 264-67.

<sup>69</sup>In attempting to understand what is going on, we must set aside the images from our own time that a phrase such as "peace with honor" may easily conjure up. The drama that is being played out here is not the same drama that was played out in Europe in the 1930s.

Cicero's query about Caesar's *fides* is also significant because it indicates that Caesar was not wholly free in his public pronouncements to talk about whatever subjects he wished. His argument in the *BC* is, to a degree, I argue, circumscribed by the concerns of his contemporaries. They wanted to know if he could be trusted. To possess an army was not enough (just the opposite). The question of whether he could be trusted was bound up with the question of what he intended. He had to show convincingly—in some respects, as if he were a candidate for office engaged in a canvass—that what he intended was both peace and freedom: peace on republican terms, not the personal despotism his enemies accused him of seeking. This required him to demonstrate his *fides* very conspicuously. From the Roman audience's standpoint, Caesar's resort to force in defense of his and others' putative rights (e. g., "the rights of tribunes," a topic discussed below) did not require abstract moral justification alone. People urgently wanted to know on what personal basis they could trust Caesar to seek peace and a return to normal political conditions. By declining to employ excessive force against his enemies in the context of civil war (with memories of Sulla still vivid), he plainly meant to suggest not merely that he could be trusted but that he was sincere when he expressed a desire for a negotiated outcome. If he meant to suppress *libertas* and seize the state, his argument in the *BC* seems to imply, his restraint in dealing with his foes made no sense. It was one proof he could furnish to doubters of his *fides*.

Novelist and screenwriter Lucian K. Truscott IV's recent remarks about the importance of the United States Military Academy's honor code can with justice be applied to Roman *fides*:

In the Army, soldiers are given few rights, grave responsibilities, and lots and lots of power. The honor code serves as the Bill of Rights of the Army, protecting soldiers from betraying one another and the rest of us from their terrifying power to destroy. It is all that stands between an army and tyranny.<sup>70</sup>

Caesar's audience is well-acquainted with what Truscott calls the soldiers' "terrifying power to destroy." In the Roman world, it is literally only the *fides* of the individual commanders and magistrates—that is, *their* honor code—which ensures that force will never be used without sufficient warrant or justification.<sup>71</sup> The issue of Caesar's *fides* is not a purely academic one for these people.

Thus Caesar's decision not to invest much time in the *BC* presenting all of the legal minutiae involved in his dispute with the senate (what moderns call the "Rechtsfrage") is understandable, although it is plainly expedient in the sense that dwelling on technical points exclusively would not tend automatically to advance his cause. Caesar does (as we will see in Chapters Three and Four) stress certain legal and constitutional issues in defending his actions, not as isolated legalisms, but in an ideological way that makes it clear that these issues were not unimportant to him or to his audience. But it is also the case that his readership, at the time of writing, was no longer totally focused on the technical questions in any case, if it ever was. The march of events had left many of these in the dust. The majority of the senate had shown it did not consider the question of

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<sup>70</sup>See Lucian K. Truscott IV, "The Not-So-Long Gray Line," *The New York Times*, June 28, 2005, A33. Truscott is a West Point graduate.

<sup>71</sup>Cf. Cic. *De Off.* 2.26-27; this is the much-quoted passage where Cicero argues that, historically, Roman rule abroad had been a kind of *patrocinium orbis terrae* rather than an empire (*imperium*). The reason for this, he says (for reasons we need not explore here), is that Roman magistrates and *imperatores* who served abroad were motivated by *fides* and *aequitas* in exercising their authority. Cicero expresses the same basic notion in a letter of 60 (and thus written about fifteen years before the passage in *De Off.*) to his brother Quintus. In it, he reminds Quintus (who at the time is serving overseas as propraetor of Asia) that the senate and people of Rome have entrusted the well-being of the provincials in Asia to his *fides* and *potestas*; for details, see *Qu. fr.* 1.1.27.

Caesar's precise legal standing (either as a promagistrate or as a prospective candidate for the consulship) at the time of the debate in late 50 to be the paramount issue: it voted in favor of a compromise solution to the crisis on December 1, 50 by the lopsided margin of 370-22 (Appian *BC* 2.30; there will be more on this vote below). The concerns expressed by the vote of December 50 were even more intense now. Cicero spoke for many others in Italy among all ranks when he asked "Just how much *fides* does Caesar have?"

Let us sum up the main discussion in this chapter. We began by observing that Caesar's use of the morality of *fides* (i. e., the mercy shown towards captives, his professed willingness to make sacrifices for peace) is unlikely to be Machiavellian (at least, not in our sense). That is, Caesar does not see his *lenitas* simply as a means to a political end that is very likely to be unrelated to *lenitas* and at odds with it; he sees it as an effective means of creating trust in a republican political context. Indeed, he appears to see approaches based on *fides* as the best ways to reach out to prospective supporters as well as repair damaged or strained relationships. Caesar's view of *fides* is not unique. We have seen several passages in Livy (notably Livy's depiction of Camillus's *fides* toward Falerii) and other authors that show that both Caesar and they stand on a common ideological ground where *fides* is concerned (and we shall see more such evidence in the next chapter). As we have also seen, modern sociologists Robert C. Solomon and Fernando Flores contend that trust is not fragile and irreparable if broken; it can be restored. Caesar, I suggest, operates with similar assumptions. He depicts himself in the *BC* with a consistent disposition (as Solomon and Flores put it) to "trust in the absence of trustworthiness."

## CHAPTER TWO

### ***PUBLICA FIDES* IN CAESAR'S RHETORIC, IN POLITICS, AND IN THE SENATE**

In the previous chapter, our discussion focused on showing the perceived general importance of *fides* at Rome and how the Romans themselves defined the notion. But it will be most useful to regard the present chapter as a kind of prolegomena to Chapter Three, where I mainly discuss Caesar's account of the senate's activity January 1, 49, and during the week that ensued (*BC* 1.1-6). Caesar presents this material with almost no word of explanation. The original audience did not need much explanation. They were well-acquainted with the details of senate procedure and the political and ideological background. But we are not so well-versed. Therefore we may easily overlook the fact that Caesar's main emphasis in the early chapters is on *fides publica*, or else fail to understand why he has crafted his narrative in such a way as to make *publica fides* such an important issue from the standpoint of his *causa* (given that he is the outlaw, after all). The broad aim in this chapter, then, is to foster an acquaintance with some fundamental ideological notions pertaining to *fides publica*, as well as some of the political habits and customs (taken for granted by the original audience) relating to it that Caesar takes for granted in his description of the senate meeting that opens the *BC*. Only then can we attempt to understand Caesar's account on its own terms. Understanding his account on its own terms is, in fact, the underlying aim of this dissertation.

I contend that the thematic structure of the *BC* as a whole (as distinct from the pure military narrative) grows out of the polarity that Caesar establishes between himself

and his opponents on a number of levels in the first 33 chapters (but 1.1-23 suffice to define the major themes). As we shall now see in some detail here (and in subsequent chapters), Caesar draws for his reader a comparison and contrast between his and his enemies' behavior throughout the book in situations he sees as analogous. I argue that Caesar intends to draw a contrast for the reader between his opponents' intimidating behavior in and around the senate in *BC* 1.1-6, and his own magnanimous behavior towards his foes in 1.16-23, which culminates in his display of mercy to the elite captives taken at Corfinium—an act of *fides*. The hinge between these two sections of text is to be found in Caesar's usage of the word *dignitas* in 1.7-9 (an argument is presented in a subsequent chapter which demonstrates that there are important ideological connections between *fides* and *dignitas*). The implication of these passages is that Caesar bases his self-defence on *fides*, and that he portrays his foes' actions in the senate as a violation of *fides*—specifically, *fides publica*.

In order to appreciate how the original audience would have understood Caesar's presentation of *fides* in the senate, in this chapter we will shortly consider and discuss several ideological depictions of senatorial *publica fides* in Valerius Maximus and Livy, as well as eyewitness descriptions of senate activity from the mid-50s—that is, first-person accounts of the historical Roman senate engaged in mundane activity. These comparisons will enable us better to understand Caesar's complaint that behavior in the senate in January 49 contravened fundamental republican principles.

But first, we must spend some time discussing some terminology, the question of ancient literacy, and Caesar's rhetorical strategy in the *BC* where it concerns *fides* (as well as the political rationale behind his approach).

## Ancient Literacy, Caesar's Audience

I use the terms “reader” and “audience” more or less interchangeably. But I do not mean to suggest that contemporaries necessarily read Caesar's words precisely as we read books today—in private, silently to ourselves. William V. Harris has shown that even for the Roman upper class, “it is clear that listening, instead of reading for oneself,” is what always seemed natural.<sup>1</sup> Silent, solitary reading was not unknown, however. Harris concedes that solitary readers are attested as early as the fifth century B. C. (he points to the fact that a youth is depicted apparently reading by himself on a red-figure *lekythos* of about 470).<sup>2</sup> But in his overall argument, Harris seems to maintain, probably correctly, that most elite reading in the late Republic (and for at least several centuries thereafter) was done out loud and in public.

Note that Aulus Hirtius, author of the eighth book of Caesar's Gallic War *Commentaries*, uses the verb *audire* in the preface to the book in a context which suggests that he and his audience hear the subject matter, as opposed to studying it in private by silent reading.<sup>3</sup> Sometimes a text might be read aloud to a solitary listener, but Harris seems to feel that most often, reading was a group activity. For example, groups of elite

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<sup>1</sup>William V. Harris, *Ancient Literacy* (Cambridge, Mass.: Harvard University Press, 1989), 226.

<sup>2</sup>*Ibid.*, 84, n. 90.

<sup>3</sup>*BG* 8, *praef.*: *quae bella quamquam ex parte nobis Caesaris sermone sunt nota, tamen aliter audimus ea, quae rerum novitate aut admiratione nos capiunt, aliter, quae pro testimonio sumus dicturi* (“It is true that those campaigns are partially known to me from the conversation of Caesar; but we listen in different fashion to events which fascinate us by their wonderful novelty, and to events which we are to state in evidence.”).

Romans might gather to hear organized recitations of written works.<sup>4</sup> If Harris is correct in concluding that reading could often take the form of a group activity, then the implication is that the individual reception accorded Caesar's (and other authors' writing) was often in some way equivalent to a social performance. From that perspective, dramatic passages in the *BC* such as Caesar's description of the senate meeting of January 1, 49, or the pivotal events that he depicted unfolding around the Pompeian surrender at Corfinium (or the mercy shown the Pompeian armies in Spain, in contrast to the defeat and death of Curio, and Pompeian mistreatment of the survivors from Curio's command), acquire a certain cachet if we are to imagine them being read aloud to listeners well-attuned to such performances, who had congregated for that purpose. Any personal reaction would have been subject to strong group influence, perhaps not impossibly remote from what someone today might experience attending a movie.

The subject of ancient literacy is a massive one, and I am not going to explore it here in any depth (or duel with Harris on issues where we may disagree). But it will be useful for our reading of Caesar's *BC* to consider three "snapshots" illustrating the role that the written word might typically play in late republican political activity and thinking. In *De Lege Agraria* II 13, Cicero refers to a text of the tribune Rullus's proposed land reform bill that had been displayed in public (*lex in publicum proponitur*). Cicero tells his audience that he had this text copied exactly and brought to him, so that he could study it carefully and be able to comment on its specific provisions accurately in his speech

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<sup>4</sup>Ibid., 226: "The custom of organizing such readings went back in some form well beyond Asinius Pollio, to whom the elder Seneca attributes its invention." This, of course, implies that they must have been part of established republican literary and social practice at the time of the civil war.

(*descriptam legem ad me adferunt/(14) ad legendam legem cognoscendamque venisse*).<sup>5</sup>

In *Att.* 7.8.5, Cicero tells Atticus (on December 26 or 27, 50, at Formiae, while on his way back to Rome) that he and Pompey together read a copy of a speech that the new tribune Antony had delivered at a *contio* on December 21, only a few days earlier (*habebamus autem in manibus Antoni contionem*). Finally, we are informed in the last chapter of Nicolaus of Damascus's *Life of Augustus* (139) about an occasion when Octavian sent some of his followers into Brundisium to tamper with the loyalty of the newly arrived Antonian troops there. He told his people that if they could do nothing openly, they should write messages down and distribute pamphlets everywhere, so that men might pick them up and read them.<sup>6</sup>

The example from Nicolaus is perhaps the most striking, in terms of the ancient readership for political literature that we might reasonably expect to find. Octavian is plainly very confident that simple written messages randomly distributed will find their way into the hands of readers with no difficulty, even among common soldiers at a military camp. This suggests that the audience for written political discourse at Rome was much broader than it is usually conceived to be, even if the level of discourse, in this case, was doubtless very rudimentary.<sup>7</sup> The fact that Rullus's proposed land bill was made accessible to the Roman public in the form of a written text that could be copied—as opposed, say,

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<sup>5</sup>See also Cic. *Flac.* 15, referring to publication of a proposed law well in advance of actual voting, so as to give time for it to be understood: *re multos dies promulgata et cognita*.

<sup>6</sup>See Jane Bellemore, ed. and trans., *Nicolaus of Damascus Life of Augustus* (Bristol, England: Bristol Classical, 1984), 66.

<sup>7</sup>In his unpublished dissertation, John H. Collins observes of the civil war between Caesar and Pompey that there existed “a rich pamphlet literature produced by both sides.” See “Propaganda, Ethics, and Psychological Assumptions in Caesar's Writings” (Ph.D. diss., Johann Wolfgang Goethe University, 1952), 53.

to simply having the text read aloud in public to groups of listeners—also testifies to the likelihood of a somewhat wider political audience for the written word (an audience that likely included many non-elite Romans) than most scholars, including Harris, often assume. The evidence of *Att.* 7.8 testifies to the fact that speeches and public utterances could be committed to paper, so to speak, very close after—if not contemporaneously with—the event, and transmitted rather rapidly across political society. Formiae is more than 60 miles from Rome, and Cicero and Pompey were reading the complete text, apparently, of a speech given in Rome a week before. I suggest that it is by no means impossible that separate portions of what now makes up Caesar’s extant narrative in the *BC* (not necessarily as written in the *BC*, but perhaps in a much abbreviated form) were placed in circulation almost immediately after the events they related had occurred. This is pure speculation on my part, but it is entirely conceivable (and from Caesar’s standpoint, it would have been politically useful to have done so; given the evidence to which I have just drawn attention, it was probably perfectly possible for him to have done so).

### **Caesar’s Rhetorical Strategy**

Now, to Caesar’s rhetorical strategy as it relates to the depiction of *fides*. Caesar sets the stage at the outset of his work for the stark contrasts in behavior and attitude between himself and his foes that he will establish for his reader throughout his text. He intends the reader to make a conscious comparison between the senate meeting of January 1, 49 (described in 1.1-2) and the political episodes related to it (described in 1.3-6), and the events surrounding and immediately following his siege of Corfinium (1.16-23). The Pompeian “siege of the senate” on January 1 is presented, in effect, as an act of

political terrorism perpetrated by men who misuse power and abuse public trust. Caesar's own magnanimous behavior towards the defeated Pompeians at Corfinium several weeks later, on the other hand, is depicted as an archetype for the responsible (thus, legitimate, in terms of his case or image) exercise of power—action consonant with *fides*. The critical hinge between these two iconic episodes is to be found, we shall discover, in Caesar's famous, equally iconic and often quoted—but not well understood—use of the word *dignitas* in 1.7-11. I argue below that *dignitas* in these passages is closely connected to the notion of *fides*. Once that linkage is understood, it can be seen that Caesar is basing his right to defend himself against his enemies, even to the point of armed defiance of the senate and the consuls, on *fides*. As a result of the dramatic polarity Caesar creates between the opposing camps in these early chapters, important dichotomies arise that from then on surface continually in the narrative and serve to buttress Caesar's republican claims. They are primarily (1) Caesar's good *fides* vs. Pompey's bad *fides*; (2) the trustworthiness and good faith of Caesar's friends and associates vs. the unreliability and treachery of Pompey's friends and adherents; and (3) the impact of the good and bad *fides* of the leaders on the respective camps—that is, Caesarian armies as examples of true societies vs. Pompeian armies as examples of false ones. But Caesar is generally careful not to imply that all or even most of the members of those “bad societies” are bad men—they merely belong to societies that are dysfunctional primarily because they have bad men leading them.<sup>8</sup>

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<sup>8</sup>I do not mean to argue that these are the only important patterns that one may discern in the *BC*. For example, Galen Rowe sees an arrangement of events in the *BC* that follows the pattern (so often emphasized by ancient intellectuals) of success, hubris, and catastrophe. “Dramatic Structures in Caesar's *Bellum Civile*,” *TAPA* 98 (1967): 399-414. I will comment further on Rowe's thesis at a later point in the argument in connection with Curio's African disaster.

Caesar's depiction of the senate in the opening chapters of the *BC* lays the groundwork for the moral standing that Caesar claims, both literally and in effect, whenever he deals leniently with his enemies. It is also a factor in terms of the special standing he claims as one who seeks peace and reconciliation with his foes on grounds nonetheless, he suggests, more favorable to the republic than to himself—a sign of *fides*.

Caesar had a difficult problem here with image. He had decided to frame the political issue for the public as one of broken trust. One reason he did this, I would suggest (beside the fact that politicians in the late Republic had long been accustomed to think in these terms), is that he actually did see the matter that way. In his recent study of *contiones* and their social and political role in the late Republic, Robert Morstein-Marx observes that “the most salient issue in late-Republican public deliberation was one of personal credibility rather than ideological preferences. This is a competition for trust in which the decisive ‘evidence’ for determining the merits of proposals was an evaluation of the persons involved, an evaluation based on externals such as accumulated authority (based admittedly on prior service) rather than the obscure and confusing details of legislation, where so many traps could be laid.” I agree with this statement, albeit with one caveat—in addition to personal credibility, what Morstein-Marx calls “ideological preferences” might upon occasion exert significant influence on public deliberation in the late Republic, if not in earlier periods as well. If this were not the case, a measure such as the *scu* would not apparently have been constitutionally troubling, land reform would not have been perennially controversial, the many references to ideological conflict in Cicero's and Sallust's writings would be difficult to explain, and Caesar's own ideological attack on the *pauci* in the *BC* (which may be clearly distinguished in the text from his assault on

their credibility and character, though the two are not unrelated ) would not make much sense. That said, Morstein-Marx is correct in his observation that Roman politics was not fundamentally ideological. Therefore if we employ his formulation above, we may say that Caesar depicts himself in the *BC* as engaged in a “competition for trust” with his foes, one in which, Caesar argues, the decisive evidence should be his character, not legal minutiae. Morstein-Marx’s point (for our purposes) is that this kind of political argument at this time in Roman history is within the accepted conventions, rather than being automatically self-serving or eccentric.<sup>9</sup>

Let us return to the senate. Several passages in Cicero’s speech *De Provinciis Consularibus* have important ramifications for our understanding the causes of Caesar’s unhappiness with the way he was being treated by the senate in 49. The speech was delivered sometime in the early summer of 56, prior to the consular elections for 55. It furnished an occasion for Cicero openly to display his recent reconciliation with Caesar to his peers in the senate. We know from his letters that he was not wholly sincere in arguing the case that he does in this speech. Our concern, however, is with the speech as an ideological document. In a section of the speech (the specific political purpose of which was to prevent Caesar’s provinces from being reassigned to one of the consuls to be chosen for 55), Cicero refers to the numerous honors that Caesar had already merited on the score only of his services in Gaul up to that moment (29-35). In the same passages, he also refers to the republic’s interest in allowing Caesar the additional time he required to complete the task of subduing Gaul. However, he also certainly implies very strongly, if he

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<sup>9</sup>For Morstein-Marx’s comments, see *Mass Oratory and Political Power in the Late Roman Republic* (Cambridge: Cambridge University Press, 2004), 265.

does not indeed state, that those honors which Caesar cannot be awarded now, since his work in Gaul is still unfinished, ought to come due to him at a future date (35):

Cum vero ille suae gloriae iam pridem, rei publicae nondum satis fecerit et malit tamen tardius ad suorum laborum fructus pervenire quam non explere susceptum rei publicae munus, nec imperatorem incensum ad rem publicam bene gerendam revocare nec totam Gallici belli rationem prope iam explicatam perturbare atque impedire debemus.

But since Caesar, though he has by now achieved enough to glorify himself, has not yet satisfied the claims of the State, and since he prefers to enjoy the rewards of his labors at a later date rather than fail to complete the public service which he has undertaken, we ought neither to recall a commander who is so fired with devotion to the high service of the State, nor throw into confusion the whole of a policy for war in Gaul now so nearly unfolded. [Loeb trans.]

In another passage in *De Prov. Cons.* 35, Cicero explicitly linked Caesar's "stewardship" of Gaul to the quality of his *fides*: *Quare sit in eius tutela Gallia, cuius fidei, virtuti, felicitati commendata est*. In the context of the speech, it is clear that *fides* on Caesar's part is also strongly implied by his very conspicuous willingness to sacrifice in 56 many well-deserved public honors in Rome (it is clear from Cicero's description in sections 29 and 30 of the public reception awaiting Caesar at Rome that the phrase *ad suorum laborum fructus pervenire* was meant to suggest pretty much the full range of distinctions that it was within the power of the senate and people to bestow, though the consulship would not have come to mind immediately since Caesar's tenure of that office had been so recent) in order to undertake, for the sake of the public good (this is what Cicero argues), a prolonged and difficult tenure north of the Alps. By the same token, however, as a result of Caesar's perceived sacrifice, it follows that a very substantial burden of *fides* would now visibly reside with the senate to ensure that the honors that were openly acknowledged by the *patres* as merited by Caesar in 56, but necessarily

coming due to him only at a later date, would actually be given to him when he returned to Rome. One of those honors by 49 was beyond question the consulship. Once the relevance of these passages in *De Prov. Con.* to our understanding of Caesar's motivation in 50/49 is sufficiently admitted, then it must be acknowledged that Caesar's charges (in effect) of bad faith directed at Pompey, the senate, and his *inimici* are not entirely without foundation from his perspective. What I argue here is supported by Caesar's own statement in his speech to the defeated Pompeian army in Spain at *BC* 1.85.10:

*...in se uno non servari, quod sit omnibus datum semper imperatoribus, ut rebus feliciter gestis aut cum honore aliquo aut certe sine ignomia domum revertantur exercitumque dimittant Quae tamen omnia et se tulisse patienter et esse laturum...*

...in my case alone the rule is not observed which has always been allowed to all commanders, that when they have conducted affairs successfully they should return home, either with some distinction or at any rate without ignominy, and disband their army. Yet I have borne all these wrongs patiently and will bear them... [Loeb trans.]

Caesar's reference to his patience and forbearance in this context is a mark of his *fides*; likewise, his rhetorical willingness to allow in theory for the possibility that he might legitimately have found himself ranked among those commanders deemed unworthy of honor. In Chapter Four, we will consider Caesar's use of the word *dignitas* in *BC* 1.7-9. I argue there that *dignitas* strongly implies a claim to *fides* on Caesar's part. To be understood properly, that claim in 49 needs to be seen against the backdrop of the senate's arguable breach of *fides* toward Caesar in the sense implied by Cicero's various relevant statements here in *De Prov. Cons.*, and not merely in connection with disputes over the proper interpretation of the applicable *leges*, as it usually is.

As a practical politician, Caesar knew his argument had to be credible to his audience. Broken trust was credible with the public (including the elite), in part, because it

was simple. The legal questions relating to the crisis were complex and open to a variety of interpretations. By themselves, as I suggested above, most of them did not necessarily carry much weight as “propaganda.” But linked in the public’s mind to issues of trust (e. g., Pompey’s alleged broken promises), they were apt to jump in value. At Rome, among all social groups, the notion of violation of *fides* suggested by such things as the infringement of a promise or a perceived commitment, whether implied or prescribed, might tend to compete on even terms with a conclusion reached by legal disputation, as the real issue.<sup>10</sup> This is why Cicero sometimes stresses the good character of a witness or defendant, rather than a conclusion based on empirical evidence, as making for the strongest defense before a jury.<sup>11</sup> Caesar was not merely opposing Pompey, to whom responsibility for defending the state had been given in December, 50 by the then consul C. Claudius Marcellus—possibly illegally, as it happens.<sup>12</sup> He was also opposing the senate

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<sup>10</sup>For example, Cicero made the following declaration concerning broken trust (in effect) in *Red. ad Pop.* 23: *at gravissime vituperatur, qui in tantis beneficiis, quanta vos in me contulisti, remunerandis est tardior, neque solum ingratus, quod ipsum grave est, verum etiam impius appelletur necesse est. Atque in officio persolvendo dissimilis est ratio pecuniae debitae, propterea quod pecuniam qui retinet non dissolvit: qui reddidit non habet?* (“...but reluctance to repay services so distinguished as those which you have conferred upon me is visited with condign censure, entailing, as it does, the reproach, not only of ingratitude, but also of impiety. Moreover, the rendering of a moral obligation stands on an altogether different footing from the repayment of a debt in money. He who keeps his money does not discharge his debt, he who pays his debt loses his money; but he who repays a favor keeps it, and he who keeps it repays it by the very act of keeping.” [Loeb trans.]).

<sup>11</sup>In the *Pro Archia Poeta*, for example, Cicero insists that the testimony of M. Lucullus and several distinguished witnesses from Heraclea on his client’s behalf should suffice to prove his case, even in the absence of any empirical evidence (8): *...cum habeas amplissimi viri religionem, integerrimi municipii ius iurandum fidemque, ea, quae depravari nullo modo possunt, repudiare, tabulas, quas idem dicis solere corrumpi, desiderare.* (...You have the statement of a noble gentleman, whose word is his bond. You have the sworn asseveration of an incorruptible corporation. There can be no tampering with these; yet you waive them aside, and demand documentary evidence, though in the same breath you admit its corruptibility.” [Loeb trans.])

<sup>12</sup>See, for example, Peter Greenhalgh, *Pompey: The Republican Prince* (Columbia: University of Missouri Press, 1982), 124: “It was a breach of constitutional practice if not of theory for a consul to authorize the raising of troops for the defence of Italy without the support of a senatorial decree....”

and the institutional political state—i. e., whatever of the *res publica* that was physically centered in Rome. His problem then became: (1) how to suggest to his reader that the senate had forfeited a substantial measure of trust as a result of its dismissive treatment of him on January 1 and the ensuing sessions, without inspiring mistrust in himself, and (2) how to accomplish this without suggesting that he believed the senate could not be trusted. After all, if you seem to imply that you know that your negotiating partner (whether Pompey or the senate<sup>13</sup>) absolutely cannot be trusted, yet you seek to negotiate nevertheless, how can you yourself be seen as negotiating in good faith?

Against this, it might be countered that the senate voted 370-22 for peace on December 1, no matter what the legal niceties, and that that counts towards establishing the *fides* of the *patres*.<sup>14</sup> During the month that had intervened, however, the propaganda of Caesar's enemies and the general confusion about what Caesar was really doing (some rumors had him and his whole army already half-way to Rome) might have convinced some of those in the neutral or undecided camp that the senate would be right to change

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<sup>13</sup>As the institution of government with the most prestige, the senate would probably have had to approve any agreement worked out between Caesar and Pompey if the two had ever met to attempt a reconciliation. At the least, it seems reasonable to suppose, the *patres* would need formally to rescind the *scu* that had been carried against Caesar on January 7 (*BC* 1.5; such is also the view of Robin Seager. See *Pompey the Great, A Political Biography*, 2d ed. [Oxford: Blackwell, 2002], 155) and probably other harsh measures that had been passed. Such public activity would serve to make the senate a party to any “private” deal. It was the senate, as Cicero stated in *Dom.* 71, that had the “most weighty” power of deciding whether the law in effect was legal: *Senatus, quidem, cuius est gravissimum iudicium de iure legum*. On the other hand, in *Balb.* 33 he also affirms the principle that nothing could be truly sacrosanct unless it had been enacted by one of the *comitia populi* or the *consilium plebis*: *Primum enim sacrosanctum esse nihil potest, nisi quod populus plebesve sanxit*. Caesar is certainly arguing in effect that the Law of the Ten Tribunes allowing him to stand for the consulship in absence from Rome ought to have been considered binding by the senate; see *BC* 1.32: *Latum X tribunis plebis contradicentibus inimicis, Catone vero acerrime repugnante et pristina consuetudine dicendi mora dies extrahente, ut sui ratio absentis haberetur, ipso consule Pompeio; qui si improbasset, cur ferri passus esset? Si probasset, cur se uti populi beneficio prohibuisset?*

<sup>14</sup>This important vote will be discussed in more detail in Chapter Three.

its mind and reverse itself, and that it was, in fact, justified when it did so in January (albeit under pressure). Caesar's aim in the *BC* is to allay the fears of these people, who made up the majority in the senate and in the country, were not closely tied to his foes, and were therefore open to suasion. Where the senate as an institution is concerned, his position in the text seems to be that when it acts freely, independently, and collegially (i. e., not only allowing a range of views to be expressed, but acting with respect for the tribunes and the *libertas* of the Roman people) in reaching decisions, even a *popularis*<sup>15</sup> such as himself ought to show respect for its mandates.<sup>16</sup> It might be a different matter if senate action would threaten some vital perceived prerogative of popular sovereignty, such as the rights of tribunes, or the security of citizens against arbitrary action by magistrates.<sup>17</sup>

We must here recall Andrew Lintott's observation, noted earlier, that at Rome there were two opposed visions of what was right (Lintott is not clear about what he means by this; I comment briefly about his statement in Chapter Four) . These "opposed

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<sup>15</sup>Lily Ross Taylor observes that neither Caesar nor Sallust uses the term *populares* to describe Caesar or his supporters. By calling Caesar a *popularis* (as modern historians often do), I simply mean to imply that in politics, Caesar opposed politicians usually referred to in the texts as *boni* or *optimati*, and that he actively courted the favor of the people more often than he did that of the senate. For Taylor's remarks, see *Party Politics in the Age of Caesar* (Berkeley and Los Angeles: University of California Press, 1949), 14.

<sup>16</sup>Although as Gelzer and Lintott note, Caesar does not denounce the *senatus consultum ultimum* that had been passed against him on January 7, 49, as a breach of the constitution—that is, he does not question the right of the senate to pass such a decree—he unambiguously questioned its propriety and appropriateness in his case in his speech to his assembled troops at *BC* 1.7. The implicit grounds of his criticism of the decree's enactment as stated in that passage is the notion of violation of *fides*. There will be a discussion of this issue below. See Matthias Gelzer, *Caesar*, 192, and Andrew Lintott, *The Constitution of the Roman Republic* (Oxford: Oxford University Press, 1999), 90 (for a brief discussion of the history and nature of the controversial "Last Decree," see 89-93).

<sup>17</sup>Caesar was not happy with the decision the senate reached in 63 to execute Roman citizens without a trial. He had argued against it eloquently (Sallust *BC* 51). But he did not challenge it once it was final. It was not realistic, given the circumstances. A respectful dialogue involving a number of speakers had taken place as part of senate debate. Voices of weight had been heard. Catiline did pose a real danger to public safety. And a formal state of emergency was in effect.

visions”—in terms of how they might play out in a given situation—appear to have rested to some extent on differing contemporary perceptions of *fides*.<sup>18</sup> The constitutional part of Caesar’s argument in the *BC* is ideological in this sense, and is neither there for window-dressing nor is it necessarily (from the audience’s perspective) merely a specious pretext for Caesar’s taking action on behalf of his exclusive personal prerogatives.

As we shall see below in detail, Caesar’s argument concerning the senate works on at least two levels. He appears to suggest the following: First, the senate was coerced, intimidated, and made fearful on January 1 by magistrates and consulars (e. g., Scipio) who failed their duty to the republic by disregarding *mos maiorum* in various ways and by threatening force to further their private ends. The senate cannot function in a climate of fear (as opposed to danger, i. e., the *metus hostilis*) because fear is harmful to trust (as the consular M. Marcellus in effect points out in *BC* 1.2). Therefore the senate did not live up to its responsibilities in the first week of January because it unavoidably succumbed to illicit pressure. Or second, the senate should never succumb to fear and pressure, whatever the source (this is implied rather than stated). Therefore it shirked its duty to the republic. In either case, Caesar suggests, the senate fell short of a traditional standard of conduct. By depicting the senate at the very outset of the narrative as either unable or unwilling to retain its independence in the face of pressure from Pompey and

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<sup>18</sup>Sallust plainly framed matters this way when he constructed his speeches for Caesar and Cato in *BC* 51-52. Each speech conveys—in effect—an opposed vision of what *fides* requires. A very similar dichotomy appears in *Fam.* 11.27.8, where Cicero describes the two opposite views that can be taken regarding C. Matius’s attitude to Caesar (on the stated assumption that Caesar had been a king). There was the view that Matius’s esteem for his dead friend simply betokened *fides* and *humanitas* (the view Cicero says he takes), and then there was the view held by Matius’s critics (apparently people friendly to Brutus, Cassius, and the “Liberators”) that the *libertas patriae* must come ahead of a friend’s life. The parallel in thought with ideas contained in Sallust *BC* 51-52 seems clear.

Lentulus, Caesar makes its various failures (its disclosure of a weak *fides*, its failure to protect Caesar's *iura* in his absence, its suppression of the tribunes when they intervened in defense of Caesar's rights) a major touchstone of his effort to depict his cause as legitimate, morally compelling, and republican, especially in light of his own proven constancy and trustworthiness. The issue between Caesar, Pompey, and the senate is thus seen as a contest originating in, and a contest revolving around, *fides*. Caesar asks his reader to consider which of them is the real republican alternative—Caesar, or Pompey and the Pompeian-controlled senate? Whose *fides* was good, and whose was not? Whose *fides* was true, and whose was not?

Caesar's decision to open the *BC* with a detailed account of an important senate meeting would come as no surprise to a Roman reader. The senate was the most prestigious institutional deliberative body at Rome, though not the only important venue for public speaking about political and social questions. Fergus Millar recently notes that it is still common to say that the senate "represented the 'government' of the Roman Republic."<sup>19</sup> But in no small way as a result of the work of Millar himself over the last twenty years or so, it has become clear that this notion of the senate as synonymous with the real government is, at the very least, an oversimplification.<sup>20</sup> Millar and others have

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<sup>19</sup>Fergus Millar, "Popular Politics at Rome in the Late Republic," in *Leaders and Masses in the Roman World: Studies in Honor of Zvi Yavetz*, ed. I. Malkin and Z. W. Rubinson (Leiden, 1995), 92.

<sup>20</sup>Nicholas Horsfall makes a parallel observation about republican literary production in his recent study of Roman popular culture: "There is ... a widely credited model of Roman cultural life which still haunts our studies: of an unquestionable and irreversible hierarchy, with, in the remote distance at the top end, an aristocratic minority which exercises complete control, politically, economically, and therefore culturally. This minority ... controls most aspects of literary production, while the vast majority is bullied, exploited, poor and therefore naturally condemned by economic circumstances, aristocratic bullying and political manipulation to—if not illiteracy proper, then at least to a profound degree of intellectual impoverishment ... with, as an inescapable result, ignorance of political life and further electoral manipulation ... Those who have read this far will realize that such a model is losing its capacity to

shown that the *comitia* and the *contio*—the “assembly” and the “public meeting”—were very far from possessing the token quality frequently attributed to them implicitly in interpretations of Roman politics that emphasize the dominant role of the senate and the *nobiles*. For example, where deliberation is concerned, Millar points out that the “notion current in modern books that there was no debate at meetings of the Roman people is a pure technicality, which distinguishes the voting-process itself from the highly politicized *contiones* which preceded it.”<sup>21</sup> The crowd at a *contio* could hear opposing views on any topic (whether at different *contiones* held by different office-holders, or sometimes, Millar notes, at the same *contio*).<sup>22</sup> These are valuable insights. Nevertheless, the senate had an advantage for deliberation in that it functioned as a permanent council (drawn from among the ex-officeholders, a group that by the late first century was literate, and often highly articulate and well-educated), whereas the various *comitia* met infrequently for specific electoral and legislative (or other) purposes. The senate simply was not the only location at Rome where politically significant oratory might occur. From the standpoint of influencing public opinion, *comitia* activities could be important and influential, quite apart from their obviously indispensable role in electing magistrates and passing laws. They gave opportunities for speeches by politicians on public questions, and even a chance for some

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convince ... The *plebs* are re-acquiring a powerful role in late republican politics....” See *The Culture of the Roman Plebs* (London: Duckworth, 2003), 66.

<sup>21</sup>Millar, “Popular Politics,” 113.

<sup>22</sup>Ibid., 46-47.

popular participation (though apparently not in the form of individual speeches) by non-elite Romans.<sup>23</sup>

But I would argue that *comitia* did not furnish a realistic setting in which continuous *ad hoc* decision-making for the purpose of reaching political consensus might occur readily as a product of deliberation.<sup>24</sup> The senate, on the other hand, did provide such a setting. But more to the point for a Roman audience, a complex historical evolution in which tradition and law were mingled had given the senate the competence to hear cases such as Caesar's and resolve them. Resolving a political conflict in the senate usually meant deciding just what was meant or required by tradition and law, since the parties

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<sup>23</sup>For a concise recent account of the various Roman popular assemblies, their characteristics and functions, and the important distinctions between *comitia*, *contio*, and *concilium*, see Lintott, *Constitution*, 40-64. Lintott states (45) that "private citizens had to be given an opportunity to speak about a bill before it was either put to the vote or vetoed." Technically, this appears to be correct. But as Millar has noted, such *privati* tended to be ex-office holders who were called upon by the presiding magistrate, as opposed to ordinary citizens from the crowd. The non-elite participation seems to have taken the form of collective responses (whether choreographed or not) to what speakers were saying. Nicholas Horsfall supposes that the crowd at a *contio* "could take part in a thunderous dialogue with a skilled demagogue." For Millar's views, see *The Crowd in Rome in the Late Republic* (Ann Arbor: University of Michigan Press, 1998), 46-47; for Horsfall's, see *Roman Plebs*, 87-88.

<sup>24</sup>W. E. Heitland sums up the problem: "Neither *comitia* nor *concilium* could do more than answer the question (*rogatio*) put to it by the presiding officer. There was no debate. If speaking was needed, it took place in a mass-meeting (*conventio*, *contio*)." Heitland correctly observes the important technicality noticed above by Millar. It is easy to see how the desire to be technically accurate in making this distinction might result in someone's misconceiving the overall picture, i. e., concluding that *contio* activities therefore could not have been very significant or effective in any institutional sense. See Heitland, *The Roman Republic*, vol. 1 (Cambridge: Cambridge University Press, 1923), 69. Lintott notes that "any consensus evinced in a *contio* had no more constitutional validity than the cheers and boos of a theatre audience, though obviously it might be of considerable political importance." See *Constitution*, 42-43. Lintott's notion of "constitutionalism" here may tend to blind him to some facets of the actual reality, though he does acknowledge the potential political importance of *contiones*. But inherent in Millar's point above concerning the *contio/comitia* relationship is the notion that controversial proposals (i. e., ideas opposed by a majority in the senate) presented at a *contio* might indeed (and in some cases, surely would) have been thought of by some in attendance as constitutionally valid. Opinions such as these could potentially have far-reaching political consequences, especially if a voting assembly were to be held immediately after a *contio*. Still, this is not really deliberation. I tend to agree with many of the points made by Millar and those scholars who have lately recognized the vital role played by the Roman people in the republican system, but it is undoubtedly true that the senate normally provided the only adequate setting for what we think of as deliberation.

were likely to be appealing to one, the other, or both. In any event, it was in the senate, and not some popular venue, that Caesar's enemies had chosen to attack him. He had no alternative but to defend himself there.<sup>25</sup> From Caesar's perspective, the senate, in fact, had already resolved his case when it voted in favor of a compromise in December 50 (following a similar vote in June 50) that would have required both Pompey and himself to make major sacrifices of power and position. It seems reasonable to suppose that Caesar still had grounds for hope that full-scale armed conflict could be averted in the first week of January, and that he was sincerely professing his willingness to make personal sacrifices involving loss of status (providing Pompey do the same, as the senate had advised in December) in *BC* 1.9.<sup>26</sup>

The *BC* contains no preamble or introduction. It simply begins *in medias res*. Some scholars believe that the beginning of the work is missing, Gelzer among them.<sup>27</sup> I believe that Caesar's opening with the words *litteris Caesaris* is too emphatic to be an accident. It is thus likely to be the intended opening line of the text. His readers already knew what the immediate political background to the crisis was. Given the press of events,

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<sup>25</sup>We know from *Att.* 7.8 that Caesar's case was also being pressed in *contiones*.

<sup>26</sup>Robin Seager notes that according to some sources, Pompey was prepared to accept a compromise proposed by Cicero that would have permitted Caesar to keep Illyricum and one legion, but was dissuaded from doing so by pressure from Lentulus, Scipio, and Cato. This would tend to bear out Caesar's contention in the text that the primary responsibility for the outbreak of hostilities rested with his adversaries, especially with Pompey's new *amici*. See *Pompey*, 150. Seager cites Plut. *Pomp.* 59, *Caes.* 30f., *Ant.* 5.

<sup>27</sup>For the opinions of some of the scholars who believe the beginning of the work is lost, see Matthias Gelzer, *Caesar*, 190 n. 5; P. A. Brunt, "Cicero's *Officium* in the Civil War," *JRS* 76 (1986): 18; Leo Raditsa, "Julius Caesar and His Writings," *ANRW* 1.3 (1973): 439; and J. M. Carter, ed. and trans., *Julius Caesar: The Civil War, Books 1 & 2* (Warminster, England: Aris and Phillips, 1991), 28 and 153. This is henceforth abbreviated as *Commentary 1 & 2*. (Carter's volume and its 1993 sequel dealing with the third book of Caesar's *BC* is the first new commentary on the work to appear in roughly a century.)

why would he want to waste time creating a sort of prehistory of the crisis?<sup>28</sup> Also, it might open up the dangerously technical legal issues Caesar wanted to avoid. Why do so, when the *fides* issue lay not merely ready to hand, but was, in fact, from his perspective, squarely at the heart of things? Camillus, after all, had had the legal right to keep the under-age Faliscan captives in the passage from Livy examined above. But he saw a moral issue in the case as the dominant arbiter over any notion based on what the law technically allowed. The same was true here. For Caesar, there was no *Rechtsfrage*—or rather, the details might be considered irrelevant.

The obstruction by the consul Lentulus of the tribunes' right of casting a veto to stop the senate from passing the notorious "Final Decree" January 7 (resulting in several of the current tribunes and the ex-tribune Curio fleeing Rome to seek protection from Caesar) in a sense handed Caesar a major part of his ideological justification for beginning the civil war. But just what was the sense? Plutarch shrewdly observed that this development had been entirely fortuitous, though it amounted to a huge propaganda coup for Caesar (*Caesar* 31). If it was fortuitous, as it appears to have been, then it most likely is one indication that Caesar was sincere in his apparent belief that he was legally and morally entitled to the various forms of special consideration for which he had been seeking the senate's approval for much of the previous two years (i. e., the right to stand for the consulship in absence under the "Law of the Ten Tribunes," and the right to keep his army and his province until such time as his consular imperium would take effect, shielding him from long anticipated prosecution by his *inimici*). Plutarch views Caesar as

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<sup>28</sup>Though a brief one would no doubt have been appended later if Caesar had lived to revise his work.

making a cynical use of the tribune issue his opponents had handed him. My point is that he plainly had not planned ahead of time to use the “tribune card,” at least not then, and that he therefore was most likely negotiating in good faith, not looking for any pretext he could find to invade Italy. This also suggests he sincerely believed that his case was strong—legally, constitutionally, and in terms of the support for his interpretation of these matters he probably still felt he ought legitimately to be able to claim from Pompey—even in light of their recently strained *amicitia*—because the *fides* at the center of any strong *amicitia* relationship would always tend to be a force for reconciliation, not antagonism.

Moreover, Caesar does not simplistically (or cynically) defend the rights of tribunes in something like the abstract, as he is widely assumed to do.<sup>29</sup> For one thing, he could not have defended any abstract tribunes’ rights. There were none. Tribunes acted in a physical space, not in the abstract. Mostly, they sought to impose limits and checks of various kinds on the activities of other magistrates or the senate, when they judged it to be necessary, or to legislate in and preside over the *concilium plebis*. All of this activity could only take place within the city of Rome.<sup>30</sup> Writing in 1806, Benjamin Constant made the following observation:

Each citizen in the ancient republics, circumscribed by the smallness of their territory, had great personal importance politically. The exercise of political rights ... was everybody’s constant enjoyment and occupation....(the people’s) share of sovereignty was not as in our time an abstract supposition. Their will was a real

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<sup>29</sup>Matthias Gelzer, for example, sees a cynical use of the “tribunes’ rights issue” in this sense here. See *Caesar*, 197 n. 7. In *BC 1.7* (text reproduced in full below), Caesar concedes that Roman history furnished precedents in which the use of force against tribunes had been justified; he cites Saturninus and the Gracchi by name. He argues that his *case* is different. That is the point.

<sup>30</sup>For a reminder that the tribunes’ sacrosanctity and the *potestas* based on it “extended only to the first milestone outside the city,” see Ernst Badian, “*Tribuni Plebis* and *Res Publica*,” in *Imperium Sine Fine: T. Robert S. Broughton and the Roman Republic*, ed. J. Linderski, (Stuttgart: Franz Steiner Verlag, 1996), 195.

influence and not susceptible to mendacious falsification and corrupted representation.<sup>31</sup>

Much of what Constant states here is borne out for late republican Rome by the *Comm. Pet.*, as we have in part seen. Citizens in virtually all walks of life could be, and apparently often were, personally and directly involved in election politics in some way.<sup>32</sup> My point is that in this kind of a political reality, you could not interfere with the rights of tribunes except by physically obstructing a tribune in some way (just as a tribune could only exercise his various powers through his person, not through a proxy). Therefore any serious attempt to interfere with tribunes was bound to strike an immediate chord with the public in an extremely visceral way. A credible allegation might carry the same weight. Regardless of what Caesar's personal reaction to the affront to the tribunes may have been (which ultimately we cannot know), the "tribune issue" would have been seen as a significant one by the Roman public.

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<sup>31</sup>Benjamin Constant, *Principles of Politics Applicable to All Governments*, trans. Dennis O'Keefe (Indianapolis: Liberty Fund, 2003), 353. I do not mean to imply that Roman politicians did not ever charge that their opponents were falsely claiming to act on behalf of the People or some such entity. Tribunes (starting with Tiberius Gracchus) might, for example, seek to depose fellow tribunes on the ground that the popular will was being obstructed (indeed, Cicero as consul argued against Rullus that the tribune's land bill was not good for the people and that Rullus's *fides* as a tribune was therefore bad; see *De leg. ag.* II 20). But Constant's point still holds, because it was the case that the will of the people was a physical, tangible thing that ultimately could only be determined in Rome. In the modern world, it is possible to distinguish clearly between sovereign principles underlying and authorizing government, and government institutions and agents themselves. As at the time of the American Revolution, we may validly or plausibly claim today to be representing the popular will, and yet be completely at odds with the government. In republican Rome, though, as Millar points out, the people, as soon as they were organized into voting units (from *contiones*), could not protest against the actions of a legal sovereign or "effective 'governing organ'" because they were themselves the sovereign body, and in many respects, the governing organ as well. The significance is that one politician accusing another of misrepresenting the people's will today can usually do so easily because it is an abstract and often slippery notion. At Rome, legally speaking, the people's will was whatever the Roman people at the time in fact said it was. It is in this sense that Caesar claims to be defending the tribunes, not in the sense of some nebulous platitude. See Millar, "Popular Politics," 111.

<sup>32</sup>Indeed, even the word of mouth of slaves is seen as very useful to a candidate in the *Comm. Pet.* (17; *postremo etiam servi tui*, etc.).

Caesar's claim to intervene on behalf of the tribunes is closely linked in the *BC* to the specific context in which the tribunes' rights were abridged, that is, to the tribunes' attempt (described briefly in 1.5) to block passage of the *senatus consultum ultimum* against Caesar himself. When Caesar interviews Lentulus Spinther outside Corfinium at *BC* 1.22.5, he explains to Spinther (and the reader) what his main reasons were for leaving his province. His statement clearly links his own defense of the tribunes' rights with the original context in which the tribunes had sought to exercise those rights on Caesar's behalf:

*se non malefici causa ex provincia egressum sed uti se a contumeliis inimicorum defenderet, ut tribunos plebis in ea re ex civitate expulsos in suam dignitatem restitueret, ut se et populum Romanum factione paucorum oppressum in libertatem vindicaret.*

This statement in no way seeks to shift the emphasis away from the demands contained (implicitly) in the famous *litterae Caesaris* referred to at the very beginning of the work. Such a shift would have been seen as a mark of bad *fides* by the ancient reader, though modern scholars routinely interpret Caesar's various references to the tribunes in this way. For example, Erich Gruen states: "Caesar's appeals to his forces, whether sincere or not, urged upon them the plea that he was defending the constitutional system, the rights of tribunes, and conventional Roman *libertas* against a factious minority that sought monopolistic power and forced him into conflict. The troops followed Caesar to protect his *dignitas* and to assure their own *beneficia* within the system."<sup>33</sup> Ronald Syme states: "Sooner than surrender (*dignitas*), Caesar appealed to arms. A constitutional pretext was provided by the violence of his adversaries: Caesar stood in defense of the

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<sup>33</sup>Erich Gruen, *The Last Generation of the Roman Republic* (Berkeley and Los Angeles: University of California Press, 1974), 491-92.

rights of tribunes and the liberties of the Roman People. But that was not the plea which Caesar valued most—it was his personal honor (*dignitas*).<sup>34</sup> Gelzer’s view of the passage, like Syme’s, is utterly cynical: “How naturally he mentions himself before the tribunes and People! By their violation of the tribunician right of veto his enemies gave him a plausible constitutional pretext, and as a *popularis* he mentioned the People.”<sup>35</sup>

We shall discover later in this study that Caesar’s usage of the word *dignitas* in *BC* 1.7-9, where he most comprehensively lays out his case for legitimate self-defense, strongly emphasizes his *fides*. The implication of this for the reader is that to act in self-defense when all other practical avenues of redress have been exhausted is no less than the moral duty incumbent upon a man possessing a *dignitas* like Caesar’s if he can successfully claim that his constitutional case is impeccable. The antithesis that Syme and Gruen seem to perceive as necessary between Caesar’s *dignitas* and his professed constitutional position is a false one. Leaving aside the third part of his justification concerning *libertas* (we will return to it later in the discussion), Caesar states unambiguously in 1.22.5 that he left his province (1) to defend himself from the abusive assaults (*contumeliis*) of his *inimici* and (2) to reestablish in their own *dignitas* the tribunes of the people who had been driven out from the community *in ea re*, that is, in the course of trying (in *BC* 1.1-5) to exercise their ancient constitutional prerogatives appropriately on behalf of an unjustly beleaguered citizen, Caesar. Raaflaub also translates

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<sup>34</sup>Ronald Syme, *Roman Revolution* (Oxford: Oxford University Press, 1939), 48.

<sup>35</sup>Matthias Gelzer, *Caesar*, 197 n. 7. Gelzer here alludes to Caesar’s reference to himself in the first clause of the passage (*uti se a contumeliis inimicorum defenderet*), not to his second reference to himself in the third clause (*ut se populum Romanum*, etc.). I will discuss the significance of the second self-reference later, when we look at the rest of the third clause.

*ut tribunos in ea re* in roughly this way to mean *bei der Verteidigung seiner Anspruche*, i. e., “in defence of his [Caesar’s] claims.”<sup>36</sup> Hence there is a linkage in the text between *contumeliis* in the first part of the statement and the activity by tribunes that is referenced in the second part.

The cynical arguments of Syme and Gelzer (Gelzer’s argument depends upon a variant text; see below) divorce the suppression of the veto from the specific context in which the event occurred, diminishing the relevance of the latter for the way we view Caesar’s original case and thus making the constitutional question Caesar poses for us a purely abstract one. That is, “the right of tribunes to cast vetoes” becomes the new issue (in a way that cannot help but make Caesar’s defense of the tribunes appear cynical and dishonest, since it implies that he did not have much confidence in the justice of his own political claims), instead of the right of those particular tribunes to cast that particular veto at that particular time for a particular valid reason. For Caesar and the Romans, though, the latter was the issue. Caesar in his text defines the question thus throughout. The passage most apt to tell against this conclusion is 1.5.1-2, where Caesar does call attention to the tribunician right of veto as such:

*nec tribunis plebis sui periculi deprecandi neque etiam extremi iuris intercessione retinendi, quod L. Sulla reliquerat, facultas tribuitur, sed sua salute septimo die cogitare coguntur.*

The emphasis in the passage, however, is still on the context within which the tribunes ought to have been allowed to exercise their undisputed prerogative of veto, described as their right of uttermost recourse (*extremi iuris*). Nobody was arguing that

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<sup>36</sup>Kurt Raaflaub, *Dignitatis Contentio* (Munich: C. H. Beck’sche Verlagsbuchhandlung, 1974), 152.

tribunes did not or should not possess the veto. That was not the issue (again, Caesar himself declares in his speech to his troops at 1.7 that there had been instances in the past when the use of force against tribunes had been justified). The issue was whether the circumstances warranted the forcible abrogation of the acknowledged right.

The text per se is partly the issue where *BC* 1.22.5 is concerned. I have followed the *OCT*. Gelzer, however, has relied upon a variant manuscript tradition in which the phrase *in ea re* has been replaced by the adverb *nefarie*. On the principle of the *lectio difficilior*, however, *in ea re* is clearly the most probable reading. Moreover, there is nothing concerning the tribunes in Caesar's speech to the senate at 1.32 that casts even a shadow of doubt on this conclusion. Therefore I stand by the *OCT* (as, it appears, does Raaflaub).<sup>37</sup> Raaflaub does not use the word *fides* (indeed, the word *fides* does not appear at all in the index to Raaflaub's book), but I would argue that he appears to see *fides* as dictating Caesar's defence of the tribunes on his stated grounds that the tribunes had risked everything for Caesar's sake, and lost, thus, as he expresses it, putting Caesar under obligation, according to Roman notions, to restore them to their rightful position:

*Andrerseits fällt auf, dass Caesar hier erstmals in solcher Klarheit seine causa mit der Tribunen verknüpft: Sie haben in der Verfolgung seiner Interessen ihre gesellschaftliche Stellung und politische Karriere aufs Spiel gesetzt und verloren. Er ist deshalb nach römischer Auffassung verpflichtet, alles in seinem Kräfte Stehende zu ihrer Rehabilitierung zu unternehmen. Curio drückt dies bei Lucan mit der vertrauensvollen Aufforderung aus: tua nos faciet victoria cives (1.279).<sup>38</sup>*

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<sup>37</sup>Gelzer, *Caesar*, 196-97 n. 7.

<sup>38</sup>Raaflaub, *Dignitatis Contentio*, 153.

I agree with his conclusion that the tribunes' defence of Caesar's *causa* did indeed obligate him to act in their defence. The perceived obligation was no doubt imposed by *fides*.

To sum up, Caesar's use of the "tribune motive" is not just an opportunistic ploy. In other words, Caesar does not really seek at all to deflect attention away from his case by instead focusing the reader's attention on the violence that had been offered to the tribunes with the hope that then the abrogation of tribunes' rights per se would become the issue, replacing his claims. To the modern mind, such an approach may seem logical and politically astute, and it has allowed some modern scholars to present themselves as sophisticated cynics. The issue was clearer to the ancient audience, because Caesar makes it so. If he had concentrated on the rights of the *tribuni plebis* per se, that would have been cynical, but he does not.

This conclusion supports the notion that from Caesar's perspective, the crisis was still resolvable this late in the game. Indeed, it suggests strongly that he expected it to be resolved. In effect, Caesar argues in *BC* 1.9 that Pompey—if his *fides* were good—should have been willing to withdraw his support from Caesar's enemies in the senate and agree with Caesar that the latter's candidacy for the consulship ought to go forward on something like the reduced terms (i. e., fewer troops, or perhaps no troops, etc.) that were being proposed on various sides, because those terms were more favorable to the republic than his original compact with Pompey (which had not necessarily been worked out with any particular regard for the republic in the first place). Pursuant to this line of reasoning, as we shall see, Caesar presents himself as deferential to the senate and mindful of its

prerogatives. At the same time, he rests his defiance of the senate's authority squarely upon Roman ideological bedrock. In both cases, he is taking his stand upon *fides*.<sup>39</sup>

### **Examples of *Publica Fides* in the Work of Valerius Maximus**

Caesar accomplishes this feat rhetorically by drawing a contrast for his reader, in effect, between the travesty of senatorial process that we see portrayed in *BC* 1. 1-6, and the “normal,” relatively smooth-running senatorial process with which his readers would have been acquainted. The question then arises: What standard images of *fides*, in terms of how the notion relates to senate deliberations (not that all senate meetings were expected to be exactly alike), might Caesar reasonably assume most readers would have had in mind while reading his account?

The above question naturally assumes that there was a perceived connection between the senate and *fides* in the public's eye. One passage from Livy cited above (5.27-28.1) makes it clear that the connection was a strong one. The overtly didactic work of Valerius Maximus (fl. 30s *AD*) preserves a number of additional Roman ideological perspectives on the senate which link that body very closely with *fides*. We shall take a look at several of them for the sake of the argument. They are worth our attention because they echo Livy 5.27, and are in harmony with Caesar's perception of *fides* in the *BC*, Cicero's careful delineation of what *fides* means in *De Off.* 1.40, and the notion of *fides* that Polybius deliberately points to as the high standard in 6.58. After that, we will examine closely several eyewitness descriptions of senate meetings of the mid-50s (taking these as furnishing us with a useful example of a working senate) to see what role *fides*

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<sup>39</sup>For further discussion of *BC* 1.9, see below.

may actually have played in influencing behavior in the senate in a “real world” sense. We will then see how these ideological and practical descriptions of behavior by and in the senate compare with Caesar’s depiction of the senate in *BC* 1.1-6.

What we shall discover as we consider these examples is that for Valerius, *fides* is not technical or legalistic. It in fact often serves as a guide for action in situations where no clear precedent exists or where following precedent blindly may plainly lead to injustice. We shall also find that for Valerius, the morality of *fides* is perfectionist; decision-makers are not supposed to consider only what it may be expedient for them to do, but what is right, and they must always resist any illicit external pressure to do one thing as opposed to another.

Valerius Maximus devoted a chapter of his work to the theme of *Publica Fides* (6.6). The preface to the chapter celebrates the ideological importance of *fides* for Romans:

*Cuius imagine ante oculos posita venerabile Fidei numen dexteram suam, certissimum salutis humanae pignus, ostendat. quam semper in nostra civitate viguisse et omnes gentes senserunt et nos paucis exemplis recognoscamus.*

When her image is set before our eyes the venerable divinity of Good Faith displays her right hand, the most certain pledge of human welfare. That she has always flourished in our community all nations have perceived; let us recall it with a few examples.

Four of the first five sections of 6.6 deal directly with the *fides* of the senate. The one that does not (section 2) is concerned with the *fides* of the consuls as commanders in the field, but it is still noteworthy for our purpose because the standard that is being appealed to there is no different from what it is in the other examples. The historicity of some of these incidents is questionable. The point for us, however, is not

their strict historicity, but their value for this study as sources for ideology. Only the first section (6.6.1) is quoted in full, so that we may obtain a sense of what these stories were like:

(1) *Cum Ptolemaeus rex tutorem populum Romanum filio reliquisset, senatus M. Aemilium Lepidum, pontificem maximum, bis consulem, ad pueri tutelam gerendam Alexandriam misit, amplissimique et integerrimi viri sanctitatem rei publicae usibus et sacris operatam externae procurationi vacare voluit, ne fides civitatis nostrae frustra petita existimaretur, cuius beneficio regia incunabula conservata pariter ac decorata incertum Ptolomaeo reddiderunt patrisne fortuna magis an tutorum maiestate gloriari deberet.*

When king Ptolemy left the Roman people guardian to his son, the senate sent M. Aemilius Lepidus, Chief Pontiff and twice Consul, to Alexandria to look after the boy's tutelage, desiring that the probity of a very eminent and upright personage, versed in the usages and rituals of the commonwealth, should take time for an external charge, lest the faith (*fides*) of our community be thought to have been invoked in vain. By the senate's benefaction the royal cradle was both preserved and adorned, so that Ptolemy did not know whether he should be more proud of his father's fortune or of the majesty of his guardians. [Loeb trans.]

This is one of the stories that is historically dubious, as far as its factual content is concerned. Erich Gruen has shown that there are a number of good reasons, in terms of what is reliably known about the period, for doubting whether the events described ever took place. Another good reason is the family pride of the Aemilii Lepidi. Gruen notes that the future triumvir M. Lepidus issued a denarius commemorating the probably fictional event.<sup>40</sup> So, while it may not be good evidence for circumstances in the early second century, it is clearly good evidence for the perception of *fides* in the late Republic. What is stressed in this passage is ostensible Roman willingness to accept a task that is burdensome, outside their normal realm of responsibility (that is, tradition did not

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<sup>40</sup>For these details, see Erich Gruen, *The Hellenistic World and the Coming of Rome*, vol. 2 (Berkeley and Los Angeles: University of California Press, 1984), 680-82. The coin depicted Lepidus's ancestor crowning a symbolic representation of Alexandria and identified him as *tutor reg.*

necessarily furnish unambiguous guidelines) and not even profitable for Rome, if the task is seen as an obligation imposed by *fides*.

In 6.6.3, Valerius praises the *patres* for the *fides* the senate displayed in an incident involving Carthage. In 187 (during the first consulship of the Lepidus who was featured in 6.6.1), so the story goes, the senate ordered Fetials to take charge of two elite Romans who had assaulted envoys from Carthage and hand them over to those same envoys. What Valerius singles out for emphasis here is that the senate on this occasion looked only at itself in deciding to do what was right, not at the Carthaginians, to whom restitution was being made—i. e., the *patres* were not swayed by any consideration of expediency (*Se tunc senatus, non eos quibus hoc praestabatur aspexit*). This is the same standard of *fides* that we saw Camillus uphold conspicuously in Livy 5.27.

The theme of 6.6.4 is very similar, only this time, Scipio Africanus, as commander in the field, is shown as following the senate's example (*cuius exemplum*) when he displays *fides* in an encounter with elite Carthaginians. In this story, the Romans have captured a Carthaginian vessel. Many Carthaginian notables were on board. Seeking to protect themselves, these people falsely claimed to be envoys. If not unprecedented, the situation was unusual. Scipio recognized the fraud for what it was, but nevertheless set the Carthaginians at liberty. In reconstructing Scipio's rationale for his action, Valerius focused on the importance of having a reputation for *fides*: "He preferred it thought that the faith of a Roman general had been imposed upon rather than that it had been appealed to in vain (*nomen amplecti ut Romani imperatoris potius decepta fides quam frustra implorata iudicaretur*).

The subject matter of 6.6.5 revolves around an assault committed by two former aediles against some envoys from the city of Apollonia. The senate surrendered the guilty men to the envoys through Fetials. But the senate did not stop there—it did more. Fearing that kinsmen of the two men might launch an attack on the envoys in retaliation, the senate ordered a quaestor to accompany the envoys and their Roman captives to Brundisium to ensure that no harm befell them. In this action, as in the previous examples, the Romans’ notion of what *fides* required is seen as imposing on them a higher burden of performance in comparison with other peoples, given similar situations, moral standards, and presumably, a shared set of worldly expectations concerning what usually happens. “In other words,” Valerius might say, “there may be a few other peoples—though certainly not very many—who would have handed over citizen assailants like these to their foreign victims, but that’s where it would have ended, and they probably would have acted reluctantly; we Romans, though, understand that *fides* sometimes requires more from us than technical compliance with some tenet of law, whether the latter be legal or moral.” Valerius was so impressed by the senate’s actions in this incident that he summed up by asking whether the senate should not be called a temple of *fides*, rather than a council of mortal men (*illiam curiam mortalium quis concilium ac non Fidei templum dixerit*).

Valerius’s question brings to the fore the connection between *fides* and a kind of moral perfectionism that he has consistently emphasized in his treatment of *fides*.<sup>41</sup> In the context of that perfectionism, what may be legally correct or defensible about a way of

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<sup>41</sup>See Chapter One for a short discussion of the perfectionist aspect of *fides*.

acting in a situation tends to be seen as less important than what is owed to *fides*. This is also the kind of argument that Caesar makes in the *BC*, as we will see below.

The story told in 6.6.2, as noted above, concerns the *fides* of consuls in the field.<sup>42</sup> Defeated Carthaginian commanders were afraid to sue for peace because in the past, they had humiliated a captured Roman consul (Cornelius Asina) by putting him in chains. One of the Carthaginian leaders feared receiving the same treatment from the Romans, but the other, Hanno—described as “a better judge of the Roman *animus*”—went to the Roman headquarters full of confidence (*fiducia*) that he would not be harmed. A military tribune who proposed putting him in chains, on the grounds that that was what he deserved, was sharply rebuked by both consuls, one or the other of whom declared “Hanno, the faith of our community frees you from that fear (*isto te, inquit, metu, Hanno, fides civitatis nostrae liberat*). Valerius observes that while their power over an important foe had made the consuls famous (*claros*), their unwillingness to use that power made them much more famous (*multo clariores*). This anecdote, like others, emphasizes the value of having a reputation for *fides*. It links the acquisition of such a reputation to forbearance from taking even a merited revenge on enemies or the defenseless, and on restraint by magistrates in using power that is merely entrusted to them—the power ultimately belongs to the *civitas*. These are ideological themes that Caesar develops intensively in the *BC*.

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<sup>42</sup>The best historical tradition about Asina’s military failure against Carthage suggests that he was defeated in battle, not captured by treachery, which is what Valerius is implying. For details, see Arthur Eckstein, *Moral Vision in the Histories of Polybius* (Berkeley and Los Angeles: University of California Press, 1995), 9 and 38 n. 38.

Another important passage in Valerius linking the senate closely with *fides* is 2.2.1b (This is from another section of the work titled *De Institutis Antiquis*. A number of the *exempla* found there are about *fides*):

Therefore (referring to 2.2.1a) when Eumenes, king of Asia and a devoted friend of our city, informed the senate that Perses was preparing for war against the Roman people, it could not be known what he had said or how the Fathers had answered until news of Perses' capture arrived. The senate house was the heart of the commonwealth, trusty (*fidum*) and deep, fortified and palisaded on all sides by wholesome silence, and as men passed its threshold they put off private affections and put patriotism on (*cuius limen intrantes abiecta privata caritate publicam induebant*). So one might suppose that what was entrusted to so many ears was heard, I will not say by one man, but by none. [Loeb trans.]

Valerius's work is especially valuable for this study because his book is per se an ideological one. The author selected the stories he relates only because they illustrate moral qualities that in his judgment made Rome great in the past. The critical role played by the senate and its representatives is what Valerius stressed above all else in these chapters. The senate is described powerfully as a veritable "temple of *Fides*," the "trustworthy heart" of the *res publica*. Since *fides* itself was described in the preface to the chapter as the most certain pledge of human welfare (*certissimum salutis humanae pignus*), it is not surprising to find the senate depicted in this way, given the *patres* usually vital role in so much of the decision-making at Rome. Valerius's statements show the senate's strong connection to *fides* in Roman thought—and hence the seriousness of the senate's "breach of *fides*" with Caesar and the tribunes. These passages from Valerius also plainly bear out the general statements concerning *fides* that were made earlier. They strongly echo Livy 5.27. That is, as I stated at the outset of our discussion of Valerius, they show that *fides* is not, in the Roman view, necessarily or even fundamentally, technical and legalistic.

As stories, one thing these accounts have in common is the fact that, for the most part, they revolve around situations that are slightly exotic—as with Livy 5.27. This is perhaps because it is the extreme or morally challenging case that tends to become iconic. But more to the point, it is certainly also true (as the stories aim to show) that the moral core of *fides* subsumed even (or especially) unusual cases. Arguably, therefore, in a case such as the extremely complex one involving Caesar’s claims in 50/49, it is *fides* that ought to have guided the *patres* and leading magistrates in January 49. Whether Caesar’s claims (in *BC* 1.1-9, to be discussed in more detail below) were constitutional depended (among other things) upon what the senate decided the law in fact meant for Caesar’s case, but this was not at all obvious because there was more than one law or pertinent tradition to consider. However, there was also no clear-cut legal or customary precedent to which the senate could turn in reaching a decision. Some of the relevant law was very recent. As we shall see below, the senate had not previously had to deal with its novel implications for provincial administration, and perhaps, for the republican constitution itself. The *patres* appear to have acknowledged the futility of trying to make sense of the legal conundrum when they set all technicalities aside and voted in favor of Curio’s motion for (what amounted to) peace and compromise on December 1, 50 by a margin of 370-22. This action was in the tradition of *fides* described by Valerius and Livy, the same tradition to which Caesar appeals in the *BC*, where he attacks his foes for their high-handedness and untraditional (and faithless) behavior in setting the vote aside, in effect.<sup>43</sup>

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<sup>43</sup>That is, Caesar does not directly refer to the December 1 vote in his text, although it was highly relevant to his issues. I argue below that he takes it for granted that his audience is well acquainted with the political background of the crisis, including the significance of the senate’s December vote for the case he is building.

What these stories in Valerius seem to imply is that people and decision-makers should especially turn to *fides* for guidance in situations where there is no clear precedent or mandate for action, and where mere fidelity to the law or its letter blatantly mocks justice. This is important to the thesis of this dissertation because of its relevance for understanding Caesar's criticism of the senate in the early chapters of the *BC*. Caesar's point (and Valerius's) is that *fides* is not technical. Viewed from that perspective, the senate in December 50 and January 49 should have been guided by *fides* (rather than real or alleged legalities or personal vendettas) in resolving an extraordinarily complex political situation for which there was no clear precedent; and all the more, because the crisis had already visibly divided the political class right down the middle and deeply alienated much of the rest of Roman society. Civil war (with its known evils) was a perceived danger, and all the senators knew it; yet twenty-two hard-liners voted against an official compromise and instead backed an extralegal measure taken by the consuls (giving command of republican forces in Italy to Pompey) that (in reality, despite claims that the action was in self-defence) was meant to start a war. Basically, Caesar is arguing that any alleged senate support for this measure is in fact the product of coercion, and is therefore not legitimate.

The point of retelling these stories over and over again until they became "normal" was not to imply that *fides* applied only to a few select Romans of the elite. But in a republican society that mostly looked to an aristocracy to provide its chief office-holders, a great deal was obviously expected of those who were born aristocrats, as well as of those non-noble individuals (e. g., Cato the Censor, Marius, Cicero) whose visible merits suggested (whether to themselves or to others) that they were bidden to seek public office. Credit for *fides*, though, was also often given to individuals of lower status when

such persons faced adversity or responded to a challenge with the courage and fortitude notionally ascribed to their betters (see, for example, Val. Max. 6.8 on the *fides* of slaves). These kinds of stories were meant to inculcate respect for *fides* among all orders of society, and to assist the audience in affirming the principle that the moral core of *fides* subsumed even unusual situations, and indeed, was shown best there. Hence the moral importance of the 370-22 vote for peace, despite complex legalities.

A memorable phrase in Val. Max. 2.2.1b (see above) displays an explicit emphasis on the need for senators to put aside their private interests and consider only the public welfare (*cuius limen intrantes abiecta privata caritate publicam induebant*). Valerius here (in the section of his work titled *De Institutis Antiquis*, i. e., “On Ancient Institutions”) also links this distinction closely to *fides* (as does Caesar in the *BC*). This is a traditional stance and in harmony with the other passages we have seen. It is also in keeping with the standard phrase found in Roman legal texts, to the effect that magistrates should act *e re publica fideque sua*.<sup>44</sup> Andrew Lintott translates the phrase: “(magistrates should act) as they judge to be in accordance with the public interest and their own good faith.”<sup>45</sup> Brunt’s less accurate rendering is “in accordance with the interest of the people and the trust reposed in them.”<sup>46</sup> This broad discretion (resting on *fides*), Lintott notes, did

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<sup>44</sup>Andrew Lintott points out that this is a standard phrase in legal texts. He cites as examples *lex agr.* 35, 78; *RDGE*, nos. 2, lines 39-40, 44-45; 6, line 9; 7, lines 50-1; 9, lines 71-2; 10, A11, B14; 12, line 19. See *Constitution*, 94. Similarly, in *Qu. fr.* 1.1.27, Cicero reminds his brother (a propraetor) that the latter’s *provincia* has been handed over and entrusted to his *potestas* and *fides* by the Roman senate and people (*quos tuae fidei potestatique senatus populusque Romanus commisit et credidit*).

<sup>45</sup>*Ibid.*

<sup>46</sup>P. A. Brunt, *The Fall of the Roman Republic and Related Essays* (Oxford: Oxford University Press, 1968), 2.

permit magistrates to make major decisions without consulting either the senate or the people.<sup>47</sup>

Arthur Eckstein has shown how this process of independent decision-making by magistrates and commanders in the field (subject to ultimate senatorial approval) was vital to the military and political success of the Republic in the third and early second centuries. As Eckstein observes, senatorial willingness to defer to decisions made by generals in the field appears to have resulted from “an attitude of mutual trust and mutual confidence” within the Roman aristocracy.<sup>48</sup> This circumstance arguably could only serve to intensify the importance of the magistrate’s *fides*, since so much could hinge on it. We should also note that the importance of a magistrate’s *fides* was stressed by Cicero in a famous passage of *De Officiis* (1.124): *Est igitur proprium munus magistratus intellegere se gerere personam civitatis debereque eius dignitatem et decus sustinere, servare leges, iura describere, ea fidei suae commissa meminisse* (“It is, therefore, the fitting task of a magistrate to bear in mind that he represents the state and that it is his duty to uphold its honor and its *dignitas*, to enforce the law, to dispense to all their *iura*, and to remember that these things have been deliberately placed wholly within the sphere of his own *fides*” [Loeb trans. modified by J. Barry]).

### ***Publica Fides* in Livy, Sallust, and Aulus Gellius: Three Selections**

What did this kind of thinking and rhetoric mean in practice? Fritz Schulz made the following observation: “In every branch of Roman life it was the practice that a

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<sup>47</sup>Lintott, *Constitution*, 94.

<sup>48</sup>Eckstein, *Senate and General*, xiii.

man who had to make a serious decision should take counsel of competent and impartial persons.”<sup>49</sup> Ideally, both competence and impartiality were expected from senators engaged in public decision-making.<sup>50</sup> This is implied by Livy’s detailed account of the same episode concerning Eumenes’s warning to the senate which was the focus of Val. Max. 2.2.1b above. Eumenes in 172 had delivered a long speech before the senate in which he both warned the *patres* of king Perseus of Macedon’s hostile intent and provided detailed evidence to back up his charges (see Livy 42.11-13). To convince the senate of his truthfulness, he made an appeal to the *patres* based on his *fides* (13.1-2). Eumenes stated that he personally found out and sifted through the information he had provided about Perseus with as much diligence as if he had been charged with the task by the senate, and that he was not dealing in unfounded rumors. He would not have made a difficult sea voyage simply to diminish the senate’s trust (*fides*) in him by bringing the *patres* an empty story. What is at stake for Eumenes in this passage is that he had to prove himself a competent and impartial counselor, to use Schulz’s terms. The point is that Eumenes stresses his truthfulness, carefulness, and *fides* in searching out the truth and bringing it to Rome. Eumenes, in effect, is portraying himself as one who—like the *patres*—has put aside his private animosities for the sake of the perceived greater good. The

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<sup>49</sup>See Fritz Schulz, *History of Roman Legal Science* (Oxford: Oxford University Press, 1967), 52. T. P. Wiseman makes a similar point. See “Competition and Cooperation” in *Roman Political Life 90 B. C.-A. D. 69*, ed. T. P. Wiseman (Exeter, England: University of Exeter Press, 1985), 14-15.

<sup>50</sup>Famously, this is how Caesar opens his speech concerning the Catilinarians in Sallust *BC* 51.1-3: *Omnis homines, patres conscripti, qui de rebus dubiis consultant, ab odio, amicitia, ira atque misericordia vacuos esse decet. Haud facile animus verum providet, ubi illa officiunt...* (“Fathers of the Senate, all men who deliberate upon difficult questions ought to be free from hatred and friendship, anger and pity. When these feelings stand in the way the mind cannot discern the truth...” [Loeb trans.]).

obligation to be competent and impartial is explicitly linked to *fides*. Indeed, *fides* is invoked in the last sentence of the speech (13.12):

“Having performed my needful task and, so to speak, absolved and acquitted myself of my trust (*fides*), what more can I do except to pray to the gods and the goddesses that you will look after the interests of yourselves and your state, and of us, your allies and friends who depend upon you?” [Loeb trans.]

In his conclusion, Eumenes, in effect, politely exhorts the senate to live up to the claims of *fides* in its turn. Given the alleged truthfulness of his testimony about Perseus, the rhetorical expectation is that the senate without a doubt will do just that.<sup>51</sup>

That was not always the case in terms of Roman historical perception. Sallust, in describing a nearly analogous situation in the *BJ*, focused audience expectations on the theme of senatorial corruption and ineptitude. Adherbal was actually under attack by Jugurtha when he wrote a letter to the senate imploring help and invoking the *fides amicitiae* (24). But Jugurtha had backers within the senate who shut their eyes to justice and prevented anything effective from being done. Sallust summed up the affair with the comment that “as often happens, public welfare was sacrificed to private interests (*Ita bonum publicum, ut in plerisque negotiis solet, privata gratia devictum*; 25.3).” But this does not negate the principle that the reverse should be the rule. Sallust was basing his

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<sup>51</sup>The actual military and political context was likely not what Eumenes claimed. As early as the 1750s, Adam Ferguson recognized that Eumenes had probably exaggerated the threat to Rome posed by Macedon to serve his own interests. Recently, both R. M. Errington and Erich Gruen have likewise argued that Eumenes greatly misrepresented the danger to Rome posed by Perseus. The Macedonian king was Eumenes’s most powerful enemy, as Errington notes. Thus Eumenes likely served his own interests, not Rome’s. Gruen also questions the historicity of the speech attributed to Eumenes by Livy (as well as the senate’s gullibility). The king’s address to the *patres* was kept secret until after the defeat of Perseus, when the supposed details leaked out. Gruen, however, shows that in the aftermath of the victory, there were a number of reasons why details disclosed then would have been the product of much retrospective tinkering. For our purposes, however, the speech remains useful evidence for Roman ideology. See Adam Ferguson, *The History of the Progress and Termination of the Roman Republic* (London: Jones, 1829), 63-64; R. M. Errington, *The Dawn of Empire: Rome’s Rise to World Power* (Ithaca, N.Y.: Cornell University Press, 1972; Cornell Paperbacks, 1973), 206-8; and Gruen, *Hellenistic World*, vol. 2, 408-11.

criticism of the senate on the same ideological point we saw Valerius make in 2.2.1b (and that we will see Caesar make in *BC* 1.4).

The vital importance of *fides* for senators engaged in deliberation was emphasized strongly by Aulus Gellius (second century A. D.) in an important passage of the *Attic Nights*. Gellius is another writer who takes obvious pains to show the basic ideological point we have seen Valerius make. Cicero's literary assistant Tiro had written a letter (still extant in Gellius's day) in which he sharply criticized Cato the Censor's famous speech *Pro Rodiensibus* ("In Defence of the Rhodians"). Gellius did not think much of Tiro's efforts. Tiro had been especially critical of certain arguments in the speech. He thought that in these passages, Cato had been excessively arrogant, severe, and reproachful because he had made no effort to conciliate and compliment his audience, as a good lawyer facing a jury would surely do (6.3.12). In response to this, Gellius says that Tiro "*ought* (my italics) to have known that although Cato defended the Rhodians, he did so as a senator who had been both consul and censor. It was therefore his charge to speak as he judged best for the public good, not to behave as if he were a lawyer pleading a case for a defendant."<sup>52</sup> The next sentence is worth quoting in full (6.3.18):

For one kind of introduction is appropriate for a man who is defending clients before jurors and striving in every way to excite pity and compassion; quite another for a man of eminent authority (*auctoritati praestanti*), when the senate is asked for its opinion on a matter of State, and when, indignant at the highly unjust opinions (*sententiis iniquissimis*) of some of the members, he gives plain and unfettered (*graviter ac libere*) expression at once to his indignation and sorrow, speaking on behalf of the public welfare (*pro utilitatibus publicis*) and the safety of our allies. [Loeb trans., slightly modified]

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<sup>52</sup>Gell. 6.3.17: *scire oportuit Tironem, defensos esse Rodienses a Catone, sed ut a senatore et consulari et censorio viro, quidquid optimum esse publicum existimabat suadente, non ut a patrono causam pro reis dicente.*

A couple of sentences further on, Gellius shows—in effect—that the task of speaking *graviter ac libere* in the senate (as Cato had done) is closely bound up with both the *fides*, the *dignitas*, and the *utilitas* of the whole political community (*omnium communis*).<sup>53</sup> Obviously, then, Gellius, like Valerius, believes that senators are supposed to be motivated above all else by *fides publica*.

Gellius also makes it clear that (in his opinion) Cato swung the senate around to his way of thinking about the Rhodians by means of rhetoric that was aimed at creating a positive impression of his individual *fides*. In defending the Rhodians from the charge that they had been unfaithful to Rome, Cato told the senate that it was his belief that the Rhodians *had* (for reasons that do not concern us here) desired Perseus to be victorious, and for Rome to suffer defeat in her war with Macedon.<sup>54</sup> By doing so, as Gellius puts it, Cato frankly and conscientiously expressed a *sententia* that seemed adverse to the Rhodians (*ingenue ac religiose dicere visus est contra Rodienses quod sentiebat*).<sup>55</sup> According to Gellius, this rhetoric had the remarkable effect of bolstering confidence in Cato's *fides*—that is, in his *publica fides* (*parta sibi veritatis fide*). In other words, since Cato had apparently been willing to concede without dispute some very ugly facts about the Rhodians—facts that would tend to make his task as their advocate more difficult—his audience of senators concluded that his decision to defend these seemingly unworthy people must have been driven by *fides publica*, not motives of private gain. Gellius then goes on to explain how trust (in effect) in Cato's *fides* added weight to his rhetoric, and

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<sup>53</sup>Gell. 6.3.20.

<sup>54</sup>Gell. 6.3.16.

<sup>55</sup>Gell. 6.3.25.

was therefore the decisive factor in persuading the senate that the Rhodians should, in fact, be held in high esteem by Rome (6.3.25).<sup>56</sup>

### **The *Fides* of the Tribune P. Rutilius Lupus in December 57**

Let us turn now to the question of what a “normal” senate meeting was actually like. Is it possible to know whether concern for *publica fides* in fact shaped or influenced actions taken by individual senators in the course of deliberations, as well as the senate as a whole, on a more or less routine basis? An examination of the controversial activities of the tribune Rutilius Lupus in 57/56 will show that *publica fides* could exert a braking force on individual rhetoric in the senate, even strong rhetoric. Lupus’s activities are important because they may help us further to understand the mental images of senate procedure that Caesar would have expected his Roman audience to draw upon in his account of the senate’s activities in *BC* 1.1-6. Caesar clearly seems to believe that his account of his adversaries’ actions against him in the senate contrary to *mos maiorum* would put those who claimed to prize tradition above all else in a box, and not merely outrage his committed supporters. What was it about his opponents’ actions as he describes them that might have given offense?

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<sup>56</sup>At Gell. 1.6.1-8 there is a similar analysis of a speech that Metellus Numidicus delivered before the Roman people as censor (Numidicus’s censorship was in 102). Metellus was trying to strengthen the institution of marriage among the people. His address, however, contained some disparagement of the married state. Just as was the case with Cato’s critical comments about the Rhodians, Metellus’s obvious candor served to bolster his *fides* with his audience (1.6.6: *fidem sedulitatis veritatisque commertus*), and this proved decisive in securing a favorable reception for his ideas. Gellius also links Metellus’s public candor as such (that is, his obligation to speak only the truth to the Roman people) with his *gravitas*, *dignitas*, and *fides*. He approvingly reports the opinion of his contemporary, the rhetorician Titus Castricius (1.6.5): *Sed enim Metellum, inquit, sanctum virum, illa gravitate et fide praeditum cum tanta honorum atque vitae dignitate apud populum Romanum loquentem, nihil decuit aliud dicere quam quod verum esse sibi atque omnibus videbatur.*

In search of an answer to this, it will be useful to consider some evidence for senate procedure provided by Cicero in several of his letters of the mid-50s. The letter we shall start with was written by Cicero to his brother Quintus in December, 57 (*Qu. fr.* 2.1). It describes in some detail a single session of the senate. I suggest that it (and the other letters to be considered along with it) furnishes us with an example of a “normal” senate in the 50s—probably about as close to “smooth running” as we are apt to get. This is one of the earliest elaborate eyewitness accounts of a senate meeting that has survived.<sup>57</sup> There are several factors which make it suitable for comparison with Caesar. First, judging from Cicero’s words (*perscriberem*), he thought it a rather thorough description. It takes place in the month of December, not far removed in terms of the political calendar from the January 1, 49 session with which Caesar opens his account of the conflict with the Pompeians. Both meetings dealt with turbulent issues that carried over from previous sessions. Furthermore, the meeting in December 57 was well-attended, Cicero tells us, and there were consulars present, as there were in 49.

*Qu. fr.* 2.1 contains valuable descriptions of the following activities: (1) provocative speeches on different subjects by several tribunes-elect, primarily P. Rutilius Rufus, L. Racilius, and C. Cato ; (2) reaction to these speeches by the consuls-elect—primarily just one of them, Cn. Cornelius Lentulus Marcellinus; (3) reaction by the senate as a whole and individual ranking senators (such as Cicero) to the motions introduced or opinions expressed; (4) the reaction of the senate when it was confronted with physical

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<sup>57</sup>References to earlier senate meetings in Cicero’s correspondence tend to be much briefer. Sallust was not an eyewitness of the senate debate over what to do with the accused Catilinarian conspirators described in *BC* 50-53.

intimidation.<sup>58</sup> There is information in all of this material about the role played by *fides* in senate procedure. For our purposes, what is of concern in these letters is behavior in the senate that seems to imply concern for *publica fides*. Caesar's point in the *BC* is that concern for *publica fides* was overridden by his personal *inimici*, who transgressed *publica fides* to pay off their private grudges against him.

I am not deeply concerned with the specific political background of this senate meeting. Its value for us is contained in whatever light it may help shed on the ways in which concern for *fides* (and having the appearance of good *fides*) might affect the process of the senate in formal session. However, the speech of the tribune P. Rutilius Lupus at this particular meeting has been seen by many scholars as having great significance for Cicero's relationship with the triumvirs and his own alleged post-exile political aims. This complicated thesis has affected much of the scholarship on these particular senate meetings. Its acceptance would raise serious questions not only about Lupus's perceived regard (or disregard) for *publica fides*, but about the notion that (as I contend) the ideological *publica fides* depicted by Valerius (and implied in Caesar's descriptions) played a major role in historical senate discourse and decision-making. I must comment about this alternative interpretation in a fair amount of detail before we move on to discussion of the relevant aspects of the December 57 meeting.

This contrary viewpoint takes its principal cue from the fact that Lupus delivered his inaugural speech as tribune on the topic of Caesar's controversial Campanian land legislation of 59. In the course of his speech, he referred to Cicero's speeches on

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<sup>58</sup>I am referring to the kinds of activities that are described in the letter, not necessarily listing these behaviors chronologically in order of occurrence.

agrarian reform delivered on previous occasions in connection with Rullus's land reform bill (Cicero was hostile to the legislation), attacked Caesar, and appealed to Pompey, who was not present. Since Lupus has usually been seen as a "consistent partisan of Pompey," some scholars have conjectured that Pompey must have been the real author of the tribune's attack on Caesar. Lupus's speech is—on this interpretation—thought to have emboldened Cicero, who had only recently returned from exile, to renew his old attack on the triumvirate (in the form of a public challenge to the Campanian land bill that he hoped to mount in May 56) in the belief Pompey would welcome the action and support him<sup>59</sup>

I argue that Lupus is acting on his own politically in December 57 (and that he was acting on his own when he proposed honors for Pompey in early 56), that his actions in one way or another display awareness of the importance of *publica fides*, and that what he says and does (and the way the consul-elect Marcellinus responds to this) has significance for understanding *fides* in the senate. If he were merely a kind of pawn being used by Pompey for some ulterior purpose, then his *fides* as a member of the senate, and hence any claim for respect based implicitly on *fides* he might make, would be apt to fall on deaf ears. It is also very likely, in that event, that Cicero would bluntly voice some suspicion that Lupus must be in cahoots with Pompey (yet Cicero never makes the inference). It was possible for a lesser politician to be seen as lending assistance to a greater one, but to be effective, the less powerful ally had to be seen as independent. Otherwise, his *fides* would suffer.<sup>60</sup>

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<sup>59</sup>The tribune For the details in this paragraph, see R. Gardner, ed. and trans., *Cicero's Pro Sestio and In Vatinius* (Cambridge, Mass.: Harvard University Press, Loeb Library, 1958), 28-29.

<sup>60</sup>Cicero, for example, states in December 50 that he is prepared to support whatever line Pompey might take in the senate, but that he will not do so from an inferior station (i.e., he does not wish

By the same token, Pompey's own *fides* (that is, his reputation for it) would have been visibly diminished in this particular situation if Lupus had, in fact, been widely seen simply as delivering Pompey's *sententiae* on the latter's behalf. This is what Caesar accuses Metellus Scipio of doing for Pompey in *BC* 1.2.1 (to be discussed below). If Pompey openly declared a preference for one course of action as opposed to another concerning the Campanian land at this time, it might be perfectly appropriate for Lupus or any other senator to lend uncoerced support (in which case, an appeal to Pompey's *auctoritas* could be made without any detriment to *fides*). It would not, however, be in accord with *publica fides* for Pompey, Lupus, or any other politician deliberately to conceal his political intentions (as opposed to concealing his full range of views, which he was entitled to keep private if he chose) in a speech to the senate, especially on an important matter. Neither would it be good *fides* for Pompey (or another) to take special pains to conceal a personal and private interest that he might have in some pending public business (or in any way to mingle his personal business with public business),<sup>61</sup> much less, clandestinely to put another politician up to delivering his (Pompey's) *sententiae*. Such behavior would normally have been susceptible to the charge that it was stealthy, secretive, and contrary to *publica fides*.<sup>62</sup> When Curio (and then Antony) defended Caesar

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to be seen as subservient to Pompey or anyone else, especially in view of his own political stature in the republic)—*dicam idem quod Pompeius neque id faciam humili animo*. See *Att.* 7.6.2.

<sup>61</sup>For example, at Livy 40.51.3, we learn that the censor M. Aemilius Lepidus (in 179) incurred reproach because he used public money to build a mole at Tarracina, where he personally owned some property. He had also charged some of his private expenses to the government.

<sup>62</sup>I do not mean to imply that such behavior did not ever take place (it did), only that it would tend to be seen (hypocritically or not) as a violation of *fides publica*. For example, in *Qu. fr.* 2.3.4 we learn that Pompey (no stranger to secretive political partnerships) suspected that Crassus, Curio, and Bibulus (all of whom were then publicly at odds with Pompey) had secretly instigated the attacks against him in the senate (and elsewhere) that had recently been launched by Clodius and the tribune C. Cato.

in the senate and before the people in 50/49, they were acting openly on Caesar's behalf as tribunes. Caesar had already publicly committed himself to positions that these tribunes were trying in different ways to defend (and he had at the same time let it be known through a variety of channels that notwithstanding his contention that his claims were entirely just, he was prepared to make important compromises).

Many of the politicians of this era who are often referred to in the works of modern scholars as having been "Caesar's man," or "Pompey's man," or "Crassus's agent" are best thought of as their allies in one degree or another, in one *causa* or another, rather than mere tools who did a master's bidding regardless of what it was that was demanded.<sup>63</sup> It was precisely the appearance of demeaning subordination that a successful politician at Rome had to try and avoid at all costs if he cared about his reputation. This was often hard to do because of the reality (for most senators) of conflicting personal obligations, and the requirement that one's actions as a public man must be seen as

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However, Pompey is not implying to Cicero that Clodius and Cato are the clients of these men. He is only implying the existence of a malevolent combination against him on the part of politicians who may all usefully be thought of simply as political entrepreneurs. Pompey does not use the term *factio* to describe these machinations, but easily might have. The Romans feared and hated *factio*. But as Jeremy Paterson notes, "what constituted a *factio* depended on your point of view." See "Politics in the Late Republic," in *Roman Political Life 90 B. C.-A. D. 69*, ed. T. P. Wiseman (Exeter, England: University of Exeter Press, 1985), 36. For example, Cicero thought Caesar owed his Gallic *provincia* to a *factio* (*Att.* 7.9.4). For Sallust's definition of a *factio* as presented in Memmius's speech (i. e., "If good men are united by the same desires, hatreds, and fears, there is *amicitia*—if the men sharing these interests and proclivities are bad, there is only *factio*"), see *BJ* 31.14-15. Memmius argues in the speech that a *factio* of the powerful has been able to suppress the (legitimate) hopes of the Roman people for *fides*, *concordia*, and *libertas* (31.23). Caesar aligns his own case in 50/49 with this type of ideological presentation.

<sup>63</sup>For example, see Thomas Mitchell, "Cicero before Luca (September 57-April 56 B.C.)," *TAPA* 100 (1969), 305: "The degree to which tribunes, in particular, were lackeys of some more powerful political figure has surely been exaggerated. Men like P. Clodius, C. Cato, C. Curio, although they appeared at times as ardent supporters of particular individuals, had minds of their own, and there is every indication Lupus had also." Mitchell, like myself, takes the position that Lupus is on his own politically in December. He reiterates his views in *Cicero: The Senior Statesman* (New Haven: Yale University Press, 1991), 168-72.

pursuant to *publica fides*, not private claims (as, for example, we saw in the example from Valerius above). However, eminent scholars have indeed seen Pompey's hand at work here not only in Lupus's December speech, but in the surprising role Lupus played in the senate's debate on the "Egyptian Question" several weeks later. The complex argument summarized above originated with M. Cary. In 1923, Cary wrote:

Now Rutilius was a consistent partisan of Pompey, and a few weeks after his attack upon Caesar he exerted himself on Pompey's behalf in the debates on the Egyptian question. *There can hardly be any doubt that his action in December, 57 B.C., was inspired by Pompey, who thus appears as the originator of the attack upon the Lex Campana.* Under these circumstances we are driven to the conclusion that Cicero in his *rechauffe* of Lupus' motion discriminated between Caesar and Pompey: while assailing the former he spared the latter.<sup>64</sup>

Cary's thesis concerns us because it is so improbable. It credits Pompey with an utter lack of public concern or scruple about his own reputation for *fides*. It seems to assume that senators (i. e., Lupus, the "consistent partisan") often behave like clients, and also see themselves that way, and that their words and gestures are open to such interpretation by contemporaries, and that this is how politics normally worked. If this were true, senate activity would have revolved exclusively around private *fides* or no *fides*, not just in fact, but in contemporary perception, and Caesar would have had no axe to grind in *BC* 1.1-6. But Cary's thesis has been influential. Regarding those of its facets with which we are concerned, a majority of scholars (see below), to one extent or another, seem to have accepted (1) that Lupus acted for Pompey both in December and in January, and (2) that Cicero was encouraged (both by these and/or by other incidents) to believe that Pompey was dissatisfied with his father-in-law and political partner, Caesar, and

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<sup>64</sup>M. Cary, "Asinus Germanus," *CQ* 17 (1923): 105.

therefore that he, Cicero, could exploit that dislike in the interest of his own political agenda (as proclaimed anew by Cicero in February 56 in the speech that has come down to us in its published form as the *Pro Sestio*) by employing the Campanian land issue as a means of successfully detaching Pompey from Caesar.<sup>65</sup> What is certain as far as the facts go is that (1) Cicero secured a favorable vote in the senate on April 5, 56 on his proposal that the senate take up the Campanian land question on May 15 and (2) this circumstance alarmed Pompey so much that he departed shortly thereafter to meet with Caesar and Crassus at Luca, where the three politicians reaffirmed and strengthened their alliance.<sup>66</sup>

We need to spend some time sorting this out because what is at stake in Cary's hypothesis (and its offshoots) is not just the rightness or wrongness of a set of views, but a way of looking at *fides* in the senate. For Cary, *fides* in the senate is apparently one-dimensional and relatively uncomplicated, arguably neither public or private: Pompey wanted to "send a message"—either to Caesar, Cicero, or the senate—so a reliable messenger was found in Lupus, with no perceived detriment, apparently, to

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<sup>65</sup>For a sampling of the scholarly opinion that has followed Cary in accepting a connection between Pompey and Lupus in December, see L. G. Pocock, "*Pompeiusve Parem*," *CP* 22 (1927), 305; David Stockton, "Cicero and the *Ager Campanus*," *TAPA* 93 (1962), 474 (Stockton has still not changed his mind in *Cicero: A Political Biography* [Oxford: Oxford University Press, 1971], 206-7); D. R. Shackleton-Bailey, *Cicero* (London: Duckworth, 1971), 81-82 (the possibility is acknowledged that Pompey may not have been behind Lupus); Erich Gruen, "Pompey, the Roman Aristocracy, and the Conference of Luca," *Historia* 18 (1969), 82 (Gruen is less certain in *Last Generation* [1974], 107, where we find Lupus "probably" acting for Pompey in December); Robin Seager, *Pompey the Great*, 110-11; and Matthias Gelzer, *Caesar*, 118. However, in footnote 2, Gelzer finds it difficult to explain the kinds of complaints (*expostulationes*) Lupus raised with Pompey; Allen Mason Ward, *Marcus Crassus and the Late Roman Republic* (Columbia: University of Missouri Press, 1977), 258: "At the end of December 57, Cicero thought that his dream would be realized as he promoted the proposal of Pompey's man Lupus to repeal Caesar's Campanian Land Law." I. Schatzman's "The Egyptian Question in Roman Politics, 59-54 B.C.," *Latomus* 30 (1971), barely deals with activity in the senate; Schatzman focuses on the often sordid maneuvering that was going on behind the scenes, with Ptolemy's agents allegedly engaging in the murder of rivals and the bribing of senators.

<sup>66</sup>See especially *Qu. fr.* 2.5.1 and Cicero's famous *apologia* to P. Lentulus written two years later in *Fam.* 1.9.8-12.

Lupus's reputation for *fides*, or Pompey's (Caesar's Campanian land bill had been passed with Pompey's support and had benefitted the latter's veterans). I argue, on the other hand, that these Ciceronian letters disclose the opposite—that Lupus and other figures described in these letters act in a way which suggests they understand the distinction between public and private *fides*.

There is simply no direct contemporary evidence supporting the contention that Lupus acted for Pompey in December 57 when he brought up the topic of the Campanian land in the senate. Moreover, the supposed indirect evidence for Cary's hypothesis is contradicted both by silence and plain statements in the contemporary sources. The modern notion that Lupus must have been put up to his actions by Pompey depends almost totally on the fact that in mid- January, Lupus (among others) made a motion in the senate that Pompey be entrusted with the task of restoring the ousted king Ptolemy Auletes to the Egyptian throne (see discussion of *Fam.* 1.1.3 and 1.2.1-2 below). The argument that Lupus was really speaking for Pompey in December is therefore simple retrojection. We can see from *Qu. fr.* 2.1 that Cicero himself had no inkling in December that Lupus's decision to speak about the Campanian land might not have been the new tribune's own free choice.<sup>67</sup> Cicero remarked that the prospect of hearing the new tribune speak was something to which the senate was looking forward (*Commorat exspectionem Lupus*). This statement suggests that the senate was expecting an independent political speech.<sup>68</sup> The fact that the senators got more than they bargained for

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<sup>67</sup>Cicero, who would have been hoping for Pompey's support, might have felt prompted to write that Lupus must be echoing Pompey's views, even if he knew that he was not.

<sup>68</sup>This is a point also made by Mitchell, "Cicero," 305. For the independence of Lupus in December 57, see also Peter Greenhalgh, *Pompey*, 30-31.

in the form of a return to the Campanian land controversy does not prove the contrary. The absent Pompey, as we shall see, did figure in the proceedings, but Lupus's *expostulationes* directed at him appear not to have aroused any suspicion in this most sensitive, knowledgeable and astute of Roman political audiences to the effect that the novice tribune should now be counted among the great man's *amici* or familiars. If anything, the opposite impression seems to have been conveyed.

Now that Lupus's political independence of Pompey's control has been established as at least more probable than the alternative, let us take up the December 57 senate meeting described above in *Qu. fr. 2.1*. *Fides* comes into play in several important respects during the course of Cicero's presentation. When the tribune-elect Lupus presided over the senate, he was very careful to explain that he would not ask for a vote on the stand (a hostile one, though we do not know exactly what it was) he had taken on the Campanian land question. He said that he did not want to burden the senate with a grudge, though the exact nature of the *simultas* he refers to is unclear (*quod onus similtatis nobis imponeret*).

The point here (and it is an important one) is Lupus's awareness of *publica fides*. In other words, whether he was a pawn of Pompey's or not, he is operating within the limits imposed by public discourse. In making this remark, he is defending himself from the charge of constructing public policy on the basis of a private grudge. His explanation is a plain mark of Lupus's *fides*, and is intended to be seen as such. In terms of appearances—which, as noted above, were very important—his self-motivated declaration is meant to show that he has an innate sense of the honor that is due the senate. This meant observing the perceived ideological duty of a senator (emphasized in the examples from Livy and

Valerius Maximus above) always to place the public interest higher whenever any private claims or passions might threaten to intrude (as they frequently did). Historically, it also means that this ideological standard is still seen by senators in the mid-50s as directly relevant to the conduct even of mundane senate business. That is, it was understood that concern for the public interest should always drive the debate.

This is a realm where appearances by themselves are not automatically to be discounted as likely deceptions. Again, actually having *fides* and being seen as having it amount, in practice, to the same thing. The right gesture in the senate, depending on the context, is not necessarily a mere gesture. In this case, Lupus's decision not to press for a formal vote would likely have been viewed as an honorable gesture (as long as it fell in with a consistent behavior pattern composed of many similar gestures), because it would tend to identify him as someone who could recognize that there were proper limits to personal self-assertion, and operate within them in the senate. The notion was that the public interest was usually best served when individual senators avoided saying or doing things that might suggest that they had less disinterested motivations. Unless, of course, you could make the case, still relying on *fides*, that the public interest might suffer by one's not transgressing normal boundaries. This appears to be what Lupus was trying to do in his tug-of-war with the consuls over precedence in January. His action angered Cicero, but he apparently did not see it rising to the level of a major breach of trust, and the consuls, in effect, concurred, as they put up no resistance, allowing the tribune's intervention to dictate the process for the rest of that day's session.

At the same time, while Lupus's display of respect for the process was plausibly sincere (because it was meant to acquit him of any intent harmful to tradition),

that does not mean that his motives in opposing Caesar's Campanian land bill of 59 would have been regarded as utterly selfless. Politics was still politics. Lupus's debut political speech was the likely product of a deliberate calculation that opposing Caesar might help further his career because bringing up the topic of the Campanian land would be a highly provocative action, one that would certainly gain for him the level of public attention a successful politician required. No serious reform agenda of any sort on his part concerning the Campanian land is necessarily implied by his speech. Despite the ideological imperative that senators always place the public interest highest, the senate chamber would soon have been empty if all who were seen to be interested in climbing the rungs of the political ladder suffered loss of reputation merely because they sought notoriety.

As we will see below, Caesar wants his readers to observe that in the senate meeting of January 1, 49 (*BC* 1.1-2), according to him, Lentulus (the consul) and Scipio (an ex-consul, Pompey's new father-in-law) are so utterly without scruple that they do not even try and mimic any such ideological gesture as Lupus's: even an insincere use of the language of *fides* would have required them on the spot to defer to the senate and show respect for their colleagues and the tribunes, or be shown up immediately as liars. Realizing they cannot possibly conceal their bad *fides* and revolutionary aims (according to Caesar) if they adhere to *mos maiorum*, Lentulus and Scipio (and Pompey) unabashedly seek to intimidate and threaten force from "outside the constitution" to gain their private ends "within the constitution." Their suppression of the tribunes who are trying to defend Caesar is a violation of *publica fides*. In terms of the perception in the text, the tribunes are not trying to execute Caesar's personal wishes, they are defending his *iura* under law.

There was enough of a basis in reality for that perception for it to be an effective rallying cry.

### **The *Fides* of the Consul-Elect Cn. Cornelius Lentulus Marcellinus in December 57**

Cicero made a point of noting the reaction of the consul-elect Marcellinus to Lupus's speech at the December 57 meeting. Lupus made two statements in particular that Marcellinus obviously felt he could not let pass. Lupus made a reference to Pompey, who was not present (*expostulationes cum absente Pompeio*), and the novice tribune rashly stated that he knew what the senate thought about his speech on the basis of its present silence, and on account of the earlier controversy about Caesar's bill (*Ex superiorum temporum convicciis, et ex praesenti silentio, quid senatus sentiret, se intellegere dixit*).<sup>69</sup> In his reply to Lupus, Marcellinus states explicitly that his reason for remaining silent during Lupus's speech (a reason he says he believes holds true for others) had to do with his reluctance to discuss the Campanian land question while Pompey was absent. This is a mark of *fides*. Pompey had an interest in the issue since (1) Lupus (for whatever motive) had directed some of his invective at the absent Pompey; (2) the Campanian land bill had been passed by Caesar with Pompey's active support and was intended, in part, to benefit the latter's veterans; (3) Pompey was an eminent figure who particularly merited respect. Marcellinus's voluntary expression of concern that the rights of the absent Pompey in a matter before the senate touching him be respected is moral in this context, not political. Marcellinus pursued an independent line in politics. As Erich Gruen observes,

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<sup>69</sup>It is worth noting that Cicero (in a very different kind of situation) interprets the senate's silence as signifying approval of his decision not to ask for a vote on the merit of his case against Catiline. See *In Cat.* 1.20-21.

Marcellinus's hostility to Clodius (evidenced by the support he lent in the senate to those who favored prosecuting the patrician tribune) is unlikely to have been dictated by Pompey because Marcellinus is also found opposing triumvirs' schemes: he certainly obstructed Pompey's hopes, if the latter truly had them, of obtaining the Egyptian appointment.<sup>70</sup>

It is a conspicuous testament to Marcellinus's *fides* that he raises this issue as consul-designate of his own volition. This indicates that he saw the question of his action or inaction in the matter reflecting upon his stewardship of the public interest (i. e., *e re publica fideque sua*, as discussed above). He clearly understands that it is the responsibility of a senior magistrate to enable the senate to function effectively. An effectively managed senate was one that sought consensus prior to taking action. However, consensus was sometimes difficult to achieve, and not necessarily reached during a single session, but over time. Competing voices were a normal feature of the process. It was customary for a presiding magistrate to call on many senators for their *sententiae*. But it was important that special note be taken of particular voices that often counted for more than others because of their "weight" and distinction.<sup>71</sup>

We usually equate "weight" with mere rank or seniority in this context. This is because the speakers were usually consuls or ex-consuls.<sup>72</sup> The debate about the Catilinarians shows that this was not always the case. Neither Caesar nor Cato had reached the consulship. Cato had been a senator for less than two years. Yet their

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<sup>70</sup>Gruen, *Last Generation*, 296.

<sup>71</sup>Wiseman, "Competition," 16.

<sup>72</sup>Ibid.

speeches were seen as the most important that were delivered, and Cato's as having the most weight.<sup>73</sup> This is highly significant because it shows that it was the force of Cato's rhetoric and his argument, not his actual rank, that tipped the scales. The decision that was reached about the Catilinarians was therefore not something concocted by pre-arrangement, but clearly an outcome of the senate's political process (i. e., as an open and impartial forum). The decision was seen as legitimate even by Caesar, though he had failed to carry his point.

Writing about the modern theory of the public sphere, sociologist Michael Edwards calls attention to the value that "dialogic politics" may have for democratic self-government. Edwards defines dialogic politics simply as "direct, deliberative or participatory democracy," a category that would appear to include activity in the Roman senate as well as popular forums. Edwards regards dialogic politics as almost a prerequisite of civil society. "Dialogic politics," Edwards argues, offer a route (perhaps the only route, he thinks) "to reach a legitimate normative consensus around a plurality of interests and positions assuming certain conditions are met—equality of voice and access, in particular, and a minimum of censorship so that the relevant information is available to all." A "dialogic" give-and-take in a public setting is vital to civil society, according to Edwards, because "politics cannot be just unless the full range of views and interests is represented in a process in which all the protagonists agree to collaborate towards a resolution."<sup>74</sup>

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<sup>73</sup>For background on these points, see Ronald Syme, *Sallust* (Berkeley and Los Angeles: University Of California Press, 1964), 110-20.

<sup>74</sup>See Michael Edwards, *Civil Society* (Cambridge, England: Polity, 2004), 59, for this and the quotation above.

Although Edwards has the world of modern democracy and representative government in mind, I would argue that Roman politics (certainly in the senate, arguably in some popular forums) was dialogic in approximately this sense. Both ideological and practical aspects of Roman republican political activity historically revolved around basic questions of access, equity, and justice.<sup>75</sup> These were matters of *publica fides*. The senate was supposed to provide the ideal forum for a wide-ranging exchange of views on public questions, especially fundamental questions. Any unwarranted obstruction of this process (or credible claim of unwarranted obstruction) was seen as tending to deprive decision-making of legitimacy. From the standpoint of ideology, it was the responsibility of the presiding magistrate (normally a consul or a tribune) to ensure both that the public interest was served, and that no one individual or group with important issues at stake was unjustly robbed of its voice. How he carried out this responsibility was bound to be controversial, given that his discretion was broad. The magistrate in charge normally would determine what topic might be discussed,<sup>76</sup> which speaker's to call upon, and when (or whether) to call for a vote on some issue, in a competitive political environment that

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<sup>75</sup>This can be clearly seen in Livy 45.21, to take only one example. Livy there describes the praetor Manius Iuventius Thalna's motion for a declaration of war against Rhodes as an affront to the standard republican decision-making and legislative process. In the first place, Thalna had flouted tradition by failing to consult either the senate or the consuls about war with Rhodes. Two tribunes opposed Thalna, but Livy points out that by custom, tribunes could not veto a *lex* until *privati* had been given the *potestas* of speaking (at a *contio*, presumably) for and against the measure (21.6: *ne quis prius intercederet legi quam privatis suadendi dissuadendique legem potestas facta esset*). Although we do not have this complete chapter, it is clear from all of Livy's remarks (I have mentioned only the main points) that Edwards's description of dialogic politics is very apt for the Roman scene. Livy plainly recognizes that the republican political process at Rome was one that normally had to take into account a plurality of interests, and that legitimacy would always tend to be in question if equality of voice and access were seen to be denied without just cause having been shown.

<sup>76</sup>For example, Jeremy Paterson observes that on November 8, 63, Cicero as consul refused to permit a senate debate on the evidence to back up his case against Catiline. See "Late Republic," 36. Paterson cites *In Cat.* 1.20.

was often volatile and contentious. He thus exercised a selective censorship over the proceedings, a circumstance that could not do other than enhance the importance to him of a reputation for *fides* (An elite Roman audience would have agreed with Edwards's assertion that in a dialogic exchange in the public sphere, there should be a minimum of censorship. What that might mean for them in any given situation—or in the senate, as opposed to a popular forum—was apt to be debatable).<sup>77</sup>

A presiding magistrate's inevitably shifting interpretation of his responsibilities in the course of a debate (depending on the issues) sometimes meant that he would be flexible, at other times less so, in setting limits to the senate's agenda (as we saw above in the Egyptian debates). It was thus critical that he be seen as reasonably fair and impartial. Of course, this does not mean he would not have political views of his own—no one would expect otherwise. But in practice this meant that a magistrate should be willing to take assertive action (within the constitution) as needed to ensure a balanced process: this was *publica fides*. Cicero thought very highly of Marcellinus as consul, notwithstanding the fact that Marcellinus had not favored Cicero's candidate, Lentulus Spinther, in the Egyptian business.<sup>78</sup> Cicero's point about Marcellinus must be the latter's probity—even though they disagreed on Egypt. Cicero implies in *Sest.* 28 that the Republic more or less

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<sup>77</sup>A conservative Roman observer would tend to argue that the senate enjoyed a presumptive right to restrict some of the activity in the public sphere that took place (literally in the physical space) outside the senate. For example, Cicero makes an ideological assertion in *Pro Flac.* 57 to the effect that because the senate-house overlooks the forum (the scene of many important popular activities), the senate is able to keep a watchful eye on the speaker's platform, punish foolhardy behavior, and guide the citizens' sense of duty (*cum speculatur atque obsidet rostra vindex temeritatis et moderatrix officii curia*). Politicians who vied primarily for the favor of the *plebs* and defended mostly popular interests would be apt to contest Cicero's statement.

<sup>78</sup>See *Qu. fr.* 2.4.4: *Consul est egregius Lentulus, non impediende collega; sic, inquam, bonus, ut meliorem non viderim.*

out of necessity had a right to rely on the *fides* of its consuls in a crisis (the one he describes revolved around the threat to his personal safety posed by Clodius in 58): *de consulibus loquor, quorum fide res publica niti debuit*.

It is noteworthy that Marcellinus did not try to use his authority to dissuade Lupus from speaking at some considerable length about the volatile Campanian land measure, nor did he interrupt him. This is another mark of Marcellinus's *fides*. Lupus was heard out in silence, though Marcellinus makes it plain that he as well as others did not approve of the topic. For many reasons, the Campanian land question still evoked strong passions. The moment was plainly not ideal for achieving any sort of consensus. If Lupus's own sense of propriety had not restrained him at the last minute from calling for a vote, it is possible, based on Marcellinus's words to the tribune, that he might then also have raised an objection. By claiming to know what the senate was thinking even though he wisely did not call for a vote, Lupus had come close to asserting that a political consensus on the topic of repealing the law existed, though one did not. It was no secret that the senate disliked the Campanian measure—historically, the senate had nearly always opposed land redistribution schemes. But active opposition to what was now a law (a law that senators and magistrates had been forced to take an oath to uphold<sup>79</sup>) was a separate issue. In addition, Lupus had made compromising remarks addressed to Pompey (*expostulationes*, whatever they were), to which Pompey clearly had a right to respond. This, most of all, perhaps, is what prompted the consul-designate to take action. Marcellinus had to remind the senate that several vital principles were at stake, and he did

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<sup>79</sup>Dio 38.7.1-3.

so without causing rancor or blowing the matter out of proportion. He did not attack Lupus (i.e., he did not question his *fides*), nor did Lupus apparently take offense or suffer loss of face (judging from Cicero's text) at the consul-designate's cautionary rebuke. He appears to have taken the point, since he dutifully replied with the standard phrase that he would not detain the senate further (*Tum ille se senatum negavit tenere*).<sup>80</sup>

Arguably, Marcellinus also displays his *fides* in the next portion of the text (*Qu. fr.* 2.1.2). The tribune Racilius rose and began to discuss the proposed prosecution of the ex-tribune Clodius, Cicero's arch enemy.<sup>81</sup> The resolution under consideration dealt with the timing and sequence of elections and judicial proceedings. If the elections for aedile were held prior to Clodius's trial on a charge of *vis* that had been brought against him by Milo, then Clodius would secure immunity from prosecution if he were elected to that office.<sup>82</sup> When Racilius called upon Marcellinus to give his *sententia*, Marcellinus delivered a strong speech supporting the priority of the trials over the elections, stating that anyone obstructing the trials would be held to be acting against the republic (*eum contra rempublicam esse facturum*). Of course, this is the point which was expected to be decisive. Marcellinus was basing his opinion on *publica fides*. That is, he went to lengths to show that it was important for the senate (among other things) to avoid the appearance

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<sup>80</sup>The standard phrase for dismissing the senate was "*Patres conscripti, nemo vos tenet, or nihil vos moramur.*" See Robert Yelverton Tyrrell and Louis Claude Purser, *The Correspondence of M. Tullius Cicero*, vol. 2, 2d ed. (Dublin: Dublin University Press, 1906), 20. Henceforth referred to as *Correspondence*, vol. 2.

<sup>81</sup>Racilius was a strong supporter of Cicero's, who thought well of him. During the Civil War, Racilius followed Caesar. This is one more indication that while Cicero's views on questions of "right" and "wrong" in politics are extremely valuable for our understanding of Roman thinking, men who shared many of those same principles might make very different political choices (assuming that picking sides in a civil war may be viewed as a political choice).

<sup>82</sup>Tyrrell and Purser, *Correspondence*, vol. 2, 20; Gruen, *The Last Generation*, 295-96.

of impropriety. For if the elections were to take place before the trials, the public's perception was likely to be that the system had been rigged for the private benefit of a notoriously undeserving politician and his friends, men intent only upon pursuing their own goals.

In terms of protocol, normally the quaestors would draw the lots for the jury, but the quaestors had left office on December 5; hence Marcellinus's proposal now that the praetor urbanus draw the lots. Tyrrell and Purser note that this motion by the consul-elect should have been merely formal, and that, technically, it was not a motion that even required the intervention of Marcellinus to be put.<sup>83</sup> They suggest that one possible reason why he chose to take such a prominent part in the business was that it might be acted upon without "undue delay."<sup>84</sup> It seems, then, that Marcellinus made a deliberate point of going beyond merely stating his view on the question of electoral or judicial priority in his response to Racilius because he saw the issue as an exceedingly important one. Therefore he spoke in a serious vein (*graviter*) on what the importance of the technical issue was to the overall best interests of the republic. As consul-elect, he bore (in his own view, I would argue, and not simply in terms of how the system was supposed to work; systems do not work by themselves) a responsibility to lead the senate in whatever direction he saw as most beneficial to public well-being. His motion here concerning Clodius's prosecution may thus be seen as another mark of his *fides*.

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<sup>83</sup>Tyrrell and Purser, *Correspondence*, vol. 2., 20-21.

<sup>84</sup>Ibid. As events worked out, the senate, which here approved Marcellinus's speech very strongly, at a later meeting reversed itself and supported the priority of the elections over the trials. Marcellinus may well have sensed that this outcome was a possibility. He may therefore have felt that he had an obligation to try and head it off. See also Erich Gruen, *The Last Generation*, 296.

The *fides* of the magistrates-elect often assumed a special importance at Rome during the final weeks of the year. The consuls for 57 had probably set out for their provinces by this time and were not in Rome, though no source states this explicitly. What is clear is that they were not present in the senate in December<sup>85</sup> Hence Marcellinus and his colleague, though not technically in office yet, were nevertheless the *de facto* senior magistrates. They certainly appear to have been viewed as such. The aediles and quaestors for 57 had still not been elected. This political and institutional “interregnum” on a number of levels was a product both of the political calendar and of the system, which, because it permitted various methods of obstruction (frequently religious objections) to take place, had to allow for flexibility in setting the times for elections and other matters. Indeed, Dio tells us explicitly that magistrates-elect during the Republic were allowed to issue proclamations and to carry out some other functions relating to their office, even before they entered upon their legal term.<sup>86</sup> His text makes it clear that to some extent, though, what authority magistrates-elect possessed during the relatively brief period prior to taking up office depended upon their own subjective determination. He states that in late December 50, the consuls-elect Lentulus and Marcellus used the authority that they believed was rightfully theirs, as consuls-elect, to reconfirm Pompey in the role of ‘supreme commander for the defence of Italy (against Caesar)’ that had been illegally thrust upon him by the consul of 50, C. Marcellus, a few days previously (Dio himself states here that the military control over legions that C. Marcellus had given Pompey

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<sup>85</sup>Spinther was obviously on his way to his province or already there when Cicero began sending him “progress reports” in January 56 about his chances of getting the Egyptian command.

<sup>86</sup>Dio 40.66.2-3.

required the approval of both the senate and people<sup>87</sup>). Thus this fundamentally ambiguous, unpredictable (and evidently perennial) end-of-year situation could not help but accentuate the importance of *fides* for keeping things “smooth running” when there were technically no senior magistrates in office or on the scene.

### **Violence in the Senate in December 57**

The conclusion of this senate meeting is described in 2.1.3. It is valuable for what it teaches us about the relative vulnerability (at least in this period) of senate procedure to physical intimidation. Marcellinus’s motion in favor of the priority of the trials over the elections was supported by Cicero himself (when he was called upon by Racilius) and then by the tribune Antistius Vetus. While the senators were showing their approval of Antistius’s proposals, Clodius was called upon to speak. He launched into a fierce verbal assault upon Racilius, accusing that tribune of having insulted him with insolence (*a Racilio se contumaciter inurbaneque vexatum*). Clodius had a band of supporters watching the meeting from the Graecostasis<sup>88</sup> and the steps of the senate house. Whether on cue or not, this group of onlookers raised a terrific yell.<sup>89</sup> Cicero fancied that it signaled an attack on Milo’s friends. Others must have felt the same, because the senate suddenly broke up and scattered when confronted with the prospect of

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<sup>87</sup>Dio 40.66.2.

<sup>88</sup>The Graecostasis was a platform near the *Curia Hostilia* and the *comitium*, where Greek ambassadors (and later ambassadors from other states) might stand and listen to senate debates. See Tyrrell and Purser, *Correspondence*, vol. 2, 21.

<sup>89</sup>Shackleton-Bailey comments that Marcellinus’s motion would have carried if Clodius’s filibuster (and now, violent intimidation) had not been successful. See D. R. Shackleton-Bailey, ed., *Cicero: Epistulae ad Quintum Fratrem et M. Brutum* (Cambridge: Cambridge University Press, 1980), 173.

an assault upon its members. Cicero states explicitly that it was fear that ended the meeting (*Eo metu iniecto, repente magna querimonia omnium, discessimus*). The meeting thus came to an unforeseen and obviously unplanned conclusion as a result of the physical intimidation of senators, a clear violation of *fides*, and the fears for their safety this threat brought with it. What is important to note here is (1) the senate's need to be physically secure from aggression and threats in order for genuinely free deliberation to take place (a point that Caesar stresses in *BC* 1.2), and (2) the evident toll that fear can take on trust.<sup>90</sup>

### ***Publica Fides* in the Egyptian Debates of January 56**

If magistrates and speakers in the senate or other public venue behave (or are thought to behave) like mere clients of men such as Pompey or Caesar (see the footnote above concerning Cicero's desire that the *sententia* he will shortly give in the senate be seen as not subservient to Pompey), then their reputation for *publica fides* is bound to suffer—hence any implicit or explicit claim they may make based ultimately on concern for *publica fides* is likewise bound to seem dubious (one of the points Caesar makes at the beginning of the *BC*, as I show later, is that some of his opponents are acting simply as mouthpieces for Pompey).<sup>91</sup> In January 56, the tribune Lupus made a motion in the senate

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<sup>90</sup>Modern studies of trust (not surprisingly) have seen fear as harmful to trust. For example, see Jack R. Gibb, *Trust: A New View of Personal and Organizational Development* (Los Angeles: Guild of Tutors, 1978), 16: “*When trust is high, relative to fear, people and systems function well* (the authors’ italics). When fear is high, relative to trust, they break down.” See also Solomon and Flores, *Trust*, 27: “The essential virtue of trust is its openness, its celebration of possibilities. Force and fear shut these down.”

<sup>91</sup>Caesar's foes, by the same token, in effect charge anyone who sides with Caesar or is open to his proposals—including the tribunes—with being Caesar's clients and hence acting without regard for *publica fides*; see *BC* 1.1.3: *sin Caesarem respiciant atque eius gratiam sequantur, ut superioibus fecerint temporibus*. However, as we shall see below, the senate had voted overwhelmingly twice (in June 50 and on December 1, 50) for a compromise solution to the crisis. The case in Caesar's text for the *publica fides* of “Caesar's” tribunes and his other friends in the senate who sought to head off war rests in part

that threatened to bypass Cicero's friend Lentulus Spinther as a candidate to restore Ptolemy Auletes to the throne in Egypt by appointing Pompey to the task.<sup>92</sup> What Lupus did was seen as controversial and *nova*, but no attempt was made to suppress him, whereas the tribunes who tried to put Caesar's proposals to the senate for a vote on January 1, 49, were prevented altogether from doing so.

It is therefore worth taking a brief look at the circumstances surrounding Lupus's forceful activity in the senate on this occasion. Lupus's was not the only motion appointing Pompey that was on the table. A similar proposal had been offered by another tribune, Caninius.<sup>93</sup> As was the case with the senate meeting in December 57, scholarly opinion is virtually unanimous in portraying Lupus as some sort of Pompeian agent in January and February 56.<sup>94</sup> However, I would argue that Lupus is probably acting independently here also, appearances notwithstanding. Cicero does not particularly associate him with Pompey's interests as such or even his friends (that is, Cicero does not by word or in some other way connect Lupus to any of the senators who are known by him to be among Pompey's *amici* or *necessarii*). He does not question Lupus's *fides* although he disagreed with him, nor does his text imply an unspoken understanding

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implicitly on these votes, although they are not specifically mentioned anywhere in the *BC*.

<sup>92</sup>Lentulus had left Rome and was en route to Cilicia, his *provincia*. By a previous senate decree Lentulus had gotten passed while he was still consul, the task of restoring Ptolemy belonged to him. But the question had now been reopened. See Seager, *Pompey*, 111.

<sup>93</sup>For sources on Caninius's involvement, see T. R. S. Broughton, *The Magistrates of the Roman Republic*, vol. 2 (Cleveland: Case Western Reserve University Press, 1952; reprint, Ann Arbor: Cushing-Malloy, 1968), 209 (page citations are to the reprint edition). Henceforth abbreviated as *MRR* 2.

<sup>94</sup>For example, Shackleton-Bailey subsumes Lupus under the rubric of "Pompey's friends" in his discussion of *Fam.* 1.1. See D. R. Shackleton-Bailey (ed.), *Cicero: Epistulae ad Familiares*, vol. 1 (Cambridge: Cambridge University Press, 1977), 296.

between himself and his addressee Lentulus that Lupus must be acting as a member of or at the behest of the Pompeian clique to which he does refer in the letters.

Pompey's supposed interest in replacing Spinther is the reason why the issue of *publica fides* looms so large in senate debate over the question. The senate had already decided on Spinther's appointment (see below). However, the tribune C. Cato had recently produced and—in violation of tradition (which required the senate's consent)—published a Sibylline Oracle that seemed to forbid the use of an army to restore Ptolemy.<sup>95</sup> Cato's motives are unknown, but his action had the effect both of thwarting Lentulus Spinther's ambitions and opening the floodgates to a wide range of suggestions regarding persons and methods that could be used to effect Auletes's restoration as king of Egypt (the details of this do not concern us). It was generally believed that Pompey was intriguing for the job behind the scenes. However, given all the circumstances, he was bound by his *amicitia* with Spinther publicly to support the latter. Oracle or not, no material fact had come to light to disqualify Spinther as a republican agent for the job the senate had previously voted to give him (technically, Spinther could still go to Egypt without an army). Thus for Pompey, it would arguably be a breach of *publica* as well as private *fides* not to press Spinther's claim (It is true that in theory Pompey could invoke the oracle in justification if he chose now to oppose Spinther on grounds of *publica fides*, but this would have been seen as a shabby way to treat a friend, and also as not really being *publica fides*, since Pompey stood to benefit). On January 13, 56, Cicero wrote to

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<sup>95</sup>Dio 39.15.12.

Spinther (who was en route to his province, Cilicia) to acquaint him with the difficulties besetting his Egyptian candidacy and what might be done about it (*Fam.* 1.1.4):

For myself, I carry the less weight (*auctoritas*) in the affair because I am in your debt, and any desire there is to please me is crushed by a notion people have that they are pleasing Pompey. We stand much as we did long before you left; the king himself and Pompey's friends and associates have secretly inflamed the sore, then the consulars have openly made things worse and aroused strong popular prejudice. My own loyalty [*fides*] will be acknowledged by everybody, and my affection for you, far away as you are, by your friends on the spot. Were there honor [*fides*] in those in whom, above all others, it should be found, there would be no difficulties in our way. Farewell. [Loeb trans.]

In this passage, Cicero is explaining that his opinion carried less weight in this particular controversy because he was seen as indebted politically to Lentulus Spinther (i.e., Spinther as consul had played a significant role in making it possible for Cicero to return from exile), and so his *sententia* was apt to be seen as not wholly unbiased for the state.<sup>96</sup> This behavior bears out the ideology we saw earlier in Valerius Maximus (especially 2.2.1a: *cuius limen intrantes abiecta privata caritate publicam induebant*). At the same time that he delivers this rather pessimistic message, Cicero affirms that his

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<sup>96</sup>Indeed, Cicero himself furnishes additional evidence of his own awareness of constraint on his independence resulting from his obligation to Lentulus in *Qu. fr.* 2.2.3: "(Lentulus's difficulties over Egypt are a source of grief to me) ... notwithstanding that he (Lentulus Spinther) has done many things, on account of which, if it were *fas*, we would be able with justice to be enraged at him." Cicero's defence of Lentulus's case has involved him in a conflict between the *publica fides* of the senate and civic duty and private *fides* in the form of his gratitude to (and widely perceived obligation to) Lentulus. Cicero observes above that his perceived obligation to Lentulus has diminished his *auctoritas* in the affair (cf. *Fam.* 1.7.3, in which Cicero tells Lentulus that most people think he [Cicero] is motivated by his debt to Lentulus, rather than the desire to render an impartial judgment). This is because his defence of Lentulus creates the impression that he is less motivated by his sense of *publica fides* than he is by private *fides*. This impression was likely to be accurate, as Cicero himself was doubtless aware. That is, if he felt no especially strong obligation to Lentulus, his peers knew that Cicero might well have come out against granting Lentulus (or another) the permission he required to leave his *provincia* with his army for the purpose of invading Egypt. This public perception of his obligation to Lentulus created a conflict between *publica fides* and Cicero's private *fides* that it was not altogether within his power to resolve. Arguably, his way of handling the moral conflict was simply to remain at "battle stations" for Lentulus long enough (and to press just hard enough in public) for his debt of honor to be satisfied and for Lentulus to be convinced that Cicero had left nothing undone. The extreme complexity of the situation itself came to Cicero's rescue here, since the political forces arrayed against Lentulus were indeed formidable.

support of Lentulus on this issue is an act of *fides*, and argues that if other senators (Pompey is probably obliquely referred to here) were motivated by *fides (publicae)* as they should be, then Lentulus would be appointed to Egypt.

The other aspect of the Egyptian debates with which we are mainly concerned is the part played by Lupus. It is important because it has relevance for our reading of *BC* 1.1-9. Given that the suppression of tribunes is a centerpiece of Caesar's presentation, it is worth observing again that tribunes were apparently able both in theory and in practice to exercise formidable powers over senate activity if they so chose, with no effective disparagement to their *fides* necessarily implied. Judging from what Cicero wrote to Lentulus on January 15, 56, Lupus's performance in the senate was unexpected (*Fam.* 1.2.2):

Hortensius's motion came next, when the tribune Lupus, on the ground that it was he who had raised the question affecting Pompey, began to insist that he should take precedence of the consuls in dividing the house. His speech was answered by angry shouts of dissent on every side, for it was as unfair as it was unprecedented (*iniqua et nova*). The consuls neither yielded to him nor showed any spirit in opposing him; what they wanted was, that the day should be wasted, and that is what happened; for though they openly paraded their agreement with Volcatius, they saw clearly enough that a far greater number would vote for Hortensius's motion. Large numbers were asked their opinion, and that too with no objection on the part of the consuls, for they were anxious that Bibulus's motion should succeed. [Loeb trans.]

As we can see, when a motion by Hortensius instructing Lentulus Spinther to restore Ptolemy (but without using his army) came up for a vote in an order that would have been determined by the consuls, Lupus demanded that his motion should take precedence in the voting over that of Hortensius and that he, rather than the consuls, should preside over the division of the house, apparently on some grounds related to his authority as a tribune and because it was he, Lupus, who had been the first to make the

motion about Pompey. Lintott states that the consuls ranked the motions.<sup>97</sup> The complete text of *Fam.* 1.2 certainly implies that they did. Lupus seems to be portrayed in Cicero's text as challenging the consuls' right to have demoted his motion since he was a tribune and his had been made first. But the passage is a difficult one. Tyrrell and Purser observe that it is not very plain on what grounds Lupus claimed precedence over the consuls, though what he did was not illegal even if the senate found it offensive (*iniqua et nova*). Normally motions proposed by the presiding magistrate had priority, but (quoting Tyrrell and Purser) "the question in the last resort rested with the magistrate who had most power, and he was certainly the tribune, as the tribune had the right of stopping any *relatio* whatever."<sup>98</sup> This is more or less the ideological point Caesar makes several times in *BC* 1.1-7.

The senate's perception of Lupus's demand (in Cicero's terms) as *iniqua et nova* implies that the *patres* were seeking to equate it to a violation of *publica fides*. To them, it was an unmerited act of trespass on the consuls' prerogative. However, we must bear in mind that tribunes often did and said things that were not popular in the senate (as did many speakers, for that matter). It was among the responsibilities of a tribune (notwithstanding that a tribune in this period was also a member of the senate) to make use of his special powers as he saw fit to guarantee access to the political arena for individuals or groups that might otherwise face exclusion from it (and to safeguard his

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<sup>97</sup>Lintott, *Constitution*, 84.

<sup>98</sup>For this and the preceding statement, see Tyrrell and Purser, *Correspondence*, vol. 2, xxxix-xl and 31.

own power to do so). A tribune who hesitated to act pursuant to this charge because he was reluctant to face down harsh criticism would not have been seen as worth much.

Ernst Badian argues that what was *iniqua et nova* was not that Lupus ignored a convention that gave consular *relationes* preference over tribunician, but that he demanded that a *relatio* of his that had been debated at an earlier session be revived for debate at the meeting described in *Fam.* 1.2, and even more, that it be debated in between two sections of the consular *relatio*, discussion of which had already begun. This, according to Badian, would indeed have been unprecedented, but “there was no way of forcing a tribune to give up.”<sup>99</sup> To Shackleton-Bailey, Cicero’s wording (*ante...consules*) suggests that Lupus’s demand was technically justified, whether because his *relatio* had preceded that of the consuls or by reason of his prerogative as tribune.<sup>100</sup>

The main point to note here for the sake of comparison with what happens in January 49 is that even in a situation that clearly roused the senate to a pitch of indignation (*eius orationi vehementer ab omnibus reclamatum est*), no attempt was made to interfere with Lupus. This was itself a mark of *publica fides* on the senate’s part. Ultimately, no one questioned that as tribune he had the authority to intervene and (in spite of the anger he aroused) that his action was therefore constitutionally legitimate. Cicero never suggests or implies that Lupus’s action on behalf of his own motion was an outright violation of *publica fides*, even though the vocal disapproval of the senate provided him with an

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<sup>99</sup>Badian, “*Tribuni Plebis*,” 208 n. 33.

<sup>100</sup>Shackleton-Bailey, *Ad Familiares*, vol. 1, 298. The most recent comprehensive treatment of the tribunate in the late Republic is Lukas Thommen’s *Das Volkstribunat Der Späten Römischen Republik* (Stuttgart, 1989). The work has a separate—albeit short—section on tribunician initiative in the senate (“*Tribunizische Anträge und Äusserungen im Senat*,” 193-205), but Thommen fails to analyze Lupus’s action, though he describes it (204).

opportunity for comment. In fact, Cicero's actual focus in the letter is on the moral slackness, as he sees it, of most of the other protagonists in the debate, including the consuls—not Lupus.

This decision to assert control over the process based on his rights as a tribune (apparently, judging from the text) suggests a motive on Lupus's part more consistent with the defence of his own *fides* as tribune than with the defence of Pompey's interests as such. In other words, it is more likely that he employed his tribunician authority to secure due process (according to his lights) for the measure he had proposed (and which he might also conceivably set before the people, if he really wanted to force the issue<sup>101</sup>). It is less likely to be the case that he deliberately misapplied his power as tribune pursuant to a private understanding with Pompey to secure an end with no regard whether that end might be good or bad for Rome. Part of Lupus's motivation may have had to do with his colleague Caninius's lengthy dispute with the consul Lentulus Marcellinus on the previous day (see above). Lupus may have felt that in the aftermath of Caninius's evident assertion of his tribunician prerogatives, a failure to act with resolution on behalf of his own proposal would tend to imply that he was weak and insincere by comparison. Tyrrell and Purser suggest that the following reconstruction is possible if we accentuate *Pompeio* in the text: “‘The question’ (Lupus might say) ‘now is, what individual person is to restore Ptolemy without an army? The names, as this meeting is aware, are Lentulus and Pompey. Both are equally eligible, for both have the *imperium*; but plainly Pompey is the greater

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<sup>101</sup>For example, in *Qu. fr.* 2.2.3, Cicero states (January 17) that what may come about because of the thievery of the tribunes cannot be foreseen by him (*Quid futurum sit latrocinio tribunorum, non divino*). This statement implicitly recognizes the fact that tribunes, under the constitution, might seize the initiative from the senate by placing proposals before a *contio* or the *concilium plebis*.

man, and the discussion of his claims which I support ought to have precedence over those of Lentulus, which are advanced by certain eminent consulars, and will accordingly be put to the meeting by the consuls.”<sup>102</sup>

The relevance of this to the senate meeting of January 1, 49, lies in the fact Cicero did not question Lupus’s right to take part in decision-making that involved foreign policy questions and the possible creation of an important military command. What was *iniqua et nova* about the tribune’s action in Cicero’s eyes appears to have been merely technical or procedural. Nevertheless, Lupus was not mistreated, as the tribunes of 49 *were*.

On January 1, 49, the decision at stake—technically speaking—was not the creation of a new extraordinary command, but setting a terminal date for Caesar’s command in Gaul (the fact that no source ever mentions a date likely indicates, as Gruen has pointed out, that no date in law had been set previously).<sup>103</sup> The senate was an appropriate constitutional forum for debate and decision-making about this question, although it was not the only forum. The traditional scholarly view emphasizes the senate’s jurisdiction in Caesar’s case as practically a constitutional mandate. For example, in the old *CAH* Frank Adcock stated that “In the absence of an overruling vote of the People it [i. e., the terminal date] was, by constitutional practice, a matter for the Senate to decide, and if Caesar refused obedience he was setting himself against the Republic.” However,

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<sup>102</sup>Tyrrell and Purser, *Correspondence*, vol. 2, xl.

<sup>103</sup>The issue “what was the terminal date of Caesar’s command?” has, of course, caused rivers of scholarly ink to flow. I agree with Gruen’s conclusion that the *lex Pompeia Licinia* of 55 authorizing a five-year extension of Caesar’s *imperium* most likely did not specify the precise terminal date. As Gruen puts it, “Understanding of the civil war is enhanced not at all by the assumption that Caesar overstayed a legal term.” See *The Last Generation*, 492-93.

Adcock's conclusion acknowledges implicitly that there was always potential for popular involvement in such matters. Fergus Millar has lately argued that the role for *leges* passed by the people in establishing the major commands of the 60s and 50s was an "essential" one. Gruen argues that the senate was the customary institutional body for rendering decisions on provincial assignments, but concedes that by "a long-established principle," the *populus* had a right to override the senate's decisions "upon occasion." I find Gruen's caveat overcautious. The implication of the bulk of this evidence for the senate debate of January 1 is that the tribune who sought an active role in senate deliberation on such a question would not be transgressing his responsibilities.<sup>104</sup> My point is that there was clearly no perceived precedent that would necessarily or obviously have served to debar the tribunes who read Caesar's letter to the senate from immediately (or almost immediately) putting a motion concerning his proposals to that body. Caesar may consciously have been counting upon his audience's awareness of this fact by opening the *BC* with the significant words "*Litteris Caesaris.*" The blunt language might serve to remind the audience at the very outset that proposals contained in such a letter (that is, a vitally important letter that had been entrusted to tribunes) are to be debated, motions about them made and put to the senate, and votes taken (if not necessarily all on the same day)—and that the failure of the senate to do this in January was a clear violation of *publica fides*.

In summation of this part of our discussion, it appears that the behavior of many of the protagonists in the Egyptian drama was determined ultimately in many ways

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<sup>104</sup>F. E. Adcock, "From the Conference at Luca to the Rubicon" in *CAH*, vol. 9, ed. S. A. Cook, F. E. Adcock, and M. P. Charlesworth (Cambridge: Cambridge University Press, 1932), 636-37; Millar, "Popular Politics," 103; Gruen, *The Last Generation*, 543.

by how each senator individually interpreted competing claims of *fides*. A senator's obligation to respect a friendship was patent. However, senators were also expected to have and show an overriding concern for the public interest (as the previously discussed passages from Livy and Valerius Maximus have shown). The proper course of action for the senate to take, pursuant to notions of *fides*, was nevertheless not always obvious due to multiple competing claims of ostensible merit, as well as the fact that more than one kind of *fides* played a perceived role in the senate. Almost everyone knew (or knew of) everyone else on some level. Cicero was a friend of both Pompey and Lentulus. But from the vantage point of Cicero and Lentulus as well as others, it was Pompey's questionable *fides* (public as well as private) in terms of his perceived obligation as Lentulus's friend to support the latter's *dignitas* that may have mattered most during the whole affair. In his case, unlike some of the others, there was no lack of clarity about where his duty lay. He had nowhere to hide—he had to support actively a friend like Lentulus, whose claims had backers in the senate (and some legal merit), and who, as an ex-consul and aristocrat, was of roughly comparable status, perhaps—not eminence. But eminence brought its own obligations. Cicero had a similar obligation to support Lentulus, but as we saw, because Lentulus had played a major role in bringing Cicero back from exile, that perceived obligation had the effect of diminishing Cicero's influence because of the impression created that Cicero was discharging a private debt, not acting with *publica fides*.

On the one hand, Pompey did speak once in the senate at length in support of Lentulus's rights (*Fam.* 1.1.2). On the other hand, he absented himself from the senate most of the rest of the time: this was a way of avoiding having to speak on the Egyptian issue, so his *fides* was only presumed, and meanwhile he apparently did nothing to restrain

his associates from promoting his own supposed interest in restoring Ptolemy (*Fam.* 1.1.3). Thus when Cicero wrapped up his first missive to Lentulus with the comment that there would be no trouble if there were any *fides* in those in whom it ought to be found, he was probably making an oblique reference to Pompey (*Fam.* 1.1.4).<sup>105</sup>

It is reasonable to infer that Pompey's reputation for *fides* suffered because of his ambiguous behavior. Cicero states to his brother Quintus that Pompey was openly blamed on the score of his friendship with Lentulus and was no longer in the same position as before (*Qu. fr.* 2.4.5: *et Pompeius noster in amicitia P. Lentuli vituperatur, et hercule non est idem*).<sup>106</sup> As I noted earlier in this study, having *fides* and having a reputation for having it can sometimes amount to the same thing. It is true here. To maintain one's reputation, it was necessary to be seen as sincerely trying to live up to one's perceived obligations, and in the senate, that meant observing *publica fides*. It was not enough only to put on a front. It was thought that Pompey had merely done that in this case by absenting himself from the senate and apparently failing to urge restraint upon some of his friends and supporters, and his reputation (and hence his *fides*) suffered in consequence. The incidents in 57 and 56 also show how the senate displayed *publica fides* towards tribunes of the *plebs* even when they acted strongly. This puts the events of January 49 into a perspective with respect to Caesar's argument in the *BC* concerning the senate's disregard of *fides* in his case. The final and very important point to note is the significance

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<sup>105</sup>Such is the judgement of Tyrrell and Purser, *Correspondence*, vol. 2, 30.

<sup>106</sup>Tyrrell and Purser translate the phrase *et hercule non est idem* to mean that Pompey was "not in his old position." See *Ibid.*, 51.

of perceived *fides* in all senate activity. The events of late 57 and early 56 confirm in detail the general statements in Livy and Valerius Maximus.

Let us briefly sum up the discussion in this chapter. The main focus of this chapter has been on the basic Roman notion that *publica fides* should always be the driving force behind the senate's activities. This idea is aptly expressed by Valerius Maximus's comment that when men entered the senate, they cast aside all private interests and became imbued only with concern for public well-being (2.2.1b). This is admittedly an ideological perception, not a product of historical analysis. But we have seen evidence in Cicero's letters of the mid-50s that *publica fides* does in fact appear to have influenced the actual behavior of speakers in the senate. We have also seen that in the senate meetings of December 57 and January 56 that Cicero describes for us, there is substantial congruity between the ideology of senate behavior (e. g., as shown by Valerius and Aulus Gellius), and actual behavior in the senate, in that a number of the speakers and decision-makers in the debates of 57/56 appear to be relying upon *fides* to guide them in areas where no clear precedent exists. By the same token, it also appears from Cicero's descriptions (and Gellius's analysis of the reasons for Cato the Censor's success in the Rhodian debate) that perceptions of a senator's *fides* could decisively sway debate in the senate one way or another.

It has also been argued in this chapter that Caesar's presentation of events in and around the senate in *BC* 1.1-6 relies heavily upon the notion that *publica fides* should be a senator's paramount concern. Caesar takes for granted that the audience sees the matter in this light. He is thereby able to argue that because the senate unfortunately succumbed to illicit and unlawful pressure in December 50 and January 49, *publica fides*

was transgressed, Caesar's rights and the rights of the tribunes were wrongly impugned, and that Caesar is therefore justified in taking unusual action in self-defence and in defence of the constitution.

## CHAPTER THREE

### THE *FIDES* OF THE SENATE AND THE *PAUCI* IN *BC* 1.1-9

Preliminary discussion in the first two chapters has focused on examining a multiplicity of Roman perspectives on *fides*. The idea was to view the topic in Roman terms from ideological, historical, and practical aspects, though it is arguable that all of the texts we have considered depict ideological notions to some extent, even when (as in some of Cicero's letters) the immediate object may not always be to engage in overt moralizing. What is important here is not for us to demarcate clearly between, say, the sort of thing that Valerius ("the didactic moralist") does with history and what Livy ("the historian") is doing. Nor need we determine whether or in what respects the moralizing contained in Cicero's contemporaneous observations of the living political process may sometimes have impaired the accuracy of those observations. The object of the previous section has simply been to provide a reasonably broad sampling of ancient perspectives. With their aid, we can now better attempt to gauge what Caesar's message to his first generation of readers may have been in the critical early chapters of the *BC* where the senate is the focus of the action.

In the present chapter, then, the focus is on Caesar's depiction of the breakdown of *fides* in the senate, seen as traceable mainly to the bad character and *fides* of his *inimici*. Patent disregard for *fides* by his foes is shown in the text by their suppression of independent voices within the senate; their marshaling of public resources for the attainment of their private ends, as embodied in such actions as the assigning of *provinciae*

to *privati*; passage of the *senatus consultum ultimum* in defiance of precedent; and the suppression of the tribunes' veto. This breakdown, I argue, is understood implicitly to include the senate's disregard for its own overwhelming vote the previous month in favor of a compromise solution. The chapter also begins to explore ways in which Caesar, by showing himself as combating a Pompeian assault on the constitution, begins the task of linking his defence of his *dignitas* to *publica fides*. However, the important programmatic passage at 1.22.5 bearing on the issue of Caesar's ideological justification and its relationship to popular *libertas* is discussed not here, but in an appendix to the dissertation: the reason for this is that the argument is complex and involves passages from other authors; it would tend to be a distraction if included here.

### **Pompeian Suppression of the Senate on January 1, 49 (BC 1.1-2)**

The senate activity depicted in *BC* 1.1-2 can be summed up briefly. In chapter 1, Caesar opens the work by describing what happens after his peace proposals (*litteris Caesaris*) have been handed to the consuls. The tribunes can only get them read to the senate after a verbal brawl (*summa contentione*) with the consuls. When the tribunes attempt to have a motion put to the senate about Caesar's proposals, they are prevented. Instead, the consuls propose a motion about the state of the Republic (*de re publica*). The consul L. Lentulus pressures (*incitat*) the senate, saying that he will not be found lacking in the Republic's service if the senators express their *sententiae* boldly and forcefully. But, he adds, if the senators look to Caesar and pursue his favor (*gratiam*), as he claims they have done on previous occasions (*superioribus temporibus*), then he, Lentulus, will keep his own counsel and will no longer be bound by the *auctoritas* of the senate. Indeed,

Lentulus declares, he himself, in that case, might seek Caesar's favor and friendship (*habere se quoque ad Caesaris gratiam atque amicitiam receptum*). Next, Metellus Scipio (presumably after being asked for his opinion by Lentulus) expresses a similar opinion. Scipio says that Pompey (who happens to be Scipio's son-in-law) was disposed in his heart and mind (*in animo*) not to fail the Republic, and he would not, so long as the senate followed his lead. If the senate delayed and waxed soft, it would seek his help in vain in the future. Scipio's speech, Caesar comments, seemed to come directly from the mouth of Pompey, since the latter was not far from Rome, where the senate was meeting. The implication is that this in itself would be a violation of *publica fides* (which is why Lupus was not a mere mouthpiece for Pompey in late 57 and early 56).<sup>1</sup>

In the bulk of chapter 2, Caesar describes what happens when the senate attempts to respond rationally to Lentulus and Scipio. Several senators express opinions that are not as harsh (*leniorem sententiam*). M. Marcellus (cos. 51) argues that no motion about the Republic (*de ea re*) should be put to the senate until military levies can be held throughout Italy. Then, he says, the senate may dare to make any decision it wishes safely and freely under the protection of the army it has conscripted (*quo praesidio tuto et libere senatus, quae vellet, decernere auderet*). M. Calidius (pr. 57) says he thinks that Pompey should set out for his own provinces because that would remove the danger of an imminent conflict (*ne qua esset armorum causa*). Caesar, Calidius explains, was afraid (*timere*) that the two legions that had been withdrawn from his army [for use against Parthia] had actually been retained by Pompey and kept at Rome so that they could be

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<sup>1</sup>See discussion about Lupus above, Chapter Two.

turned against him (*ad eius periculum*). M. Caelius Rufus (tr. 52; aed. 50) expresses a similar opinion.

The views of Calidius and Caelius are important here because (among other things) they underscore Caesar's main point that it is still not too late for both sides to pull back from the brink. One month earlier, the consuls for the previous year had asked Pompey to assume supreme command over all republican military forces in Italy, in blatant and deliberate disregard of an overwhelming senate vote (370-22) in favor of compromise (see below). Calidius's *sententia* presumes knowledge of this event on the part of the audience. In other words, he and Caelius certainly mean in part to suggest that Pompey can still return the sword which the consul had rashly and illegitimately placed in his hand. He and the senate have time to retrace their steps of the past month and rethink things. The crisis can be averted right now if Pompey will simply go to his own province (see below), where he belongs in any case. This action on his part would serve to diminish the prevailing climate of fear. It would also tend to display his *publica fides*, not merely because he would be seen as making a sacrifice of *dignitas*, but because he would be seen as honoring the senate's true intentions.

However, Lentulus will have none of it. He assails all of these speakers in a loud, abusive tone (*convicio L. Lentuli consulis correpti exagitabantur*). He refuses to put Calidius's motion to a vote, and Marcellus is so terrified by Lentulus's language that he withdraws his own motion (*perterritus conviciis a sua sententia discessit*). The result of this—according to Caesar—is that most of the senate, in turn, succumbs to intimidation. The senators are intimidated by the harsh language of the consul, their fear (*terrore*) of the army nearby [under Pompey's command], and the threats (*minis*) of Pompey's friends.

The senate therefore makes a decision against its will and under compulsion (*plerique compulsi inviti et coacti*). It adopts Scipio's proposal *de re publica*, which is that Caesar must relinquish command of his army before a certain date, and that if he does not, he should be seen as one who would do harm to the Republic. The tribunes M. Antonius and Q. Cassius veto the senate's measure. The veto is immediately brought before the senate for discussion. The *sententiae* that are expressed about the it are uniformly harsh and cruel (*acerbissime crudelissimeque*), and the more extreme each opinion is, the more it is applauded by Caesar's personal enemies (*ita quam maxime ab inimicis Caesaris collaudatur*).

If we use the behavior we witnessed in the senate meetings of 57 and 56 as a standard with which to estimate the contemporary Roman audience's perception of what was either traditional or technically permissible activity by magistrates, senior statesmen, and the rank-and-file members, it will become clear that Caesar's descriptions of the senate in early January amount to a charge of bad *fides* directed primarily at the consul L. Lentulus, the ex-consul Scipio, and Pompey himself. Caesar's stated grounds are that these men and their allies employed tactics of fear, force, and coercion (in violation of *mos maiorum*, in effect) to suppress free deliberation (the latter process involved asking the senate for its opinion of members' motions in an orderly fashion, and without intimidation), to deny him and his legitimate concerns due process, to prohibit the tribunes from exercising their acknowledged rights as they saw fit, and to compel the senate to authorize a war against him that was in reality to be waged on behalf of the private interest of these men, rather than the *res publica*. Caesar's purpose in making this case is to

persuade the reader that he acted in self-defense when he took up arms, and that he had the moral right to do so.

As I suggested earlier, there is also a sense in which Caesar's charge of bad *fides* may be said to include the senate as a body. The senate succumbed to the pressure that was put on it, something that Polybius's senate of the Second Punic War would never have done (as the audience was certainly aware—it did not have to be spelled out). However, Caesar does not indict the senate in the plain language he uses to characterize his opponents. His refusal directly to impute bad faith to the senate, when the circumstances in part might warrant it, is most plausibly to be seen as both a challenge to that institution to stiffen its spine and a mark of Caesar's own *fides*—a sign of republican feeling. It may also have been a reminder (for a readership consisting, for the most part, of members of the political classes) that if the senate should fail to live up to its lofty tradition as the independent and stalwart guardian of the republic, it risked forfeiting the respect and loyalty of the *populus Romanus*. and, in turn, its leadership role.

In Caesar's first post-Rubicon appearance before the senate at Rome described in *BC* 1.32.7, he does quite literally try to shame the *patres* into taking up the burden of the republic: "In light of these considerations, Caesar exhorted and charged the senators to take up the affairs of the state and administer them with his help. But if they should turn away through fear, he said that he would not burden them. Instead, he would guide the republic by himself."<sup>2</sup>

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<sup>2</sup>*Pro quibus rebus hortatur ac postulat, ut rem publicam suscipiant atque una secum administrent. Sin timore defugiant, illis se oneri non futurum et per se rem publicam administraturum.*

It would be a mistake to see Caesar's declaration here as betokening anything unrepublican. For example, in *Cael.* 59, Cicero recalls the words that the consular Metellus Celer addressed to him personally, as Celer lay on his deathbed: *crebro Catulo, saepe me, saepissime rem publicam nominabat, ut non tam se emori quam spoliari suo praesidio eum patriam, tum etiam me doleret* ("...he was calling repeatedly upon Catulus, often upon me, but most often upon the republic, for he was regretful not so much that he was dying as that I and the republic would be deprived of his personal protection [*suo praesidio*]"). Caesar in 1.32 does not really envision a different role for himself in relation to the senate and the republic, ideologically speaking. Cicero very often depicted himself as one who had more or less single-handedly defended and preserved the republic and its institutions. This *praesidio* of the *res publica/patria* is what every person of *fides* takes up as a voluntary task, and taken together with the various examples of *fides* that were discussed earlier, may be seen as classic civic humanism.<sup>3</sup>

Let us begin our investigation into the first two chapters with the failure of the tribunes to obtain the consuls' consent for an immediate vote to be taken on the peace proposals contained in the *litteris Caesaris*. It is primarily Lentulus who is meant, apparently, since his colleague C. Marcellus is not named by Caesar. The tribunes had had

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<sup>3</sup>Collins argues that 1.32 is the only passage in the *BC* that gives the "slightest color" to the view that Caesar had an interest in a monarchical role of some kind for himself. However, as he states (paraphrasing Gelzer), there is in the passage only a threat to act independently, and thus force the cooperation of a reluctant senate—nothing that Cicero and Cato could not have approved in principle. See "Date and Interpretation," 120. Herman Strasburger suggests that Caesar in this passage is expressing a desire for a position in the state such as Pompey had had in recent years ("*Er wunschte eine Prinzipatsstellung im Rahmen der alten Staatsform, wie sie Pompeius schon in den letzten Jahren innegehabt hatte.*"). This view clashes with the reality of the situation. Caesar's stance in the *BC* is that he is open to reconciliation on even terms. Any perceived claim by him of a position of special eminence in the state would have predestined the failure of the very peace overtures he takes pains to advertise in the *BC*. For Strasburger's views, see "Caesar im Urteil der Zeitgenossen," *Historische Zeitschrift* 175 (1953): 257-58.

a very difficult time (*summa tribunorum plebis contentione*) beating back the consuls' opposition to having the missive read aloud in the senate. But instead of allowing a vote on the peace offer to take place, the consuls brought forward their own motion *de re publica*, as Caesar, perhaps with intentional irony, styles it.<sup>4</sup>

There are several reasons why Caesar could plausibly depict the consuls' obstructionism as a violation of *fides*. He did not have to strain to make *fides* the issue. For one, the senate had voted overwhelmingly three weeks earlier (370-22) in support of a proposal that both Caesar and Pompey step down from their commands. This important vote has been mentioned previously in this chapter.<sup>5</sup> Moreover, in June 50, the senate had voted in favor of permitting Caesar's candidacy in absence to go forward without requiring him to surrender either his army or his provinces (see *Fam.* 8.13.2: *Trasierant illuc, ut ratio esset eius habenda, qui neque exercitum neque provincias tradere vellet*). These votes were themselves powerful statements *de re publica* by the senate in favor of compromise for the sake of internal peace (and of the relative unimportance by this time of the various technical legal points at issue). It is seldom recognized how much the 370-22 vote in December is taken for granted by Caesar here, where he counts, I would argue, on

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<sup>4</sup>J. M. Carter translates the phrase to mean "a general debate on public affairs." Carter points out that in the handbook which Varro wrote to guide Pompey on senatorial procedure (Gellius *NA* 14.7.9) he specified that debate could be either *infinite de republica* ("about public affairs, without restriction") or *de singulis rebus finite* ("restricted to individual topics"). Carter feels that in a crisis, and on the first day of the new consuls' term of office, the former was clearly appropriate (he notes that Cicero's fifth *Philippic*, delivered Jan. 1, 43, was made *de re publica*). But it is surely not Caesar's point to deny this categorically. Caesar's point seems to be that if an immediate vote on his proposals is to be put off in favor of a debate about the state of public affairs, then the latter should be conducted with strict regard for *publica fides*, and not be driven by private animosities. This could not fail to be the case in an emergency. His use of a standard phrase for senate procedure is thus highly charged with irony. See *Commentary 1 & 2*, 154.

<sup>5</sup>For details, see Appian 2.30.

the reader's knowledge of it, though he never refers to the vote explicitly.<sup>6</sup> Nor does he inform the reader about the exact contents of his *litteris*. But we know from other accounts that his letter to the senate did contain the proposal that both he and Pompey lay down their commands, the same suggestion the senate had endorsed so strongly, and more to the point, freely, at the previous meeting.<sup>7</sup> Caesar very likely knew that the vote for peace was what his audience would most likely remember as embodying the senate's true sentiment in December.

In *Fam.* 1.7.4 (of the year 56), Cicero paraphrases for Lentulus a distinction that Pompey himself had recently made between two sorts of senate decrees. One sort might be only the outburst of some angry men (the specific decree he refers to was vetoed, implying that the "system" had worked effectively to quash the emotional outburst<sup>8</sup>), while the other sort might be "the deliberate measure of a sober senate (*quam constantis senatus*

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<sup>6</sup>When I say that this is seldom recognized, I am referring to what I claim is Caesar's implicit reliance on this vote in his text, not to modern scholars' awareness of the vote's historical significance as an index of the senate's desire to avoid war. For example, Frank Adcock and T. Rice Holmes both wrote classic accounts of the crisis, and each of them discusses the vote. For Adcock, see "Conference," 635; for Holmes, see *The Roman Republic and the Founder of the Empire*, vol. 2 (Oxford: Oxford University Press, 1923), 253. Likewise, the two major commentaries on the *BC* refer to the 370-22 vote in their introductions dealing with the historical background (in both cases, the vote is cited merely as one of the important episodes which preceded the war), but no reference is made to it in the body of each commentary in connection with Caesar's depiction of the senate in the opening chapters. See J. M. Carter, *Commentary 1 & 2*, 12 (intro.) and 153-68 (commentary in English on chs. 1-10); F. Kraner, F. Hoffmann, and H. Meusel, eds., *C. Iulii Caesaris Commentarii De Bello Civili*, with textual and bibliographical addenda by H. Oppermann (Berlin: Weidmannsche Verlagsbuchhandlung, 1963), 7 (intro.) and 12-28 (commentary in German on chs. 1-10). Macfarlane, however, like myself, stresses that the prehistory of the civil war (including the 370-22 vote) lies behind every point Caesar makes in the opening chapters. See *Narrative of Politics*, 129.

<sup>7</sup>The extant sources (besides Caesar) are App. 2.32; Plut. *Caes.* 30.2-31.2; *Pomp.* 59.2-4; *Ant.* 5.2-4; Dio. 41.1-3. These accounts are not wholly consistent, but they agree that Caesar proposed to lay down his command if Pompey did the same.

<sup>8</sup>If we apply this reasoning to the suppression of "Caesar's tribunes" in January by Lentulus, it supports Caesar's case that the blow leveled at him was truly a blow against the constitution.

*consilium esse videatur*)." A senate vote in favor of a proposal by a 370-22 margin is likely to have represented the will of a "sober senate" in Pompey's own sense.

When Curio reached the end of his tribunate (due December 9) just days after the vote, he held a *contio* at which he denounced actions taken by Pompey and C. Marcellus in disregard of the senate's overwhelming majority opinion.<sup>9</sup> Fergus Millar observes that Dio Cassius described this event at the very end of book 40 (that is, the half-way point) of his *History*, which comprised 80 books. In other words, Millar suggests, Dio, from his perspective 250 years later, saw the tribunate of Curio as *the* major turning-point in Roman history.<sup>10</sup>

What difference did Curio make, we may well ask. After all, Dio does not always fully understand the republic and republican politics. This is true. But sometimes he does understand aspects of it, and more importantly, he had access to sources that have since disappeared. Dio says something else at the end of book 40 that Millar does not mention. But it is important. At 40.66.4 (just prior to his description of Curio's speech at his final *contio*), Dio comments that the results gained from the consul's (Dio only mentions C. Marcellus) action in giving over control of the army to Pompey were in no

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<sup>9</sup>There was considerable popular support for Curio's position. When he appeared before the people immediately after the 370-22 vote, he was showered with flowers and garlands. In addition, a majority of the new military recruits levied by Pompey after he had been given the authority by Marcellus shouted aloud that they wanted the crisis settled. Caesar continued to cultivate popular favor for the rest of December 50 through *contiones*, at which Antony, now tribune-elect, in defiance of the senate, read Caesar's peace terms to the crowds. According to Plutarch, these terms were favorably received. They were as follows: both Caesar and Pompey should give up their provinces, disband their armies, put themselves in the hands of the people, and render an account of what they had done. See Plut. *Pomp.* 58.5 and 59. 2. These terms basically correspond to Caesar's proposals as described in *BC* 1.9.

<sup>10</sup>See Millar, "Popular Politics," 91. Velleius (who of course was writing closer in time to the events) also recognized that Curio as tribune played a highly significant role in terms of the way that events unfolded, though Velleius is off the mark when he blames Curio for the ultimate failure of peace negotiations. Curio was no longer tribune when the behind-the-scenes talks to which Velleius refers collapsed. For Velleius's opinion of Curio, see 2.48.3-5.

way commensurate with what might (reasonably) have been expected from such a grand design. As Dio puts it, they (i. e., the narrow circle of senators that supported Marcellus) merely displayed their hatred towards Caesar (*alla ten echthran monon ten pros ton Kaisara endeixamenoι autoi*), yet (surprisingly) took no further military steps, though by doing what they had done, they had given Caesar a suitable pretext for holding on to his legions. The key point here is Dio's observation (perhaps derived from a good source) that in the immediate aftermath of Marcellus's brazen defiance of the majority in the senate, he and his supporters were seen at Rome as motivated by (private and personal) hatred of Caesar, i. e., not *publica fides*.

Caesar's immediate contemporaries cannot have foreseen all the historical ramifications of Curio's activities during the final weeks of his tribunate. But their political importance for Caesar's justification would likely not have escaped them. According to Dio, one reason why Caesar sought Curio's help was that Curio (as a political leader and speaker) was "most persuasive to the people."<sup>11</sup> That is, Curio was not merely eloquent, he was a politician the people trusted. Curio's rhetoric (in his valedictory speech as tribune) denouncing Pompey and the consuls for disregarding the senate's advice is therefore likely to have been a powerful force for shaping public opinion and defining the issue at Rome in December.

As I observed in Chapter One, perceptions make politics. Caesar did not need to be specific about the contents of the *litteris*. Whatever else Caesar may have had to say,

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<sup>11</sup>Dio 40.60.2: *to te plethei pithanotatos*. T. P. Wiseman notes that Curio was now married to Clodius's widow, a circumstance that undoubtedly further endeared him to the *plebs*. It was a circumstance that was probably not lost on Caesar when he decided to make a friend of Curio. See *CAH*, vol. 9, 417.

the original audience is likely well to have known that he had accepted the senate's terms as expressed in the 370-22 vote. So, there were really two intellectual starting points for the reader: (1) the December 50 compromise in favor of peace approved by the *patres* when they were not faced with threats and compulsion, and (2) the deliberate subversion of the present process by senior magistrates and a few accomplices in the senate, with Pompey's connivance.<sup>12</sup> Thus the most salient issue before the reader in the opening chapters was that of *fides*, the bad *fides* of those obstructing the senate, and the question of their justification, not Caesar's.

Let us take a closer look. In Caesar's account (as well as the other sources), Lentulus did not justify his refusal to allow a vote on Caesar's proposals. This failure could be construed as a violation of *fides*. Magistrates, let us recall, were supposed to act *e re publica fideque sua*.<sup>13</sup> Judging from the accounts of senate procedure we looked at previously, voting by the senate on issues placed before it was a matter of routine. In December 57, as we saw, the tribune-elect Rutilius Lupus went out of his way to explain why he was *not* going to ask for a vote (*Qu. fr.* 2.1.2). A month later, he explained why he was blocking a vote on Hortensius's motion concerning Lentulus Spinther (*Fam.* 1.2.2). We may infer from this that a strong presumption existed in favor of routinely soliciting the senate's opinion on questions placed before it. This presumption amounted to *mos maiorum*. The senate's business, after all, was giving advice. In *Qu. fr.* 2.1.3, we saw that

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<sup>12</sup>It is not the object of this discussion to determine the accuracy of Caesar's claims about what went on in the senate here. However, it should be noted that Cicero's contemporary testimony in his letters does not contradict Caesar's main thesis that a nonviolent political solution involving concessions by both himself and Pompey was blocked by a very small number of men in the senate, not excluding Pompey.

<sup>13</sup>As stressed in the previous chapter; see Lintott, *Constitution*, 94.

a vote was taken as a matter of course, so ingrained was the habit, following the speech by Antistius Vetus (*ibat in eam sententiam*). The consul-elect Marcellinus, in his reply to Lupus, stated explicitly that one cannot judge from silence what the senate does or does not approve (*Qu. fr. 2.1.2: noli, inquit, ex taciturnitate nostra, Lupe, quid aut probemus hoc tempore aut improbemus, iudicare*). He approved of Lupus's decision not to ask for a vote, but for reasons of his own that he felt obligated to state aloud. Clearly, Marcellinus appears to have felt that he had to spell it out because the process normally called for frequent votes. Any decision not to take a vote would therefore have to rest on the *fides* of the magistrate seeking to defer or obstruct the action if the obstruction were to be seen as legitimate. Marcellinus's reasons for not wanting to consider the topic plainly disclosed his *fides*.

An additional example of how a consul ought to conduct himself in the senate is Caesar's own legally correct handling of his land reform proposal.<sup>14</sup> In this case, Caesar is trying to obtain a vote on his measure. Jeremy Paterson has observed that by the late Republic, the senate and consuls initiated hardly any major pieces of social legislation; significant reforms came from tribunes, often in the face of fierce opposition from other senators.<sup>15</sup> As Paterson notes, many senators failed even to recognize the existence of a problem.<sup>16</sup> During his consulship in 59, Caesar tried to work with the senate in passing a much-needed land reform bill. Raaflaub has recently described Caesar's measure as "a

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<sup>14</sup>The respect Caesar showed for the constitution here tends to be overlooked, probably because scholars have tended to focus their attention on the controversial aftermath.

<sup>15</sup>Jeremy Paterson, "Politics in the Late Republic," 38.

<sup>16</sup>*Ibid.*

model of moderation and good sense.”<sup>17</sup> Dio’s connected account makes it clear that whatever Caesar’s motives, he observed *mos maiorum* scrupulously in the way he presented his proposal. Caesar as presiding consul called on each senator by name for his *sententia*, promising to alter or remove any clause that gave offence.<sup>18</sup> No material fault could be found with the bill by any senator.<sup>19</sup> Therefore in terms of *publica fides*, it ought to have commanded the senate’s assent prior to being voted on by the people. But led by Cato, the majority in the senate espoused the position that any change in the status quo was undesirable as a matter of principle, and by various obstructive measures, rejected Caesar’s attempt to gain senate approval, leaving him with no option but to take the measure directly before the people.<sup>20</sup> Even then, Caesar did not abandon his effort to secure cooperation from the senate. In front of the assembly, he asked his colleague Bibulus whether he had any objection to the law. This was an opportunity for Bibulus either to lend support, or express constructive criticism. Instead, Bibulus loudly proclaimed that the law would not be passed even if *all* the people wanted it. The remark was an expression of undisguised contempt not just for Caesar, but for the people’s opinions, interests and *iura*.<sup>21</sup>

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<sup>17</sup>Kurt Raaflaub, “Caesar the Liberator? Factional politics, civil war, and ideology,” in *Caesar Against Liberty? Perspectives on his Autocracy*, ed. Francis Cairns and Elaine Fantham (Cambridge, England: Francis Cairns, 2003), 45. The details of the bill do not concern us.

<sup>18</sup>Dio 38.2.1.

<sup>19</sup>Dio 38.2.2.

<sup>20</sup>Dio 38.2. 3-4.

<sup>21</sup>For this and the preceding statements, see Dio 38.4.1-3. The conclusion of this episode does not concern us here, but as is well known, Caesar in the end carried this and a number of other bills that year by force. For discussions of Caesar’s land bill, see Gelzer, *Caesar*, 71-74, and Raaflaub, “Caesar,” 45 and 54-55.

Bibulus's statement was not dissimilar in spirit from the action taken by C. Marcellus and his colleague in December 50, when they disregarded the expressed will of the senate in the 370-22 vote for compromise (the vote itself, we have just seen, a true reflection of the popular feeling in the country that compromise was preferable to civil war) and handed military control of the state to Pompey. Thus it is entirely plausible that this kind of blind, arrogant, intransigent behavior espoused by the *pauci* in the senate, to the detriment of the public interest, would come easily to the audience's mind. By contrast, Caesar, as Dio tells the story, demonstrated punctilious *publica fides* in 59 in trying to get the senate's opinion; an example of how a consul should do this, rather than the intimidation of January 49.

In *BC* 1.1, L. Lentulus did not merely refuse to permit a vote on Caesar's written proposals, he failed to explain his reasons to the senate. Instead, he went on to engage in activity that amounts to an exhibition of bad *fides*. In an exercise of role reversal, he treats the senate as if that body were ultimately the purely passive recipient of advice, rather than the ultimate giver. But the advice he gives is hardly traditional. He does not offer counsel as senior magistrate on what might be the wisest course for the senate to pursue (as we have seen Marcellinus do above); he delivers an ultimatum almost as if suggesting terms of capitulation to a foe who is surrounded. Lentulus puts pressure on the senate (*incitat*), promising that he will not fail the republic if the senators express their *sententiae* boldly (*senatum rei publicae se non defuturum pollicetur, si audacter ac fortiter sententias dicere velint*).<sup>22</sup> If they do not, but choose instead to curry favor with

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<sup>22</sup>This is more irony from Caesar.

Caesar as he claims they have done in the past, then he himself will not submit to their authority, but rather take counsel for himself (*se sibi consilium capturum neque senatus auctoritati obtemperatum*).<sup>23</sup> He himself may even seek the friendship of Caesar (*habere se quoque ad Caesaris gratiam atque amicitiam receptum*). It was an obvious violation of the *fides* of a magistrate for Lentulus to suggest that he might well consider placing his own interests ahead of those of the state, if circumstances should warrant.<sup>24</sup> His accusation that the senate had previously sought Caesar's favor is likely an allusion to the December vote in favor of compromise that required sacrifice by both Pompey and Caesar. It is therefore another example of his bad *fides*. It is a patently dishonest statement since it utterly misrepresents a known fact: the senate had acted freely in December and had wanted to compromise *both* with Caesar *and* Pompey.

Though both of the new consuls are clearly in attendance, it is Lentulus who is shown unambiguously as dominant over his partner. His colleague C. Marcellus is not mentioned by name; his presence at the session is indicated merely by Caesar's use of the plural forms *consules* and *consulibus*. We will probably never know the entire reason for this. One possibility certainly is that that is the way it was, i. e., Marcellus was content mostly to take a back seat, and it was indeed Lentulus who led the charge. However, one other reason why it looks odd has been noted by Macfarlane. It is Marcellus who is listed

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<sup>23</sup>Roger Macfarlane interprets the phrase *neque senatus auctoritati obtemperatum* to mean that Lentulus is threatening to invoke the *senatus consultum ultimum* on his own initiative. I disagree. I see no evidence for that. It is more likely that Lentulus is simply threatening to act without consulting the senate at all, as the previous year's consuls had done three weeks earlier when they entrusted the defence of Italy to Pompey on their own initiative and contrary to the senate's wishes. See *Narrative of Politics*, 133-34.

<sup>24</sup>Let us recall Cicero's observation in *Sest.* 28 (text cited above in our discussion of Marcellinus's consulship) that the republic more or less out of necessity had to rely on the *fides* of its consuls in a crisis.

first on the consular *Fasti*, and thus (in terms of how the “constitution” was supposed to work theoretically) he should have led the debates of January since he had been elected first, yet he is given a passive role in the text. Lentulus was the second consul. He therefore was (again, in theory) not supposed to assume the *fascēs* and take an assertive leadership role in the senate until February.<sup>25</sup> Yet Caesar deliberately dated the tribunes’ flight from Rome by Lentulus’s consulship alone in 1.5.4 (...*qua ex die consulatum iniiit Lentulus*).<sup>26</sup> The original audience would have picked up on this instantly. Whether or not Marcellus was in reality as invisible as he is in the text, Caesar’s presentation stresses from the very outset that constitutional practice on January 1 is the exact reverse of what

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<sup>25</sup>For this and the previous statement, see Macfarlane, *Narrative of Politics*, 133-34. See also *MRR* 2, 256. Macfarlane does not cite sources (we should note that Livy 9.15.1-2 is important for this question) or authorities. Among the latter, he might have cited Pierre Willems, *Le Senat de la Republique Romaine*, vol. 2 (Louvain, Belgium: Ch. Peeters, 1885; reprint, Darmstadt, Germany: Aalen, Scientia-Verlag, 1968); see 125-28 for discussion and sources. However, Willems adds that in the “grand era” of Roman history, consuls did not strictly observe the practice of alternating the *fascēs* month to month based on their electoral seniority (“*Mais dans la grande époque de l’histoire romaine l’exercice alternatif des faisceaux n’était plus observé.*”). He asks the question, what rule did govern the issue of precedence in the senate between the two consuls in the later period (post-Hannibalic), and concludes that there was no rule (“*Il semble qu’il n’y avait pas de règle fixe qui décidât de la priorité.*”). Precedence was apparently (Willems thinks) most often simply a matter of the less powerful man yielding to his colleague (“*...celui qui se sentait le moins puissant, s’abstenait en quelque sorte de tout acte public, et laissait à son collègue la présidence exclusive du Sénat.*”). I might point out three things, though. Marcellinus, who markedly took precedence over his silent colleague in the January 56 meetings we have discussed, was in fact the senior consul and thus was acting within his traditional prerogative. Second, Suet. *Div. Iul.* 20 shows Caesar during the year of his consulship (59) as still operating within the tradition in which the *fascēs* are held by consuls in alternate months (*ut quo mense fascēs non haberet*). Thus the “old” constitution was not necessarily dead in contemporary perception by any means. See *MRR* 2, 257. And third, though it is a fact that the exigencies of politics in the late Republic often strained or transgressed convention and legality, this was no obstacle to Caesar or any other active politician staking out for himself an ideological position based on the *prisca mos*. As I state elsewhere, Caesar’s argument in the opening sections of the *BC* is not unlike portions of Cicero’s argument in the *Pro Sestio*, e. g., in chapter 42: “...no one lifted his voice on my behalf or in defence of the Republic... (*voce[m] pro me ac pro re publica neminem mittere*).”

<sup>26</sup>*Ibid.*, 135.

traditional ideology mandates.<sup>27</sup> *Publica fides* is thus abrogated from the moment that Lentulus, the wrong consul, opens his mouth.

Clearly, then, the literary suppression of Marcellus in favor of Lentulus can be no accident. Macfarlane suggests two reasons for this which are highly plausible. Caesar states in the text that Lentulus was motivated by his great debts and lavish lifestyle to undermine the state (1.4.2).<sup>28</sup> That Lentulus's financial situation was precarious is confirmed by other ancient sources.<sup>29</sup> The implication is that the audience would have known about Lentulus's debts and recognized that there was a basis for the motivation to which Caesar was pointing.<sup>30</sup> Macfarlane also notes Caesar's shocking assertion in 1.4.2 that Lentulus had boasted to his friends that he would be a second Sulla (*seque alterum fore Sullam inter suos gloriatur*).<sup>31</sup> To the modern reader, this statement, coming so soon in the narrative, can appear strident, and Caesar's accusation no more than what one might expect from a desperate man. However, Macfarlane makes two further observations that help explain why Caesar may have believed that there was political profit for him in quoting Lentulus's impudent and impious remark just at this point. First, it has been

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<sup>27</sup>It seems unlikely to me that the commanding role played by Lentulus is altogether a product of Caesar's imagination (though it is also unlikely that Marcellus never spoke a word). There were simply too many people among the audience who had been present and knew what had happened. What is most likely to be the case is that the constitutional solecism of the second consul usurping the prerogative of the first provided Caesar with an opportunity he was not slow to exploit.

<sup>28</sup>Ibid.

<sup>29</sup>Ibid. The sources are collected in I. Shatzman, *Senatorial Wealth and Roman Politics* (Brussels: Collection Latomus, 1975), 333-34.

<sup>30</sup>See Macfarlane, "Narrative of Politics," 136. Macfarlane simply states that "the terseness of (1.4.2) helps to evoke an emotional response in the reader." He does not really draw the conclusion explicitly, as I have done. But I think this is what he means.

<sup>31</sup>Ibid., 137-38.

reliably established that Lentulus's brother was P. Cornelius Lentulus, the Catilinarian.<sup>32</sup>

Second, P. Lentulus had made a very similar boast at the time of Catiline's conspiracy.<sup>33</sup> It is reasonable to assume that the original audience was acquainted with this history. They knew what Caesar was implying: the apple does not fall far from the tree.

Arrogant, outrageous behavior by Lentulus as consul is a reversal of what we have seen above in the case of Marcellinus in 57/56. Marcellinus's conduct as described (and mostly praised) by Cicero was reminiscent of the traditions, often assigned by both ancients and moderns predominantly to the Middle Republic, that Cicero valued highly. That may be one reason why Cicero admired him as consul. Marcellinus evidently saw the senate and its process as more important than the transitory, and often transparently personal, objectives of some of its members.<sup>34</sup> Caesar seems to be appealing to the same republican tradition Cicero had praised Marcellinus for upholding during his consulship in 56. He must want or expect that his readers will recognize the ideal to which he is appealing, and he knows (and because) it still has significance for them.

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<sup>32</sup>Ibid., 138. For the identification of P. Lentulus as the brother of Lentulus Crus, see T. P. Wiseman, review of *Orators in Cicero's Brutus*, by G. V. Sumner, *JRS* 65 (1975), 198; and M. C. J. Crawford, *Roman Republican Coinage*, vol. 1 (Cambridge: Cambridge University Press, 1974), 409.

<sup>33</sup>Mcfarlane, "Narrative of Politics," 138. For P. Lentulus's likening of himself to Sulla, see *Cic. Cat.* 3.9, and *Sall. BC* 47.2.

<sup>34</sup>Of course, Caesar's foes claimed that the terms on which he thought he ought to be allowed to compete for the consulship were indefensible, notwithstanding the fact that these terms were ultimately law-based. Caesar himself, naturally, argued—sincerely, I believe—that his interpretation of his *ratio absentis* was in harmony with both law and custom. As I suggested earlier, a part of Caesar's claim of justification can be seen to rest on *fides*. Caesar himself would surely have endorsed Cicero's arguments on his behalf in *De Prov. Con.* His own reference to his achievements in Gaul in his appeal to his troops at *BC* 1.7 is in a sense merely an abridgement of the ideological case Cicero had made on his behalf six years earlier. Caesar was not inventing the moral ground on which he stood in 49 (at least, he was not inventing it in 49). Therefore, Caesar's apparent notion that the senate indeed ought to regard him as more or less entitled to another consulship even on very special terms because of what he had done in Gaul was not a manifestation of pure egoism on his part; rather, it was an expression of a view that in effect the senate itself had once entertained as being at least superficially reasonable.

Pompey's father-in-law Scipio delivered a speech not unlike that of Lentulus. Scipio seemed to speak for Pompey (*ex ipsius ore Pompei mitti videbatur*). He merely delivered an ultimatum to the effect that Pompey would not be lacking to the republic *in animo* if the senate followed him, but it had only this one chance to do so. These statements would have been read as accusations of bad *fides* against both Scipio and Pompey. A *sententia* was plainly supposed to be one's own. Scipio, a former consul, is depicted here as no more than a mouthpiece for Pompey. If I am correct above in maintaining that the phrase *ex animo agere* in the *Comm. Pet.* is a metaphor for *fides*, then that only reinforces the evident impression that Scipio—only speaking in Pompey's stead, is violating the *publica fides* owed by a consul. Worse, he is making a pledge of Pompey's *fides* to the republic, but it is a conditional pledge—in addition to carrying with it more than a hint of menace. It is therefore a false *fides*.

*BC 1.2*, summarized above, is concerned with the responses of individual senators to the demands that had been made by Lentulus and Scipio. Pompey, through his surrogate Scipio, had anticipated that moderate voices would attempt to be heard (*si cunctetur atque agat lenius*). He characterized them implicitly as weak. There is thus a double irony (which would have been readily apparent to the original ancient reader) in the fact that the first of these voices of moderation to appear in the text is M. Marcellus (cos. 51), a bitter enemy of Caesar's and a man with personal, political, and family ties to various members of the Pompeian clique (as well as being a close blood relative of the consuls of 50 and 49, both also hostile to Caesar). Marcellus had attempted to bring up the question of Caesar's successor in Gaul during his consulship, but was stopped by his colleague Ser. Sulpicius Rufus and Pompey. It was also Marcellus who had ordered a

resident of Novum Comum to be scourged, in order to show he did not recognize Caesar's action conferring Roman citizenship on that town.<sup>35</sup> Marcellus, however, now took an independent stand, or made an attempt at one. It was his *sententia* that no question should be brought before the senate until a levy was held throughout Italy. Then, under the protection of that force, the senate might venture to decree whatever it chose, freely and in safety (*quo praesidio*, etc.). Marcellus was trying to carve out an independent position for the senate and free it from dependence on either Pompey or Caesar (from an ideological standpoint, Caesar does not object to this). More specifically, Marcellus was trying to recover for the senate the ground it had lost a month earlier when his cousin C. Marcellus, the consul, defied the overwhelming 370-22 vote favoring a compromise. C. Marcellus went directly to Pompey, literally placed a sword in his hand, and asked him to take personal command of the republic's forces and lead them against Caesar (App. 2.31).

As noted previously, the consul's action in defiance of the senate was wholly unauthorized, unprecedented, and arguably "outside the constitution." His action was prompted by a false rumor that caused a panic in the city to the effect that Caesar was invading Italy with his army.<sup>36</sup> C. Marcellus made no effort to ascertain the truth of the rumor; he thus violated the *fides* of a magistrate to provide competent and impartial counsel, a task that becomes doubly important when those you are expected to lead are in a state of emotional disarray. A magistrate did not absolutely need to consult the senate before taking a particular action.<sup>37</sup> In theory, this prerogative might indeed extend to cover

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<sup>35</sup>For the sources on this and Marcellus's attempt to recall Caesar, see *MRR* 2, 241.

<sup>36</sup>App. 2.31. For details, see Gruen, *Last Generation*, 487.

<sup>37</sup>As Lintott has noted. See above.

action taken in direct contravention of the senate's instructions or advice. But a consul who so acted would surely have to plead that his course of action had been dictated by the need to confront an imminent danger.

A similar if not analogous situation arose in 211-210 between the senate and M. Claudius Marcellus over a number of controversial decisions he had made while in Sicily as commander in the field.<sup>38</sup> But the senate was right there, to be consulted, in December 50. The problem for Lentulus, then, is that the "emergency" behavior he and Scipio (and Pompey, and their *amici*) engage in in January is the second such instance in less than a month, with the senate easily accessible to ask for advice on whether such behavior is even necessary, in view of Caesar's proposals. So, the question of whether or not such action was "outside the constitution" was bound to be a matter of perception. How had the magistrate in question behaved under the particular circumstances? Had he really acted with regard for the republic and his own *fides* or not? The main criterion was *mos maiorum*, to which both Caesar and Cato in effect appealed in making their opposing cases in Sallust's *BC*. Was there an actual threat to the republic in 49 posed by Caesar's claims under the Law of the Ten Tribunes? Is Lentulus knowingly guiding the republic into an unnecessary war for personal and selfish reasons? What does this say about his *fides*, hence in Roman terms, the propriety of his and predecessor's behavior? These are the kinds of questions Caesar aims to raise with his reader. Caesar likely wants the reader

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<sup>38</sup>For the details, see Eckstein, *Senate*, 169-77.

to see that the true aim of Lentulus and Scipio in their proposals was really to compel the senate to legitimize after the fact C. Marcellus's blatant defiance of its will in December.<sup>39</sup>

There could be no doubt that the vote in December had been sincerely meant as being in the best interests of the state because the situation was so grave. Thoughts of where duty lay in the crisis must have been foremost in the mind of each senator. The senate often changed its mind or dragged its feet. But for the senate to rescind under pressure advice that was sincerely given without a true change of heart would be a self-evident breach of *fides* and a source of shame. This notion, in part, surely underlies M. Marcellus's clear insistence that the senate must remain aloof from and independent of both parties (*quo praesidio tuto et libere senatus, quae vellet, discernere auderet*), as well as it does Caesar's rhetorical decision to give this *sententia* such a prominent place in his text. Caesar means to show that the methods employed by Pompey, Lentulus, and their associates were violent and coercive; not merely contrary to *fides*, but fundamentally subversive of all the conditions that must exist if any kind of political process rooted in trust was to continue within the senate, and by extension, in the wider community.

Caesar brings the methods of the Pompeians much closer to the fore in the rest of 1.2. M. Calidius, followed by M. Caelius Rufus (i. e., Cicero's correspondent),

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<sup>39</sup>We should note the irony here. During the senate debate on the punishment of the Catilinarians, Caesar, according to Sallust, expressed concern that a bad precedent would be set if Cicero's interpretation of his duty under the *scu* should prevail (i. e., that the captives ought to be executed without trial immediately): "It is possible that at another time, when someone else is consul and is likewise in command of an army, some falsehood may be believed to be true. When the consul, with this precedent before him, shall draw the sword in obedience to the senate's decree, who shall limit or restrain him?" (*BC* 51.36) Reality, in the event, surpassed the fear. In December 50, a consul drew his sword literally and handed both the sword and responsibility for defending the state to Pompey (who had the army) without any authority of any sort from the senate and in opposition to its expressed wishes. P. McGushin observes that this passage is possibly a hint at Octavian's behavior in 43 and the proscriptions after the *lex Titia*, but he misses this very ironic parallel. See *C. Sallustius Crispus Bellum Catilinae: A Commentary* (Leiden, Netherlands: E. J. Brill, 1977), 253.

attributed Caesar's motivation in the crisis to fear of Pompey: if Caesar should disarm and return to Rome while Pompey retains command of an army on Rome's doorstep, Caesar would have rational grounds for fearing and mistrusting Pompey. Calidius's suggestion was therefore that Pompey should in fact go to Spain, his assigned province, which was where he belonged, thereby alleviating Caesar's fear (*ut Pompeius in suas provincias proficisceretur*).<sup>40</sup> The tacit assumption here is that Caesar would, in fact, keep his recent pledge to lay down much of his command and return to the city within a reasonable period (reasonable to him, that is) if the obvious threat to his safety represented by Pompey's potentially hostile troops outside Rome was removed.<sup>41</sup> Calidius's proposal is not in strict accord with the December vote that both men surrender their *provinciae* since it allowed Pompey to retain his *imperium*. But it was in keeping with the notion underlying the vote that both parties ought to be willing to concede something for the sake of peace. Since Calidius's suggestion in theory envisioned a greater sacrifice of position on Caesar's part (and Caesar implies that this is acceptable in 1.9.5), the passage clearly stresses Caesar's *fides*. It likewise highlights the questionable *fides* of Pompey, since his surrogates are depicted as rejecting out of hand this opportunity for a sacrifice that might save many Roman lives and preserve the peace and harmony of the community. Calidius's proposal was plausibly a concession to Pompey in terms of what the 370-22 senate vote had

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<sup>40</sup>Calidius's and Caelius's proposals were noted previously in this chapter.

<sup>41</sup>In Caesar's speech to the senate at 1.32.4 he spoke directly of his willingness to sacrifice: *Patentiam proponit suam, cum de exercitibus dimittendis ultro postulavisset; in quo iacturam dignitatis atque honoris ipse facturus esset*. ("He sets forth his own patience when under no pressure he had made the request about the disbandment of the armies, a point in which he was ready to make a personal sacrifice of dignity (*dignitas*) and position." [Loeb trans.]) By stressing his patience (in the sense of one who was willing to exhaust every reasonable remedy available to try and achieve a reconciliation) and the fact that he acted (according to him) under no compulsion, Caesar is plainly emphasizing the quality of his *fides* to the senate—and the wider audience of the *BC*.

advocated. Its suppression by Pompey's allies could only be seen as another black mark. Thus it is likely part of Caesar's purpose here to show Pompey as unwilling to make a sacrifice for peace even when the senate (Calidius) tried to accommodate his legitimate interests by reducing the cost to him of the sacrifice demanded. Pompey's apparent unwillingness to do this, and Lentulus's unwillingness to permit discussion of it—under the circumstances—would raise questions for Caesar's audience about the *publica fides* of both men.<sup>42</sup>

The proposals of Marcellus and Calidius were squelched, and not gently. The tactics employed were those of fear and intimidation. Lentulus delivered a tirade at the speakers. He refused outright to put Calidius's motion before the senate, and apparently did so without explanation (*Lentulus sententiam Calidii pronuntiaturum se omnino negavit*). Marcellus abandoned his motion out of fear when he heard Lentulus speak (*Marcellus perterritus conviciis a sua sententia discessit*). Note the reiteration in this half of 1.2 of various words connoting fear and insecurity: In *timere* (2.3), *perterritus* (2.5), *terrore* (2.6); *praesidio* (2.2), *ereptis*, *periculum* (2.3), *correpti* (2.5), *minis*, *compulsi*, *inviti*, *coacti* (2.6), *acerbissime*, *crudelissimi* (2.8). Let us recall what effect physical intimidation was seen to have on the senate in *Qu. fr.* 2.1.3: Clodius went into a rant

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<sup>42</sup>Heitland, though old, is the only scholarly study to observe that Calidius's proposal (and Caelius's) was capable of being regarded as arising directly from Caesar's letter. It was therefore not strictly within the terms of debate *de re publica* that had been established at the outset by the consuls. For that reason, Lentulus could claim to have been justified in shutting down any further consideration of the ideas contained in the proposal. We do not know if he gave this reason or not, or if he in fact thought of Calidius's ideas in terms of the specific proposals contained in Caesar's letter. Caesar implies that Lentulus gave no reason for refusing to put the motion of Calidius to a vote. But regardless of whether he did or not, I argue that Caesar means to convince his audience that the *purpose* behind his opponents' tactics is to stifle any honest debate about what is best for the *res publica*. This is on its face a breach of *fides* in a magistrate, as previous discussion has shown. Lentulus is thus plausibly depicted as acting without regard for *publica fides*, though what he did may have been technically legal. Caesar's main point throughout is that *fides* is not legalistic. See *Roman Republic*, vol. 3, 271-72.

(*furebat*), his gang of thugs loudly supported the rant (*clamorem...sustulerunt*), the senate felt fear (*eo metu iniecto*) and dispersed as a direct result of the threat. Adopting Caesar's perspective, one might say that what happened to the senate in January 49 was, albeit on a much larger scale, somewhat analogous to what might have happened in 57 if Clodius's gang had actually surrounded the fleeing senators and compelled them to vote according to his dictates. However, the senate in 57 was free to leave when fear intruded. Its situation in 49 was much different. That is what M. Marcellus really meant to express by his *sententia*.<sup>43</sup>

Caesar further illustrates the consequences that the senate's weakness had for the constitution in the concluding portion of 1.2 as well as in chapters 3-6, where he sums up the initial phase of his argument with the statement (1.6.8) that all divine and human rights (*iura*) have been overthrown (*omnia divina humanaque iura permiscentur*). This phrase (concerning which there is more below) is a signal to the reader that in Caesar's view, the evidence he presented in chapters 1-6 was damning enough for him successfully to make the case for legitimate self-defense in the form of armed resistance that he then proceeds to make. In 1.2, while his emphasis is still Pompeian intimidation of the process, Caesar deliberately leaves somewhat open the question of how much the senate's vulnerability was ultimately due to lack of firmness on its part. Its members did not back up Marcellus. Most of the senators, but not all, Caesar stresses (*plerique*), against their

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<sup>43</sup>In 58, coordinated tactics of fear and intimidation wielded by Clodius and his various allies and supporters had successfully thwarted senatorial and equestrian opposition to Cicero's exile. We should also note here the striking similarity between the case that Caesar makes for himself in these chapters and Cicero's depiction in the *Pro Sestio* of his own struggle with his foes (primarily Clodius and his "agents," both of the consuls of 58) at the time of his exile. This topic will be explored briefly in the text below as it relates to *fides*, *dignitas*, and the issue of self-defence.

will succumbed to pressure instilled in them by the words of the consul Lentulus, the threats of Pompey's *amici*, and the fact that Pompey's army was not far away. They voted in favor of Scipio's *sententia* that Caesar disband his army before a certain date and that if he did not do so, he would be considered a traitor (*Sic vocibus consulis, terrore praesentis exercitus, minis amicorum Pompei plerique compulsus invitatus et coactus Scipionis sententiam sequuntur: uti ante certam diem Caesar exercitum dimittat; si non faciat, eum adversus rem publicam facturum videri*). In sum, the senate was no longer the stronghold of *fides*.

The tribunes M. Antonius and Q. Cassius immediately interposed their vetoes. The question of their veto was then brought before the senate.<sup>44</sup> When Caesar characterizes the ensuing debate as *gravis* he is being partly ironic. Once again, the tactics of fear employed by his foes amount to an inversion of traditional terms of senatorial discourse rooted in notions of competence, objectivity, and equity. The *sententiae*

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<sup>44</sup>The senate could constitutionally (in its own view, apparently; this does not mean each and every *popularis* would approve) take up the question of a particular veto by the tribunes if it had previously voted in favor of doing so in the event that the tribunes should exercise their veto (or other prerogatives) with regard to the issue in question, or perhaps if the *senatus consultum ultimum* had already been passed. In Sallust's *Bellum Catilinae*, Caesar concludes his recommendation on what should be done with the senate's prisoners with the stipulation that no one later on should bring up the matter either in the senate or in an assembly, under pain of being judged to have acted against the republic and the safety of all (51.43: *neu quis de eis postea ad senatum referat neve cum populo agat; qui aliter fecerit, senatum existumare eum contra rem publicam et salutem omnium facturum*). This stipulation seems to have included the tribunes. The *scu* had been passed previously (BC 29.3), perhaps making the stipulation authoritative (however, Andrew Lintott believes that the "ultimate decree" was not a specific declaration that tribunician intervention would be invalid. See Lintott, *Violence*, 172. In June 50, the senate decided by vote that it would not in the future attempt to block a tribunician veto (if one were cast) relating to the question of Caesar's provinces (see *Fam.* 8.13.2). This seems to imply that the senate thought it did have the moral right at least to intimidate the tribunes over a veto, though it had chosen in this instance not to exercise that right. As far as I am aware, the senate had not formally reversed itself specifically on this decision concerning Caesar and his *provinciae* as of January 1, 49, nor had the *scu* against Caesar yet been carried. Thus part of Caesar's argument here apparently is that the veto of Scipio's motion by Antonius and his colleague was entirely legal and constitutional by anyone's lights. Christian Meier states that while the senate, in "treating with the tribunes," might go so far as to threaten to suspend them from office, it could not necessarily be maintained that such suspension was lawful, in view of the independence of the tribunate. See *Caesar*, trans. David McLintock (New York: Basic Books, 1995), 339.

addressed to the two tribunes are harsh, cruel, and serve to stoke the fires of partisanship even further (*ut quisque acerbissime crudelissimeque dixit, ita quam maxime ab inimicis Caesaris collaudatur*). This behavior is in stark contrast to what happened in December 57 and January 56, when the tribune Lupus engaged in activity that many senators found highly provocative. As we saw above, the consul Marcellinus (with his colleague concurring) did not employ tactics of fear, force, or intimidation to suppress the tribune. To the contrary, on these earlier occasions, Lupus was permitted to act with full independence, even when he tried to have his own motion about Pompey voted on ahead of the consul's. What he did was seen as *iniqua et nova*, and it deeply angered many senators, but the tribune's right to assert his prerogative in the matter—i. e., to act in a way that implied that he saw himself as exercising a tribune's prerogative—went unchallenged.<sup>45</sup>

Caesar frequently stresses the cruelty of his opponents' language. This is not mere window dressing. It is worth noting that in the *Pro Rabirio* (13), Cicero similarly depicts the harsh and cruel language of the tribune Labienus in and of itself as violating freedom, endangering the people's capacity for mercy, and posing a threat to established tradition (*sed etiam verborum crudelitate inaudita violare libertatem huius populi, temptare mansuetudinem, commutare disciplinam conatus est*). By repeatedly

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<sup>45</sup>Cicero makes the following relevant ideological point about the tribunate in *Phil.* 1.25: "But I ask why should I or any of you, Conscript Fathers, fear bad laws while we have good tribunes of the people? We have men ready to interpose their veto; men ready to defend the State by the sanctity of their office: we ought to be free from fear (*Quaero autem, quid sit, cur aut ego aut quisquam vestrum, patres conscripti, bonis tribunis plebi leges malas metuat. Paratos habemus, qui intercedant, paratos, qui rem publicam religione defendant; vacui metu esse debemus*). The perceived ideological linkage between the tribunes' freedom of action and freedom from fear in the senate (and doubtless beyond) is relevant to understanding Caesar's account of the senate meeting.

emphasizing this aspect of the Pompeians' methods in his text, Caesar meant to show himself as essentially traditional and depict his opponents as the true radicals. He wants peace, his foes do not. His words as well as his deeds (he would argue) reveal him as one who is sincere and can be trusted; his enemies' language and methods reveal them in an opposite light. Caesar seems to be saying: Men professing regard for the well-being of the republic do not employ such inflammatory invectives against a political adversary who has not attacked them if they are sincere. It is they, not he, who are the real enemies of the constitution.

### **The Senate under Siege (BC 1.3-4)**

Pompeian strong-arming of the senate became even more blatant over the course of the next few days, culminating in the passage of the *senatus consultum ultimum* against Caesar January 7. The next phase of the process begins for the reader when Pompey emerges from the shadows in person in 1.3. After the senate was dismissed on the evening of January 1, the entire body was summoned to meet with Pompey at a location outside the city. Pompey is shown out in the open in 1.3, now personally directing an even more extensive and forceful campaign of intimidation against the senate. He praises his committed supporters and braces their spirits for the future. He rebukes and spurs on those senators who had been apathetic. Over the next several days (this is understood in the text), troops are summoned from several quarters, and they and their officers fill the city and the *comitium*. The senate is deliberately packed with Caesar's enemies and those friendly to the consuls and Pompey. By means of these hostile voices in the senate and the press of the soldiery in the streets, the fearful are made weaker, those whose minds were

not yet made up are brought to support the measures that had been taken, and the majority in the senate has its power of deciding freely snatched away (*quorum vocibus et concursu terrentur infirmiores, dubii confirmantur, plerisque vero libere decernendi potestas eripitur*). We noted above a statement in the *Comm. Pet.* to the effect that voters in an election not already fully committed to a particular candidate might legitimately be regarded as open to suasion by others. Something of that logic can be applied to the situation described in 1.3. Caesar implies once more that his case (if it had been properly presented) might realistically have prevailed with a majority of the as yet mostly uncommitted senators if his enemies had not employed the threat of force (*plerisque vero libere decernendi potestas eripitur*). Force in these circumstances could plausibly be depicted as a breach of *mos maiorum*.

Cicero notes many times in his work, in a variety of contexts, that the use of force where tradition, law and due process should prevail violates justice. In *Dom.* 53, he asks whether the result of any undertaking which sheer force (*vis*) has brought about can be seen as founded upon justice (*ius*): *aut quidquam iure gestum videri potest, quod per vim gestum esse constet?* In *Qu. fr.* 2.1.3, we saw orderly senate deliberation obstructed and brought to an end by the threat of imminent violence. Of course, where the *scu* was concerned (its actual passage against Caesar to be described below), the issue was whether or not the point had been reached beyond which an outcome favorable to the constitution based on law and due process was no longer possible. In such an instance, it was now (after the Gracchi) *mos maiorum* (albeit potentially politically explosive) that lethal force could be used internally against citizens deemed by virtue of the senate's passage of the *scu* to be enemies of the state. Caesar argues in effect in regard to his own

case that that point had not been reached because (1) the objective circumstances of his situation did not meet the historical threshold (see 1.7) and (2) the abundant respect that he had for the constitution ought to have been patent in his peace proposals (see 1.9). It is his foes who are trampling upon the constitution. It is they who have manufactured this unnecessary crisis.<sup>46</sup>

Moreover, no consideration at all was to be shown for Caesar, who, as he would shortly emphasize to the reader in 1.7, was someone who had at least merited respect based on his record of public service. A few obviously brave individual senators—L. Piso, L. Roscius, and a few others who are not named in 1.3—proposed keeping some channels of communication with Caesar open, but their suggestions (to the effect that *legati* should be sent to Caesar to inform him about the will of the senate) did not fare well.

Caesar argues in 1.4 (often referred to as the “Motive Chapter”) that his enemies beat back this apparent last chance for an agreement because their primary motivation was to be able to realize certain of their own private ambitions, as opposed to

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<sup>46</sup>For recent discussions of the *scu*, see Lintott, *Constitution*, 89-93; Carter, *Commentary 1 & 2*, 158-59; and Andrew Drummond, *Law, Politics and Power: Sallust and the Execution of the Catilinarian Conspirators* (Stuttgart: Franz Steiner Verlag, 1995), 81-94. See also Lintott, *Violence*, 149-74, and Hugh Last, “Gaius Gracchus,” in *CAH*, Vol. 9, ed. S. A. Cook, F. E. Adcock, and M. P. Charlesworth (Cambridge: Cambridge University Press, 1932), 82-89. There is mostly unanimity that the *scu* did not confer powers on magistrates that they did not already have. It is therefore argued that technically, the senate was only encouraging the magistrates to use their legal powers to the utmost in confronting an emergency and promising them its fullest support. What is unclear—not just to modern scholars, but to the Romans (see Memmius’s speech in Sallust *BJ* 31.7)—is what this meant in practice with regard to rights conferred by law. Carter believes that the *scu* did not suspend the constitution. Last argues persuasively, however, that the need for at least some action outside the law (perhaps even quite a lot of extralegal behavior) was more or less envisioned by passage of the decree. On this point, Lintott is closer to Last. He makes the following assessment in *Constitution*: “[the *scu*] is an example of an institution created by *mos* over a period, that not only owed nothing to *lex* but had the precise object of rendering temporarily void certain *leges*.” This brief statement does a good job of showing why the *scu* would tend in practice to be controversial for the Romans and difficult for ourselves easily to grasp as a binding “legal” formulation.

their professed regard for the common good (i. e., given that the senate debate had been *de re publica*). The issue was therefore *publica fides*. He refers specifically to speeches in the senate against the proposals of Piso and Roscius (and the others), by Lentulus, Scipio, and Cato, the motives that these men had for opposing him, and then to Pompey's motives for opposing him.<sup>47</sup> Cato is motivated by long-standing enmity with Caesar and bitterness over his failure to reach the consulship (*Catonem veteres inimicitiae Caesaris incitant et dolor repulsae*). Thus his claim to *publica fides* is simply a pretext intended to conceal his true motives, which are deeply personal<sup>48</sup>. Lentulus is motivated primarily by his great debts, his hopes for an overseas military command, a province, and bribes from those [in or near the province] claiming to be kings. He boasts within his own circle that he will be another Sulla, coming back with the hope of attaining the summit of power (*Lentulus aeris alieni magnitudine et spe exercitus ac provinciarum et regum appellandorum largitionibus movetur, seque alterum fore Sullam inter suos gloriatur, ad spem summa imperii redeat*). These private motives obviously suggest that Lentulus's *fides* as consul is highly suspect. Even more, Lentulus's own shameless comparison of himself to Sulla suggests that he is already meditating a coup.<sup>49</sup> Scipio is motivated by the same hopes of

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<sup>47</sup>Caesar mentions the speakers in this order—Lentulus, Scipio, and Cato. Macfarlane astutely notes that the contemporary reader would therefore be likely to ask himself why Cato, who had nearly failed to be elected praetor and who had failed to reach the consulship, was speaking to the senate right after a prominent consular. I would add that given his relationship with Caesar, the presiding magistrate could not justify his decision to call Cato ahead of another consular on the grounds that his *sententia* was more likely to be the more impartial. As Mcfarlane observes, this kind of procedure is typical of Caesar's narrative approach in the *BC*. Rather than commenting openly about something, he often relies on the audience to fill in pertinent details from their own experience of the events. See "Narrative of Politics," 129.

<sup>48</sup>Again, the audience already knows the history that exists between Caesar and Cato. They know what the deeply personal motives are without being told. Caesar need not specify the reasons for the *dolor*. Likewise Macfarlane. See *Ibid*.

<sup>49</sup>*BC* 1.4.2.

an army and a province (which things he judges he would have a share in because of his daughter was married to Pompey), by fear of being prosecuted in the courts, and by his own flattery and pretentiousness, and that of certain powerful men who were then highly influential both in the Republic and the courts (*Scipionem eadem spes provinciae atque exercitum impellit, quos se pro necessitudine partituro cum Pompeio arbitratur, simul iudiciorum metus, adulatio atque ostentatio sui et potentium, qui in re publica iudiciisque tum plurimum pollebant*).<sup>50</sup> These private ambitions likewise transgress *publica fides*.<sup>51</sup> The reminder that Scipio's ties to Pompey guarantee him access to wealth and power (as well as the description of the company he keeps) suggest to the audience that both justice in the courts and the benefits of global *imperium* are monopolized by a well-connected gang of insiders, to the detriment of the public interest. Pompey himself is motivated primarily by his desire that there be no one in the Republic equal to him in *dignitas*, and in this determination, he is encouraged by Caesar's *inimici* (*Ipse Pompeius, ab inimicis Caesaris incitatus et quod neminem dignitate secum exaequari volebat*). Pompey also wishes to seek a military solution to the crisis as quickly as possible (by contrast, implicitly, with the negotiated solution preferred by the vast majority of the senate). This is because he has been stung by the dishonor of having used the two legions that had been intended for service against Parthia for the purpose of furthering his own power and domination (*simul infamia duarum legionum permotus, quas ab itinere Asiae Syriaeque*

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<sup>50</sup>*BC* 1.4.3.

<sup>51</sup>It is also the case that we see in *BC* 1.4 the first significant emphasis of the hubris theme. This is clear from the emphasis on greed and overweening ambition. In Chapter Six, we shall return to the issue of hubris.

*ad suam potentiam dominatumque converterat, rem ad arma deduci studebat*).<sup>52</sup> As motives for action in the public interest, these are all plain breaches of *publica fides*.

Pompey is also charged here with bad private *fides* in his *amicitia* with Caesar. Caesar states that it was because he could not accept an equal in *dignitas*, that Pompey not only turned away from Caesar's friendship completely, but became friendly with people who had once been the common enemies of both of them, and also that he—Caesar—had originally taken on the burden of these *inimici* at the time of his daughter's marriage to Pompey (*totum se ab eius amicitia averterat et cum communibus inimicis in gratiam redierat, quorum ipse maximam partem illo affinitatis tempore iniunxerat Caesari*). Caesar emphasizes the quality of his own *fides* as a friend (and Pompey's bad *fides* and ingratitude as a friend) by making this point.<sup>53</sup>

It is obvious in the above contexts that these private and selfish motivations attributed by Caesar to his adversaries are a violation of *publica fides*. These men claim to be acting on behalf of the republic. Caesar argues that they are doing nothing of the kind. Each man cares only for achieving his own personal objectives.

Another theme is visible in 1.4. It is not sufficiently recognized that what Caesar now actually begins to do in greater earnest, starting with this much-quoted passage, is emphasize his own *fides* in a positive sense.<sup>54</sup> This is clear from his treatment of Pompey. The individual statements Caesar makes about Pompey do not merely indicate

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<sup>52</sup>There will be more about these two legions and their relevance below.

<sup>53</sup>*BC* 1.4.4.

<sup>54</sup>For example, the passage is cited by T. Rice Holmes in *Roman Republic*, vol. 2, 269, and Robin Seager, *Pompey*, 149.

bad faith on Pompey's part, they imply good faith on Caesar's, since the latter from his own perspective has kept his commitments to his friend Pompey in spite of provocation. When Caesar says that it was Pompey's wish for no one to be equal with him in *dignitas* (*quod neminem dignitate secum exaequari volebat*), by implication he is pressing his own claim to be the better republican since his criticism would be meaningless if he himself were not willing to accept a *dignitas* equal to his own (as a good republican should, and as his various diplomatic overtures to Pompey over the course of the *BC* suggest he is willing to do). This statement is thus a profession of Caesar's *fides*. Caesar's next remark concerning his *amicitia* with Pompey likewise emphasizes his *fides*. He says that Pompey did not merely turn away altogether from Caesar's friendship and join forces with the latter's *inimici*, he did so at the prompting of those *inimici* (as well as being motivated by his just cited unwillingness to acknowledge an equal in *dignitas*). As noted above, Caesar states that Pompey himself had inflicted the greatest portion of these *inimici* upon Caesar at the time he married Caesar's daughter (*quorum ipse maximam partem illo affinitatis tempore iniunxerat Caesari*). What he wants his reader to see is that when Pompey became his friend, political ally, and kinsman, he had willingly accepted without protest the additional political burden of contending with these men, who were really Pompey's *inimici*. This would be seen as a mark of Caesar's *fides*. It is also a hint to the reader that these new friends Pompey has made are not good friends, they are still at heart his *inimici*, and he would do well to recognize this and return to Caesar's friendship.<sup>55</sup>

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<sup>55</sup>In spite of the strong language about Pompey that Caesar uses in this passage, he does not completely close the door on reconciliation. He depicts Pompey as having been in part "incited" by men who had once been their common enemies to begin acting against him. This is actually mild criticism compared to the vitriolic "attack rhetoric" we often find in Cicero's speeches concerning the likes of Clodius, Catiline, Antony, or Verres. On one level, Caesar is merely saying that Pompey is very vain and

Caesar's final reference to Pompey in the chapter, in addition to stressing his own *fides*, indirectly reminds his audience of the senate's 370-22 compromise vote of December 1. Pompey had some short time earlier loaned Caesar one of his legions for use in Gaul. The security situation in the East had been precarious since Crassus's defeat at Carrhae. It became acute when a large force of Parthians led by the king's son Pacorus crossed the Euphrates at Zeugma in September 51, and seemed poised to launch a major attack on that vulnerable frontier.<sup>56</sup> In response, the senate requisitioned one legion apiece from Pompey and Caesar for service in that theater. Pompey designated the legion he had loaned to Caesar as the one from his command to be shipped abroad. The practical effect of this was to deprive Caesar of two legions rather than the one that was demanded. When the crisis in the East seemed to abate (the Parthians just changed their minds and went back), the two legions were simply put into winter quarters at Capua, instead of being returned to Caesar.<sup>57</sup> Let us recall that several days after the December 1 vote, the consul C. Marcellus, acting on his own responsibility and without the senate's approval, had gone to Pompey outside the city, theatrically placed a sword in his hand, and asked him to accept responsibility for the defence of Italy. Marcellus, on that occasion—also without

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he has been duped by clever, evilly disposed men. In Roman terms, this is not irreparable. The door is still wide open to a restoration of the *amicitia*.

<sup>56</sup>For the Parthian threat and some of its perceived ramifications, see T. P. Wiseman, "Caesar, Pompey, and Rome, 59-50 B. C.," in *CAH*, ed. J. A. Crook, Andrew Lintott, and Elizabeth Rawson, vol. 9, 2d ed. (Cambridge: Cambridge University Press, 1994), 417-20.

<sup>57</sup>See App. 2.29 and Dio 40.65 for the details. In August 50, Caelius wrote to Cicero (*Fam.* 8.14.4) that in his opinion, unless either Pompey or Caesar were sent to deal with the Parthians, a violent confrontation between them was inevitable (*Ad summam, quaeris, quid putem futurum. Si alter uter eorum ad Parthicum bellum non eat, video magnas impendere discordias, quas ferrum et vis iudicabit*). If we adopt Caelius's line of reasoning, the upshot is that the surprising Parthian decision not to press forward into the weakly defended territories in Syria and Asia Minor where Rome claimed a vital interest had the unintended consequence of helping to bring the Roman internal political crisis to a head.

legal authority—gave Pompey command of these two legions.<sup>58</sup> Thus by virtue of this illegality—which, in the audience’s mind, would have been directly linked to Marcellus’s defiance of the senate’s authority (Caesar speaks of the *infamia* which attached to the events surrounding the transfer of the legions to Pompey)—Caesar could plausibly claim that Pompey meant to use the legions for his own power and supremacy (*ad suam potentiam dominatumque converterat*), and moreover, that he had diverted the troops away from service to the *res publica* for that private purpose—a clear violation of *publica fides*.<sup>59</sup> Caesar offers this fact as additional evidence that Pompey had already decided upon war and by implication was not serious about trying to find a peaceful solution (*rem ad arma deduci studebat*). The fact that Caesar had fully complied with the senate’s request for the legions even though it weakened him militarily would have been seen as another mark of his *publica fides*.<sup>60</sup> Cicero himself allowed that the two legions had been

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<sup>58</sup>Dio explicitly states that approval by both the senate and the people was necessary for this transfer of military command to be legally valid, but that such approval was not forthcoming, and the year was coming to an end, making it difficult to secure that approval. Therefore, he states, the support of the consuls-elect for 49, Lentulus and C. Marcellus (a different C. Marcellus), was sought, and they were persuaded to issue the same commands to Pompey about the legions, on the grounds that magistrates-elect were allowed to perform some functions of their office even before they entered on it. We saw a case of this above in December 57 with Lupus and Marcellinus. We observed then that the authority of magistrates-elect in such situations might be said to rest largely on *fides*. The implication of Caesar’s argument is that the consuls-elect did not act in good faith when they authorized the transfer and, doubtless, that they lacked the necessary legal authority, which could only come from the senate and the people. For Dio’s views, see 40.66.2-3.

<sup>59</sup>Caesar’s charge that Pompey was seeking a *dominatio* would not have been interpreted as a purely self-serving statement. In *De Har. Resp.* 54 (the speech was delivered about six years earlier), Cicero states that it is more or less commonly believed that discord between men who are distinguished and powerful can result only in a universal cataclysm or the *dominatio* or *regnum* of the victor: *Neque enim ullus alius discordiarum solet esse exitus inter claros et potentes viros nisi aut universus interitus aut victoris dominatus aut regnum*. This popular perception doubtless influenced Caesar’s decision to (1) emphasize the pains he took to avoid war in the first place and (2) convince people by word and deed that the outcome of the conflict that had begun need not end in *regnum* or *dominatio* if he emerged the victor.

<sup>60</sup>The whole of *BC* 1.4 makes a rather Sallustian impression (in terms of analysis, not literary influence, since it was obviously written before Sallust composed his histories). Pompey’s desire for *potentia* and the various behaviors and motivations of his associates as described by Caesar assort very

kept from Caesar through an act of deceit (*insidiose*).<sup>61</sup> His remark indicates strongly that he likewise regarded the retention of the legions as a violation of *fides*.

***Omnia Divina Humanaque Iura Permiscentur:***  
**When Unusual Action Is Righteous**

Discussion so far has tended to show that Caesar shared a thought-world with Cicero and Sallust to a fairly wide extent.<sup>62</sup> As Neal Wood has observed, Cicero believed that violence was legitimate for the sake of self-defence and survival when a breakdown of law and order occurred.<sup>63</sup> Certainly, given that Caesar does not object to the senate's right in principle to pass the *scu* (which "encouraged magistrates to use force against fellow-citizens without concerning themselves with the strict legality of what they did," in Lintott's words; see above), and that Sallust plainly thought its passage justified in the case of Catiline, both politicians appear to share some significant ideological ground with Cicero.

A further instance of shared ideological perspective may be found in each author's use of similar phraseology to suggest that "divine and human rights" have been overthrown, and hence, that law and order is at an end and that violent or non-violent forms of resistance (a *secessio*, for example) may be a morally legitimate recourse. I

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well with major social ills and their causes as enumerated by Sallust in (for example) *Bellum Catilinae* 12.1-2.

<sup>61</sup>See *Att.* 7.13.2: *Spes omnis in duabus insidiose retentis paene alienis legionibus*. Tyrrell and Purser translate *insidiose* to mean "treacherously." See *The Correspondence of Cicero*, vol. 4 (Dublin: Dublin University Press, 1894), 22. Henceforth abbreviated as *Correspondence*, vol. 4.

<sup>62</sup>Since even Cicero appears to share Caesar's belief that Pompey had acted in bad faith in this case, it is reasonable to assume that others would have held the same belief. This is surely one reason why Caesar chooses to hammer the point home.

<sup>63</sup>See Wood, *Cicero*, 186. For his full argument and supporting evidence, see 185-93.

suggest that there was a common use within the culture of language about the toppling of *divina et humana iura* to establish the point for the audience that a major threshold for unconventional action had been reached. That is, unusual action does not necessarily breach *fides publica* in extreme circumstances of *divina et humana*.

Let us take a closer look. At the end of *BC* 1.6, Caesar declares that “all divine and human rights have been overthrown (*omnia divina humanaque iura permiscentur*). This phrase has seven striking parallels in the work of Sallust. The first is contained in an important moralizing passage in the *Bellum Catilinae* (12.1-2).

*Postquam divitiae honori esse coepere et eas gloria, imperium, potentia sequebatur, hebescere virtus, paupertas probro haberi, innocentia pro malivolentia duci coepit. Igitur ex divitiis iuventutem luxuria atque avaritia cum superbia invasere; rapere, consumere, sua parvi pendere, aliena cupere, pudorem, pudicitiam, divina atque humana promiscua, nihil pensi neque moderati habere.*

Sallust is describing a process of moral deterioration that he sees as still obtaining in the Rome of his day. In the preceding chapter, he attributes the immediate cause of this deterioration to the bad actions of Sulla, and particularly to Sulla's bad *fides*. In Asia (the wealthiest overseas province), Sulla permitted his army to indulge in unprecedented luxury and licence, with the lasting deleterious consequences depicted in 12.1-2. He did this, according to Sallust, in order to make the army loyal to him personally (11.5: *quo sibi fidum faceret*). Sulla's action was thus a violation of *publica fides*. The perceived ultimate result of Sulla's bad public *fides* was that (as we see in 12.1-2) the Roman people learned as a matter of course to rape, pillage, neglect their own interests, covet the things of others, and care for neither their honor, their chastity, nor for anything

divine and human (*divina atque humana promiscua*).<sup>64</sup> Sallust uses similar language three times in the *Bellum Jugurthinum*, in very similar contexts.<sup>65</sup> The passages from chapter 31 were both part of the tribune Memmius's important speech denouncing the rapacity and arrogant behavior of the nobility, and exhorting the commons to reassert their just rights. In all of these passages from Sallust, the notion of *divina et humana* being transgressed, appropriated, or placed in jeopardy in some way, implies the existence of danger to the most fundamental human *iura*, and hence that unusual action might be necessary and would not break *fides publica*.

Sallust also deploys rhetoric concerning the abrogation of *divina et humana* in three of the five composed speeches that have survived from his *Historiae*.<sup>66</sup> In each case, the implication is the same—unusual or unconventional action in very extreme circumstances does not violate *fides publica*.

This is likewise the emphasis in Cicero. In *Off.* 1.26, Cicero explicates a maxim of the poet Ennius concerning *fides*. Ennius had said *Nulla sancta societas/Nec*

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<sup>64</sup>McGushin takes *promiscua* to mean “they cared for neither ... nor ...,” as opposed to “they made no distinction between.” He does not comment about the significance of the phrase as such. See *Commentary*, 100.

<sup>65</sup>*BJ* 5.2: *Quae contentio divina et humana cuncta permiscuit*; 31.9: *Tamen haec talia facinora impune suscepisse parum habuere itaque postremo leges, maiestas vostra, divina et humana omnia hostibus tradita sunt*; 31.20: *cum regna, provinciae, leges, iura, iudicia, bella atque paces, postremo divina et humana omnia penes paucos erant*.

<sup>66</sup>These are the speeches of the rebel consul Lepidus (1.55.11: *Quaeve humana superant aut divina inpolluta sunt?*), his adversary L. Marcius Philippus (1.77.10: *quae ille [Lepidus] advorsum divina et humana omnia cepit, non pro sua aut quorum simulat iniuria, sed legum ac libertatis subvortundae*), and Rome's great enemy Mithridates of Pontus (4.69.17: *quibus [the Romans] non humana ulla neque divina obstant quin socios amicos, procul iuxta sitos, inopes potentisque trahant excindant*). Mithridates is trying to persuade the Parthian ruler Arsaces to become his ally by pleading both the justice and necessity of the struggle against Rome (i. e., he has no alternative but war). Sallust creates for Mithridates terms of justification that would appear credible to a Roman audience. Therefore the king's speech is as relevant to the topic of *fides* as the other Sallustian passages I have cited.

*fides regni est* (“There is no fellowship inviolate/No faith is kept, when kingship is concerned.”).<sup>67</sup> About this statement, Cicero wrote—citing Ennius’s phrase—that in situations where only a few are able to rise to the top, competition for the most part will be so great that it is difficult to preserve a “just community.”<sup>68</sup> Writing after Caesar’s death, he says that Caesar was an example of this—to gain the first place in the state, Caesar had overturned *omnia divina et humana*. Cicero, then, in this late passage, links the phrase explicitly to the notion of violations of *fides*, and hence, of limits that must be observed if human society is to be just. His position is thoroughly Sallustian. It could easily be Memmius talking about the nobles—except that for Cicero in *Off.* 1.26, the unusual action required by *publica fides* was Caesar’s assassination.

In the *Pro Flacco*, a speech delivered in 59, we find similar language equating the violation of *fides* to the violation of friendship and of divine and human *officia* (58: *Nisi forte hae civitates existimari volunt facilius una se epistula Mithridatis moveri impellique potuisse ut amicitiam populi Romani, fidem suam, iura omnia officii humanitatisque violarent*).

Cicero’s *Pro Sestio* of the year 56 furnishes additional evidence, while adding a new twist. In the first chapter, Cicero uses similar language to describe the havoc that

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<sup>67</sup>Andrew R. Dyck states that *fides* here has the sense of “good faith, honesty, honor.” See *A Commentary on Cicero, De Officiis* (Ann Arbor: University of Michigan Press, 1996), 120-21. Dyck does not appear to see any connection between Cicero’s use of the phrase *omnia iura divina et humana* here and similar passages in his and other authors’ works. He opines that “under *iura divina* Cicero was surely thinking of the decision to honor Caesar with a statue in the temple of Quirinus.” Likewise, Dyck is confident that “under *iura humana* Cicero has in mind above all Caesar’s crossing of the Rubicon in defiance of the senate.”

<sup>68</sup>*Nam quicquid eius modi est, in quo non possint plures excellere, in eo fit plerumque tanta contentio, ut difficillimum sit servare “sanctam societatem.” Declaravit id modo temeritas C. Caesaris, qui omnia iura divina et humana pervertit propter eum, quem sibi ipse opinionis errore finxerat, principatum.*

bad citizens have successfully unleashed upon good ones (*eos* [bad citizens] *autem, qui omnia divina et humana violarint*). Such an assault implicitly abrogates *fides*. However, in *Sest.* 90-92, Cicero presents an argument defending T. Annius Milo for the latter's having used force to counter force, an action which, in the opinion of some observers, might likewise have violated *fides*. In 91, he paints a picture of humankind living in a primitive condition, prior to the political state and any sort of social existence, managing (by means which do not concern us) to achieve a measure of justice and humanity (*ad iustiam atque ad mansuetudinem transduxerunt*). The next step was the creation of the state, for which "divine and human" *ius* was absolutely vital (*invento et divino iure et humano*). Cicero then rationalizes Milo's conduct in section 92. He argues that between civilized life and savagery, nothing marks the difference like law and sheer force (*nihil tam interest quam ius atque vis*). He says that if we do not use the one, we must use the other. If we want to eliminate reliance on force, then necessarily the rule of law must prevail (*Vim volumus extinguere; ius valeat necesse est*). By that, Cicero means the process of administering justice; it is this activity that sustains the rule of law (*id est iudicia, quibus omne ius continetur*). But if the administration of justice cannot obtain, then force must rule (*Iudicia displicent aut nulla sunt; vis dominetur necesse est*). Cicero then argues that Milo was justified in resorting to force because he had first tried and failed to secure justice through legal channels. Lintott's comment on this argument is that Cicero seems to be saying that once the conventions of civilization are disregarded (i. e., *divina et humana iura*), it is morally and legally justifiable to use force to settle disputes.<sup>69</sup> I believe that

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<sup>69</sup>Lintott, *Violence*, 54.

Lintott is correct. If he is, however, then we see an important part of the thought-world not just of Caesar but of Cicero.

In sum: what I suggest is not the possibility of specific influence of any one of the above passages from Caesar, Cicero or Sallust on the others, but the common use roughly of this phrase connoting the overthrow of *divina et humana iura* within the culture as marking a kind of demarcation point—one which, when it has been reached, indicates to all the necessity for righteous struggle, whether moral or physical.<sup>70</sup> This is how Caesar uses it, as we will see below.

### **Pompeian Coup D'Etat and Passage of the *Senatus Consultum Ultimum* (BC 1.5-6)**

Caesar was not a writer who wasted words. He seems to have felt that it was important to his justification for his readership that he include all of the details that he does concerning the activity in and around the senate in these opening chapters. In *BC* 1.5 and 6, he explains what impact the moral and political corruption so far observed ultimately had on the constitution and on peace. He also chooses just this moment to depict himself

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<sup>70</sup>Livy's use of the phrase is not uniform, but is not inconsistent with this suggestion. Livy employs some form of the phrase *divina et humana* eleven times in his extant books. In only one instance (32.29.5) is his usage merely perfunctory. In each of the ten other examples, the specific context is that of highly dramatic and often extreme action, i. e., *deditio*, internal strife or tension between tribunes and consuls, significant military conflict: 1.38.2 (*deditio* of Collatia); 3.19.11 (limits to what can honorably be tolerated are seen as apparently on the verge of being reached in a clash between a consul and the tribunes); 4.2.7 (an episode involving controversial plebeian proposals); 5.23.7 (Camillus steps down as dictator after the conquest of Veii), 7.30.4 and 7.31.4 (*deditio* of Capua); 9.14.3 (the phrase occurs just prior to the attack on the Samnites in revenge for Caudine Forks); 26.33.13 (the phrase occurs in connection with the punishment of Capua in 210); 28.34.7 (the context is Scipio's departure from the traditional form of *deditio* in his treatment of Indibilis and his people—a departure that highlights Scipio's *fides*); 31.30.4 (the Athenians use the phrase to characterize Philip V's depredations in Attica; the Roman envoy says in effect in 31.31.3 that these violations of *divina* clinch the matter). Each of these ten *exempla* may also be said to relate definitely to some aspect of *fides*.

in the narrative as a visible protagonist for the first time, and in a context that emphasizes his *fides*.

The overt emphasis in the first three chapters was mostly on the bad behavior and bad *fides* of Pompey and his associates (though as noted, the quality of Caesar's *fides* is certainly strongly implied). In 1.4, as we saw, this emphasis begins to shift in the direction of Caesar's *fides*. In 1.5 and 6, his description of his antagonists' actions as a veritable *coup d'état* serves to throw into relief his own blamelessness for what is happening, as well as his forbearance, thus far, at what he wants the reader to understand has been great provocation in view of the patience he has displayed in his effort to avert war.<sup>71</sup> This forbearance is a mark of his *fides*. Caesar's object is to show that he has exhausted every practical means of achieving reconciliation with his enemies on terms honorable to both him and them. He was still at Ravenna within his *provincia* when the events he described took place. He could not possibly have been an imminent threat to the safety of the republic. Nonetheless, the *senatus consultum ultimum* was passed against him, after tribunes seeking to obstruct the action had been forced to retreat under peril of their lives. He explains that there was no historical precedent for the *scu* being passed except when the city of Rome was menaced by some immediate danger (1.5.3).<sup>72</sup> Caesar's

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<sup>71</sup>Caesar is being deliberately ironic when he depicts Pompey as praising very highly the "manly virtue and constancy" of the senate in 1.6.1 (*senatus virtutem constantiamque collaudat*). Caesar's portrayal of his foes' petty squabbling, self-seeking, and headstrong behavior in 1.6 is meant to show the reader that they lack *gravitas*; they are careless people.

<sup>72</sup>Caesar's assertion that the use of the *scu* in reference to him was contrary to all precedent seems accurate. It had only been passed when there was the possibility of armed violence in or against the city of Rome by Roman citizens, as Carter notes. The precedents were C. Gracchus (121), Saturninus and Glaucia (100), Sulla (83), Lepidus (77), Catiline (63), Metellus Nepos (62), and Clodius (52). Carter thinks that Caesar's narrative implies that (technically) the *scu* was directed against the tribunes Antony and Cassius, although the real target was obviously Caesar. The text simply states that decrees of the harshest character were passed during the week ending January 7 against both Caesar's *imperium* and the

implication is that this fact could only serve to aggravate the offense against the tribunes, since on no account was their attempt to exercise their veto on his behalf something that could plausibly be identified with abuse of the constitution (Caesar himself concedes that tribunician violence [*vis*] was a sufficient ground for passage of the *scu* in 1.7). Caesar continues his history lesson to back up his case. Besides his claim that the *scu* had never been employed except to combat an imminent threat to the city and public safety, he argues that there was no valid precedent for interfering with the tribunes' right of veto, which even L. Sulla had not removed (5.1). In the past, even the most turbulent tribunes had not been attacked until they had been in office at least eight months, whereas these tribunes had had to take measures for their safety after only a week into the year (5.2).<sup>73</sup> Caesar returns again shortly to these same historical themes in 1.7. Other important violations of historical precedent are stressed in the next chapter (6.5-8).

Following the passage of the *scu*, the tribunes fled the city and joined Caesar, obviously seeking his protection, given the circumstances (*Profugiunt statim ex urbe tribuni plebis seseque ad Caesarem conferunt*). The act of extending protection to a suppliant or to the weak and helpless was a classic means of demonstrating *fides*. To take one example, Cicero was always deeply grateful to Cn. Plancius for the *fides* Plancius had

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tribunes (*de imperio Caesaris et de amplissimis viris, tribunis plebis, gravissime acerbissimeque decernitur*). What this suggests is that Caesar must be trying ideologically to associate the *scu* with the insult to the tribunes to the extent that he can, because, in fact, the decrees that were passed January 1 about Caesar's *imperium* as such did not include the *scu* (see 1.2). For Carter's views, see *Commentary 1 & 2*, 158-59.

<sup>73</sup>This statement is technically correct, as far as the notion of at least eight months of tribunician activity free from interference is concerned. The only exception might seem to be Saturninus, lynched during the first few days of his third tribunate in 99. However, as Carter points out, Saturninus had also been tribune in the year 100, so he could be said to have enjoyed eight uninterrupted months of office. See *Commentary 1 & 2*, 158.

displayed as quaestor in Macedonia during Cicero's exile when he protected the latter against the mortal danger to him posed by his *inimici*—potentially, different exiled friends and associates of Catiline and Clodius (see *Planc.* 1):

When I saw so many patriotic gentlemen eagerly supporting the candidacy of Gnaeus Plancius on account of the remarkable and exceptional loyalty (*fides*) he displayed towards me at a time of great personal danger, it gave me considerable pleasure to reflect that the memory of that crisis in my life was enlisted in favor of one whose services had been the means of my preservation. [Loeb trans.]<sup>74</sup>

Cicero emphasizes the fact that Plancius's demonstration of *fides* in connection with safeguarding him later garnered Plancius important political support in his successful campaign to be elected aedile. There is no reason to suppose that Caesar's defense of the tribunes would not have struck an equally responsive chord with at least some of his audience. It may appear utterly cynical to us, and have been seen as a mere ploy by some ancients: Plutarch describes Caesar's defense of the tribunes as a *prophasis*, a "pretext," but then he also took the view that both Pompey and Caesar had each long ago decided upon the removal of the other, and more or less treats all the peace overtures and rejoinders made during the crisis as pretexts (see *Caes.* 28.1 and 31.3). But sincere or not, that does not mean it was not effective as persuasion.

Caesar, then, has chosen to introduce himself into the narrative as an active protagonist immediately following the senate's formal declaration of a state of emergency, in a context that reveals him to be (1) no physical threat at all to public safety, (2) still deeply committed not merely to peace through negotiation but apparently also to the notion that reason and cooler heads ought to prevail (he says he was awaiting a response

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<sup>74</sup>*Cum propter egregiam et singularem Cn. Plancii, iudices, in mea salute custodienda fidem tam multos et bonos viros eius honori viderem esse fautores, capiebam animo non mediocrem voluptatem, quod, cuius officium mihi saluti fuisset, ei meorum temporum memoriam suffragari videbam.*

to his very moderate claims, if, by virtue of fair dealing among men, it might be possible to return to a peaceful state of affairs<sup>75</sup>), and (3) a staunch champion of the constitution and the oppressed, as shown in both instances by his reception of the tribunes. What could be more poignant for the reader at this juncture than for the very officeholders whose responsibility it was to protect those in need, to be in need of protection themselves, and from their own government?<sup>76</sup>

### **The *Privati Cum Imperio* (BC 1.6)**

The passage of the *scu* (at 1.5.3-4) was not the only major constitutional affront that took place. Caesar also continued to emphasize the theme of a Pompeian assault upon the constitution as such in 1.6. The main issue he raised had to do with grants of *imperium* made by the senate to those he terms *privati*. His specific complaint is that no motion has been brought before the people to secure approval of these various senate decrees bestowing *imperium* (*Neque exspectant, quod superioribus annis acciderat, ut de eorum imperio ad populum feratur*). Therefore the *imperium* could not be legitimate. The men claiming to exercise it were mere *privati*.

What was Caesar talking about? In 53, a *senatus consultum* had decreed that no consul or praetor should be assigned a *provincia* until five years after his office had elapsed.<sup>77</sup> The ostensible purpose of the measure was to place a curb on the bribery and

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<sup>75</sup>See 1.5.5: *exspectabatque suis lennissimis postulatis responsa, si qua hominum aequitate res ad otium deduci posset*.

<sup>76</sup>See Cic. *Planc.* 26 for his description of the *aeterna laus* enjoyed by the people of Minturnae, because they shielded the helpless refugee C. Marius in a time of civil war.

<sup>77</sup>Dio 40.46.2. Dio believed that this was a reform intended to discourage excessive competition for office.

illegal activity that had become rampant at consular and praetorian elections (i. e., the competition for office was being increasingly driven by the hope of becoming rich plundering a province after one's term was up, a reality indicated by Caesar's criticism above in regard to Lentulus and Scipio). The following year, the measure became law under Pompey's sponsorship (*lex Pompeia*). There is no question but that when Caesar wrote the *BC*, he believed that this law was aimed directly at him (1.85.9-10). Modern scholars have been divided on the question of whether Caesar was correct. A number of them have followed Caesar in detecting a sinister motive behind the law.<sup>78</sup> Gruen, Adcock, Balsdon, and Wiseman have argued—I think persuasively—that on the contrary, the law was most likely a sincere reform measure, and that Pompey did not initially conceive it as a legal weapon to be used against Caesar at a later date. As Gruen notes, Pompey's new law did specifically allow the exercise of a tribune's veto on the assignment of provinces; a tribune could easily be found to cancel the proceedings in the event that Caesar's claims were being menaced. Gruen concludes that Caesar would therefore not automatically have felt himself threatened by the law.<sup>79</sup> I think this interpretation is the most probable of the various alternatives. In my view, the most likely inference, then, is that at the time (in 52), Caesar would have regarded the guarantee that was being afforded the tribunes in the matter of the veto as an effective safeguard also of his rights under the law, as he saw

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<sup>78</sup>Scholars who feel that the provisions of the *lex Pompeia* were crafted with Caesar in mind to one degree or another include Heitland, *Roman Republic*, vol. 3, 287; Holmes, *Roman Republic*, vol. 2, 255-56; Eduard Meyer, *Caesars Monarchie und das Principat des Pompeius* (Stuttgart: J. G. Cotta'sche Buchhandlung Nachfolger, 1922), 243; Tenney Frank, *A History of Rome* (New York: Henry Holt, 1923), 293-94; E. G. Hardy, *Some Problems in Roman History* (Oxford: Oxford University Press, 1924), 150-206; and Taylor, *Party Politics*, 150-51.

<sup>79</sup>For Gruen's views, see *The Last Generation*, 457-60. See also Adcock, "Conference," 627-28; J. P. V. D. Balsdon, "Consular Provinces under the Late Republic," *JRS* 29 (1939): 173-74; and Wiseman, "Caesar," 413.

them—in addition to the personal guarantee he must have felt was implied by the *fides* of his *amicitia* with Pompey. Of course, this would also tend to accentuate the already great political importance of the tribunes and their *iura* (a fact that, in turn, can be used to bolster the case that Caesar is being plausibly sincere in what he states in *BC* 1.1-9). Caesar's statement in the *BC* about the law is likely to be a retrospective judgment.

The *lex Pompeia* itself and the general problems connected with its interpretation are topics into which we cannot delve. But the law had several important implications for Caesar's position. These issues were investigated thoroughly by P. J. Cuff in 1958. He raises the question: to what specific act of people and magistrate was the grant of *imperium* indebted in the Late Republic?<sup>80</sup> He states that it is doubtful whether any unequivocal answer could have been given by a Roman constitutionalist of that period.<sup>81</sup> But it seems abundantly clear from the ancient evidence which he himself cites that it was beyond controversy the Roman people who were the sole constitutional source of *imperium*.<sup>82</sup> Broadly speaking, to paraphrase Cuff, so long as there was continuity of *imperium* between magistracy and promagistracy (as was mostly the case throughout republican history), it was still the people who were the ultimate grantors of *imperium* by virtue of their power to bestow office, although the senate might extend it upon

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<sup>80</sup>P. J. Cuff, "The Terminal Date of Caesar's Gallic Command," *Historia* 7 (1958): 446. Cuff's argument and thesis are extremely complex. Portions of it are perhaps too speculative. We are concerned here only with the part that affects this chapter of the *BC* directly.

<sup>81</sup>*Ibid.*, 446-47.

<sup>82</sup>*Ibid.* Cuff cites Cicero *De leg. Agr.* II 7.17; 11.26; Polybius 6.14.9; Sallust *BC* 29.3; and Livy 8.23.12. He should also have cited Cic. *Planc.* 11, where Cicero explicitly states that it is the privilege of all free peoples (and especially of the Roman people) through their votes to bestow office on whomever they choose and take it away.

completion of the magistrate's year in office by prorogation.<sup>83</sup> The *lex Pompeia* of 52 altered this situation fundamentally.<sup>84</sup> Now, Cuff points out, provinces were to be governed by men whose *imperium* (by any reasonable republican standard) had long ago lapsed.<sup>85</sup> Cicero, for example, was sent to govern Cilicia in 51, yet he had not been before the people as a candidate for public office in thirteen years. Perhaps Caesar is trying to uphold a putative *popularis* constitutional doctrine, as Cuff holds.<sup>86</sup> Or, perhaps Caesar is simply upholding traditional grounds of *mos maiorum* not necessarily connected directly to the *lex Sempronia*. Caesar's statements in his text are probably compatible with either or both of these sometimes overlapping interpretations of what the specific problem was—the point is simply that there was a perceived problem, and that Caesar's audience surely knew what the problem was or he would not waste time on it.<sup>87</sup> At any rate, it does seem

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<sup>83</sup>Cuff, "Terminal Date," 446. The senate's act of prorogation, Cuff reiterates several times, would have been formally confirmed by a separate action in the *comitia curiata*, a prerepublican survival from the regal era, consisting, in the 50s, merely of 30 lictors. This would still have been the case, Cuff argues, after the passage of the *lex Pompeia*. However, it is likely that even on some conservative Roman constitutional estimates, and particularly on *popularis* terms, such a comitial proceeding could not be regarded as expressing the true will of the Roman people. Certainly, Caesar could plausibly make a case that it did not.

<sup>84</sup>C. Gracchus's *lex Sempronia de provinciis consularibus* was also impacted by the *lex Pompeia*, and in ways that affected Caesar's situation profoundly, Cuff argues, though that is a separate discussion. What is relevant to our discussion is Cuff's thesis that a new (if latent) constitutional doctrine was implied by the *lex Sempronia*, not visible until the challenge to it posed by the *lex Pompeia* in 52. To paraphrase Cuff, the people, when it elected to the consulship, was in fact electing to the consulship and to a *provincia* because by the law of Gracchus the people could be said to be selecting men not only for the consulship but also for those provinces that had been termed consular before the election. Thus it was now the notion that *imperium* was continuous from magistracy to pro-magistracy because the people in one and the same election were choosing magistrates for a two-year period. This became *popularis* doctrine when Pompey's law removed the people's prerogative of choosing the provinces as well as the officials. See Cuff, "Terminal Date," 448-49.

<sup>85</sup>Ibid., 465.

<sup>86</sup>Ibid., 448-49.

<sup>87</sup>Concerning the *lex Pompeia* of 52, Syme (*Roman Revolution*, 39), though noting (and not disputing) its ostensible character as a reform measure, commented that it "in fact provided resources of

reasonable to conclude that *imperium* not approved by a vote of the people in an electoral voting assembly in the manner that had been customary until 52 could plausibly be depicted by Caesar as deriving from “the sanction of *pauci*”, to borrow Cuff’s phrase.<sup>88</sup> The issue was highly relevant to Caesar’s argument in *BC* 1.1-9 that to all intents and purposes, his antagonists in the senate had demonstrated open contempt for *publica fides*.

Caesar referred to this situation more comprehensively at *BC* 1.85.8-9.<sup>89</sup> His statements there alleging (in effect) that *privati* are being given *imperium* (in a way that amounts to an assault on the constitution) are worth comparing with a statement made by Cicero in a letter to Atticus dated December 17-21, 50, just days before the storm burst. In *Att.* 7.7.4-5, Cicero complains about a rumor he had heard to the effect that, in the event of war, there were plans to give him a military command in Sicily. The problem, he said, was that the senate had not decreed, nor had the people commanded, that he have *imperium* in Sicily: *Nec enim senatus decrevit, nec populus iussit me imperium in Sicilia habere*. Cicero did appear willing to acquiesce in Pompey’s assigning *imperium* to private men if the *res publica* had handed over *imperium* to him (Pompey) properly first: *Sin hoc*

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patronage for the party in control of the government.” This is one consequence of the law that would not have escaped the audience. Constitutionally, this patronage belonged to the people, not a clique within the senate.

<sup>88</sup>Cuff, “Terminal Date,” 466-67.

<sup>89</sup>*Omnia haec iam pridem contra se parari; in se novi generis imperia constitui, ut idem ad portas urbanis praesideat rebus et duas bellicosissimas provincias absens tot annis obtineat; in se iura magistratuum commutari, ne ex praetura et consulatu, ut semper, sed per paucos probati et electi in provincias mittantur; in se etiam aetatis excusationem nihil valere, cum superioribus bellis probati ad obtinendos exercitus evocentur* (“All these measures have been for long in course of preparation against me; against me new kinds of *imperium* are set up, such as that one and the same person should preside over city affairs outside the gates and should hold in absence two of the most warlike provinces [the two Spains] for so many years [Caesar refers to Pompey]; against me are the rights of magistrates subverted, so that they are not sent into the provinces as always hitherto after the praetorship and consulship, but as approved and elected by a small clique; against me even the plea of age is no small avail to prevent men approved in former wars being called out to control armies” [Loeb trans. slightly modified by J. Barry]).

*res publica ad Pompeium refert, qui me magis quam privatum aliquem mittat?* (“If the Republic hands over this authority to Pompey, why should he send me rather than some other *privatus*?”). In a sense, Cicero and Caesar agree (and Cicero even before the fact) on what part of the question was: Did the *res publica* in fact legitimately assign this kind of power to Pompey through institutional channels during first week of January, or did it not? Obviously, Caesar has gone to great trouble to argue that it did not. His objections are grounded in *publica fides* and thus show that his *fides* is traditional in character. In fact, surprisingly—as we have seen—Cicero and Caesar are not so far apart with respect to significant elements of the constitutional and moral (*fides*) situation.

If the hypothesis sketched above is correct, there are important implications for our understanding of Caesar’s justification. For one, it is clear that the argument he presents in defense of his actions is focused, coherent, and based on specific objective grievances, each rooted in traditional republicanism of one kind or another. It is not vague and diffuse rhetoric. Obviously it is also self-serving. Why should it not be? Self-defense when appropriate—in extreme circumstances, as we have seen, even armed self-defence—was a facet of republicanism. Caesar’s complaint was legitimate. By severing the *provinciae* from popular elections by means of the minimum five year interval that was imposed between magistracy and pro-magistracy, the law of 52 did put more power in the hands of the most influential voices within the senate, as opposed to the *populus*. The *privati cum imperio* of the Second Punic War had been few. But the measure of 52 embraced all *provinciae*, and not in a state of crisis but as a permanent situation. Caesar used this argument perhaps because in hindsight he saw how it was used against his

interests in January 49.<sup>90</sup> Caesar is basing his case for self-defense on enumerated abrogations of constitutional process which occurred at a particular time and place, and which were allegedly orchestrated by his *inimici* in the senate for the purpose of stripping him of virtually all his *iura*. We must bear in mind that one of the primary tasks of republican government was to safeguard each and every citizen in his *iura* as well as his property; were that not true, probably most of internal republican history as it has come down to us would be incomprehensible.<sup>91</sup> To that end his *inimici* were also willing to go so far as to eviscerate the people's chief role in the state by purposely severing the process of authorizing *imperium ex officio* from its indispensable and ancient democratic root in the *comitia*. It is not difficult to see why Cicero could state publicly very early in 50 (as noted above) that he approved of Caesar's *causa* with no evident sense of embarrassment.

Indeed, Caesar's presentation of his case remains more or less consistent throughout the whole of the *BC*. He bases his actions after January 7 on the violations of institutional process (meant to secure not merely "rights" according to strict law but the proper measure of respect that was due to all republican participants in the process) that were consummated in the first week of January 49. There is no discernable political aim

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<sup>90</sup>Writing more than 80 years ago, Heitland recognized that the law of 52 "introduced a new and revolutionary principle into the Roman constitution." See *Roman Republic*, vol. 2, 241. I have already commented that I think it is unlikely that Caesar himself understood the full implications of the law for him and his interests at the time it was passed, and that this may well even hold true for Pompey and those in the senate in 53 who were the original architects of the law. But the implication of *BC* 1.85.9 is that rightly or wrongly, Caesar later viewed the *lex Pompeia* of 52 not as a reform measure but as directed against him: *in se iura commutari, ne ex praetura et consulatu, ut semper, sed per paucos probati et electi in provincias mittantur...*

<sup>91</sup>I am referring to the "Conflict of the Orders," which was certainly remembered by the Romans as a struggle over popular *iura* and issues of individual personal security against arbitrary and oppressive acts of more powerful people. For a recent historical discussion of these things, see Kurt Raaflaub, "From Protection and Defense to Offense and Participation: Stages in the Conflict of the Orders," in *Social Struggles in Archaic Rome: New Perspectives on the Conflict of the Orders*, ed. Kurt A. Raaflaub (Berkeley and Los Angeles: University of California Press, 1986), 198-243.

expressed in the text that would exclude the resumption of republican government on the basis of the *status quo ante* when hostilities ceased, but it is also fair to assume that the repeal of the *lex Pompeia* would almost certainly have to have been part of any active Caesarian political agenda that might have been implemented at the time of writing. His emphasis or his language may vary somewhat when we compare the major passages where he tells the reader why he is fighting (1.7-9, 1.22, 1.32, 1.85), but it is not self-contradictory. Nor does it imply in any way that he ever lacked confidence in the justice of the legal, moral, and political claims he placed before the senate in written form on January 1. The tribune issue as it appears in the text was not a ploy intended to distract readers from an admittedly and transparently mediocre cause. Such a self-portrayal would have suggested to contemporaries that his *fides* was poor and untrustworthy.

The *pauci* abrogated the freedom of both the senate and the *tribuni plebis* in December 50 and January 49. But it was the undermining of the latter especially which made it impossible for the senate to act with *fides publica*.

Let us conclude this part of the discussion. Caesar ends 1.6 with the statement that all divine and human rights have been thrown into confusion (*omnia divina humanaque iura permiscentur*). I pointed out above that both Sallust and Cicero employ very similar phrases in comparable contexts. They use this kind of language to emphasize that certain unacceptable public behaviors have arisen (from whatever source) that do not merely threaten fundamental moral and political conventions; they have already caused situations in which those conventions were not observed, and that there is thus an urgent need for effective action of whatever sort may be called for to provide a remedy, a return

to stability.<sup>92</sup> Clearly, the phrase was likely consciously associated with the massive abrogation of fundamental moral safeguards (i. e., *fides*) in the minds of others among Caesar's first generation of readers, as well as with the notion that unusual action taken in response to the breakdown of *divina et humana* would not violate *publica fides*. Caesar certainly uses the expression here, I suggest, to imply that a variety of limits have been transgressed without penalty that are critical if republican government is to work. The moral equivalent of the Rubicon has already been crossed by his foes, while he waits patiently at Ravenna inside his province for a rational response to his *lenissima postulata*. The appropriate moment has now arrived for him to take action to defend himself. The first step in that process requires that he explain directly to his adversary and to his reader exactly why he has no other recourse. That is what he proceeds to do in *BC* 7-9.

Let us sum up the discussion in this chapter. We have seen that Caesar bases his dealings with the senate on *publica fides*. Caesar argues that his claims are law-based, and seems to imply that the senate would have acknowledged as much if it had been able to make its opinions known freely, even in the event that the senate decided not to accept his claims *in toto*. But the senate is robbed altogether of its right to decide the question freely. Pompey's allies within the senate, and Pompey himself on the outside, employ tactics of fear and intimidation to suppress several attempts on the part of various senators

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<sup>92</sup>Let us consider only Cic. *Sest.* 1. Cicero paints a picture of the harm that Clodius and his allies have been able to inflict with impunity on innocent citizens and, in particular, on those who were willing to stand up and oppose him, to the point that all divine and human concerns have been violated, shaken, disturbed, and overturned (*omnia divina et humana violarint, vexarint, perturbarint, everterint*). His point is that an intolerable situation exists when the law can offer no effective protection to the law-abiding, and trust among citizens cannot flourish. However, his argument in the *Pro Sestio* goes on both to imply and to state that men in such a situation still have a duty to struggle against their opponents to restore and refurbish the damaged legal and social order. In effect, it is an obligation prescribed by *fides*. This is also Caesar's point in the *BC* as regards himself in his present predicament.

at open deliberation about Caesar's claims. The tribunes who seek to defend Caesar's rights are prevented from using their constitutional powers on Caesar's behalf. As a result of all this, the senate succumbs to pressure. While in this fearful frame of mind, the senators pass the *senatus consultum ultimum*; normal republican government is literally suspended. Pompey and his friends are now authorized to take the harshest measures against Caesar. Yet it is they, and not Caesar, who pose the real threat to the republic. Among other outrageous acts and violations of precedent, they even invest *privati* with *imperium*. It is truly a world turned upside down, but not by any unjust action of Caesar's.

## CHAPTER FOUR

### CAESAR'S *DIGNITAS*, CAESAR'S *FIDES*

This chapter begins with a discussion of the how *dignitas* has been seen by an influential modern scholar, Ch. Wirzubski, and by Cicero in the much quoted *Att.* 7.11.1. It continues with a discussion of what Cicero seems to think *dignitas* implies in the *Pro Sestio*; Cicero's views here appear to be at odds with his views in *Att.* 7.11.1. We then briefly examine definitions of *dignitas* commonly encountered in works of modern scholarship. This is followed by a discussion of J. Hellegouarc'h's observation that *dignitas* is explicitly linked to *fides* in several passages which he collects. We then examine those passages (among others) in an effort to provide a context for Caesar's usage in *BC* 1.7-9. The chapter concludes with a discussion of those passages. Rather than suggesting claims deriving from his egoism, Caesar's use of the word *dignitas* in 1.7-9 implies a claim to *fides*—personal *fides* from Pompey on the score of their *amicitia*, *publica fides* from the senate and his foes there, not excluding Pompey.

#### Cicero's *Dignitas*

For modern readers interested in the question of how Caesar justified his resort to arms in his dispute with the senate, perhaps the most frequently cited (and for Caesar's case, apparently most plainly damning) chapters of the *BC* are 1.7 through 1.9. These are the chapters in which Caesar proclaims frankly that his concern for his *dignitas* impelled him to take up arms against the senate. Interpreted literally and superficially, the statement seems to imply not merely a massive and almost irrational egoism on Caesar's

part, but an egoism that to some extent renders the broad appeal of his cause inexplicable, even on ancient terms. For example, in 1.9 Caesar declares that his *dignitas* has always come first with him and been dearer than life. Yet practically in the next breath, he tells his reader that he is willing to submit to anything for the sake of the republic. “How could Caesar place his own interests (apparently) so completely, so openly, so shamelessly ahead of the law, the common good, and the republic whose trustworthy agent he never ceased claiming to be?” we may well ask in response to Caesar’s own astonishing and seemingly bewildering frankness. Caesar’s statement of justification in these chapters does seem particularly odd in light of the republican claims for himself and his cause that he makes in the work. In the first three chapters, we have seen how important *fides* and *fides publica* were for Romans in general as well as for the senate, and that this includes Caesar. Now we shall discover how *fides* and *fides publica* are linked to *dignitas*, and that this linkage provides the key—previously unnoticed—to understand *BC* 1.7-9.

The basic republican thrust of the *BC* has not escaped the notice of modern scholars. For instance, John H. Collins describes the *BC* as “republican through and through.”<sup>1</sup> Indeed, he writes that “there is not a sentence in the *BC* the *political* tendency of which could not be approved by Cicero, or for that matter, by Cato, and no expression of dissatisfaction with the formal condition of the *res publica* except that the selfishness and ambition of a few men, of the *factio paucorum*, was preventing the system from functioning.”<sup>2</sup> Collins qualifies his statement by distinguishing the political tendency of the work from other impulses that presumably might be discerned in it. For example, he is not

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<sup>1</sup>Collins, “Date and Interpretation,” 117.

<sup>2</sup>Ibid., 119.

saying that Cicero would probably describe Caesar's account of events in the *BC* as altogether historically accurate, even in ancient terms of what history writing should be. Nevertheless, Caesar's invocation of the insult to his *dignitas* as a *ratio belli* is very striking if viewed against the backdrop of his republican professions of political feeling. At least, it appears to do so as long as our understanding of what the word means is limited to the usual choices offered by scholars.

Much of our present day view both of these chapters and of what *dignitas* is primarily supposed to connote in the Roman mind as it relates to republicanism derives largely from Cicero. Reports of what Caesar had said and done circulated widely at the time of the events in question. Cicero was aware of Caesar's statements about his *dignitas* as early as mid-January 49 (*Att.* 7.11.1):

*Quaeso, quid est hoc? Aut quid agitur? Mihi enim tenebrae sunt. "Cingulum," inquit, "nos tenemus, Anconem amisimus; Labienus discessit a Caesare." Utrum de imperatore populi Romani an de Hannibale loquimur? O hominem amentem et miserum, qui ne umbram quidem umquam tou kalou viderit! Atque haec ait omnia facere se dignitatis causa. Ubi est autem dignitas nisi honestas? Honestum igitur habere exercitum nullo publico consilio, occupare urbes civium, quo facilius sit aditus ad patriam, chreon apokopas, phugadon kathodous, sescenta alia scelera moliri...*

“What in the name of wonder is this? What is happening? I am in the dark. People say “Cingulum is ours, Ancona is lost, Labienus has deserted from Caesar.” Are we talking of an officer of the Roman people or of Hannibal? Wretched madman never to have seen the shadow even of right! Yet all this, he says, is done to support his honor [*dignitas*]. Can there be honor [*dignitas*] without honesty: and is it honest to retain an army without sanction, to seize the cities of your country that you may strike the better at her heart, to contrive abolition of debts [in the event, Caesar did not do this], the restoration of exiles, and scores of other crimes...? [Loeb trans., slightly modified]

Obviously, Cicero did not regard Caesar's conception of his *dignitas* and what was owed to it and his propaganda about these issues, as particularly republican. On the

other hand, Caesar himself seems to have wanted his words and deeds to be publicized at the time, contemporaneous with the action (as is clear from *Att.* 7.11.1 here; cf. *Att.* 9.7.c). Yet he also wanted to be perceived as operating within a republican framework on both a moral and political level. Indeed, the point is that he does not appear to have seen his claim of a presumptive right to defend his *dignitas* by violence as interfering with the latter objective. We shall explore these issues in what follows. But it may be best to state now one major reason for rejecting Cicero's position as the last word on this question. Ch. Wirszubski has made this observation: "It is noteworthy that of all Republican writers Cicero alone conceived *dignitas* as a sense of unselfish and unconditional duty, and not merely as a title to respect and political pre-eminence."<sup>3</sup> Actually, it is not at all clear that the matter is this simple, as I will show. I would modify part of Wirszubski's statement to read: "unselfish and unconditional duty to the *res publica*." In the context of his statement, this is what he appears to mean.<sup>4</sup> Also, I would like to suggest that "unselfish and unconditional duty" in Cicero's case, if we consider his approach to republicanism in other passages than this one, is actually more like "unselfish and unconditional recognition of the importance of safeguarding—by whatever prudent measures are deemed necessary—legally constituted authority."<sup>5</sup> For the latter notion, I think, is closer to what Cicero actually seems to think *dignitas* ought to mean to his elite contemporaries, at least prior to

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<sup>3</sup>Ch Wirszubski, *Libertas as a Political Idea at Rome during the Late Republic and Early Principate* (Cambridge: Cambridge University Press, 1950), 86. Raaflaub concurs with Wirszubski. See *Dignitatis Contentio*, 151 n. 198. Wirszubski's arguments in support of his conclusion are minimal and not persuasive. Therefore I shall present my own argument in the body of the text.

<sup>4</sup>Wirszubski quotes *Att.* 7.11.1. This one passage tends often to be cited by scholars to the exclusion of other evidence, as if it were automatically probative for the meaning of the term *dignitas*.

<sup>5</sup>In practice, this usually means deferring to official authority as opposed to taking action on one's own, but it did not always mean this to Cicero, as I show below.

the revolutionary period that began in 50/49, judging from a work of the mid-50s like the *Pro Sestio*.<sup>6</sup>

Wirzubski's statement about Cicero is incomplete as it stands. Cicero could approve the murder of a tribune by a distinguished consular *privatus*—a man who would undoubtedly possess *dignitas*, and acting on his own initiative—as being in the interest of the republic. For example, in *Dom.* 91 he spoke with approval of the killing of Tiberius Gracchus by a *privatus*: *...non quo mihi P. Scipionis, fortissimi viri, vis in Ti. Graccho privati hominis displiceret* (“...not that the violence employed outside the law against Tiberius Gracchus by Publius Scipio, a most brave man, acting in the capacity of a private citizen, displeased me...”). Cicero goes on to stress that the consul defended Scipio's action against Gracchus in the senate only after the exploit had been performed—his action had had no formal authorization whatsoever. Cicero approved of this admittedly lawless act, though. So, the inference is that even Cicero conceived of situations in which action taken outside the law could nonetheless be said to be taken *causa rei publicae*. As we saw in the last chapter, some of his statements in the *Pro Sestio* also imply this. Remarkably, Cicero even seems to have felt that Sulla, Marius, and Cinna had to some extent been within their rights to engage in civil war, notwithstanding the suffering that their actions caused.<sup>7</sup>

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<sup>6</sup>At *De Inv.* 2.166, Cicero defines *dignitas* as worthy authority (*auctoritas*) distinguished by honorable things—reverence, honor itself, and a sense of shame (*dignitas est alicui honesta et cultu et honore et verecundia digna auctoritas*). The *De Inventione* was a work of Cicero's youth (he may not have been out of his teens when he wrote it). It therefore preserves an unvarnished ideological perspective that is close to the second century. There is no reference to unselfish devotion to the state. This notion would presumably not have been excluded *a priori*, but it is not singled out for mention. Therefore the question seems to be one of emphasis. In (probably) the mid-80s, Cicero does not stress this; in 49, he does.

<sup>7</sup>For Cicero's reluctant admission that Sulla, Marius, and Cinna had acted in accordance with some measure of justice, see *Att.* 9.10.3: “But Sulla and Marius and Cinna acted rightly; indeed even with justice. But what was more cruel, more deadly than their victory? (*At Sulla, at Marius, at Cinna*

Thus Cicero's notion of *dignitas* as requiring unselfish and unconditional duty (let us say) to the republic did not mean that the possessor of *dignitas* was invariably always to yield, when opposed by someone invested with official authority; or, to refrain from action perceived as necessary to the republic's safety, until receiving approval from official authority. Wirzubski illustrated what he meant by his statement with the same passage I cite above—*Att.* 7.11.1. If we take only that passage as definitive for Cicero's views, then Wirzubski's statement to the effect that Cicero's view of *dignitas* was unique or near-unique in the Late Republic seems correct. In *Att.* 7.11.1, Cicero implies that *dignitas* by itself inherently barred Caesar from taking the action he took in refusing to yield to the senate and resorting to force in defence of his rights.<sup>8</sup>

But the historical reality seems to be that *dignitas* was actually seen to permit self-defence, simultaneous with it being the case that the notion required unselfish and unconditional duty. Moreover, Cicero elsewhere presents arguments that seem to concede

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*recte, immo iure fortasse; sed quid eorum victoria, crudelius, quid funestius?)." Donald Shackleton-Bailey, Cicero's Letters to Atticus, vol. 4 (Cambridge University Press, 1968), 378, comments on iure: "This must mean that they could plead some constitutional justification, Sulla and Cinna as having been wrongfully deprived of a command and a consulship respectively, Marius as Cinna's associate and as wrongfully exiled." Another way of putting it is that Cicero saw at least some element of *publica fides* as plausibly at stake in the three controversies to which he refers.*

<sup>8</sup>In addition to the scholars mentioned in a previous footnote, J. Hellegouarc'h also concurs with Wirzubski. In an argument that seems prompted by the need to explain *Att.* 7.11.1, he contends that in Cicero's conception, *dignitas* is driven by Aristotelian notions of honor: "*Toutefois, comme nous l'avons déjà remarqué à plusieurs reprises, valeurs morale et sociale tendent facilement à se confondre, surtout dans certains ouvrages de Cicéron: c'est ce qui se produit dans une lettre à Atticus ou il fait de la dignitas une conséquence de l'honestas qu'il identifie avec le grec kalon, c'est-à-dire avec la notion aristotélicienne du 'souverain bien.'*" See *Le Vocabulaire Latin des Relations et des Partis Politiques sous la République* (Paris: Société d'Édition "Les Belles Lettres," 1963), 407. He later states that Cicero's unique view of *dignitas* was also shaped by the need to combat Epicurean ideas: "*Pour lui la dignitas n'est pas seulement une des vertus, elle est la vertu même et se confond avec l'honestas conçu comme expression du bien moral et qu'il oppose à la voluptas des Epicuriens.*" Hellegouarc'h goes on to state that Cicero's conception of *dignitas* implied not just social obligation, but moral obligation, and that in this respect (here, in effect, concurring with Wirzubski), Cicero's view differed from that of his contemporaries; see 410.

that the use of violence to defend one's *dignitas*, even if it means opposing official authority, was perceived by the public as sometimes justified, even if Cicero himself claimed to have chosen a different course in 58 for ideological, not practical, reasons. Dio states that, in fact, Cicero planned to resist his enemies with armed force in 58, and was only talked out of it at the last minute by Cato and Hortensius, who feared his resistance would cause civil war. Thus, Dio says, Cicero went into exile with a sense of shame, because he had done so voluntarily, instead of standing his ground.<sup>9</sup> That this story could itself be circulated and believed (whether it is true or not) is significant for the point I am making about *dignitas*. This is one reason why it is often a mistake to draw conclusions about Cicero's beliefs from only one passage, or to accept all of his views about republican matters uncritically. His ideas about republicanism did not always exercise the same hold over his contemporaries' opinions that they often do over ours. We should not permit Cicero's statements automatically to override competing claims in the sources simply because they conflict with one another, or equally uncritically, to privilege one set of his remarks on a subject over something different he may have said about the same subject somewhere else in his huge body of work.

Cicero's *Pro Sestio* is a valuable source both for Cicero's view of what *dignitas* meant, and, by implication, for what a majority, arguably, of his contemporaries thought it ought to mean, where the issue of an individual's right to use violence in self-defence is concerned. Cicero's speech on behalf of P. Sestius was delivered in February, 56, only a few months after his return from exile. The precise circumstances do not

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<sup>9</sup>See Dio 38.17.4. We will see below that Cicero presented an ideological justification for his decision in the *Pro Sestio* that he claimed, in effect, to be the height of republican idealism, but it may not actually have been the most widely held view of what was the best course for him to adopt.

concern us. It need only be said that during the interval since his return, a variety of developments had encouraged Cicero to believe that he could mount a successful political challenge to the triumvirate by detaching Pompey from Caesar and Crassus, and winning him over instead to the notion of an alliance with the senate and the equestrians. The speech therefore revived some of the main ideological themes of Cicero's political agenda, including the ideas of *concordia ordinum* and *otium cum dignitate*.<sup>10</sup> Much of the speech—perhaps a third of it, and a majority of the first fifty of its one hundred and fifty sections—was taken up with a retrospective look at the many turbulent events of the year 58 associated with the tribune Clodius's relentless assault upon Cicero's safety, security, standing, and even life, an assault that culminated in Cicero's willing acceptance, albeit under pressure and arguably under humiliating circumstances, of exile from Italy.<sup>11</sup>

For much of the time in these early chapters of the speech, Cicero vigorously defends his decision not to employ violence against his foes and their supporters when he conceivably could have done so, and simply to accept exile in default of any other obvious remedy for his situation. Clodius had secured the political support of both of the consuls of 58, L. Calpurnius Piso and A. Gabinius to help secure his ends. Therefore any armed

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<sup>10</sup>The importance of the *Pro Sestio* for this topic was noted in the previous chapter, in connection with the thesis that credible violations of *divina et humana* might be invoked with some effect by politicians who wanted to justify taking unusual action. For more information on the *Pro Sestio* and its background, see Wood, *Cicero's Political Thought*, 61-63 194-99, and Stockton, *Cicero*, 205-14. We have the speech only in its published form, which is toned down. Stockton, echoing the *communis opinio*, notes that even this muted version is a frank attack on what Caesar stood for, in Cicero's view. Mitchell, however, differs in that he sees no new level of hostility to the triumvirate in Cicero's words, just a repetition of arguments and rhetoric that the orator had used many times before. For Mitchell, Cicero's political activity before Luca did not amount to a calculated attack aimed at destroying the triumvirate. See *Senior Statesman*, 168-81.

<sup>11</sup>Threats to his life mounted by his enemies even then did not cease, requiring him to find protectors among Roman officials abroad to stay alive. One such official who did not fail Cicero was Cn. Plancius, as noted above.

resistance that Cicero might have put up against Clodius's attackers might potentially have put him in opposition to forces led by one or both of the consuls.<sup>12</sup> Hence he would in effect have been fighting in opposition to forces that had received the imprimatur of the formal constitutional apparatus of the Roman state in the persons of both of the consuls, not just in opposition to Clodius and his personal adherents. Cicero, then, was in a position in 58 not too dissimilar in theory from the position in which Caesar would find himself in 49.

The point here is that Cicero would not invest so much time and effort in the speech defending his decision not to use force even against the government if that decision had not been a controversial one from the standpoint of his audience. It had been so much questioned, apparently, that issues pertaining to Cicero's honor had been raised. Like Caesar, Cicero found himself obliged to defend his *dignitas*, and in language very like Caesar's six years later. In *Sest.* 48, Cicero rates personal *dignitas* in terms that are strikingly similar to Caesar's famous valuation of the notion at *BC* 1.9.1 (*Sibi semper primam rei publicae fuisse dignitatem vitaeque potiore*). Cicero's formulation is: *Denique, cum omnia semper ad dignitatem retulisse nec sine ea quicquam expetendum esse homini invita putassem* ("Lastly, as I had always made honor (*dignitas*) my rule of life, and thought that nothing in life was more to be sought for by a man without it..."). For such a man, a man of consular rank, a man who, in Cicero's case, could and did

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<sup>12</sup>See *Sest.* 24 for details. This support from the consuls is plainly imputed by Cicero to have included the use of armed force. See *Sest.* 43: *Id profecto, ut, cum amentissimo tribuno pl. si decertassem, cum consulibus ceterisque eius ultoribus dimicarem* ("No doubt, if I had fought it out with that frenzied tribune of the people, I should have to fight with the consuls and the rest of his avengers."). The politics of Cicero's exile are a separate issue, but it can be said that the triumvirs Caesar, Pompey, and Crassus each to some degree had encouraged or acquiesced in Clodius's vendetta against Cicero; hence, he could not count upon them for protection.

plausibly claim to have saved the state (from Catiline), and, in Caesar's case, arguably had performed similar conspicuous service for public good by subduing the most potent of the Celtic tribes that had always been a menace to Roman survival (as Cicero himself proclaims in *Prov. Cons.*), death was preferable to dishonor. This is what Cicero argues in so many words in this passage. Yet in 58, he had chosen to live, not to die. This is a problem for him because his audience believes that he ought to have resisted, even against forces possessing certainly (because of the consuls' involvement) some legal authority,<sup>13</sup> and even at the near certain loss of his life.

Cicero paraphrases in the speech two of the arguments made by critics of his decision: (1) *Restitisses, repugnasses, mortem pugnans appetisses* ("You should have resisted, you should have fought back, you should have met death fighting") (45); and: (2) *Victi essent improbi* ("The disloyal would have been conquered.") (47). Cicero basically makes three responses to these critics (which I am paring down from his reams of rhetoric on the subject in the text). In his own words: (1) *ut neque victi neque victores rem publicam tenere possemus* ("...so that [in the event that we did resort to arms] whether we emerged the victors or were vanquished, in neither case would we any longer be able to have a republic") (44); (2) *...me vestrarum sedum templorumque causa, me propter salutem meorum civium, quae mihi semper fuit mea carior vita, dimicationem caedemque fuisse* ("[I call the gods to witness] ... it was for the sake of your abodes and temples, for the salvation of my fellow-citizens, which has ever been dearer to me than life, that I avoided fighting and bloodshed.") (45); (3) *Haec ego et multa alia cogitans hoc videbam,*

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<sup>13</sup>The point whether Cicero might first have opposed merely Clodius's followers or encountered bands headed up by the consuls is irrelevant. The consuls' support of Clodius meant that they were prepared to back the tribune up with armed force if the need arose.

*si causam publicam mea mors peremisset, neminem umquam fore, qui auderet suspicere contra improbos cives salutem rei publicae* (“Thinking over these and many other matters, I saw that if my death should prove the final destruction of the state, there would never be anyone who would dare to undertake to save it against disloyal citizens.”) (49).

Cicero’s ultimate justification is determined finally by the latter conclusion, in which he roughly equates his personal survival with the very survival of the republic. He argues that his exile was a burden of suffering he took upon himself in order to avert destruction from his fellow-citizens (49):

*Servavi igitur rem publicam discessu meo, iudices; caedem a vobis liberisque vestris, vastitatem, incendia, rapinas meo dolore luctuque depuli et unus bis rem publicam servavi, semel gloria, iterum aerumna mea.*

So then I saved the state by quitting Rome, gentlemen; by my own grief and sorrow I kept off from you and your children devastation, fire, and rapine; alone I twice saved the state, once with glory, the second time with misery to myself. [Loeb trans.]

Having decided upon the necessity of exile as a burden to be borne in the community’s interest, Cicero reiterates his previous identification with the republic, but he adds to the notion something that had not been explicitly stated before, namely, that his exile and sacrifice (as opposed to resistance and death) had resulted in there now being embodied in his own person a living example of *publica fides* (50; *in qua quidem nunc me restituto vivit mecum simul exemplum fidei publicae* (“...in which [the state] indeed there now lives in my person, my restoration from banishment having been accomplished, an example of public *fides*”). The object of this portion of his argument in the *Pro Sestio* had been to vindicate his *dignitas* in the eyes of his peers, perhaps, more than any other group in Roman society. He has tried to accomplish this rhetorically by linking his *dignitas* to

*fides* in the sense that he does above. Thus from his authorial standpoint, his *dignitas* required him to act in the situation in a manner that was dictated ultimately by *fides*. However, this is a notion of *fides* (and of *dignitas*) that he has (1) extrapolated to suit the occasion to a great extent, and (2) is plainly a view of what *dignitas* and *fides* demand of a high-ranking elite Roman that was so unfamiliar to his audience (or unpalatable) that Cicero had to spend about one third of a major speech explaining his position. The inference is that many of the elite Romans comprising Cicero's primary intended audience did not share Cicero's beliefs. That is, they likely did not agree with any or all of his stated ideological or practical reasons why force should not be used by a great man to defend *dignitas*, even against the state.

The fact of the matter was not what Cicero claimed it to be even in his own case. We may discover what he actually thought he ought to have done if we consider *Att.* 3.15, written in exile at Thessalonica in August, 58:

Now, Pomponius, you used none of your wisdom in saving me from ruin—either because you thought I had enough common sense myself or because you thought you owed me nothing but the support of your presence: while I, basely betrayed and hurried to my ruin, threw down my arms (*praesidia*) and fled, deserting my country, though all Italy would have stood up and defended me with enthusiasm. You looked on in silence, while I betrayed (*tradidi*) myself, my family, and my possessions to my enemies, though, even if you had not more sense than I had, you certainly had less cause for fear (*timebas minus*). [Loeb trans., slightly modified]

In this letter, as we can plainly see, Cicero expresses profound regret that he did not adopt a strategy of violent resistance in mounting his defence. His statements tend to support Dio, whose evidence was noted earlier. The point is not whether Cicero is right or wrong. The point is that here he sees no ideological barrier to doing so. Had he used

force, he would likely still, in his judgment, by implication, be acting *causa rei publicae* at the same time that he was taking measures to maintain the justice of his own cause.

Ideologically, the area where Cicero's notion of *dignitas* in the *Pro Sestio* seems most set apart from that of his contemporary Caesar (as the latter defined it famously at *BC* 1.9.1) in the eyes of a modern reader can be found in Cicero's statement (in 44 above) that "the safety of his fellow-citizens was always dearer to him than life." Certainly, he sees in *Att.* 3.15 nothing of that noble moral imperative. Moreover, it is worth noting that in *Planc.* 80 (in the course of yet another elaborate defence of his decision to choose exile), he makes a revealing statement concerning Metellus Numidicus's voluntary acceptance of exile in the year 100, when Numidicus found himself embroiled with the tribune Saturninus. There were, Cicero tells us, some *boni viri* who were deeply disappointed by Metellus's retirement because they thought he could have won if he had resorted to force. The implication is that these *boni viri* believed that Metellus would have been morally justified if he had resorted to arms, even though it meant civil war (...*constat invitissimis viris bonis cessisse, nec fuisse dubium quin contentione et armis superior posset esse*). The term *bonus vir* is one generally of considerable approbation in Cicero. If these aristocrats were friends of Metellus—and they apparently were—they were likely distinguished men indeed, men who, we may reasonably assume, possessed a great deal of knowledge about the Roman *politeia*. They may have been familiar with the notion of *dignitas* that Cicero later set out in the *Pro Sestio*, but they obviously did not consider it to be the only legitimate interpretation of

what *dignitas* required, and they attempted to dissuade Metellus from retiring, even if it meant resorting to force.<sup>14</sup>

It is worth noting that a couple of sentences later in *Att.* 3.15, Cicero reassures Atticus that he does not question Atticus's *fides*: *Ego si tuam fidem accusarem, non me potissimum tuis tectis crederem*. Earlier in this discussion, we observed that the Romans expected friends to provide competent and impartial counsel. Cicero's berating of Atticus in this letter amounted almost to a charge that he had not really tried to do that. While Cicero does say what is appropriate here about Atticus's *fides* from the standpoint of one who has apparently decided he does not want to end the *amicitia*, the reader senses that he is actually presenting grounds on which he could with justice end it. Also, the fact that he almost couches the advice he was given not to resist his enemies by force in terms of a breach of *fides* by his closest *amicus* shows how little weight the ideological notions he praises in *Pro Sestio* actually had with him at the time. How much he regrets not having crossed his Rubicon!

Writing to Lentulus Spinther almost five years later, Cicero apparently still felt a need to defend himself from the imputation that his failure to resist his enemies by force in 58 had been morally reprehensible, rather than praiseworthy. It seems clear that he saw armed struggle in his self-defence (and Cicero links his personal self-defence to broader

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<sup>14</sup>Discussions of the *Pro Sestio* and the circumstances surrounding the speech by Gruen, Mitchell, Stockton, and Shackleton-Bailey do not examine Cicero's view of *dignitas* as presented in the speech. See Gruen, *Last Generation*, 300-304; Mitchell, *Senior Statesman*, 166-67 and 173-77; Stockton, *Cicero*, 205-6; and Shackleton-Bailey, *Cicero*, 80-82. Raaflaub does not discuss the *Pro Sestio* at all in *Dignitatis Contentio*. When Raaflaub attempts to gauge what Cicero meant by his contemporary (early 49) criticism of Caesar's use of *dignitas* as a major component in his *ratio belli*, he confines his discussion to *Att.* 7.11.1 and 9.11a.2. As I observed earlier, his conclusions about Cicero's conception of *dignitas* mirror Wirzubski's. Raaflaub does not consider how Cicero may have used the term previously. See *Dignitatis Contentio*, 151 n. 198. Hellegouarc'h does not discuss Cicero's view of *dignitas* in the *Pro Sestio*; at least, not in connection with his interpretation of what *dignitas* means in *Att.* 7.11.1.

republican issues, just as Caesar does) as a legitimate course of action to take under the circumstances, even though it was not the course he adopted.<sup>15</sup>

It seems reasonable, then, for one, to conclude that even Cicero's own views on these questions are less clear and consistent than they are generally thought to be. It also seems reasonable to conclude that many elite Romans, at the very least, saw the the notion of defence of *dignitas* as offering no ideological bar either to defiance of legally constituted authority, or to the use of violent methods, if such methods were perceived as necessary to guarantee safety, security, and honor, as well. By the same token, the notion of defending honor would necessarily make the defence of political claims arguably legitimate also, because of the republican link between *magistratus* and *Populus Romanus*.<sup>16</sup> Caesar therefore could state that he was defending his *dignitas* and plausibly

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<sup>15</sup>See *Fam.* 1.9.13 (dated December 54): *Quo in discrimine cum mirifica senatus, incredibilis Italiae totius, singularis omnium bonorum consensio in me tuendo exstitisset: non dicam, quid acciderit: (multorum est enim et varia culpa): tantum dicam brevi, non mihi exercitum, sed duces defuisse* [Lentulus was not in Italy at the time; Cicero thus flatters him with the implication that had he been present, he, Lentulus, would not have been a sluggard]. *In quo, ut iam sit in iis culpa, qui me non defenderunt; non minor est in iis, qui reliquerunt...* (“And then at the critical moment, when there arose a demonstration of unanimity in my defence which was quite marvelous in the senate, incredibly strong throughout Italy, unparalleled among all honest citizens, well, if you ask me what happened, I shall make no answer—so many are to blame and in such varying degrees—but only briefly remark that it was not the multitude (*exercitum*) who failed me but the leaders (*duces*). And in all this supposing for the moment that blame attaches to those who failed to defend me, no less attaches to those who left me in the lurch...” [Loeb trans., slightly modified]). Cicero's choice of words here—*exercitum*, *duces*—has an obvious military resonance.

<sup>16</sup>See Polybius 6.14.9: *kai men tas archas o demos didosi tois axiois* (“and the people give high office to those men who are deemed worthy”). Polybius also states that among the senate's prerogatives was that of deciding whether to remove a general (Polybius's term is *strategos*—we would say promagistrate) after his term had expired, or retain him in command (see 6.15.6). From even an ancient aristocratic theoretical constitutional perspective, it is not clear that the senate's will should prevail necessarily against a *lex* (such as the “Law of the Ten Tribunes”) that had been carried in any of the *comitia* or the *consilium plebis*. But if the senate or the consuls did not see matters that way, and if a political compromise could not be worked out, the only alternative was for the aggrieved party to yield or fight. Under such circumstances, i. e., after the collapse of a serious attempt to seek a just and nonviolent resolution, *fides* could plausibly be asserted and perceived as the ideological justification for either course—as Cicero himself (when not speaking in January 49) shows.

claim that he was, in doing so, acting *causa rei publicae*, without being seen to contradict himself.

### The Connection between *Dignitas* and *Fides*

We need to explore the issues that have been raised in much more depth. As we saw above, Andrew Lintott recently observed that there were two opposed visions of what was right in Roman society.<sup>17</sup> What he meant by that can perhaps be seen, for example, in the ideological distinction that Cicero makes between *optimati* and *populares* in *Sest.* 96-100, or the political antagonism between *nobiles* and *populus* that Sallust describes in *BJ* 41, and in *Bel. Cat.* 51-52, where Sallust contrasts the views of Caesar and Cato about the Catilinarians.<sup>18</sup> However, to state that differing views of what was right

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<sup>17</sup>See Lintott, *Violence*, xviii. Lintott did not attempt to characterize the opposed visions of what was right to which he refers. He appears to assume that the reader will understand what he means without further explanation. But as it stands, his statement might be subject to a variety of interpretations. I do no more above than indicate some obvious possibilities. Politicians at Rome were accustomed to compete vigorously against one another for prestige and public office, even if the Romans often wanted to present themselves ideologically as desiring only to coexist with one another (and with neighbors) harmoniously. Competition meant that there would always be open wrangling in the senate over (for example) what advice the senate should give the people when the need arose. Outside the senate, the wrangling (in an extreme case) might be about whether the people were always morally bound to take the senate's advice, since the people, not the senate, created the law in the first place and elected the magistrates to public office. In these circumstances, it is not hard to see why politicians could propose many plausible yet conflicting interpretations of just what the constitution or the public interest (or *fides*) required in a particular situation (such as in the senate debate about the Catilinarians). Thus when it came time to choose between competing claims (especially if opinion was about evenly split over the merits), favorable perceptions of an individual's *fides* could easily be the deciding factor by themselves.

<sup>18</sup>See especially *BJ* 41.5: *Ita omnia in duas partis abstracta sunt, res publica, quae media fuerat, dilacerata* ("Thus all were drawn apart into two separate groups, and the *res publica*, which was in the middle, was torn to pieces."). I do not mean to imply that Sallust's *duas partis* should necessarily be thought of as equivalent to *optimati* and *populares*, or some similar configuration of terms, such as *boni* and *improbi*, or *nobiles* and *populi*. What first-century Roman intellectuals were conscious of and attempted to describe in various ways in their writings using terms such as these was a tendency toward extreme polarization in politics (meaning a situation in which violence was increasingly apt to be seen as an acceptable alternative to accommodation and compromise), a tendency they mostly saw as destructive, and usually as beginning with the Gracchi. For a good discussion of the meaning of the term *partes/partium* and related issues in *BJ* 41-42, see G. M. Paul, *A Historical Commentary on Sallust's Bellum Jugurthinum* (Liverpool: Francis Cairns, 1984), 123-32; for a good general survey of such terms as *partes*, *populares*, *optimati*, etc., see Taylor, *Party Politics*, 1-24.

existed does not mean that legitimacy was therefore unimportant. Nor does his statement imply necessarily that there were two opposed visions of republicanism in competition with one another. There were merely opposing views of what was right. The immediate question suggested by Wirzubski's interpretation of *Att.* 7.11.1 still remains: If the *BC* is a work of republican sentiment and was meant to be understood as such by its intended readership, how do we square the republican tenor of the work with Caesar's assertion of a personal *dignitas* as a justification for armed conflict? Modern discussions of this question usually assert that there must be something seriously amiss with Caesar's notion of *dignitas*. Thus if the work is to be seen as republican, even when the term "republican" is understood in a complex and nuanced manner, the problem is as follows: Republicanism is per se a matter of adherence to tradition, yet even when the well-attested pliability of the Roman political tradition is taken into account, Caesar's *dignitas* does not appear traditional to us, but novel.

Therefore we must ask: What did *dignitas* mean to a Roman aristocrat of Caesar's generation? Present day scholars appear confident that the term itself presents few problems. For Wirzubski, as we saw above, it is a title to respect and political pre-eminence. But this is still vague. "Rank, prestige, and honor" were all summed up in the word *dignitas* according to Ronald Syme.<sup>19</sup> This sense of personal honor, Syme asserts, was what Caesar valued most.<sup>20</sup> It therefore took pride of place in Caesar's scheme of justification. Erich Gruen interprets *dignitas* where it pertains to Caesar and Pompey as

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<sup>19</sup>Syme, *Roman Revolution*, 48.

<sup>20</sup>*Ibid.*

meaning simply “aristocratic pride.”<sup>21</sup> P. McGushin states that in the Late Republic, *dignitas* signifies politically “either a particular office or the prestige acquired through holding office.”<sup>22</sup> Susan P. Mattern puts it more bluntly: “Caesar waged world war in response to insults to his dignity,” in this way behaving, Mattern believes, like a *mafioso*.<sup>23</sup> Mattern’s very literal translation of *dignitas* simply as “dignity” reflects the meaning most scholars tend to assign term, treating it as merely meant to evoke a sense of elevated status.<sup>24</sup> Erik Wistrand presents a useful overview of the term in his short study of Caesar’s relationship to his contemporaries:

*Dignitas* is a notion akin to *gloria* but it denotes a more practical and actual reality. The word connotes a man’s rank and prestige in society. *Dignitas* is acquired through noble birth (*dignitas generis*), which is of basic importance, and personal achievements (*res gestae, honores*). But I should like to point out that *dignitas* is not only something you possess; the word also implies—in accordance with its etymology—that you are worthy of something, that you deserve to obtain something; in other words, it implies a claim.<sup>25</sup>

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<sup>21</sup>Gruen, *Last Generation*, 496-97.

<sup>22</sup>McGushin, *Commentary*, 197-98. McGushin (commenting on 35.3) observes correctly that *dignitas* attached to a man permanently, was inherited by his descendants, and as such was closely allied to *nobilitas* (and that both notions rested ultimately on the tenure of public offices). He also states that *dignitas* went through the same process of perversion of meaning as other elements of the political vocabulary in the late decades of the republic. However, he previously had noted that the Late Republic is the only historical period for which adequate literary evidence exists for the meaning of the term. His conclusion that the meaning of *dignitas* had changed or become corrupted over a long period of time is really without foundation.

<sup>23</sup>Susan P. Mattern, “Seneca’s Treatise *On Anger* and the Aristocratic Competition for Honor,” in *Essays in Honor of Gordon Williams: Twenty-Five Years at Yale*, ed. E. Twylasky and C. Weiss (New Haven: Henry R. Schwab, 2001), 181.

<sup>24</sup>Andrew Lintott states that *dignitas* was “ultimately a personal relationship with members of the same class and with clients.” This is not comprehensive, but it at least implies a connection to *fides*, the thing that I will now argue for. See Lintott, *Violence*, 206.

<sup>25</sup>Erik Wistrand, *Caesar and Contemporary Roman Society* (Goteborg, Sweden: Kungl. Vetenskaps-och Vitterhets-Samhallet, 1978), 29.

Wistrand's idea that *dignitas* implies a claim should be borne in mind.

Wistrand cites J. Hellegouarc'h's standard work on the Latin political vocabulary among his sources. Oddly, however, he ignores what is arguably Hellegouarc'h's most significant insight into the meaning of *dignitas*—namely, that it is very closely related to *fides*.

J. Hellegouarc'h's *Le Vocabulaire Latin des Relations et des Parties*

*Politiques sous la Republique* is the basic discussion of the Roman political vocabulary during the era of republican government.<sup>26</sup> Much of Hellegouarc'h's analysis of *dignitas* in this study focuses on what he sees as the close relationship between *dignitas* and *fides*. He argues that *fides* underpins *dignitas* in many ways. Hellegouarc'h views *dignitas* (as well as *gloria* and *honos*) as an expression of what he calls the “*celebrite*” that the Romans thought was owed to a man who had proven his *virtus*.<sup>27</sup> In Roman terms, *celebrite* (for English speakers, perhaps best translated as renown; for the Romans, words such as *fama*, *existimatio*, or *gloria* would no doubt have come to mind) amounts to the recognition of the exceptional individual's distinction on the part of other citizens.<sup>28</sup> Hellegouarc'h feels that this seemingly closely intertwined process of achievement followed by public recognition rests ultimately on *fides*:

*Cet aspect de la 'celebrite' chez les Romains est tres important, puisqu'il est evidemment lie au systeme de la fides et qu'il correspond par consequent a un aspect original de la pensee romaine. C'est dans ce domaine des devoirs a l'egard de l'homme 'celebre' que se situe aussi dignitas.*<sup>29</sup>

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<sup>26</sup>J. Hellegouarc'h, *Vocabulaire Latin*. Of course, no one scholar is infallible. For judicious criticism of Hellegouarc'h's definition of *fama* (for example), see Zwi Yavetz, *Julius Caesar*, 225-26.

<sup>27</sup>Hellegouarc'h, *Vocabulaire Latin*, 388.

<sup>28</sup>Ibid.

<sup>29</sup>Ibid.

Hellegouarc'h demonstrates that there are linkages between the *dignitas* of deserving individuals or communities, the *fides* of those individuals and communities, and the *fides* of other citizens in the following manner. Hellegouarc'h first establishes that there is a close connection between *dignitas* and *officium*. He points in particular to a letter Cicero wrote to A. Torquatus in January, 45 (*Fam.* 6.1.3). Cicero argues in this letter that in the crisis of 50/49, when he and Torquatus arrived at their respective decisions to join Pompey in Greece (after a period of deliberation—the alternatives were either to side with Caesar or remain neutral), they each made a decision that required considerable sacrifice. They relinquished their country, their children, and all their wealth—*patria, liberi, fortuna*. In making these decisions, Cicero states, he and his correspondent were motivated not by any desire to taste the spoils of victory, but by a sacred *officium* which they felt they owed both to the republic and to their own *dignitas* (*sed quoddam nobis officium iustum et pium et debitum reipublicae nostraeque dignitati videbamus sequi*). Hellegouarc'h argues that *dignitas* imposes an *officium*, one that in the above case manifested itself in concern for *pietas* and *iustitia*.<sup>30</sup> We are thus able to infer, he continues, that both *dignitas* and *officium* belong to the vocabulary of *fides*.<sup>31</sup>

Hellegouarc'h further illustrates his point by citing a passage from Cicero's *Pro Cluentio* (49). Cicero refers to an occasion when he was approached by one C. Fabricius. Fabricius, in need of legal help, brought with him a number of people from his hometown, Alatria, because he knew that Cicero was their neighbor and on intimate terms

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<sup>30</sup>Ibid., 393. Hellegouarc'h also cites in support of his conclusions several other passages of Cicero—*Fam.* 3.9.1, 4.6.1, 5.5.2, and *Sest.* 23.

<sup>31</sup>Ibid.

with most of them. Cicero relates that these people had a low opinion of Fabricius, but nevertheless, they asked Cicero to defend him. The Alatrians reasoned that because Fabricius was their fellow townsman, they owed it to their *dignitas* to do what they could for his defence (*tamen, quod erat ex eodem municipio, suae dignitatis esse arbitrantur eum quibus rebus possent defendere*). Cicero had explained earlier in the text (in 46) that Fabricius, far from being a model citizen, was a man of notorious and deserved ill-repute. Nevertheless, the Alatrians felt that they could not turn their backs on a member of their community who stood in need, even when the individual in question was indisputably unworthy. Indeed, the fact that Fabricius was worthless as well as (apparently) helpless (friendless?) may have carried the most weight with the Alatrians from the perspective of *fides*. The Alatrians, Hellegouarc'h explains, behaved as they did because they felt that their *dignitas* imposed on them an obligation (*officium*) to provide for the legal defence of a compatriot in need, and that the underlying principle of this obligation is therefore *fides* (“*la base de cette obligation est donc fides*”).<sup>32</sup>

If it is indeed the case, as it appears to be, that the Romans recognized an important link between *fides* and *dignitas*, then this fact is directly relevant to our understanding of Caesar's statement of justification in *BC* 1.7-9. Any adequate grasp of Caesar's presentation in these chapters must take into account what the word *dignitas* meant, not simply to Caesar (which seems to be the starting point of most scholarly inquiry), but to his intended audience. It is also apt to shed light on the question of whether Caesar's emphatic assertion of his right to defend his *dignitas* is likely to have

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<sup>32</sup>Ibid.

been seen by contemporaries as ideologically compatible with the republican political tendency of the rest of the work as noted above by Collins.

The following are passages cited by Hellegouarc'h in which *dignitas* and *fides* are explicitly associated:<sup>33</sup>

1. Cicero to Manius Acilius Glabrio, proconsul *Ad Fam.* 13.32.2:

*Sed velim sic existimes, hanc familiam et hos mihi maxime esse coniunctos vetustate, officiis, benevolentia. Quamobrem peto a te in maiorem modum, ut his omnibus in rebus, quantum tua fides dignitasque patietur, commodes. Id si feceris, erit mihi vehementissime gratum.*

But I would really have you believe that this family, and these members of it, are very closely bound to me by long standing friendship, and mutual services, and goodwill. For that reason I beg of you with more than ordinary earnestness to do all you can for them in every possible way, so far as your honor (*fides*) and your position (*dignitas*) permit. If you do so, I shall be extremely grateful. [Loeb trans.]

2. Cicero to Q. Minucius Thermus, propraetor *Ad Fam.* 13.53.1:

*L. Genucilio Curvo iampridem utor familiarissime, optimo viro et homine gratissimo. Eum tibi penitus commendo atque trado; primum, ut omnibus in rebus ei commodes, quoad fides tua dignitasque patietur; (patietur autem in omnibus), nihil enim abs te umquam, quod sit alienum tuis aut etiam suis moribus, postulabit.*

I have for long been on the most intimate terms with L. Genucilius Curvus, a most excellent man, and a very grateful fellow. I commend him to you most heartily, and I introduce him to you first of all in order that you may serve him in every respect, so far as your honor (*fides*) and position (*dignitas*) permit (and they will permit you in every respect); for there is no demand he will ever make of you that is incompatible with your character—and, I may add, with his own. [Loeb trans.]<sup>34</sup>

3. Cicero to Curtius Peducaenus, praetor *Ad Fam.* 13.59:

*M. Fadum unice diligo, summaque mihi cum eo consuetudo et familiaritas est pervetus. In eius controversiis quid decernas, a te non peto (servabis, ut tua fides et*

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<sup>33</sup>Ibid., n. 10. Hellegouarc'h cites these passages in support of his argument, though he does not discuss or reproduce them in his main text.

<sup>34</sup>The phrase *nihil enim abs te umquam, quod sit alienum tuis aut etiam suis moribus, postulabit* illustrates a key connection between *dignitas* and *fides*.

*dignitas postulat, edictum et institutum tuum), sed ut quam facillimos ad te aditus habeat, quae erunt aequa, libente te impetret; ut meam amicitiam sibi, etiam cum procul absim, prodesse sentiat, praesertim apud te. Hoc te vehementer etiam atque etiam rogo.*

I am exceptionally fond of M. Fadius; I have constant intercourse with him, and our intimacy is of very long standing. In his various suits I make no request as to your decisions (you will, as your credit [*fides*] and position [*dignitas*] demand, observe your edict and your established rule of administration) but this I do ask you—to let him have as easy access to you as is possible, to grant him without reluctance such requests as are right and proper, and to make him feel that my friendship, even though I am far away, is of service to him, especially with you. That is what I beg of you again and again to do. [Loeb. Trans.]

4. Balbus and Oppius to Cicero *Ad Att.* 9.7a.2:

*Sed, cum etiam nunc, quid facturum Caesar sit, magis opinari quam scire possimus, non possumus nisi hoc, non videri eam tuam esse dignitatem neque fidem omnibus cognitam, ut contra alterutrum, cum utrique sis maxime necessarius, arma feras, et hoc non dubitamus quin Caesar pro sua humanitate maxime sit probaturus. Nos tamen, si tibi videbitur, ad Caesarem scribemus, ut nos certiores faciat, quid hac re acturus sit. A quo si erit nobis rescriptum, statim, quae sentiemus, ad te scribemus, et tibi fidem faciemus nos ea suadere, quae nobis videntur tuae dignitati, non Caesaris actioni esse utilissima, et hoc Caesarem pro sua indulgentia in suos probaturum putamus.*

But, since Caesar's intentions are still mere guesswork, we can only say that it does not seem consonant with your well-known dignity (*dignitas*) and honor (*fides*) to bear arms against either of them [Caesar and Pompey], as you are intimate with both: and we have no doubt that Caesar will be generous enough to approve of this course. If you wish it, however, we will write to Caesar to ascertain his intentions in this matter. If he sends us an answer, we will let you know our opinion at once, and convince you (*tibi fidem faciemus*) that we are giving the advice which seems to us to be best for your dignity (*tuae dignitati*), not for Caesar's policy, and, such is Caesar's consideration for his friends, that we feel sure he will approve of such a course. [Loeb trans., slightly modified]

5. Ps.-Caesar *De Bel. Alex.* 26.1:

*Sub idem tempus Mithridates Pergamenus, magnae nobilitatis domi scientiaeque in bello et virtutis, fidei dignitatisque in amicitia Caesaris, missus in Syriam Ciliciamque initio belli Alexandrini ad auxilia arcessenda, cum magnis copiis, quas celeriter et propenissima civitatum voluntate et sua diligentia confecerat, itinere pedestri, quo coniungitur Aegyptus Syriae, Pelusium adducit:*

Round about the same time Mithridates of Pergamum (approached Pelusium). A man of high experience in his own country and of great experience and valor in war, as well as a very loyal and valued (*fidei dignitatisque*) friend of Caesar, he had been sent into Syria and Cilicia at the outbreak of the Alexandrian war to fetch reinforcements; and now, accompanied by large forces which he had speedily raised, thanks both to the very helpful attitude adopted by the states and to his own conscientious efforts, he arrived at Pelusium by the overland route which links Egypt with Syria: [Loeb trans.]

6. Livy *Ab Urbe Cond.* 36.26:

*Paucis priusquam Heraclea caperetur diebus Aetoli concilio Hypatam coacto legatos ad Antiochum miserunt, inter quos et Thoas idem, qui et antea, missus est. Mandata erant ut ab rege peterent, primum ut ipse coactis rursus terrestribus navalibusque copiis in Graeciam traiceret, deinde, si qua ipsum teneret res, ut pecuniam et auxilia mitteret; id cum ad dignitatem eius fidemque pertinere, non prodi socios, tum etiam ad incolumitatem regni, ne sineret Romanos vacuos omni cura, cum Aetolorum gentem sustulissent, omnibus copiis in Asiam traicere. Vera erant quae dicebantur; eo magis regem moverunt. Itaque in praesentia pecuniam, quae ad usus belli necessaria erat, legatis dedit; auxilia terrestria navaliaque affirmat miserum. Thoantem unum ex legatis retenuit, et ipsum haud invitum morantem, ut exactor praesens promissorum adesset.*

A few days before Heraclea was taken the Aetolians held a council at Hypata and sent ambassadors to Antiochus, among whom was again the same Thoas who had been sent there before. Their instructions were that they should ask the king, first, that he should again collect all his forces on land and sea and cross to Greece; secondly, if anything detained him, that he should send money and reinforcements; that his allies be not deserted concerned not only his dignity (*dignitatem*) and loyalty (*fidemque*) but the safety of his kingdom; that he should not permit the Romans, free from all worry after they had destroyed the Aetolian people, to cross with all their forces to Asia. What they said was true; and for that reason it impressed the king more. Therefore for the moment he gave the ambassadors the money which was needed for the expenses of the war; he assured them that he would send military and naval assistance. Thoas, one of the ambassadors, he kept with him; he remained there not at all against his will, that someone might be at hand to demand the fulfillment of the promises. [Loeb trans.]

7. Tacitus *Ann.* 1.11:

*Versae inde ad Tiberium preces. Et ille varie disserebat de magnitudine imperii, sua modestia. Solam divi Augusti mentem tantae molis capacem: se in partem curarum ab illo vocatum experiendo dedicisse quam arduum, quam subiectum fortunae regendi cuncta onus. Proinde, in civitate tot illustribus viris subnixa, non*

*ad unum omnia deferrent: plures facilius munia rei publicae sociatis laboribus exsecuturos. Plus in oratione tali dignitatis quam fidei erat...*

Then all prayers were directed towards Tiberius; who delivered a variety of reflections on the greatness of empire and his own diffidence: “Only the mind of the deified Augustus was equal to such a burden: he himself had found, when called by the sovereign to share his anxieties, how arduous, how dependent on fortune, was the task of ruling a world! He thought, then, that, in a state which had the support of so many eminent men, they ought not to devolve the entire duties on any one person; the business of government would be more easily carried out by the joint efforts of a number.” A speech in this tenor was more dignified than truthful (*dignitatis quam fides*). [Loeb trans., slightly modified]

8. Florus *Epitom.* 1.12.5-6:

*Falisci cum obsiderentur, mira est visa fides imperatoris, nec inmerito, quod ludi magistrum, urbis proditorem, cum his quos adduxerat pueris vinctum sibi ultro remisset. Eam namque vir sanctus et sapiens veram sciebat esse victoriam, quae salva fide et integra dignitate pareretur.*

When the Falisci were being besieged, the honorable conduct (*fides*) of the Roman commander was a subject of admiration, and not without reason; for he actually sent back in chains a schoolmaster who offered to betray the city, together with the boys whom he had brought with him. For, being a man of integrity and wisdom, he knew that the only true victory is that which is won with untainted honor (*fides*) and unimpaired dignity (*dignitas*). [Loeb trans.]

The passage *non videri eam tuam esse dignitatem neque fidem omnibus cognitam, ut contra alterutrum, com utrique sis maxime necessarius, arma feras* in *Att.*

9.7a.2 is important because it bears on the link between *fides/dignitas* and, in this case, *not* bearing arms. Caesar, of course, saw the defence of his *dignitas* as obligating him to take up arms.<sup>35</sup> I believe we will find that, as far as the evidence of the *BC* is concerned, the

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<sup>35</sup>Hellegouarc’h begins his discussion of *dignitas* (in the chapter titled “*Gloria-Honos-Dignitas*”) with a reference to passages of Caesar’s *BC* in which Caesar makes use of the word in some relationship to his justification for beginning the war (1.4.4, 1.7.1, 1.7.7). Hellegouarc’h then declares that there can be no doubt that a struggle over *dignitas* between Caesar and Pompey caused the civil war and draws attention explicitly to the important connection between *dignitas* and *existimatio*; see *Vocabulaire Latin*, 388-89. In no other way does he analyze these passages of the *BC* or any closely related issues. Four pages later, he begins exploring the relationship between *dignitas* and *fides*. However, he does not include the previously cited passages from the *BC* in his discussion or return to Caesar at all, save to bracket Caesar’s crossing of the Rubicon, together with the actions of Sertorius and Catiline as

most significant perceived criterion affecting an individual's decision to do one thing as opposed to the other in terms of the crisis of 50/49 was the quality of his *fides*. But this did not mean that everyone's perceived obligation would be the same. It was always necessary to take into account who a person was—what his perceived political and personal obligations were, how he personally saw the crisis in terms of right and wrong (or in terms of principle/honor), his level of eminence in the state, public offices held, services rendered or owing, friendships, and so forth. In *Balb.* 59, for example, Cicero praises Cornelius Balbus for the assistance Balbus had rendered him during the period prior to his exile when he was being attacked by Clodius. Balbus, Cicero conceded, had not done everything that was possible in support of the ex-consul's safety and *dignitas*, but he did as much as he could—as much as his position (as one having greater personal and political ties to Caesar) allowed.

As we may see from the texts above, in every passage cited save those from Tacitus and Florus, *dignitas* and *fides* are invoked jointly in the context of an *amicitia* relationship, a fact that has some relevance in view Caesar's emphasis on his *amicitia* with Pompey in the *BC*. The fact that Livy's evidence concerns the relationship between the Aetolians and Antiochus III is no bar to that conclusion. To restate a frequently commented upon truth, international relationships between sovereign entities were generally described in terms of *amicitia* and its (Greek or other) equivalents in the ancient

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examples of the *defensio dignitatis* (409). Hellegouarc'h clearly intended his discussion of the linkage between *fides* and *dignitas* to inform our understanding of *dignitas* in any relevant passage, including those in the *BC*. My point is simply that as far as the latter text is concerned, it is a task he left undone.

world.<sup>36</sup> Tacitus's perception of a cleavage between *dignitas* and *fides* in Tiberius's speech to the senate merely reflects his grasp of the fact that normally, i. e., in a properly functioning individual or society, as well as notionally, the two concepts should complement or reinforce one another. This is simply typical Tacitean reversing of the usual language that his readership expects. The passage from Florus is a retelling of the same story about Camillus's *fides* that was discussed above in its Livian version. In Florus's version, *dignitas* and *fides* are collectively associated with the successful maintenance of a very high standard of conduct on the part of a Roman official entrusted with power in his dealings with a weaker adversary. The relevance of this fact for our discussion is plain. In the *BC*, Caesar presents himself as striving to maintain a similarly high standard of conduct in all of his dealings with his foes (and when he does not, he is usually careful to provide an explanation). To sum up, in all of the passages above, I would argue, the words *dignitas* and *fides* are being employed by the authors to signify both a claim upon and a capacity for individual performance at the highest level, in relation to contemporary understanding of the context in each case.

There is also important evidence for a linkage between *fides* and *dignitas* in Cicero's *De Officiis*, though it is overlooked by Hellegouarc'h. In a much-quoted passage (1.23), Cicero states that *fides* (which he defines in the same sentence as truth and

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<sup>36</sup>For example, see Gruen, *Hellenistic World*, vol. 1, 54: "Informal associations predominated in Roman links with Hellas ... In particular, one institution stands out: *philia* or *amicitia*." See also David C. Braund, *Rome and the Friendly King: The Character of Client Kingship* (London: Croom Helm, 1984), 7: "Throughout classical antiquity, from Homer onwards—and doubtless earlier—friendship was totally central in both inter-personal and inter-state relationships." What is at stake in the Livy passage, however, is its value as evidence, since it may derive from Polybius (although Briscoe does not include it in his list of Livy passages that correlate with Polybius. See John Briscoe, *A Commentary on Livy Books 34-37* (Oxford: Oxford University Press, 1981), 1 and 258-59). But whatever the Greek of Polybius, the point is that Livy found it natural to link *fides* and *dignitas*. It is therefore a natural Roman linkage.

steadfastness in one's promises and agreements) is the very foundation of justice (*Fundamentum autem est iustitiae fides, id est dictorum conventorumque constantia et veritas*). At 1.42, however, in a less frequently cited passage, Cicero posits an equally definitive connection between justice and *dignitas*, to the effect that it is the proper assessment of individual *dignitas* which constitutes the foundation of *iustitia* (...*tum ut pro dignitate cuique tribuatur; id enim est iustitiae fundamentum, ad quam haec referenda sunt omnia*). Andrew Dyck's comment is that "for the formula *ut pro dignitate cuique tribuatur* to be called the *iustitiae fundamentum* comes as something of a surprise; after all, *fides* had received this predicate" at [1.23].<sup>37</sup> Dyck does not pursue the matter further, though, despite his admitted surprise at what he appears to regard as a contradiction in Cicero's thought. In reality, there was no contradiction. Unlike ourselves, the ancient readers knew when to shift gears. They were familiar with the concept of *fides* and knew that it operated under various guises. Thus they would have recognized that Cicero's statement at 1.42 had not been intended to minimize or place any limit upon the importance of *fides*.

We would also do well to bear in mind that, as we saw above in our discussion of the senate meeting in the opening chapters of the *BC*, Caesar framed much of his explanation for the crisis in terms of his broken *amicitia* with Pompey, the result, his argument implies, of the latter's bad faith towards him. The fact that Caesar in the *BC* appears to see this as being at the root of things, as opposed to some problem or other

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<sup>37</sup>Dyck, *Commentary*, 157.

with the political structure of the *res publica* itself, has been remarked before.<sup>38</sup> But as we shall now see, Caesar's use of the word *dignitas* in *BC* 1.7-9 is also responsive to the dichotomy of "good *fides*" versus "bad *fides*" as the major difference between the Caesarian and Pompeian camps respectively that he in effect sketches in his opening chapters. In fact, judging from the context, it is difficult not to conclude that, when Caesar makes reference to his *dignitas* in these passages, he is also making a reference to his *fides* that he would have expected his readers to recognize.<sup>39</sup>

First, the famous *BC* 1.9.2. This is where Caesar declares that his *dignitas* is dearer to him than his life (*sibi semper primam fuisse dignitatem vitaeque potioem*—"that to him always *dignitas* had been first, and dearer than life"). What did he intend his readers to understand by this statement? As we have seen, *dignitas* embraces a variety of notions. How did the reader determine where the emphasis was to be placed when he

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<sup>38</sup>For example, see Collins, "Date and Interpretation," 119: "Caesar reduces the whole political question to the level of a personal quarrel in which Pompey, supported and egged on by Caesar's *inimici*, preferred to throw the state into a turmoil rather than permit Caesar his well-earned place of *dignitas* ... The modern idea that there was a general crisis, economic, and political, in the Mediterranean world that could be resolved only by a fundamental change in government organization, with one-man rule replacing the old rivalry of the *potentes* for money and *honores*, is not remotely suggested, not even darkly hinted by Caesar."

<sup>39</sup>Raaflaub, *Dignitatis Contentio*, 151, stresses that we must accept the evidence of contemporary observers such as Cicero, not to mention that of Caesar himself, as well as other ancients, that Caesar did indeed launch the civil war for the decided purpose of defending his *dignitas*. Raaflaub also cites a comment of Cicero's in *Off.* 1.26 (a passage cited previously by me in this discussion in a different context) concerning Caesar's desire for power, apparently to support the notion that Caesar's *dignitas* as a motive for war was perceived by Cicero as nearly equivalent to an irrational obsession ("wie ausschliesslich ihn die 'irrationale Besessenheit von seinem personlichen Geltungsanspruch' geleitet habe: temeritas C. Caesaris, qui omnia iura divina et humana pervertit propter eum, quem sibi ipse opinionis errore finxerat, principatum."); Raaflaub's implication is, arguably, validly. However, in his discussion of this and related issues elsewhere in his text, such as the tribune-motive, the "defence of *libertas*" motive, or the connections among these motives, though he may see them and attempt to reconcile them with Caesar's unabashed claim to defend his *dignitas* as the chief reason for what he did, he does not once mention *fides* by name at all, in any way. As I noted above, the word *fides* does not occur even once in Raaflaub's index. Therefore one may reasonably conclude that he does not see a significant connection between the notions of *fides* and *dignitas* as they may jointly relate to Caesar and the issue of his motivation.

encountered the term? If we are to get to the bottom of these questions, 1.9.2 must be read in conjunction with the passages closely connected to it at 1.7.1, 1.7.7, and 1.8.3.<sup>40</sup>

### Caesar's *Dignitas* and *Fides*

Let us begin with the references to *dignitas* at 1.7.1 and 1.7.7. They both occur in Caesar's speech to his troops asking for their support.<sup>41</sup> The speech was delivered at Ravenna, where he had been awaiting the senate's reply to his *lenissima postulata*. However, as we have seen, the senate chose not to negotiate. It then declared him a public enemy. It is worth noting that Caesar makes it clear in 1.7.1 that he did not address the single legion he had with him until the senate's complete rejection of his terms had become known to him (*quibus rebus cognitis Caesar apud milites contionatur*).<sup>42</sup> In itself, this

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<sup>40</sup>See Richard A. Bauman, *The Crimen Maiestatis in the Roman Republic and the Augustan Principate* (Johannesburg: Witwatersrand University Press, 1967), 118-38, for an important discussion of Caesar's usage of the word *dignitas* in these passages and at 1.4.4. Bauman is concerned with the question (first raised by H. Drexler) of whether Caesar's usage of the term in any way suggests or implies a claim to *maiestas* on Caesar's part, i. e., whether a "*maiestas* shift" to Caesar (and away from the republic) had taken place (in his thinking or for his audience). Bauman concludes (rightly, I believe) that no such shift is in evidence here. To compress his case (120-21): "A *maiestas* relationship was recognized *because it in fact existed* [his italics]"; if Caesar had "*in fact* [his italics] reached such a position of pre-eminence that he was patently the *maior vis a vis* the Roman People and its magistrates, then there was a *maiestas* shift." But Bauman shows convincingly that the evidence from all available sources up to and including the second Spanish campaign does not support the thesis that a *maiestas* shift from the republic to Caesar occurred (the evidence from the final phase of Caesar's life is more debatable, though Bauman seems to doubt that a *maiestas* shift took place even then). As Bauman points out, Caesar at 1.9.2 acknowledges the *maiestas* of the Roman people with his complaint that a *beneficium populi Romani* was being taken away from him, because the recipient of *beneficia* typically occupied the *minor* position in a *maiestas* relationship (129-30). The main point for our discussion is that Bauman's conclusions about the meaning of *dignitas* in these passages harmonize well with my argument that there is a relationship here between *dignitas* and *fides*. But he makes another observation that has significance for our argument (127): "The subtleties of *dignitas* need not have been pressed if it had been transformed into *maiestas*." That is, Bauman recognizes that *dignitas* as a notion incorporates a range of meanings and might be used in different ways.

<sup>41</sup>Questions relating to Caesar's veracity concerning his movements during this stage of the crisis will not be dealt with in this dissertation. They are an entirely separate issue from presentation, which is our concern here.

<sup>42</sup>Kraner, Hofmann, and Meusel, 23, make the point that by *quibus rebus cognitis*, Caesar is alluding to what transpired in chapter 5, because the developments described in chapter 6 would in all

was a mark of *fides*. Caesar wants to make the case with his reader that he tried every available means at his disposal to avoid armed conflict before speaking to his soldiers, whose support (in theory) he had not previously solicited. His use of the verb *contionari*, likewise, suggesting to the reader that Caesar has merely summoned his men to a public meeting analogous to a normal gathering of citizens anywhere, reinforces the ideological point that he does not seek a military coup.<sup>43</sup>

We will not be concerned with details of the entire speech in 1.7 (presented in indirect discourse, like most of the speeches in Caesar's books), but it will be most convenient to summarize its contents in view of their importance for Caesar's argument. Caesar begins by relating what he says are all the *iniurias* he had suffered at the hands of his *inimici*. He says that Pompey was led astray and corrupted (*depravatum*) by these *inimici*. But the mechanism through which this happened was Pompey's personal jealousy

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likelihood not yet have been known to him when he gave the speech to his troops on January 11, 49. For the chronology speech to the troops and Caesar's movements, see also Gelzer, *Caesar*, 195.

<sup>43</sup>Carter fails to comment on Caesar's choice of this verb. Kraner, Hofmann, and Meusel, 23, do not take notice of the verb per se, but regard the speech *apud milites* as comparable to speeches before an assembly (*Versammlung*), official body (*Behorden*), or judicial tribunal (*Gericht*). Arguably, use of the verb *contionari* here supports the notion that (*contra* Raaflaub, as we will see below) Caesar's army does indeed "stand in" for the Roman people in 3.91, where the ex-centurion Crastinus declares that he and his comrades will recover their *libertas* after the battle (for more on the ideological significance of 3.91, see both the discussion in Chapter Six and Appendix I, "Caesar's *Dignitas* and Popular *Libertas*"). In *Sest.* 106, Cicero says that the "judgment and will (*iudicium* and *voluntas*)" of the Roman people can be most clearly expressed on three occasions—at a *contio*, a *comitia*, and at plays and gladiator shows (!). It therefore seems reasonable to assume that Caesar's audience would not on ideological grounds have discounted his apparent claim that a gathering of soldiers summoned for the purpose was a *contio* and that such a *contio* could serve as some kind of indicator of popular *voluntas*. Caesar holds a *contio* at Corduba (2.21.1) that we will discuss below. He uses forms of the verb *contionari* in connection with addresses to his troops at 3.6.1 and 3.73.1. It is also true that Pompey holds a *contio* with his own army at 3.82.1, shortly before Pharsalus. However, (1) this depiction of Pompey occurs in a context that is meant to show the contrast between Pompey's army as a false society vs. Caesar's army as a true one, and (2) Caesar never seeks to portray the Pompeian rank and file as illegitimate in any way in terms of their relationship to the broader community. They are not bad men, but simply honest Roman citizens who have been misled and are now in the charge of leaders who care only for shedding the blood of the rank and file soldiers for the sake of realizing their own private ambitions.

of Caesar and his desire to detract from Caesar's honor, even though Caesar himself had always supported and aided Pompey's *honos* and *dignitas* (*a quibus deductum ac depravatum Pompeium queritur invidia atque obtreptione laudis suae, cuius ipse honori et dignitati semper faverit adiutorque fuerit*).<sup>44</sup> Caesar complains about the insult to the tribunes that occurred when their *intercessio* was blocked. This act of obstruction is contrary to precedent (*novum exemplum*). Even Sulla had left the tribune's power of veto alone, though he took other powers away. Pompey, who appeared to have handed back those powers to the tribunes, now removed them again, along with some even that they had never lost. Caesar tells the soldiers that there is likewise no historical precedent for the *senatus consultum* (the *scu*) that had been passed against him. Arguably valid historical precedents (he implies) for radical senate action outside the law had involved such activities as the seizing of temples and high places, pernicious laws, tribunician *vis*, a *secessio* of the people; these precedents from an earlier time, he says, had been made good (*expiata*) by the deaths of Saturninus and the Gracchi.<sup>45</sup> But at the present time, nothing of this sort has occurred, or has even been contemplated (implicitly, on his part). Having

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<sup>44</sup>Kraner, Hofmann, and Meusel, 23, believe that the text is corrupt here. As it stands, it is ambiguous whether the *invidia* and *obtreptione* belongs to Pompey or to Caesar's *inimici*. They argue that the ablative in this context leaves no doubt that Pompey is meant and suggest that perhaps the words *ac depravatum* should be placed before *invidia*.

<sup>45</sup>Caesar's use of the verb *expiare* seems to imply approval of the actions that were taken to suppress the Gracchi and Saturninus, i. e., "these people, unlike myself, overstepped important limits, and some extraordinary measures, extra-legal though they were, were really necessary to stop them." The *scu* was, of course, actually employed only against C. Gracchus; Tiberius died in a riot near the end of his tribunate in 133. Carter observes that the *secessio* to which Caesar refers must be the occupation of the Aventine by the Gracchans in 121, before passage of the *scu*. See Carter, *Commentary 1 & 2*, 164. Caesar's position here on the Gracchi (which, of course, is part of an appeal to the political center) makes an interesting comparison with Sallust *BJ* 42.2-3. Sallust concedes that the Gracchi were so eager for victory that they were not at all moderate in spirit, but in a difficult sentence, he seems obliquely to criticize the decisions that were made to suppress them, which he says created a bad precedent (*malo more*).

made his case, he asks the assembled troops to defend his *dignitas* and *existimatio* from his *inimici*, at the same time referring to his years of service to the *res publica* as their *imperator*, and their many successes together in ventures undertaken for the public good (*hortatur, cuius imperatoris ductu VIII annis rem publicam felicissime gesserint plurimaeque proelia secunda fecerint, omnem Galliam Germaniamque pacaverint, ut eius existimationem dignitatemque ab inimicis defendant*). The soldiers from the Thirteenth Legion who are present declare their readiness to repel the wrongs done to their commander and the tribunes of the people.

We saw earlier in our discussion of the senate meeting how Caesar made the *fides* of Pompey and his associates the issue for his reader in a number of ways, as opposed to similar charges that might have been leveled against him. Caesar's presentation of his case implied that the obstructive and coercive tactics of the consul Lentulus and others, with Pompey acting behind the scenes, constituted no less than an abrogation of *fides*. This theme is further stressed in the speech here. Caesar attributes the crisis implicitly to bad *fides* on the part of the consul Lentulus and certain senators (their role was made clear in the previous chapters), and to bad *fides* on Pompey's part regarding his and Pompey's *amicitia*. As P. A. Brunt has put it (his statement has been cited previously), Roman magistrates were "expected to act '*e re publica fideque sua*,' in accordance with the interest of the people and the trust reposed in them."<sup>46</sup> Caesar does not believe that this is how Lentulus and his political allies conducted themselves, and he states some of his reasons succinctly in the speech. But he also makes it clear that he

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<sup>46</sup>Brunt, *Fall of the Roman Republic*, 2.

views Pompey's hostility to him as the major source of the political problem. For example, it is Pompey who is blamed here for the injury to the tribunes and their office, not Lentulus—*Pompeium, qui amissa restituisset videatur, dona etiam, quae habuerint, ademisse*. Pompey's opposition is viewed as most responsible for the crisis because the magistrates who are in charge of the government would not act as they do, Caesar argues, without his support and direction, a breach of *publica fides* for them—and meanwhile for Pompey to turn against the tribunate, an ancient institution of the people, an institution he had once before protected, would likewise have been recognized as a mark of bad *fides*. The inference is that it is Pompey's breach of *fides privata* (to Caesar) which leads to his subsequent and consequent breach (according to Caesar) of *fides publica*.

The first line of the speech (*Omnium temporum iniurias inimicorum in se commemorat*) may strike the present day reader as odd.. "What? *All* of the things his *inimici* have ever done against him? He must be exaggerating." There is no reason not to take Caesar literally here, however. As Hellegouarc'h has observed, the *defensio dignitatis* was a very significant political action for an elite Roman, particularly in the senate (I do not mean simply during a session of the senate, of course, but among senators as peers) and in an election campaign.<sup>47</sup> We have just considered one example of *defensio dignitatis* above in our discussion of Cicero's defence of (or *apologia* for) himself in the *Pro Sestio*. The passages also cited above from *Fam.* 13.53 and *Att.* 9.7a both illustrate significant ways in which *fides* might be seen by Caesar's contemporaries as linked to *dignitas*. Given the perceived importance attached to *fides* in this culture (as shown previously in the

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<sup>47</sup>Hellegouarc'h, *Vocabulaire Latin*, 157.

dissertation in such evidence as the selections from Valerius Maximus), Caesar's decision to frame his argument in terms of a defence of his *dignitas* in a work aimed at an audience well-versed in Roman politics should not be seen as singular or aberrant. It was not. The point to emphasize in assessing the merit of this kind of defence (and it is Caesar's point also) is that Pompey's breach of *fides* with Caesar *is* the main attack on Caesar, in that it is his violation of *fides* in a number of ways that has enabled the "legal" attack on Caesar's position to be successful.

Moreover, it is a prominent characteristic of such a *defensio* that the "bill of particulars" be set out in great detail. Let us briefly consider one example of this sort of thing. Q. Metellus Celer (cos. 60) wrote Cicero a scathing letter in January 62 (*Fam.* 5.1) accusing him, in effect, of a major breach of *amicitia*—failure to support the *dignitas* of the Metelli. While Celer had been absent from Rome as propraetorian governor of Cisalpine Gaul, Cicero had attacked Celer's brother, the tribune Metellus Nepos (and there were a number of other alleged infractions on Cicero's part). A senator who could not be physically present at the scene (whatever it might be) would expect his *amici* to support his interests in his absence. We have seen an instance of this above in *Fam.* 13.59, where Cicero desired that his correspondent (the governor of a province) show favor to one of his *protoges*, M. Fadius, because he wanted Fadius to appreciate the value of his (Cicero's) friendship. Thus Celer accused Cicero, in effect, of failing to support the *dignitas* of the Metelli (*Quem si parum pudor ipsius defendebat debebat vel familiae nostrae dignitas vel meum studium erga vos remque publicam satis sublevare*) and of showing bad *fides* (*Te tam mobili in me meosque esse animo non sperabam*). In response to this angry outburst, Cicero wrote Celer a carefully composed, emotionally restrained

letter (*Fam.* 5.2) explaining precisely what had occurred between himself and Nepos, why he had had to act against Nepos in self-defence, and enumerating the various services he had, in fact, performed for Celer. For example, as far as these services go, Cicero claims that he waived his right to a province in order that he might contrive to “hand the province over” to Celer (*ut primum in contione provinciam deposuerim, statim, quemadmodum eam tibi traderem, cogitare coepisse*). He had spoken well of Celer in the senate, at *contiones*, and in his own letters to Celer (*quae ego de te in senatu egerim, quae in contionibus dixerim, quas ad te litteras miserim*). Cicero explains the gravity of the insult he had suffered at the hands of Nepos: on the last day of December, when Cicero’s consulship expired, Celer’s brother had been able to prevent Cicero from delivering the customary speech to the people, a much-anticipated honor (*atque abeuntem magistratu contionis habendae potestate privavit*).<sup>48</sup>

The point is that both Cicero and Caesar are operating within a tradition of self-defence that was itself part of *fides*, and often emphasized *fides* (often as a part of *dignitas*). The characteristics of this tradition include restraint, a willingness to ascertain the other party’s motives and intentions before taking any action, a precise and candid statement of one’s own motives and intentions, and the willingness whenever possible to allow sufficient opportunity for this to take place.<sup>49</sup> Cicero, in his exchange with Celer,

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<sup>48</sup>The episode was related to Cicero’s suppression of the Catilinarians. Nepos as tribune vetoed Cicero’s speech on the grounds that he had acted outside the constitution in executing Roman citizens without a trial.

<sup>49</sup>Arthur Eckstein has also pointed out to me in conversation that senators were conditioned to this kind of activity by *res repetundae* proceedings, which embodied the notion that remedies for grievances (as well as established processes for those individuals seeking remedies) did exist. Compensation for injury received (once everything had been settled in terms of the process) was thus an accepted part of the legal and moral culture for elite Romans.

was attempting to preserve the *amicitia* and limit damage to the relationship, so long as this could be done without loss of honor to himself. Saving that, he bent over backwards to remain on good terms with Celer. However, had he failed in this endeavor (he did not fail; in fact, we even find Nepos writing to him in 56 as if nothing had happened: see *Fam.* 5.3), he would doubtless have felt completely justified in retaliating much more unreservedly in response to further attacks from Celer. The failure to resolve such a dispute “according to the rules” and without resort to violence did not necessarily mean forfeiture of the right to employ violent measures in self-defence, if it should come to that. But this was understood to be the last resort. Obviously, Caesar is addressing his troops close to the end of this process and as noted above, he made this clear to his reader (*Quibus rebus cognitis*, etc.). He wanted to be seen as “playing by the rules.”

Now, let us turn to Caesar’s first reference to *dignitas*. He states that he, Caesar, had been Pompey’s supporter (*adiutor*), and had always promoted his *honos* and *dignitas*. This passage is important for our understanding of how Caesar expects his reader to interpret his meaning because it is the first of the four closely connected references to *dignitas* that we encounter in a relatively short span of the text. By first referring to his own support of Pompey’s *dignitas*, Caesar is thereby asserting the quality of his *fides*. This is particularly so in view of the record of bad faith, unprovoked aggression, illegal activity, and base ingratitude that has been chalked up by Pompey and his friends so far in the pages of the *BC*. This is a powerful cultural argument for Caesar in the context of Roman aristocratic culture. The passages relating historical examples of various kinds of *vis*, in effect, that had been destructive of traditional institutions to the point of requiring responses outside the law, may roughly also be taken to imply that

Pompey is destructive of the institutions of the Republic as well, and that a response outside the law on his part is justified.<sup>50</sup> Thus the line *hortatur, cuius imperatoris ductu VIII annis rem publicam felicissime gesserint*, etc., is an open, undisguised, and unembarrassed call for *fides* from the Thirteen Legion—*fides* toward Caesar and towards the Republic.<sup>51</sup>

As we just saw above, senators bound by a personal tie of *amicitia* were expected to support one another's *dignitas* and interests. This was particularly the case with an absent friend who could not see to things in person (as in the cases noted above). Writing to the consul M. Marcellus from overseas in 51, Cicero requested that Marcellus defend him in his absence—*et me absentem diligas atque defendas* (*Fam.* 15.9.2). In a letter that Cicero wrote to Crassus dated January, 54 (while Crassus was *en route* to Syria), he committed himself to the defence of Crassus's *dignitas* in the latter's absence (*Fam.* 5.8.5):

*Has litteras velim existimes foederis habituras esse vim, non epistulae, meque ea, quae tibi promitto ac recipio, sanctissime esse observaturum diligentissimeque facturum. Quae a me suscepta defensio est, te absente, dignitatis tuae, in ea iam ego non solum amicitiae nostrae, sed etiam constantiae meae causa permanebo.*

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<sup>50</sup>The audience has been prepared for this momentous declaration by Caesar's assertion in the final sentence of the previous chapter that *omnia divina humanaque iura* have been cast to the winds by his enemies. The significance of this phrase for the intended audience was discussed in the previous chapter.

<sup>51</sup>With this passage apparently in mind, Syme, *Sallust*, 39, describes Caesar as a leader who "had recourse to civil war on no better plea than his own *dignitas* and the rights of tribunes, with no clear principle and with a heterogeneous following...." Syme here articulates the standard view. However, I should add that he does not clarify what he means by describing Caesar's adherents as "heterogeneous." Syme may mean only that Caesar's camp was seen as attractive to debtors, bankrupts, malcontents, etc. (Gelzer's similar point about Caesar's followers and how they were perceived by many at Rome was cited at the outset of this study). Caesar's *amici* in 50/49 were a heterogeneous group, to be sure. But we may well ask: as opposed to what? The other side could not be characterized in a somewhat similar manner? Did not Pompey's alignment with the *optimati* (starting roughly with his third consulship in 52) result in his making some oddly assorted new friends, as Caesar asserts in *BC* 1.4? Was the coalition opposed to Caesar not partly heterogeneous also?

I should be glad if you would regard this document as intended to have the force of a compact, and not of a mere letter, and I believe that I shall most solemnly observe, and most conscientiously perform, all that I promise you, and pledge myself to do. I undertook the defence of your high position (*dignitatis*) in your absence, and in that defence I mean to persevere, no longer for the sake of our friendship alone, but now also for the sake of my consistency (*constantiae*). [Loeb trans.]

That Cicero sees *fides* as the basis of his felt obligation to support Crassus's *dignitas* is clear from his declaration that he does this out of regard for his own *constantia* as much as, or more, than out of regard for their *amicitia*. *Constantia* here means *fides*, and hence Cicero's own *dignitas* (here—worthiness of character for praise). Earlier in the same letter Cicero locates his sense of duty to Crassus in what he terms, precisely, the *fides amicitiae*—*Sed exstitit tempus, optatum mihi magis, quam speratum, ut, florentissimis tuis rebus, mea perspici posset et memoria nostrae voluntatis et amicitiae fides* (5.8.2). Such seemingly unconditional support for a friend's interests (especially an absent friend's interests) was not expected to go unrequited. Elsewhere in the letter (5.8.4) Cicero places reliance (in effect) upon Crassus's *fides* when he suggests that it would be appropriate for Crassus to make some acknowledgement of his services to him in accordance with his own assessment of his (Cicero's) *dignitas*—*Quamobrem tu, quantum tuo iudicio tribuendum esse nobis putes, statues ipse; et, ut spero, statues ex nostra dignitate*. I think it should be apparent from the evidence presented thus far that the obligation to support *dignitas*—one's own and one's friend's (as well as the ability to do so)—was understood to depend on *fides*.<sup>52</sup>

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<sup>52</sup>Shackleton-Bailey, *Cicero Epistulae Ad Familiares*, 327, contends that this letter exhibits “conscious insincerity” on Cicero's part. Tyrrell and Purser, *Correspondence*, vol. 2, 120, do not explicitly say whether they think Cicero is sincere in seeking reconciliation with Crassus, but their comments imply that this is their conclusion. They state that the letter displays “warmth” and that Cicero probably took great pains with the letter because it “renewed friendly relations with an important personage towards whom he had been for a long time hostile.” I do not entirely agree with either position (or the way that

Earlier in this discussion, I drew attention to Erik Wistrand's contention that whatever *dignitas* may mean, it always implies a claim. This will become important now. What I am suggesting is that when Caesar first speaks of his own merit as one who had always supported his friend, Pompey, and done all it was incumbent upon him to do to enhance the latter's *dignitas*, he is telling his reader exactly what he means when he uses the word in these chapters. *Dignitas* here implies a claim to *fides*. This conclusion follows from Caesar's decision to identify the crisis in his *amicitia* with Pompey as the primary cause of the civil disorder he is writing about. His usage of the word *dignitas* here is more deeply rooted in the context of that *amicitia* than of anything else, and is clearly so by deliberate choice. This is a particularly important point. Caesar in these passages equates his *dignitas* with his *fides*. He sees his *fides* as manifest in his straightforward dealings with Pompey. Pompey acted in ways that constituted a betrayal of Caesar's *fides* (and of the institutions of the state). Caesar's *dignitas* therefore required him to respond to the unprovoked personal insult to and attack on his merited position in the state (as well as the betrayal of personal relations), and also to take upon himself the role of protector and guardian of the embattled and vulnerable commonwealth (in a manner in theory not inconsistent with what Cicero professed to be doing when he took a very different path by going off into exile in the *Pro Sestio*). The issue in terms of the text is therefore Pompey's betrayal of friendship and unrepublican quest to maintain an unparalleled *dignitas*, not

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these scholars frame the question), but Cicero's sincerity as such does not matter because his personal feelings about Crassus as an individual are irrelevant. What matters to the argument are the ideological notions relating to *fides* and *dignitas* that Cicero deploys in performing his part of the reconciliation. As we saw in Chapter One, it seems to have been a widely held notion at Rome that reconciliation was a very good and praiseworthy thing. The Romans seem to have thought that estranged *amici* should (whenever possible) reconcile their differences for the good of the community. There is no reason to think that Cicero is not sincere in wanting to reconcile with Crassus on *that* basis.

Caesar's egoism. That is not to say that *fides* is the only notion that would have entered the contemporary reader's mind as he read these sections of the work. The usage does not exclude other ideas with which *dignitas* is associated. What we are talking about is emphasis.

Other passages need to be discussed in this connection. When Caesar arrives at the part of his speech where he asks his troops for their assistance, he asks them to defend his *dignitas* and *existimatio*—*ut eius existimationem dignitatemque ab inimicis defendant*. The word *dignitas* so much catches the eye that it is easy to overlook the fact that it is carefully linked to *existimatio*. The word *existimatio* means “reputation,” broadly speaking. There was a perceived connection between *dignitas* and *existimatio* in the vocabulary of Roman friendship, just as there was between *fides* and *dignitas*. For example, Cicero wrote the following in a letter to his friend P. Sulpicius Rufus in 46 (*Fam.* 13.77.1):

*Cum his temporibus non sane in senatum ventitarem, tamen, ut tuas litteras legi, non existimavi me salvo iure nostrae veteris amicitiae multorumque inter nos officiorum facere posse, ut honori tuo deessem. Itaque adfui, supplicationemque tibi libenter decrevi; nec reliquo tempore ullo aut rei aut existimationi aut dignitati tuae deero.*

Although in these days I am not very regular in my attendance at the senate, yet, after reading your letter, I did not think I could possibly fail to support your claims to honor without prejudice to our long-standing friendship and our many mutual services. That being so, I was in my place, and it gave me pleasure to vote for a *supplicatio* in your honor; and on no occasion in the future shall I fail to support your interests, reputation (*existimationi*), or position (*dignitati*). [Loeb trans.]

Caesar's use of a catch-phrase from the vocabulary of *amicitia* hence helps to clarify what he means by *dignitas*. His language plainly links his usage to the world of *amicitia* and its related concerns, including *fides*. When Caesar asks his soldiers to defend

his *dignitas* and *existimatio*, he is asking them to defend both his claim to an irreproachable *fides*, his right to Pompey's *fides*, and special consideration for his requests in the senate on that score, and on the score of his record of service in Gaul (in itself, a testament to his *publica fides* on a variety of levels). These are the kinds of things you expect your friend (Pompey) to help you with, or so the reasoning goes. Indeed, in relation to supporting someone in public, this part of the culture still flourished in the early Empire. In *Ep.* 2.9.1, Pliny the Younger states that his own *pudor*, *existimatio* and *dignitas* are at stake in a friend's candidature for the tribunate (*et alioqui meus pudor, mea existimatio, mea dignitas in discrimen adducitur*). It must have been rather flattering to Caesar's troops to be asked to undertake on his behalf responsibilities normally grounded in *amicitia* between senators. As Zwi Yavetz has observed, individuals who disregarded their own *existimatio* were in the same category with those who considered an oath a joke and testimony as a game.<sup>53</sup>

Cicero's speech *Pro Publio Quinctio* also has something to teach us about relationships between notions of *fides*, *dignitas*, and *existimatio*. What is most unusual about this speech is that Cicero does not once make use of the word *dignitas*. I suggest that he avoids the word deliberately. Cicero's client, P. Quinctius, was a man of modest means and no friends of high rank. He was unjustly threatened with the loss of all of his property and what was even more important, Cicero argues, his *existimatio*, as a result of a fraudulent and malicious prosecution brought against him by his former business partner and kinsman, Sextus Naevius, a man with many wealthy and noble friends and backers.

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<sup>53</sup>Yavetz, *Julius Caesar*, 216.

The importance of a good reputation is a major theme of the speech. As long as a man's *existimatio* is spotless (*dum existimatio est integra*), Cicero says, it is possible to survive with honor the loss of only money, from whatever cause (49). Thus one man ought not lightly press an action to a conclusion that promised to destroy utterly the good name and reputation of another. Cicero argues that *boni viri* (a category of persons who almost invariably possess *dignitas* in Ciceronian rhetoric), even when they have been openly defrauded, resort to extreme measures against the perpetrator only with great reluctance, and only when every reasonable avenue of redress has been exhausted repeatedly (51). Better for a *bonus vir*, Cicero says, to want it remembered that he spared when he could have destroyed (even when he had the legal right [*ius*] to destroy), than that he destroyed when he could have spared (51: *Iugulare civem ne iure quidem quisquam bonus vult, mavult commemorari se, cum posset perdere, pepercisse quam, cum parcere potuerit, perdidisse*). He adds that honorable men treat the greatest strangers, indeed, their greatest enemies in this manner for the sake of winning the good opinion of men (*existimatio*) and common humanity (*Haec in homines alienissimos, denique inimicissimos viri boni faciunt et hominum existimationis et communis humanitatis causa*).

Cicero's client appealed for relief from a prior verdict against him to the *fides*—in effect—of both Naevius's noble friends (in the hope they would exert influence with Naevius), and then Naevius himself, in a last attempt to procure safety and avoid disgrace (*ignominia*). To that end, he literally prostrated himself at their feet (96: *sed ne amicos quidem Sex. Naevi, quorum saepe et diu ad pedes iacuit stratus obsecrans per deos immortales*). But his appeal was rejected. It is noteworthy that whenever Cicero refers to these prominent supporters of Naevius in the speech (they included L. Marcus Philippus

[cos. 91] and Hortensius), he never employs the epithet “of *dignitas*” in referring to them. He prefers to use other words or phrases that connote high position and power. Naevius’s friends are introduced in chapter 7, where they are called *disertissimos, fortissimos, florentissimos nostrae civitatis*. In chapter 9, Cicero criticizes these men for misusing their power against the defenceless P. Quinctius, stating as a matter of principle that the greater the power they possess owing to their *virtus* and *nobilitas*, the less they ought to show how great it is (*in quibus, quo plus propter virtutem nobilitatemque possunt, eo minus, quantum possint, debent ostendere*).<sup>54</sup> I would argue that *nobilitatem* here is used as a conscious alternative to *dignitatem*. Cicero connects *dignitas* strongly to *virtus* in *Fam.* I.5.4, 12.25.2, and *Cluent.* 111.<sup>55</sup> Also, in view of the ideological linkage between *dignitas* and *fides*, Cicero could hardly praise the *dignitas* of these men early in the speech, and then depict them later on rejecting an abject appeal from a deserving suppliant of humbler station who is literally lying prostrate at their feet. *Dignitas* connoted *fides*. Power that was used without regard to *fides* was power misused. That is Cicero’s point here, it is Caesar’s point in the *BC*, and it was Livy’s point in 5.27.

Cicero’s point in *Quinct.* 9 is similar to the argument that Sallust composes for Caesar in *Bel. Cat.* 51.4-7. Caesar wants to persuade the senate that there are occasions when breaches of *fides* should be requited with magnanimity rather than utmost severity. The reason, he suggests, is that this is what Rome’s *dignitas* demands. Both

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<sup>54</sup>Likewise, in chapter 72, Philippus and Hortensius are characterized in ways that seem conspicuously to avoid use of the word *dignitas*.

<sup>55</sup>*Fam.* 1.5.4: *tuae sapientiae magnitudinisque animi omnem amplitudinem et dignitatem tuam in virtute atque in rebus gratis tuis atque in tua gravitate positam existimare*; *Fam.* 12.25.2: *te tuam dignitatem summa tua virtute tenuisse*; *Cluent.* 111: *si quis ignobili loco natus ita vivit ut nobilitatis dignitatem virtute tueri posse videatur*.

Rhodes and Carthage had broken faith with Rome in the past. In both cases, Caesar says, Rome did not retaliate. Rather than asking themselves what they might be able to do against their foes *in iure*, they sought only what was worthy of their *dignitas* (51.6: *magis, quid se dignum foret, quam quid in illos iure fieri posset quarebant*<sup>56</sup>). *Dignitas* in this context plainly has strong links to *fides*. Rank and prestige are seen as marks of *dignitas*, but the implication is that *dignitas* pays its primary debt to *fides*.

In the case of Rhodes, Sallust probably knew that his audience would have had Cato the Censor's senate speech *Pro Rodiensibus* at least partly in mind.<sup>57</sup> The entire speech does not survive.<sup>58</sup> But several of its surviving arguments are valuable for the present discussion because they display significant linkages between Roman notions of *dignitas* (here equated to Rome's *magnitudo animi*, in effect<sup>59</sup>) and *fides*, and Roman actions towards the much weaker, vulnerable, still independent Rhodians. It is plain from all we know about the speech that not all of Cato's arguments (aimed at dissuading the senate from approving a formal declaration of war against Rhodes in 167), taken

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<sup>56</sup>That *dignum* is used here for *dignitas* is made clear in the next sentence, when the word itself is used to describe the senate's burden of decision in 63 in a parallel context.

<sup>57</sup>Livy comments that the entire speech could be found in the fifth book of Cato's *Origines*. He tells his reader explicitly that he will not insert into his own narrative a mere *simulacrum* of Cato's eloquence (45.25.3: *Non inseram simulachrum viri copiosius, quae dixerit referendo*). Gellius (our best source of information about the speech) was provoked to discuss *Pro Rodiensibus* in some detail because he wished to rebut certain criticisms of the speech that had been made in the first century by Cicero's literary assistant, Tiro (whose remarks were contained in a published letter he had written to one of Cicero's acquaintances). It is therefore clear that *Pro Rodiensibus* was known to Cicero's and Caesar's contemporaries. Indeed, Malcovati collects well more than two hundred fragments of Cato's speeches, an impressive total—the most by far of any republican orator. For the collected fragments of Cato's oratory, see Henrica Malcovati, ed., *Oratorum Romanorum Fragmenta Liberae Rei Publicae*, 2d ed. (Turin: Aug. Taurinorum: In Aedibus Io. Bapt. Paraviae et Sociorum, 1955), 12-97.

<sup>58</sup>About half a dozen short excerpts from the speech (as well as descriptions of other arguments Cato employed) are preserved in Gell. 6.3.

<sup>59</sup>Gell. 6.3.47: *populi Romani magnitudinem*.

individually, were derived from *fides* (though most of the arguments that Gellius singles out for comment clearly were, in one way or another). However, A. E. Astin argues (after establishing the likelihood that Gellius did not omit any significant line of argument used by Cato in his discussion of the speech) that “the striking feature of Cato’s arguments is that overwhelmingly they are moral in character—taking ‘moral’ in a broad sense.”<sup>60</sup>

Let us put it in different terms. I agree with Astin. But I would argue that the main thrust of Cato’s rhetoric (despite some inconsistencies that Gellius notes in his discussion<sup>61</sup>) was to remind the senate that there was an important ideological relationship between the *dignitas*, or *magnitudo animi* of Rome, and *fides publica*. For one thing, Cato seems to have accused the war-mongers in the senate (who are described by Gellius as numerous and very distinguished—*non pauci ex summatibus viris*; see below) of acting from private motives of greed, rather than regard for the public interest (*fides publica*).<sup>62</sup> The implication is that this is unworthy of their *dignitas* and that of the Roman people.

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<sup>60</sup>See A. E. Astin, *Cato the Censor* (Oxford: Oxford University Press, 1978), 279. See 278 for Astin’s conclusion that Gellius probably did not pass over any arguments “which were at all prominent” in the speech.

<sup>61</sup>Gellius observes that Cato used whatever arguments were useful, regardless of whether they occasionally contradicted each other. But he adds that Cato did not see this as discreditable (*turpe*), because he was concerned with what was best for Rome, as well as Rhodes (6.3.44: *quia non Rodiensibus magis quam reipublicae consultabat, nihil sibi dictu factuque in ea re turpe dixit*). That is, if his arguments were sometimes tangled, his motivation was unclouded *publica fides*.

<sup>62</sup>Gell. 6.3.7 implies (but does not explicitly say) that Cato spoke to that effect at some point in his speech: *cumque partim senatorum de Rodiensibus querentur maleque animatos eos fuisse dicerent bellumque illis faciendum censerent, tum M. Cato exurgit et optimos fidissimosque socios, quorum opibus diripiendis possidendisque non pauci ex summatibus viris intenti infensique erant, defensum conservatumque pergit*. We learn from Livy 45.21.1-2 that one of these distinguished men was the praetor M. Iuventius Thalna, who had acted contrary to custom by bringing the motion for war directly before the people. Livy says that Thalna hoped to be the one appointed to the command (*se eum sperans futurum esse*). But Livy also states that the chief enemies of Rhodes in the senate were the consuls, praetors, and *legati* who had carried out the war against Macedon. Such men would have resented Rhodes, because of the widespread perception that the Rhodians had favored the cause of Perseus (a fact that Cato did not conceal, as we saw in Chapter Two); see 45.25.2.

The enemies of Rhodes in the senate had accused the Rhodians of being arrogant.<sup>63</sup> Cato replied by asking whether Romans should be angry merely because someone else was even more arrogant.<sup>64</sup> This statement may not register with a modern audience, but Gellius saw this as perhaps Cato's most compelling argument. His comment: "Absolutely nothing could be said with greater force or weight than this rebuke of men most proud of their deeds (*superbissimos facta*), loving pride in themselves, but condemning it in others."<sup>65</sup> When Gellius describes these senators as men who take great pride in their achievements, he is clearly alluding to their *dignitas*. Cato's point is that true *dignitas* requires the possessor to show respect for *dignitas* in others. In this case, the other party is an external one. The implication is that it is *fides* which mandates this duty. You display your *dignitas* and *fides* by not acting if provoked, when in terms of power you could easily act. Therefore those senators who press for war with Rhodes (simply because the Rhodians asserted their non-belligerent rights as an independent, non-allied power during the war with Perseus) are acting against *fides publica*.

To take an internal case, it is worth noting briefly the similarity that exists between this argument of Cato's, and Caesar's comments to Cicero—written after Corfinium—regarding his (Caesar's) motivation for sparing and then releasing his elite prisoners: "I am not disturbed because those who I dismissed are said to have taken up arms against me once again. For there is nothing I like better than that I should be true to

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<sup>63</sup>Gell. 6.3.50: *Rodienses superbos esse aiunt* (these are Cato's words).

<sup>64</sup>Ibid.: *Idne irascimini, si quis superbior est quam nos?*

<sup>65</sup>Gell. 6.3.51: *Nihil prorsus hac compellatione dici potest neque gravius neque munitius adversus homines superbissimos facta, qui superbiam in sese amarent, in aliis reprehenderent.*

myself and they to themselves.”<sup>66</sup> Obviously this is a sarcastic statement. Caesar implies that the men (Domitius and others) who have resumed their (personal and private) struggle against him are guilty of base ingratitude and indifference to the public welfare. In staying true to themselves, they only disclose their bad *fides*. But the principle he enunciates is fundamentally the same as that which undergirds Cato’s remark about Roman pride (*dignitas*), or Camillus’s actions at Falerii: *dignitas* pays its primary debt to *fides*—not to power or rank.

Another of Cato’s main arguments had this implication. Gellius refers to this strand of thought twice (6.3.47 and 52). In brief (since there is no space for a major discussion), he says that Cato viewed the disposition to pardon and forgive enemies (in effect, though Cato argued that the Rhodians had not actually broken faith with Rome—they had merely thought about it<sup>67</sup>) as tending to preserve the *populi Romani magnitudinem* (thus, I argue, implicitly safeguarding the *dignitas* of Rome). Gellius also says Cato argued that forgiveness was expedient or useful (*utilitas*) in human affairs. However, Astin has shown convincingly that Cato sees *utilitas* as subordinate to the notion of the *magnitudo populi Romani*, and that this notion is fundamentally moral, not an expression of *Realpolitik*.<sup>68</sup>

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<sup>66</sup>*Att.* 9.16.2: *Neque me movet, quod ii, qui a me dimissi sunt, discessisse dicuntur, ut mihi rursus bellum inferrent. Nihil enim malo quam et me mei similem esse et illos sui.* Caesar’s actions at Corfinium relating to *fides* will be discussed fully in the next chapter.

<sup>67</sup>See Gell. 6.3.7 and 16.

<sup>68</sup>See Astin, *Cato the Censor*, 280: “It is an indication of the kind of *utilitas* envisaged that what is mentioned is greatness—rather than safety, power, or supremacy. Obviously Cato sought to present his case as expedient and in the interests of the Roman people—as he surely believed it to be ... But his concept of expediency, of what would be to the advantage or disadvantage of the Roman people, was not confined to calculated strategic and political considerations. It is not that these were totally disregarded ... but the arguments used in Cato’s Rhodian speech do show that the senators in general were

A similar point is made by Livy in 30.25.9-10. Facing a situation in which the Carthaginians had broken faith during an armistice, Scipio Africanus refrained from taking vengeance, stating that he would not do anything contrary to the *dignitas* (*indignum*) inherent in the customs of the Roman people or of his own character (*tamen se nihil nec institutis populi Romani nec suis moribus indignum in iis facturum esse cum dixisset*). This clearly relates to Cato's attitude towards the Rhodians: it is *dignitas* not to attack those who are (only) thinking of breaking *fides*. Or alternatively: it is *dignitas* not to respond even to some serious outright violations of *fides*. One maintains one's *fides* by not acting (as Caesar does with the Afranians in Spain, or at Massilia). Of course, in January 49, Caesar acted. But the situation may be different if the matter is internal rather than external, and if it is perceived that a grave emergency exists that cannot be dealt with through the normal institutional channels (e. g., the situation at Rome in 52, and the unusual remedy for it—one consul, Pompey). If *divina et humana* are seen as being trampled, the case may be made that *dignitas* can only be protected—and *fides publica* maintained—by taking an unusual action.

As we have seen above, the two references to *dignitas* in Caesar's speech were paired together in an ideological context likely to evoke in the reader's mind images of Caesar's strong *publica fides*, his staunchness as a friend, and Pompey's unreliability as a friend. It is the latter's unreliability that is depicted with the term *dignitas* as the primary cause of the immediate crisis. It is not an expression of Caesar's naive egoism. And it is

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not habituated to judging foreign affairs exclusively or even predominantly in terms of such considerations. Nor perhaps is it adequate to say simply that account was taken of moral and other considerations alongside those of expediency; rather, it seems that there was no strong sense that these various considerations were to be separated into different categories."

Caesar's *fides* which is seen as the way out of the crisis because he is trustworthy, respects his friends, helps them, and is loyal to them and their concerns as a friend should be. He is also a good republican, as his condemnation of the *novum exemplum* (1.7) in politics set by his foes is meant to indicate.

We should observe the similarity in language with Sallust's usage in the speech he composed for Caesar in *Bel. Cat.* 51: (8) *novom consilium*, (19) *genus poenae novum*, (27) *mala exempla*, *novom exemplum*, (36) *hoc exemplo*, (41) *novom consilium*. In part, this is typical Sallustian reversal (as with Tacitus) of what the reader expects. The reader expects sober, rational *consilium* from the senate, but the senate did not respond to Caesar's rational perspective on dealing with the conspirators, it responded to Cato's largely non-rational appeal to ancestral wisdom [(52.30) *maiores nostros*, (36) *more maiorum*] in arriving at its decision summarily to execute citizen prisoners. Caesar also appeals to *mos maiorum*, but as he makes plain in the first part of his speech, he equates it (where the senate is concerned) with a preference for rationality and sober restraint, not visceral rage and fear-mongering, as he likewise does in his presentation of 49 at *BC* 1.1-9.

Thus there may also be another bit of deliberate Sallustian irony here: in the emergency of 63, Caesar argues that the violations—in effect—of *divina et humana* that had occurred might readily justify some extreme or unusual actions on the senate's part, but with respect to their Roman captives, not the most extreme action; in 49, on the other hand, he argues that in view of the imminent threat to his and the public's safety posed by Pompey and the *pauci*, his own highly controversial extreme response to abrogated *divina et humana* was not only justified, but was his only practical recourse (as a responsible

republican agent). That is, ideologically, Caesar finds himself in 49, in an important respect, very close superficially to the justification Cato used in 63 for taking extreme measures. This was doubtless obvious to Sallust's audience. Also obvious was that in 63, Cato had rationalized the summary execution of Roman citizens (however guilty they were, however justified the executions might have been). It would not have been lost upon Caesar in 49 that the seeming ideological similarity of part of his case to Cato's famous argument for unusual action on the earlier occasion might prove politically damaging. It might be one more thing tending to boost people's fears of a massacre in the event he won, rather than putting a damper on them. Arguably, then, Caesar in 49 knew he had to show people that he was still the Caesar of 63, in terms of the *fides publica* he had then urged the senate to apply to the Catilinarian's case (notwithstanding the *scu* that was in force). One way for him to do that was through significant visible acts of leniency and mercy, when much harsher measures were clearly within his power, and especially when atrocities had been committed by the other side (in Spain, Africa, and Greece) more than sufficient to warrant brutal retaliation by him. Another way was to show indisputably that his basic ideological stance was much different from Cato's, even if they both had asserted that *divina et humana iura violata* might justify taking unusual action—i. e., to show that where Cato was always severe and irrationally uncompromising towards friends and opponents alike, Caesar's goal was republican equity, to be achieved through rational dialog, restraint, and mutual compromise (even if that meant compromising with Cato, or Pompey, or even more hostile *inimici*). Therefore in addition to looking back at Thucydides and other writers in his construction of these speeches, Sallust may well have glanced over his shoulder at what happened in the senate in January 49, and at what

Caesar wrote about it. It is virtually impossible to believe that Sallust's audience in 42 was not to some extent looking back at those events.<sup>69</sup>

### **Caesar's *Dignitas*, Pompey's *Amicitia***

The final pair of references to *dignitas* in Caesar's text we are concerned with are likewise connected closely with one another, in addition to being linked to the preceding pair. These references occur in the context of an attempt by the estranged *amici*, Caesar and Pompey, to communicate with one another through intermediaries. After Caesar had, as he put it, "recognized the will of the soldiers (*cognita militum voluntate*)," he began military operations. Not long afterwards, he conducted interviews with two members of the opposing camp. One was a youth, L. Caesar, the son of one of Caesar's *legati* (one of the consuls of 64, also named L. Caesar). The other was the praetor L. Roscius. It is not known what chain of circumstances led these gentlemen into Caesar's path, though they had clearly been entrusted by Pompey with messages for Caesar since this is what Caesar himself tells us. However, it was long assumed by scholars studying the outbreak of civil war (such as Kurt von Fritz) that both men were present as the senate's envoys. Had this been the case, they would thus have been conveying to Caesar two separate "briefs," an official one from the senate as well as an unofficial one "on the side" from Pompey. This thesis was demolished in 1960 by D. R. Shackleton-Bailey.<sup>70</sup> What we are concerned with is therefore the substance of the private

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<sup>69</sup>For the influence of Thucydides and other authors on these speeches, see McGushin, *Commentary*, 239-68. McGushin does not suggest the possibility of a relationship between Caesar's usage and that of Sallust.

<sup>70</sup>See D. R. Shackleton-Bailey, "The Credentials of L. Caesar and L. Roscius," *JRS* 50 (1960): 80-83. The author pointed out that Cicero, in his correspondence, is puzzled as to why a young

message they were carrying to Caesar from Pompey. Here is the relevant portion of the text at 1.8:

*Eo L. Caesar adulescens venit, cuius pater Caesaris erat legatus. Is reliquo sermone confecto, cuius rei causa venerat, habere se a Pompeio ad eum privati officii mandata demonstrat: velle Pompeium se Caesari purgatum, ne ea, quae rei publicae causa egerit, in suam contumeliam vertat. Semper se rei publicae commoda privatis necessitudinibus habuisse potiora. Caesarem quoque pro sua dignitate debere et studium et iracundiam suam rei publicae dimittere neque adeo graviter irasci inimicis, ut, cum illis nocere se speret, rei publicae noceat. Pauca eiusdem generis addit cum excusatione Pompei coniuncta. Eadem fere atque eisdem verbis praetor Roscius agit cum Caesare sibi que Pompeium commemorasse demonstrat.*

Thither comes the young L. Caesar whose father was one of Caesar's legates. When their first greetings were over he explains—and this was the real reason for his coming—that he has a message from Pompeius to give him regarding a personal matter. He says that Pompeius wishes to be cleared of reproach in the eyes of Caesar, who should not construe as an affront to himself what he had done for the sake of the state. He had always placed the interests of the republic before private claims. Caesar, too, considering his high position (*pro sua dignitate*), should give up for the benefit of the state his partisan zeal and passion, nor be so bitterly angry with his enemies as to injure the commonwealth in the hope that he is injuring them. He adds a few other remarks of this kind, at the same time making excuses for Pompeius. The praetor Roscius lays substantially the same proposals before Caesar, and in the same language, and makes it clear that he received them from Pompeius. [Loeb trans.]

The ground seems to shift in front of the reader in this passage, as Pompey appears to have changed the subject to Caesar's patriotism. In fact, there is no break in continuity. To a great extent, Caesar's previous statements about Pompey's obstructionism concerning his peace proposals and related matters effectively take the sting out of Pompey's charges. Pompey has been seen pursuing selfish aims in the opening chapters, undermining his claim merely to be defending the higher good of the republic.

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idiot like L. Caesar (for so he regarded him) was being employed in sensitive negotiations. Cicero, however, was in a position to know the identities of any envoys that may have been chosen by the senate to convey its position to Caesar. The conclusion is that L. Caesar and L. Roscius were not on any kind of a mission from the senate.

Thus Caesar's repetition of Pompey's private message to him is tinged with great irony. It seems offensive and patronizing, as well as deceitful. When Pompey states through his intermediary that he wishes to be cleared of reproach in the eyes of Caesar, he is not claiming to have been a faithful friend. He is saying that the claims of the republic take precedence over *fides* to his friendship to Caesar. This was republican orthodoxy.

But even this orthodoxy was complex. Cicero expresses the consistent ideological position in *De Am.* 10. 35-37 and 40 that friends should never ask other friends to do anything dishonorable on their behalf, including taking up arms against the government. Yet Cicero himself created in the *Phillipics* an ideological rationale for armed resistance against the lawful consul and promagistrate Antony in 44/43. We have also seen that Cicero contemplated using violent measures to prevent his own exile, even if it meant that he and his close friends and supporters would have to oppose forces headed by the consuls. And in his correspondence from the year 43 with his Caesarian friend C. Matius, Cicero appears to concede that there is a legitimate moral conflict between personal loyalty and consideration of the peaceful good of the community, and that the reality of such situations might be very complex. Thus he writes to Matius at *Fam.* 11.27.4 that he still does not know if—at the time he set out to join Pompey in the civil war instead of remaining neutral—his decision was the result of *pudor* or *officium*, or was simply due to *fortuna*. Cicero's many letters from the period in question bear out that he was very uncertain what course to adopt. He wrestled constantly with the question of whether following Pompey was primarily a matter of (in effect) *publica fides*, or of merely honoring the personal *beneficium* he felt he had received from Pompey (when the latter helped facilitate Cicero's return from exile). Shackleton-Bailey takes *officium* in this

passage to mean *officium* toward Pompey.<sup>71</sup> This does not exclude *publica fides* as a motivating factor in Cicero's action; it merely suggests that it was not the main factor behind it. Matius's reply to Cicero in *Att.* 11.28.2 shows (regardless of what we take Matius's constitutional position on the republic from 49-43 to be) that although his critics charge that his various public demonstrations of respect for the assassinated Caesar's memory violate *publica fides*, Matius himself disagrees, and does so on plainly republican grounds.

From Caesar's perspective (as presented to the reader), what undermines Pompey's assertion that the claims of the republic take precedence over *fides* to his friendship to Caesar is the latter's own belief that Pompey is not acting on behalf of the republic at all, but only to protect his personal position in the state. From the reader's assumed perspective, what arguably undermines Pompey's communication is the previous description of Pompey as suppressing the tribunes. We should note, however, the further significance of this communication from Pompey in terms of its placement in the text. The word *dignitas* as Pompey uses it is a claim upon Caesar's *fides*, since it is invoked as the grounds upon which Caesar ought to make a total sacrifice of self-interest. Both Caesar and his readers know that there are occasions when *fides* does demand that one give up everything. Caesar also knows that what Pompey has conveyed to him privately, many others are saying publicly wherever current events are discussed. Since he cannot simply ignore this critique of his actions, he has chosen to assign it a location in his text where the argument can actually be turned in his favor. Pompey's charges simply have no credibility

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<sup>71</sup>D. R. Shackleton-Bailey, *Cicero Epistulae ad Familiares*, 487.

for the reader. It is contrary to the “passion and partisan zeal” of the Pompeians the reader has witnessed in the opening chapters. But also, in terms of reality, the reader knows that whatever the merits of the various constitutional questions, any solution must come down to a reconciliation between two men, Caesar and Pompey. Thus Caesar here allows the ostensible claims of *fides* (as these relate to *dignitas*) to extend ideologically beyond *amicitia* and embrace the notion of a higher allegiance to the republic. He is able to accomplish this safely and successfully in his narrative not simply because he is a clever writer, but because (1) there are, as Lintott put it, different views of what is right, and (2) his densest readers plainly understand that it would be untrue for anyone to say that the political conflict has nothing to do with the breakdown of the *amicitia* that had united Caesar and Pompey. Thus Pompey’s attempt to assert that his political stand (in effect) was not really a new one, and therefore his recent actions allegedly pursuant to it had nothing to do with their friendship, would certainly have struck the Roman reader as suspect—an example of bad *fides*.

The opposition’s charges having been deflected back at them, Caesar returns to the theme of his *amicitia* with Pompey. It is seen as the primary area of conflict and as the arena in which a solution to the crisis can be found. Caesar stresses the personal nature of the conflict in the very first sentence of 1.9:

*Quae res etsi nihil ad levandas iniurias pertinere videbantur, tamen idoneos nactus homines, per quos ea, quae vellet, ad eum perferrentur, petit ab utroque, quoniam Pompei mandata ad se detulerint, ne graventur sua quoque ad eum postulata deferre, si parvo labore magnas controversias tollere atque omnem Italiam metu liberare possint.*

Though these proceedings seemed to have no effect in lessening the sense of wrong, nevertheless now that he had found suitable persons to convey his wishes to Pompeius he makes a request of each of them that, as they had brought him the messages of Pompeius, they should not object to convey his demands in reply, in the hope that by a little trouble they might be able to put an end to serious disputes and free the whole of Italy from alarm. [Loeb trans.]

He next goes on to state in 1.9 that although he retains a sense of personal affront (in terms of their friendship), he still wants to communicate with Pompey, and that peace is possible if they can come to an agreement, which should not be hard to do (*parvo labore*). Next comes the oft-quoted reference to his *dignitas*: *Sibi semper primam fuisse dignitatem vitaeque potioem*. “To him, *dignitas* had always been first and dearer than life.” The remark does not stand in stark isolation. The language is deliberately couched in terms intended to remind the reader that Caesar is here responding to the demand Pompey has made of him via L. Caesar and Roscius in the previous chapter. *Dignitas* in this passage does convey the importance of rank, but it also emphasizes Caesar’s claim of qualification for that rank, his claim of loyalty (*fides*) from Pompey, which Pompey has subverted and now (1.8) denied. Thus in the remainder of 1.9, he does not merely recite his grievances against his foes and talk about his entitlements, he places emphasis on his forbearance and self-control in the face of provocation (in keeping to the “high ground” within the Roman tradition of self-defence), and his willingness to make further sacrifices of power and position for the sake of the common good:

1. *Tamen hanc iacturam honoris sui rei publicae causa aequo animo tulisse*. (“Nevertheless, for the sake of the republic I have borne with decent restraint this casting away of my prerogative.”) 2. *Sed tamen ad omnia se descendere paratum atque omnia pati rei publicae causa*. (“But nevertheless I am prepared to diminish my status and to endure all things for the sake of the republic.”)

As was the case with the Alatrians in the passage from the *Pro Cluentio* cited above, these putative sacrificial behaviors are meant to be seen as imposed by *dignitas*, a sense of *dignitas* that is directly responsive to the claims of *fides*.

But the grievances Caesar recites in 1.9 are not insignificant. They serve to link his case to *publica fides*. After speaking of his *dignitas*, Caesar says he grieves that a *beneficium* that had been conferred on him by the *populus Romanus* was being taken away through the *contumelia* of his personal enemies. He states he is also being deprived of six months of *imperium*, and that as a result, he is now obliged to present himself at Rome in person to canvass for the consulship, even though a law of the Roman people had given him the right to stand in absence. Caesar is here challenging the right of the senate to invalidate *leges* of 55 and 52 which authorized his command and his *ratio absentis*, as well as the constitutional legitimacy of the law of 52 that allowed the senate rather than the people to appoint promagistrates and assign *provincia*. Also, the two legions that had been withdrawn from his command for service in Parthia had been taken under false pretences (*quae ab se simulatione Parthici belli sint abductae*), a plain accusation of bad *fides*.

The major point to make about 1.9 is that *dignitas* remains primarily a claim not of egoism but a claim to *fides*. This is made apparent by his avowed willingness to suffer loss of status (*ad omnia se descendere paratum*). Hence Caesar's *dignitas* can even be seen as the thing that qualifies Caesar to be a peacemaker. It is not simply inconsistent with what *dignitas* has plainly meant in the previous two chapters for it to mean something else here, it makes no sense for *dignitas* suddenly *not* to connote *fides* precisely at the moment in the narrative when a claim of *fides* is most needed. For Caesar now makes a

peace offer based on compromise, to be concluded firmly when he and Pompey shake hands, a literal mark of *fides*: *Haec quo facilius certisque condicionibus fiant et iureiurando sanciantur, aut ipse proprius accedat aut se patiatur accedere: fore, uti per colloquia omnes controversiae componantur*. The quality of forbearance Caesar lays claim to above (*hanc tamen, etc.*) and his expressed willingness to yield power and position (providing that Pompey does the same) is meant to be seen as directly expressive of his *dignitas*, and a noble response to Pompey's attacks on the *dignitas* of his friendship. But this is meaningless if *dignitas* simply means "rank" or "high position," or some such thing exclusively. It makes perfect sense if it is seen mainly to refer to *fides*.

In sum: Caesar states that his *dignitas* is dearer to him than life because he wants to convince the reader that he is a reliable negotiating partner, not a self-seeking opportunist or adventures. He emphasized his *dignitas* in these pivotal chapters, among other reasons, perhaps, because he saw it as a way for him to separate himself from Sulla in the public's mind.<sup>72</sup> The declaration is meant to strengthen, not weaken, his perceived status (in the text) as a sincere and committed republican. This is shown through the link between *dignitas* and *fides* that is stressed repeatedly in the text. Caesar's assertion of *dignitas* was offered not to impede a settlement, but as evidence that peace was truly possible because he was a man who could be trusted. Conversely, Pompey had caused the war by betraying his friendship with Caesar, and hence assaulting his *dignitas*. His claim to *dignitas*, in terms of the text, should be seen as laying the ideological groundwork for his

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<sup>72</sup>In his letter of March, 49 to his friends Balbus and Oppius preserved as part of Cicero's correspondence as *Att.* 9.7c, Caesar states plainly that he will not imitate Sulla: *L. Sullam, quem imitaturus non sum*. Since his friends Balbus and Oppius were, in effect, publishing this letter by circulating copies of it contemporaneously with the events, it is reasonable to infer that Caesar was taking some pains that he not be perceived to be a second Sulla.

merciful and humane treatment of his defeated foes at Corfinium (our next topic of discussion). At Corfinium, Caesar shows that in his actions and deeds, he is just who he claims to be.

Caesar represents himself to the public in the *BC* as one whose *fides* throughout the crisis had been conspicuous, as shown (and as about to be shown) by his support of and trust in his friends, his record of outstanding service to the *res publica*, his forbearance and self-control in the face of outrage and insult. ‘But what about his preparations for war?’ we may well ask. Would failing to discuss his military preparations not then have harmed his *fides*? Briefly, the answer is “yes.” This is clear from the extremely subtle way that he does—in fact—allude in passing to the early mobilization of his forces, immediately after his address to the Thirteenth legion. Caesar states that the men from the Thirteenth are present only because he had called them up at the beginning of the “trouble (*tumultus*),” and that the rest of the soldiers under his authority (i. e., his legions in Gaul) had not yet “come together.”<sup>73</sup> He makes this admission presumably because he knew that his obvious preparations for war had to be acknowledged. Indeed, it is significant that he does not tell the whole truth about the chronology of all of these maneuvers.<sup>74</sup> The point for our discussion is that he presents the material in a fashion

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<sup>73</sup>*BC* 1.7.8: ...*legionis XIII, quae aderat, milites—hanc enim initio tumultus evocaverat, reliquae nondum convenerant...*

<sup>74</sup>Carter notes that the Thirteenth Legion had been stationed on garrison duty in Cisalpine Gaul (Hirt. *BG* 8.54.3). Thus, he argues, for it to have been assembled at Ravenna (or Ariminum) January 10 or 11, Caesar must have given his orders by the beginning of January at the latest. The Gallic legions were also starting to be shuffled around (when these orders were issued cannot be known for certain—probably anywhere from late November to early December) so that some of them would be in a position to thwart any attempt by Pompey’s *legati* in Spain with their seven legions to seize Gaul and move to Italy. Carter concludes that Caesar’s opponents were absolutely right to judge that he was (certainly by mid to late December) already preparing to use force in support of his demands (if it should come down to that). I agree with Carter on this point. Of course, Caesar’s opponents were doing precisely the same sort of thing,

which shows clearly that he was apprehensive about the public's reaction. If he gave the impression in his text of being too well-prepared for a military confrontation with his foes, the implication for the audience would be that he had not negotiated with the senate in good faith.

So, we must briefly ask: would Caesar's clearly deceptive, tendentious presentation of these issues—e. g., the timing and location of his speech to the Thirteenth legion (after he left his province, not before), the timing of his orders to mobilize—have been apt seriously to damage his *fides* with the audience? I suggest that the answer to this is “no.” That is, I completely concur with John Carter's analysis of what amounts to the same question. As Carter puts it, it would appear from Caesar's narrative of events that he made no military move until the senate had taken the measures detailed in *BC* 1.6.<sup>75</sup> Caesar represents himself as responding to a threat. Yet as Carter notes, there can be no doubt that Caesar acted immediately after the events described in 1.5, not 1.6, were reported to him.<sup>76</sup> Thus Caesar deliberately masks the speed of his reaction, and “presents his enemies as having gone further than they actually had when he decided to take the offensive.”<sup>77</sup> On the other hand, Carter observes—and this is important—the emergency measures of 1.6 (such as investing *privati* with *imperium*) were not the result of what Caesar now did. They followed inexorably, Carter argues, from the determination of

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or trying to, and arguably began doing so even before Caesar set the bulk of his forces in motion. For Carter's useful summary of the evidence concerning Caesar's military planning prior to the crossing of the Rubicon, see *Commentary 1 & 2*, 165-66.

<sup>75</sup>Carter, *Commentary 1 & 2*, 163.

<sup>76</sup>*Ibid.*

<sup>77</sup>*Ibid.*

Caesar's enemies to crush him, and logically form a continuous whole with what precedes. Therefore, Carter concludes: "The chronological displacement aids the clarity of the analysis and does not fundamentally distort the truth as Caesar saw it."<sup>78</sup> This is the main point. Thus the audience, I argue, would have tended mostly to discount Caesar's blatant tinkering with the facts in 1.7 because they would not have seen his deception here as undermining either his strong case against the *pauci*, or his sincerity and credibility.

Moreover, as far as visibility goes, Caesar's advance preparations were minimal, and not such that their scale would necessarily have foreordained the failure of the peace negotiations that had been ongoing in various quarters for weeks. As we have seen, Caesar had with him at the time that the *scu* against him was carried on January 7, 49, only one legion, the Thirteenth (see App. 2.32: 5000 foot and 300 horse). We know that in early December (following the consuls' unconstitutional action in awarding Pompey supreme military command against Caesar specifically), Curio had advised him to mass all his forces in northern Italy immediately and march on Rome, but that Caesar rejected the advice, choosing instead to continue negotiating (App. 2.32). These negotiations apparently came close to succeeding. In the first week of January, Cicero played a significant role in brokering a compromise with Caesar's friends at Rome that envisioned Caesar as keeping only one legion and Illyricum. Pompey was agreeable to this, but Lentulus and Cato withheld their consent (Plut. *Caes.* 31-1-2; *Pomp.* 59.2-4).<sup>79</sup> We

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<sup>78</sup>See *Ibid.* for this and the two preceding statements.

<sup>79</sup>Writing in September 46, Cicero told A. Caecina (who, like himself, had taken Pompey's side in 49) that at the time of the crisis, he had advocated (presumably, in the course of these negotiations) that Pompey go to Spain, and that if he had done so, there would have been no civil war; see *Fam.* 6.6.5. The demand that Pompey go to his provinces is made by Caesar in *BC* 1.9.5. It is doubtless to this demand of Caesar's that Cicero refers.

learn from Velleius that Caesar had accepted these terms (2.49.4). The point is that Caesar's deliberate refusal to mobilize all of his forces,<sup>80</sup> and his retention down to the moment of initiating hostilities (even though he did this earlier than he states) of no more than one legion and a few auxiliaries close to his person (roughly the same amount of military force he was permitted to retain under the proposed agreement) indicates that the preparations he admittedly undertook were not on a large enough scale to cast doubt on his claim to be negotiating in good faith.<sup>81</sup>

Therefore, in terms of the text, it is primarily Caesar's *fides* that motivates him repeatedly (as we shall see) to seek a compromise settlement, rather than it being the case that some behavior or action on the part of his enemies had first afforded him hope of success in that endeavor (the message from Pompey shows the reader that this was not the case). It is even a mark of *fides* in the text that he leaves the door open to reconciliation by refraining from utterly blackening Pompey's reputation, in that he depicts him as (partly)

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<sup>80</sup>It should be noted that the Twelfth Legion did not reach Caesar until about February 8 (1.15.3), and the Eighth until sometime between February 16 and 18 (1.18.5). The point is that until these forces reached him, he was highly vulnerable to his foes militarily (or ought to have been, had they been competent)—a period lasting a month or more after he left his province. Therefore it is clear that even if Caesar tries to deflect audience attention from the fact that he took some military precautions while negotiations through various channels were ongoing, he was in fact militarily very weak in Italy at the time he made his decision to resort to war. This was plainly the case because he had chosen deliberately to seek a political solution in preference to a military one. This means that he risked something to do so. The paucity of the military forces available to him in Italy in January suggests that he had negotiated in good faith (unless one argues that the intention of using force by someone in his position is per se illegitimate). For Carter's comments on the movements of these two legions, see *Commentary 1 & 2*, 185.

<sup>81</sup>For a view that is mostly hostile to Caesar on the question of whether he was negotiating in good faith, see Kurt von Fritz, "The Mission of L. Caesar and L. Roscius in January 49 B. C.," *TAPA* 72 (1941): 125-56 *passim*. Von Fritz thinks (see 143) that Caesar's actual military success with only one legion shows clearly that together with the (still relatively modest) reinforcements already on the way as of January 7, his forces were sufficient for the conquest of the Italian peninsula. True or not, the general thrust of his argument is that Caesar knew this (and similar things) in advance of the fact. I contend that this is unlikely. Caesar may have hoped for certain developments, but he cannot have relied upon them coming to pass with the certainty that von Fritz attributes to him.

having been duped by men who had once been his own *inimici* as well as Caesar's (1.4.4). In a sense, by this Caesar implies that action taken to repair his *amicitia* with Caesar would actually be consonant with Pompey's *dignitas*, and would be interpreted as such within the culture—thus there would be no loss of honor involved for Pompey.

It may be well to pause for a moment in order to explain yet again just why *fides* plays the important role that it does. David Epstein has put the matter very well:

*Fides* frequently was the Roman substitute for ideology in uniting the factions competing for power. Such political groupings were only as strong as the relationships that bound them, and all Roman politicians had a stake in ensuring the dependability of these ties. Any rupture in the code of conduct governing relationships based on *fides* was deeply resented and led to *inimicitiae*, not just a suspension of all contact.<sup>82</sup>

Judging from his text, Caesar saw himself as acting within a republican tradition of self-defense, but also as operating within a political latticework built up out of innumerable personal relationships that functioned much as Epstein suggests. There was a perceived line between “public” and “private” spheres of obligation and loyalty, but in practice it was highly porous. It was the perception that one had *fides* that led directly to trust (in whomever, or whatever), more than it was the case that the perception that a man was loyal to the Republic in word might tend to make others trust him simply on that score, or feel loyalty to the Republic. Anyone could profess loyalty to the *res publica*.<sup>83</sup> This is the sense that *fides* has in the passages of Livy and Florus cited above, and it is something like what Caesar means when he asserts his *dignitas*.

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<sup>82</sup>Epstein, *Personal Enmity*, 40.

<sup>83</sup>Certainly, this is a factor in *fides*. Caesar plays on it. But his point is that many of those who claim to be republicans are not, in fact, republicans.

Let us briefly sum up what we have discovered in this chapter. The main problem with which we have been concerned is the actual meaning of the word *dignitas* in *BC* 1.7-9. I have argued here that Caesar's invocation of his *dignitas* (and his use of the term in relation to his *amicitia* with Pompey) in these passages implies a claim to *fides*, and to action consistent with *publica fides*. Scholars have nearly always equated the term with notions of rank and status.<sup>84</sup> Yet if this is all that the word means in *BC* 1.7-9, then it must inevitably clash with Caesar's various other claims in the text (in effect) to be acting from motives of *publica fides*, not private interest. We have seen, however (largely thanks to the work of J. Hellegouarc'h), that the Romans saw important linkages between *dignitas* and *fides*. We have also seen that these linkages did not necessarily or even strictly oblige a man of *dignitas* always to refrain from using violence in asserting his claims, if such action meant opposing armed forces of the legal Roman government. It is often assumed (usually on the basis of *Att.* 7.11.1) that *dignitas* was widely seen as prohibiting any Roman aristocrat from making a *legitimate* claim to be acting in self-defence against the government. However, we have seen that Cicero himself is not consistent on this point. In the *Pro Sestio*, the orator found it necessary to explain to an elite audience why he had *not* taken up arms in his defence in 58, even though such action would have pitted him and his defenders against government forces led by one or both consuls. The implication is that the idea of using force in politics was not alien to Roman notions under any and all circumstances. Therefore Caesar's claim of a moral right, under

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<sup>84</sup>To take yet another example of this thinking, Bauman, *Crimen Maiestatis*, 10, describes *dignitas* as "a man's place in the queue within the Roman body politic."

the circumstances, to take technically illegal action in defence of his *dignitas*, would likely not have been viewed as in conflict with Caesar's claim to be a good republican.

## CHAPTER FIVE

### CORFINIUM

In this chapter, we begin with a discussion of how Caesar presents his decision to initiate hostilities. He implies that Pompey's rejection of a face-to-face meeting, as well as his proposed terms, betokened bad faith. Caesar then puts his *fides* on display as he depicts his steady, mostly unopposed incursion into northern Italy as a political triumph rather than a military one. It is a process in which his trust in the various local communities is reciprocated by their trust in him. The town of Cingulum's profession of allegiance for Caesar's cause is seen as specially significant for the quality of Caesar's *fides* because Cingulum's benefactor was T. Labienus, who had abandoned Caesar to join Pompey. We then discuss in detail the ways in which Caesar asserts that his *fides* is the motivating factor behind his merciful treatment of defeated adversaries. The culminating episode of this process was his action in sparing fifty elite Roman captives at Corfinium. In the final part of the chapter, we will discover that Caesar asserts his *fides* in a speech to the senate at Rome, but fails to secure their full support.

In the last chapter, we saw that on a number of levels, Caesar's assertion of his right to defend his *dignitas* is based on *fides*. In part, his various statements either asserting or implying that his *dignitas* was of the utmost importance to him were also meant to be interpreted as proofs of his *fides*. They were meant to show he was not pressing a claim to be above the law, even if he had chosen to defy the senate and the consuls. He was merely defending his *iura* under *lex* and under *mos*. The comparison with Cicero's argument in the *Pro Sestio* (see above) makes it clear that still, this late in

republican history, when we often prefer to think that something resembling our idea of law, the state, and a citizen's duty prevailed in theory if not in practice, the defense of *dignitas*, even to the point of engaging in armed conflict with the government and its agents, is a notion that did not transgress *fides* in the eyes of many Romans.<sup>1</sup> Action taken in defense of one's rights that was outside of or on the periphery of the law might be seen as legitimate if the action were prompted by *fides* (if the individual in question had a reputation for good *fides* to begin with); a moral duty, in fact, not an option. Thus as we saw, Cicero must explain to his audience in the first part of the *Pro Sestio* that he does indeed place a high value on his *dignitas*, even though it was true that he had chosen not to defend himself against his *inimici* by force when driven into exile.

In *BC* 1.10 through 33, Caesar puts his *fides* on display repeatedly.<sup>2</sup> Unlike his opponents' conduct, his actions exhibit moderation, are directed at no higher political goal than the achievement of the original objectives for which he says he is fighting, and are conceived in a spirit of generosity toward adversaries who nonetheless, he does not permit himself (or the reader) to forget, are his fellow-citizens. He is not pursuing vengeance; he is set on restoring damaged trust on many fronts and rebuilding or renewing his personal relationships with most of the men who took sides against him whenever possible. Because he is mindful of all this, he is willing to make some sacrifices for the sake of peace, even if this means foregoing a measure of advantage on occasion.

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<sup>1</sup>We should note that the Roman aristocracy split almost 50/50 in this war. See Shackleton-Bailey, "Roman Nobility," 264.

<sup>2</sup>I do not mean to imply that *fides* disappears after 1.33 as an important theme. But as I have previously made clear a number of times, the first thirty-three chapters may usefully be thought of as the "thesis" portion of the work. Therefore the area of emphasis in these chapters is especially significant for our reading of the complete text.

Caesar's literary depiction of his generous treatment of the Pompeian forces that surrendered to him at Corfinium was clearly intended to serve as an important touchstone for the reader, when it came to a question of Caesar's sincerity in making these kinds of professions. The bloodless surrender of Corfinium is presented, in effect, as the prime example of the kind of action Caesar is disposed by temperament and conviction to take at all times during the conflict, although he is equally plain that circumstances may not always permit him to be utterly magnanimous.<sup>3</sup> The message was that his foes should take note of this, renounce their extremism, and negotiate with him in good faith.<sup>4</sup> Let us consider below how these themes play out in the text.

### ***Fides Fails, Diplomacy Fails***

In *BC* 1.10-11, Caesar informs the reader about the fate of the peace proposals he had asked Roscius and L. Caesar to convey to Pompey. In chapter 9, as we saw, he placed particular emphasis on the need for a face to face meeting between himself and Pompey, the results of the meeting to be ratified by sworn oaths (*iureiurando sanciantur*). Roscius and L. Caesar saw the consuls and Pompey (10.1). The latter replied to Caesar with a counteroffer in writing: Caesar should return to Gaul, depart from Ariminum, dismiss his army—*Caesar in Galliam reverteretur, Arimino excederet,*

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<sup>3</sup>For example, in *BC* 3.10.7.

<sup>4</sup>In effect, this is also how Velleius sees things; cf. 2.50.1: “Caesar, on his side, having got into his power Domitius and the legions that were with him at Corfinium, immediately released this commander and all others who so wished, and allowed them to join Pompey, whom he now followed to Brundisium, making it clear that he preferred to put an end to the war while the republic was uninjured (*rebus integris*) and negotiation still possible, rather than to crush his fleeing enemy (*At Caesar Domitio legionibusque, Corfini quae una cum eo fuerant, potitus, duce aliisque, qui voluerant abire ad Pompeium, sine dilatione dimissis, persecutus Brundisium, ita ut appareret malle integris rebus et condicionibus finire bellum quam opprimere fugientis...*).”

*exercitus dimitteret* (10.3). If Caesar did these things, Pompey would go to his Spanish *provinciae* (where, in terms of republican *mos* if not *lex*, he ought for some time past to have been in residence): *quae si fecisset, Pompeium in Hispanias iturum* (10.3).

Meanwhile, until a pledge (*fides*) had been given that Caesar would do the things which he had promised, the consuls and Pompey would not cease raising troops—*Interea, quoad fides esset data Caesarem facturum quae polliceretur, non intermissuros consules Pompeiumque dilectus* (10.4).

Chapter 10 is the first passage in the *BC* where Caesar uses the word *fides*. The context is significant—Caesar is preparing to discuss his rejection of the Pompeian counteroffer and his decision to begin military operations in earnest. Caesar obviously felt it was necessary to explain why he had not agreed to the other side’s proposals. The suggested terms of the Pompeian proposal were superficially plausible, and probably too well-known to the readership to be ignored in any case (judging from Cicero’s letters<sup>5</sup>). He certainly would not want his rejection of the offer to be interpreted as meaning he had not opened negotiations in good faith in the first place. Moreover, as we have seen above, it was a matter of *fides* that senators be willing to explain their actions and decision-making to one another (and in varying degrees to the public) even in some detail when the need arose. Caesar is writing primarily for the political classes, senators and equestrians

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<sup>5</sup>*Fam.* 16.12.3; *Att.* 7.14.1, 15.2, 16.2, 17.2, 18.1. In 17.2, Cicero states explicitly that Pompey’s reply to Caesar (the one carried by L. Caesar) was published simultaneously, and that this had been by design (*scriptae enim et datae ita sunt, ut proponerentur in publico*). Cicero in the next sentence expresses his regret that the document had been drafted by Sestius, a lesser stylist than Pompey in Cicero’s judgment. This testifies to the perceived importance of “propaganda” in the conflict for both sides. As stated previously, it is most likely that Caesar’s arguments were being disseminated in similar fashion, though whether in the form of the *BC*’s transmitted text is unknowable. On the evidence of *Fam.* 16.12.4, it is clear that Caesar’s *mandata* to Pompey enumerated in *BC* 1.9 were already widely known to the public by the time that Pompey’s reply was despatched. Thus it is probable that Caesar had likewise deliberately published his terms.

(though no doubt some centurions might read him, judging from the attention he gives soldiers of that rank at various times in his narrative<sup>6</sup>). The explanation he furnished to his readership at 1.11 was one that placed *fides* at the crux of the matter:

*Erat iniqua condicio postulare, ut Caesar Arimino excederet atque in provinciam reverteretur, ipsum et provincias et legiones alienas tenere; exercitum Caesaris velle dimitti, delectus habere; polliceri se in provinciam iturum neque, ante quem diem iturus sit, definire, ut, si peracto consulatu Caesar profectus esset, nulla tamen mendacii religione obstrictus videretur; tempus vero colloquio non dare neque accessurum polliceri magnam pacis desperationem afferebat. Itaque ab Arimino M. Antonium cum cohortibus V Arretium mittit; ipse Arimini cum duabus subsistit ibique delectum habere instituit; Pisaurum, Fanum, Anconam singulis cohortibus occupat.*

It was an unfair bargain to demand that Caesar should quit Ariminum and return to his province while he himself retained his provinces and legions that were not his own: to wish that Caesar's army should be disbanded while he himself continued his levies: to promise that he would go to his province and not to fix a limit of time for his departure, so that if he had not gone when Caesar's consulship was over he would nevertheless be held guiltless of breaking his word: finally, his refusal to give an opportunity for a conference and to promise that he would approach Caesar tended to produce a profound despair of peace. And so he sends M. Antonius with five cohorts from Ariminum to Arretium, and himself stops at Ariminum with two cohorts and arranges to hold a levy there; he occupies Pisaurum, Fanum, and Ancona, each with one cohort. [Loeb trans.]

The core of Caesar's argument is that Pompey could not have been sincere in his offer because he would not set a time for his own departure to his province, and he refused any chance for a face to face meeting with Caesar. It would have signified *fides* on Pompey's part if he had accepted the offer of a meeting. The denial of the meeting was the

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<sup>6</sup>The question of Caesar's audience has been examined above. But, to recap that argument briefly: I agree with Adcock's assessment that Caesar is writing primarily for the upper classes, a relatively small group of a few thousands throughout Italy. But I suggest that on the basis of Nic. Dam. *Vit. Aug.* 139, there were apparently not a few soldiers in this period who at least minimally knew how to read, even if they lacked much education (cf. *Fam.* 10.32.4, where Asinius Pollio informs Cicero that Antony was sending written messages to his army in an effort to tamper with the loyalty of Pollio's legions). Thus pamphlets containing very compressed versions of Caesar's arguments may have also been circulated among readers of lower social status.

action that more than anything else, Caesar states, damaged hopes for peace (*tempus vero colloquio non dare neque accessurum polliceri magnam pacis desperationem afferebat*). If Pompey was not sincere, then it was pointless for Caesar to continue negotiating. No blame would attach to Caesar in that case for his decision to initiate military action. The problem, Caesar states, is that when his own anticipated consulship (in 48) was over (his pledges necessarily already having been kept), Pompey, if he had not yet gone to Spain as promised, could simply say he intended to go but just had not started, and technically maintain a pose that he had not broken *fides*.

As I pointed out earlier, Caesar's criticism of Pompey here is not unlike Polybius's implied criticism of the elite Roman taken prisoner at Cannae who sought to maintain a technical pose of having kept his faith with Hannibal, while in reality evading compliance with his sworn oath altogether (6.58.3-13). If Caesar had made this comparison in so many words, he would likely say that Pompey's refusal to give a time for his departure was on a par in this context with the subterfuge employed by Hannibal's Roman prisoner: Pompey was expecting him, Caesar, to swear truly, while intending to swear falsely himself all along (if one judged according to the best republican tradition), as his proposed terms must make evident. It is no doubt significant that in effect, it is at this particular point in the narrative (when the republic stands poised on the very brink of war) that Caesar identifies the quality of his *fides* with what amounts to perhaps the highest standard of *fides* displayed by the senate itself (according to Polybius) in the Middle Republic. The distinction he makes for the reader between an oath (*fides*) as he sees it and an oath as Pompey sees it is more or less the same kind of distinction that Polybius depicts the senate as making at the end of the Sixth Book when they return the Roman captive to

Hannibal. The point is that *fides* is not legalistic. As Caesar presents it, Pompey was setting a legalistic trap for him, while refusing the bluff and simple *fides* (i.e., the manlier alternative) of a face-to-face meeting.<sup>7</sup>

Caesar's depiction of this exchange between himself and his foes also suggests that there were probably some elite Romans who might openly insist in some instances that a purely literal performance of a perceived obligation (or the deliberate structuring of an obligation to ensure that no real burden of performance was imposed by it) was entirely consistent with *fides*. But it is plain that Caesar wishes to distinguish himself as standing apart from such people, or such an interpretation of *fides*. As I have stated previously, Caesar portrays himself as one who is especially sensitive to the claims of *fides*.<sup>8</sup> We can see this stance reiterated here, as it was in the preceding chapters that focused on the meaning of *dignitas*. in the context of his argument for self-defence. Caesar wants to be seen as upholding a superior standard of *fides*, one that meets the highest threshold of proof. The Pompeian offer, by violating *fides*, is also an insult to his *dignitas*—and the fault here is Pompey's.

In a later communication to Pompey through an intermediary urging negotiations following his own success in Spain and his subordinate Curio's defeat in Africa, Caesar points out that peace is realistically possible in part because both sides have

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<sup>7</sup>We should recall here the suggestion that Pompey made to Lentulus through Cicero in *Fam.* 1.7.4 on how Lentulus might go about restoring Ptolemy Auletes through the use of armed force, but without technically violating the Sibylline Oracle that had been interpreted to mean that force was not to be used. This is a prime example of the legalistic thinking about *fides* that the senate of the Second Punic War rejected in Polybius's classic story, and which Caesar is criticizing here.

<sup>8</sup>We observed in Chapter One that there is a strain of moral perfectionism associated with *fides*. Caesar consistently aligns himself with the perfectionist interpretation of the concept.

now sustained losses and are relatively equal in that regard. If one side should become predominant, he warns, that party would be unlikely to favor concluding peace on equal terms, but would want to set all the conditions. If applied to his relationship with Pompey, he seems to suggest that if they stop fighting now, he and Pompey could plausibly be seen as equal in *dignitas* in the republic, but a military victor in this situation would clearly be able justifiably to claim a paramount *dignitas* at Rome. Thus for the reader, Caesar in a sense merely restates his earlier criticism (1.4.4) that Pompey would not accept an equal in *dignitas* under any circumstances, a much more damning criticism now that blood has been spilled.<sup>9</sup>

It is also noteworthy that Caesar does not seem to express doubt that if a bargain could have been struck in January or not long thereafter, he would indeed have been able to secure without hindrance election to the consulship for 48, which suggests that he did see Pompey as trustworthy as far as the bargain went, if the latter were sincerely inclined to strike a deal. If Pompey had accepted Caesar's suggestion that they meet face to face to work things out, that would have been a powerful indication Pompey was sincere. Caesar surely knew that Pompey was being pulled in the opposite direction by people such as Lentulus and Cato.<sup>10</sup> Caesar was also likely concerned about his own personal security at the conclusion of his term of office in the event that Pompey retained an army close to Rome when he became a private citizen again. The deal he probably really wanted to be able to make was one that would detach Pompey from his (Caesar's)

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<sup>9</sup>BC 3.10.7: *Hoc unum esse tempus de pace agendi, dum sibi uterque confideret et pares ambo viderentur; si vero alteri paulum modo tribuisset fortuna, non esse usurum condicionibus pacis eum qui superior videretur, neque fore aequa parte contentum qui se omnia habiturum confideret.*

<sup>10</sup>Plut. *Caes.* 31.

*inimici* and result in a restoration of the *amicitia* between them. This is the issue; it is a *fides* issue, so it is at the heart of things here.

It may be that Caesar even as he crossed the Rubicon still saw such a personal pact as only very remotely possible, but not impossible, and worth pursuing as it was the most reliable guarantee of security he could have: Cicero told Atticus five months later that he thought peace between Pompey and Caesar had been possible.<sup>11</sup> In *Phil.* 2.24, he made reference to his own personal involvement in efforts to resolve the conflict early in 49.<sup>12</sup> In fact, in the same passage, he declares that he said at the time that if Pompey had taken his, Cicero's, advice, he would never have broken with Caesar in the first place; thus there would have been no war, and the Republic would still stand.<sup>13</sup> There were greater dangers posed by the alternatives to a reconciliation between them. After all, their previous partnership had worked for a decade. Julia was gone. But might something not work between them again, if Caesar made it clear he did not seek to displace the "first

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<sup>11</sup>*Att.* 10.8.5: *Pacem putavi fore. Quae si esset, iratum mihi Caesarem esse, cum idem amicus esset Pompeio, nolui. Senseram enim, quam idem essent* ("I thought there would be peace. If it came to pass, I did not wish Caesar to be angry with me at the same time he was the friend of Pompey. For I had realized how much alike they were.").

<sup>12</sup>Cicero declares that as he saw an abominable war erupt, he did not cease his efforts to be an *auctor* of peace, concord, and agreement between the parties (*inferrique patriae bellum viderem nefarium, pacis, concordiae, compositionis auctor esse non destiti*). The period to which he refers can only be that between late December and (probably) his interview with Caesar on March 28, 49. Thus the efforts of which he speaks include a number of his activities (e. g., the proposal cited in the last chapter to the effect that Pompey should go to Spain and Caesar stand for the consulship but retain only one legion, or his behind-the-scenes effort on Caesar's behalf to prevail upon the consul Lentulus to remain in Rome).

<sup>13</sup>*utinam, Cn. Pompei, cum C. Caesare societatem aut numquam coisses aut numquam diremisses! ... semper et de Pompeio et de re publica consilia fuerunt; quae si valuissent, res publica staret*. It is worthy of comment that Cicero here dates to 50/49 his perception that it is Pompey who first broke off with Caesar (*C. Caesare societatem ... aut numquam diremisses*). This tends to support Caesar's contention in the text that it was Pompey who broke the *amicitia* without justification (implying that Pompey's *fides* is suspect). It also lends some credibility to Caesar's claim that the *lex Pompeia* of 52 was aimed at him. I have stated already that I concur with Gruen's view that the law was a legitimate reform measure. But it is nonetheless true that Pompey's *fides* might validly be seen as at stake on the issue of the exemption from the law's provisions that Caesar had been promised.

man” at Rome, but was content to be only the “equal of the first man,” a distinction he surely merited now in the public’s eye and not merely his own on the score of his service to the republic in Gaul? This conclusion is supported by Caesar’s statement in a letter to Oppius and Balbus (which they passed on to Cicero, in effect publishing it) that he hoped two of Pompey’s officers, whom he had just released them from custody as part of his policy of leniency, would be grateful enough to try and persuade Pompey to prefer Caesar’s friendship to the friendship of those men who had once been their common *inimici*.<sup>14</sup> It is part of the argument of this dissertation that it is a significant mark of *fides* at Rome for friends who are estranged at least to attempt a sincere reconciliation.<sup>15</sup> One of the things that is going on in the text of the *BC* here is that Caesar is displaying himself as making that attempt, and showing Pompey as throwing obstructions in his path for reasons that did him no credit, including his unrepugnant refusal to accept an equal. Even Velleius Paterculus perceived Pompey’s distaste for the notion that anyone could be equal in *dignitas* to himself as a major character flaw (cited previously; see p. 24).<sup>16</sup> It is not much

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<sup>14</sup>*Att. 7c: Iam duo praefecti fabrum Pompei in meam potestatem venerunt et a me missi sunt. Si volent grati esse, debebunt Pompeium hortari, ut malit mihi esse amicus quam iis, qui et illi et mihi semper fuerunt inicissimi...*

<sup>15</sup>The evidence assembled by Epstein, *Personal Enmity*, 5-15, shows convincingly that this was the case. The examples he cites of *inimici* who undertook to become reconciled with one another (usually at the urging of third parties who were mutual friends—or even by request of the senate itself) include Cicero and Crassus; Cicero and Caesar; Cicero and A. Gabinius; Cicero and Ap. Claudius Pulcher (brother of P. Clodius, Cicero’s bitter enemy); Pompey and Crassus (in 70); Pompey and Crassus a second time (arranged through Caesar’s mediation, thus paving the way for the triumvirate); Q. Lutatius Catulus and M. Aemilius Lepidus (consuls of 78); and M. Livius Salinator and C. Claudius Nero (the consuls of 207; this reconciliation was short-lived). We should, of course, also mention Cicero and Matius, who, though not totally estranged, were encouraged to take some necessary steps towards renewing their *amicitia* by their mutual friend C. Trebonius (*Fam.* 11.27.1, 3, and 8).

<sup>16</sup>Vell. Pat. 2.29.4: “...he (Pompey) was free from almost every fault, unless it be accounted one of the greatest faults for a man to chafe at seeing anyone his equal in *dignitas* in a free state and the mistress of nations, inasmuch as one [who is a citizen] ought to regard all citizens as his equals in *ius* (*paene omnium vitiorum expers, nisi numeraretur inter maxima in civitate libera dominaque gentium*

of a stretch to suppose that many of Caesar's prospective readers may have held similar views concerning Pompey, and been receptive to this suggestion, i. e., that Pompey offers a deceptive deal (in *BC* 1.10); Caesar releases two of Pompey's officers, something solid, with an offer of *amicitia*.

### Caesar Finds Support in Italy

Now that hostilities have begun, Caesar wastes no time in acquainting his reader with the fact that his cause enjoyed widespread active popular support among the classes outside the senate and in the countryside.<sup>17</sup> He describes his advance into northern Italy as far as Corfinium in *BC* 1.12-18. These chapters have been misleadingly described by John H. Collins as “a monotonous parade of surrenders and collaborationists.”<sup>18</sup> However, as Collins himself realizes, Caesar's intention in these and similar passages was to show that his struggle and eventual triumph were in conformity with republican

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*indignari, cum omnes cives iure haberet pares, quemquam aequalem dignitate conspicere*). The ideological drift of this criticism is worth comparing with the following declaration made by Caesar in his speech to the senate (*BC* 1.32.2): *Docet se nullum extraordinarium honorem appetisse, sed exspectato legitimo tempore consulatus eo fuisse contentum, quod omnibus civibus pateret*. Caesar is here contrasting his behavior and aims with the actions of Pompey. His statement presupposes what Velleius makes explicit, i. e., that all citizens in a free community should be equal in terms of *ius* and that it is the burden of those with *dignitas* to honor this principle (or to maintain it, perhaps even by force).

<sup>17</sup>We know from the contemporary testimony provided by Cicero's letters (for example, *Att.* 8.13) that this was, in fact, the case. Kurt von Fritz, who is hostile to Caesar, states that the latter's advance into northern Italy “brought the disloyalty of the municipia towards the senatorial regime into the open.” See “Mission of L. Caesar and L. Roscius,” 145. Of course, that does not mean that the specific events referred to by Caesar all transpired precisely as he says that they did. The emphasis in his narrative is primarily on illuminating for the reader what he sees as the a moral drama that is being played out, much of which revolves around notions of *fides*, because many of the issues involve questions of loyalty—to what and to whom, and in what capacity? The notion of “moral drama” in these pages of the *BC* is subsumed in *clementia* by most authors, e. g., Taylor, *Party Politics*, 164-65.

<sup>18</sup>Collins, “Date and Interpretation,” 120.

principles.<sup>19</sup> *Fides* plays a prominent role in these chapters. The individuals and communities favoring his cause are not depicted as “collaborationists” in his narrative. The term “collaborationist” suggests that Caesar’s supporters should be seen in terms of the text as representing some kind of “fifth column” inside the republic. In fact, they are depicted as patriotic Romans who merely support his *causa* because they are persuaded of its justice. The object of Caesar’s *causa* as viewed from his and his supporters’ perspective in terms of the text is simply the redress of the specific grievances that Caesar enumerates at various places in the narrative, not revolution. Caesar in these chapters means to show the reader how the overwhelming support he enjoys in the towns through which he passes derives from *fides* (both the quality of his *fides* and that of the respective municipalities and their leaders) rather than fear. Let us take a look at this, starting with what took place at Iguvium (1.12):

*Interea certior factus Iguvium Thermum praetorem cohortibus V tenere, oppidum munire, omiumque esse Iguvinorum optimam erga se voluntatem, Curionem cum tribus cohortibus quas Pisauri et Arimini habebat mittit. Cuius adventu cognito diffisus municipi voluntati Thermus cohortis ex urbe reducit et profugit. Milites in itinere ab eo discedunt ac domum revertuntur. Curio summa omnium voluntate Iguvium recipit. Quibus rebus cognitis confisus municipiorum voluntatibus Caesar cohortis legionis XIII ex praesidiis deducit Auximumque proficiscitur; quod oppidum Attius cohortibus introductis tenebat dilectumque toto Piceno circummissis senatoribus habebat.*

Meanwhile, having been told that the praetor Thermus was holding Iguvium with five cohorts and fortifying the town, and that all the inhabitants of Iguvium were extremely well disposed towards himself, he sends Curio thither with the three cohorts which he had at Pisaurum and Ariminum. Learning of his approach, Thermus, mistrusting (*diffisus*) the goodwill of the community, withdraws his cohorts from the town and flees. His troops desert him on the way and return home. Curio with the utmost goodwill of everyone recovers Iguvium. Hearing of this, Caesar, relying (*confisus*) on the goodwill of the townsfolk, removes the cohorts of

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<sup>19</sup>Ibid., 121.

the Thirteenth Legion from the garrisons and proceeds to Auximum. This town Attius was holding with cohorts that he had introduced into it, and, sending around senators, was levying troops throughout Picenum. [Loeb trans.]

We are shown right at the outset of Caesar's military operations several themes that recur constantly throughout his narrative—hostility towards the Pompeians on the part of most of the free population, desertion of the Pompeian cause by rank and file soldiers, a Pompeian commander's unwillingness or inability to trust the people he is supposedly there to protect, and Caesar's own disposition actively to trust the people when he finds himself in comparable situations. *Fides* is more or less explicitly brought into prominence as the main issue by virtue of the language Caesar uses to contrast what is reckoned by the Iguvians as his probable behavior towards them with that of the Pompeian commander Thermus (*diffisus municipii voluntati Thermus/confisus municipiorum voluntatibus Caesar*). The same point is made in his depiction of the actual surrender of the town to his subordinate, Curio (*Curio summa omnium voluntate Iguvium recepit*). The *voluntas* of Iguvium is an action not unlike that of the Faliscans in Livy 5.27. Caesar's evident decision that he did not need to garrison Iguvium because he had faith in its citizens is meant to be seen as a mark of his *fides*. It reveals a willingness to trust in the absence of direct evidence of trustworthiness and available mechanisms to enforce trustworthiness. The action leaves him potentially vulnerable should his faith in the Iguvians be misplaced. This vulnerability, in turn, serves to bind Iguvium morally. They have, in effect, received a *beneficium* from Caesar which may be merited, but has not been earned.

A similar drama was next played out at Auximum (1.13):

*Adventu Caesaris cognito decuriones Auximi ad Attium Varum frequentes conveniunt; docent sui iudici rem non esse; neque se neque reliquos municipales pati posse C. Caesarem imperatorem, bene de re publica meritum, tantis rebus gestis oppido moenibusque prohiberi: proinde habeat rationem posteritatis et periculi sui. Quorum oratione permotus Varus praesidium quod introduxerat ex oppido educit ac profugit. Hunc ex primo ordine pauci Caesaris consecuti milites consistere coegerunt. Commisso proelio deseritur a suis Varus, non nulla pars militum domum discedit; reliqui ad Caesarem perveniunt, atque una cum eis deprehensus L. Pupius, primi pili centurio, adducitur qui hunc eundem ordinem in exercitu Cn. Pompei antea duxerat. Caesar milites Attianos collaudat, Pupium dimittit, Auximatibus agit gratias seque eorum facti memorem fore pollicetur.*

Learning of Caesar's approach, the decurions of Auximum throng to meet Attius Varus and explain that they are not free to act at their discretion; that neither they nor the rest of their fellow-townsmen can endure that C. Caesar, one who has been hailed emperor, having deserved so well of the republic and after performing such exploits, should be prevented from entering the walls of the town: so let Varus have regard to the future and his own peril. Stirred by their words, he withdraws from the town the garrison that he had brought in and takes to flight. A few of Caesar's men of the first century followed him and compelled him to halt. An engagement is fought and Varus is deserted by his followers; some of his men retire to their homes, the rest make their way to Caesar; and among them L. Pupius, a centurion of the first rank in the army of Cn. Pompeius, is arrested with them and brought before him. Caesar, however, commends the men of Attius' detachment, sends Pupius away, and thanks the inhabitants of Auximum, promising to remember their action. [Loeb trans. modified by J. Barry]

Caesar's portrayal of resistance to the Pompeians and support of his stand among the residents of Auximum very plainly shows it to be anchored in that entire community's sense of *fides*.<sup>20</sup> The local aristocracy (the decurions) and the lower orders display unanimity. *Fides* is the implied motive behind the decurions' declaration that they and their fellow townsmen were not free to behave with discretion in turning away Attius Varus (*docent sui iudici rem non esse; neque se neque reliquos municipales pati posse C. Caesarem imperatorem...oppido moenibusque prohiberi*). Their lack of freedom to act otherwise than they do in this matter is depicted as arising from a perceived moral

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<sup>20</sup>Pompey himself was actually the patron of Auximum. See *ILS* 877 with Syme, *Roman Revolution*, 90.

obligation, in effect. It is not dictated by any external force. The sense of obligation (*fides*) arises not simply from their community's recognition of Caesar's worth on the strength of his accomplishments, but on his character as a good republican (*bene de re publica meritum*). It is therefore to Caesar in the latter capacity, not as some kind of war lord, that their gesture of *fides* is explicitly rooted. *Fides* is likewise the motive for Caesar's statement thanking the citizens of Auximum (...*Auximatibus agit gratias seque eorum facti memorem fore pollicetur*). Caesar acknowledges that they have rendered him what amounts to a valuable *officium*, and promises to remember what they have done. This is a profession of *fides* on his part.<sup>21</sup>

The other highly noteworthy event that Caesar describes for the reader in 1.13 is the very first example of what will shortly prove to be his extraordinary (in the context of the times and of historical precedents known to the reader) policy of leniency towards his foes. The veteran centurion L. Pupius, a former subordinate of Pompey's serving with

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<sup>21</sup>On the importance of remembering benefits received or honor that has been shown one, see Cic. *Planc.* 81: *Cuius opes tantae esse possunt aut umquam fuerunt quae sine multorum amicorum officii stare possint? Quae certe sublata memoria et gratia nulla exstare possunt* ("Who is there, who has there ever been, so rich in material wealth as to be independent of the good offices of friends? And assuredly these good offices themselves cannot exist independently of memory and gratitude." [Loeb trans.]) Even more to the point are Caesar's own words in his oration *Pro Bithynis* (delivered as pontifex maximus, Gellius tells us, as if to lay emphasis on the weight the speech carried) about the importance of keeping perceived obligations to friends and clients. The preamble is preserved in Gell. 5.13.6: *Vel pro hospitio regis Nicomedis vel pro horum necessitate quorum res agitur, refugere hoc munus, M. Iunce, non potui. Nam neque hominum morte memoria deleri debet quin a proximis retinetur, neque clientes sine summa infamia deseri possunt, quibus etiam a propinquis nostris opem ferre instituimus* ("In consideration either of my guest-friendship with king Nicomedes or my relationship to those whose case is on trial, O Marcus Iuncus, I could not refuse this duty (*munus*). For the remembrance of men ought not to be so obliterated by their death as not to be retained by those nearest to them, and without the height of disgrace we cannot forsake clients to whom we are bound to render aid even against our kinsfolk." [Loeb trans.]). This notion in particular—that is, the idea that there are situations in which duty to a client should take precedence even over duty to a kinsman, and that *fides* (in effect) mandates this—would have been familiar to Caesar's audience. Arguably, it informs his narrative in a number of places, but perhaps never more so than in these depictions of solid, conservative *municipia* with ties to Pompey or his associates willfully casting aside these old loyalties, and doing so on traditional moral grounds. The implication for the audience is that Caesar's adversaries must be very unreliable friends and patrons.

Attius Varus, had been apprehended in company with a number of common soldiers from Varus's contingent. Instead of treating these men harshly, Caesar extolled the rank and file captives very highly, and dismissed Pupius unharmed (*Caesar milites Attianos collaudat, Pupium dimittit*). This action is clearly meant to foreshadow what the reader will shortly observe on a much larger scale at Corfinium. It is another example of his disposition to trust in the absence of proven trustworthiness. This is part of *dignitas*.

As Collins notes, Caesar himself, probably deliberately, avoids using the word *clementia* in the *BC*, though *clementia* is the tag that has been taken up as his slogan by modern scholars. Caesar prefers to speak of *lenitas*, and of *incolumes dimittere* or *incolumes conservare*; his supporters refer to *temperantia* and *humanitas* (Caelius, *Fam.* 8.15.1; Dolabella, *Fam.* 9.9.3). The reason, in Collins's words, is not hard to seek: “*Clementia* is the virtue of an absolute monarch, not of the *primus inter pares* [citing Seneca *De Clem.* 2.3.1] ... his avoidance of the word shows in striking fashion his care to stay inside the republican tradition of equality.”<sup>22</sup>

In 1.14, Caesar describes the *terror* that descended upon Rome when word of his successes in northern Italy reached the city. He makes it clear that people expected the worst (amid the torrent of rumors, this novel example of lenient behavior toward captives

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<sup>22</sup>Collins, “Date and Interpretation,” 123. *Clementia* could also simply mean restraint on the part of a greater person when the latter has been provoked by someone of lower rank; cf. Cic. *De Inv.* 2.164 and Sen. *De Clem.* 2. 31. It is not difficult to see why Caesar would want to avoid that perception. At *Qu. fr.* 1.1.25, Cicero urges Quintus to display abroad an *imperium* that is full of clemency (*omnia plena clementiae*), but his advice primarily concerns the demeanor his brother should show provincials and non-Romans, as opposed to *cives Romani*. This would be acceptable and republican. In a somewhat analogous context, the Rhodian orator pleading in the senate is shown by Livy at 45.22.4 recognizing the clemency of the Roman people as such (*agnoscimus clementiam populi Romani*). This is also of interest, because Caesar would clearly want to avoid being seen as usurping any prerogative of the Roman people, just as he does everywhere else in the text. Ideologically, he is the champion of such clemency, not its *auctor*.

such as Pupius would not yet have been visible to the multitude as part of a pattern). A stampede for the south began at the mere rumor that Caesar and his cavalry were at the outskirts of the city, a panic headed by those who ought most to have displayed fortitude and coolness—Pompey himself, the two consuls, and most of the magistrates.<sup>23</sup> This shows a lack of *fides*: fleeing the city instead of defending it, even though (or especially because) there was a threat of military destruction. The fleeing Pompeians do not feel safe until they have reached Capua, where they feel sufficiently confident to begin raising troops from among the colonists who had been settled on the Campanian land under Caesar's legislation of 59 (...*nihil citra Capuam tutum esse*, etc.).

Caesar is here underlying an obvious irony. These colonists had received their allotments from Caesar, in effect, and thus owed Caesar a debt of gratitude in conformity with *fides*. He is using this episode to emphasize both the insult the Pompeian military levy in Campania represents to his *dignitas* and the utter desperation (as well as bad faith) of his foes, so insecure in their position are they that they must seek support from among the *clientes* of their rival. As far as the perceived reality of the situation is concerned (if Pompey is being candid), Pompey wrote to Domitius Ahenobarbus on February 17, 49 that among the several reasons why he did not think it advisable to march north in relief of the besieged Domitius at Corfinium was his lack of trust in the loyalty of his troops (*Att.* 8.12d: *Neque enim eorum militum, quos mecum habeo, voluntate satis confido...*).

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<sup>23</sup>*Caesar enim adventare iam iamque et adesse eius equites falso nuntiabantur. Hunc* [this word refers back to the consul Lentulus in an earlier sentence] *Marcellus collega et plerique magistratus consecuti sunt. Cn. Pompeius pridie eius diei ex urbe profectus ...* Although fear is suggested implicitly as the motivation for this shameful flight, it is fear of military destruction, not betrayal by someone with whom one supposedly has *fides*. Therefore fear in this case does not (in terms of the text) cause an erosion of trust, as it did in the senate; it merely serves further to unmask a lack of worthiness and fitness for leadership among the *pauci*, in that they succumbed easily to panic.

We should note how Pompey's own language here at *Att.* 8.12d resembles Caesar's usage in *BC* 1.12 above (*confidere, voluntas*). This goes to show one of the theses of this study: that the language Caesar uses to describe situations of trust and mistrust had a wide currency.

The absence of any popular trust in Pompey worthy of the name is also conspicuously shown in 1.14 by Lentulus's attempt to arm gladiators and incorporate them (apparently) into the regular republican levies he was trying to rally. Caesar owned a number of gladiators who were in training at Capua. Lentulus offered these men their freedom, gave them horses, and ordered them to follow him. Obviously, arming slaves would have been viewed both as an act of desperation and a very dangerous social precedent to set. Caesar relates that Lentulus's action was condemned by all (*omnium iudicio reprehendebatur*), and he was forced to abandon the plan.<sup>24</sup> Instead, Lentulus divided the gladiators up among his Roman friends at Capua. As Macfarlane notes, this amounted to a public recantation by Lentulus of his action.<sup>25</sup> The implication for Caesar's audience is that Lentulus had acted in bad faith by arming slaves against a Roman proconsul, and had been called to account for it.

*Fides* is always close to the surface in *BC* 1.15 (I need not cite the complete text). When Caesar left Auximum, he entered Picenum and made his way about there virtually unopposed. Indeed, he was welcomed (*Auximo Caesar progressus omnem agrum*

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<sup>24</sup>We should observe the hint of cynicism that Caesar conveys about the motives of Lentulus and his friends. The way he frames it, Lentulus's intimates advise him to abandon the scheme because they know that it will be viewed negatively by virtually everyone, not because they themselves concur with the popular judgment. The implication for the reader is that these men "on the inside" are cynical and amoral people. They respond to external pressure, rather than their internal sense of *fides*.

<sup>25</sup>Macfarlane, *Narrative of Politics*, 139.

*Picenum percurrit. Cunctae earum regionum praefecturae libentissimis animis eum recipiunt exercitumque eius omnibus rebus iuvant*). This had great significance for the reader because Picenum was Pompey's native region. It would have been natural to suppose Pompey's greatest popular support would be found in Picenum. But it was not the case. There was little enthusiasm in Picenum for Pompey or his friends among the *pauci*. In preparation for this discovery, the reader has already been told in 1.12 that senators had been traveling around Picenum in an effort to raise troops; they were about to be disillusioned.

Cicero stated in *Qu. fr.* 2.3.4 in 56 that Pompey was counting on armed help arriving from Picenum to provide him with additional protection against the likes of Clodius and Crassus. So it is reasonable to conclude that his support in that region was still reliable only six years earlier. Clearly, enthusiasm for or loyalty to Pompey had slipped in the interval. It is not readily apparent why this occurred. Caesar would argue (and in effect, does argue) that Pompey's decline in popularity was directly traceable to his growing coolness towards him. There might easily be more than one explanation for widespread popular dislike of Pompey that is traceable to the latter's attitude towards Caesar. As previously suggested, Caesar seems to have come to believe in hindsight that as far as politics went, their estrangement began in 52, the year of Pompey's sole consulship—the year that Pompey sponsored legislation that proved extremely harmful to Caesar's position. This was also the time that Pompey made friends with Caesar's *inimici*, i. e., with the clique of “oligarchs” in the senate who had long hated Caesar. This might be one source of popular discontent with Pompey. We should not discount this explanation altogether simply because Caesar (in focusing on Pompey's law of 52 and the role of the

*pauci*) is making a political argument. There is evidence for a shift in public opinion, whatever the cause. Many individuals and communities in Picenum had received *beneficia* from Pompey. They should have been grateful to him, and been willing to express that gratitude in the form of political and even military support when he asked for it in 49. But they did not. They supported Caesar, or chose neutrality.

Speaking of the situation around Formiae (a coastal city to the south of Rome) in a letter dated March 1, 49, Cicero remarked the following (*Att.* 8.13):

*Multum mecum municipales homines loquuntur, multum rusticani; nihil prorsus aliud curant nisi agros, nisi villulas, nisi nummulos suos. Et vide, quam conversa res sit; illum, quo antea confidebant, metuunt, hunc amant, quem timebant. Id quantis nostris peccatis vitiisque evenerit, non possum sine molestia cogitare.*

The people of the country towns and the farmers talk to me a great deal. They care for nothing at all but their lands, their little homesteads and their tiny hoards of money. And see how public opinion has changed. They fear the man [Cicero means Pompey] they once trusted [*confidebant*], and adore the man [Caesar] they once dreaded. It pains me to think of the mistakes and wrongs of ours that are responsible for this reaction. [Loeb trans., slightly modified].

What Cicero says concerning political sentiment in this region may be said to apply with equal force to Picenum and the north. Cicero's language (his use of the verb *confidere*) makes it clear that he saw the problem as one that was understandable in terms of *fides*—of trust, or the lack of it. It is also plain that he saw a causal connection between the political shift against Pompey and the senate he observed in the countryside, and harmful action or inaction on the part of the senatorial elite (*nostris peccatis*). It is worth asking what Cicero means by this statement.<sup>26</sup> His language suggests that he has a number

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<sup>26</sup>Neither Shackleton-Bailey nor Tyrrell and Purser shed any light on this question in their commentaries. Syme uses *Att.* 8.13 merely to illustrate the reality of disaffection in the countryside. He ignores Cicero's additional remark about its cause. See *Roman Revolution*, 49. Likewise, Gelzer, *Caesar*, 202; Rice Holmes, *Roman Republic*, vol. 3, 29; and Wiseman, "Caesar, Pompey," 427. Stockton and Mitchell ignore the remark altogether in their biographies of Cicero. Raaflaub refers to *Att.* 8.13 only

of things in mind, but that there is a common thread.<sup>27</sup> While recognizing that any answer must be partly speculative, I would argue that the measures taken against Caesar in December 50 and January 49 were among the *peccatis* to which he refers. It is still possible that Cicero by *quantis nostris peccatis* is alluding to a long tradition of obstructionism and reactionary behavior on the part of the senate orchestrated by the *pauci* (of which their uncompromising stance against Caesar was only the most recent example), and this is what has caused people to be fed up. However, “mistakes (*peccatis*)” here seems to betoken short-term grievances rather than large social causes.<sup>28</sup> There is really no evidence for this kind of unremitting, widespread hostility toward the senate in the years immediately preceding the crisis of 50/49.<sup>29</sup> Massive popular dissatisfaction with

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once, when it is quoted without discussion in a footnote. Raaflaub seems to assume that the positive public perceptions of Caesar in the *municipia* that Cicero is describing are byproducts only of Caesar’s policy of *clementia*. He has nothing specific to say about the *quantis nostris peccatis* to which Cicero alludes; the implication of the argument he presents in the body of his text is that the *peccatis* must be equivalent to the perceived cruelty of the Pompeians, i. e., the Pompeians’ failure effectively to counter Caesar’s propaganda of “mercy.” See *Dignitatis Contentio*, 306 n. 377.

<sup>27</sup>In a letter written March 8, 49, Cicero states that Pompey now agrees that he (Cicero) had seen more clearly than Pompey the political weakness in the *municipia*, the lack of enthusiasm for military levies, the desire for peace, the political climate at Rome, the lack of money, and the need swiftly to occupy Picenum by force (*Att.* 9.2a.2): *Me putat de municipiorum imbecillitate, de dilectibus, de pace, de urbe, de pecunia, de occupando plus vidisse quam se.* Tyrrell and Purser, *Correspondence*, 100-101: “Cicero had seen that the municipal towns could not hold out against Caesar, that men would not answer the call of Pompey to arms, that peace on any terms was preferable to war, that the public funds were not safe in the treasury, and that Picenum should be occupied by Pompey.” Shackleton-Bailey has no comment. Cicero’s remarks here show clearly that Caesar’s “bandwagon propaganda” did not fundamentally misrepresent the political situation in Italy.

<sup>28</sup>I am grateful to Arthur Eckstein for this suggestion.

<sup>29</sup>The evidence supplied by first-century coin hoards does not contradict the argument I make in this paragraph, i. e., that there is no obvious sign of long-term popular discontent with the government. In Chris Scarre’s words, “the political conflicts and civil wars of the 1st century BC are reflected in the number of coin hoards buried throughout Italy, Sicily, Corsica and Sardinia, and not recovered by their owners.” Scarre provides a table breaking down all known first century coin hoards into appropriate chronological groupings. I shall simplify it as follows for our period (dates are first, followed by the number of coin hoards believed to have been buried during the particular era): 100-96, six; 95-91, five; 90-86 (Social War), fifteen; 85-73 (various civil conflicts and Sulla’s proscriptions), twenty-nine; 75-71 (Spartacus’s revolt), sixteen; 70-66, none known; 65-61, one; 60-56, two; 55-51, five; and 50-46 (civil

the senate and the *pauci* in the country at large—as opposed to the not infrequently inflammatory vicissitudes of popular politics as at Rome itself—should have left traces in Cicero’s letters and speeches. Yet he is silent about this kind of anger at (or even deep sense of alienation from) the government in the 50s until now. Even Pompey did not know that the political tide had turned against him in his own stronghold, Picenum.<sup>30</sup>

This matter bears further discussion. Six months earlier, in the summer of 50, Pompey had fallen ill and was thought to be near death. Prayers for his recovery were offered up all over Italy, and there was enthusiastic public rejoicing when Pompey recovered. This is generally interpreted to mean that while the people admired and valued Pompey, they simply (but inexplicably) did not have the stomach to fight when he vainly summoned them for military service at the end of the year.<sup>31</sup> Writing over six months after Pompey fell ill and while civil war raged, Cicero claimed that the good wishes for Pompey’s recovery had been a mere pretense.<sup>32</sup> This is a bitter retrospective judgment.

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war between Caesar and Pompey), fourteen. This evidence seems to indicate that Romans felt relatively secure for most of the twenty-year period that came to an end with the civil war of 49. The five coin hoards believed to date from 55-51 appear to indicate a *sudden* rise in insecurity. It is not unreasonable to suppose that new political questions about Caesar’s rights, Pompey’s actual political stance in regard to them, and the senate’s role may have contributed to this. See Chris Scarre, *The Penguin Historical Atlas of Ancient Rome* (Harmondsworth, England: Penguin Books, 1995), 18.

<sup>30</sup>See *Att.* 7.13.1: *cui ne Picena quidem nota fuerint* (in late January 49).

<sup>31</sup>For example, see Seager, *Pompey*, 145-46, and also for sources about Pompey’s illness. Seager observes that those who had flocked to celebrate Pompey’s return to health did not turn out to fight when he called upon them (Pompey having been deceived by the public’s support during his illness into thinking that the people would fight). But Seager does not really try to explain either why people had prayed for Pompey in the first place or why they later failed to rally to his standard.

<sup>32</sup>*Att.* 8.16.1. At 9.5.3, Cicero repeats the charge. He says that residents of *municipii* (who nearly all support Caesar) now tell him they had been motivated by fear when they promulgated decrees about Pompey’s illness (*At ipsi tum se timuisse dicunt*). This may or may not have been the case. Cicero, who is plainly depressed, is undoubtedly repeating something that he was told. But it is still a retrospective judgment. In balance, it remains unlikely that the demonstrations for Pompey in the summer can have been as devoid of genuine concern as Cicero now chooses to believe they were.

Such spontaneous public demonstrations across the whole expanse of Italy are unlikely to have been completely insincere. In T. P. Wiseman's judgment, the people in the country towns at the time of Pompey's illness still saw him "as the bulwark of the state, the one hope for peace."<sup>33</sup> That is, they saw his *fides* as strong (or were still willing to give him the benefit of the doubt on the strength of his past achievements, whatever questions they may have harbored). This is likely to be the main motive for the outpouring of concern for his health (a probable secondary motive was fear of the Parthians, who were still seen as poised to invade Syria; Pompey was the obvious choice for commander in any Parthian war).<sup>34</sup>

This suggests that there is an explanation for the unwillingness of the public to follow Pompey into war: they felt he had betrayed their trust by deciding to support the handful of politicians in the senate who had obstructed a necessary compromise (and because they may sincerely have felt that Caesar was indeed being robbed of the consulship, something which it was *their* right to confer upon him—a merited reward for his achievements in Gaul against their mortal enemies,<sup>35</sup> and perhaps, the wealth that had flowed to Italy as a result). All this suggests that the anger and sullen resentment in the

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<sup>33</sup>Wiseman, "Caesar, Pompey," 420.

<sup>34</sup>Ibid. Pompey was in Campania when he became ill. Wiseman speculates that he was there in connection with the forces for Syria.

<sup>35</sup>At *BG* 8.51, Hirtius refers to a visit Caesar made in 50 to the townships of northern Italy in support of Antony's candidacy for the priesthood. He says that Caesar was greeted with extraordinary honor and affection because it was his first visit since his war against a united Gaul, i. e., the forces led by Vercingetorix (*tum primum enim veniebat ab illo universae Galliae bello*). Hirtius describes the festivities in detail, but in particular, he comments that the reason for the excitement was the long-awaited triumph, and that people of both high and low status turned out in large numbers (*...ut vel exspectatissimi triumphum laetitia praecipere possent. Tanta erat magnificentia apud opulentiores, cupiditas apud humiliores*). There seems little reason to doubt the accuracy of Hirtius's account. These people knew in what direction *universa Gallia* would be apt to turn if ever it did win.

*municipia* and outlying areas was due to the senate's failure to devise a way to compromise with Caesar and avert war. There had been several workable alternatives to the present crisis. The senate could have decided to accept pretty much in full Caesar's interpretation of what his *ratio absentis* implied (as the senate actually seems to have favored doing in June 50). The senate could have revived Curio's proposal of December 1 (or something like it), which had passed overwhelmingly. It could have asserted itself against the *factio* in other ways. But the senate did none of these things. It soon paid a price for this failure, a price that is understandable if we remember that politics in the late republic was fundamentally a contest for trust. That is, many people at the time in the country at large did not primarily blame Caesar for the conflict, even though they knew perfectly well that he had broken the law by leaving his province; they blamed the hard-liners in the senate. The popular verdict was that *fides publica* dictated compromise in this situation, not inflexibility. Thus *fides* had been broken. Trust had been lost.<sup>36</sup>

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<sup>36</sup>I should note that Raaflaub, *Dignitatis Contentio*, 250, strangely, sees the broad public reaction in Italy to the deepening crisis as actually nonpolitical! According to him, what motivated the *municipia* to open their doors to Caesar and the fresh levies for Pompey's army to desert was in both cases not politics at all but an instinct for self-preservation, in effect ("...welche die Landstade bewogen, Caesar die Tore zu offnen, und welche die frischen Rekruten zu Deserteuren werden liessen. All diese primar unpolitischen Reaktionen des Selbstschutzes hat Caesar als Zustimmung zu einer Politik..."). Raaflaub does not really present an argument to support his claim, beyond observing (correctly) that during the run-up there was much mistrust of both sides, within and outside the senate. But among many other things, Raaflaub ignores altogether the sense in which Roman politics (and especially in the late Republic) was a contest for trust. Cicero's letters (as well as other ancient sources) furnish ample evidence that Caesar was not just winning that contest with his *insidiosa clementia* (at least until his encounter with the tribune Metellus tarnished his image somewhat), but that well before hostilities broke out he enjoyed some active political support in Italy. But Raaflaub's thesis is also confounded by the fact that the *BC* itself is a profoundly political document. If the audience's reaction to the crisis was "unpolitical," then why did Caesar attempt to persuade them to accept his characterization of the issues by engaging them on (at times) a fairly serious (though obviously not impartial) moral and political plane? If Raaflaub believes that the most fundamental reactions to this crisis in the *municipia* were unpolitical, then it is likely to be because he has assumed the following: the crisis itself, in essence, was not entirely political in origin (i. e., on the grounds that the rivalry between Caesar and Pompey is the real cause, it necessarily had to end with one displacing the other from politics altogether and then that person displacing the state); therefore it is not political at all. Hence, none of the public claims being made by Caesar could have had any credible foundation in justice or law, the republic was altogether a sham, and everyone in Italy knew it.

In terms of his narrative, Caesar makes the most out of this evident lack of loyalty. He is able to make the point he wants to make very effectively in just two sentences: “Even from Cingulum, a town which Labienus had founded and built up at his own expense, envoys come to him [Caesar] and promise that they will most readily carry out whatever commands Caesar might give them. Caesar asks for soldiers; they send them.”<sup>37</sup> Titus Labienus had been Caesar’s senior legate in Gaul, and his most able one. He had chosen to follow Pompey and the senatorial oligarchy in the present conflict. Since Labienus was a formidable soldier, his sudden and apparently unexpected defection from Caesar’s ranks was a loss for Caesar and an important gain for the other side.<sup>38</sup> Caesar sets out to discredit Labienus in this passage, and in the same breath, cast additional doubt on the republican credentials of his foes.<sup>39</sup> Caesar describes Labienus’s relationship to Cingulum in terms that strongly imply he was the town’s patron. Therefore Labienus ought to have been able to count on the gratitude and good will of the inhabitants, and their political loyalty as well, in most situations. Yet this entire community rejected him, Caesar suggests, when they offered their services to Caesar so unreservedly. Clearly, Caesar is not implying that the citizens of Cingulum were deficient in their sense of duty. Rather, the implication is that Labienus does not have good *fides*: an individual who was

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<sup>37</sup>*BC* 1.15.2: *Etiam Cingulo, quod oppidum Labienus constituerat suaque pecunia exaedificaverat, ad eum legati veniunt quaeque imperaverit se cupidissime facturos pollicentur. Milites imperat: mittunt.*

<sup>38</sup>For the various issues surrounding Labienus’s change of side, see Ronald Syme, “The Allegiance of Labienus,” 113-25, and W. B. Tyrrell, “Labienus’ Departure from Caesar in January 49 B. C.,” *Historia* 21 (1972): 424-40.

<sup>39</sup>Cynthia Damon recognizes that Caesar’s description of events at Cingulum is meant to reflect discredit upon Labienus: “Nothing could be less demonstrative, less emotional, but the information is there for those who care to follow Labienus through the civil war.” See “Caesar’s Practical Prose,” *CJ* 89 (1994): 186.

dutiful towards and respectful of his *clientes* would otherwise never have been rejected by them in such a contemptuous fashion.<sup>40</sup> Of course, Labienus, from Caesar's perspective, had violated *fides* by deserting to the other side.

Less obvious to us, perhaps, is Caesar's further implication that inasmuch as Labienus was now prominently identified with the small clique that had (as Caesar argues) taken over the government and initiated an unnecessary civil war not provoked by him, Cingulum's rejection of Labienus was also a clear repudiation of the *factio paucorum*. The presumption, after all, would be that even very controversial actions of any legitimate government ultimately should not be able completely to alienate citizens from their loyalty en masse. Therefore, in other words, even a very unsavory patron closely identified with the legal government's cause in a civil war would if anything tend to retain the personal if grudging loyalty of his fellow townsmen, especially when all of them hail from the same region as the government's preeminent military chief and political patron (Pompey), if that government itself were seen as legitimate. Average people would not under normal circumstances consider throwing off their loyalty to the government simply to get rid of a man they disliked. Caesar's point seems to be that Labienus's identification with the *pauci*

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<sup>40</sup>It is worth noting that in *Att.* 8.2.3, Cicero states that in comparison with Afranius and Petreius, Labienus had not much *dignitas*: *Nam in Labieno parum est dignitatis*. Cicero says this even after Labienus defected from Caesar and after he himself had called him a hero just days earlier (*Att.* 13a: *vir mea sententia magnus*). What did Cicero mean? Tyrrell and Purser observe that Labienus was socially inferior to most other high-ranking Pompeians, who were *nobiles*. But they also suggest that since Labienus had been a strong supporter of Caesar, his change of side "did not raise his character." If Cicero may, in part, have shared this view on some level, it is likely to have been widespread. See *Correspondence*, vol. 4, 57. It is also possible that Cicero was becoming sceptical of Labienus's judgment and truthfulness. On January 28, 49, Cicero states that Labienus had informed Pompey that Caesar's military resources were very weak (*Att.* 7.16: *Labienum secum habet non dubitantem de imbecillitate Caesaris copiarum*). This was literally true about the force that Caesar had with him, but not about the forces that Labienus must have known were en route. Yet Pompey was heartened by Labienus's tidings (*cuius adventu Gnaeus noster multo animi plus habet*).

and Pompey intensified Cingulum's dislike of him, rather than serving to mitigate his situation, as it should have. Thus there must be something wrong with the government as well as Labienus in the eyes of an overwhelming majority of the citizens. Since we have already seen the residents of Auximum connect their resentment of the *pauci* to what they see as their shabby treatment of Caesar and his claims, it is likely that Caesar also wants us to assume that sentiment in his favor in Cingulum had a similar root. The town's implied condemnation of Labienus is therefore also to be interpreted as just punishment meted out in return for the bad *fides* he allegedly showed when he broke faith with Caesar merely in order to ally himself with a faithless senate and Pompey.<sup>41</sup> Neither Auximum nor Cingulum were depicted as acting expediently, but as taking measures to honor Caesar that were dictated (in effect) by each community's sense of its own *dignitas* and *fides*.<sup>42</sup>

Caesar's advance into Picenum continued. His narrative reemphasizes the themes he began developing in chapter 12. There are more spontaneous demonstrations in Caesar's favor, more Pompeian leaders and soldiers falling into his hands, and one

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<sup>41</sup>Adcock thinks that Labienus departed from Caesar simply to join "what he believed to be the winning side." See "Conference," 638.

<sup>42</sup>Caesar's claim not to have encountered serious local opposition in the north is accepted by modern scholars. Syme, *Roman Revolution*, 90, observes that Cingulum owed recent benefits to Labienus, yet it was easily won. He speculates that the wealth and power of the Pompeii "no doubt raised up many enemies against them in their own country." This may be true, but surely one would expect that such wealth and power was in part sustained through influence, and that in Roman society, influence normally worked by increasing the number of one's friends, and effectively reducing the number of one's foes. Syme's explanation for the region's rejection of the Pompeians with roots in the area is simply inadequate to account for the phenomenon that took place. Gelzer, *Caesar*, 199-200, comments that it is surprising that Caesar gained Picenum so easily in view of the region's traditional Pompeian loyalty, but he does not speculate about the cause. Carter states that names ending in *-ienus* are non-Roman and that it may safely be assumed that the Labieni were a leading family of Picenum, owing their entry into politics to the Social War. If true, this makes Cingulum's repudiation of Labienus even more ideologically valuable for Caesar, i. e., "For whom did Labienus betray you? The detested *pauci*, who were the force for so long behind denying your fathers, grandfathers and great-grandfathers Roman citizenship!" See *Commentary 1 & 2*, 173. In *Att. 7.13.1*, Cicero himself complains (as noted above) that Pompey in fact did not understand what was going on in Picenum: *cui ne Picena quidem nota fuerint*.

additional instance in which Caesar releases an enemy leader unharmed. We shall look at these incidents briefly. From Cingulum, Caesar with two legions proceeded to Asculum, which he tells his reader is also located in Picenum (15.3: *Cum his duabus Asculum Picenum proficiscitur*). This town was held by Lentulus Spinther, in command of ten cohorts, but Lentulus fled from the town upon word of Caesar's approach, and most of his soldiers deserted him.<sup>43</sup> In providing these details about the amount of military force at the disposal of each commander, Caesar is not simply making a neutral statement of fact, he is inviting the reader to consider why Spinther did not make a stand. Ten cohorts were roughly equivalent to one legion. Spinther had enough troops in hand to hold the place, and he was in supposedly loyal Picenum. Caesar's two legions did not give him the preponderance of force required successfully to assault a fortified town defended by such a numerous contingent, and he did not have the time to spare waiting for reinforcements to arrive from Gaul. The implication is that Spinther retreats because he knows he cannot count on the loyalty of the townsmen or his troops; he does not inspire loyalty because his cause is illegitimate and his own *fides* is poor (a point Caesar follows up on in 1.22.3-4). This theme is emphasized in the next sentence, where we learn that Vibullius Rufus has been sent to Picenum by Pompey on a mission to "firm up" the loyalty of the inhabitants (15.4: *Vibellium Rufum missum a Pompeio in agrum Picenum confirmandorum hominum causa*). Not long afterward, Caesar learns that the inhabitants of Sulmo wish to support him, but are being prevented by Pompeian troops led by Q. Lucretius and Attius the Pelignian (18.1). Caesar despatched Antony with a relief force. When Antony's standards

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<sup>43</sup>BC 1.15.3: *Id oppidum Lentulus Spinther X cohortibus tenebat; qui Caesaris adventu cognito profugit ex oppido cohortesque secum abducere conatus magna parte militum deseritur.*

come into view, in a scene reminiscent of Iguvium, Auximum, and Cingulum, the townsmen of Sulmo throw open their gates and go forth to welcome Antony, accompanied by the rank-and-file Pompeian soldiery.<sup>44</sup> Attius, who was captured, asked to be taken to Caesar, who dismissed him unharmed (18.4: *Caesar ... Attiumque incolumem dimisit*), just as he had previously done with the centurion Pupius in chapter 12.

### Caesar Defines His *Causa* at Corfinium

When Caesar reached Corfinium and placed the town under siege, the commander of the forces there, Caesar's *inimicus* Domitius Ahenobarbus, sent messengers to Pompey with letters requesting help (17.1). Pompey sent back word that he would not be able to come to his aid; Domitius should rather come to him with his army, if he could (19.4 -5). Domitius concealed this news from his troops, instead telling them in a public meeting that Pompey was coming quickly, and not to lose heart (19.1: *Litteris perlectis Domitius dissimulans in consilio pronuntiat Pompeium celeriter subsidio venturum hortaturque eos, ne animo deficiant...*). This deception did not succeed. Caesar states that, among other suspicious (and unworthy) behaviors, Domitius's facial expression did not match his words (19.3: *cum vultus Domitii cum oratione non consentiret*). This was a sure sign of bad *fides*: a man's countenance was supposed to bear out the truth of what he might choose to assert. In *Sat.* 2..8, Juvenal expresses regret that "men's faces are not to be trusted (*frontis nulla fides*). In *Comm. Pet.* 44, the candidate is cautioned to be aware of the importance of facial expression in his dealings with those whose support he seeks, because "facial expression is the gate of the mind (*sed etiam vultu ac fronte, quae est*

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<sup>44</sup>BC 1.18.2: *Sulmonenses, simulatque signa nostra viderunt, portas aperuerunt universique, et oppidani et milites, obviam gratulantes Antonio exierunt.*

*animi ianua*). Thus the troops (in terms of the text) easily saw through Domitius's duplicity and realized they had been told a lie. The truth was that Domitius intended to abandon them. This discovery profoundly undermined the confidence of the Pompeian soldiery in their leader, as we see in 1.20:

*Divulgato Domitii consilio milites, qui erant Corfinii, prima vesperi secessionem faciunt atque ita inter se pertribunos militum centurionesque atque honestissimos sui generis colloquuntur: obsideri se a Caesare, opera munitionesque prope esse perfectas; ducem suum Domitium, cuius spe atque fiducia permanserint, proiectis omnibus fugae consilium capere: debere se suae salutis rationem habere. Ab his primo Marsi dissentire incipiunt eamque oppidi partem, quae munitissima videretur, occupant, tantaque inter eos dissensio existit, ut manum conserere atque armis dimicare conentur; post paulo tamen internuntiis ultro citroque missis quae ignorabant, de L. Domitii fuga, cognoscunt. Itaque omnes uno consilio Domitium productum in publicum circumstant et custodiunt legatosque ex suo numero ad Caesarem mittunt: sese paratos esse portas aperire quaequae imperaverit facere et L. Domitium vivum eius potestati tradere.*

When the intentions of Domitius had been divulged, the troops who were at Corfinium draw apart in the early evening and hold a conference among themselves by means of the military tribunes, centurions, and the most respectable men of their own class. They say that they are being invested by Caesar; that his siege works and fortifications are almost completed; that their leader Domitius, in confidence and reliance on whom they have remained steadfast (*cuius spe atque fiducia permanserint*), has abandoned them all and is meditating flight; that they are bound to consider their own safety. The Marsi at first disagree with them and occupy that part of the town which seemed the most strongly fortified; and so great a dissension arises among them that they attempt to engage in hostilities and to fight out the issue, but soon after, messengers having been sent to and fro, that they learn of the facts, of which they were unaware, about the proposed flight of L. Domitius. And so all unanimously surround Domitius, who had been brought out before them, and guard him, and send envoys out of their number to Caesar, saying that they are ready to open the gates, to do his bidding, and to give up L. Domitius alive into his hands. [Loeb trans.] Caesar attributes the collapse of Pompeian authority over the rank and file explicitly to the bad *fides* of Domitius Ahenobarbus. In 19.2, the reader had been informed that Domitius was planning to escape with only a few friends (*Ipsae arcano cum paucis familiaribus suis colloquitur consiliumque fugae capere constituit*). This is the plan that has now been discovered by his soldiers. The fact that they are all under attack, in danger, and thus in obvious dire need of their commander's protection and guidance, makes this knowledge utterly damning. The men have been completely true to Domitius (*cuius spe atque fiducia permanserint*); Caesar's language clearly indicates that the troops are consciously weighing the

issue in terms of *fides*), yet he has betrayed them—unwilling to share their toils and dangers, and indeed misleading them as to reinforcements allegedly on the way, he had intended to preserve himself with no thought to what their fate might be. The bond of *fides* that united the rank and file with their commander was effectively broken as a result of his egregious display of bad faith. The men therefore had sufficient moral justification to reject Domitius's leadership and transfer their allegiance to another camp, if they should so decide. The only dissenters, the Marsi, were simply ignorant of the facts. When they learned the truth, the sentiment to shift allegiance became universal, so open and shut was the case against Domitius. So, at least, Caesar's argument goes.<sup>45</sup>

Domitius was arguably Caesar's most dangerous personal enemy. The senate had already named him to replace Caesar in Gaul. There is no question but that Caesar is trying to make Domitius look bad, and that personal enmity is a motive. Whatever the military miscues committed by Domitius, Dio's account implies that when he was asked by Pompey to retire south with his army, he did make an attempt to do so safely with his troops, as opposed simply to getting away by himself (see Dio 41.11). But this only heightens the political strand in the *BC*, and the ideological emphasis on *fides*.

Caesar describes what happened next in chapters 21 through 23. I shall simply summarize their contents. Caesar praises and dismisses unharmed the soldiers who had come to him as envoys from the opposing camp. Despite the military importance of taking possession of Corfinium as quickly as possible, he fears that doing so in the darkness of night might lead to the town being plundered by his troops. So he decides to wait. The army gets no sleep, his troops make their preparations, and everyone wonders what is happening inside Corfinium to those who are trapped there, and what will happen when day breaks (as implied by the first words of 21.6, *Tanta erat summae rerum exspectatio*).

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<sup>45</sup>For an alternate (and plausible) scholarly reconstruction of what Domitius was trying to accomplish at Corfinium—and one that shows his character in better light—see Alfred Burns, "Pompey's Strategy and Domitius' Stand at Corfinium," *Historia* 15 (1966): 74-95.

During the night Lentulus Spinther, requests a parley with Caesar, who grants it. Lentulus pleads for his personal safety, and does so on the score of his friendship with Caesar (*veteremque amicitiam commemorat*). In replying to Lentulus, Caesar states that he had begun hostilities not for any evil purpose (*maleficii causa*, i. e., taking vengeance on political opponents and false friends) but only to defend himself from the insults of his foes, to restore the tribunes to their rightful station, and to defend himself and the Roman people in their *libertas* (the meaning of these phrases has been discussed above). Lentulus is encouraged by this reply, and returns to Corfinium to tell his companions, some of whom have contemplated attempted suicide, that there is no reason to fear. At dawn, Caesar orders the elite Romans who are in Corfinium to be brought before him, a group totaling fifty that included Domitius, the latter's son, and Lentulus Spinther. After a short speech in which complains that they had shown him no gratitude for his many *beneficia* to them, he dismisses them all unharmed (*dimittit omnes incolumes*). Caesar also restores to Domitius a very large sum of money, even though, he says, strictly speaking, the money belonged to the state, not Domitius.

In contrast to the bad faith of Domitius, Caesar in these chapters reveals in full the magnanimity of his character and the exceptional quality of his *fides*. There are a number of points about this that are worth making. In 1.21, Caesar tells the reader how much to his advantage it is to occupy the town quickly and induct the Pompeian cohorts into his own army. The situation was still unpredictable and could change for the worse at any moment. These military concerns were plausible, and by implication, sufficient to justify any military action Caesar might take. However, he was also sensitive to the need to preserve the lives and property of the innocent inhabitants of Corfinium. He feared that

if he moved on Corfinium that night to press his advantage immediately, life and property would surely be lost because his soldiers would literally run wild; therefore he chose to wait until daylight, and dismissed the soldiers who had come to him from the opposing camp with personal expressions of great courtesy (*tamen veritus, ne militum introitu et nocturni temporis licentia oppidum diriperetur, eos, qui venerant, collaudat atque in oppidum dimittit*). This gesture should be seen as a description by Caesar of his *fides*. He deliberately chose to forego an arguably significant military advantage in order to reduce the risks that were being run by innocent non-combatants (in addition to the soldiers on both sides, whose lives he has also shown he values).

This decision, in turn, causes Caesar to display his *fides* as a commander prominently in another sense in 1.21. His action in deciding to wait until dawn before initiating any further operations with regard to the besieged foe had potentially increased the hazard to his own men. Caesar takes pains to explain to the audience in detail that he not only ordered but personally supervised a number of additional precautions to guard against surprise.<sup>46</sup> This was meant to show that he felt the burden of his responsibility acutely. His level of personal involvement indicates to the reader that Caesar as a commander is not simply technically competent as a soldier knowledgeable about war and tactics, he is a highly trustworthy man as well, a leader who sees himself as the one who is ultimately responsible for the safety and well-being of the troops who have been placed in his charge (in stark contrast to Domitius).

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<sup>46</sup>BC 21.3-4: *Ipse eis operibus, quae facere instituerat, milites disponit non certis spatiis intermissis, ut erat superiorum dierum consuetudo, sed perpetuis vigiliis stationibusque, ut contingant inter se atque omnem munitionem expleant; tribunos militum et praefectos circummittit atque hortatur, non solum ab eruptionibus caveant, sed etiam singulorum hominum occultos exitus asservent.*

Caesar uses the last two sentences of 1.21 to enhance the dramatic impact upon the reader of what he describes in the next two chapters. He paints a picture of his whole army spending a sleepless night contemplating the possible fates that might await their various opponents in the morning, as well as trying to imagine how those foemen were themselves grappling with their awful predicament.<sup>47</sup> This rhetorical device no doubt accurately mirrored what people throughout the country were feeling. Most in Italy seem to have feared the worst. As Gelzer has pointed out, many were still alive who remembered that Sulla had executed all 12,000 non-Romans, as well as all of the officers, at Praeneste in 82 after that city capitulated.<sup>48</sup> Cicero seems to have feared similar things from Caesar in January.<sup>49</sup> Caesar himself was explicit in a letter to Balbus and Oppius written in March that his generous treatment of captives at Corfinium had been intended, among other things, to show the public that he would not follow Sulla's example.<sup>50</sup>

During the night and while the result was yet in doubt, Lentulus Spinther requested a parley with Caesar. When the request was granted, he was escorted to Caesar's camp by some of the Domitian soldiers, who, Caesar states, did not leave

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<sup>47</sup>BC 21.5-6: *Neque vero tam remisso ac languido animo quisquam omnium fuit qui ea nocte conquieverit. Tanta erat summae rerum expectatio, ut alius in aliam partem mente atque animo traheretur, quid ipsis Corfiniensibus, quid Domitio, quid Lentulo, quid reliquis accideret, qui quosque eventus exciperent*).

<sup>48</sup>Gelzer, *Caesar*, 201 n. 2: cf. Plut. *Sull.* 32.1, App. *BC* 1.437-38, and Oros. 5.21.10. The relevant passage of Orosius reads: *omnes Marianae militiae principes, hoc est legatos quaestores praefectos et tribunos iussit occidi* ("All the leaders of the Marian soldiery, that is, the legates, quaestors, prefects, and tribunes, he [Sulla] ordered killed.").

<sup>49</sup>See *Att.* 7.12.2: *omnia taeterrime facturum puto* ("I think [Caesar] will do all sorts of quite horrible things"); *Att.* 7.13.3: *de Tullia autem et Terentia, cum mihi barbarorum adventus ad urbem proponitur, omnia timeo* ("Concerning Tullia and Terentia, when I contemplate the approach of these barbarians on Rome, I fear the worst."). He still had fears in February and March. See *Att.* 7.23.1 and *Att.* 9.5.3.

<sup>50</sup>See *Att.* 9.7c: *...L. Sullam, quem imitaturus non sum*.

Lentulus until he was actually in the presence of Caesar (*neque ab eo prius Domitiani milites discedunt, quam in conspectum Caesaris deducatur*). The implication seems to be that the rank and file from his own side did not trust him, fearing he might otherwise give them the slip and make his own escape. Caesar described Lentulus's speech to him as an out and out plea for his own life and personal safety (*Cum eo de salute sua agit, orat atque obsecrat, ut sibi parcat*). This speech amounts in the text to an impressive list of the many grounds upon which Caesar could with considerable justification deny Spinther his request, since Spinther simply recites several important favors Caesar had done for him in the hope that a plea based on *vetera amicitia* would avail, despite his obvious ingratitude.<sup>51</sup> Lentulus's invocation of their *vetera amicitia* is thus meant to be taken partly ironically by the reader. Spinther, the reader is led to conclude, has not been a good friend. The implication is that moral claims of *fides* which he acknowledges implicitly here ought to have led him to embrace a different course in regard to Caesar than the one that he did. The contemporary reader would have understood that even if Spinther disagreed with Caesar, he could have remained neutral,<sup>52</sup> and arguably ought to have done so given (1) the obvious value to him of the *beneficia* he had received from Caesar, and (2) the fact that Caesar did not harbor revolutionary political objectives (as he proceeds to explain to Spinther in 1.22.5; because of the *vetera amicitia*, it would not be a mark of *fides* in

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<sup>51</sup>Caesar says (and tells the audience that Spinther also said) that it was with his help that Spinther had been admitted to the College of Pontifices, had held the province of Hispania after his praetorship, and had been assisted in his canvass for the consulship: *quod per eum in collegium pontificum venerat, quod provinciam Hispaniam ex praetura habuerat, quod in petitione consulatus erat sublevatus*.

<sup>52</sup>We know from Cicero's letters that Caesar certainly invested a great deal of effort in trying to coax Cicero into adopting a neutral stance if he could not win his active support (*Att.* 9.7b is one example). We also know from other letters that Cicero gave neutrality serious consideration.

Spinther for him to question Caesar's sincerity in making this profession of his aims). In other words, Caesar's argument concedes that *amicitia* might be a poor excuse to plead for not resisting an enemy's advance into one's country, but Caesar is not his country's enemy.<sup>53</sup>

Caesar adopts the device of having himself interrupt Lentulus when he begins his reply to him in order to deepen the rhetorical perspective surrounding the declaration of aims and objectives that he now makes at 1.22.5: "Caesar interrupts his speech. He declares that he did not leave his province because he intended harm to anyone, but to defend himself from the insults of his personal enemies, to restore to their honorable station the tribunes of the people who had been expelled from the city for using their authority on Caesar's behalf (*in ea re*), and *ut se et populum Romanum factione paucorum oppressum in libertatem vindicaret.*"

Much of the significance this important sentence holds for Caesar's *fides* has been explored previously in our discussion. I would call attention here only to the implications of the following circumstance: Caesar explicitly depicts Lentulus as having been encouraged *by what he has just heard Caesar state* in 1.22.5 to believe that he will not be an object of Caesar's retribution. So hopeful is he, in fact, that he begs leave from Caesar to return to Corfinium for the purpose of lifting the spirits of the rest of the

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<sup>53</sup>Thus from an ideological perspective, Caesar does not significantly disagree with Pompey's or Cicero's claims that the interest of the republic should always be preferred to personal interests. His argument is not unlike the various arguments we find throughout Cicero's own work defending the killing of Tiberius Gracchus. Caesar is merely saying, like Cicero, "There are times when, after all proper remedies have been exhausted, it is morally justifiable to resort to self-help." Modern scholars who accept that Caesar was not an enemy of the Republic include Gruen, *Last Generation*, 490-92, and Meier, *Caesar*, 334-35. The latter states: "Towards the senate he (Caesar) showed himself markedly loyal ... If the senators were against him, this could only mean that they were under pressure from a small but powerful clique of opponents."

besieged, many of whom, he tells Caesar, have contemplated suicide (*Cuius oratione confirmatus Lentulus, ut in oppidum reverti liceat, petit: quod de sua salute impetraverit, fore etiam reliquis ad suam spem solatio; adeo esse perterritos nonnullos, ut suae vitae durius consulere cogantur*). This plainly indicates something of the perceived importance that Caesar attached to the ideological program he had enunciated at 1.22.5; but arguably, this is not merely because he was persuasively affirming his political loyalty to venerable republican institutions, it is because he was, as I maintained above, making a statement about his honor and *fides*. It is Caesar's convincing defence of his honor before Lentulus in their meeting that has persuaded Lentulus he will be safe, that he can trust Caesar. It is for this reason that Lentulus begged permission to return to Corfinium—not to tell the soldiers and elite Romans there that he had discovered Caesar's political beliefs to be impeccable, but that Caesar's *fides* was strong.

This is significant because it suggests that historians have mainly tended to invert the actual relationship that exists between Caesar's words at 1.22.5 and his action in sparing the lives of the fifty elite Romans described at 1.23. It is not the case that the fifty elite Roman captives only have grounds for trusting in Caesar's *fides* after he has spared their lives. It is the case that they have, on the strength of Lentulus's report of him, committed themselves to Caesar's *fides* prior to being led before him. This is the logic of the situation in terms of the narrative of the event that Caesar has created. This is the primary reason Caesar draws the reader's attention to the fact that many elite Pompeians in Corfinium are contemplating suicide. Something must have caused them to change their minds. What changed their minds, the reader is led to infer, must be that they have chosen rather to place their trust in Caesar's *fides*—in the *spes*, as Lentulus puts it, that he will

spare them—though he need not do so. Therefore while the Pompeian elite are marched into his presence as captives, they nonetheless are actually depicted by Caesar as coming to him voluntarily, of their own will. They did have an honorable alternative available to them, in Roman terms—death by their own hand. They made their decision freely.

Lucan in the *Pharsalia* depicts Domitius as demanding, after the successful mutiny of his troops at Corfinium and their handing over of him to Caesar, that Caesar put him to death for the sake of his (Domitius's) honor rather than spare him. However, in Lucan's account, there has been no prior colloquy between Lentulus and Caesar, thus no previous foreshadowing of Caesar's mercy and good faith at Corfinium. Domitius therefore is depicted by Lucan as going before Caesar against his will, and in the custody of his own soldiers. Caesar is then made by Lucan to state that he intends for his leniency toward Domitius to be the prime example that may incline other opponents of his who are defeated to have hope on the strength of Caesar's proven character (*Victis iam spes bona partibus esto/Exemplumque mei*). Ideologically, that function is performed in Caesar's own narrative of events by the interview with Lentulus. The imputation for the reader of Caesar's *BC* is that rather than wait to beg death from Caesar, Domitius had had the opportunity to impose that judgment upon himself and carry it out if he had so wished. Caesar can then further plausibly impute that Domitius and the other captives have, in fact, been encouraged enough by Lentulus's account of his interview with Caesar to place a substantial measure of trust in the latter's *fides* prior to their being summoned into his presence.<sup>54</sup> However, it is worth pointing out that despite Lucan's different way of

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<sup>54</sup>Lucan's account is fictionalized (i. e., he is working within the epic genre, not professing to give a strictly factual ordering of events), but it emphasizes certain important strands in Roman thought about this incident and thereby provides a useful supplement to Caesar's narrative. The relevant passages

presenting Caesar's action, he did recognize that everything hinged on Caesar's *fides* (i. e., *Exemplumque mei*).

### **BC 1.23: Caesar's *Fides*, Caesar's *Lenitas***

BC 1.23 is probably the most important chapter of the whole work from the standpoint of Caesar's moral justification (just as 1.22.5 may be the most significant passage from the standpoint of defining Caesar's political *causa*). Before taking account of Caesar's statements there, it will be well to review several relevant pieces of evidence. First, the key connection between *fides* and *dignitas* at *Fam.* 13.53.1 cited previously in the discussion (see pp. 176-177). Cicero was writing to the propraetor Q. Minucius Thermus for the purpose of bringing a certain L. Genucilius Curvus to his attention and good graces. He asked that Thermus be of service to Genucilius as far as his *fides* and *dignitas* permitted, adding that Genucilius would never request anything of Thermus that was at variance with the character of either of them (*nihil enim abs te umquam, quoad sit alienum tuis aut etiam suis moribus, postulabit*).

Even more to the point is a previously cited communication from Balbus and Oppius to Cicero at *Att.* 9.7a.2 (see 177-78). They wrote that it did not seem to befit Cicero's well-known *dignitas* and *fides* for him to bear arms against either Pompey or

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in Lucan: *Phars.* 2. 507-523. We would also do well to remember here Cicero's praise of the triumvir Crassus's father for having preferred to commit suicide rather than live to witness the triumph of his *inimicus* (*Sest.* 48): *...patrem huius M. Crassi, fortissimum virum, ne videret victorem vivus inimicum, eadem sibi manu vitam exhausisse, qua mortem, saepe hostibus obtulisset*. Elaine Fantham's comments on *Phars.* 2.507-523 omit any discussion of *fides* and the role it might play for the original audience here. See Elaine Fantham, ed., *Lucan: De Bello Civili, Book 2* (Cambridge: Cambridge University Press, 1992), 175-78. Other scholars who discuss the passage but fail to detect a link with *fides* are Jacqueline Brisset, *Les Idées Politiques De Lucan* (Paris: Societe D'Edition "Les Belles Lettres," 1964), 91, and R. Sklenar, *The Taste for Nothingness: A Study of Virtus and Related Themes in Lucan's Bellum Civile* (Ann Arbor: University of Michigan Press, 2003), 135-37.

Caesar, inasmuch as he was on friendly terms with both of them (*non videri eam tuam esse dignitatem neque fidem omnibus cognitatem*). They were certain that Caesar would approve such a course; that is, that Caesar (clearly, in recognition of Cicero's *dignitas* and *fides*) would not ask or require Cicero to do anything dishonorable (*et hoc non dubitamus quin Caesar pro sua humanitate maxime sit probaturus*). It is implicit that for Caesar to do the latter would impugn his own *dignitas* and *fides*.

Caesar's account of Corfinium tries to make the same point—that he will make no demand of the captives (or anyone else) that is incompatible with his honor or theirs. Caesar says to Cicero at *Att.* 9.7c that he hoped his gesture of leniency at Corfinium would cause many of his opponents to come over to his side of their own free will, albeit in gratitude for the *beneficium*. He still held out some hope that these actions might induce Pompey to return to their *amicitia*.

We should also pause briefly to observe how like this situation is to the drama that was enacted at Falerii, according to Livy, between Camillus and the Faliscans, as we saw above. The Falerian *deditio in fidem* is described by Livy as having been brought about as a result of Camillus's *fides*. When word spread concerning the quality of Camillus's *fides*, we may recall, the Faliscans decided that they could place themselves in his hands unconditionally. Caesar is attempting to represent the capitulation of Corfinium as amounting to very much the same sort of thing (though he would not actually refer to this as a *deditio in fidem* for the same reason he avoids using the word *clementia* in his text—to do so would insult republican sensibilities, inasmuch as he is dealing with citizens, not foreign enemies). His interview with Lentulus may thus be seen as roughly parallel in terms of its effect to Camillus's refusal to seize an advantage when he had the children of

the elite Faliscans in his power. When Lentulus returned safely to Corfinium and told his peers how well he had been treated, we are led to infer that what Lentulus had to say concerning Caesar was sufficient to inspire a dramatic change of heart among the Pompeian elite, who had until then been on the verge of taking steps to end their lives as the only honorable recourse open to them. Now, there was another honorable alternative—honorable because they might hope to be spared without fearing that they would be forcibly compelled to change their political loyalty as the price to be paid for their lives. The parallel with the Faliscans in Livy is that the submission of the Pompeians is depicted by Caesar as a clear response to his moral action, not his power.

So, Caesar clearly saw the rhetorical statement of justification he presented at 1.22.5 as both traditional in its view of the function of *fides* within Roman society, and as every bit as indispensable to his winning the battle for public opinion as was his actual practice (which was about to be revealed in full) of sparing the lives of the vanquished.

There is one more point to observe in connection with the meeting between Caesar and Lentulus. As we just saw, the latter reported to Caesar that some of the Pompeians in Corfinium had become so thoroughly terrified (*perterritos*) that they were contemplating suicide. Let us recall that the last time Caesar used the adjective *perterritus* in the narrative, he was describing the extreme fear felt by M. Marcellus January 1, which induced that consular to withdraw his independent *sententia* ( 1.2). By employing the adjective again here in this context, Caesar is reminding the reader of the great differences between himself and the Pompeians. His foes do not shrink from using terror as a weapon, even in the senate. Yet Caesar, when he found himself in a comparable position of strength on the battlefield, one from which he could easily intimidate or destroy all those within his

reach, declined to press his advantage because he disdained the tactics of fear and terror.<sup>55</sup> This was a sign of his *fides* and his *constantia* (it is a message he would shortly reinforce powerfully in his description of his activities in Spain). Moreover, it was a sign that his *fides* might serve as a basis for the restoration of trust.

As Caesar describes the event in 1.23, at the break of dawn he summoned all the elite Romans in Corfinium to be brought to him—all senators, sons of senators, military tribunes, and equestrians, fifty in all. One reason for his precision in enumerating their rankings so carefully is suggested by the citation from Orosius above, in which that author described the specific officer classes that Sulla had ordered to be killed at Praeneste. This is simply what the conventional expectation of the readership was prior to Corfinium regarding the probable treatment of elite captives. Without much further ado, Caesar dismissed them all unharmed, merely chiding unnamed persons in the group for the lack of gratitude they had shown in exchange for the *beneficia* they had received from him, as he had done with Lentulus.<sup>56</sup> He did not demand a *quid pro quo*, force anyone to beg for his life, or try to rub in the humiliation. Indeed, he shielded them from the insults of his troops (*Hos omnes productos a contumeliis militum conviciisque prohibet*). This was a mark of respect and consideration that the reader would attribute to Caesar's *fides*.

Caesar's next statement in 1.23 further serves to anchor his account of these events in traditional *fides Romana*. Caesar restored a very large sum of money (6,000,000

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<sup>55</sup>The verbal connection between 1.2.6 and 1.22.5 is noticed neither by Carter nor Kraner, Hofmann, and Meusel. I know of no one who has commented on it.

<sup>56</sup>BC 1.23.3: *pauca apud eos loquitur, queritur quod sibi a parte eorum gratia relata non sit pro suis in eos maximos beneficiis; dimittit omnes incolumes*. The word *gratia* is multi-faceted; Caesar uses it here to charge certain of his foes with ingratitude. He states in so many words that his good offices toward them in the past merited a return.

sesterces) to Domitius even though, he says, he knew full well that the funds did not belong to Domitius at all. The money had been *publica pecunia* sent to Domitius by Pompey for the soldiers' pay. Caesar states that he acted as he did because he did not want it to seem that he had been more self-controlled in dealing with men's lives than with their money (*ne continentior in vita hominum quam in pecunia fuisse videatur*). Caesar's explanation and the context are closely parallel to an idea we have seen expressed above in Val. Max. 6.6.4 under the rubric of *Publica Fides*.

Africanus, in Valerius's account, released the Carthaginians as a gesture of good faith (*fides*) although he knew that, legally and upon a more ordinary moral estimate, he would be able to justify to others (if not to himself) a decision to hold them captive. Caesar returned a treasure he was arguably legally and morally entitled to keep to a man whom he knew not to be the rightful possessor. I suggest that the motive for each commander's generous action toward a foe as depicted in both texts was the one stated by Valerius—concern for his reputation, and specifically, including Caesar's case, his reputation for *fides*. Perhaps in part what motivated this was the fear that if one did not so act given the choice, even when the facts of the case suggested that a morally plausible argument could be made for harsher action, or even a maximum use of one's superior power on behalf of one's legitimate self-interest, one would risk being seen in the future as not likely to act with *fides*.

There is also an issue of self-concept involved here, especially if Caesar is sincere: a proper Roman aristocrat is supposed to be magnanimous (and to be perceived as such; as we observed in Chapter One, this is the actual import of the early March 49 letter to Balbus and Oppius preserved in *Att.* 9.7c). Those who ascend to public office

through the *cursus honorum* are wise not to court a reputation for infamy among the people.

That Caesar's display of *fides* at Corfinium had the effect of bolstering his political claims is shown by *Att.* 9.11a. Writing directly to Caesar, Cicero approves at least part of Caesar's case (he agrees that envious persons and Caesar's *inimici* were the ones responsible for trying to take away a *beneficium* that had been granted Caesar by the Roman people), and in the same letter, he expresses his gratitude to Caesar for the latter's having spared Lentulus Spinther. Cicero further states that it pertains both to Caesar's *fides* and the best interests of the Republic that Caesar should support his (Cicero's) own efforts to effect a reconciliation with Pompey. It is unlikely that Cicero would be endorsing so much of Caesar's justification and relying upon his *fides* in this way if Caesar had chosen not to limit his use of violence at Corfinium. In other words, the fact that Caesar does not continue to emphasize the insult to the tribunes and similar things does not mean that they are no longer relevant to his justification. The lack of emphasis upon these issues in the rest of the narrative is therefore not to be taken as an indication that Caesar himself must have viewed his own case as weak or baseless. It is simply that he is concerned to furnish "proof," through displays of his *fides* on the battlefield, that he was indeed acting in legitimate self-defence when he defied the senate.

After only twenty-three chapters, the *BC* in a sense reaches its apogee with Caesar's description of his magnanimity at Corfinium. We should bear in mind that Roman politics in the late Republic was primarily a contest for trust. From that standpoint, it is now unmistakably clear to the original audience that Caesar's claim to *fides* and *dignitas* will henceforth rest mainly on his personal qualities of self-control, forbearance and mercy.

Caesar's focus on these issues does not imply a cynical valuation by him of the legal and constitutional positions that he went to some trouble to stake out in *BC* 1.1-9. These issues do not in fact disappear. From time to time in the rest of the work, Caesar makes reference to his constitutional case and emphasizes themes or settings that have relevance for popular *libertas*. What counts most now, though, are the concrete personal differences between himself and his foes. What this amounts to, in particular, is the quality of Caesar's *fides* versus that of his opponents.

### Caesar Again Discusses Peace

In *BC* 1.24-33, Caesar describes what happened in Italy following the surrender of Corfinium. His account of events there is meant in part to establish the justification for his decision to leave that theater in order to prosecute the conflict on a global scale.

Caesar states that once Pompey "recognized" what had happened at Corfinium (*his rebus cognitis, quae erant ad Corfinium gestae*), he proceeded rapidly to Brundisium. However, Pompey seems to recognize only the military defeat at Corfinium, nothing else. At Brundisium, he rallied the forces available to him (1.24.1). These levies included slaves who had been armed and given horses, as Caesar pointedly informs his reader (24.2: *servos, pastores armat atque eis equos attribuit*). As we have seen in the case of Lentulus, Caesar does not need to editorialize further about this. The audience knows that reliance upon slaves in these circumstances is a sign of desperation and equally arguably, of revolutionary intent.<sup>57</sup>

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<sup>57</sup>Carter notes that to arm slaves was a sign of desperation in the ancient world. See *Commentary 1 & 2*, 178. Cicero's letters roughly contemporaneous with these actions reveal him as

Caesar's forces pursued the fleeing Pompeians to Brundisium. Along the way, a number of Pompeian cohorts on separate occasions desert their leaders and voluntarily attach themselves to Caesarian contingents (24.3-4). The implication for the audience is that these independent, unanimous group decisions are ultimately the result of Caesar's display of *fides* at Corfinium, which showed conclusively that the trust that had previously been reposed in Caesar by such towns as Auximum and Cingulum had not been misplaced. This is clear from Caesar's language cited above (*his rebus cognitis*, etc.). The suggestion, that is, is that these Pompeian cohorts have also recognized what happened at Corfinium and, unlike Pompey, made the correct interpretation—that Caesar wants peace and is the better republican. It is also plain from this that "Corfinium" is now a notion as much as a place or an event. From this point forward, it is the notion of Caesar's *fides* as defined by Corfinium that will be presumed to carry the most weight with the audience in the contest for legitimacy.

At this precise juncture, Caesar depicts the renewal of his efforts to open negotiations for peace. Pompey's chief engineer, N. Magius, had been captured. Caesar sent Magius back to Pompey as the bearer of his peace overtures (24.5). What Caesar wants primarily to convey through Magius is that no *colloquium* between himself and Pompey has yet taken place, that it is in the interest of the Republic and the common welfare that such a conference be held (*interesse rei publicae et communis salutis se cum*

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deeply suspicious of Pompey's true aims. On March 11, 49, Cicero says his hopes of peace have been undermined by the discovery that Pompey intends to begin a bloody and destructive war (*Att. 9.6.7: deinde bellum crudele et exitiosum suscipi a Pompeio intellegam*). On March 13, he charges Pompey with harboring a desire to imitate Sulla by devastating his country (*Att. 9.7.3-4: Mirandum enim in modum Gnaeus noster Sullani regni similitudinem concupivit...*). Thus Caesar, while being deliberately inflammatory, is not as wildly off the mark in his innuendo as it may appear to the modern reader.

*Pompeio colloqui*), and that a face-to-face meeting is far more reliable way to arrive at an agreement concerning the conditions of peace than the system of sending messengers back and forth that has been tried (*si coram de omnibus condicionibus disceptetur*). By arguing that a personal conference between himself and Pompey is in the best interest of the state and the community (as opposed to any of his or Pompey's interests), Caesar is basing his request for direct talks on *publica fides*. Thus he makes the proposed *colloquium* a test of Pompey's *fides*. The audience knows that a handshake between the two antagonists following an agreement would serve as a powerful public guarantee of their sincerity in any reconciliation. They know that Pompey knows this too. By suggesting at the outset that no conference had so far been permitted (*quoniam ad id tempus facultas colloquendi non fuerit*), Caesar also implies that none of the Pompeian peace proposals hitherto can have been sincere, since Pompey had been unwilling to vouch for them in a personal meeting.<sup>58</sup>

Caesar arrived at Brundisium with six legions, to learn that both of the consuls had crossed over to Dyrrachium with the bulk of their army and that the town was being held by Pompey with twenty cohorts (25.1-2). Whether Pompey intended to retain Brundisium as a base or cross the Adriatic himself with these forces was unclear (25.3). Caesar then laid siege to the town and took elaborate measures to try and block any exit from the harbor. In the midst of all this, he expresses again his interest in peace and his surprise that Magius has not returned (26.2: *ut condiciones pacis dimittendas non*

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<sup>58</sup>The Latin here may seem neutral, but it is a fact that Caesar has already asked for a face-to-face meeting at 1.9.6 (where he says in so many words that if Pompey will not come to him, he is prepared to go to Pompey). Therefore when Caesar states here merely that no opportunity for a meeting had presented itself (in effect), he is being polite. The audience, I think, would remember 1.9.6 and take the point that Pompey had not acceded to Caesar's previous request for a meeting.

*existimaret; ac tametsi magnopere admirabatur Magium...ad se non remitti*).<sup>59</sup> Caesar then takes special pains to note that while these various attempts of his to end the violence through negotiation were actually slowing down his own offensive, nevertheless he thinks that in every respect it is still the right thing to do to continue the search for a negotiated settlement (*atque ea re saepe temptata etsi impetus eius consiliaque tardabat, tamen omnibus rebus in eo perseverandum putabat*). So, he despatches a second emissary, his legate Caninius Rebilus, to the Pompeian camp. Rebilus was an *amicus* of Scribonius Libo, who was one of Pompey's intimates (26.3). The hope is that Libo will use his good offices to arrange a *colloquium* between Caesar and Pompey. Caesar is confident that if such a meeting is brought to pass, it will be possible for arms to be set aside on equal terms (26.4: *aequis condicionibus*). If peace is achieved in this way, a great part of the praise and reputation of the accomplishment will fall to Libo (*laudis atque existimationis*). Libo, however, after seeing Pompey, reported back simply that both the consuls were absent, and that without both of them present, nothing could be done to settle their differences. Following this rejection, Caesar states plainly that after having sought

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<sup>59</sup>A note of Caesar's to Balbus and Oppius (*Att.* 9.13a), dated March 9, states that Pompey has just sent Magius to him with peace proposals. This reference to Magius has been taken by some to mean that Caesar's account in the *BC* must be patently false. For example, Carter considers Caesar's account a "deliberate falsification." See *Commentary 1 & 2*, 179. Carter here follows Michel Rambaud, for whom practically every word Caesar ever wrote is treated as if it were a ruse or a trap. See *L'Art de la Deformation Historique dans les Commentaries de Caesar* (Paris: Societe D'Edition "Les Belles Lettres," 1966), 140-41. The confusion, however, is due to the compression of the narrative in the *BC*. Roger Macfarlane has sorted the matter out in an appendix to his dissertation titled "The Magius Affair." He has been able reliably to date Rebilus's embassy to Libo to the 15<sup>th</sup> or 16<sup>th</sup>, thus making it plain that Caesar's surprise at Magius's failure to return can only mean his failure to return after having been sent back to Pompey on the 9<sup>th</sup>. See "Narrative of Politics," 182-89. Gelzer also seems to have recognized that this must be the case, as he states that "Caesar only recognized that Magius was not sent back (a second time)." See *Caesar*, 203 n. 6.

negotiations in vain repeatedly (26.5: *saepius rem frustra temptatam*), he would set diplomacy aside and seek a resolution through warfare.

Caesar has structured the above account so as to place the main emphasis on the quality of his *fides*. He makes this clear when he vows to persevere in his peace-seeking efforts, even though it means he must sacrifice part of his military advantage to do so. *Fides* is also shown in the care Caesar takes this time in the selection of an emissary. The bonds of *amicitia* already unite Rebilus and Libo. The audience are meant to see that a serious, good-faith effort is being made by the use of *necessarii* to influence Pompey, who is regarded generously not so much as an *inimicus* as an estranged friend. The proposed *colloquium* is clearly to be an occasion for reconciliation as much as for reaching a political understanding. For example, Balbus in February besought Cicero to act as an intermediary for the purpose of restoring the *pristina concordia* that had once existed between Pompey and Caesar and which, Balbus says, was destroyed *perfidia hominum*. See *Att.* 8.15a.1.<sup>60</sup>

By stating that much of the *laus* and *existimatio* for ending the fighting through these methods would fall to Libo's share, Caesar is also implicitly demonstrating his *fides*. His declaration shows that he does not seek to monopolize credit (and is thus operating within the republican tradition), and is even willing to surrender credit that might tend under normal circumstances to accrue to his own *dignitas*. We saw earlier that

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<sup>60</sup>This is in any case important, if only for showing that Balbus thought Caesar wanted a real reconciliation or wanted Cicero to think so (!). As far as the latter point goes, it will never be possible to know the truth with anything like certainty.

*existimatio* belongs within the vocabulary of both *dignitas* and *fides*.<sup>61</sup> For the audience, the inference is that Libo's *dignitas* would surely have risen had he been successful and his role been acknowledged. Audience expectations have also been raised by their having been allowed a brief glimpse of peace through a door that has been kept ajar this long only by Caesar's *fides*. Pompey's reply that no negotiations can take place because the consuls are absent causes the door to slam shut. The statement is technically correct, but it is false to *fides*—which is *why* it is false to *fides*. That is Caesar's point (and it is one of the themes of this dissertation, i. e., that *fides* is not technical).<sup>62</sup> Caesar showcases Pompey's statement about the consuls in a manner that makes it appear as a flimsy excuse for inaction.<sup>63</sup> Given the extraordinary gravity of the political (and now also military) crisis and the suffering that Romans are daily having to endure, Pompey's actions in this matter should be guided by *fides*. The fact that he is about to take the dramatic step of leaving Italy makes this all the more true. The audience knows that peace will then be much more

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<sup>61</sup>As we saw in Chapter Four, for example, the terms *dignitas* and *existimatio* are linked explicitly in *Fam.* 13.77.

<sup>62</sup>Writing on March 17, 49 (*Att.* 9.9.2), Cicero states that the consuls' departure from Italy has destroyed the peace negotiations, negotiations in which he himself was thinking of becoming involved (*Quod consules laudas, ego quoque animum laudo, sed consilium reprehendo; dispersu enim illorum actio de pace sublata est, quam quidem ego meditabar*). So Pompey's contention was technically defensible. However, it is also true that sometimes Pompey advised the consuls about what they ought to be doing (e. g., see *Att.* 8.3, 8.6, and 8.12a). Caesar is doubtless implying that Pompey is at the least being disingenuous if he means to suggest that it is now out of the question for him politely to request that the consuls' (or at least one of them) return. Indeed, Cicero himself had not much earlier won Caesar's express gratitude by requesting of Lentulus that the latter remain in Rome for the sake of making a settlement possible. See *Att.* 8.15a.2. Caesar perhaps also means to suggest that in the current state of emergency, it is hypocritical for Pompey not to take steps toward peace merely because he has no official mandate under the constitution. Did that stop him in December when he accepted command of republican military forces with no support from the senate?

<sup>63</sup>Carter observes that the reality about the collapse of this opportunity for peace is simply that neither side was prepared to trust the other. See *Commentary 1 & 2*, 179. My own view is that Caesar was probably prepared to trust Pompey, if the latter would agree to shake his hand on whatever terms the settlement prescribed. For Caesar, it seems to be Pompey's reluctance to grant him a personal interview that creates suspicion and makes trust impossible.

difficult to achieve (and the republic that they have known all their lives more difficult to reconstitute).

Roger Macfarlane observes that Caesar adopts new terms of enmity after 1.33.<sup>64</sup> It is reasonable to conclude that this depiction of his peace overtures and Pompey's response in 1.26 was intended (along with his speech to the senate at 1.32) to provide a moral justification for his more aggressive stance. The bad *fides* of the opposition is disclosed by their *pertinacia* in resisting Caesar's traditional, moderate, rational proposals. Caesar's *fides* is shown by his patience and his refusal to wage unrelenting war until every other avenue has been exhausted.

Pompey eventually succeeded in clearing the harbor with most of his troops, despite Caesar's numerous precautions. Caesar had been alerted to his departure by the townspeople, who, he says, have been abused by the Pompeian troops and insulted by Pompey himself (28.1: *Brundisini Pompeianorum militum iniuriis atque ipsius Pompei contumeliis permoti*). Their voluntary embrace of Caesar is part of a now familiar pattern in the narrative.

In 1.29-31, Caesar takes stock of his situation now that he finds himself unopposed in Italy. He explains to the reader the various circumstances (i. e., a shortage of ships) that make it impossible to cross the Adriatic immediately and "complete the business" as he would like (29.1: *Caesar, etsi ad spem conficiendi negotii maxime probabat*). His explanation is probably true to the facts, but it is also necessary for him to reassure his audience that he did not willfully overlook an opportunity to end the hostilities

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<sup>64</sup>See Chapter Six for my comments on Macfarlane's observation.

swiftly. Instead of pursuing Pompey, he informs the audience he must go to Spain next. This move is largely dictated, he says, by the fact that veteran armies hostile to him are in Spain, one of the two Spanish *provincia* (Nearer Spain) is bound to Pompey by the greatest *beneficia* (which indicates that many of its residents would be apt to see themselves as Pompey's clients and as obligated by *fides* to support his interests<sup>65</sup>), and the situation cannot be left unattended without harm to Gaul and Italy (29.3). In 1.6, Caesar had made a reference to honors that were proposed for Juba as a means of suggesting that his foes were heavily reliant upon foreign clients rather than Romans. He now begins to exploit the theme of Pompeian reliance upon foreign *clientelae* in earnest.

The decision to go to Spain having been made, Caesar takes steps to secure control of Sardinia, Sicily, and Africa. But I will not discuss all of these episodes. In the most prominent of them, C. Curio was sent to Sicily (with orders to proceed thence to Africa<sup>66</sup>), which was being held by Caesar's old antagonist Cato. Most unexpectedly, Cato

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<sup>65</sup>We should remember that Pompey's clients in Picenum did not render him effective support during Caesar's advance. But that was the case with *cives Romani* in Italy whose ties with Pompey had apparently frayed. These are mostly foreign clients who were still no doubt in some form of contact with Pompey's lieutenants in his absence (Pompey had been given formal legal authority over both of the Spanish provinces under the *lex Trebonia* of 55). Carter observes that the scale of Pompey's patronage in Spain can be gauged from his trophy in the Pyrenees claiming he had captured 876 towns from the Alps to the borders of Further Spain (during the war he led against Sertorius from 76-72). See *Commentary 1 & 2*, 180. Arnaldo Momigliano says that Pompey "inherited Sertorius's position as a patron of the Iberians." See his review of Ronald Syme's *The Roman Revolution* in *JRS* 30 (1940): 78. So it would appear that Caesar's reasoning about the need to deal with Spain first would probably have seemed straightforward to contemporaries. It is noteworthy that Caesar expresses the most concern about the province that had been the recipient of Pompey's *beneficia* (*maximis beneficiis Pompei devincta*), rather than the one (Further Spain) that he merely had under legal control.

<sup>66</sup>The strategic importance of Africa is sufficiently indicated by Cicero's rhetorical flourish to the effect that Africa was the bulwark of all the provinces and that it had been created almost as a base for waging war on Rome. See *Pro Lig.* 22. Caesar himself makes a similar observation through the mouth of Curio at *BC* 2.32.3, where he says that Sicily and Africa serve to protect Rome and Italy.

is now, in effect, summoned as a *de facto* witness against Pompey in a matter touching on the latter's *fides* (BC 1.30.5):

*Quibus rebus paene perfectis adventu Curionis cognito queritur in contione sese proiectum ac proditum a Cn. Pompeio, qui omnibus rebus imparatissimus non necessarium bellum suscepisset et ab se reliquisque in senatu interrogatus omnia sibi esse ad bellum apta ac parata confirmavisset. Haec in contione questus ex provincia fugit.*

When these measures were almost completed, having learned of the approach of Curio he complains in a public meeting that he had been thrown aside and betrayed by Gn. Pompeius, who, while utterly unprepared in every respect, had undertaken an unnecessary war, and when questioned by himself and the rest in the senate had confirmed to them that all the things necessary for the war were in a state of readiness. He complained about these things in the meeting and then fled from his province. [Loeb trans. modified by J. Barry]

This report of Cato's speech *in contione* is a wholesale denunciation of Pompey's integrity and competence by one of his new friends. The phrase *proiectum ac proditum* suggests that Cato thinks Pompey has acted in bad faith, not purely from necessity. That is (I would argue), Cato, like Cicero (see below), thinks that Pompey has literally betrayed him. He, Cato, was entrusted with the defence of Sicily, but now has been left hanging to face Curio. Where is his support? Where is Pompey? In Italy? No, in Greece, where he can be of no help to any of his committed friends elsewhere. Pompey's bad faith is also held to encompass his statements to the senate (where *publica fides* is supposed to be the arbiter of interest), not just whatever he may have said to Cato himself. In BC 1.6.1-2, Caesar suggested indirectly that Pompey had deceived the senate about the numbers and quality of the troops at their disposal.<sup>67</sup> The charge is made explicitly here.

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<sup>67</sup>It is obviously factual that Caesar's opponents were not well prepared. It is also factual that in an interview with Cicero at Formiae on December 25, 50, Pompey declared himself very confident of his own and the Republic's military preparedness. See *Att.* 7.8.4: "...and he was extremely confident in his own and the state's resources (*et suis et rei publicae copiis confidebat*).” As late as mid-January, Pompey was boasting to Cicero that all he had to do was set foot in Picenum, and they could all return to

What is new from the loyalist side (in terms of the text) is Cato's remarkable statement that the war itself was unnecessary. This need not be dismissed as obvious invention by Caesar. We know from *Att.* 7.15 (January 26, 49) that Cato had changed his mind about the wisdom of armed conflict as a solution to the political problem.<sup>68</sup> In fact, what Caesar depicts Cato as saying both about the war and Pompey is not much different from what was being said by some other Pompeian loyalists. We know from Cicero's contemporary letters that he also was furious with Pompey.<sup>69</sup> It therefore seems likely that Caesar made a rhetorical decision to use Cato's public speech here (about which he must have received some report) because he thought the charges Cato made against Pompey would ring true. Also, he most likely saw an opportunity to refine his characterization of Cato, particularly on the subject of the kind of *fides* he possessed.<sup>70</sup>

Caesar's objective is not just to impugn the quality of Pompey's leadership once again by raising more doubts about his *fides*, but also to show what impact his bad *fides* is having on his associates and their *causa*. Cato's own discharge of his military responsibilities in Sicily is depicted as in great disarray. Although his military preparations for resisting Curio were nearly complete (*quibus rebus paene perfectis*), Cato abandoned his assigned province without even making a stand (*ex provincia fugit*). A Roman

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Rome. See *Att.* 7.16.2: *...si in Picenum agrum ipse venerit, nos Romam redituros esse.*

<sup>68</sup>*Att.* 7.15.2: "For even Cato now prefers to be a slave rather than to fight... (*Cato enim ipse iam servire quam pugnare mavult*).

<sup>69</sup>See *Att.* 8.2.2, to take only one example: "To my mind, no statesman or general has ever been guilty of conduct so disgraceful as that of our friend [Pompey] ... He abandoned Rome, his country, for which and in which it were glorious to die ... (*Mihi enim nihil ulla in gente unquam ab ullo auctore rei publicae ac duce turpius factum esse videtur, quam a nostro amico factum est ... qui urbem reliquit, id est patriam, pro qua et in qua mori praeclarum fuit...*)"

<sup>70</sup>See also the discussion of *BC* 1.32 below.

audience would have interpreted this violation of duty in part as a reflection on Pompey's judgment (and his sense of *publica fides*) as much as or more than Cato's. A commander was normally seen as fully responsible for the actions of his subordinates.<sup>71</sup> As far as the contemporary perception of Cato's military situation is concerned, Cicero believed that Cato could have held Sicily without any trouble.<sup>72</sup> Doubtless, this also explains why Caesar felt it made sense for him to make an issue out of the affair.

Cato as a protagonist in events appears only briefly in the *BC*. He disappears from the narrative altogether after a final reference at 1.32.3 (a significant allusion to what Cato had done in 52 to oppose the law of the ten tribunes). Macfarlane speculates that Caesar has deliberately softened his attack on Cato in the text in order to leave the door open for a future reconciliation.<sup>73</sup> This is possible. Caesar's obvious reticence, under the circumstances, would probably have been seen as an additional mark of *fides* on Caesar's part.

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<sup>71</sup>To take one example. In the fall of 54, a legion and five veteran cohorts commanded jointly by Q. Titurius Sabinus and L. Cotta were virtually annihilated at Atuataca in Gaul after being enticed from their secure winter quarters and then ambushed by Gallic forces led by Ambiorix. John H. Collins has shown convincingly that Caesar deliberately crafted his narrative of this event and his depiction of Sabinus in such a way as to exculpate himself from any responsibility for the disaster. As commander-in-chief, he had personally selected Sabinus (whose decision-making, rather than Cotta's, apparently was the principal cause that led to the Romans leaving the safety of the camp) for this important position. Collins has demonstrated that Caesar presents the material in the *BG* so as to make it appear he could not have known beforehand how poor a leader (and colleague) Sabinus would prove to be when his command skills were tested in an extraordinary situation. Otherwise, Caesar's own judgment as proconsul (an issue of *publica fides*) would necessarily come into question for his having chosen Sabinus. The point is that if the Roman public had not been deeply sensitive to such charges, obviously, Caesar would not have gone to so much trouble in the *BG*. See "Propaganda, Ethics, and Psychological Assumptions in Caesar's Writings" (Ph.D. diss., Johann Wolfgang Goethe University, 1952), 88-96.

<sup>72</sup>*Att.* 10.16.3: *Cato, qui Siciliam tenere nullo negotio potuit*. Cicero adds that if Cato had held firm, other *boni* would have joined him: *et si tenuisset, omnes boni ad eum se contulissent*.

<sup>73</sup>Macfarlane, "Narrative of Politics," 132.

We should also note Macfarlane's observation that this unusual reticence is surely additional evidence to support an early date of completion for the *BC* (which means that Caesar's narrative is therefore most likely to have been written very close in time to the events being described). It does seem clear that the final confrontation with Cato cannot yet have taken place if he is still being treated in the text of the *BC* with such circumspection.<sup>74</sup>

### Caesar at Rome

Before setting out for Spain, Caesar visited Rome. In the next five chapters, Caesar describes the failure there of his personal attempt to involve the senate directly in peace negotiations, as well as the subsequent failure en route to Spain of his personal diplomacy to prevent armed conflict from erupting between himself and the independent city-state of Massilia, one of Rome's oldest friends. In these important passages, he emphasizes once again the exceptional quality of his *fides*, while at the same time portraying his foes as men who (with the apparent exception of Cato) are profoundly wanting in even the most obvious attributes of *fides*.

First, let us take a closer look at his Caesar's account of his speech to the senate and its result (*BC* 1.32-33).<sup>75</sup> Virtually every statement that Caesar makes to the senate in his speech regarding his justification amounts to a contention that he has acted with regard to *publica fides* at every step, but that his opponents are motivated solely by personal enmity. In part, Caesar simply restates here several charges that were already

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<sup>74</sup>Ibid. I have more to say below concerning Caesar's depiction of Cato in my discussion of *BC* 1.32.

<sup>75</sup>I have at various times referred to several of Caesar's statements in 1.32.

prominent features of his argument (mostly in *BC* 1.1-9). He emphasizes particularly the legal and constitutional basis of his claims, the cruelty and arrogance of his foes, the good faith he had exhibited in trying to prevent hostilities, and the questionable *fides* of Pompey. But there are some new twists.

Caesar opens his speech by recounting to the senate the wrongs he has endured at the hands of his *inimici* (32.2). He takes the legal and constitutional issues first. The audience for the *BC* already knows the gist. Caesar says that he had sought no extraordinary honor; indeed, while waiting for the legitimate time (i. e., the ten year interval prescribed by law) to begin his campaign for the consulship, he had been content simply with what was open to all citizens.<sup>76</sup> That is, what was open to a citizen in the way of honor.<sup>77</sup> While Pompey himself was consul (in 52), a law had been carried by all ten

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<sup>76</sup>*BC* 1.32.2: *Docet se nullum extraordinarium honorem appetisse, sed expectato legitimo tempore consulatus eo fuisse contentum, quod omnibus civibus pateret.* Carter observes that this statement is consistent with Caesar's other remarks on the subject at 1.9.2 and 3.1.1 and that therefore if Caesar is sincere, he must have intended to stand for the consulship of 48 (the year in which Caesar meant to stand for the consulship is a disputed issue). Carter further notes that the law prescribed an interval of ten years between one consulship and the next and that this law was waived for Pompey in 52 (who was elected sole consul for the sake of restoring order), though Caesar passes over the fact. I would add that this omission may have been a conscious choice on Caesar's part. Much of the intended audience was doubtless aware that Caesar would have been within his rights in publicly raising the issue of Pompey's exemption (which had been proposed in the senate by Caesar's *inimicus* M. Bibulus, supported by Cato; Caesar's enemies were able to advance their interests and ultimately detach Pompey from Caesar in part through this device of a sole consulship for Pompey. See CAH, vol. 9, 2d ed., 410 for details.). The fact that he does not is another obvious sign of *patientia* on Caesar's part, and probably meant to be seen as such, for it would have been reckoned to the credit of his *fides*. For Carter's remarks, see *Commentary 1 & 2*, 182.

<sup>77</sup>Cf. Livy 5.28.5. When celebrating his triumph after the capture of Veii, Camillus entered Rome on a chariot drawn by white horses. This gave some offence to the public, in part because it was viewed as inappropriate behavior for a citizen, even a very distinguished one (*parumque id non civile modo sed humanum etiam visum*). Caesar at 32.2 is taking this democratic strain in Roman political sensibility into account. The reality several years later was different. For Caesar's several triumphs in 46, Dio says that the senate granted him (among other things) permission to ride in a chariot drawn by white horses, an honor Caesar accepted (43.14.3). Dio comments that the Roman people found Caesar's proud display disturbing (43.15.1). But this further goes to show the ideological point concerning his audience's sensibility that Caesar makes in the *BC* at 32.2. Regarding Caesar's triumph, Ogilvie observes that by accepting the senate's offer of four white horses for his chariot, Caesar was claiming to be the heir both of Romulus (who had also used four horses in his triumph) and Camillus. See *Commentary 1-5*, 679-80.

tribunes of the people to the effect that he (Caesar) might enjoy an exemption from the legal obligation to compete for the consulship in person at Rome (32.3: *ut sui ratio absentis haberetur*). Thus by implication his position in the state was and is legal and within the constitution. Caesar is therefore able to raise the issue of Pompey's *publica fides* obliquely by asking: "If Pompey did not approve of the law, why did he allow it to be carried? If he approved, why did he bar Caesar from making use of the Roman people's *beneficium* (32.3)?" By way of contrast, Caesar strongly emphasizes his own *fides* in the very next sentence (32.4): "He (Caesar) places before the senate the example of his own forbearance (*Patientiam proponit suam*), when he of his own accord (*ultro*) called for the disbandment of the armies; in which case, he himself (*ipse*) would have sacrificed some of his honor (*honos*) and rank (*dignitas*)."<sup>78</sup> Again, we see that Caesar refers to his *dignitas* in a context that links the notion to *fides* (in this case, it is clearly his sense of *publica fides*), especially inasmuch as he in effect claims to have been willing to overlook injuries inflicted upon him by *inimici*.

In the next breath, Caesar begins inveighing against his *inimici*, who, he tells the senate, did not make the same demands of Pompey (he means during the original negotiations, having to do with the surrender of control over military forces<sup>79</sup>) that they did of him, preferring utter chaos to the surrender of armies and *imperium* (32.5). This implies that the other side had not negotiated with him in good faith, and that they were

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<sup>78</sup>As I point out in the introduction to Chapter Six, Caesar's emphasis on *honos* and *dignitas* here is entirely consistent with Cicero's statement in *De Off.* 1.38 to the effect that regard for these things constitutes an important basis of normal political competition (i. e., where *inimicitia* is not a primary factor).

<sup>79</sup>On this point, see Carter, *Commentary 1 & 2*, 183.

completely lacking in any real sense of *publica fides*. Caesar also denounces to the senate the unjust actions (*iniuria*) taken by his *inimici* that had robbed him of his legions, and complains of his enemies' cruelty and insolence in setting aside the rights of the tribunes (32.6).<sup>80</sup> He also recounts the peace terms he had offered, and the *colloquia* that had been asked for by him and refused (32.6). The latter statement amounts to another public profession of his own *fides*, in that it is meant to show not merely that he had sought peace, but that he had gone to much trouble to exhaust the alternatives to war, and had run risks to do so.<sup>81</sup>

It is on the basis of the above comprehensive declaration of his *fides* in 32.1-6 (*Pro quibus rebus...*) that Caesar then exhorts and demands of the senators that they take up the burden of the state and conduct its affairs with his help (32.7: *...ut rem publicam suscipiant atque una secum administrarent*). If they should decline because of fear (32.7: *Sin timore defugiant*), i. e., if they are weak in *publica fides*, he would not burden them, but rather, would guide the state according to his own counsel

Cicero had chosen not to attend this meeting of the senate. Caesar had desperately wanted him to be there, for the sake of legitimacy. Nevertheless, Caesar did *not* break his *amicitia* with Cicero over this, though he easily could have, and he made sure people knew it. In Cicero's words, "Caesar has written to excuse me for not having come to Rome, and he says that he takes it in good part (*Caesar mihi ignoscit per litteras*,

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<sup>80</sup>In BC.32.5-6, Caesar describes his enemies' actions in terms that, taken together in context, evoke hubris: *acerbitas, crudelitas, insolentia*.

<sup>81</sup>As when he addresses his troops before Pharsalus, telling them with how much zeal he had sought peace (*quanto studio pacem petisset*). We will see below that he also links that statement directly to several *colloquia* prior to Pharsalus that failed to deliver peace because his opponents did not negotiate in good faith.

*quod non venerim, seseque in optimam partem id accipere dicit).*”<sup>82</sup> This is a strong sign of *fides* on Caesar’s part. Indeed, it is a good example of the kind of *fides* that Caesar actually practiced as well as he said he did in the *BC*.

Nor was it unique in Cicero’s case. About a month later, Caesar had made it unambiguously clear to the orator that their *amicitia* would be at stake if Cicero were to abandon his neutrality by leaving Italy to join Pompey (Cicero did leave Italy in May 49, but Caesar did not hold even that against him; their *amicitia* was eventually restored after Cicero departed from the Pompeian camp and returned to Italy—real *fides*: a friend recognizes a difficult situation). What seems to have most bothered Caesar is not so much that Cicero’s presence in the opposing camp would augment its strength significantly, but that his departure from Italy would raise questions about Caesar’s own *fides*. In a letter to Cicero written April 16 (*Att.* 10.8b), Caesar urged Cicero not to leave (for he had heard rumors to the effect that he was thinking about doing so).<sup>83</sup> Caesar argued that if Cicero were to leave the country now, it would not appear that he was simply following fortune (since, Caesar said, fortune so far seemed to favor him and not Pompey), nor would it appear that he was following the right cause (because, Caesar points out, the cause was the same now as when Cicero chose to withhold from it his *consilium*).<sup>84</sup> What it would appear to signify, Caesar stressed, was that Cicero was leaving because he had condemned some action of his (perhaps Caesar meant his recent confrontation with the tribune L. Metellus during his visit to Rome; the encounter damaged his claim to have gone to war in

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<sup>82</sup>*Att.*10.3a.2.

<sup>83</sup>*Att.* 10.8b.1.

<sup>84</sup>*Ibid.*

part to defend the rights of the *tribuni plebis*).<sup>85</sup> There was no more serious harm that Cicero could inflict upon him, Caesar stated.<sup>86</sup> Therefore on the strength of their *amicitia*, he urged Cicero not to leave.<sup>87</sup>

The final sentence of the letter is especially significant. It contains what amounts to a profession of *fides* on Caesar's part, since what he is describing could be termed roughly the moral basis for his entire policy of leniency : "Sift very carefully both the evidence of my entire life and the judgement [to respect your neutrality] given by my friendship, and you will discover no safer or more honorable course than to hold yourself aloof from the whole struggle (...*tu explorato et vitae meae testimonio et amicitiae iudicio neque tutius neque honestius reperies quicquam quam ab omni contentione abesse*)."<sup>88</sup>

It is not difficult to see why Caesar feared Cicero's rejection of neutrality. Such an action by Cicero, who occupied a position of special eminence in the state, and who had been neutral thus far (as opposed to active combatants who had been spared by Caesar, only to take up arms again), might indeed have tended to cast a shadow of doubt upon Caesar's *fides*, in that Cicero, having apparently trusted in it and relied upon it for some months, now appeared to reject it. People would be bound to speculate about the

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<sup>85</sup>Ibid. As I speculate above, Caesar may have had one particularly significant action of his in mind, namely his very recent and menacing threats against a Pompeian tribune, L. Metellus. Cicero points out that the Metellus affair had had the effect at Rome on Caesar's political standing of alienating the *plebs* (who had hitherto supported Caesar) and of exposing Caesar's clemency as a fraud in the eyes of some (for details, see *Att.* 10.8.6). I have more to say about Metellus later in this chapter.

<sup>86</sup>Ibid.

<sup>87</sup>Ibid: *Quod ne facias, pro iure nostrae amicitiae a te peto.*

<sup>88</sup>*Att.* 10.8b.2.

cause (i. e., Cicero's sense of duty to Pompey as a reliable indicator of Cicero's *fides*,<sup>89</sup> or Caesar's treatment of Metellus as an accurate barometer of Caesar's).

Following his exhortation to the senate, Caesar proposes that envoys be sent to Pompey to negotiate about peace (1.32.8). Yet in the next breath, he once more raises the issue of Pompey's *fides* indirectly. Caesar states that he is not afraid of the remark Pompey had made recently *in senatu*, when he said that *auctoritas* is attributed to those to whom envoys are sent, and that fear is signified on the part of those that send them (32.8).<sup>90</sup> Caesar's ideological point is two-fold. On the one hand, Pompey's statement is both hubristic and a violation of *publica fides*, in that Pompey has claimed openly in the senate to possess an *auctoritas* which, constitutionally speaking, is rightly the senate's and not Pompey's. Pompey is therefore trying to preempt the senate's role, rather than simply render it vital assistance, which is (in terms of the presentation) what Caesar was proposing in 32.7. On the other hand, Caesar shows that he is willing to swallow his pride and *send* the envoys; it is a demonstration of *publica fides* to be the sender, especially in view of Pompey's comments (e. g., we have seen evidence for this kind of behavior previously in the dissertation; Cicero took the first step in making up his differences with

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<sup>89</sup>In a letter to Cicero written at just about the same time, Antony also urged Cicero not to consider leaving Italy to join Pompey. But he focused his argument on the issue of Pompey's questionable *fides*. In Tyrrell and Purser's rendering (*Att.* 10.8a.2): "I beg you to commit yourself to nothing, to regard lightly the honor (*fides*) of one [Pompey] who to do you a kindness (*beneficium*) first inflicted on you an injury [Cicero's exile]...." The implication is that Cicero owes no debt of *fides* to Pompey, because the latter in fact never bestowed a true *beneficium* on him (as Cicero in a sense knew; by his own account, he had literally cast himself at Pompey's feet on the occasion when he had sought the latter's help in preventing his exile, but Pompey did not help him. See *Att.* 10.4.3). See *Correspondence*, vol. 4, 174.

<sup>90</sup>Carter translates the passage as follows: "...nor was he afraid of Pompey's recent remark in the senate that to receive a delegation implied authority, and to send it, fear (*neque se reformidare quod in senatu Pompeius paulo ante dixisset, ad quos legati mitterentur, his auctoritatem attribui timoremque eorum qui mitterent significari*)." Carter does not comment on the passage. See *Commentary 1 & 2*, 67.

Crassus even though in all likelihood he did not regard Crassus as blameless, and Scipio chose to overlook double-dealing by Indibilis).

In the final two sentences of 1.32, Caesar again points up the difference between himself and Pompey in terms that suggest *fides*. He states that the *auctoritas* Pompey had vaunted in the senate betokened a trifling and inconstant disposition (32.9: *Tenuis atque infirmi haec animi videri*). On the other hand, Caesar says that he, in truth, wished to be superior (e. g., to all others, to his foes, to unnamed persons in the senate) only in justice and fairness, in the same way that he had striven to overtop (them all) in his acts of service (32.9: *Se vero, ut operibus anteire studuerit, sic iustitia et aequitate velle superare*). In effect, he is claiming that the motivation behind his relentless pursuit of excellence is *fides publica* (not excluding personal *fides*). The main ramification of his *fides* for the audience here is that this pursuit of moral excellence necessarily excludes any aim related to *dominatio*, because Caesar, unlike Pompey, does not seek or lay claim to a pre-eminent *auctoritas*. Hence Caesar's willingness to be the first to send an envoy seeking peace, even though he has been winning the war, and even though to send an envoy, Pompey believes, is a sign of weakness that Caesar should not ordinarily accept.

The conclusion that Caesar does not claim a pre-eminent status seems obvious merely in terms of the text, but it is supported by a statement Caesar made in a letter dated March 26 that he wrote to Cicero (preserved in *Att.* 9.16; Cicero passed the letter on to Atticus the very same day [the 26<sup>th</sup>], another example of how ostensibly confidential information might tend to circulate rather quickly). In *Att.* 16.1, Cicero explains to Atticus (in a brief preface to Caesar's letter) that he had first written a letter of his own to Caesar, in which he praised Caesar's mercy at Corfinium very extravagantly (*Cum eius*

*clementiam Corfiniensem illam per litteras collaudavissem...*). In his reply to Cicero, Caesar expressed gratitude for Cicero's approval of his actions. He then remarked that he was not upset by the news that some of those he had released unharmed at Corfinium had once more taken up arms against him (*Att. 9.16.2: Neque illud me movet, quod ii, qui a me dimissi sunt, discessisse dicuntur, ut mihi rursus bellum inferrent*). He next declared "I prefer nothing more than that I should be true to myself, and they to themselves (*Att. 9.16.2: Nihil enim malo quam et me mei similem esse et illos sui*)."<sup>91</sup> What Caesar means is that he will continue in the future to display the kind of mercy and compassion he showed at Corfinium, regardless of the merit of his opposition, and that it does not concern his honor, but theirs, if his foes exhibit ingratitude and lack of *fides* in exchange for his numerous *beneficia*. The statement is an explicit assertion of the superior quality of his *fides*.

Caesar's thought here (expressed in a communication dated just days before the April 1<sup>st</sup> senate meeting<sup>92</sup>) is closely parallel to the distinction he makes between himself and (by implication) unnamed others in the final sentence of *BC* 1.32.9. Both statements invite the audience to make comparisons. They also go to show not only that there is a significant linkage between *BC* 1.32.9 and Corfinium, but that what Caesar did at Corfinium is fast becoming notional for the audience in terms of Caesar's political persona. Caesar's leniency at Corfinium does not disappear or recede in terms of its

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<sup>91</sup>This statement was referred to above. See p. 242.

<sup>92</sup>The fact that *Att. 9.16* is reliably dated has implications for the *BC*'s date of composition. The similarity of thought and expression that exists between Caesar's remarks in his letter to Cicero and his statement in *BC* 1.32.9 suggests that the latter passage was probably written fairly close in time to the event described (and may be regarded as an additional argument in support of Macfarlane's thesis that the *BC* was composed rapidly following an event and in stages).

significance in the narrative; rather, from here on, it is mostly just subsumed in his personal reputation for *fides*.

One final point to make about *BC* 1.32 concerns Caesar's portrayal of Cato. It seems relatively restrained, in view of the personal rancor that existed between the two politicians. When Caesar refers to the legislative enactment of the law of the ten tribunes in 32.3, he describes Cato as having acted pursuant to his "customary habit (*pristina consuetudine*)" by obstructing the proceedings with long speeches.<sup>93</sup> This is Cato's final appearance in the *BC*. We should note that Caesar's rhetoric is muted. He contents himself with a single reference to Cato's *pristina consuetudine*, i. e., his unswerving devotion to abstract notions of politics, aversion to compromise, and long-winded speechifying.<sup>94</sup>

Caesar might even be having a joke at Cato's expense, given that Cato was notorious for

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<sup>93</sup>Carter seriously mistranslates the sentence. The relevant portion of the sentence goes as follows in his translation: "A law had been carried by the ten tribunes against the opposition of his enemies—Cato indeed had resisted bitterly and dragged out the days in lengthy speeches in the old-fashioned way... (*Latum ab X tribuni plebis, contradicentibus inimicis, Catone vero acerrime repugnante et pristina consuetudine dicendi mora dies extrahente*)."

It seems most unlikely, however, that *pristina consuetudine* should be rendered as "in the old-fashioned way." Caesar's whole point in the sentence is to show that it is Cato's peculiar custom to act in such a manner, not that some languishing obstructionist rhetorical tradition may have been revived by Cato as a political tactic especially for this occasion, which is what Carter's translation seems to imply. See *Commentary 1 & 2*, 65.

<sup>94</sup>Cicero was well aware of Cato's tendency to rank unrelenting steadfastness of principle far higher than the need sometimes to compromise even some fundamental principles for the sake of the public interest. In *Att.* 2.1.8 (dated June 60), Cicero made the following remark about Cato's uncompromising stand on an important public issue involving the equestrians: "...but nevertheless, though he has the best of intentions and unimpeachable integrity (*fides*), Cato sometimes inflicts injury on the state; for the opinion he expressed is more suited to Plato's *Republic* than to the dregs of Romulus (*...sed tamen ille optimo animo utens et summa fide nocet interdum rei publicae; dicit enim tamquam in Platonis Politeia, non tamquam in Romuli faece sententiam*)."

Implicit in Cicero's criticism is the notion that a man who possesses *summa fides*, as Cato does, should be willing to consider making even painful concessions when a rational appraisal of the political landscape indicates that compromise is necessary for the sake of internal harmony. Caesar perhaps raises a similar issue for his audience when he refers in his text (1.32.3) to the utter relentlessness of Cato's opposition to the law passed by the ten tribunes for Caesar's express (but merited) benefit (a relentlessness that the audience would recognize as being of a piece with the attack on Caesar that was mounted in the senate at the start of the *BC*). The original audience would have recognized the underlying basis of the criticism without the need of any special prompting on Caesar's part beyond the two words *pristina consuetudine*.

making long, (and for the audience, doubtless often) boring speeches. But joke or not, Caesar obviously could have referred to his old *inimicus* Cato with greater vehemence. We cannot know the reason for Caesar's restraint with any degree of certainty. We can only speculate. One possible explanation is Roger Macfarlane's thesis (see above) that Caesar limits his invective against Cato because (at the time of writing) he still expected to have to co-exist with him one way or another at Rome after hostilities ceased.<sup>95</sup> Another possible explanation is that Caesar expects the audience to make the inference that as Cato acted in 52 (i. e., from his personal hatred of Caesar, not the public good), so he acted in the senate in December 50 and January 49. It would be disruptive for Caesar to make such an accusation directly at this stage of the narrative. But the audience would easily take the point that it was often Cato's *pristina consuetudo* in the senate to make trouble.

Caesar next states that while the senate approved his proposal that *legati* should be sent to Pompey to discuss peace, individual senators shirked their obligation to serve on the embassy (*munus legationis*) because they were afraid.<sup>96</sup> Caesar implies that their fear is caused by a remark he says Pompey had made in the senate to the effect that he would make no distinction between those (senators) who were in Caesar's camp, and those who remained at Rome (i. e., those who had decided to remain neutral).<sup>97</sup> That Pompey in fact had made such threats is confirmed by Cicero.<sup>98</sup> Carter thinks that the

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<sup>95</sup>Macfarlane does not make use of the evidence from *BC* 1.32 in his argument.

<sup>96</sup>*BC* 1.33.1: *Probat rem senatus de mittendis legatis: sed, qui mitterentur, non reperiuntur, maximeque timoris causa pro se quisque id munus legationis recusabat.*

<sup>97</sup>*BC* 1.33.2: *Pompeius enim discedens ab urbe in senatu dixerat eodem se habiturum loco, qui Romae remansissent et qui in castris Caesaris fuissent.*

<sup>98</sup>See *Att.* 9.10.2: "What threats against the *municipii*, against the *boni* by name, in fact against all who should stay behind!" Cf. *Att.* 11.6.6 for a similar description of Pompey's threats against

senators did not wish to go because they believed the negotiations to be a sham.<sup>99</sup>

However, it is clear from many remarks scattered throughout Cicero's contemporary letters that there was much apprehension about the harm that Pompey and his associates might inflict upon neutrals (and others in Italy) if they won the victory. Caesar's charge of fear as the primary motivation for the senate's failure to act upon the measure it had itself approved would have been plausible for the audience, and was probably not altogether unfounded. Caesar's main point here is once again to show that the senate has behaved in a way that flagrantly mocks any standard of conduct based on *fides publica*.<sup>100</sup>

Caesar concludes 1.33 with his only reference to the significant opposition he had encountered at Rome from the tribune L. Caecilius Metellus. Among other things, Metellus in person as tribune had tried to prevent Caesar from removing a huge amount of gold and silver in coin from the state treasury.<sup>101</sup> Since Caesar had claimed to be defending the rights of tribunes, this episode damaged him politically with the Roman plebs.<sup>102</sup>

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any in Italy who refused to join him.

<sup>99</sup>See Carter, *Commentary 1 & 2*, 183. He cites *Att.* 10.1.4, where Cicero says (on April 3) that he thinks the negotiations are a pretense. But this may only be Cicero's way of acknowledging that it is now the eleventh hour. Cicero had himself earlier been a part of the negotiations, working as an intermediary behind the scenes (e. g., see *Att.* 8.15a.2). Since Caesar's adversaries never consented to any of the face-to-face *colloquia* he proposed, it is simply impossible to know with absolute certainty if his peace efforts were as seriously intended as he claims they were.

<sup>100</sup>Technically, Caesar is not misrepresenting the situation. The senate did shirk its perceived obligation. Gelzer, *Caesar*, 204-11, correctly observes that what Caesar really wanted from the senate was not merely its sanction for his peace overtures, but some official recognition for his position. This he failed to secure. It is therefore understandable that he seeks to make the senate's *fides* the main issue, as opposed to his own highly irregular and extralegal activities (which does not imply that he saw his actions as unjustified).

<sup>101</sup>For the sources on Metellus's famous confrontation with Caesar at the treasury, see *MRR* 2, 259.

<sup>102</sup>*Att.* 10.4.8 and 10.8.6.

Caesar, however, makes no mention of the episode at the treasury. Instead, he speaks only of Metellus's obstructionist tactics in the senate, where the tribune apparently spoke against Caesar's various peace proposals. Caesar frames the issue in the text in a way that casts doubt on Metellus's *fides*. Caesar says that Metellus was put up by his (Caesar's) enemies to use these tactics (*Subicitur etiam L. Metellus, tribuni plebis, ab inimicis Caesaris, qui hanc rem distrahat reliquasque res, quascumque agere instituerit, impedit*).<sup>103</sup> The implication for the audience is that Metellus in the senate (and in the unmentioned confrontation at the treasury well-known to the audience) is executing the instructions of Caesar's personal enemies, people who are only concerned with their private agendas, not peace. Therefore *publica fides* is being disregarded. Then, Caesar says, when Metellus's public *consilium* had been recognized (presumably by others in the senate, as well as by Caesar) for the insincere profession that it was, he himself left Rome and went directly to Gaul, determined to waste no more time, although he had failed to achieve his political purpose (i. e., senate-sanctioned diplomacy to end the crisis quickly).<sup>104</sup>

Let us conclude the chapter. What we have seen is that Caesar aims to prove to his audience that despite the outbreak of war, his main political goal is still the resumption of normal republican activity. With Caesar's departure from Italy, his

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<sup>103</sup>*BC* 1.33.3.

<sup>104</sup>See *BC* 1.33.4. Perhaps to offset his unmentioned but well known suppression of Metellus at the treasury, Caesar's presentation displays Metellus as exercising perfect freedom in the senate. That is, Caesar deliberately shows the audience that he does *not* trample on Metellus's rights in the senate, though the public interest suffered from the tribune's abuse of his powers. Indeed, Caesar depicts himself here as such a scrupulous constitutionalist that he practically permits himself to be run out of town by Metellus.

statement of justification for having left his province is substantially complete. As we saw in our discussion of 1.11, Caesar mistrusted the peace terms that were suggested by his foes and began military operations in earnest. In his account of his advance into Italy, Caesar concentrates on his generous treatment of Pompeian captives, and shows in various ways that this policy of *lenitas* is an expression of his *fides*; his message is that he can be counted on (as a matter of his personal honor) not to deviate from his moderate practice (as far as Romans and Roman honor are concerned) in response merely to changes either way in the political wind. Caesar's political aims are also depicted as moderate; he does not have any political goal other than ending the state of emergency and resuming normal republican activity. This is the upshot of Caesar's late night conversation with Lentulus Spinther at Corfinium, where his *lenitas* assumes its definitive aspect: the Pompeian soldiers have their lives spared and are enlisted with Caesar's forces, and all of the elite Roman captives are dismissed unharmed. Caesar proceeds to Rome and presents his case directly to the senate, but is given a mixed reception. Unable to gain the senate's effective cooperation in brokering a peace agreement, Caesar resolves to prosecute the war to a finish as rapidly as possible—to limit Roman suffering. In the rest of the work, however, there are a number of important additional examples of Caesar's *fides* (and of his enemies' bad *fides*). These *exempla* are meant to be interpreted as furnishing ever more conclusive proof that what Caesar has asserted in the first thirty-three chapters is the truth. In the final chapter of our study, we shall take a brief look at some of these *exempla*.

## CHAPTER SIX

### *FIDES* IN A TIME OF WAR

Caesar's departure for Gaul and Spain marks an important turning point in the *BC*. It is also a major turning point for our discussion. I have argued thus far that Caesar focuses more or less exclusively on his basic case for taking up arms in *BC* 1.1-33. The rest of the work is ostensibly an account of military operations on both sides, with an occasional aside to reprise a particular issue raised or suggested in 1.1-33, or to describe subsequent political activity and diplomacy.<sup>1</sup> Our discussion of the opening chapters is now concluded. We have seen that major issues involving *fides* (e. g., Caesar's, the senate's, Pompey's) play an important and intentionally visible role in these chapters, where Caesar's justification is concerned. That is, in 1.1-33, Caesar uses *fides* to define for his audience important differences between himself and his foes. He declares (in effect) that his *fides* as a republican is good and that of his opponents is bad. He also shows the audience why this is so (and why it matters) by making or inviting comparisons between his actions in a given setting, and his foes' actions. By the time that Caesar announces his departure for Spain and Gaul in 1.33, the audience is familiar enough with all of this. Or to put it in slightly different terms, they know from the first thirty-three chapters that Caesar is basing much of his justification on *fides*. They also know upon what political grounds (e. g., *ratio absentis*, rights of tribunes, *privati cum imperio*) as well as personal grounds (his *lenitas* and willingness to make significant sacrifices for peace) he thinks he is entitled

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<sup>1</sup>I do not mean to imply that the military narrative as such is not interwoven with Caesar's ideological themes. In fact, it is.

to make this claim. One of Caesar's tasks in the rest of the *BC* is to furnish abundant proof that his claim to *fides* is merited. Various episodes which may be taken as supplying proof of Caesar's *fides* (and of the Pompeians' bad *fides*) are interspersed throughout the military narrative. It is to several of the most noteworthy of these passages that we shall now turn our attention.

I also stated previously that in making this case, I am not suggesting that other important themes or patterns that would have been visible to the ancient audience are not discernable in the *BC*. We should now take brief note of two such themes, both of which have been mentioned before. Each of them may at times have some relevance to the depiction of *fides* in the text.

First, there is the question of how a change in the way that Caesar refers to his opponents might have some impact upon our understanding of *fides*. I drew attention earlier to Roger Mcfarlane's recent observation that a major change occurs in the *BC* in Caesar's use of the terminology of enmity. Mcfarlane notes that the term *inimicus* (normally used to denote an internal enemy) is employed frequently in Book One, and to the exclusion of other terms of enmity, up through chapter 33. It is then dropped (with one exception at 3.104, which is not relevant). From that point on, the *inimici Caesaris* are referred to as *hostes* and *adversarii* (Mcfarlane says that *hostis* is used sixty-five times after 1.33; *adversarius* appears twenty-six times).<sup>2</sup> The word *hostis* normally denoted an external enemy. So, what does the switch mean for *fides*? Mcfarlane correctly argues that this change did not mean that Caesar now intended to exterminate his foes. In brief, his

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<sup>2</sup>For these statements, see Mcfarlane, "Narrative of Politics," 26 and 54-55.

explanation for the shift in terminology is that Pompey's flight to the East had made it clear that there was no going back for Caesar; his opponents had emphatically rejected his peace overtures, thus he judged he must adopt new terms of aggression and enmity (and was entitled to do so).<sup>3</sup> This is reasonable. But Mcfarlane also takes it to mean that as Caesar's "outlook on the conflict changed, so did his terminology." If allowed to stand, this ambiguous formulation might have potential relevance for Caesar's *fides*. Conceivably, one might argue on those grounds that if Caesar's "outlook" was being accurately reflected in this harsher language, then it must mean that he could not any longer be viewed as sincere in his peace proposals (that is, the proposals he makes subsequent to 1.33), either by the ancients or by us.

The problem with this is that the word "outlook" is simply too vague analytically for Mcfarlane's purpose. Politically, there is no evidence derivable from the *BC* to suggest that Caesar's fundamental outlook has changed at all from what it was at the beginning of the conflict, save for what Caesar himself openly admits to only as a possibility at 3.10.7.<sup>4</sup> Mcfarlane states, in fact, that *adversarius* is normally not a term of

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<sup>3</sup>Ibid., 54-55. Oddly, Mcfarlane also states here that having "established his constitutional foothold in early April, Caesar thereby became endowed with *imperium* and empowered to conduct an offensive war against his enemies." Caesar himself says no such thing in the *BC*. Gelzer's comment on Caesar's visit to Rome in April is that it proved "wholly ineffectual" and that Caesar had "failed to secure any sort of legally recognized basis" for his position. See *Caesar*, 210.

<sup>4</sup>Caesar here informs Pompey candidly through an intermediary that in the event one of them were to gain a decisive advantage, it was unlikely that that person would any longer be interested in a compromise peace; the prospect of victory on one's own terms, in effect, would prove too tempting. It was thus critical that they find a way to end hostilities then and there, in effect. (*Hoc unum esse tempus de pace agendi, dum sibi uterque confideret et pares ambo viderentur; si vero alteri paulum modo tribuisset fortuna, non esse usurum condicionibus pacis eum qui superior videretur, neque fore aequa parte contentum qui se omnia habiturum confideret*). That is, Caesar's political outlook would then likely be different, in that (for example) he might then (in his eyes) justly demand for himself some kind of public recognition as the republic's preeminent statesman. Were Caesar to have done such a thing, it would indeed have represented a change in outlook. For as matters stand, he does no more than express a desire to be regarded as Pompey's equal.

external enmity. So, the new vocabulary is not entirely consistent in any case. And the term *inimicus* was not really less an expression of hostility and rancor for being used of an internal foe.<sup>5</sup> Cicero actually compares Rome's fierce struggles with the Cimbri and the Celtiberians to fighting with *inimici*.<sup>6</sup> Also, he states in *De Officiis* that "we compete with a fellow-citizen in one way if he is a *competitor*, and in another if he is an *inimicus*." With the *competitor* the struggle is for *honos* and *dignitas*; with the *inimicus*, it is for *caput* (life) and *fama*.<sup>7</sup> My point is that in the *BC*, whatever may transpire with Caesar's terminology of enmity over the course of the narrative, Caesar always makes it clear to the audience that to the extent that war permits, he prefers to treat with his foes as if they were still his political competitors rather than his mortal enemies. That is to say, he consistently maintains that despite the fact that both sides have resorted to war, the conflict at heart is an internal one, and thus (in effect) a dialog to end hostilities and resume normal republican activity should be established not just quickly but on the appropriate political grounds—i. e., *honos* and *dignitas*. In his speech to the senate during his first visit to Rome, Caesar spoke of his willingness to make a sacrifice of *honos* and *dignitas* (1.32.4). His speech to his army before Pharsalus at 3.90 suggests that this had

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<sup>5</sup>For example, David Epstein observes that the consuls of 78, Q. Lutatius Catulus and M. Aemilius Lepidus, *inimici*, had to swear an oath that their differences would not spark another civil war. See *Personal Enmity*, 13.

<sup>6</sup>*De Off.* 1.38.

<sup>7</sup>*De Off.* 1.38: *Ut enim cum civi aliter contendimus, si est inimicus, aliter, si competitor (cum altero certamen honoris et dignitatis est, cum altero capitis et famae)...*

remained his political position, as does Crastinus's carefully framed invocation of his emperor's *dignitas* in the very next chapter.<sup>8</sup>

Hubris is the other theme in the *BC* of which we must take preliminary note. This is because Caesar's use of the hubris theme is sometimes closely related (whether consciously or not) to his depictions of *fides*. As I stated earlier, Galen Rowe has noticed that in framing the dramatic structure of several major episodes in the *BC*, Caesar arranges events in terms of the three stages of success, hubris, and catastrophe.<sup>9</sup> Rowe points out that hubris in the *BC* is not isolated but stands as a "vital link in the chain of events." Hubris has a cause (success, sometimes viewed as the outcome of *fortuna* or *tyche* rather than human merit) and becomes the cause of something else (catastrophe, or *nemesis*).<sup>10</sup> I should state now that I agree with Rowe that this pattern of hubris leading to catastrophe is there in the text, that Caesar consciously constructed the narrative to show this pattern, and that (as with his changing vocabulary of enmity) the original audience would have recognized the pattern. However, it is also the case that *fides* plays a significant role in each of the specific cases of hubris that Rowe discusses, though (understandably) he makes no mention of *fides* as such in his article.

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<sup>8</sup>It is also true that Caesar increasingly depicts his adversaries as subject to a variety of non-Roman influences, i. e., Juba, Oriental luxury, etc. But it would be going too far to suggest that this moral characterization reflected changing political aims on Caesar's part. In addition to the passages at 3.90 and 91, the speech of Caesar's legate P. Vatinius at 3.19 strongly suggests that Caesar still views his adversaries as fellow-citizens.

<sup>9</sup>Rowe, "Dramatic Structures," 399. Rowe opts for the spelling "hybris," but I prefer the more familiar rendering "hubris."

<sup>10</sup>Ibid., 413. Rowe observes that Polybius thought along similar lines, i. e., that success or *fortuna* (in the sense of excessive good fortune) might easily lead to hubris and folly. He cites Polybius's treatment of Regulus at 1.35.1-7; see 403. Of course, one might cite any number of passages from Polybius to prove the point. See also Eckstein's comments on Polybius's attitude to hubris and nemesis in *Moral Vision*, 62-63 (for Regulus), 276 and 283.

Rowe isolates four separate dramatic structures within the *BC*, each (he thinks) intended by Caesar to illustrate the danger that hubris poses for nearly all human undertakings: in this case, soldiers and commanders on both sides are shown reacting with sober restraint or exuberant overconfidence to the sudden changes of fortune that characterize military operations.<sup>11</sup> I do not argue that *fides* as such may likewise be detected as the motive behind the creation of an alternate dramatic structure in the *BC*. What I argue is simply that *fides* recurs often throughout the work in a variety of contexts (including the hubris episodes identified by Rowe<sup>12</sup>) because it is vitally important to Caesar's republican justification. He therefore wants to keep it in front of the audience as much as possible. It is thus with the topic of Caesar's republican justification that we are still concerned (i. e., his justification for taking the unusual step of leaving his province to defend his claims), not with something altogether new. All that is new for Caesar's audience is that war has now broken out in earnest.

For the remainder of our discussion, then, we shall focus on selected chapters of the *BC* that show how Caesar continued even after 1.33 to use *fides* as an important theme in his justification. Where *fides* is concerned, Caesar's use of the hubris theme is sophisticated. He does not, for example, try to argue simplistically that *fides* as a moral virtue offers some type of protection against hubris, or that as a character defect it is

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<sup>11</sup>Rowe's scheme is as follows: First Episode: 1.37-87 (A. Pompeian Success: 1.40-52; B. Hubris: 1.53; C. Catastrophe: 1.54-84); Second Episode: 2.17-21 (A. Success: 2.17; B. Hubris: 2.18.1-5; C. Catastrophe: 2.19-20); Third Episode: 2.23-44 (A. Success: 2.23-28; B. Hubris: 2.29-35; C. Catastrophe: 2.36-44); Fourth Episode: 3.59-99 (A. Success: 3.62-71; B. Hubris: 3.72-87; C. Catastrophe: 3.94.3-99.5). Carter, *Commentary 1 & 2*, 187, takes note of Rowe's division and, though not in serious disagreement, proposes a slightly different arrangement of his own. Since Caesar's themes tend to overlap (see next footnote), no really precise demarcation is possible.

<sup>12</sup>Rowe correctly notes that the overlap of the *BC*'s structural parts usually makes it impossible to be exact in defining each part. See "Dramatic Structures," 400 n. 4.

confined to his foes. He treats hubris as a universal human vulnerability (as for example did Cato the Censor in the preface to his speech *Pro Rodiensibus*; see Gell. 6.3.14). Caesar goes to great lengths to show how his own trusted lieutenant Curio fell prey to hubris. But he also takes pains to emphasize Curio's *fides*. The Pompeians, on the other hand, are also ensnared by hubris, but they consistently display bad *fides* and tend not quite to understand the trap of hubris into which they have fallen.<sup>13</sup> Part of Caesar's case against them (and their character), I suggest, may be that their hubris is one of several factors that has blinded them to (among other things) the true meaning of *fides*, where it did not blind Curio, whose eyes, at least, unlike Pompey's, were open at the end when he met defeat.<sup>14</sup> That is, both Curio and the Pompeians are ensnared in various ways by hubris. Curio, however, ultimately did not fail in his duty because he possessed a true *fides*. Curio's *fides* did not act to guarantee him success or rescue him from failure (Caesar displays to the audience his knowledge that *fides* cannot afford anyone a guarantee of worldly success); but it ensured that (notwithstanding of Curio's temporary

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<sup>13</sup>Despite its title, Martin Hennieke's short study *Die Hybris im Geschichtsbild Thukydides' und Caesars* (Athens: n.p., 1966) has virtually nothing to say about the compositional techniques by which Caesar depicts hubris in the *BC*. On one level, Hennieke appears to equate hubris with the political control over the state exercised by Caesar's foes, yet he apparently also believes that the Republic was obsolete (in part due to hubris) in any case. For him, the *factio* becomes subsumed in an almost purely abstract hubris seemingly operating as a historical force in its own right. Thus he seems to think that Caesar was consciously motivated by a desire to free Rome and himself from hubris as such (even more than from a threat posed by actual persons) when he crossed the Rubicon, though this seems rather far-fetched; see 14: "Er [Caesar] will sich und Rom von der Hybris befreien, jener unter veralteten staatlichen Formen wuchernden Anarchie, die durch die politischen Umtriebe einer Minderheit—factione paucorum (BC 1.22.5)—wachgehalten wurde." Undoubtedly, Caesar does see his foes' behavior as hubristic, but probably not quite along these lines.

<sup>14</sup>I do not argue that Caesar's presentation of these themes is entirely free from inconsistency when viewed from a modern perspective, but I am not primarily concerned with contemporary perspectives.

bout of hubris) he behaved as honorably in defeat as in victory.<sup>15</sup> The Pompeians, lacking a true sense of what *fides* demands, mostly fail in their duty. Not understanding *fides*, they behave badly all of the time—in victory and in defeat.

The purpose of our discussion, then, is to examine selected passages which illustrate the various ways in which Caesar deploys the above notions of *fides* throughout his account of military operations in the different theaters of war. These war-making activities begin in earnest when it is clear that there is no immediate prospect of peace negotiations taking place. I will for the most part only summarize military activities and their objectives when necessary and without going into great detail (or even any detail). We are concerned here with the ideological threads of the narrative which relate to *fides*.

I will consider each chapter (or group of chapters) under its own rubric, both for convenience and to reduce the need for footnotes. Let us begin by observing how Caesar uses *fides* to justify his use of armed force against one of Rome's oldest friends, Massilia.

### **Examples of *Fides* in Books One and Two**

#### **Massilia (Start of Siege): 1.34-36**

There is nothing particularly subtle about the narrative in 1.34-36. Caesar's main purpose is to show that the bad *fides* of the Massiliotes in their dealings with him amply justifies his siege of the city. But he also uses the opportunity to highlight the bad *fides* of leading Pompeians Vibullius Rufus and Domitius Ahenobarbus.

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<sup>15</sup>Let us recall that (as we saw in Chapter One) this is what Balbus promises Cicero about Caesar at *Att.* 8.15.a.3—that whatever happens, Cicero will see that Caesar has spoken the truth (i. e., in declaring that he will not deviate from his policy of *lenitas*, no matter what—win or lose).

In a long, complicated sentence, Caesar tells his audience what he has learned about goings on at Massilia even as he nears the place. Caesar states that Vibullius Rufus has been sent by Pompey to seize Massilia, that Domitius Ahenobarbus has the same intention, and that a group of noble Massiliote youths who had been at Rome on a diplomatic mission were advised by Pompey that Massilia should offer resistance to Caesar (34.1-3). This was just before he himself scampered *away* from Rome—*ab urbe discedens Pompeius*; this is deliberate irony. Caesar reminds the audience at the outset that Vibullius was one of those who had been taken prisoner at Corfinium and released unharmed (*Corfinio captum ipse dimiserat*). The implication is that Vibullius ought to have displayed some gratitude for this magnanimous gesture by at least remaining neutral. That he did not show any measure of gratitude casts an obvious shadow over his *fides*. Caesar does not need to remind the audience that he had also spared Domitius. This fact was notorious. So he stresses instead Domitius's reliance upon his private resources, rather than (by implication) sincere public support. Domitius requisitions by force seven merchant ships, and mans them with his own slaves, freedmen, and tenant-farmers from Cosa (*profectum item Domitium ad occupandam Massiliam navibus actuariis septem, quas Igilii et in Cosano a privatis coactas servis, libertis, colonis suis compleverat*).<sup>16</sup> That is, Domitius can only count upon the personal loyalty owed him by his slaves and the most dependent of his *clientes*; there is no genuine support for his cause at Rome or

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<sup>16</sup>Carter, *Commentary 1 & 2*, 185, points out that it is virtually certain that Domitius had estates at Cosa, a town about eighty miles northwest of Rome on the Etruscan coast. Carter relies on *CIL* 11.2638, an inscription of one of Domitius's freedmen. The inference, then, is that Caesar is not making the story up out of whole cloth.

among Italians at large. Caesar here reinforces the distinction between public and private *fides* that has informed his case from the very beginning of the narrative.

Pompey's advice to the young Massiliotes was that they should not permit Caesar's recent services to their city to expunge the memory of Pompey's earlier favors (*Pompeius erat adhortatus, ne nova Caesaris officia veterum suorum beneficiorum in eos memoriam expellerent*). Pompey's argument is couched blatantly in terms of personal obligation and even clientship; in this case, significantly, it is external clientship. Pompey does not appeal to any standard of *fides publica* or Roman legal authority, as he arguably could have done (since technically Domitius has proconsular status, if not an army to go with it). But it is in fact true that the issue *is* primarily one of personal *fides*. Caesar seems to imply that Pompey's emphasis on personal *fides* is a bad thing in comparison with his own claims upon the gratitude of Massilia, but Caesar is not on very firm ground here. His reference to the support of *tota Italia* (see below) amounts to a claim of *publica fides*, but the claim is weak because he was unable to secure the backing of the senate when he visited Rome. The fact is, Caesar's relationship with Massilia is also mainly grounded in personal *fides*. There is no denying the fact that his attempt to make Pompey's advice to the Massiliote youths appear illicit is rather brazen. Were Caesar in Pompey's position, he would most likely have done the same thing.

In the second and final sentence of 1.34, Caesar describes the reaction to this advice at Massilia. Pursuant to Pompey's commands (*Quibus mandatis acceptis*), the people of Massilia show unprovoked hostility to Caesar. They close the gates, make a variety of preparations for war, and summon to their aid the Albici, a barbarian tribe in *fides* to Massilia from olden days (*Albicos, barbaros homines, qui in eorum fide*

*antiquitus erant*). The reliance of Massilia on her rustic clients, the Albici, parallels the reliance of Domitius on his slaves and bondsmen, as well as the need of Pompey himself to rely upon such non-Roman allies as the Massiliotes. This further highlights a major difference between the two camps that Caesar consistently wishes to paint—on his side, willing public support and regard for the common good—and on the other, a desperate nexus of self-seeking individuals and cliques operating in rogue fashion without any effective or willing support among members of the broader internal political community.<sup>17</sup>

In 1.35. 1-2, Caesar emphasizes the quality of his own *fides* by describing for his audience the care he takes to avoid a violent conflict with a venerable and respected Roman ally (notwithstanding the warlike preparations that have already made against him by that ally). He summons the fifteen men who head up the Massiliote council—the steering committee, in effect (*Evocat ad se Caesar Massilia XV primos*).<sup>18</sup> Caesar practically begs these people not to let the first act of war come from their side (*ne initium inferendi belli a Massiliensibus oriatur*); his original audience understands without being told that it is the antiquity of the friendship between Rome and Massilia in particular that Caesar is honoring here. This would have been read as an additional mark of Caesar's *fides*. The Massiliotes, Caesar says, should follow the *auctoritas* of all Italy rather than the will of a single man (i. e., Pompey). He stresses that in urging this course, he recounted for the benefit of the fifteen councillors all other relevant facts that he thought would be useful for bringing their minds back to a sober state (*debere eos Italiae totius auctoritatem sequi*

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<sup>17</sup>See Appendix III.

<sup>18</sup>According to Strabo (4.179C), Massilia was governed by a council of six hundred men who held office for life. There was an executive committee of fifteen to manage daily affairs, and over the whole state, three of the fifteen presided as supreme magistrates.

*potius, quam unius hominis voluntati obtemperare. Reliqua, quae ad eorum sanandas mentes pertinere arbitratur, commemorat*). What the *reliqua* are exactly he does not say. I suggest that based on the context, they must have included some of the *publica fides* arguments he marshals (on behalf of the constitutional legitimacy of his claims, among other things) in *BC* 1.1-9 and with which the audience is now familiar. I say this for two reasons. First, Caesar here claims to have the backing of *tota Italia*.<sup>19</sup> It is reasonable to suppose that he would feel a need to explain in some detail the basis of this claim—to the Massiliotes, perhaps a quite extraordinary claim. That is, he would have represented his case as based on *publica fides*, in addition no doubt to the near-universal good will that had accrued to him as a result of Corfinium. Second, unless Caesar is making a claim of legitimacy based on *publica fides* here, his rhetorical decision to reproduce in his text at (for him) some length the Massiliote reply to his appeal is difficult to understand, given the contents of that reply.

For the Massiliotes do send back an authoritative (*ex auctoritate*) if somewhat evasive reply in 35.3-5. It amounts to a claim of neutrality—a claim which Caesar does not in terms of his rhetoric disallow, if it is sincere. But it proves to be a fictitious claim. The Massiliotes state that as they understand it, the Roman people are divided into two parts, and that it is not within their power or faculties of judgement to discern which part had the more just cause (*intelligere se divisum esse populum Romanum in duas partes; neque sui iudicii neque suarum esse virium discernere, utra pars iustio rem habeat causam*). This declaration has significance for our understanding of what is implied above

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<sup>19</sup>See Appendix III.

by *reliqua*. It strongly suggests that Caesar has argued his case to the Massiliote leadership partly on grounds of *publica fides*, just as he does for his audience in *BC* 1.1-9 (and in the speech to the senate at 1.32). Otherwise, it makes no sense for the Massiliotes to assert in their reply that they have no competence to judge between the rival *causae*. They clearly know something about the *causae* (as distinct from the private motives and claims of the two respective leaders). The text suggests that their apparently detailed knowledge about the two sets of claims is recent (as must necessarily be the case), and that Caesar must have asked them to base their decision at least partly on the merits of his claim to be the more legitimate republican (rather than simply their good friend and benefactor, and a better one than Pompey).

This conclusion is supported by what the Massiliotes say next. Ignoring Caesar's republican claims and *tota Italia*, they shift the topic abruptly to what is plainly the realm of purely extra-legal relationships (and thus, by implication, away from any realm of public legality or obligation). Turning from the suggestion that they adjudicate between the *causae* on their ostensibly legal or public merits, they simply declare that Pompey and Caesar are both patrons of their *civitas* (*Principes vero esse earum partium Cn. Pompeium et C. Caesarem patronos civitatis*). After reciting some of the important benefits they have received from each of them, the Massiliotes say that as the benefits conferred by the two patrons are equal, it is their duty to show them equal good will, to assist neither of them against the other, and not to receive either within their city or harbors. Again, in terms of the text, Caesar—notwithstanding the Massiliotes' arguably dubious plea of ignorance about the merits of his constitutional case—does not object to their stance of neutrality, if it is sincere.

Then Caesar informs us in 1.36 that the Massiliotes have not negotiated in good faith. Caesar tells the audience that while the negotiations described in 1.35 were still going on, Domitius Ahenobarbus arrived at Massilia with ships. Rice Holmes reminds us that Domitius had proconsular status and that it was doubtless on that basis that he was vested with supreme control when he arrived at Massilia.<sup>20</sup> Caesar, naturally, does not wish to acknowledge that Domitius's pretensions had any sort of legal basis. Domitius was welcomed within the gates, and given supreme authority over both the city and the war (*Haec dum inter eos aguntur, Domitius navibus Massilium pervenit atque ab eis receptus urbi praeficitur; summa ei belli administrandi permittitur*). Domitius then sets in motion further preparations for armed resistance. Caesar's patience has reached its limits with the Massiliotes' overt breach of *fides publica* here.

In terms of the text, *fides publica* is undoubtedly what is seen as at stake because of the emphasis that Caesar places on the historic significance of the relationship between Rome and Massilia. War against Rome's old friend is now seen as morally defensible. Elizabeth Rawson observes that Massilia's alliance with Rome was supposed to date from the regal period, and that there had been a long history of cooperation against the barbarians.<sup>21</sup> Badian, discusses the importance of the bi-lateral relationship and notes that "we do not know when relations culminated in a formal alliance."<sup>22</sup> Gruen, however, doubts the evidence for a connection with Rome as early as the regal period. He further argues that the undeniably long-standing relationship was based on informal *amicitia*

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<sup>20</sup>Holmes, *Roman Republic*, vol. 3, 49.

<sup>21</sup>Rawson, "Caesar," 430.

<sup>22</sup>Badian, *Foreign Clientelae*, 47-48.

rather than a formal treaty of alliance.<sup>23</sup> For our purposes, it does not matter whether Rome and Massilia were primarily bound by formal treaty obligations or not. What is important is that Caesar seems to recognize that *fides* imposes on him an obligation to go to exceptional lengths to avoid breaking with Massilia, and that this is probably due in part to the great significance that the ancient relationship had for Romans, whatever that relationship's historical or technical basis.<sup>24</sup> This well illustrates what is perhaps the key theme of my argument in the dissertation; legalities are not to be stood upon in *fides*.

Describing himself as having been “deeply agitated” by the injustices perpetrated (against him and Rome) by the Massiliotes, Caesar orders three legions to move against Massilia (*Quibus iniuriis permotus Caesar legiones tres Massiliam adducit*). Leaving D. Brutus and G. Trebonius to manage naval and military operations against Massilia, Caesar dispatches other forces to Spain and moves on.<sup>25</sup>

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<sup>23</sup>Gruen, *Hellenistic World*, 65-66.

<sup>24</sup>Cf. Val. Max. 2.6.7a, where the Massiliotes are praised for the gravity of their discipline, observance of their ancient custom, and remarkable devotion to the Roman people (*Idem Massilienses quoque ad hoc tempus usurpant, disciplinae gravitate, prisca moris observantia, caritate populi Romani praecipue conspicui*). At *De Off.* 2.28, Cicero (commenting harshly on Caesar's having included his victory over Massilia in the official triumph he celebrated at Rome) declares that without Massilia's help, Roman *imperatores* had never triumphed over enemies beyond the Alps (*sine qua numquam nostri imperatores ex Transalpinis bellis triumpharunt*).

<sup>25</sup>There is some controversy over what the facts are here and therefore over Caesar's honesty in the text. Gelzer, *Caesar*, 213n, argues (partly on the basis of Dio 41.19.3-4) that Caesar actually directed the siege in person for several weeks in expectation of a quick success. It was only when an easy victory did not materialize that he departed for Spain, leaving Trebonius in overall command. Rice Holmes devotes an appendix to sorting out the various issues relating to this question. I agree with Holmes that by *Quibus iniuriis permotus Caesar legiones tres Massiliam adducit*, Caesar plainly implies that these legions were not at that time with him. What happened, then, is simply that Caesar remained at Massilia with whatever forces he had at his immediate disposal only *until* Trebonius arrived with his three veteran legions (and as Holmes stresses, serious siege work required experienced and knowledgeable soldiers). This may have taken as much as a month. *Then* Caesar departed for Spain. If this was indeed the way of it, then Caesar's account of his departure from Massilia is considerably less venal than Gelzer (following Dio's unflattering account) makes it out to be. That is, Caesar probably did not even construct large-scale siege works because he did not yet have the proper forces in place to do the job. He apparently

For the sake of clarity, it is worth pointing out that as far as the text is concerned, Caesar is not *permotus* because his putative rights as a patron have been slighted by the Massiliotes, or because his claim to have the most legitimate constitutional case has been set aside. It is the Massiliotes' cynical use of negotiations as a mere ploy to buy time until the arrival of Domitius that violates *fides* here.

In this sequence of chapters, then, we can see that Caesar has shaped his account of current events in a way that makes *fides* a very prominent issue for the audience. There is no break in ideological continuity with the opening portion of the narrative (1.1-33). *Tota Italia* as a slogan functions here simply as a claim of support for (in effect) the program that Caesar enunciates at 1.22.5. But Caesar's main point is that he himself behaved with exceptional *fides* in regard to Massilia. It is rather the bad *fides* of Massilia that is at the root of the conflict. In terms of the reality, of course, Caesar could under no circumstances have left a hostile or even only potentially hostile Massilia between himself and Italy while he moved on to Spain. Military necessity alone dictated that he make certain of the place by one means or another.<sup>26</sup> By admitting Domitius into their city, the Massiliotes made Caesar's task of public justification a relatively simple one. Once more, Caesar paints his opponents as lacking in *fides*.

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just established a secure perimeter and maintained an effective vigil until he could hand things over to Trebonius. See Rice Holmes, *Roman Republic*, vol. 3, 384-87.

<sup>26</sup>Heitland, *Roman Republic*, vol. 3, 288, makes a vital point: "For Caesar, to whom a quiet Gaul was a prime necessity," Massilia's good will was indispensable. As Heitland further states, the city's trade connections and influence in Gaul were extensive. A hostile or unreliable Massilia could have menaced Caesar's interests in many ways.

### **Spain (Afranius and Petreius): 1.67-87**

*BC* 1.37-66 deals primarily with military operations in Spain (and also with highlighting in various ways the susceptibility of the Pompeian troops and their commanders to hubris). The military operations as such do not concern us. It is not until parts of the military narrative at 1.67-87 that the theme of *fides* (as it relates to Caesar's justification for taking unusual action, i. e., leaving his province in order to contest the legitimacy of the government's actions concerning him and the tribunes) returns in full force. In fact, the crux of the Spanish narrative in book one is at 74.2, where the rank and file Pompeian soldiery publicly ask their counterparts in Caesar's army about the quality of Caesar's *fides* (*Deinde de imperatoris fide quaerunt*, etc.). The question is answered for the audience by Caesar's humane treatment of his foes at the conclusion of book one (85-87). What we will see is that (as at Massilia) *fides* does not end as a matter of fundamental importance for Caesar's justification of his technically illegal activity since leaving his province, even though (in his terminology in the *BC*, as Macfarlane noted) he now mostly confronts *hostes* rather than *inimici*. For Caesar, the justification of his actions against the government now means showing conspicuously that he is a better republican than they, as much or more than it means continuing to press the legal and constitutional issues he identified in (e. g.) *BC* 1.1-11. 22.5, or 32 and 33.

It is again important to recognize that what Caesar is doing in this regard is not out of the ordinary in terms of Roman politics. The modern reader exclaims 'But he committed treason! How can he seriously argue that he is the better republican?' It has become a commonplace for modern scholars (who are usually following blindly in Cicero's footsteps) simply to say or imply that when Caesar left his province, he was

guilty of high treason, as if that ended the matter. But as Richard Bauman notes, “the modern law of treason would exclude many of the categories which formed part of the *crimen maiestatis*.” Other *maiestas* offences, Bauman says, included losing a battle, disregarding the auspices, ill-treating prisoners of war, using violence against a magistrate, interrupting a tribune, falsely claiming Roman citizenship, visiting a brothel in an official capacity, holding court while intoxicated, dressing in women’s clothes, inciting civil commotion, falsifying public records, and publishing defamatory pamphlets.<sup>27</sup> In other words, if Caesar did leave his province, he could easily point his finger in the direction of his foes and plausibly accuse them of similar transgressions. And indeed, as we have seen in this dissertation, that is exactly what he does. The point is that Caesar’s own illegal actions did not necessarily constitute a hopeless impediment to the case he wants to make.

A few comments on the background of military situation are in order before we proceed further. On July 2, 49, not far south of Ilerda (modern Lerida), five Roman legions (under the command of L. Afranius and M. Petreius) surrendered to Caesar unconditionally.<sup>28</sup> It had been a remarkable campaign. In only forty days, as Pierre Cagniard observes, Caesar neutralized “the best troops Pompey could match against him.”<sup>29</sup> Even more remarkable, the surrender of an entire army (five legions) was brought about as a result of Caesar’s tactical maneuvers, “without any direct physical

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<sup>27</sup>For this and the previous statement, see Bauman, *Crimen Maiestatis*, viii. Bauman adds that “there was a homogeneous principle running through all these cases ... but it was not a principle which can be brought under one category in terms of the modern concept of treason.”

<sup>28</sup>For a recent discussion of Caesar’s Ilerda campaign, see Pierre F. Cagniard, “Strategy and Politics in Caesar’s Spanish Campaign, 49 B. C.: Variation on a Theme by Clausewitz,” *The Ancient World* 26 (1995): 29-44.

<sup>29</sup>*Ibid.*, 29.

engagement.”<sup>30</sup> But Cagniard recognizes that there was also a moral dimension to Caesar’s strategy, a dimension that (as Cagniard argues in his article) was so important that without it, a bloodless victory would not have been possible:

...he (i. e., Caesar) made the opposing troops understand that in a civil war desertion was only winning over to the just cause, and capitulation not a dishonorable conclusion; only shedding the blood of fellow citizens was disgraceful and criminal. Afranius’s soldiers were Roman legionaries and consciously or unconsciously were looking for a legitimate way to save their pride, their honor. Caesar gave them a way to do so.

While I agree with Cagniard’s thesis, the weakness of his article is that he never satisfactorily describes, identifies, or analyzes the “way” that Caesar creates the moral climate that made an unconditional and largely bloodless surrender possible. In fact, Caesar does this by making *fides* the issue, both for Afranius’s army and for his audience. The proven quality of Caesar’s *fides* (in tandem with the bad *fides* of Afranius and Petreius) equates to legitimacy for Caesar and makes it honorable for the common soldiers arrayed against him to lay down their arms without a battle.

There is no need to recount the military maneuvers that are described in 1.37-66. We should only note that Caesar there develops the theme of hubris as a defining characteristic of his foes. At a critical moment in the military struggle, a fierce rainstorm causes a river to overflow its banks and wash out the bridges that served as a lifeline for Caesar’s army (1.48). The Pompeians take advantage of this misfortune. However, they misconstrue the significance of the event. Instead of acknowledging the role that chance has played in giving them this success, they seem to believe that their own efforts are responsible. Caesar’s point for the audience is that the Pompeians have confused luck with

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<sup>30</sup>Ibid.

competence. This leads directly to hubris. Afranius and Petreius and their friends write to their associates at Rome an exaggerated account of what has transpired and create an impression abroad to the effect that the war is almost over (1.53.1). But their military success is short-lived. Caesar's engineers succeed in building a new bridge, and as he puts it, "there is a rapid change of fortune (1.59.1: *simul prefecto ponte celeriter fortuna mutatur*).” Among other things, a number of Spanish towns and peoples—evidently because Caesar's outstanding resourcefulness and perseverance in the face of adversity has encouraged them to place trust in his *fides*, although he does not state this explicitly—transfer their allegiance from Afranius to Caesar (see details in 1.60).<sup>31</sup> All of this has the effect of paralyzing the spirits of Caesar's enemies (1.61.1: *Quibus rebus perterritis adversariorum*).

The military situation now favors Caesar. Recognizing this, Afranius and Petreius decide that the best course for them is to leave the area altogether and shift the theater of operations south of the Ebro to Celtiberia (1.61.2).<sup>32</sup> The ensuing military actions (which I will not describe) are driven largely by Caesar's engineering successes (in compelling the Afranians to move in the first place) and his superiority in cavalry. The upshot is that the Afranians' fear of Caesar's cavalry has led the Pompeians to seek the safety of hilly and difficult country about five miles distant from their position. If they can

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<sup>31</sup>Gelzer, *Caesar*, 214, observes that Osca had been Sertorius's last stronghold, that Afranius (as Pompey's legate) had at that time suppressed insurrection there, and that Caesar had a good name among the *Oscenses*, because (while serving as propraetor in Further Spain), he had secured remission of the tribute imposed by Metellus Pius.

<sup>32</sup>The name of Caesar was scarcely known among the barbarians south of the Ebro (*Caesaris autem erat in barbaris nomen obscurius*). It thus made strategic sense for Afranius and Petreius to attempt to lure Caesar south of the Ebro and into the interior (where we should assume that states that in the 70s had sided either with Sertorius or with Pompey are to be found, in addition no doubt to some Iberian peoples who may have taken no active part in the Sertorian campaigns on either side).

reach the hills, they will likely be able to stop Caesar's army and successfully cover their retreat across the Ebro (1.65.4 and 66.4).

It is at this point that notions of *fides* start becoming highly visible again in the text. Faced with the problem of how their army might compensate for its inferiority in cavalry and safely traverse the five miles of level ground ahead of them, Afranius and Petreius and their officers discuss matters *in consilio* (1.67.1). The question before them is whether to begin marching by night or by day. Most believe that night will give them the element of surprise. But others think a night march should be avoided. Their argument demands scrutiny. In the main, this group argues that night battles should be avoided because soldiers in civil strife are prone to extreme fear and have a habit of heeding their fear rather than their oath (67.3: *quod perterritus miles in civili dissensione timori magis quam religioni consulere consuerit*). But daylight, they argue, by itself brings a sense of shame. Men's actions are watched by all, and there are centurions and military tribunes among the onlookers. It is by these kinds of considerations that an army's devotion to duty (*officium*) is preserved (67.4: *quibus rebus coerceri milites et in officio contineri soleant*). This opinion prevails in the council.

It is significant that Caesar attributes the above *sententia* to his foes. *Officium* (as well as *religio*) is part of the vocabulary of *fides*. In effect, Caesar means to suggest that his enemies must lack a real grasp of what *fides* means. They think they cannot command "loyalty" from their troops in the present civil calamity unless they shame them (as opposed to trusting them). By contrast, Caesar has already depicted his own troops in Spain engaged in night actions or undertakings at 1.41.1, 62.1, and 64.7: the difference is clear. Indeed, the Afranian officers who speak in council against night actions actually use

the argument that Caesar's cavalry were all around them at night, and acting effectively in spite of the darkness (67.3: *Circumfundi noctu equitatum Caesaris atque omnia loca atque itinera obsidere*)! Clearly, there are several implications for the audience. One is that Caesar's troops can be relied upon to do their duty day or night. A further implication is that this circumstance is owing to the quality of Caesar's leadership, in which his *fides* is included.<sup>33</sup> A third implication is that to the extent that the Afranian legionaries are also to be regarded here as *cives* (and the text indicates they are), their officers' scepticism about their reliability in the field at night actually equates to fear about their loyalty—that is, fear that rank and file legionary support for the Pompeian political *causa* is really lukewarm.

Following the Afranian council of war, military activity resumes. The objective of each side is to be first in reaching the hill country (70.1). Let us recall that if the Afranians were to arrive there first, they would be able to negate Caesar's advantage in cavalry and have a better chance of carrying out their plan, which was to lure Caesar deeper and deeper into hostile country (prolonging the war, and giving Pompey time to regroup and eventually bring overwhelming force to bear). Again, the details of these maneuvers do not concern us. What matters is that it did not take Caesar long to achieve a significant tactical advantage and cut the Afranians off from food and water. As he puts it, there was an opportunity for a battle that was likely to favor him (71.1). His *legati*, tribunes, and centurions urge him to join battle, and tell him that the common soldiers are most eager in their hearts for the matter to be settled (71.2: *Concurrerant legati*,

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<sup>33</sup>Carter, *Commentary 1 & 2*, 203, states: "Caesar takes great care to attach the observation [about not fighting at night] to the Pompeian side. This enables the great efforts of his men reported in the next chapter to appear all the more remarkable, and emphasizes his own ability to command loyalty." For "ability to command loyalty" substitute *fides*, and you have the ancient view.

*centuriones tribunique militum: ne dubitaret proelium committere; omnium esse militum paratissimos animos).*

Caesar rejects this suggestion in 1.72, and in a way that is plainly meant to cast his *fides* in sharp relief for the audience. From now on in book one, Caesar's *fides* is more and more the cynosure of all eyes. It is the crux upon which any humane and republican outcome is seen to depend. Let us observe how this effect is achieved.

*BC 1.72* functions as an "aside" to the audience. It sets up the standard by which Caesar wants the audience to judge him in the sequences that immediately follow. Caesar states (in effect, by way of reply to his officers) that by cutting his adversaries off from their food supply, he hoped to be able to finish them without a battle and without injury to his own men (72.1). But Caesar makes it clear that his reasons are fundamentally moral. He chooses to ask several questions aloud. Why he should lose his soldiers' lives even in a successful battle (72.2)? Why should he permit soldiers who have deserved so well of him on the score of excellent service to be wounded (72.2)? Why tempt fortune? Especially, he says, since it is no less the task of a commander to overcome his foes (nonviolently) through a policy of prudent restraint (*consilium*) rather than by the sword (72.2: *non minus esset imperatoris consilio superare quam gladio*). In fact, the term *consilium* here has the outright connotation of *fides* (as our discussion of 1.74 below will show). Likewise, Caesar adds, he is deeply filled with compassion for his fellow-citizens (he means the Afranian common soldiers) because he sees their slaughter (i. e., fighting on very unfavorable ground) as inevitable (72.3: *Movebatur etiam misericordia civium, quos interficiendos videbat*). He prefers to obtain victory with everyone kept safe and

unharméd (72.3: *quibus salvis atque incolumibus rem obtinere malebat*).<sup>34</sup> By giving voice to these sentiments, Caesar acknowledges before the audience—and shows himself as doing so without being prompted, itself a mark of *fides*—that an important debt must be paid to *fides* in an exceptional situation such as this, where one’s own side enjoys virtually all significant military advantages, and when the antagonists are fellow citizens.

Caesar further intensifies the audience’s focus on his *fides* with his remarks at 72.4. He states that his *consilium* was not approved by a majority of his troops. Indeed, the soldiers were even speaking openly among themselves to the effect that if this chance for victory were allowed to slip away, they would not fight even when Caesar desired it. Caesar is thus able to showcase his *fides* by depicting himself as refusing to yield to this pressure for fighting fellow-citizens from within his own ranks. He says that he continued steadfastly to abide by his own determination of what was best (*Ille in sua sententia perseverat*). This is how a good Roman leader is supposed to act.<sup>35</sup> The audience would interpret this as a mark of Caesar’s *fides*. This is because Caesar here resists pressure from the rank and file of his army, not his officers, i. e., the legates, centurions and military tribunes who originally presented him with the advice to attack at 71.2. Their views were

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<sup>34</sup>Cf. *BC* 1.23.3: *dimittit omnes incolumnes*.

<sup>35</sup>Not that a leader should never change his mind. But he should not do so simply as a result of pressure. A commander is expected to take into account the opinions openly expressed by members of his *consilium* in reaching a decision (and sometimes, even the views or sentiments of the rank and file, which are taken into account by Caesar himself at *BC* 1.64.2-3). Brian Campbell, “Teach Yourself How to Be a General,” *JRS* 77 (1987): 13, notes that in Onasander’s opinion, part of the *routine* (my italics) of a commander’s life should include taking advice from experienced men. But once a clear, rational decision has been reached, I would argue that it is normally seen as good for the decision maker to adhere to it. Much of Caesar’s criticism of Pompey and his associates in the text is that they seem incapable of this. At Pharsalus, for instance, Pompey apparently departs from his carefully thought-through plan for the battle at the very last minute and on the advice of a lone subordinate (*BC* 3.92.2). Caesar’s text certainly aims to convey the impression that this was a last minute development, rather than a change that had been suggested some time previously *in consilium*. The truth of the matter is, of course, unknowable. See my discussion of Caesar at Pharsalus below.

given a respectful hearing by Caesar in *consilium* at 72.1-3.<sup>36</sup> It is rarely (if ever) seen as a good thing in Roman historiography for a commander to allow himself to be overborne by pressure from his legionaries.<sup>37</sup> At *BC* 1.64.3, Caesar in part decides to engage the enemy because his soldiers are clamoring to engage the foe in combat, but he is careful to explain that he thought that something should be attempted against the enemy (*conandum tamen atque experiendum iudicat*). That is, he shows that he is in control. Caesar also (solely on his initiative, without any encouragement from his camp or the enemy's) moves his army a short distance away so as to diminish the fear of his adversaries (*et paulum ex eo loco digreditur, ut timorem adversariis minuat*).<sup>38</sup> This is another very visible mark of his *fides*; it discloses to the audience his sincerity in seeking a non-violent solution and his concern for the well-being of the troops on the other side.

Caesar's magnanimity soon begets results. Taking advantage of the opportunity provided by the temporary absence of Afranius and Petreius from their camp, the Pompeian soldiers converse freely with Caesar's legionaries. Each one of them seeks for and calls out any friend or fellow-townsmen of his in Caesar's camp (74.1: *et quem*

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<sup>36</sup>It is clearly the common soldiers who are now mainly challenging Caesar, not his officers. See *BC* 1.72.4: "Indeed, the soldiers were even speaking openly among themselves to the effect that if this chance for victory were allowed to slip away, they would not fight even when Caesar desired it (*milites vero palam inter se loquebantur, quoniam talis occasio victoriae dimiterentur, etiam cum vellet Caesar, sese non esse pugnatos*)." It is probably a fair inference that most if not all of the officers have been persuaded by Caesar's arguments and that it is the rank and file, a group that a Greek author might refer to as *to plethos*, who are still unconvinced.

<sup>37</sup>Ironically, Caesar shows himself as responding to the will of the soldiers at *BC* 1.7.8, but there the aim (besides defending Caesar's rights) is *tribunorumque plebis iniurias defendere*. The men are depicted as *cives Romani*, rather than as soldiers who are required to obey Caesar's commands because of the military *sacramentum* that they have sworn.

<sup>38</sup>That the beleaguered Afranians were in an apparent state of terror had been pointed out at 1.71.3.

*quisque in castris notum aut municipem habebat conquirat atque evocat*).<sup>39</sup> They thank Caesar's men for having spared their lives on the previous day, when they had been terrified (74.2). That they lived, they declared, was only owing to the *beneficium* conferred by Caesar's troops (74.2: *eorum se beneficio vivere*).<sup>40</sup> Then they ask the really key questions (74.2):

*Deinde de imperatoris fide quaerunt, rectene se illi sint commissuri, et quod non ab initio fecerint armaque cum hominibus necessariis et consanguineis contulerint, queruntur.*

The Afranian soldiers ask about Caesar's *fides* (*de imperatoris fide*). They ask whether they might in good conscience entrust themselves to Caesar (*rectene se illi sint commissuri*).<sup>41</sup> Then they lament the fact that they had not sided with Caesar from the beginning, and instead made war upon their kinsmen and most intimate friends (*et quod non ab initio fecerint armaque cum hominibus necessariis et consanguineis contulerint, queruntur*).<sup>42</sup> At this point, the Afranian legionaries are also shown as being motivated by these public utterances to implore Caesar's *fides* for the lives of their commanders, Petreius and Afranius (74.3: *His provocati sermonibus fidem ad imperatore de Petreii atque Afranii vita petunt*). The reason for this is provided in the second half of the sentence: the soldiers do not wish it to seem that they have conceived some crime in

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<sup>39</sup>Cf. Cic. *Cluent.* 49 for the sense of mutual obligation felt by fellow-townsmen (*quod erat ex eodem municipio*). As we saw in Chapter Four, Hellegouarc'h, *Vocabulaire Latin*, 393 (where he cites *Cluent.* 49), sees this obligation as resting upon *fides*.

<sup>40</sup>Caesar politely allows this attribution; the audience, of course, understands that the true author of the *beneficium* is Caesar.

<sup>41</sup>They mean, that is, "commit themselves unconditionally to Caesar's *fides*." The question is whether they can really trust Caesar.

<sup>42</sup>Of course, by uttering this statement they in effect answer their own questions (for the audience's benefit).

their hearts or have betrayed their own side (*ne quod in se scelus concepisse neu suos prodidisse videantur*).<sup>43</sup> By implication, it is the quality of Caesar's *fides* that is now seen by the Afranians as powerful enough to reassure them on the score of their own sense of honor and loyalty (to which Caesar also wants to be seen as doing justice). This is borne out by what they say next: if an understanding is reached concerning their request about their generals, they affirm that they will transfer their standards immediately and send *legati* and centurions of the first grade to Caesar to work out all the details about peace (74.3).

In 1.74.4-7, Caesar describes the socializing between the two camps that is taking place simultaneously (as the text makes clear) with the activity he has narrated in 74.1-3. It is against the backdrop of these social contacts that he now wants the audience to view the decision of the Afranians to rely upon his *fides*. The picture Caesar paints is of

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<sup>43</sup>Carter, *Commentary 1 & 2*, 97, renders the phrase as follows: "...so that they should not appear guilty of criminal behavior towards their own side..." However, Carter does not do justice to the force of *concepisse* (if he acknowledges its presence in the sentence at all). I concur with the Loeb editor in taking *in se scelus concepisse* to mean "conceived some crime in their hearts," or something very like it. To my way of thinking, *in se* here could just as easily be *in animos*.

a growing *concordia* between the camps, in effect.<sup>44</sup> It is worth looking at 74.4-7

complete for the sake of this, and for the contrast with what follows:

Meanwhile (*interim*) some bring their friends into camp to entertain them, others are led off by their acquaintances, so that the two camps seemed already fused into one (*ut una castra iam facta ex binis viderentur*), and many military tribunes and centurions come to Caesar and commend themselves to him. The same thing is done by the Spanish chieftains whom the enemy had called out and were keeping with them as hostages. These sought for their own acquaintances and guest-friends by whom they might severally have an opportunity of being commended to the notice of Caesar. The youthful son of Afranius also pleaded with Caesar through the legate Sulpicius for his father's safety. The whole place was full of rejoicing and congratulation; on the one side, of those who were seen to have avoided such great peril, and on the other, of those who were seen to have wrought such achievements without bloodshed; and Caesar in the general estimation reaped a great advantage from his traditional leniency (*pristinæ lenitatis*), and his policy met with the approval of all (*consiliumque eius a cunctis probabatur*). [Loeb trans., slightly modified by J. Barry]

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<sup>44</sup>It is worth briefly comparing Caesar's basic ideological stance here with Livy. Paul Burton, "Livy and Concordia," 56-57, observes that *concordia* in Livy is a positive quality in itself and is advocated by moderate politicians. As a rule, Burton argues, Livy does not use *concordia* as a smokescreen behind which to hide (for example) an oppressive optimate ideology. That is, *concordia* in Livy usually represents genuine compromise (dictated by concern for the public good) between, say, the aristocracy and the plebeians. It thus enables feuding groups (or individuals) to coexist. Both sides must be willing to give something up in settling their differences. Burton's view (with which I am in agreement) is that for Livy "the key to preventing escalation of civil discord to the point of armed conflict is compromise through *concordia*." In Livy's presentation, Burton notes, the behavior of moderates (who favor compromise through *concordia*) tends to be explicitly contrasted with that of hard-liners, who resist compromise. All of this should sound familiar to any serious reader of Caesar's *BC*, notwithstanding that the situation depicted by Caesar is one in which war between citizens has actually broken out. From *BC* 1.1 onward, Caesar consistently locates himself (in effect) within the moderate tradition of *concordia* admired by Livy. Caesar's reiterated aim in seeking peace talks in the *BC* is plainly not the mere cessation of bloodletting for its own sake, but the resumption of republican activity. Thus his ideological point is that while *he* is perfectly willing to coexist peacefully with his enemies within a republican framework (assuming that he is able to enjoy to the full the protections available to all citizens, which he sees as a vital part of the framework), *they* would destroy him sooner than coexist, and have put the republic itself at serious risk for the sake of their personal vendetta against him. But we should note that Caesar never actually uses the word *concordia* anywhere in the *BG* or *BC*. It is tempting to speculate that his avoidance of the term may have had something to do with Cicero's public appropriation and varied use of the notion over a long period of time—but this would require a separate study. Another possibility is that by emphasizing *fides* instead of *concordia*, Caesar is unconsciously betraying a very egotistical and self-centered outlook. This may be so, though Caesar *in effect* depicts himself as seeking to resolve *concordia*. But we should bear in mind that even if true, Caesar is not the only late republican politician of whom this could be said. Genuine *concordia* would seem to require the sincere renunciation of any purely personal agenda. One wonders if Cicero himself was actually capable of that.

I suggested above that *consilium* in these passages is used as a rough synonym for *fides*. At 1.72.2, Caesar rejected the sword (a “policy” of simple slaughter) in favor of *consilium*. At 72.4, his soldiers reject his *consilium* (or rather, its appropriateness as they see it for the task at hand). Now at 74.7, the circle is closed. The linkage between Caesar’s *consilium* and his *fides* has been made unambiguously clear to the troops and to the audience. Caesar’s *consilium* (resting on *fides*) is now saluted by his men, who had mistakenly thought that it would not be sufficient in itself to win over to their cause an armed and desperate enemy whose back was literally to the wall. It is also hailed by that foeman and fellow-citizen who is now, it would appear, almost a comrade. But this vista of fraternal concord produced entirely by Caesar’s *fides* is abruptly shattered.

When Afranius and Petreius learn of these developments, they return to camp. However, the two commanders react differently. Afranius seems resolved to accept the new situation calmly (*aequo animo*), but Petreius, as Caesar puts it, does not fail himself (75.2: *Petreius vero non deserit sese*).<sup>45</sup> He collects a force of soldiers (75.2). This force, significantly, is made up only of people from Petreius’s inner circle—his personal slaves (*armat familiam*), barbarian cavalry, and detachments from his praetorian cohort (75.2).<sup>46</sup> Without warning, Petreius and these men break up the soldiers’ peaceful *colloquia*, drive Caesar’s men out of their camp, and kill all of those they catch. This violent abrogation of the de facto truce amounts to a violation of *fides*, as is the killing of Caesar’s men, who

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<sup>45</sup>As Carter, *Commentary 1 & 2*, 207, correctly notes, Caesar’s statement about Petreius offering resistance looks like praise at first glance, but it is not. The action Petreius takes (such as the arming of slaves) is violent and unreasonable. In other words, Caesar is (yet again) being ironic when he says that Petreius does not fail himself.

<sup>46</sup>Cf. Lentulus’s arming of gladiators (i. e., slaves) at *BC* 1.14.4 (discussed in Chapter Five).

are (by implication) almost defenceless. They must wrap their left hands in their cloaks (presumably because full military gear was left behind in their own camp; an obvious pledge of their sincerity and willingness to trust in their foe) and draw their swords in self-defence as they fight their way with difficulty back to their camp (75.3: *sinistras sagis involvunt gladiosque destringunt*). Then Petreius, tears flowing, calls out to his and Afranius's soldiers and beseeches them not to hand either himself or their imperator Pompey over to their adversaries for punishment (76.1).<sup>47</sup> Petreius demands that the soldiers (including all ranks) swear an oath not to desert the army or the commanders, or to keep their own counsel separately from the rest (76.2). This seems to be another case of Caesar showing the Pompeians as reversing the usual republican order of things. Afranius was consul in 60, but Petreius never rose above the praetorship (in 64). Afranius is therefore the clear superior in *dignitas*, yet he does nothing to dissuade an ex-praetor from breaking *fides*. Likewise, we saw that the senate meeting on January 1, 49, was dominated by the “wrong” consul, Lentulus, since it was his silent colleague who actually held the fasces. After all have taken the oath, Afranius and Petreius jointly issue the order that any of Caesar's men still being harbored in the camp must be produced; when they are produced, they are killed publicly at the *praetorium* (76.4). But many of the Afranian rank and file (displaying better *fides* than their leaders) conceal Caesar's soldiers and help them to escape safely at night (76.4).

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<sup>47</sup>Pompey, of course, is not physically present. Carter, *Commentary 1 & 2*, 207, therefore thinks that Caesar may only want to remind the audience here that while Afranius and Petreius (who, unlike Pompey, are of course present) are mere *duces*, Caesar is an *imperator* and superior. But the audience does not need to be reminded of this. I would argue that Caesar is actually reminding the audience that Afranius and Petreius and their troops in Spain are just a subordinate element of an unrepudical political *causa* opposed to his own and that ideologically the real contest is between the two *causae*, not armies and individual personalities conceived only as such.

Caesar sums up what took place in a way that is reminiscent of his description of Pompeian intimidation of the senate (at *BC* 1.1-6). His comment at 76.5 is that the minds of the Afranian soldiers have now been turned back towards hostility as a result of a climate of fear created by Afranius and Petreius (*terror oblatus a ducibus*), the extreme cruelty of these two in inflicting punishment (*crudelitas in supplicio*), and the new sense of obligation created by the oath that was sworn—by implication, unwillingly.<sup>48</sup>

Caesar then displays his own *fides* and magnanimity in the face of the outrage that he and his forces have suffered at the hands of Afranius and Petreius. In sharp distinction to the latter, he issues orders that any soldiers from the opposing army who had come into his camp when the *colloquia* were being held should be hunted for with the utmost diligence and sent back (77.1: *summa diligentia conquiri et remitti iubet*).<sup>49</sup> Of this group, some military tribunes and centurions choose to remain with Caesar of their own accord (77.2). Under the circumstances, their action is meant to be seen as a merited tribute to the quality of Caesar's *fides*, and a black mark against the *fides* of Afranius and Petreius. Caesar adds that afterwards he held these men in great honor; the centurions he

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<sup>48</sup>Caesar implies that the new oath is bad for two reasons. For one, he suggests that it is coerced (in effect, by Petreius's dishonest, fear-mongering claim that he and Pompey would likely suffer some form of *supplicium* at Caesar's hands, when everything Caesar has done thus far indicates the opposite) and is therefore a false oath, no better than a cruel hoax.

<sup>49</sup>Although Caesar wants the Afranian soldiers in his camp sought out, it is not because he needs to protect them from possible retribution at the hands of his own men. At 1.85.2, he praises his men for protecting the Afranians it had in its power, despite the fact that their comrades had been killed while guests in the Afranian camp. This can also be taken as showing that Caesar's *fides* significantly influences the behavior of his men. Or, perhaps it shows that they are *all* men of good *fides* together, (hence) in a good cause.

restored to their former ranks, the equestrians to their positions as military tribunes (77.2).<sup>50</sup>

It would not have been lost on the audience (some of whom would have had intimate personal knowledge of the kinds of horrors often encountered during previous civil conflicts) that what Caesar does in this situation is an extraordinary act of *fides*—all the more so since the other side’s leaders act so brutally. Caesar could easily exact a fearful retribution upon his enemies. Instead, he chooses to act with restraint in daunting circumstances and behave in a way that also shows his awareness that he and his adversaries are in reality fellow citizens. There is a common civic bond that unites them.<sup>51</sup> It is precisely in this kind of situation—a situation where one need not act with *fides*—that the real man of *fides* acts with *fides*. Thus Caesar (as we saw in Chapter Five) chose not to break his *amicitia* with Cicero when the latter did not attend the senate in March 49. In Chapter One, we saw this point illustrated by Livy’s dramatic story about Camillus and the Faliscan tutor. Camillus acted with conspicuous *fides* towards the Faliscans when he need not have done so. The Faliscans’ favorable perception of Camillus’s *fides* led them directly

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<sup>50</sup>What Caesar seems to mean here is that while he hastened on the spot (in all likelihood) to confirm these people (whether or not they assumed their responsibilities in his army immediately) in the ranks they had previously held in Afranius’s army (to ensure that they suffered no loss of status as a result of their praiseworthy action), his gratitude to them did not end with that one reciprocal gesture. In other words, the whole point of the sentence is to display Caesar’s *fides* very conspicuously: he continues to hold these centurions and tribunes in great honor (whatever this may involve) even afterwards (*postea*), i. e., he will remember what they did and show his gratitude even after the present moment has passed and their action can no longer be of any immediate advantage to him. It is not that he merely “will give them vacancies as they become available!” as Rice Holmes, *Roman Republic*, vol. 3, 69, and Kraner, Hofmann, and Meusel, *C. Iulii Caesaris*, 100, wrongly argue (in different ways). Gelzer, *Caesar*, 216, also misses the point.

<sup>51</sup>It would not be untrue to say that Caesar’s mercy also rests to some extent on a perception of common humanity (e. g., he is very concerned at 1.21.2 to keep his men from sacking Corfinium at night, because in effect he knows that many innocent *people* would surely perish in the ensuing chaos). But I think it misses the point here to attempt to identify and then parse some type of distinction between *civitas* and *humanitas*.

in stages to peace with Rome. In the above case, favorable perceptions of Caesar's *fides* towards them and their comrades induce some of the other side's centurions and military tribunes immediately to enlist themselves in his *causa*—that is, they are all men of good *fides* together.

The Afranians now decide to return to Ilerda because they have some food there (78.2). But over the course of the next four days, they are continually harassed on the march and effectively checkmated by Caesar and his army (the narrative in 79-83 has the details). They decide to surrender.

The Afranians ask for a *colloquium*, but want it to take place somewhere away from the soldiers (84.1).<sup>52</sup> Caesar will have none of this, but will meet them only if they agree to speak in the open (84.2). The request of the Afranians for a meeting out of earshot of the soldiers is an obvious sign of their weak *fides*, whereas Caesar's insistence on an open and public discussion sets up audience expectation that he will not be found lacking in *fides* on this occasion.

Caesar then introduces the theme of *fides* explicitly in Afranius's surrender speech. With both armies listening (*audiente utroque exercitu*), Afranius formally addresses Caesar (in *oratio obliqua* in the text, as are most Caesarian speeches). He says that Caesar should not be angry with himself and Petreius or their soldiers, because they wished only to preserve their *fides* towards their imperator, Pompey (84.3: *non esse aut ipsis aut militibus succensendum, quod fidem erga imperatorem suum Cn. Pompeium conservare voluerint*). Apart from their many privations and their disgrace (*ignominia*), he

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<sup>52</sup>Cf. the unrepublican secrecy of the Pompeians depicted in *BC* 1.19.

says that they have now done enough for duty (84.4: *sed satis iam fecisse officio*).<sup>53</sup> Therefore, Afranius declares, they admit that they are conquered, and they pray and entreat, if there is any room for compassion (*misericordia*), that Caesar not judge it necessary to impose the ultimate penalty (84.5). Caesar adds that Afranius expressed these sentiments most humbly and submissively (*demississime et subiectissime exponit*). By casting Afranius's appeal in these terms, he wants the audience to see that the Pompeians' notion of *fides* is a false one. From Caesar's standpoint, there is irony in Afranius's declaration that everything they did (in effect) was motivated merely by a desire to keep *fides* with their emperor. What sort of *fides* is it, Caesar implies (and what sort of emperor), that seems (always) to demand the breaking of *fides*: the violation of peaceful *colloquia*, the massacre of Caesar's unarmed men, the swearing of false oaths? These kinds of actions desecrate *fides*. To construe them as *officium* (as the Pompeians consistently do) is shameful. The real disgrace is that the *ignominia* felt by Afranius is produced only by military failure and defeat, not by remorse for actions (of his and his subordinates) that blatantly transgressed *fides*. It is a double irony under the circumstances that Afranius now implores Caesar's *fides* (i. e., *si qui locus misericordiae relinquatur*).

Caesar's long reply to Afranius really amounts to two speeches. As Carter astutely notes, it seems improbable that Caesar delivered the whole speech in 1.85 in front of two exhausted armies, one of which was starving.<sup>54</sup> Sections 1-5, Carter thinks, are plausible for the situation at hand, and I agree that Caesar may very likely have said some

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<sup>53</sup>*Ignominia* is not linked to one single cause in the text. It is likely caused by a combination of all the factors that are mentioned—defeat itself, the Afranians' inability to endure further hardships, and their inability to remain true to Pompey (even if they say that they have done enough for duty).

<sup>54</sup>Carter, *Commentary 1 & 2*, 210.

such thing as this at the time.<sup>55</sup> But Carter observes that sections 6-11 are aimed at what he calls “a much wider justification” of Caesar’s position.<sup>56</sup> I agree only that this part of the speech is less likely actually to have been delivered on this specific occasion. Both sections of the speech, however, focus conspicuously on *fides* and have (I would argue) roughly equal relevance for Caesar’s de facto claim to be a better republican than his opponents, as far as swaying Roman public opinion is concerned.<sup>57</sup> In fact, sections 1-5 emphasize the quality of Caesar’s *fides* (and that of his men, and even that of the Afranian rank-and-file) as displayed in the recent confrontation with Afranius and Petreius, and by the same token, the bad *fides* of the two Pompeian leaders. Sections 6-11 serve to reprise for the audience Caesar’s earlier stated ideological concern (e. g., 1.1-9, and 32) with political and constitutional issues of *publica fides* (such as *privati sine imperium*).

It is significant not only that Caesar’s reply to Afranius in 1.85 places a strong emphasis on *fides*, but that this is Caesar’s longest speech delivered by him in the *BC* and that it is centered on *fides* of one sort or another. For this reason and because Caesar’s remarks (presented in *oratio obliqua*) are direct and exactly to the point, we must consider the full text of each half of the speech in turn, starting with sections 1-5:

No one in the whole army is less better-suited (i. e., than you, Afranius) for these theatrical displays of whining and self-pity (*nulli omnium has partes vel querimoniae vel miserationis minus convenisse*). All the rest have done their duty (*officium*): I, who was unwilling to fight even when conditions were favorable, time

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<sup>55</sup>Ibid.

<sup>56</sup>Ibid.

<sup>57</sup>Carter, *ibid.*, seems to think that only sections 6-11 would have had any real resonance at Rome for Caesar’s justification. But if we consider the extent to which republican politics may be viewed as simply a competition for trust, it seems more than reasonable to suppose that the first half of the speech would have been intended as a powerful statement in support of Caesar as the better republican.

and place suitable, that there might be absolutely nothing to prejudice the chances of peace (*ut quam integerrima essent ad pacem omnia*); my army, which preserved and protected (*conservavit et texerit*) those whom it held in its power, even when it had been injured and its soldiers slain; lastly, the men of your army who voluntarily pleaded for reconciliation (*de concilianda pace*), a matter wherein they thought it right to have regard to the life of all their comrades. Thus the part played by all ranks has been based on compassion (*miser cordia*), but the leaders themselves have shrunk from peace (*ipsos duces a pace abhorruisse*); they have observed the rights neither of conference nor of truce (*eos neque colloquii neque indutiarum iura servasse*), and with utmost cruelty have slain men who through want of experience were deceived by a pretended colloquy. So that has happened to them which is usually wont to happen to men of overmuch obstinacy and arrogance (*pertinacia atque arrogantia*)—namely, to recur to that which they have a little while before despised and to make that the chief object of their desire. Nor do I now make demands whereby my resources may be increased by reason of your humiliation or some fortunate conjunction of events, but I wish the armies which you have now maintained against me for so many years to be disbanded. [Loeb trans., slightly modified by J. Barry]

Caesar immediately sets up a dichotomy between himself and the soldiers gathered all around on the one hand, and Afranius on the other, that is not unlike the distinction we saw Camillus make between himself and the treacherous Faliscan tutor at Livy 5.27.5-8.<sup>58</sup> Afranius operates outside the moral pale, Caesar and the community he represents (i.e., members of the true republican community) operate within it. In his second sentence, Caesar states that all the rest (himself, his army, even the Afranian soldiers) have done their duty (*officium*). That by *officium* he primarily means *fides* is made clear to the audience by what follows. He, Caesar, was not willing to fight even when circumstances were favorable. This by itself is a mark of *fides*. His stated reason for

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<sup>58</sup>In the first sentence of Camillus's speech to the tutor, he says, "Neither the people nor the emperor to whom you are come, you scoundrel, with your scoundrel's gift, is like yourself (*Non ad similem tui nec populum nec imperatorem scelestus ipse cum scelesto munere venisti*). As is the case with Afranius in Caesar's text, the aim is rhetorically to displace the tutor from any sense that he is a legitimate member of a moral human community. This is followed in Livy by (in effect) a description of the Romans (and also Camillus) as a people who (unlike the tutor) understand what *fides* and *officium* require of them (and Caesar does much the same in *BC* 1.85. 1-5).

declining his advantage, however, is that he wanted things to be as favorable as possible for peace (*ut quam integerrima essent ad pacem omnia*). What this means in effect is that his desire for peace shows his *fides*. Caesar's army did its part (in preserving *fides* and seeking peace) by protecting the Afranian soldiers who were in their *potestas* (and thus at their mercy) at the time that the makeshift truce was broken by Petreius. The Afranian rank and file themselves had done their part (motivated by *fides*) by seeking reconciliation on their own initiative (*per se de concilianda pace*). Thus, Caesar stresses, all ranks were motivated by compassion (*misericordia*). Since *misericordia* is contrasted with Afranius's and Petreius's cruelty, their slaughter of defenceless men, and their actions in violating the *iura* of truce and of *colloquia*, it is clear that *misericordia* here has the sense of *fides*. Caesar's reference to the *nimia pertinacia atque arrogantia* of Afranius and Petreius is a direct allusion to their hubris.<sup>59</sup> He concludes the first part of the speech by stating that he will not take advantage of Afranius's humiliation to augment his own military strength, i. e., by incorporating Afranius's legions into his army (*quibus rebus opes augeantur suae*). He merely wants Afranius's army to be discharged. This profession is intended as an additional plain mark of Caesar's *fides*.

With this reference to the Pompeian legions in Spain, Caesar shifts the topic abruptly (as noted above). The issue is still *fides*, but it is *publica fides*. Instead of Afranius and Petreius, the responsible parties in 85. 6-11 are obviously Pompey and the *pauci*:

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<sup>59</sup>This particular passage is not cited by Rowe. We should recall that Caesar largely initiates his development of the hubris theme in *BC* 1.4, the "Motive Chapter," although he there avoids using the terms *arrogantia* and *pertinacia*.

For no other reason but this were six legions sent into Spain and a seventh levied there, or so many auxiliary units equipped or leaders of military experience sent to the front. None of these preparations were made for the pacifying of the Spanish provinces, none for the advantage of the province, which from a long period of peace required no assistance.<sup>60</sup> All these measures have been for long in course of preparation against me (*omnia haec iam pridem contra se parari*); against me (*in se*) new kinds of *imperium* are set up, such as that one and the same person should preside over city affairs outside the gates and should hold in absence two of the most warlike provinces<sup>61</sup> for so many years; against me (*in se*) are the rights of magistrates subverted, so that they are not sent into the provinces as always hitherto after the praetorship and consulship, but as approved and selected by a small clique (*per paucos probati et electi*); against me (*in se*) even the plea of old age is of no avail to prevent men approved in former wars being called up to command armies; in my case alone (*in se uno*) the rule is not observed which has always been allowed to all commanders, that when they have conducted affairs successfully they should return home, either with some distinction or at any rate without ignominy. And disband their army. Yet I have borne all these wrongs patiently and will bear them (*quae tamen omnia et se tulisse patienter et esse laturum*), nor is it my present object to retain for myself an army taken from you, which, however, it would not be difficult for me to do, but to prevent you from having one that you can use against me. So, then, as has been said, let us quit our provinces and disband our army; if that is done, I will harm no one. This is my one and final condition of peace. [Loeb trans., slightly modified by J. Barry, and incorporating John Carter's substitution of *auxilia* for *classes* in line one]

The main constitutional issues to which Caesar refers (or most of them) have been discussed or alluded to earlier. I shall not go over the same ground. But it is worth pointing out that these constitutional issues remain, obviously, given the amount of space Caesar devotes to them, extremely important to his justification for leaving his province in

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<sup>60</sup>Carter, *Commentary 1 & 2*, 211, observes that this is a gross misstatement. Caesar himself had campaigned in Spain as recently as 61-60, and was awarded a triumph (which he was prevented by his *inimici* from celebrating). Thus Carter thinks that Caesar paints a "false picture of a peaceful Spain" because an admission on Caesar's part that legions needed to be stationed in Spain in the mid-fifties would be an admission that his own victory had been a little hollow. But it is by contrast with Gaul, where Caesar had been with an approximately equal force, that it could indeed be plausibly stated (naturally, allowing some room for exaggeration) that the Spains had been "at peace." But if not entirely at peace, what do Pompey and his subordinates have to show the Roman people for the efforts of this very large force? Do the results justify this level of military commitment? Do they match Caesar's achievements in Gaul?

<sup>61</sup>As Carter, *ibid.*, notes, this statement about "warlike provinces" must be read as sarcasm if it is not to register as blatantly inconsistent with what has just been said.

defense of his and the tribunes' *iura*. They remain politically important even after the scene of the action has shifted away from Rome. Thus the change in Caesar's terminology from *inimici* to *hostes* (as noted by Macfarlane) plainly does not represent a change in Caesar's political direction.

All of this is significant. Caesar still goes to some trouble to suggest that his opponents' violations of *publica fides* are a basic issue for him. Consider his language, as he repeats for the audience his charge that the different public measures he criticizes have actually been directed specifically against him, and were never intended to serve the public interest: *contra se; in se; in se; in se; in se uno*.<sup>62</sup> He is not being subtle. His point is that the resources and prestige of the state have been misappropriated by members of a small political clique within the senate for their own private purposes. Political and constitutional practices of long standing have been radically altered so as to put power in the hands of the *pauci* rather than the people (from whom some power has actually been wrested). Rather than serve the public interest, the *pauci* have deliberately chosen to serve only their own interests. They have put these interests ahead of the common welfare. It is not just that in so doing they attack Caesar, but that they have gone to the trouble of subverting the government rather than deal with Caesar on his merits and within the system. Hatred of Caesar comes before all else for these men. Yet, Caesar declares in his peroration, he will bear (as he has thus far borne) these injustices patiently and humbly (*patienter*), nor will he keep Afranius's army, though he certainly has the power to keep it.

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<sup>62</sup>It is not difficult to imagine this section being read aloud, as if each repetition of *in se* were a hammer striking flint.

Both assertions are to be seen as marks of Caesar's *fides*.<sup>63</sup> Indeed, Caesar is here (in effect) likely to be echoing the senatorial position of December 50 that *all* sides should lay down their arms. For the further implication of his decision to demobilize the Afranian legions is that he is willing to relinquish control of his own legions also, if Pompey will make peace on honorable terms.

The soldiers of the defeated army, who have been listening, express their approval. In particular, Caesar states, they are gratified because they had their honorable discharge from military service without even asking, although they had expected (and deserved) to receive some kind of punishment (86.1). Caesar frames the matter in this way in order to showcase his *fides*. It is with this end in view likewise that he stresses (in a passage dealing with the technical issues involved in the demobilization) that none of the Afranians will be forced to take a military oath of loyalty (86.4: *neu quis invitus sacramentum dicere cogatur*). With the surrender of the legions commanded by Afranius and Petreius, the first book of the *BC* comes to an end.<sup>64</sup>

With the end of our discussion of the role played by *fides* in this lengthy sequence of the *BC* dealing with the capitulation of Afranius and Petreius, it is time to take

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<sup>63</sup>Cf. The similar statement in Caesar's speech to the senate at 1.32.4: *patientiam proponit suam, cum de exercitibus dimittendis ultro postulavisset, in quo iacturam dignitatis atque honoris ipse facturus esset*.

<sup>64</sup>Carter, *Commentary 1 & 2*, 212, explains that although the Pompeian legions were indeed being discharged, it would not have been unusual (given the unsettled times) for some of these men to have sought on their own to reenlist for a term in Caesar's legions, though many would have been glad of the discharge. It seems reasonable, in view of this, that Caesar would want to stress to his audience that there were no unwilling conscripts serving among his legions, and that if any from the other army had joined him, they had done so freely and not under compulsion. It is also the case (in terms of the text) that Caesar wants the audience to contrast his expressed disdain here for compulsory military oaths (and by implication, for the swearing of any kind of special oath designed to cement loyalty), with the Pompeians' evident need to rely on such artificial expedients to bolster resolve (e. g., 1.76, 2.18, 3.13, 3.87).

stock. We have seen that notions of *fides* continue to have considerable significance for Caesar's republican justification, even after the outbreak of war. But there is simply no space in this chapter for an equally exhaustive treatment of each and every important episode of the *BC* in which *fides* arguably is seen as vital for Caesar's case. Therefore in the rest of this chapter, we must be content with simply identifying and briefly summarizing several such passages.

### **Massilia (Surrender): 2.1-16 and 22**

The bulk of the material in these chapters consists of battle description, much of it dramatic and reminiscent of material usually found in Greek historians.<sup>65</sup> There is no need for us to recount these details, however. All we are concerned with is the fact that Caesar's treatment of the episode places great stress on *fides*; on the good *fides* of his troops and their commanders, the bad *fides* shown by the enemy, and his own *fides*.

Briefly, then, the Massiliotes reach the limits of their resistance after a protracted struggle both on sea and land. At a moment when the defenses seemed about to give way, the Massiliotes put down their weapons and extend their hands as suppliants in the direction of Caesar's army and its *legati* (11.4: *ad legatos atque exercitum supplices*

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<sup>65</sup>Carter, *Commentary 1 & 2*, observes that Caesar's account of the naval battle in the harbor of Massilia at 2.5.3-4 is roughly parallel to Thucydides's famous account of the battle in the Great Harbor of Syracuse (7.71). We should also note here that we do not have the complete text of the second book of Caesar's *BC*; important parts of the narrative as originally presented in the second book have been lost. For a recent attempt to identify the missing material, see Harry C. Avery, "A Lost Episode in Caesar's Civil War," *Hermes* 121 (1993): 453-69. Avery's discussion is actually broader and more searching than his title might suggest. Avery (not unlike Galen Rowe, with whose paper Avery is familiar) argues (469) that Caesar "was more of a tragic historian than has often been thought" and that he was plainly "familiar with the techniques of 'tragic' historiography." I agree with Avery (though he is overcautious). But I can do no more here than point out that (for reasons about which we can only speculate) Caesar consciously chose to employ these techniques much more visibly in the second book of the *BC* than in the other two.

*manus tendunt*).<sup>66</sup> With this sudden development, Caesar says, all warlike activities came to a stop (12.1). When the enemy (Caesar's term) reach the *legati* and the *exercitum*, they fling themselves as one body at their feet (12.2: *hostes ... universi se ad pedes proiciunt*). They beseech them to wait for Caesar's arrival (12.2: *orant ut adventus Caesaris exspectetur*) rather than see Massilia destroyed immediately, inasmuch as the soldiers cannot otherwise be restrained from breaking into the city in hope of plunder and laying it waste (12.4).

Caesar's *legati* are profoundly affected by this appeal—an appeal to their *fides*, plainly: they withdraw their troops and abandon the siege (13.1: *Quibus rebus commoti legati milites ex opere deducunt, oppugnatione desistunt*). This is yet another example of the kind of *fides* that Camillus displayed at Falerii. That is, it is another case in which *fides* means acting with moderation *beyond* what is required in a war situation.

Some kind of truce having been arranged out of compassion (*miser cordia*) for the Massiliotes, Caesar's arrival was awaited by all (13.2). Caesar goes out of his way to inform the audience that (in a letter) he had strongly urged Trebonius not to allow the city to be taken by storm because he understood perfectly how enraged his army was at the Massiliotes. He believed that in their anger, the troops would slay all the adults (*puberes*) in the place, just as they were now in fact threatening to do (13.3-4).<sup>67</sup> That is, Caesar was concerned even before the event to protect the lives of his weaker and practically defenceless foes. Trebonius successfully restrains the angry soldiers from

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<sup>66</sup>We should recall that Caesar had left C. Trebonius in charge of the siege.

<sup>67</sup>We should note here that Caesar describes his army as deeply upset by "hatred of the revolt (*defectionis odio*)," among other things. That is, Massilia is seen simply as in revolt against legitimate republican authority.

entering Massilia (the point being that had it occurred, it would have been a stain on *fides*—whether Caesar’s, the legates,’ the army’s, or all of them combined), but it took serious effort (13.4).

So in view of this, were the *legati* and Trebonius acting from their own personal *fides* in a *fides*-situation, or merely obeying orders? Is it Caesar’s *fides*? Caesar’s *fides plus* the *fides* of the *legati* towards Caesar and towards the Massiliotes? Briefly, it must be the latter. It cannot be a matter purely of Caesar’s *fides* because this would be unrepublican. It would imply that Caesar was making a novel claim for a republican—to be a paramount source of *fides*: the *maior* with respect to the republic itself. But our discussion has shown that Caesar’s argument in the *BC* adheres very closely to tradition. There is no reason for him to signal a change now. It was, in fact, a fundamental tenet of republicanism that commanders in the field operating independently act in a manner consonant with their own individual *fides*. Cicero says this to his brother Quintus (in reference to Quintus’s duties as propraetor in Asia) in so many words at *Qu. fr.* 1.1.27: “...you shall hold in esteem those whom the senate and people of Rome have committed and entrusted to your *fides* and *potestas*, protecting them in every possible way, such that you will seem sincerely to want the greatest happiness possible for them (*ut eos, quos tuae fidei potestatique senatus populusque Romanus commisit et credidit, diligas, et omni ratione tueare, ut esse quam beatissimos velis*).” Caesar’s *legati* at Massilia are operating in a war zone, but this would not diminish the perceived importance of their personal *fides* for the performance of their official functions. When Caesar tells the audience that he instructed Trebonius not to let the city be taken by force, he implies that his *fides* is involved. But he does not imply that he only sees his *fides* at stake. As we saw above,

Caesar depicts his *legati* as being moved by the Massiliotes' appeal for mercy. They grant the appeal out of compassion. Moreover, Trebonius incurs the soldiers' wrath because they think it is his fault (not Caesar's) that they have been prevented from sacking the city (13.4). That Trebonius is willing to resist this pressure is a mark of his personal *fides*.

How do the Massiliotes respond to this generous behavior? Almost immediately, they break *fides*. In Caesar's words, the enemy "without *fides*" merely bided their time, looked for an opportunity for fraud and treachery, and (in effect) launched a sneak attack on Caesar's forces and the siege works (14.1: *at hostes sine fide tempus atque occasionem fraudis ac doli quaerunt*). Trebonius and the rank and file rise to the occasion, however, and after several days manage to regain complete control of the situation. Realizing once again that they are beaten, the Massiliotes, Caesar says, quickly return to the same conditions of surrender as before (16.3: *ad easdem deditiois condiciones recurrunt*). This situation parallels what took place between Scipio Africanus and the Carthaginians in winter 203/202 to summer 202. It was a famous exemplar, surely known to Caesar and his audience. After Scipio's victory at the battle of the Great Plains, the Carthaginians sued for peace and were successful. Scipio gave them peace terms. Later, the Carthaginians broke the truce by attacking some Roman cargo ships; the war was on again. After Scipio's victory over Hannibal at Zama in the summer of 202, the Carthaginians found themselves in an utterly hopeless position and sued for peace a second time. In view of their previous treachery, Scipio would have been well within his

rights if he had rejected their supplication, but instead of laying siege to Carthage, he spared the city and dictated new peace terms.<sup>68</sup>

Caesar now changes the subject abruptly and in 2.17-21 he describes his campaign in further Spain against the legions commanded by M. Varro (which we shall discuss next).<sup>69</sup> Only after this does he describe (in 2.22) the way things ended up at Massilia. First, he describes the sufferings which the inhabitants of the city had undergone, and mentions that they had finally decided to make a surrender in good faith (22.2: *sese dedere sine fraude consttuunt*). Then he slips in the detail that Domitius Ahenobarbus (who had been there all along, let us recall) succeeded in escaping from the city by ship after he learned the intention of the Massiliotes to surrender. The implication, presumably, is that Domitius, having been spared by Caesar once at Corfinium and having shown base ingratitude subsequently by abstaining from neutrality, did not have the courage to confront his shame and stake his life on Caesar's *lenitas* a second time. Finally, Caesar ends the suspense and tells the audience the fate of Massilia. The city is spared on account of its name and antiquity, not on the merits of its conduct toward Caesar (22.6: *Caesar magis eos pro nomine et vetustate, quam pro meritis in se civitatis conservans*). This is a classic display of Roman *fides*. That is, Caesar is acting within a moral tradition whose exemplars include such figures as Camillus, Scipio Africanus, and Aemilius Paulus. I have

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<sup>68</sup>For the details and sources concerning these events, see Eckstein, *Senate and General*, 246-67.

<sup>69</sup>One reason Caesar does this, I suggest, has to do with the way that he presents the information that he has been named dictator by the praetor M. Lepidus. This announcement is made at 21.5, immediately prior to his display of magnanimity toward the undeserving Massiliotes. It is likely that Caesar intends for his display of leniency at Massilia (in terms of the text) to reassure the audience that as dictator he will be guided by the utmost *fides*.

not discussed Paulus separately in this dissertation, but his lenient treatment of the Macedonian king Perseus is another classic example of Roman *fides* in a time of war.<sup>70</sup> Caesar, Camillus, Scipio, and Paulus all have in common that they act with *fides* in ways that go beyond what is required in a war situation (and arguably, are willing to go beyond what is required in their dealings at Rome, if the situation should call for it).

### **Spain (Varro): 2.17-21**

In addition to the legions commanded by Afranius and Petreius, there were Pompeian forces in further Spain (where Caesar had been propraetor in 61-60) under the command of M. Varro. Caesar's aim in this section of book two is to show that Varro's *fides* is weak, and also to show that it is his cause rather than Pompey's that commands popular support in the province.

Caesar observes that Varro, when he first became aware of what was happening in Italy (in the early months of 49), doubted that things would turn out well for Pompey and began to speak in a friendly way about Caesar (17.1). Varro said that although he was bound by *fides* to Pompey (as his *legatus*), no less strong a connection existed between himself and Caesar (17.2: *...sese legatione ab Cn. Pompeio teneri obstrictum fide; necessitudinem quidem sibi nihilo minorem cum Caesare intercedere*). Continuing in this train of thought, Varro mused that he was not unaware what was the duty of a legate (i. e., one holding a position of trust), what his own strength was, and what the political sentiment of the whole province was towards Caesar (17.2: *neque se*

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<sup>70</sup>See Livy 45.7-8; especially 8.5: "The disasters of many kings and peoples have shown that the mercy of the Roman people offers you (i. e., Perseus) not only hope, but an almost certain assurance of safety (*Multorum regum populorumque casibus cognita populi Romani clementia non modo spem tibi, sed prope certam fiduciam salutis praebet*)."

*ignorare, quod esset officium legati, qui fiduciarium operam obtineret, quae vires suae, quae voluntas erga Caesarem totius provinciae*). The implication of Varro's statements seems to be that he will in fact accept the (legitimate) popular *voluntas* favoring Caesar as dictating where his true *officium* lies. But as Caesar puts it, while Varro expressed these opinions in all his conversations, he made no actual move to either side (17.3). That is, Varro behaves exactly like one who serves the times. And so he does. He begins to hear stories about the resistance of Massilia to Caesar, and about the successes that Afranius and Petreius appeared to have scored against Caesar (with Afranius writing him exaggerated accounts of these goings on; see 17.4). As Caesar puts it, Varro then begins to move in step with the movements of fortune (17.4: *se quoque ad motus fortunae movere coepit*). This is a hallmark of weak *fides*.

Romans did not admire people who served the times, waiting to see which way the wind was blowing before committing themselves to a course of action. Such people were not seen as possessing true *fides*.<sup>71</sup> This is why Cicero's letters to Atticus from December 49 until his departure from Italy are as anguished as they often are. Cicero feared that in view of his well-known stance in politics (favoring Pompey more than Caesar), his obvious reluctance to follow Pompey's leadership in the crisis unreservedly might be interpreted to mean that he was only waiting to see how events played out before

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<sup>71</sup>This can be seen clearly in Sal. *BJ* 108.3. Sallust explains the decision making of the barbarian ruler Bocchus: "But I believe it was rather because of Punic *fides* than for the reasons which he asserted in public that he dangled the hope of peace in front of both the Roman and the Numidian, and deliberated much within himself whether to hand Jugurtha over to the Romans, or Sulla to Jugurtha; that is, I think his personal inclination told against us, but his fear was in our favor (*Sed ego comperior Bocchum magis Punica fide quam ob ea quae praedicabat simul Romanum et Numidam spe pacis attinuisse multumque cum animo suo volvere solitum, Jugurtham Romanis an illi Sullam traderet, lubidinem advorsum nos, metum pro nobis suasisse*)."

making up his mind.<sup>72</sup> This was bad because *fides* is in some sense “immoveable,” indifferent to circumstances. This indeed is what we also saw in Livy’s story about Camillus’s behavior at Falerii. In effect, Camillus’s *fides* toward the captive Faliscan children is depicted as immoveable and unyielding. It motivates him to take action that goes beyond not just what a war situation might require, but beyond anything that might be seen as mere technical compliance with *fides*. For instance, Camillus could have taken the step of keeping the children safe and out of harm’s way, but in Roman hands nevertheless. This would not have been inhumane, under the circumstances. But it would not have satisfied the claims of *fides*, in Camillus’s judgement. To observe *fides* meant to act in a way that would exclude any suspicion that material gain or personal advantage was the governing motive behind one’s action. In this case, the only way to do that was to dismiss out of hand any notion of using the children as hostages; they had to be returned to their parents.

Varro now comes out strongly for Pompey because he believes that what Afranius and Petreius have been saying is the truth (for full details, see section 18). He engages in a variety of high-handed activities (such as the confiscation of private property belonging to *cives Romani*, the imposition of military garrisons, and penalizing of speech “deemed hostile to the commonwealth” in communities he thought were friendly to Caesar; see 18.4-5). He also forces the whole province to swear an oath of allegiance to

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<sup>72</sup>For example, in *Att.* 9.10, Cicero quotes from the advice that Atticus had been giving him during this period. Although Cicero was deeply concerned that he had not been acting honorably (*Cum vero iam angerer et timerem, ne quid a me dedecoris esset admissum*), it is clear from the passages he cites from Atticus’s letters to him that Atticus, in fact, had been giving him advice on how he might best temporize. That is, Atticus had not really been giving him good advice. It is almost a replay of what happened at the time of Cicero’s exile, when Cicero (after the fact) questioned the advice that Atticus had given him not to resist his enemies by force (see the discussion in Chapter Four).

himself and Pompey (18.6). After this, he learns what has really been happening to Afranius, Petreius and their forces, and prepares for war. Varro knows that the whole province favors Caesar (*provinciam enim omnem Caesaris rebus favere cognoverat*), so he resolves to retreat upon Gades (an island) and turn it into a fortress. However, Varro discovers that the province has rallied to Caesar, who had issued an edict requesting that the magistrates and leading men from all the local communities come to meet him at Corduba (19.1). As Caesar puts it, there was no community that did not send part of its senate, nor any Roman citizen of eminence who failed to attend (19.2: *nulla fuit civitas, quin ad id tempus partem senatus Cordubam mitteret, non civis Romanus paulo notior, quin ad diem conveniret*). At the same time, both Corduba and Gades shut their gates against Varro (19.3 and 20.2), who accepts the inevitable and surrenders (20.7). In a personal interview, he renders to Caesar a faithful and trustworthy (*cum fide*) account of his stewardship of the provinces affairs (20.8). Caesar surely intends this reference to Varro's *fides* to be taken ironically. That is, Varro's grasp of *fides* is purely technical and superficial. Varro thinks that mere scrupulousness in the matter of accurate ledger-keeping is equivalent to morality. But as Caesar implies at 17.1-2 above, *fides* is not technical. Varro is someone who (like many of Caesar's other senatorial foes) lacks independence; he waits upon events before making political decisions, as opposed to acting from conviction.

Again—to repeat what I said above about *fides*—Varro's behavior is depicted as contemptible because he does not disclose an immovable *fides*. On the contrary, Varro merely responds to the shifting fortunes (as Varro sees them) of the combatants in the other Spanish province. At 17.1-2, Varro begins to signal that he favors Caesar on

grounds that seemingly amount to *publica fides*. The implication is that Varro should disregard his (mere) *fides* to Pompey and heed the dictates (apparently) of his conscience (as well as the will of the whole province) by joining forces with Caesar at the earliest opportunity. The reports of victories by Afranius and Petreius that later reached Varro should not have caused him to change his decision. From the standpoint of *fides*, it makes no difference whether the reports are true or false. The fact that Varro did change his mind because of those reports marks his *fides* as bad.<sup>73</sup>

Caesar appropriately concludes his narrative of the war in Spain with his description of the *contio* that he held at Corduba.<sup>74</sup> Apart from his speech to the senate at 1.32, this is the only passage in the *BC* in which Caesar addresses a public audience that includes a substantial number of Roman citizens who are not soldiers. Caesar conducts himself in a way that seems calculated to display his sense of *publica fides*. He is careful to show proper respect to all who are present. Caesar says that he gave thanks to all according to their station (21.1: *Caesar contione habita Cordubae omnibus generatim gratias agit*). He gives separate thanks to the *cives Romani*, the Spaniards, the citizens of Gades, and the military tribunes and centurions (from one of Varro's legions), mentioning the specific contribution made by each group. The Gaditanians are to be praised in part for having effectively vindicated their own liberty (*seseque libertatem vindicassent*). What Caesar means is that (surprisingly) the Gaditanians were able to champion the cause of

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<sup>73</sup>Damon, "Practical Prose," 192, shrewdly observes that "Varro's drifting loyalties serve as a foil for the steadfastness with which Caesar endows his character Curio," whose heroic death is described at the end of book two (see below for my discussion of Curio).

<sup>74</sup>If Caesar's visit to Rome in April had been a political success, it is likely that a similar scene would have been crafted to showcase his support there.

their liberty successfully by themselves, i. e., without needing his or another's help.<sup>75</sup> In terms of his concern for *publica fides*, Caesar states that he is returning property to those from whom it had been confiscated as a penalty for their free speech (21.2). This is significant because it shows that his criticism of Varro is indeed based on *publica fides*. At 18.5, Caesar had pointed out that Varro (in an implicit travesty of justice and of public good) was returning judgments against private individuals who spoke out formally or informally "against the republic," and seizing their goods for "public" use.<sup>76</sup> By taking action to correct this particular injustice and one or two others (for details, see 21.2-3) and by carefully giving each group present at the *contio* its rightful due, Caesar stresses that he is committed to traditional *libertas*. He is not a revolutionary.<sup>77</sup>

#### **Africa (Curio): 2.23-44**

Caesar's narrative of C. Curio's military disaster in Africa is a fascinating specimen of ancient historiography. It deserves a monograph in its own right. I can devote to it only a couple of paragraphs.

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<sup>75</sup>See Appendix I for my argument that, *normally*, a *vindicatio* is a type of action (including legal action) that may be advanced by a third party on someone else's behalf. Caesar is praising the Gaditanians, because they successfully practiced a kind of self-help in the cause of their *libertas*, as opposed to placing all of their reliance upon a champion.

<sup>76</sup>...*iudicia in privatos reddebat qui verba atque orationem adversus rem publicam habuissent; eorum bona in publicum addicebat.*

<sup>77</sup>What Caesar does here at Corduba is not that different from what he does (according to Hirtius) at BG 8.50.3-4, where he is depicted making visits to various north Italian *municipia* and *coloniae* to thank the people there for having supported Antony's canvass for the priesthood and to commend his own anticipated candidacy for the consulship the next year. Both at Corduba and in these small Italian towns, Caesar is displaying traditional forms of respect for the inhabitants. He seeks to attract their support, not alienate them. Arrogant, high-handed behavior by a politician would alienate a Roman audience. Caesar at Corduba is operating like a republican politician, not merely a victorious general.

Curio's effort to secure control of north Africa for Caesar came utterly to grief through a combination of factors, including Curio's lack of experience, his faulty decision making, bad intelligence about the enemy, and just plain bad luck. All of these things figure in Caesar's account. But Caesar chooses primarily to structure his narrative of Curio's defeat around the theme of hubris, as Galen Rowe has convincingly shown. That is, Curio's early military successes result in his becoming overconfident, which leads to hubris.<sup>78</sup> Curio's hubris, in turn, causes him (twice) to disbelieve reports that king Juba, the Pompeians' most powerful ally (indeed, he is more powerful than the Pompeians themselves), is approaching the scene of battle with a strong force at the most critical moment.<sup>79</sup> Ultimately, the result is total disaster. Curio and the bulk of his infantry perish in battle. The pitiful survivors struggle to reach the coast in what for most of them is a futile effort to escape an ignominious death on the orders of a foreign potentate, Juba (for details, see 2.43-44).

Curio's *fides*, however, acts as a powerful counterweight to the tragic fate that engulfs him and his legions. Around the midpoint of Caesar's narrative of Curio's campaign, doubts arise concerning the loyalty of his legions, which were, in fact, the same

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<sup>78</sup>See Rowe, "Dramatic Structures," 407-9, for the full argument. In fact, though Rowe does not mention it, Curio's hubris and overconfidence are explicitly emphasized by Caesar at 2.23.1, the beginning of the account.

<sup>79</sup>At 37.1, Curio learns that Juba is nearby with large forces, but he is unable to believe it. Eventually he changes his mind. Then he changes his mind again at 38.2 and decides to fight, even overlooking a final opportunity to reconsider the truth at 39.2. There is a clear parallel in terms of historiography with Thuc. 7.73.3-4 and 74.1 (i. e., Syracusans actually sent by Hermocrates but posing as "friends" of Athens impart false information to the Athenian camp; the Athenians believe what they have been told and, as a result, delay their retreat with disastrous consequences). There are a number of parallels between the seventh book of Thucydides and portions of the second book of Caesar's *BC*, but that is a topic for another day. For a recent study of how Greek military theory helped shape the way that Caesar described the experience of battle, see J. E. Lendon, "The Rhetoric of Combat: Greek Military Theory and Roman Culture in Julius Caesar's Battle Descriptions," *CA* 18 (1999): 271-99.

legions that had surrendered to Caesar at Corfinium (and had sworn a new oath of loyalty to Caesar as their commander; see 1.23.5). After some discussion with his *consilium*, Curio delivers a speech to the soldiers. He reminds them of the great service they performed for Caesar at Corfinium (i. e., by voluntarily embracing his cause). Their action had decisively influenced the *municipia* to favor Caesar and reject Pompey (32.2: *vos enim vestrumque factum omnia ... deinceps municipia sunt secuta*). In fact, Caesar so esteems these men that he entrusted Curio (for whom he had great affection) to their *fides*, as well as the very provinces of Sicily and Africa, without which Rome and Italy cannot be held (32.3). Curio argues (in effect) that he himself is indeed worthy both of their trust and Caesar's (32.11-14).

The proof of this claim is later furnished on the battlefield. Although Curio and his forces are outnumbered, they give a fairly good account of themselves. Caesar states that Curio was not lacking in what was needed from a leader at the critical moment; he exhorted his men to place all hope in their *virtus* (41.3).<sup>80</sup> They make some headway and compel the enemy to give ground (41.4). But they are eventually surrounded on all sides by Juba's far superior cavalry. Panic and despair ensue among the ranks as prospects for escape recede quickly. At this point, Curio's cavalry commander, Gn. Domitius, surrounds Curio with a few of his horsemen, begs him to flee and make for the camp, and promises that he will not desert him (42.3: *et se ab eo non discessurum pollicetur*). But Curio replies that having lost the army that Caesar had committed to his *fides*, he will not

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<sup>80</sup>Cf. *BC* 3.73.5; Caesar exhorts his men to rely on their *virtus* after suffering a setback at Dyrrhachium. For Caesar's conception of *virtus* and its significance for achieving victory in battle, see Lendon, "Rhetoric of Combat," 304-16; for Lendon's comments on Curio's invocation of *virtus* at 2.41.3, see 307.

come back into Caesar's sight, and so dies fighting (42.4: *at Curio numquam se amisso exercitu, quem a Caesare fidei commissum acceperit, in eius conspectum reversurum confirmat atque ita proelians interficitur*).<sup>81</sup> Caesar concludes the section with the comment that only very few cavalymen survived, and that Curio's foot soldiers were slain to the last man (42.5). Curio's end is a heroic death in the best Roman tradition. His decision not to return alive after losing his army was surely reminiscent for the audience of Aemilius Paulus's similar choice on the field of Cannae; death and duty came before his individual life (Paulus, we may remember, was also fighting against Africans).<sup>82</sup> Curio could have escaped. He chose not to do so. That is, he chose death rather than break *fides*.

Curio's heroic *fides* is in stark contrast to the kind of *fides* that is now put on display by the Pompeians. Once more we see the pattern not only of Caesar's own *fides* but that his officers and men also have this primary republican quality—as opposed to the depiction of the Pompeians. A number of the survivors of Curio's army surrendered themselves directly to the Pompeian commander Varus (whether Caesar means P. Attius Varus or Sex. Quintilius Varus is unclear). When Juba saw these men the next day, he

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<sup>81</sup>Cf. *BG* 1.25.1. Before joining battle with the Helvetii, Caesar orders his horse and the horses of his retinue taken out of sight, so that everyone would face the same danger and hope of escape would be taken away (*Caesar primum suo, deinde omnium ex conspectu remotis equis, ut aequato omnium periculo spem fugae tolleret, cohortatus suos proelium commisit*).

<sup>82</sup>See Livy 22.49.6-12; Pol. 3.116.1-3 and 9. From Livy we have the story of Paulus's being offered a horse, protection and the advice quickly to leave the field (advice that, of course, he declines). Besides Paulus's death in battle, Polybius emphasizes the fact that Paulus fought on foot among the ranks and exhorted his men while in the thick of things, much as Curio does here. My point about this is two-fold. It is likely that Curio did, in fact, act in some such way as this and was partaking consciously of a Roman moral tradition by so doing. If Curio had not met a fitting end, I do not believe that Caesar would have lavished such high praise on him. But it is also likely that Caesar's written description of Curio's final moments is strongly reflective (and probably consciously) of the literary tradition (Greek as well as Roman).

declared that they were his spoils. A great many of them he ordered to be killed, while a few were singled out to be sent back to his kingdom, presumably as slaves (44.2). While this was going on, Varus complained that his *fides* was being wounded by Juba; yet he did not dare to offer any resistance (*cum Varus suam fidem ab eo laedi quereretur neque resistere auderet*). Plainly, Varus is depicted as having no *fides* at all. In the final sentence of book two (that is, of book two as we have it), Caesar paints an indelible portrait of the African king lording it over an entourage comprised of Roman senators. Juba rides into town with many senators in close attendance (Caesar names two of them; 44.3). The king does whatever he wants (*quae fieri vellet*). He arranges matters at Utica, issues commands (normally the prerogative only of a Roman commander who has been invested with *imperium*), and returns to his kingdom with all his forces. In John Carter's words, "Not for the first time, Caesar (here) emphasizes the topsy-turvy world of the Pompeians."<sup>83</sup>

If we look more closely at Caesar's language, we will see that there is another way in which he makes this point.<sup>84</sup> Caesar's description of Juba riding into Utica with senators in his train is a parody. It is meant to evoke the image of a formal triumphal procession, though with the positions reversed. In this case, the barbarian occupies the position that should belong to a Roman victor; he is followed by eminent Romans who are depicted as if they are accompanying a triumphing general. But the victory being celebrated is over Romans. Consider Caesar's language at 44.3: *Ipse (Juba) equo in oppidum vectus prosequentibus compluribus senatoribus*. Now compare it to Livy 5.28.1:

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<sup>83</sup>Carter, *Commentary 1 & 2*, 238.

<sup>84</sup>Neither Carter nor Kraner, Hofmann, and Meusel furnish any comments on Caesar's language here. They do not indicate any awareness of parallel language in Livy or other authors.

*cum triumphantem* (Camillus) *albi per urbem vexerant equi*. Caesar could easily have described Juba entering Utica on horseback without using the verb *vehere*. For a Roman audience, this verb (and its cognates), in this context, would almost automatically bring to mind the *currus*, or triumphal chariot.<sup>85</sup> Likewise, Caesar could have found a word not derived from *prosequi* with which to characterize the senators who were accompanying Juba. He clearly made a conscious rhetorical decision to portray his Roman enemies in this extraordinarily demeaning way. Caesar meant to show as forcefully as possible that these Pompeian senators, by participating submissively in a barbarian “triumph,” are utterly lacking in *fides* and *virtus*. They are among the most contemptible of Romans.

### Examples of *Fides* in Book Three

Caesar places somewhat less overt emphasis on *fides* in the third book of the *BC* than he does in the previous two books. Book three does not contain any distinct overarching drama (such as the contest with Afranius and Petreius in Spain) or carefully delineated sub-plot (such as Varro’s surrender or Curio’s hubris and defeat) in which *fides* as such is a salient (though not the only) ideological component in the narrative. Caesar’s account of the siege of Dyrrachium, for instance, while it may be thought of as a distinct and highly significant part of book three, emphasizes primarily (apart from the pure military narrative), the role played by human error, chance, or “fortune” in war and human

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<sup>85</sup>Cf. Livy 5. 23.5: *ipse [Camillus] est curru equis albis iuncto urbem invectus*; 10.7.10: *Qui Iovis optimi maximi ornatu decoratus curru aurato per urbem vectus in Capitolium ascenderit*; 28.9.15: *Itaque iret alter consul sublimis curru multiugis, si vellet, equis; uno equo per urbem verum triumphum vehi, Neronemque, etiam si pedes incedat ... memorabilem fore*; 45.40.8: *quos praetextatos curru vehi cum patre (Aemilius Paullus), sibi ipsos similis destinantis triumphos, oportuerat*; also cf. Ovid *Met* 5.359-361: *hanc metuens cladem tenebrosa sede tyrannus/exierat curruque atrorum vectus equorum /ambibat Siculae cautus fundamina terrae*; Ovid *Tristia*: 2.385: *currus/Pisaeae Phrygiis vexit eburnus equis?*; 4.2.47-48: *hos super in curru, Caesar, victore veheris/purpureus populi rite per ora tui*; Ovid *Ep. Sapph.* 91: *hunc Venus in caelum curru vexisset*.

affairs as much as it does anything else (although *fides* is occasionally part of the story as well).<sup>86</sup> But this is understandable. The details of warfare and combat necessarily command much of Caesar's (and the audience's) attention as the conflict approaches its violent resolution. By comparison with books one and two, the events described in the third book tend to unfold in an almost pell-mell fashion, as the various armies and protagonists converge upon points in Greece and neighboring regions sometimes as chance may have it, and then jab at one another haphazardly and indecisively until Caesar and Pompey finally determine (each for different reasons) to face one another at Pharsalus. The notions of *fides* that rise prominently above the surface in this part of the text usually do so for only a moment; then the scene quickly shifts. In this section, I will briefly discuss (in order) some representative passages that are relevant to Caesar's republican justification. Now that he is consul, this is no longer the same kind of task it was in book one. In book one, issues such as that of the *privati sine imperium* were important because they helped to bolster Caesar's implied claim that he had a moral right to take unusual action. As legal consul, he is technically legitimate. But since he is engaged in fighting a civil war, he still needs to show that he is a better republican than his adversaries. As in books one and two, Caesar in book three displays his *fides* to advantage; and it is no surprise that he continues to condemn his enemies by showing them as utterly deficient in

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<sup>86</sup>Cf. *BC* 3.73.5: *sed sive ipsorum perturbatio sive error aliquis sive etiam fortuna partam iam presentemque victoriam interpellavisset*. A passage that deals with *fides* at Dyrrachium by name is 3.64.3, where a dying standard-bearer trapped in a retreat entrusts his eagle to passing cavalymen, who save it from capture: *conspicatus equites nostros 'hanc ego', inquit, 'et vivos multos per annos magna diligentia defendi et nunc moriens eadem fide Caesari restituo ...* This is a significant example of the *fides* that Caesar's soldiers typically display, but it is not among the passages from book three that I discuss. The point about the *fides* of Caesar's subordinates has been sufficiently made by our discussion of the *fides* of Curio and his legionaries, who fought to the last man.

*fides*. So for the rest of the chapter, we shall mainly examine passages dealing with Caesar's attempts to end the war through diplomacy, and some of those that deal with the personal *fides* of his enemies.

### **Rome (Caesar as Consul): 3.1**

Caesar states in the first sentence of book three that he presided as dictator over the consular elections, and that he and P. Servilius were created consuls.<sup>87</sup> He makes a point of adding that this was the year in which the law permitted him to become consul (*is enim erat annus, quo per leges ei consulem fieri liceret*). As Carter notes, Caesar's observation here draws attention to the correctness of his own behavior compared with that of Pompey, whose third consulship in 52 followed almost on the heels of his second in 55.<sup>88</sup> Implicitly, therefore, Caesar at the beginning of book three once more emphasizes his *publica fides*.

Caesar likewise—and for similar reasons—stresses his moderation in 3.1. At *Att.* 7.11.1, as we saw in Chapter Four, Cicero reproved in very severe terms Caesar's already widely-publicized claim to have acted on behalf of his *dignitas*. Cicero linked this false *dignitas* to a number of actions of Caesar's. Some of these actions, such as Caesar's keeping his legions without legal authority (*habere exercitum nullo publico consilio*), were arguably matters of fact. The question of Caesar's legal authority over his legions

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<sup>87</sup>For more on the political significance that Caesar assigned to his second consulship in the *BC* (and other issues), see Mary T. Boatwright, "Caesar's Second Consulship and the Completion and Date of the *Bellum Civile*," *CJ* 84 (1988/89): 31-40.

<sup>88</sup>See Carter, *Commentary* 3, 140. Let us recall that (as Carter explains here) the *lex Villia* of 180, reenacted by Sulla, prescribed a ten-year interval between consulships. Caesar, of course, had been consul in 59. For details about the law itself, see A. E. Astin, "The Lex Annalis before Sulla," *Latomus* 16 (1957): 588-613.

was disputed. As we have seen, it was bound up with the question of when his term as proconsul was due to expire. This was the main issue that caused war to break out in the first place. But some of the other actions that Cicero mentions were merely hypothetical. The hypothetical actions included the abolition of all debts and the restoration of exiles.<sup>89</sup> Caesar puts these kinds of fears to rest in 3.1. First, he states that in order to diminish the fear of a general cancellation of debts that is likely to follow in the wake of war and civil strife, he took measures to ensure that debts would be paid at pre-war valuations (1.2-3).<sup>90</sup> Next, Caesar states that on motions put before the people by praetors and tribunes, he cancelled the convictions of those individuals who had been tried for *ambitus* by Pompey under his law of 52 (1.4).<sup>91</sup> His motivation for having this done through the people (that is,

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<sup>89</sup>See *Att.* 7.11.1 for details.

<sup>90</sup>Gelzer, *Caesar*, 221, gives the general background: "...notwithstanding the clemency which he had shown hitherto, men still feared or hoped for a general cancellation of debts. However, he could not ... humor his followers [e. g., Caelius Rufus, who later breaks with Caesar over this and in fact dies in the course of trying to start an armed uprising] on this point. Instead of a short-sighted and brutal plunder of the propertied classes in favor of a dubious collection of debtors, he issued a well-considered dictatorial edict with the force of law ... with directions about loans and property within Italy." I would only add that Gelzer's dichotomy between "propertied classes" on the one hand and a "dubious collection of debtors" on the other is misleading. Certainly, there was a debt crisis. But as Carter, *Commentary* 3, 140-41, points out, many of the debtors were themselves elite Romans: "There was permanent, if shifting, indebtedness among the politically active." When this is recognized, Caesar's statement at 3.1.3 to the effect that (besides looking out for the creditors) he wants to take steps to guard the *existimatio* of the debtors can be better understood. That is, many of the debtors are the social equals of the lenders. Indeed, they are among his audience (and among his competitors). For a balanced study of the debt crisis that confronted Caesar in 49 (as well as a critical assessment of the sources), see Yavetz, *Public Image*, 133-37. Yavetz, like Carter, stresses the fact that elite Romans found it necessary to borrow huge sums to compete successfully for magistracies (which paid no salaries). The masses, Yavetz states (134), "did not own any assets, had no credit, and therefore no debts."

<sup>91</sup>See Carter, *Commentary* 3, 141-42. In brief, Caesar argues that the trials were unfair, because detachments of Pompey's legionaries were present in the city at the time (some doubtless attending the trials, where their presence would constitute intimidation) and because two different juries were involved in producing an outcome—one to hear the case and another one (allegedly without knowledge of the facts) to decide the issue. Though Carter may well be correct in arguing that Caesar oversimplifies or distorts certain matters, it is not clear that Caesar is being insincere. Just as he apparently came to see Pompey's law of 52 concerning the appointment of provincial governors as having been aimed at him, he may also in retrospect (and influenced by his experience with the other law) have

as opposed to using his power as dictator) is highly relevant to *fides*. Many of these persons, who often were now exiles, had offered their services to Caesar at the start of the war in the event that he might want to make use of them in some capacity (*qui se illi initio civilis belli obtulerant, si sua opera in bello uti vellet*). Caesar feels obligated to them, and decides to treat them as if he had in fact relied upon them in the war, though he had not (*proinde aestimans, ac si usus esset, quoniam sui fecissent potestatem*). This is yet another instance where *fides* means not standing on technicalities (i. e., the fact that these people had not actually helped him). Furthermore, he determines that their civil rights should be formally restored by the people meeting in assembly, so that the action will not be seen as a *beneficium* stemming solely from him. Caesar goes on to say that on the one hand, he did not want to seem ungrateful in repaying good will (*gratia*), and on the other, arrogant in taking away a *beneficium* that was the people's (*ne aut ingratus in referenda gratia aut arrogans in praeripiendo populi beneficio vederetur*).

Caesar is distinguishing clearly here between *fides publica* and *fides privata*. Although consul, he has not yet resigned the dictatorship (he takes that step immediately afterwards at 3.2.1). Therefore Caesar could legally and without any constitutional impropriety have restored these people to their rights through dictatorial fiat (a *lex data* as opposed to a *lex rogata*<sup>92</sup>). The audience knows this. However, if he had so acted as dictator, Caesar (the text implies) would have likely risked being seen as misusing public

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come to feel that the legal process mandated in Pompey's *ambitus* law was (at best) deeply flawed and prejudicial to justice.

<sup>92</sup>As Gelzer, *Caesar*, 221, observes (see footnote above), the measure concerning the debtor/creditor situation was a *lex data*. But then the debt crisis very arguably was seen as a matter of public safety that required swift and decisive action. Thus no slight to the people is implied.

power to confer a private benefit. Caesar's point (again) is that *fides* is not technical. The fact that Caesar goes out of his way as dictator to yield to the people the honor of cancelling these (in terms of the text) unjust judicial verdicts is meant to be interpreted as a mark of *publica fides*. He wants to reassure the audience that while he will always be a good friend to worthy individuals who seek his friendship (i. e., he understands the meaning of *gratia*), he does not confuse such private concerns with the public interest. Clearly, it might have been of some benefit to him personally in a variety of ways to have restored these people to full citizenship simply on the strength of his own legal authority. His point, though, is that open recourse (by him or anyone) within the public sphere to action (whether technically legal or not) that may realistically be seen as equivalent to private patronage harms the republic. It is this kind of action by the Pompeians that he criticized in the opening chapters of book one.<sup>93</sup>

We can also see from this that (again), Caesar's decision after 1.33 to refer to his enemies as *hostes* (or the like) rather than *inimici* is not mirrored by any sort of change in his basic political stance towards the republic. This remains what it was in the early chapters.

### **Greece (Peace Proposals): 3.10-11 and 18**

Not long after Caesar crosses the Adriatic safely with seven of his legions, he makes another attempt to bring hostilities to an end non-violently. He sends L. Vibullius Rufus, Pompey's chief engineer, to Pompey with new proposals for peace. Caesar makes a point of stressing that Vibullius had been captured by his forces twice before (at Corfinium

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<sup>93</sup>Of course, everyone actually knew who was the prime mover of this legislation canceling the verdicts!

and in Spain) and had been dismissed safe both times (10.1: *bis in potestatem pervenisse Caesaris atque ab eo esse dimissum*). There are, Caesar says, two reasons why he has selected Vibullius for this mission. One is that Vibullius owes Caesar gratitude in exchange for the *beneficia* he has plainly received (10.2: *hunc pro suis beneficiis Caesar idoneum iudicaverat*). The other is that he thinks that Vibullius has influence (*auctoritas*) with Pompey. The selection of Vibullius thus tends to show Caesar's good faith, in that he has chosen an intermediary who stands to succeed at changing Pompey's mind if anybody does.

It is not necessary for us to consider in detail Caesar's proposals, his *mandata*, which he expected Vibullius to repeat to Pompey. In brief, he argues that both he and Pompey should put an end to their *pertinacia* and put down their arms (10.3).<sup>94</sup> He adds that both sides have now suffered serious losses (e. g., Afranius and Petreius in Spain, Curio in Africa). For this reason, Caesar urges, the present moment is an excellent time for reconciling their differences; both sides, though having suffered losses, are still confident and appear equal (10.7: *hoc unum esse tempus de pace agendi, dum sibi uterque confideret et pares ambo viderentur*). He and Pompey should spare both themselves and

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<sup>94</sup>It is a matter not just of *politesse*, but of *fides* (in that he is showing that he is prepared to admit to error), that Caesar here directs the same rhetorical charge at himself that he does at Pompey. The behavior of both men is characterized with the word *pertinacia*. It occurs only five times in Caesar's works (twice in the *BG* and three times in the *BC*). In each instance, the word has negative connotations, suggestive of arrogant, willful, destructive behavior (usually destructive for the community as well as for the individual). At *BG* 1.42.3, Caesar expresses the hope that Ariovistus will desist from his *pertinacia*. At *BG* 5.31.1, the other members of the *consilium* urge Sabinus and Cotta not to allow their *pertinacia* in disagreeing with one another to lead them all into danger. Caesar (as we have seen) severely chastises Afranius and Petreius for their *pertinacia atque arrogantia* at *BC* 1.85.4. The inhabitants of Utica (besieged by Curio) protest against the *pertinacia* of the Pompeian commander P. Attius because (by virtue of this quality) he endangers their survival (see *BC* 2.36.2). The implication is that *pertinacia* (for Caesar and even before the civil war) is a quality that runs counter to *officium* and therefore also runs counter to *fides*.

the republic (10.6: *sibi ac rei publicae parcerent*). If they delay, fortune may favor one over the other. In that event, the one who seemed superior would not be apt to offer peace terms, nor would such a party be likely to accept a settlement on equal terms. Caesar then declares that formal peace terms should now be sought from the senate and people at Rome, and that in the meantime, it should be sufficient if each of them were to swear an oath at a *contio* (significantly, a civilian, not a military forum; the soldiers present are reckoned as *cives Romani*) to the effect that he would dismiss his army within three days.<sup>95</sup>

The result of Vibullius's mission is not disclosed until 18.3-4. Caesar tells the audience (at 18.5) that he learned about Pompey's reaction to his proposals after the war. Pompey would not listen to what Vibullius wanted to tell him about Caesar's proposals. Instead, cutting Vibullius off virtually in mid-sentence, he declared that life and the duties of a citizen would be of no use to him if he were seen to possess them only as a

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<sup>95</sup>Carter, *Commentary 3*, 153, calls this a disingenuous proposal. He points out that a large number of senators were with Pompey and concludes that since many of these had left to join him after Caesar's visit to Rome in April 49, when the senate had in fact shown itself recalcitrant in acceding to Caesar's demands, any settlement approved in Rome by the senate at this time would not have been impartial. In effect, he is saying that Caesar could now control the senate, that Caesar knows it, and that this fact gives the lie to his peace proposals. Carter makes the same assertion regarding the people. To take the people first, I would argue that the Metellus affair shows that Caesar was not in complete control of popular sentiment. The senate as then constituted at Rome was probably much more likely to lean Caesar's way than otherwise, but could not safely be thought of as a rubber stamp. After all, Caesar's former supporter M. Caelius Rufus, now praetor, was engaged (or about to engage) in armed insurrection (on behalf of debtors who had been victimized by Caesar's reforms, Caelius claimed) at just about this time (Caesar describes this episode at 3.20-22). Carter misunderstands the political situation that would have arisen if Pompey had accepted a truce. If, in any case, Pompey *had* shown a serious interest in settling things and a truce could have been arranged along some mutually acceptable lines (if not precisely as suggested by Caesar here), there was, as far as I can tell, nothing to stop senators on both sides from returning to Rome in time to have a voice in the official settlement, that is, assuming Caesar gave permission for them to enter Italy. But this is a request that Pompey unquestionably would have made as one of his own preconditions for a truce if he had accepted Caesar's *mandata*. That Pompey would make such a request as a condition of peace is taken for granted by Caesar here and is likewise understood by the audience. So the actual composition of any senate that might engage in peace deliberations at this time is hardly something that Caesar could foresee with accuracy, let alone control.

*beneficium* of Caesar's, and that it would not be possible to alter this perception (*opinio*) after the war if he were judged (*existimabor*) to have been fetched back to Italy, from whence he had set out.

Caesar's ideological point here about Pompey (and at 10.7; see text above) builds upon the point that he makes in the "Motive Chapter" at 1.4.4, i. e., that Pompey did not really want anyone to be on the same level of *dignitas* as himself (*et quod neminem dignitate secum exaequari volebat*). Yet as a good republican, he ought to want this. At 3.10.7, Caesar in effect displays proper regard for Pompey's *dignitas* and *existimatio*. The two leaders are, he says (in effect), now equal in terms of the public's broad perception of each of them (not excluding their *dignitas*, the text implies), as well as being about equal in terms of their chances for victory on the battlefield. This perception of their equality is the one perception that counts more than anything else for a settlement to take place. This is why Caesar stresses the importance of how things appear to the world as much as the actual military realities of victory or defeat for either side. He means to suggest that Pompey's honor and reputation (if he is indeed a republican and does not lay claim to a pre-eminent *dignitas*) have suffered no irreparable harm. Each man, as equal to the other, may now honorably give some ground to the other. It is Pompey, not he, who has refused to do this. If Pompey chooses to disregard Caesar's plea that he join with him in sparing both the republic and themselves further suffering, then the responsibility for the bloodshed is his, not Caesar's. Pompey's unwillingness to make a concession in these circumstances (i. e., to end Roman suffering when this can realistically be achieved, and do so on roughly the same terms as those proposed by Curio and approved by the senate in December 50) places another black mark against his *fides*.

Clearly, Caesar is unlikely to have quoted Pompey's angry remarks to Vibullius about the peace terms if he thought that they would make Pompey appear as a sympathetic figure. The fact that Pompey's outburst was rather intemperate may also have been part of Caesar's point. Caesar is careful to note that when Vibullius decided the time was right to broach the matter with Pompey, he summoned Scribonius Libo, L. Luceius, and Theophanes, because these were men with whom Pompey was accustomed to discuss the most important issues (18.3: *quibuscum communicare de maximis rebus Pompeius consueverat*). In other words, the discussion about Caesar's proposals took place *in consilium*. Pompey ought to have listened carefully to the views of these trusted advisors, and done so in a coolheaded way. But he did not. In fairness to Pompey, his complaint was not without some merit. His point seems to be that he does not want to appear in the future inferior to Caesar. To this extent, the real (as opposed to purely ideological) issue is not really equality with Caesar. The crisis disclosed a surprising fact—there was little support or even much sympathy among the populace in Italy for either him or the *pauci*. Pompey cannot have been unaware that if he were to return to Italy without defeating Caesar on the battlefield, he would no longer be the first man at Rome. In the words of Rice Holmes, “peace would leave Caesar master.”<sup>96</sup>

One final point concerns Caesar's statement that he did not learn what Pompey had said about his peace proposals until after the war (18.5). It is clear from this that even though Caesar is writing this part of the *BC* after Pharsalus (by *bellum*, I take him to mean the conflict with Pompey, not the whole series of wars that would claim his

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<sup>96</sup>Holmes, *Roman Republic*, vol. 3, 123.

attention for several more years), in terms of the text, his political outlook is still basically unchanged from what it was in the first 33 chapters of book one.

### **Greece (The *Fides* of M. Bibulus): 3.14-18**

In the year of Caesar's first consulship (59), his colleague was M. Calpurnius Bibulus, who, although he is not mentioned by name in the "Motive Chapter (1.4)," was one of Caesar's most determined and vexing opponents, a man belonging to the innermost circles of the *pauci*. Pompey had given him command of naval operations in the Adriatic. It was therefore his responsibility to prevent Caesar from landing forces in Greece. Oddly, Caesar's portrayal of Bibulus in the *BC* has been seen almost as sympathetic. Let us consider only this hopeful comment about Caesar's *BC* coming from the pen of J. P. V. D. Balsdon:

Its (i. e., the *BC*'s) qualities are those which distinguish his commentaries on the Gallic War—with one feature more remarkable still, the imagination and generosity with which he wrote of his opponents, of the motive, for instance, which drove Petreius to cut short the fraternizing of the rival armies at Ilerda, and the cause of his 'enemy' Bibulus' death, the refusal of a very sick man to desert his duty. He wrote generously of Pompey. He had no hard words for Domitius Ahenobarbus or for Labienus.<sup>97</sup>

It is true, as I have pointed out, that Caesar for the most part refrains (in Roman terms) from utterly damning many of his opponents. Particularly in the case of Pompey, he leaves the door open to reconciliation. There is indeed usually some limit to Caesar's open invective in the text. But that said, Balsdon seems completely tone deaf as far as the actual message conveyed by the whole of Caesar's text is concerned. As we have seen, Caesar did not in any way treat Petreius's motives in breaking up the soldiers'

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<sup>97</sup>J. P. V. D. Balsdon, *Julius Caesar and Rome* (Harmondsworth, England: Penguin Books, 1971), 167.

*colloquia* with generosity. Balsdon altogether overlooks the irony in Caesar's comment that Petreius "did not fail himself." But it is less forgivable that Balsdon likewise appears unable to see how Caesar's depiction of both Domitius and Labienus utterly separates these men from even the semblance of *fides* and *virtus*. Men who lack these qualities at Rome are totally despicable. No reader of the *BC* who is well attuned to Roman notions could overlook the fact that Caesar condemns these men fiercely on moral grounds.

Caesar's treatment of Bibulus is only slightly more measured. In fact, Caesar pays Bibulus a compliment that rings hollow, and was so meant.

We must start by glancing back to Bibulus's first significant appearance in book three (sections 7 and 8). At 7.2, Caesar asserts that Bibulus's negligence as a commander was responsible for Caesar's first contingent of troops being able safely to disembark in Greece after crossing the Adriatic. Bibulus's ships were poorly deployed and his rowers dispersed badly, so he could not come up in time to do anything about it. But Bibulus does intercept a second flotilla that was on its way back to Brundisium. He captures about thirty ships and crews. Bibulus then, as Caesar puts it, pours out his wrath at his own lack of diligence onto the crews, burning alive the captains and sailors in the same fire (8.3: *in eas indiligentiae suae ac doloris iracundiam erupit omnesque incendit eodemque igne nautas dominosque navium interfecit*). The Roman audience would likely conclude that this action does not bode well for Bibulus's *fides*. They do not have long to wait to be proved right. At 14.2-3, Bibulus commits another atrocity. He captures a single ship this time, and on his orders the entire crew is put to death, slave and free alike, including very young boys (*qui de servis liberisque omnibus ad impuberes supplicium sumit et ad unum interfecit*).

At 15.1-5, Caesar praises Bibulus and his men at some length for their willingness to keep their station at sea in rough weather without being able to enter any port (something they could not do because Caesar's forces now controlled the whole coastline). He is apparently willing to give them credit for bearing their hardships *patienter atque aequo animo* because they recognize the importance of their military responsibilities (see 15.5). Balsdon takes this praise at face value. Yet in the very next sentence, Caesar begins undermining the praise he has just bestowed. Bibulus and his junior colleague in command, L. Scribonius Libo, hold talks (speaking from the decks of their ships) with Caesar's *legati* M. Acilius and Staius Murcus. They say that they want to speak with Caesar about matters of greatest importance (15.6: *de maximis rebus cum Caesare loqui*). They ask Acilius and Murcus for a truce and obtain it from them (15.7: *postulant ut sint indutiae, atque ab eis impetrant*). However, Caesar has already stated at 15.6 that Bibulus and Libo were actually motivated to initiate these talks by the very difficult situation in which they found themselves (*sed cum essent in quibus demonstravi angustiis*).<sup>98</sup> This is significant, because (as Caesar discloses in detail in sections 16 and 17) Bibulus and Libo are not negotiating in good faith. Their bid for direct talks with Caesar—ostensibly on matters of very great importance for peace, the audience and Caesar are led to believe—is merely a ploy to buy time for themselves and procure some respite from their toils. That is, after a certain point they did not in fact bear their hardships patiently and with an even temper—they could not bear them any longer. In preference to enduring their hardships, these two Pompeians chose to break *fides* by signaling that they had an interest in peace

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<sup>98</sup>This is a rare use of the first person by Caesar.

when they knew perfectly well that they did not.<sup>99</sup> Given Caesar's presentation, it scarcely seems likely that he ever meant his "praise" of Bibulus to be taken very seriously by the audience.

Caesar also seems to be praising Bibulus's *officium* at 18.1, where he describes his adversary's death at sea not long after these events. Caesar states that Bibulus had been unable to put ashore for many days, was overborne by the cold, disease and hard work, yet was not able to be treated and would not surrender the *officium* he had taken up, and so was unable to resist the power of his illness (*cum neque curari posset neque susceptum officium deserere vellet, vim morbi sustinere non potuit*). This sounds like praise. But again, it has already been undermined by something else that the audience has now been told about Bibulus. In this diplomatic exchange, Caesar agrees to a face-to-face meeting between himself and Bibulus and Libo. However, it is only Libo who actually attends. Libo, Caesar says, makes excuses for Bibulus. Libo argues that Bibulus is possessed by a great anger, that he has a private *inimicitia* with Caesar going back to their aedileship and praetorship, and that he therefore had avoided the *colloquium* so as to ensure that matters affording the greatest hope and advantage were not placed in jeopardy by his resentments (16.3). In effect, Bibulus is trying to claim that his decision to hold aloof from the conference is motivated by *fides*; he is thinking only of what is best for the republic and the common welfare. But the audience has seen that this claim is false. The reason is that the negotiations are a sham, as Bibulus knows from the beginning. But if so,

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<sup>99</sup>In Caesar's words at 17.6: "When Caesar knew that Libo's whole speech was framed with a view to their present peril and escaping from their dearth of supplies, and offered no hope at all or any serious proposals for peace, he resumed his military planning (*Quem ubi Caesar intellexit praesantis periculi atque inopiae vitandae causa omnem orationem instituisse neque ullam spem aut condicionem pacis affere, ad reliquam cogitationem belli sese recepit*)."

then Bibulus is so in the grip of hatred that he still cannot even carry the sham through. But even if they were not a sham, it is in fact normally the duty (ideologically speaking) of *inimici* at least to attempt a reconciliation if it is the common good that is at stake. So on either score, Bibulus's claims are revealed by Caesar (who has gone to some trouble over his narration of this affair) to be specious.

All in all, then, Caesar's praise of Bibulus's *officium* here rings hollow. Caesar has effectively undermined his own praise of Bibulus.<sup>100</sup>

### **Greece (The *Fides* of T. Labienus): 3.13, 19, 71 and 87**

As we saw above, it is Balsdon's view that Caesar had "no hard words" in the *BC* for his former chief lieutenant and right-hand man in Gaul, T. Labienus. I do not agree with his conclusion. Indeed, our discussion in Chapter Five about Caesar's earlier reference to Labienus at 1.15.2 should already have gone some distance towards correcting Balsdon. We shall now see what Caesar has to say about his former friend in book three.

Labienus's first appearance in book three is at 13.3-4. The circumstances are as follows. Caesar's army has only very recently landed in Greece, Bibulus having been unable to prevent it. Pompey decides to head towards Dyrrachium because he now fears he may lose this critical base (13.1). But at the same time that Pompey's forces are on the march, Caesar is said to be approaching—not necessarily the truth, as Caesar implies (13.2: *simul Caesar appropinquare dicebatur*). As a partial result of this rumor, Pompey's

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<sup>100</sup>Damon, "Practical Prose," 194, arrives at a similar conclusion: "...Caesar makes Bibulus' behavior look less like loyalty to a cause or fidelity to Pompey and more like the same misguided and ultimately ineffective stubbornness that characterized his opposition to Caesar in 59."

army is stricken with terror (*tantusque terror incidit eius exercitui*). But Caesar places the lion's share of the blame for this panic on Pompey's shoulders, since the latter's haste to reach Dyrrachium—irrational by implication, since Pompey has not taken the trouble rationally to assess the threat he thinks he is facing—is fueling the panic. In Caesar's words, soldiers are deserting their standards and throwing away their arms, and the march resembles a rout. When the army finally halts near Dyrrachium, it is still terrified (13.3). At this low ebb, Labienus steps forward and swears an oath that he will not desert Pompey and that he will undergo any mischance with Pompey, whatever it is that fortune might have in store for him (*Labienus procedit iuratque se eum non deserturum eundemque casum subiturum, quemcumque ei fortuna tribuisset*). Then the *legati* swear the same oath, followed by the military tribunes and centurions, and then by the rank and file (13.4).

What Labienus does seems admirable. His action (for the time being) effectively restores morale. But the audience knows by this time that the Pompeians have a penchant for swearing oaths when the going gets rough. It is only they who engage in this behavior in the *BC*.<sup>101</sup> The audience is meant to ask: why do they need to resort to devices such as this to create mutual trust and confidence? Caesar has already shown (e. g., in the case of Afranius and Petreius) that he regards these special oaths as false; they run counter to *fides* and tend to prolong the war. The implication is that the society of the Pompeians'

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<sup>101</sup>Caesar's soldiers only swear the standard military *sacramentum* that is administered once at the commencement of service, e. g., 1.23.5 (*milites Domitianos sacramentum apud se dicere iubet*). As Damon, "Practical Prose," 190, correctly observes, the inference for the audience is that the Pompeians' swear special oaths because they cannot do without such "artificial aids to loyalty," whereas Caesar's support is uncoerced. Interestingly, Damon adds that neither Dio, Appian, Plutarch, nor Suetonius mention any of the Pompeians' special oaths, though she offers no clear explanation. What she may imply concerning the reason for this omission (but does not state baldly) is that with the end of the republic and the passing of all those who remembered how it had really worked, the offensive connotation that compulsory oaths would have had for a republican audience was perhaps simply lost upon these later authors. At least, this explanation is plausible for me.

is a false society rather than a true one, if it can only bolster its resolve by having repeated recourse to these kinds of theatrics. It is also the case, as the audience has already discovered, that these people do not necessarily keep the oaths that they have sworn; another mark against their *fides*.

In section 19, Caesar shows Labienus breaking the *fides* of a soldiers' colloquy. As Caesar tells the story, the two camps are separated only by the river Apsus, which enters the sea north of Apollonia in Illyricum (19.1). The soldiers on both sides hold *colloquia* together and by virtue of compacts which they have made with one another, no missiles are hurled by either side. Caesar thus makes it clear that the preservation of this promising truce depends upon each side adhering to *fides*.

Although Caesar did not initiate these exchanges, he now raises the stakes. He sends his *legatus* P. Vatinius over to the river bank to make suggestions (which are to be understood implicitly as coming from Caesar) about peace (19.2). Vatinius asks in a loud voice whether citizens should not be permitted to send envoys to other citizens on issues relating to peace, something [he claims] allowed even to fugitive slaves and pirates, especially when all the envoys want to do is put an end to violence between citizens?<sup>102</sup> The soldiers on both sides are impressed by Vatinius's speech and sincere manner (19.3). Vatinius's words make a positive impact. The Pompeian *legatus* Aulus Varro states his intention to attend a *colloquium* on the next day and take part in discussions about how envoys may travel safely back and forth with their peace proposals (19.4). When the time comes for that *colloquium*, a large crowd is present from both sides, there is a sense of

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<sup>102</sup>*Crebro magna voce pronuntiaret, liceretne civibus ad cives de pace legatos mittere, quod etiam fugitivis ... praedonibusque licuisset, praesertim cum id agerent, ne cives cum civibus armis decertarent.*

optimism that something can be accomplished, and the minds of all seem intent on peace (*magnaue erat exspectatio eius rei, atque omnium animi intenti esse ad pacem videbantur*).

Labienus now shows his hand. He steps out from the throng and engages in a verbal dispute with Vatinius, but says nothing whatsoever about peace (19.6: *Qua ex frequentia Titus Labienus prodit, sed missa oratione de pace, loqui atque altercari cum Vatino incipit*). Then, in Caesar's words, Labienus and Vatinius are interrupted in mid-conversation by missiles thrown from all sides (19.7). Since things had been going remarkably smoothly prior to Labienus's decision to insinuate himself into the proceedings, the inference is that his words and gestures (whatever they were, given that the text is corrupt) were universally seen either as not favoring peace, or as insincere.<sup>103</sup> That is, Labienus is acting in contravention of the understanding that was reached with Varro and is not acting with *fides*. In any case, the effect of Labienus's involvement was to undermine the *fides* upon which these *colloquia* depended. This conclusion is supported by the final sentence in the chapter, in which Labienus admonishes the crowd to stop talking about peace because there can be no peace for them unless someone brings in

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<sup>103</sup>The text is corrupt: the phrase *sed missa oratione de pace* is Terpstra's emendation of the passage, accepted by the Loeb editor "with hesitation." But it is approximately what Caesar means to convey by the whole episode. Kraner, Hofmann, and Meusel have *superbissima oratione loqui de pace*. This seems improbable. The meaning fits, but Caesar did not like the adjective *superbus*. If he uses it here, then this would be the sole instance of its use in the *BC* and *BG* (the closest Caesar gets is the adverb *superbe* at *BG* 1.31.12; according to Gell. 4.16.8, he used the noun *superbia* in his *Anticato*). The *OCT* (followed by Carter) has *summisa oratione de pace*, i. e., "he spoke about peace without raising his voice." The problem with this reading is that if we take it literally, it means that Caesar is actually depicting Labienus as setting out to negotiate in good faith. Such an interpretation goes against the grain of the whole passage, however. After all, the section concludes with Labienus declaring that there can be no talk about peace until somebody brings in Caesar's head! If it should be the case that *summisa oratione* is correct, then Caesar can only have meant *summisa* to be taken ironically or sarcastically (and by the same token, he would have expected the original audience to so take it). We have seen other instances of Caesarian irony that have been misinterpreted or gone unnoticed by modern scholars. This may be another such case.

Caesar's head (19.8: *tum Labienus: desinite ergo de compositione loqui; nam nobis nisi Caesaris capite relato pax esse nulla potest*). These are not the words of a man who wants to negotiate in good faith.

Labienus's next appearance in the text is in section 71. He is here shown by Caesar in so many words as violating *fides*. The placement of this depiction in the text is significant. It correlates with other events which serve as *indicia* that the Pompeians are succumbing to hubris at the very moment that the war seems to be on the verge of being decided.

The immediate background is a significant military reverse that had just been suffered by Caesar's forces at Dyrrhachium (the details do not concern us). Caesar is careful to state in detail the extent and severity of his losses in the first sentence of the chapter—nine hundred and sixty rank and file legionaries, several distinguished equestrians (who are named), and thirty-two centurions and military tribunes (71.1).<sup>104</sup> Caesar is also careful to state that most of these men perished without any wound on their bodies, having simply been crushed in the ditches and on the river-banks by their own fleeing and fearful comrades, who (apparently) trampled them to death (71.2). In the very next sentence, the audience is told that Pompey was hailed *imperator* because of this battle (71.3). Caesar adds the information (as usual, without comment) that although Pompey accepted the title *imperator* for this battle and permitted the soldiers to hail him as such, he did not make use of the title in written correspondence or wreath his *fasces* with laurel (71.3).

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<sup>104</sup>At 71.2, he adds that thirty-two standards (*signa*) were lost.

Caesar's point here is two-fold. As Carter notes, the salutation of *imperator* constituted a *prima facie* claim that the victorious commander who had been so hailed was eligible for a triumph (if the senate approved).<sup>105</sup> But a triumph could properly only be awarded for a victory over Rome's enemies, not over fellow-citizens; by stressing this, Caesar aims to put Pompey in the wrong.<sup>106</sup> This is surely part of it. But it is also likely that Caesar's emphasis on the fact that most of his fallen soldiers had not been wounded in close combat with the foe is intended to discredit Pompey's claim (and Pompey himself) altogether, technicalities of civil war aside.<sup>107</sup> Carter sees Pompey's not showing laurel on the *fasces* or using the title in official dispatches, yet accepting the salutation from his troops as relatively "tactful" where—in a civil war—Roman moral and political sensibilities are concerned.<sup>108</sup> But judging from his text, Caesar views Pompey's behavior as merely hypocritical. By accepting the salutation in the first place, Pompey is taking credit for a victory that is plainly inglorious, and hence no true victory at all. Caesar's men were not slain in combat in a way that would tend to reflect any credit upon the *virtus* of their opponents. Since Pompey surely knows this (as he is a notable commander who has won legitimate victories in the past), his willingness to accept the accolade on such flimsy grounds is a blot on his *fides* as well as being a sign of his hubris (in that he does not really understand the reason why his troops prevailed and has mistakenly come to believe that

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<sup>105</sup>Carter, *Commentary* 3, 194-95.

<sup>106</sup>*Ibid.*

<sup>107</sup>Cf. Robert D. Brown, "Two Caesarian Battle-Descriptions," *CJ* 94 (1999), 335: "For Caesar ... battle means hand-to-hand combat. This is what constitutes the proper field for *virtus*."

<sup>108</sup>*Ibid.*, 195.

their valor and his generalship are primarily the reason).<sup>109</sup> Moreover, to whatever extent the action may be counted as a military success, it is still a success against Romans. Therefore Pompey's outward gesture of respect for the constitution (by not allowing himself all of the prerogatives of an *imperator* to which technically he could lay claim) is insincere and does not succeed in masking his actual lack of respect for republican tradition.

It is immediately after these statements about Pompey's status as new *imperator* that Labienus reenters the narrative. He had persuaded Pompey to give orders for the captives who had been taken in the battle to be handed over to him (71.4). Now, he puts them on parade, hectors and berates them, and then kills them in cold blood: "...all the men having been brought forward to make a show of them, it seemed, in order that the *fides* of a traitor might be prized more highly, he, calling them 'comrades' and asking them with much abusive language whether veteran soldiers were accustomed to run away in battle, killed them in full view of everyone (*omnes productos ostentationis, ut videbatur, causa, quo maior perfugae fides haberetur, commilitiones appellans et magna verborum contumelia interrogans, solerentne veterani milites fugere, in omnium conspectu interfecit*)."

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<sup>109</sup>Caesar starts off the very next section (at 72.1) by describing the hubris of his foes: "Because of their success in these several engagements, the Pompeians became so overconfident and high-spirited that they did not think about military matters from a rational perspective, but seemed to think that they had already won the victory (*his rebus tantum fiduciae ac spiritus Pompeianis accessit, ut non de ratione belli cogitarent, sed vicisse iam viderentur*)."

*Fides perfugiae*—the *fides* of a deserter, a traitor.<sup>110</sup> In other words, a man who has no *fides* at all. We should bear in mind that Labienus had once commanded some of these men. His vicious actions against them here would therefore have appeared doubly damning. Although Caesar does not say this explicitly, he surely implies that Pompey also bears some responsibility as commander for the atrocity because he made the decision to place the captives at Labienus's disposal.

Labienus makes his final appearance in the *BC* just prior to the battle of Pharsalus. At 3.87.1-5, he delivers a speech and words of encouragement (most of it in *oratio recta*) to Pompey and other senior commanders in *consilium*. Immediately prior to Labienus's speech, Pompey likewise had delivered a speech (also in *oratio recta*) of encouragement to the assembled *consilium* (details in 86.2-4). What we see in these speeches is roughly the same conjunction of hubris and bad *fides* that we just observed in section 71. That is, Pompey's speech (in which he outlines a battle plan for defeating Caesar's army that appears quite naive) is a product primarily of his hubris—Labienus's, of his bad *fides*.<sup>111</sup> As we observed earlier in this study, an elite Roman is supposed to

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<sup>110</sup>Damon, "Practical Prose," 188, comments about the expression *fides perfugiae*: "This quiet oxymoron is as close as Caesar gets to an explicit statement about character traits in the *Bellum Civile*."

<sup>111</sup>I need not discuss Pompey's speech. The gist is at 85.4; he paints an even naively hopeful picture of how he imagines the battle will go, telling his staff officers that their side can end the war without exposing their legions to danger and almost without a wound (*ita sine periculo legionum et paene sine vulnere bellum conficiemus*). Pompey counted on his greatly superior cavalry's being able to outflank Caesar's right wing and take the enemy in the rear. In the event, of course, this did not happen. But we should consider the possibility that even for Caesar, Pompey's plan has at least superficial plausibility, though ultimately it is bad. Lendon, "Rhetoric of Combat," *passim*, argues that Caesar's conception of battle emphasizes morale (*virtus, animus*) as the decisive factor for producing victory, rather than mere tactical dispositions, stratagems, and military formations (as most Greek military theorists believed). Lendon notes (279) that Pompey's *motivation* (my italics) for explaining his plan to his officers was "so that they might go into battle with a stouter *animus*." Yet on the day of battle, Lendon points out, Pompey was given advice that the best course was for his legions to *receive* (my italics) the charge of Caesar's legions at a stand. Pompey took the advice, and Caesar criticizes the decision (see *BC* 3.92.4-5) on the

provide competent and impartial counsel when the occasion for it arises. Labienus does not do this in what proves to be perhaps the most decisive moment of the civil war for the Pompeians.

Labienus's speech, as Caesar describes it, expresses contempt for Caesar's forces and praise for Pompey's proposed tactics (87.1: *cum Caesaris copias despicaret, Pompei consilium summis laudibus efferet*). The implication is that since Labienus is himself a skillful commander (as he showed in Gaul), he must surely have recognized that any battle (however well planned) *always* entails risk.<sup>112</sup> Yet he praises Pompey's plan without stint. Labienus does not openly question Pompey's forceful conviction that his plan can be executed so perfectly that their legions will suffer no casualties. This is particularly significant for Labienus's character here. Caesar has already told the audience that at the very outset of Pompey's address to the *consilium*, several officers expressed amazement when they heard Pompey say that Caesar's infantry would be driven back even

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grounds that (in effect) such restraint in battle is unnatural, because it represses martial ardor just when it needs to be stimulated. Lendon (280): "Caesar ... thinks Pompey took a tactically blinkered view ... and failed to consider the psychological dimension of his orders." If Lendon is right, then (in Caesar's view) there may have been nothing insurmountably wrong with Pompey's *plan* as such (whatever the plan's flaws). Caesar's point may simply be that at the last minute, Pompey lost sight of the importance of morale (which he had earlier recognized) and, with that error, brought about himself a situation in which his plan *could* not be carried out. Of course, this suggests that Pompey's original plan may not have been naively hopeful after all, and that Caesar did not mean to suggest that it was. There is some truth in this. There is nothing in Caesar's text to contradict the notion that he sees Pompey's original plan as in fact an extremely practical one, assuming that morale and martial ardor are given their due. But it is also true that Pompey's forecast of how the battle will go does not allow in *any* way for unexpected developments (see *BC* 3.86). It is in this sense that Pompey's plan is naive, Caesar means to imply. A good general is supposed to recognize that his plans may have to change, depending on what his opponent may do. The audience has just seen Caesar himself do this only a few chapters earlier at *BC* 3.78.3. See the next footnote for Caesar's views on the important role normally played in warfare by the unexpected.

<sup>112</sup>A constant theme in the *BC* is the role that chance or *fortuna* often plays in human affairs and especially in war. The inference here then is that a good commander should never expect that events will invariably turn out as planned or hoped. That is one of the lessons of Curio's debacle. Cf. 1.21.1; 1.45.1: "Caesar having found almost his whole battle-line terrified, something that ran counter to expectation and habit..."; 3.27.1; 3.68.1: "But fortune, which has great influence in affairs generally and especially in war, produces great changes of circumstance by means of tiny fluctuations in things...."

before the battle-lines collided (86.1-2). It is therefore clear that Pompey's strategy for fighting the battle had raised serious doubts among some trusted advisors. The effect of Labienus's remarks is to cause any rational doubters to set aside their reservations and embrace the chimera of an easy victory that Pompey has promised. Labienus tells Pompey that he was present at all the battles in Gaul and Germany (an exaggeration), that the army Caesar has today is not the same army that subdued those places, and that he, Labienus, does not make rational judgments without being aware of the true facts (87.2). The main thrust of Labienus's speech is hubristic; but in view of this latter assertion of his, there is a plain suggestion that his *fides* may now be at stake. As a trusted advisor, he has an obligation to ascertain what the facts are to the best of his ability. Pompey relies upon him for this. Labienus goes on to make a number of derogatory remarks about the quality of Caesar's legions, but it is not necessary to repeat them. We should, however, again recall that Labienus had himself commanded some of these men. The audience at Rome would have interpreted his insulting statements about these troops (i. e., from a general who had in fact led them to victory in the past) as a mark of bad *fides* in itself, quite apart from their opinion of the value that these remarks might have as advice *in consilio* on the eve of a major battle. It would not have been regarded as honorable for a commander who had soldiered with these men in difficult times and beyond doubt knew their quality now to malign their character. It is notable that it is Caesar's practice in the *BC* not to malign the Roman legionaries opposed to him, only their leaders.<sup>113</sup>

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<sup>113</sup>Brown, "Battle-Descriptions," 352.

After delivering his harangue to the *consilium*, Labienus swears that he will not return to their camp unless they are victorious and exhorts the others to take the same oath (87.5). Pompey highly approves the idea and takes the oath, nor are there any others, as Caesar puts it, who hesitate to swear (87.6). This is the last of a series of special oaths that the Pompeians swear in the *BC*; as we have seen, these oaths are seemingly improvised to suit the exigencies of the moment—suggesting that the oath-takers must be *levis* and lacking in *gravitas*. Pompey and his officers walk away from their council of war in what amounts to a hubristic frame of mind; they have great hopes and feel a sense of exaltation, anticipating victory already in spirit (87.7: *magna spe et laetitia omnium discessum est; ac iam animo victoriam praecipiebant*). The reason for their confidence is Labienus. That is, the Pompeians have confidence in Labienus's military judgment. But as I suggest above, Labienus's *fides* is indirectly involved, in that a man of *fides* would be *very very* careful with advice before a crucial battle. In Caesar's words, it did not seem to the Pompeians that they would receive empty assurances on a vitally important matter from so experienced a commander (*quod de re tanta et a tam perito imperatore nihil frustra confirmari videbatur*).

### **Greece (Caesar at Pharsalus): 3.90-99**

The details of combat at Pharsalus do not concern us. We are only interested in the passages that are important for *fides*. There are three in particular: Caesar's speech to his troops before the battle (90.1-3), his praise of the ex-centurion Crastinus (91.1-3 and 99.1-3), and his mercy towards the defeated army (98.1-2). We shall briefly consider each of these.

Caesar delivers what he himself calls a traditional pre-battle exhortation (in *oratio obliqua*) to his troops (90.1: *exercitum cum militari more ad pugnam cohortaretur*).<sup>114</sup> Each of the topics that Caesar refers to is meant to reinforce the notion that he is and always has been deeply motivated by *fides*, both as a commander and as a citizen. Caesar makes known to the troops that his sense of duty (*officium*) towards them is constant and undying (*suaque in eum perpetui temporis officia praedicaret*). In particular, he reminds the soldiers that they themselves can bear witness to the zeal that he has shown in seeking peace (*in primis commemoravit testibus se militibus uti posse, quanto studio pacem petisset*); to the peaceful exchanges he engaged in through Vatinius at the soldiers' meetings (*quae per Vatinium in colloquiis*); to those with Scipio through Aulus Clodius (*quae per Aulum Clodium cum Scipione egisset*); and to the strenuous efforts he made at Oricum with Scribonius Libo to arrange for the sending of envoys back and forth (*quibus modis ad Oricum cum Libone de mittendis legatis contendisset*).<sup>115</sup> And, Caesar adds, he had never wanted the blood of the soldiers to be spilled, or for the republic to lose one army or the other (90.2: *neque se umquam abuti militum sanguine neque rem publicam alterutro exercitu privare voluisse*). That is, his concern has always been for the public good.

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<sup>114</sup>Lendon, "Rhetoric of Combat," 298, makes the point that for Caesar "harangues to his soldiers before battle are an indispensable part of generalship."

<sup>115</sup>I have discussed the episodes involving Vatinius and Libo previously in this chapter. I did not discuss the episode involving Metellus Scipio (for the details, see 3.57). It is another attempt to sway Pompey, in this case through an approach to his father-in-law, on the grounds that Scipio is a man of sufficient stature to command Pompey's attention and even deference. Needless to say, the attempt came to naught.

After delivering this speech, Caesar mentions that he has in his army a reservist (i. e., a reenlisted veteran of military service with the legions) named Gaius Crastinus, who in the previous year had served with him as first centurion of the tenth legion and was a man of extraordinary bravery (91.1).<sup>116</sup> Just as the battle is about to commence (the signal having been given), Crastinus speaks a few words (which unlike Caesar's speech, are in *oratio recta*) in the presence of Caesar and the army. He exhorts the other soldiers in his maniple, they who have been his comrades, to follow him and give to their *imperator* the stalwart service upon which they have resolved (91.2). Crastinus adds that only this one battle remains; when it is over, he says, "Caesar will recover his *dignitas* and we shall regain our *libertas* (*quo confecto et ille suam dignitatem et nos nostram libertatem recuperabimus*)." He then turns to Caesar and declares that on this day, he will conduct himself in such a fashion that Caesar will thank him, whether alive or dead (91.3: "*faciam,*" *inquit, "hodie , imperator, ut aut vivo mihi aut mortuo gratias agas."*). Crastinus then enters the fray, followed by about one hundred and twenty chosen men from his cohort.

We must ask ourselves why Caesar has gone to the trouble to record this event and accord it the prominence that he did. His own speech as *imperator* was important. But like most speeches in the *BC*, it was in *oratio obliqua*, whereas the brief remarks of a retired centurion are recounted in *oratio recta* and given center stage. Why?

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<sup>116</sup>*Erat C. Crastinus evocatus in exercitu Caesaris, qui superiore anno apud eum primum pilum in legione X duxerat, vir singulari virtute. Apud eum* is usually translated "under him (i. e., Caesar)," or some such thing. But had Caesar wished to emphasize Crastinus's subordination to him, *apud* is an odd word for him to select. The audience does not need to be reminded that centurions take orders from generals. The whole point of the passages involving Crastinus is to show that the man's heroic actions are self-willed. Caesar treats him as a fellow-soldier; subordinate in rank, yes, but an independent thinker and a leader, not a client.

To grasp the significance of Crastinus's words in terms of the text, we need to take particular note of two areas of interest. Our first concern is Crastinus's status. As Gelzer observes, Crastinus is a former centurion who has come out of retirement to fight.<sup>117</sup> Gelzer means that Crastinus is to be seen here primarily as a *cives Romanus* (as, presumably, are his colleagues, who, the text implies [*constituistis operam date*], have themselves chosen to fight for Caesar). Therefore, Gelzer rightly concludes, "we are to understand that Caesar's veterans were no mercenaries, but Roman citizens fighting for a just system of government."<sup>118</sup>

The second thing of which account must be taken is the parallel in language that exists between 3.91.2 above (i. e., *quo confecto et ille suam dignitatem et nos nostram libertatem recuperabimus*), and the important programmatic passage at 1.22.5 (i. e., *ut se et populum Romanum factione paucorum oppressum in libertatem vindicaret*). Crastinus's statement marks the formal re-emergence of *libertas* as a fundamental component of Caesar's justification for taking unusual (i. e., technically illegal) action in defense of his claims. In an appendix to this dissertation, I contend that the pronoun *se* in the important programmatic passage at 1.22.5 really refers to Caesar's *dignitas*.<sup>119</sup> Briefly, what I suggest is that in terms of the text, Caesar at 1.22.5 takes up the defence of the people's *libertas* because he sees such action as a burden of *dignitas*, i. e., as actually incumbent upon an individual of great *dignitas* in that it touches that individual's *fides*

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<sup>117</sup>Gelzer, *Caesar*, 241.

<sup>118</sup>Ibid.

<sup>119</sup>I need not repeat those arguments here; see the Appendix I, "Caesar's *Dignitas* and Popular *Libertas*."

directly. At 3.91.2, Caesar returns to this theme after a long hiatus because the promise he made at 1.22.5 to defend the people's *libertas* against the menace posed by the *pauci* is about to be kept.<sup>120</sup> Who better to attest the selflessness (*fides*) that Caesar has displayed (and neatly summarized for the audience one more time in his pre-battle exhortation) throughout the entire course of the *vindicatio in libertatem* that he has launched than a *civis Romanus* whose own *fides publica* as a republican demands of him (as well as of his comrades) that he fight stoutly for his own *libertas* rather than simply have it handed to him by Caesar? That is, Crastinus is deeply grateful to Caesar as a man who has lent his powerful aid unstintingly to the *populus Romanus* in the capacity of their *adiutor*, their “helper” in their quest to reclaim their *libertas*. Thus Crastinus also fights for Caesar because when *libertas* has been recovered (but not until then), Caesar will by that action have reclaimed his *dignitas*. (which in terms of political power, ideologically speaking, implies no more than what Caesar tells the senate at 1.32.2, i. e., he seeks no extraordinary honor and seeks nothing for himself beyond what is open to all citizens).

When the battle has been won and the fighting ceases, Caesar displays his *fides* in much the same way as at Corfinium. Thousands of Pompeian survivors of the

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<sup>120</sup>Brown, “Battle-Descriptions,” 351-52, also recognizes that Crastinus’s words at 3.91.2 refer back to arguments Caesar presented in book one to justify his crossing of the Rubicon. While Brown appears to understand that *libertas* at 3.91.2 has a significance analogous to Caesar’s usage at 1.22.5, he does not understand that Caesar uses the pronoun *se* at 1.22.5 in a way that substitutes for *dignitas* (see my discussion of this issue in Appendix I) and that therefore 1.22.5 and 3.91.2 may be seen as virtually parallel declarations. For Brown, the last thematically significant reference to *dignitas* as such is apparently 1.9.2 (he also cites earlier references at 1.7.7 and 1.7.8). He sees the theme of *libertas* being “developed *later* [my italics] in Caesar’s response to Lentulus Spinther.” For Brown, the introduction of *libertas* by name later than *dignitas* seems to mean a presentation in the text that is separate from *dignitas*. Brown does, however, take note of Carter’s observation (*Commentary* 3, 213) that Crastinus’s speech is a ring-composition, and he correctly infers from this that the speech must therefore be “worked into the literary fabric of the *Civil War* in a way that is calculated to recall and reinforce Caesar’s own political stance.”

fighting had taken refuge on a hill, where they were now (as a result of Caesar's precautions) effectively cut off from water. They sent emissaries to Caesar to discuss surrender (97.5). At dawn, Caesar orders the Pompeians to come down from the hill and hand over their weapons (98.1). The enemy complies without protest. Then they appeal (in effect) to Caesar's *fides*, casting themselves on the ground with their hands outstretched, weeping, asking to be spared (98.2: *passisque palmis proiecti ad terram flentes ab eo salutem petiverunt*). As he puts it, Caesar encourages them, orders them to stand up, speaks a few words to them concerning his customary moderate stance in order to reduce their fear, and grants them their lives. He then entrusts them to his own soldiers, with the admonition that the Pompeians are not to be injured or despoiled of anything that belongs to them. This is another display of quintessential Roman *fides* by Caesar. The audience has seen that the Pompeians treat their captives brutally. Instead of retaliating in kind against the prisoners his side has taken, Caesar treats the men with utmost humanity. Like Camillus, by doing so he displays a *fides* that is "immoveable."

But Caesar is not through with the story of Crastinus. At 99.2-3, he tells the audience of the man's heroic death in battle (at the same time pausing to remind them that he has mentioned Crastinus before), for he was killed by a sword thrust to his face—a clear sign of his exceptional courage (99.2: *interfectus est etiam fortissime pugnans Crastinus, cuius mentionem supra fecimus, gladio in os adversum coniecto*). Caesar adds that the remark Crastinus had made at the start of the battle was not false (and at this point, Carter feels that a couple of sentences about Crastinus may have dropped out).<sup>121</sup>

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<sup>121</sup>See Carter, *Commentary* 3, 218, for his argument that part of the text is missing here. Carter observes that Caesar's statement beginning "For this was Caesar's opinion, that Crastinus's courage..." is a strange *non-sequitur*. Since the sentence starts *sic enim*, it ought to explain the statement

Caesar then goes on to say that in his opinion, Crastinus's *virtus* in battle had been outstanding, and (to adapt Carter's turn of phrase) that he, Caesar, is deeply in Crastinus's debt (99.3: *sic enim Caesar existimabat, eo proelio excellentissimam virtutem Crastini fuisse, optimeque eum de se meritum iudicabat*). I will merely comment that Caesar's decision to remind the audience about Crastinus (among other things) only reinforces the importance of the statements which Caesar attributes to him. For to claim that the *imperator* is in the debt of the centurion is also very likely to be a sign of republican egalitarianism.

It is also likely to be no accident that Caesar concludes 3.99 with an unflattering account of the death of his mortal enemy, Domitius Ahenobarbus, who, Caesar claims, was killed in a cavalry fight while escaping the Pompeian disaster: his strength failed him due to fatigue (99.5). The contrast with Crastinus could not be more sharply drawn. The nobleman and consular Domitius was among the most prominent of the *pauci*. He is shown as utterly eclipsed in *fides* and *virtus* by the plebeian *civis Romanus* Crastinus.<sup>122</sup> The *vindicatio in libertatem* against the *pauci* pledged by Caesar at 1.22.5 and seen as at stake by Crastinus at 3.91.2 has survived the test of battle. The democratic *virtus* of Crastinus and his comrades has triumphed over the hubris, lassitude

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that immediately precedes it, i. e., Caesar's assertion that Crastinus's prediction proved correct. However, Carter observes that it conspicuously fails to do this (I agree). Therefore something is probably missing. As Carter states, the missing lines may well have referred to Crastinus's separate burial with special honors (details in Appian *BC* 2.82). The point is that there is no indication that any of the missing material would contradict my conclusions.

<sup>122</sup>Brown, "Battle-Descriptions," 357, also recognizes that there is an implicit comparison between Crastinus and L. Domitius. He astutely adds that "thematically, Crastinus' keeping of his promise to Caesar shows up the failure of Pompey and others to keep the oath they had made at the urging of Labienus."

and folly of the *pauci*.<sup>123</sup> Metaphorically speaking, the true republicans have withstood the brutal onslaught of the false ones.<sup>124</sup>

Let us sum up the discussion in this chapter. What we have mainly seen is that Caesar's *fides* in a time of outright civil war is virtually as immovable and uncompromising (we are led to believe) as it would be in time of peace. Caesar and the officers and men under his command are repeatedly provoked to anger and indignation by atrocities committed by the other side. Instead of responding to these outrages violently, Caesar and his forces react with moderation and restraint. Afranius and Petreius break up peaceful *colloquia* and murder Caesar's unarmed legionaries, but they and their soldiers pay no comparable price. Caesar castigates Afranius verbally, but dismisses him safe and unharmed. Caesar also discharges Afranius's soldiers from further military service, although it was within his power to induct them into his own army. The Massalotes deliberately violate the *fides* of a truce, but are granted their lives. The survivors of Curio's army are cruelly and treacherously slain by Juba (with Pompeian acquiescence), but Caesar (implicitly) chooses not to exact any special retribution for this after his eventual victory. Labienus (with Pompey's acquiescence) murders legionary captives from Caesar's army, but Caesar grants mercy and comfort to all of the Pompeians who survived

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<sup>123</sup>The moral corruption and *nimia luxuria* (emphasized in 3.96) of the Pompeians is always a facet of Caesar's depiction of the Pompeians (starting seriously with 1.4, the "Motive Chapter," though Caesar does not there actually employ the word *luxuria*). But the hubris, corruption, and decadence of his foes is very heavily stressed by Caesar in the chapters dealing with Pharsalus. For a recent analysis of this aspect of Caesar's presentation, see Andreola Rossi, "The Camp of Pompey: Strategy of Representation in Caesar's *Bellum Civile*," *CJ* 95 (2000): 239-55.

<sup>124</sup>Of course, Caesar's legionaries in fact were the ones who attacked at Pharsalus. My point is merely that in terms of the text, Caesar has consistently depicted himself, his friends and allies as at a disadvantage in terms of material resources and numbers of soldiers (as for the most part they were). So in a real sense, Crastinus, though thoroughly primed for battle, has an air about him of one who feels he is fighting against the odds.

Pharsalus. Clearly, Caesar could have behaved differently. But he chose to act in accordance with *fides*, even if doing so meant running a risk (such as the risk that the men he was releasing unharmed might take up arms again).

We have also seen that Caesar did not cease his efforts to achieve a reconciliation with his foes, even though war had broken out. Although he usually refers to them now as *hostes* rather than *inimici*, his new terminology does not indicate a new political objective. The fact that Caesar makes his peace efforts undertaken *after* the outbreak of war the centerpiece of his pre-battle exhortation to his troops at Pharsalus is a clear indication of the ideological importance he attaches to them. We have likewise seen that Caesar created a separate pre-battle speech for the ex-centurion Crastinus as (in part) a way of underlining again for the audience the republican aims he first articulated at *BC* 1.22.5. By this means, he reiterates that his cause is anchored squarely in *publica fides*.

## CONCLUSION

In this dissertation, I have attempted to show not only that Caesar depicted his struggle with Pompey and the legal government as politically legitimate, but that he grounded this legitimacy primarily in notions of *fides*. I have also tried to show that these notions would have been readily intelligible to his audience (again, probably mostly senators and equestrians for the text as we have it<sup>1</sup>), and depending on how they viewed the circumstances, likely to carry weight with them.

In that regard, we should recall David Epstein's observation that *fides* was the Roman substitute for ideology when it was a question of forging bonds between competing factions. How one viewed the circumstances would be apt to depend to some extent upon an interpretation of *fides*. Obviously, both parties to a dispute might claim to be acting in good faith. Different interpretations of what constituted good faith might be urged. But they might not be equally plausible. We have seen evidence for contrasting interpretations of what *fides* could be taken to mean. For instance, Cicero framed the issue neatly in *De Off.* 1.40, where he argued that *fides* was a matter of the spirit, rather than the letter, in terms of what might be required of an individual faced with a moral decision; it was a matter of what was true from the standpoint of someone's internal moral sensibility (*sentire*), as opposed to what might rationally be claimed as true on mere semantic or legalistic grounds arising from the language used (*dicere*).<sup>2</sup> Plainly, there were

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<sup>1</sup>I suggested in Chapter Two that simplified versions of some episodes from the *BC* may have circulated in pamphlet form among a wider audience.

<sup>2</sup>*De Off.* 1.40: ...*et erat verbis, re non erat. Semper autem in fide quid senseris, non quid dixeris, cogitandum.*

Romans who did incline to the legalistic interpretation.<sup>3</sup> I previously called attention to a last-ditch argument that Pompey had made to Cicero in support of Lentulus Spinther's eligibility to restore Ptolemy Auletes, at a time when most of the moral, legal, and political ground had already been pulled from beneath Spinther's feet. The justification suggested by Pompey was patently legalistic in the specific sense criticized here by Cicero. As we saw, the latter's remarks in *De Off.* 1.40 are part of his discussion of the story also related by Polybius (6.58) about the senate's unyielding treatment of the ten Roman prisoners sent to them by Hannibal. The technical performance by means of which one of them had sought to evade his commitment to return to the Carthaginians was disallowed by the senate. Cicero highly approves the senate's action (as Polybius obviously did). He sees it as staking out the moral high ground in terms of the tradition where the meaning of *fides* is found. I have argued that Caesar in the *BC* likewise is arguing that *fides* is not legalistic. His position in fact is thoroughly "Ciceronian." Caesar is not trying to take a traditional concept and invest it with new meaning.

I have also concentrated on illuminating the connection between *fides* and *dignitas*, as well as noting the important distinction between *fides publica* and *fides privata* (and especially as it relates to the senate), because these are things that Caesar himself emphasizes in his opening chapters. He chose there to base much of his legal and moral case on *fides* (and as we have seen, if his interpretation of the concept was idiosyncratic, then so is much of Cicero's). However, when Caesar went on to relate the

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<sup>3</sup>Similarly, Romans might disagree about the exact nature and value of *amicitia*. Cicero points this out at *De Inv.* 2.167: some, he says, think friendship should be sought solely for advantage; others, for itself alone; and others, for itself and advantage (*Quamquam sunt qui propter utilitatem modo petendam putant amicitiam; sunt qui propter se solum; sunt qui propter se et utilitatem*).

story of his military operations in Spain, Africa, Greece, and at Massilia, he was understandably less concerned to justify himself to his audience in quite the same way that he had done in the introductory sequences. To be sure, occasionally he revisits some specific issues important to his legal or constitutional justification (such as at 1.85, in his reply to the defeated Pompeian commander Afranius). But as the military struggle proceeds and his numerous peace overtures are rebuffed, the *fides* of his conduct toward opponents in war (for which Corfinium set the standard) becomes for him an additional kind of justification, I would argue, especially when contrasted with the mostly bad conduct of his foes. Since Caesar's display of *fides* in wartime under difficult circumstances would only tend to bolster his legitimacy in Roman eyes and thus by implication, to the Roman mind, lend additional weight to his constitutional claims (as hard as it might be for moderns to see the connection), there was no more need to plead that case extensively.

Nonetheless, it remains true that where justification for taking unusual (i. e., politically disruptive or technically illegal) action is concerned, as I stated at the outset of this study, the major political themes of the *BC* are the ones that Caesar developed in the first 33 chapters of book one. That is to say, they can be reduced to the following: (1) Caesar's good *fides* vs. Pompey's bad *fides* in the political crisis; (2) the good *fides* of Caesar's friends and the bad *fides* of their Pompeian counterparts during the political crisis; (3) the good *fides* of Caesar's friends and commanders vs. the bad *fides* of their Pompeian counterparts once violence was involved; and (4) the impact of both good and bad *fides* on the respective armies (this can also amount to viewing each army as a

microcosm of a “good” or “bad” society), and sometimes, on the civilian community in each theater of war.

Finally, an important conclusion of this dissertation is that the Roman Republic was plainly not a state in the modern sense. The ability of *publica fides* to subsume illegal activity under certain conditions places Roman republicanism at odds with modern ideas about how law and justice should work in a democratic society. In 1918, Max Weber defined the state as “a human community that (successfully) claims the *monopoly of the legitimate use of physical force* (author’s italics) within a given territory. The state is considered the sole source of the ‘right’ to use violence.”<sup>4</sup> Weber’s definition (or something like it) informs much writing about politics, ancient as well as modern. However, we have seen evidence which strongly suggests that the Romans held views about the nature of the political state that do not conform strictly (or at all) to Weber’s formulation.

To take one example from Chapter Four, we saw that in Cicero’s opinion, Marius, Sulla, and Cinna had *all* been within their rights in taking up arms against “the state.” The fact that Cicero is *reluctant* to concede that this is actually the case at Rome (because he thinks the implications are appalling, as far as human suffering goes<sup>5</sup>) suggests that his conclusion—i. e., that unusual action may sometimes be necessary in politics, hence (by implication) the republican state does *not* have a monopoly of the legitimate use of physical force—is unlikely to be an eccentric one, from the standpoint of elite Roman

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<sup>4</sup>Quoted by Ilse Dronberger, *The Political Thought of Max Weber: In Quest of Statesmanship* (New York: Appleton-Century-Crofts, 1971), 279.

<sup>5</sup>See *Att. 9.10.3: sed quid eorum victoria crudelius, quid funestius?*

opinion. It certainly seems to be that in Cicero's view as well as Caesar's, a plausible claim of *publica fides* might justify the use of violence outside the law. Much scholarly writing about the late Republic and its politics seems to take for granted—knowingly or unknowingly—that Weber's definition applies to Rome (and to other ancient states as well) without qualification. It is time for historians of the Roman Republic to set this notion aside. Our understanding of why the republic fell apart is unlikely to be much enhanced by any amount of scholarly effort until we realize that (as Andrew Lintott argues) violence in politics at Rome—if certain conditions were met—was not as unthinkable as even the Romans themselves often liked to say it was. Neither was it irrevocably at odds with fundamental Roman ideas about justice.

## APPENDIX I

### CAESAR'S *DIGNITAS* AND POPULAR *LIBERTAS*

We shall now observe what relationship the people's *libertas* and (such things as) the charge that *privati* are now wielding *imperium* may have to the programmatic passage at 1.22.5 in which Caesar informs his adversary Lentulus Spinther that he had three primary reasons for leaving his province. The first two of these reasons have been discussed previously in this study—that he sought to defend himself from the *contumeliae* of his *inimici*, and to restore the tribunes to their rightful position. Caesar's stated third reason for resorting to war was—literally translated—“in order that he might vindicate the freedom of himself and the Roman People, both of them under assault by a powerful clique (*ut se et populum Romanum factione paucorum oppressum in libertatem vindicaret*).” I suggest that rather than simply being the platitudinous and charlatan's appeal to *libertas* this phrase is generally taken to be, it is primarily meant as a direct reference to constitutional issues pertaining to the notion of popular sovereignty such as the ones concerning *privati* with *imperium* that he raises in 1.6. Caesar refers to these questions again at some length in 1.85, which indicates that he regarded the matter as quite important, for the audience as well as for himself. The right of the people in their assemblies to elect the magistrates and thereby invest them with *imperium* was one of the most fundamental expression of the people's *libertas*. As we have seen, Cicero, in *Planc.* 11, described the right to choose magistrates without restriction as common to virtually all free peoples, which confirms the point. Caesar's charge in 1.22.5 is that popular exercise

of *libertas* has been effectively constrained by the actions of *pauci*. From an ideological perspective, this could certainly be seen as a reference to interference with tribunes, but not in this context, since he has referred to the tribunes already in a separate clause of the same sentence (as we saw above). On the other hand, it fits well with the charges Caesar makes against the employment of alleged *privati* for commissions requiring the holder validly to possess *imperium* in 1.6 (and against *pauci* specifically in the same context at 1.85.9; see footnote).

Moreover, the order of the issues as Caesar presents them to Lentulus Spinther matches the order in which he has introduced them to the reader in chapters 1 through 6. Adopting that line of reasoning, we arrive at something like the following: (1) Caesar's description of the various attacks against him in the senate during the day and after dark on January 1 as related in chapters 1 through 3 corresponds fairly well with the first reason for self-defense cited in 1.22.5: *uti se a contumeliis inimicorum defenderet*; (2) the insult to the tribunes described (as far as the most important assault is concerned) in chapter 5 in relation to the passage of the *scu* corresponds with the second reason given in 1.22.5: *ut tribunos plebis in ea re ex civitate expulsos in suam dignitatem restitueret*; (3) finally, the serious constitutional affront to popular *libertas* (sovereignty) described in chapter six—the *privati* with *imperium* not authorized by the people—may be seen roughly as having been subsumed (together with miscellaneous other insults to the people) in the defense of popular *libertas* which is proclaimed in 1.22.5: *ut se et populum Romanum factione paucorum oppressum in libertatem vindicaret*.

I mean to argue here against what seems to be the *communis opinio* concerning the meaning of this sentence because I believe that Caesar's assertion is meant

to cap his argument (to the effect) that he is acting out of regard for *publica fides*, and not private motives. The verb *vindicare* clearly does double-duty, but not in the way it is usually seen to do. Ronald Syme translates the clause to mean: “[Caesar left his province] ‘in order to liberate himself and the Roman People from the domination of a faction.’”<sup>1</sup> The Loeb translation by A. G. Peskett reads: “...to assert the freedom of himself and the Roman People who had been oppressed by a small faction.”<sup>2</sup> More recently, John Carter takes it to mean: “to assert his own freedom and that of the Roman people, who were oppressed by an oligarchic clique.”<sup>3</sup> Still more recently, Kurt Raaflaub translates it as: “to restore his own *libertas* and that of the Roman people who were oppressed by the *factio* of a few men.”<sup>4</sup> As literal renderings, these translations are not wrong. But they leave much up in the air where Caesar’s actual meaning is concerned, with respect to the issue of “his” *libertas*. What did Caesar mean to convey to his audience by his words? I would argue that *vindicare in libertatem* does not mean quite the same thing in relation to Caesar himself (who is indicated by the reflexive pronoun *se*) as it does in relation to the notion of the Roman people, although there is obviously a relationship. I believe that *se* in the phrase *Ut se...vindicaret* is meant to serve as a kind of synonym for Caesar’s *dignitas* and hence in this context, his *publica fides* (the argument just presented in Chapter Four explains in more detail some of the important linkages between *dignitas* and *fides*). It is a

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<sup>1</sup>Syme, *Roman Revolution*, 155.

<sup>2</sup>A. G. Peskett, ed. and trans., *Caesar The Civil Wars* (Cambridge, Mass.: Harvard University Press, Loeb Library, 1914), 35.

<sup>3</sup>Carter, *Commentary 1 & 2*, 57.

<sup>4</sup>Raaflaub, “Caesar,” 50.

way of stating that it is a matter of his *publica fides*, rather than mere private honor, that he take up this burden of armed resistance.<sup>5</sup> It is not an altogether separate statement from *[et] ut populum Romanum factione paucorum oppressum in libertatem vindicaret*; it simply clarifies the relationship that exists between Caesar’s ostensibly law-based struggle for justice against the *factio*, and the related struggle of the Roman people against the same reactionary forces to assert their unquestionably just claim—as vetted by tradition and law—to be the sole makers of law within the *res publica*.

That is, Caesar does not mean “I shall vindicate myself and my interests—I who have been interfered with by a faction in the exercise of my own personal *libertas*—and while I am about it, I shall also vindicate the Roman people who have been oppressed by the same faction in their *libertas*.” Such a meaning is self-contradictory. Yet the latter idea or something like it is not only consistent with the translations of Syme, Peskett, Carter and Raaflaub, it is approximately what they and many other writers often seem to think is the case.<sup>6</sup> But there are several reasons why this oft-encountered interpretation is not probable.

Caesar’s own individual *libertas* in whatever capacity (or need to free himself *from* anything, which would tend to imply that he, rather than the republic, had been in the *potestas* of another person or entity ) is not something he particularly stresses as such

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<sup>5</sup>Lily Ross Taylor grasped part of this. She argued in 1949 that Caesar was trying to link his *dignitas* to the cause of the people, on the grounds that the law of 52 was a *beneficium populi* taken from him by the “oligarchs.” However, she reads *se et populum Romanum* as meaning the identification of the Roman people with Caesar. See *Party Politics*, 163. My discussion shows that this view is mistaken. Caesar is simply locating himself and his cause within a familiar republican tradition concerning *dignitas*.

<sup>6</sup>Raaflaub, for example, says that Caesar “was apparently thinking of two aspects of *libertas*: his own and that of the Roman people....” See “Caesar,” 51-52. Taylor says that in his conversation with Lentulus, Caesar claims to be liberating both *se et populum Romanum* from the *factio paucorum*. See *Party Politics*, 163.

ideologically in the *BC*. Rather, it is the *libertas* of the people that he stresses. For example, in *BC* 3.91.2, the ex-centurion Crastinus, a veteran of Caesar’s favorite Tenth legion who had been recalled to active service, speaks briefly to the assembled troops immediately before the battle of Pharsalus (in which he will lose his life). Crastinus declares that when the battle is over, Caesar will recover his own *dignitas*, and they—the Roman people, presumably, as represented by their army on the field—will reclaim their *libertas*: *quo confecto et ille suam dignitatem et nos nostram libertatem recuperabimus*.<sup>7</sup> Caesar makes the verb *recuperare* do double-duty in this sentence; this parallels his use of *vindicare* in 1.22.5. Moreover, the ideological and political objectives Crastinus refers to at 3.91.2 are closely parallel, I suggest, to the distinction that Caesar makes clearly between himself (i. e., his *dignitas*) and the Roman people in the final clause of 1.22.5. In addition, it would be redundant for Caesar simply to be saying at the conclusion of 1.22.5 that he wants to protect himself vigorously against hostile actions of his *inimici* (Syme’s “faction”); he has already made that intention plain in the first clause of the sentence. Likewise, he cannot mean “the tribunes” when he speaks of the Roman people, because he has also referred to the tribunes separately in the same sentence. It makes more sense if we think of him as arguing in 1.22.5 that his own claim to *libertas* would be meaningless if he were not to champion the people’s claim to *libertas*, which is prior to his own.

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<sup>7</sup>This is also Gelzer’s conclusion: “We are to understand [by Crastinus’s speech] that Caesar’s veterans [Gelzer is calling attention to Caesar’s emphasis of Crastinus’s status as a reservist who, until he had answered the summons to duty, had been a simple *cives Romanus*] were no mercenaries, but Roman citizens fighting for a just system of government.” See Gelzer, *Caesar*, 241.

Cicero's definition of the noun *vindicatio* at *De Inv.* 2.66 supports this conclusion.<sup>8</sup> Cicero says that *vindicatio* "is the act through which by defending or avenging we repel violence and insult (*vim et contumeliam*) from ourselves and from those who ought to be dear to us, and through which we punish transgressions."<sup>9</sup> Caesar's usage of the verb at 1.22.5 fits Cicero's definition very neatly. Note the precision of Cicero's language: in addition to engaging in self-defence, an individual who proclaims a *vindicatio* defends those who *ought* to be dear to him (*nostris, qui nobis cari esse debent*). This has the cachet of moral obligation; that is, of *fides*. For an individual of great *dignitas*, the defence of popular *libertas* might thus be seen as a natural (rather than unnatural and arbitrary) concomitant of his own self-defence.

It is clear that it might indeed plausibly be argued in the first century that it was incumbent upon an individual of outstanding *dignitas* to champion the people's right to *libertas*. This is shown by the peroration (a significant placement for the notions expressed) of the rebel consul Lepidus's speech in Sallust's *Historiae* (1.55.26-27):

For my part, although by attaining this the highest of offices (*imperium*, the consulship) I had done enough to live up to the fame of my ancestors as well as to secure my own dignity (*dignitas*), and even my safety, yet it was not my intention to pursue my private interests (*non fuit consilium privatas opes facere*), but I looked upon freedom (*libertas*) united with danger as preferable to peace with slavery. If you are of the same mind, citizens of Rome (*Quirites*), rouse yourselves and with the gods gladly rendering assistance, follow Marcus Aemilius, your consul, who will

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<sup>8</sup>The noun has the same basic meaning as the verb.

<sup>9</sup>*Vindicationem, per quam vim et contumeliam defendo aut ulciscendo propulsamus a nobis et nostris, qui nobis cari esse debent, et per quam peccata punimur.* As noted previously, *De Inventione* was written when Cicero was very young. He is transmitting without much (if any) modification a viewpoint which antedates the first century. Cicero's statement is therefore of particular interest, in that it shows that Caesar's claim in 1.22.5 rests on a traditional foundation and is not novel. Cf. Cicero's similar statement at *De Inv.* 2.161.

be your leader (*dux*) and champion (*auctor*) in recovering your freedom (*ad recipiendam libertatem*)! [Loeb trans. slightly modified by J. Barry]<sup>10</sup>

Lepidus's claim to have done enough already on behalf of his *dignitas* is rhetorical self-deprecation intended to enhance audience perception of his *fides*. He is depicted by Sallust as motivated unambiguously by *dignitas* and *fides publica* when he contemptuously sets aside any notion whatsoever of pursuing his private interests, in favor of taking up by deliberate choice a very difficult and dangerous (to himself) public burden—the defence of popular *libertas*. The parallel in thought with *BC* 1.22.5 and 3.91.2 is very strong.<sup>11</sup>

Also of interest in this regard is Livy's language at 4.6.11. It partly echoes Caesar's usage at *BC* 3.91.2 and 1.5.5. The passage deals with conflict between patricians and plebeians in the mid-fifth century over the eligibility of plebeians to stand for the consulship. The issue was resolved by compromise—military tribunes with consular authority might be chosen from both patrician and plebeian ranks (4.6.8). Livy ruminates in 6.11 on the unusual (viewed from a first century perspective) result: “The outcome of this election showed how different are men's minds when struggling for liberty and station (*in contentione libertatis dignitatisque*) from what they are when they have laid aside their animosities (*certamina*) and their judgment is unbiased.” Livy's point was that the people had chosen all of the tribunes from among the patricians; they had been content simply

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<sup>10</sup>*Mihi quamquam per hoc summum imperium satis quaesitum erat nomini maiorum, dignitati atque etiam praesidio, tamen non fuit consilium privatas opes facere, potiorque visa est periculosa libertas quieto servitio. Quae si probatis, adeste, Quirites, et bene iuvantibus divis M. Aemilium consulem ducem et auctorem sequimini ad recipiendam libertatem!*

<sup>11</sup>We should also note the parallel with Cicero's language in his letter to Lentulus Spinther at *Fam.* 1.9.13 (see 178). Lepidus (in Sallust's reconstruction) terms himself a *dux*; Cicero referred to *duces* and an army that had both failed him. Sallust's usage here reinforces the notion that Cicero had been regretting the loss of any serious opportunity for military action in his defence.

knowing that they possessed the right. In other words, what they had been after, Livy implies, was the respect that was due them (that is, in terms of *publica fides*), not total power in the state. Livy concludes in 6.12 by asking a rhetorical question plainly meant to emphasize the moral qualities he perceived as crucial to men's setting *certamina* aside in these kinds of situations: where, in present-day Rome, would one find even a single man who possessed the moderation, fairness, and loftiness of soul (*hanc modestiam aequitatemque et altitudinem animi*) that once characterized the entire people? In brief, Livy depicts the notions of *libertas* and *dignitas* as having been at stake for the sovereign Roman people in these passages, not a faction or segment of the people, though in this case he is dealing with a political conflict that had stopped just short of the brink; the parties had exercised moderation. Caesar early (1.5.5) depicts himself as disposed to moderation, but also (as the Roman state does in Livy 4.6.11) as relying upon *aequitas* being present in others besides himself if war was to be averted (*expectabatque suis lenissimis postulatis responsa, si qua hominum aequitate res ad otium deduci posset*). From an ideological perspective, there is a strong element of congruity in thought and language between Caesar and Livy on these points. Thus it is probable that for Caesar's audience, the words *libertas* and *dignitas* in 3.91.2—displayed prominently in the context of a struggle on which the fate of the *res publica* depended—rather than diverging in meaning, implied a simultaneous discharge of duty to the Roman people. There was no necessary dissonance between Caesar's recovery of his *dignitas* and the soldiers'/people's recovery of their *libertas*. This also supports the notion that *se* is a synonym for *dignitas* in 1.22.5.

The argument I have been making is reinforced by evidence concerning the common legal proceeding of the late Republic known as *vindicatio in libertatem*. Alan Watson points out that not infrequently, a free man would serve as a slave, unknowingly or even knowingly. A *vindicatio* might be brought to establish the freedom of such a person. The supposed slave (actually a free man) could not bring the action himself—it had to be brought by a third party, the *adsertor libertatis*, who made the claim on his behalf.<sup>12</sup> I will not press this analogy too closely. But the thinking is roughly parallel to the situation that Caesar depicts in 1.22.5. He is casting himself in the role of *adsertor* on behalf of the *populus Romanus*, in a sense, and it is his *dignitas* that not only qualifies him for the role, but also prescribes it as a duty of *publica fides*. According to Sallust, the tribune Memmius compared the status of Roman citizens to that of slaves.<sup>13</sup> An upper class readership comprised of many people with experience in the courts would have grasped the metaphor easily. It may be that it was this type of legal action that led to the invention of the political slogan in the first place.

There is more evidence in Sallust's *Bellum Jugurthinum*, written only a few years after Caesar's *BC*. In *BJ* 42.1, Sallust says that Tiberius and Gaius Gracchus began to assert the freedom of the people and disclose the crimes of the *pauci* (*vindicare plebem*

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<sup>12</sup>For this and the preceding statements, see Alan Watson, *The Law of Persons in the Later Roman Republic* (Oxford: Oxford University Press, 1967), 218. The commentary by Carter, and that by Kraner, Hofmann, and Meusel fail to acknowledge and discuss the similarity of Caesar's language to this Roman legal expression.

<sup>13</sup>*BJ* 31.11: "Slaves bought with a price do not put up with unjust treatment from their masters; will you, Roman citizens, placidly endure slavery? (*Servi aere parati iniusta imperia dominorum non perferunt; vos, Quirites, in imperio nati, aequo animo servitutum, toleratis?*).

*in libertatem et paucorum scelera patefacere coepere*).<sup>14</sup> In the first part of the sentence, Sallust mentions the fact that the ancestors of the Gracchi had added to the power of the Republic in the Punic and other wars (*quorum maiores Punico atque aliis bellis multum rei publicae addiderant*). Their grandfather on their mother's side was P. Scipio Africanus Maior, consul twice and censor, the victor in the Second Punic War over Hannibal at Zama in 202. Their father was Tiberius Sempronius Gracchus, consul twice and censor, who won distinction in Roman wars against the Celtiberians in Spain (180-179). It is clear from Sallust's placement of this description of the Gracchi in the same sentence with their action *vindicare plebem in libertatem* that he recognized that *dignitas* was the motive behind their deeds. Moreover, in the sentence immediately preceding (41.10), and after describing the political and social corruption at Rome that followed the destruction of Carthage, Sallust speaks about the political impact on the system that was made by nobles who preferred true glory to unjust power (*nam ubi primum ex nobilitatae reperti sunt qui veram gloriam iniustae potentiae anteponebant*). The majority of the nobles, who pursued unjust power, have already been identified in 41.5 as men who had perverted their *dignitas* (*namque coepere nobilitas dignitatem ... in libidinem vortere*). Thus it is clear from the context that it is the Gracchi and their allies who are referred to in 41.10, and that their preference for glory over power marks them out as men whose *dignitas* is true, not false.<sup>15</sup>

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<sup>14</sup>Carter acknowledges the similarity that exists in language between *BC* 1.22.5, *Sall. BJ* 42.1 and *Aug. RG* 1.1. See *Commentary 1 & 2*, 176-77.

<sup>15</sup>This is also the opinion of Leslie Watkiss; see the notes on the text in Leslie Watkiss, ed., *Sallust Bellum Jugurthinum* (London: University Tutorial, 1971; reprint, Bristol: Bristol Classical, 1984), 164. G. M. Paul also sees this as a reference to the Gracchi. He also points out the strong influence of Thucydides 3.82 on *BJ* 41. See *Sallust's Bellum Jugurthinum*, 128.

It is worth noting that Ernst Badian has seen *dignitas* as a powerful motivating factor in the case of Tiberius Gracchus; Badian also recognizes a link with *fides*.<sup>16</sup>

The speech Caesar makes to the senate at 1.32 (also noted above) is relevant to the topic. In 1.32.7 Caesar states that if the senate will not join with him in taking up the burden of the *res publica*, he will administer the state through himself (*per se rem publicam administraturum*). As noted previously, offering to take up the burden of the state is a mark of Caesar's *fides*, but it is also an obligation of his *dignitas*, and in the sense of helping to guide the senate in its public responsibilities, is a burden that only those perceived as having *dignitas* could aspire to assume.

I am also arguing that Caesar's avowed intention in 1.22.5 to defend the Roman people in their liberty has *in the context of the work* an ideological meaning in terms of the constitution, as I have stated—a meaning that is related to, but not confined to, such things as the awarding of *provinciae* to *privati*. Raaflaub has recently made a similar point in a short discussion of this clause. Raaflaub notes, as I have, the fact that Caesar mentions the rights of the tribunes separately. He therefore rightly concludes that Caesar's conception of the *libertas populi* was much broader than just the tribune issue. Raaflaub observes that in December 50, Curio mustered a majority in the senate in favor of peace, while Caesar's supporters (including Curio) had held *contiones* and vigorously canvassed popular support. Nevertheless, the decisions against Caesar were made

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<sup>16</sup>Badian, *Foreign Clientelae*, 169: "Not for the last time the ruling faction had made the mistake of attacking the *dignitas* and undermining the *fides* of a proud and unyielding aristocrat. Tiberius could not save his paternal clients: to restore his *fides* and save his *dignitas* he turned reformer and later revolutionary." Badian appears to see the *fides* issue here playing out more in terms of private than *publica fides*. Sallust sees the Gracchi as motivated unequivocally by *publica fides*; his text makes that clear.

exclusively in the senate and executed in violation of laws and tradition. Thus, he concludes, in the propaganda of Caesar and his supporters the *factio paucorum* dominating the senate had acted egregiously against the will both of the majority of the senate and the of the people, thereby violating the people's sovereignty and liberty. It is this sense of popular sovereignty and liberty that he sees as at stake in 1.22.5 (even if he translates the clause in a way that fails to reflect the linkage between these things and Caesar's *dignitas*). Raaflaub also notes that this was a traditional *popularis* argument (for our purposes, another sign of the republican character of the *BC*).<sup>17</sup>

Let us also recall Millar's observation that once the Roman people were organized into their voting assemblies, they were both the sovereign entity and, in a sense, the governing organ, as well, and that the much-noted distinction between *comitia* and *contiones* should not be interpreted as denigrating the importance of the latter for popular politics. It is thus both the principle and the reality of popular sovereignty that is seen as being vindicated in 1.22.5, both in Caesar's own case (which rested, in part, on a *lex populus Romanus*, the "Law of the Ten Tribunes," for example) and in that of the people.

In reality, Caesar's reference to himself in the final clause of 1.22.5 actually pertains to or undergirds everything Caesar has said in his book to that point, everything he has implied or stated about his character, not merely what else he has said in that one clause or the previous two clauses of the sentence. Caesar in those three words (*Ut se vindicaret*) bears witness before the reader (and Lentulus Spinther) to the truth of all of

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<sup>17</sup>See Raaflaub, "Caesar," 52-53. Raaflaub also states that by *populus Romanus* in 1.22.5, Caesar means to include the majority in the senate who supported compromise. I agree. In terms of Caesarian propaganda, the moderate majority in the senate had been trying to express what was the popular will. But I disagree with other conclusions in this article. See below for details.

his charges. He is saying that he is so confident in the justice of his cause he is willing to pledge his *dignitas* as a surety for the truth of all that he has stated, and for his sincerity—for he knows that his reputation will rise or fall now depending on the amount of diligence (*fides*) he shows in seeking justice (not vengeance). This is what he implied by his decision to couple his declaration of personal honor (*dignitas/fides*) with a pledge to guarantee the absolute right of the Roman people to exercise their *libertas*.<sup>18</sup>

As a result of the statements Caesar made in 1.7-9 in defense of his actions, his cause and his *dignitas* have often been linked, with the latter mostly understood by historians as a personal obsession with his “dignity.” But it must now be clear that to the extent that his *causa* (as we have seen him define it above in 1.1-6) and his *dignitas* were meant to be perceived as identical or equivalent in some way, *dignitas* for Caesar cannot have meant simply a way for him to advertise his ego, nor can it have signified simply one man’s right to defend by violent methods whatever objects that his seemingly unbounded ego proposed for his contemplation. In appealing for support, Caesar was relying on his *dignitas* to make a patriotic and constitutional appeal effective. *Dignitas* must have been seen by at least some contemporaries as harmonious in this context with republican

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<sup>18</sup>In *Dignitatis Contentio* (156), Raaflaub collects passages from Caesar’s own work, that of the various pseudo-Caesars, and of Cicero, which roughly have in common the self-presentation of an individual (be that person Caesar himself, Cicero himself, or, in one instance, Asinius Pollio) shown in close conjunction with the interests of the Republic or to a synonym of some kind for the state: Caesar: *BG* 1.33.2: *quod in tanto imperio populi Romani turpissimum sibi et rei publicae esse arbitratur*; also, 35.2; 4.40.3; 42.3; 45.1; 4.17.1; 5.7.2; *BC* 3.10.6: *proinde sibi ac rei publicae parcerent*; 53.5: *ut erat de se meritis et de re publica*. Ps.-Caesar: *Bell. Alex.* 65.4: *et sibi et populo Romano*; *Bell. Afr.* 54.4: *mihi rei publicae*; *Bell. Hisp.* 42.3: *in se et in populum Romanum*; Cicero: *Red. in Sen.* 8.32; *Red. ad Pop.* 14.18; *Sest.* 42.53; *Sull.* 35; *Mur.* 1; *Fam.* 10.31.5. In “Caesar” (50), he notes the similar phraseology in Augustus’s *Res Gestae* 1.1, where *res publica* replaces *populus Romanus*. A common thread in some of these passages (e. g., *Fam.* 10.31.5 and *RG* 1.1), I would argue, is that a prominent individual’s perceived action in support both of himself and “the people” or the “Republic” is a byproduct of his *dignitas*, as it was with Caesar.

idealism. In Chapter Four, we saw that understanding how this was possible means recognizing that Romans saw *dignitas* and *fides* as closely linked. It was the case with Cicero as well as Caesar.

A final point about *libertas* at 3.91.2. Kurt Raaflaub has recently deprecated the significance of the word *libertas* at 3.91.2, to the extent that he practically denies the existence of the passage): "...this (i. e., 1.22.5) is the only passage in which Caesar mentions *libertas* explicitly...."<sup>19</sup> In a footnote (on page 57), he claims that by *libertas* at 3.91.2, Caesar only meant to refer to "*civitas* (citizenship)." This is a groundless conclusion. Raaflaub has no significant evidence to support it. I agree with Raaflaub that as a slogan, *libertas* is not Caesar's most prominent catchword, even in 49. So what? Many of the specific infringements of his and others' prerogatives that he complains about would have been understood by the audience to be transgressions against *libertas*, i. e., against what Caesar tells the senate at 1.32.2 is the prerogative of all citizens (*quod omnibus civibus pateret*). Are we to imagine that Crastinus was meant to be seen as using the word *libertas* only to signal his peers that while they may get back their *civitas* (whatever that might be worth without *libertas*), they might as well give up on *libertas* as such? I do not think so.

Raaflaub's main thesis in his article is that Caesar's use of *libertas* as a political catchword in 49 and honors (granted to Caesar) focusing on *libertas* in 45 belong to entirely different political contexts and must be assessed in those contexts (p. 36). I could not agree more. This is perfectly plausible. But Raaflaub fails to notice that the

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<sup>19</sup>Raaflaub, "Caesar," 50.

question of the *BC*'s date of composition is hugely relevant. I have already stated my view (and it is shared by such scholars as Adcock, John Collins, and Roger Macfarlane) that the *BC*'s different sections by and large seem to have been written not long after the events described in each section took place. Thus 3.91 was almost certainly written well before the honors of 45 were awarded, much less conceived. It would be well nigh impossible for the political climate of the later era (ca. 45-44) to find any reflection there. The main thing Raaflaub can point to in support of his conclusions (i. e., *libertas* was important for so brief a space that it was not really ever very important for Caesar's justification; *clementia* displaces it ideologically early on anyway; the disappearance of *libertas* after 1.22.5 proves this—the argument to an extent contradicts itself) is Caesar's failure to use the word *libertas* as such anywhere between 1.22 and 3.91. Raaflaub's is an *argumentum ex silentio* (nor is it the only argument from silence that he uses in this connection). But as I indicate in Chapter Six, there is a perfectly cogent reason why *libertas* reappears just when it does. The vow Caesar made to take up the cause of the people's *libertas* against the *factio* is now on the verge of being kept. It is therefore appropriate to remind the audience of the fact. Caesar's "silence" about *libertas* in the middle chapters of his work betokens no ideological change of any kind from what he stated in the early chapters.

## APPENDIX II

### LABIENUS'S *FIDES* IN THE EIGHTH BOOK OF THE *BG*

The action taken by Caesar's former lieutenant T. Labienus in regard to Commius the Atrebate in *BG* 8.23 helps illustrate the importance of *fides* at Rome, and contributes something to our understanding of *fides* in the *BC*. It also contributes to the general and ideological depiction of the Pompeians in the *BC* as lacking in proper *fides*. Commius was a Celtic aristocrat who owed much to Caesar's patronage. Caesar states (*BG* 4.21) that after subduing the Atrebates, he made Commius their king on the strength of the man's *virtus* and *consilium*, and because he judged that Commius was loyal to him.<sup>1</sup> Commius worked openly as a Roman agent (4.21). Because he had *auctoritas* among the Celts in Britain, Commius was sent there prior to Caesar's first invasion of the island to try and coax his British friends to accept the *fides* of the Roman people (*ut populi Romani fidem sequantur*). A few years later, though, prior to and during the revolt of Vercingetorix, Commius began to work against Rome. In view of the benefits he had received and the trust that had been reposed in him, Commius's shift in allegiance was doubtless seen by Rome and Caesar as a major violation of *fides*.<sup>2</sup>

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<sup>1</sup>*Commius, quem ipse Atrebatibus superatis regem ibi constituerat, cuius et virtutem et consilium probabat et quem sibi fidelem esse arbitrabatur.*

<sup>2</sup>Caesar himself makes the following statement about Commius's complicity with Vercingetorix (*BG* 7.76): "This Commius, as we have mentioned before, had rendered faithful and efficient service to Caesar in previous years in the expedition to Britain. For these good offices Caesar had ordered his state to be exempt from taxes, had restored its rights and laws, and had made the Morini tributary to him. Yet so strong was the unanimity of Gaul as a whole for the maintenance of their liberty and the recovery of their ancient renown in war that no benefits (*beneficia*) and no memory of friendship (*amicitia*) could influence them, and all devoted themselves heart and soul to the campaign before them." Caesar seems to be excusing Commius's behavior somewhat. The most likely explanation is that he is

In *BG* 8.23, Hirtius (the author of Book Eight) looks back at an episode involving Labienus and Commius that occurred at the time Commius's treacherous intrigues had come to light. When Labienus discovered that Commius had been fomenting a conspiracy and working against Caesar, he decided that Commius might be suppressed without (in effect) any charge of bad faith (*perfidia*) being incurred by Rome.<sup>3</sup> Labienus determined to assassinate Commius under the pretence of asking him to parley. The Roman charged with carrying out the murder was C. Volusenus Quadratus (*qui eum per simulationem colloqui curaret interficiendum*). Hirtius does not tell his audience, but careful readers of Caesar's books would recognize Volusenus as the Roman officer who was sent to Britain at the same time as Commius, though with a mission of his own—to learn as much as he could about the place.<sup>4</sup> Caesar does not say that Volusenus and Commius knew one another or that Commius travelled to Britain on Volusenus's ship, but it is likely that some kind of acquaintanceship existed, dating from that time. The point is that Labienus probably selected Volusenus because he had reason to believe that Volusenus would be trusted by Commius not to harm him. At the parley, Volusenus, accompanied by a band of picked centurions, took Commius by the hand (*manum Commi*

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here displaying his own *fides* and *magnitudo animi* by showing his awareness and understanding of the difficult predicament in which Commius and other pro-Roman elements in Gallic society had found themselves. For example, the Aedui, Rome's staunchest allies in Gaul, had also joined the revolt, yet Caesar did not exact severe retribution (indeed, after regaining possession of the Aeduan state, Caesar says that he returned twenty thousand Aeduan captives; significantly, he does not say he first requested hostages of them, as he does in the same sentence of the Arverni. *Fides* is implied as his motive for the special consideration he showed the Aedui. See *BG* 7.90.1-3).

<sup>3</sup>*BG* 8.23.3: *cum Commium comperisset sollicitare civitates et coniuratum contra Caesarem facere, infidelitatem eius sine ulla perfidia iudicavit comprimi posse*. For the word *perfidia*, cf. Livy on Hannibal in 21.4.9: *perfidia plus quam Punica*.

<sup>4</sup>Since Volusenus himself never dared set foot on dry land owing to the savagery of the inhabitants, it is not clear that he learned very much. In light of that, the usefulness of people like Commius for the Romans becomes apparent. See *BG* 4.21.

*Volusenus arripisset*), which was the signal for the others to kill him, but Commius was merely wounded, and both sides fled in the ensuing confusion.

After this deed, Hirtius relates, it was said that Commius resolved never to come within sight of any Roman (*Quo facto statuisse Commius dicebatur numquam in conspectum cuiusquam Romani venire*). Thus at the time of the events described by Hirtius in Book Eight, when negotiations were under way with a number of Celts to win them voluntarily back to an acceptance of Roman authority (8.23), Commius would not take a personal share in them because his fear prevented him from placing himself in the *fides* of any Roman (*imperata faciunt excepto Commio, quem timor prohibebat cuiusquam fidei suam committere salutem*). He went on to cause more trouble for Rome (BG 8.47-48). On this later occasion, he once again encountered Volusenus, who was now serving as cavalry commander with a large contingent of troops led by Antony. Volusenus was ordered by Antony to pursue Commius's horsemen, and a fierce struggle ensued, one made even more desperate by the hatred that now existed between the two men as a result of the assassination attempt. In the middle of the fight, Commius called on the *fides* of his own men, asking that they not leave unpunished wounds that had been inflicted on him under a pledge of *fides* (*suorum invocat fidem atque auxilium, ne sua vulnera per fidem imposita paterentur impunita*). Next, he charged at Volusenus directly and wounded him badly, before being driven from the field with his remaining horsemen. Following the engagement, Commius had a surprising change of heart and decided to capitulate, sending word to Antony that he was now ready to do whatever Antony should decide. He had only one request, which was that he not come into the sight of any Roman (*unum illud orat, ut timori suo concedatur, ne in conspectum veniat cuiusquam Romani*).

Antony, Hirtius says, judged that Commius's demand proceeded from a legitimate fear, and granted him the favor he asked (*Cuius postulationem Antonius cum iudicaret ab iusto nasci timore, veniam petenti dedit*).

It is clear that Hirtius has constructed a rather complex narrative about *fides* here, one that extends over a lengthy period of time and is partly told in a flashback. We must now ask ourselves why he went to the trouble to do this. The answer, I suggest, is that Hirtius consciously constructed this story about Labienus's treachery towards Commius, and its consequences (i. e., extreme distrust of Rome, which was eventually harmful to Roman interests), because he wanted to foreshadow Labienus's bad *fides* toward Caesar, which is an important theme in the *BC* (as we saw in Chapter's Five and Six). It is apparent from the way in which Caesar introduces Labienus to his audience at *BC* 1.15.2 (in connection with Cingulum's action in declaring for Caesar) that his *fides* is bad, and that the audience will understand the background pertaining to Caesar's charge without need of any elaboration.

Hirtius himself actually refers to Labienus's breach of *fides* towards Caesar several paragraphs after Commius's surrender to Antony. In chapters 49-51, Hirtius begins to describe the political activity at Rome that threatened Caesar's position. In that regard, he refers to Caesar's own political activity aimed at countering these attacks. Caesar visits northern Italy in support of Antony's candidature for the priesthood, both to support a close friend and to oppose the *factio* and *potentia* of the *pauci*, who hoped, by defeating Antony, to destroy Caesar's *gratia*.<sup>5</sup> Shortly thereafter, Caesar puts Labienus in

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<sup>5</sup>*BG* 8.50.2: *Contendebat enim gratia cum libenter pro homine sibi coniunctissimo, quem paulo ante praemiserat ad petitionem, tum acriter contra factionem et potentiam paucorum, qui M. Antoni repulsa Caesaris decedentis gratiam convellere cupiebant*. The word *gratia* belongs to the

charge of Italian Gaul, so that the region might be encouraged to give even stronger support to Caesar's own candidacy for the consulship.<sup>6</sup> This is an obvious sign of trust, and also implies that Caesar supposed Labienus to have influence in the region, as well as being loyal.<sup>7</sup> Hirtius then states that Caesar began at the same time to hear that Labienus was being courted by Caesar's *inimici*, and that these people also planned to use the senate's *auctoritas* to deprive him of part of his army (i. e., the two legions that were, in fact, withdrawn from his command on the grounds that they would be needed against Parthia). However, Hirtius says, Caesar believed nothing of the rumors concerning Labienus (*tamen neque de Labieno credidit quidquam*). This is another plain indication of Caesar's *fides*. It is also a powerful statement about the nature of *fides*, and of what it consisted: in this case, not believing derogatory rumors about a friend.<sup>8</sup>

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vocabulary of *fides* and has a variety of meanings. At *De Inv.* 2.66, Cicero defines *gratia* as having regard for the memory and requital of services (*officia*), as well as all that has to do with honor and friendship (*gratiam, quae in memoria et remuneratione officiorum et honoris et amicitiarum observantiam teneat*); cf. *De Inv.* 2.161. Arguably, *gratia* most often means one of two things—influence and the power to confer favors, or gratitude and respect on the part of those who receive favors (and in some cases, apparently, both simultaneously). For instance, in *BG* 8.50.2 here cited, *gratia* means Caesar's use of his personal influence on Antony's behalf in the latter's canvass. In the same chapter at 50.3, on the other hand, *gratia* refers to Caesar's subsequent public display of gratitude to those citizens who had supported Antony's successful campaign for the priesthood (*tamen non minus iustam sibi causam municipia et colonias adeundi existimavit, ut eis gratias ageret, quod frequentiam atque officium suum Antonio praestitissent*). At *BC* 1.4.4, *gratia* is used by Caesar roughly as a synonym for *amicitia*. We should also note Cicero's statement in *Quinct.* 1 that *gratia* and *eloquentia* are the two things that have most power in a *civitas*. In *Quinct.* 2, Cicero implies that *gratia* is indispensable for acquiring friends, wealth, and influence. For a comprehensive discussion of *gratia*, see Hellegouarc'h, *Vocabulaire Latin*, 202-8.

<sup>6</sup>*BG* 8.52: *T. Labienum Galliae togatae praefecit, quo maiore commendatione conciliaretur ad consulatus petitionem.*

<sup>7</sup>By making this statement here, Hirtius sets up the "surprise" rejection of Labienus by Cingulum. The audience is invited to speculate that perhaps Labienus did have some "weight" in these northern regions, but that his bad *fides* toward Caesar destroyed his influence because it unmasked his true character.

<sup>8</sup>As we may also see, for example, in *Pro Cael.* 16. Cicero says he initially took Catiline for a good and faithful friend. He had heard rumors about Catiline, but did not believe them until he saw the man's crimes for himself (*cum et civis mihi bonus et optimi cuiusque cupidus et firmus amicus ac fidelis*

Let us recall that in his preface to Book Eight, Hirtius explains that he has taken on the role of Caesar’s literary executor, so to speak, at the request of Cornelius Balbus. He says he decided to add an eighth book to the apparently already well-known seven books of “Commentaries” Caesar had written about his Gallic campaigns, as well as finish up Caesar’s incomplete writings on the civil war (*BG 8, praef.*).<sup>9</sup> The stated reason for adding the eighth book was that “our Caesar’s previous and subsequent writings did not otherwise fit together.” Hirtius’s own Book Eight is missing its ending, but his text breaks off at a point not far from the start of the civil war in January 49.<sup>10</sup> Hirtius is discussing the retention in Italy of the two legions that had been taken from Caesar by a *senatus consultum* for use against Parthia, and the consul C. Marcellus’s handing over of these legions to Pompey, an action—we call—that took place in early December 50.<sup>11</sup> Hirtius declares that this action left no doubt in anyone’s mind about what was being prepared against Caesar (*Hoc facto quamquam nulli erat dubium, quidnam contra Caesarem pararetur*).<sup>12</sup> His final complete sentence (8.55.2) is a statement about Caesar’s moral justification that in fact owes much to Caesar’s own words in the *BC*. Hirtius states: “Nevertheless Caesar was determined to suffer anything, so long as some hope remained

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*videretur; cuius ego facinora oculis prius quam opinione, manibus ante quam suscipione deprehendi*).

<sup>9</sup>Hirtius says that the unfinished work he found went no further than the operations at Alexandria, as does the *BC* in its surviving form. Though he says the work was unfinished, he does not say that none of it had been published previously.

<sup>10</sup>The last (and incomplete) chapter is 8.55.

<sup>11</sup>The complete sentence reads: *Quo cum venisset, cognoscit per C. Marcellum consulem legiones duas ab se remissas, quae ex senatus consulto deberent ad Parthicum bellum duci, Cn. Pompeio traditas atque in Italia retentas esse*.

<sup>12</sup>We should recall that Caesar considered that the two legions had been taken from him on a pretext (*simulatio*) and that his language as well as the circumstances make it clear that he saw this as a violation of *fides*. See the following footnote for the complete text.

to him of a settlement by arbitration rather than war.”<sup>13</sup> Thus it seems plain that Hirtius was indeed working, as he implied, to make the ending of Book Eight the jumping-off point for the reader about to embark on Caesar’s own narrative of events in the *BC*.

I have argued above (pp. 285-88) that Caesar deliberately introduces Labienus to his audience in the *BC* (1.15.2) in a context intended to convey the notion that Labienus was a man of doubtful *fides*. In *BC* 3.71 Caesar makes the charge explicitly, where he describes Labienus as having the *fides* of a traitor (*perfugae fides*). Hirtius was not oblivious of this. It seems most probable that he dredged up the story from the year of the great rebellion about Labienus’s attempt to punish Commius’s treason (the factual basis of which is unknowable) because he wanted to highlight for the audience Labienus’s subsequent treason and bad *fides* toward Caesar, which he knew was a major issue in the text of the *BC*. By the time of the composition of Book Eight (late 44/early 43), the intended audience well knew which side Labienus had chosen, and what Caesar had thought of him.

My interpretation assumes that Hirtius disapproves of Labienus’s subterfuge against Commius, and that he expects his audience to disapprove. Not all scholars agree. Kathryn Welch believes that “Hirtius scores no political points against Labienus,” and that Hirtius actually approves of Labienus’s decision to attempt to kill Commius under less

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<sup>13</sup>*Tamen Caesar omnia patienda esse statuit, quoad sibi spes aliqua relinqueretur iure potius disceptandi quam belli gerendi.* Compare Caesar’s language in *BC* 1.9.4-5: *Tota Italia dilectus haberi, retineri legiones II, quae ab se simulatione Parthici belli sint abductae, civitatem esse in armis. Quonam haec omnia nisi ad suam perniciem pertinere? Sed tamen ad omnia se descendere paratum atque omnia pati rei publicae causa.*

than honorable circumstances because of the need to remove an enemy.<sup>14</sup> Instead of the complex and morally weighted literary structure I trace above, Jonathan Barlow sees Hirtius's account of the assassination attempt as "a remarkably measured appraisal" of the events. Barlow, like Welch, thinks that "it was not judged perfidious" to have Commius assassinated.<sup>15</sup>

These scholars have failed to gauge Hirtius's intentions and to understand the moral dimension of ancient historiography. In *BC* 1.9, Caesar asks for a *colloquium* with Pompey so that terms may be agreed upon, and an oath sworn between them. In *BC* 1.22, Caesar holds a *colloquium* with Lentulus Spinther in which the latter's bad faith as a friend is spelled out in detail, but Caesar conspicuously forbears to take action against him. In *BC* 1.74-77 (and as discussed in Chapter Six), the common soldiers from both camps freely engage in *colloquia* that are brutally suppressed by the Pompeian commanders; Caesar does not retaliate in kind. He presents these Pompeian leaders as having violated *fides* by their actions. Such meetings (*colloquia*) evoked strong notions of *fides* to Romans automatically. Hirtius stresses some of these notions in his text. The parley that Labienus arranges with Commius is described by Hirtius as a "fake parley (*per simulationem colloqui*)."<sup>16</sup> A hand shake between the parties would be normal at a *colloquium*, and be meant to signify at least good intentions, if not friendship. As I noted

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<sup>14</sup>Kathryn Welch, "Caesar and His Officers in the Gallic War Commentaries," in *Julius Caesar as Artful Reporter: The War Commentaries as Political Instruments*, ed. Kathryn Welch and Anton Powell (London: Duckworth, 1998), 88.

<sup>15</sup>For this and the preceding statement, see Jonathan Barlow, "Noble Gauls and Their Other in Caesar's Propaganda," *Julius Caesar as Artful Reporter: The War Commentaries as Political Instruments*, ed. Kathryn Welch and Anton Powell (London: Duckworth, 1998), 156.

<sup>16</sup>See a previous footnote to compare Caesar's use of the word *simulatio* to describe the requisition of his two legions.

above, Hirtius chooses to stress that Volusenus's taking Commius by the hand was instead to be the very signal for the treacherous attack. In other words, Hirtius through this symbolism is deliberately underlining the bad faith shown by Labienus and Volusenus. Hirtius's explanation for the failure of the surprise attack to kill Commius is also significant. He speculates that either the centurion appointed to carry out the assassination may have been extremely unnerved by the "unaccustomed task" (*centurio vel insueta re permotus*), or he was quickly prevented from finishing the job by the friends of Commius.<sup>17</sup>

We must ask why Hirtius offers the audience this choice of explanations. The most likely reason is that by merely suggesting how the violation of *fides Romana* that is being carried out might have affected adversely the resolve even of hardened soldiers, Hirtius is able to emphasize its monstrousness. Hirtius chooses to remind his audience of the violation in 8.48, as we saw above, when Commius recounts the story of the bad Roman *fides* to his men in an effort to rally them. And significantly, as we also saw, Antony concedes that Commius had just cause for his suspicion of Rome. In my judgment, this depiction does not remotely suggest that Hirtius or his audience were likely to have approved of Labienus's action. The evidence suggests instead that Hirtius expected the audience to reject Labienus's reasoning about *fides*, i. e., his conclusion that it was morally acceptable to use this type of ruse on an enemy (and former friend) who had broken faith. Hirtius probably also expected his audience not to be surprised that a man who violates *fides* in a parley with a foe is to be found shortly thereafter breaking faith with a friend, or

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<sup>17</sup>*Insueta* in this passage has a moral component, or so it seems to me.

siding with those (the *pauci*) who broke faith with (in Caesar's view) Caesar himself, the Republic, and even the senate.

In sum, Hirtius's unusual way of focusing on the bad *fides* of Labienus in Book Eight is a strong argument in support of my thesis that Caesar structured much of his case in the *BC* around notions of *fides*. Hirtius clearly recognized the important role that *fides* plays in Caesar's presentation. As Hirtius stated in his preface to Book Eight, he saw it as his task in that book to make Caesar's separate commentaries on the Gallic and civil wars "fit" together. Therefore Hirtius most likely crafted this characterization of Labienus in *BG* 8 as a man of dubious *fides* so as to corroborate Caesar's existing characterization of his former lieutenant in the *BC*, as well as to lend credence to Caesar's authorial notion that bad *fides* was a special trait of his foes generally. His narrative about Labienus's *fides* is a powerful testimony to the value that the notion possessed for his and Caesar's audience. It also shows that the original audience must have recognized that *fides* as such was an important theme in the *BC*.

We may also see from this story about Labienus that in terms of the perception in the text, the affair badly damaged his reputation for *fides*, as well as Rome's. Commius could not bring himself to look at another Roman. Even Antony had no criticism to make of Commius's complaint. Thus it seems likely that if a man were widely seen as having shirked or violated an important obligation, it is likely his reputation for *fides* might plummet as much as if he had broken faith a hundred times. By the same token, if he were widely seen as having acted in strict accordance with *fides* in just one instance when he did

not have to do so, his reputation for *fides* would tend to increase exponentially.<sup>18</sup> A reputation that had been established on such a basis would thereafter *tend* to be proof against most initial charges of bad *fides*, no matter how seemingly well founded, unless the evidence for the accusations was overwhelming. But no one's reputation was ever completely secure. In the crisis of 50/49, for example, Cicero plausibly claims on several grounds that he (in effect) is a man who always puts the public interest ahead of his own life or safety. But he clearly knows that his ability to make this kind of claim will be harmed if he is *seen* as remaining in Italy because he is concerned about his safety.

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<sup>18</sup>This is how Cicero characterizes his *fides* in *Sest.* 50, where he defends his acceptance of exile in 58, when conceivably he might have fought, and when, by implication, many another man in his situation would have fought: *...in qua quidem nunc me restituto vivit mecum simul exemplum fidei publicae. Quod si immortale retinetur, quis non intellegit immortalem hanc civitatem futuram.* (“...now that I have been recalled, there lives in my person an example of public good faith (*fides*). And if this example be preserved forever, who can doubt that this state will be immortal?” [Loeb trans.]

## APPENDIX III

### RAAFLAUB, CAESAR, AND THE MASSILIOTES

Throughout the pages of the *BC*, Caesar consistently identifies his cause with willing public support and regard for the common welfare, and depicts the Pompeians as a desperate assortment of self-serving individuals who have no base of supporters within the internal political community. In the case of Massilia, Caesar does not, however, go about making this distinction in the way that Raaflaub, in the famous book *Dignitatis Contentio*, thinks that he does. Raaflaub believes that starting from about the time that Caesar failed to obtain the formal or effective backing of the senate for his case during his visit to Rome, he began to identify his *causa privata* with the *causa* of the Roman people (apparently in the sense that the two *causae* are now henceforth to be seen as virtually fused) and to represent himself as the sole legitimate agent for the republic, including, Raaflaub's complete argument suggests, its legal institutions (“*Daraus leitete er zu einem guten Teil die Berechtigung ab, seine causa privata mit der des populus Romanus zu identifizieren und als legitimer Vertreter der res publica aufzutreten.*”).<sup>1</sup> In fact, Caesar does not do this.

To take the second issue first, even though the consuls and many other magistrates are now physically located outside Italy, Caesar does not mean to imply that this fact impairs their legitimacy. That is, he does not parse for the audience a hypothetical distinction between legality and legitimacy. Raaflaub, however, does apparently believe that in Caesar's view, the Pompeians' distance from Italy somehow serves to abrogate

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<sup>1</sup>Raaflaub, *Dignitatis Contentio*, 250.

their legitimacy: “*Wer Rom und Italien beherrschte, beherrschte die res publica. Was die Pompeianer in Griechenland propagierten, war für ihn weder legitim noch legal, sondern eine Fiktion, eine Nichts.*”<sup>2</sup> In fact, Caesar merely continues to distinguish rigorously in various cases (as we have seen him do) between private interests on the one hand, and the greater institutions and claims of the republic. By means of this device, he often suggests to the audience that the Pompeians are behaving in ways that mark them as personally unworthy or unfit for their offices. But he does not try to claim that this bad behavior has in some fashion negated their actual tenure of those offices. Raaflaub is simply mistaken.

And as far as the issue of Caesar’s relationship to the *causa populus Romanus* is concerned, Caesar does claim in the text to act on behalf of the Roman people (a term that includes the senate and upper classes here and is not limited to popular institutions), but in a way that shows that his action is simply pursuant to his *dignitas* and *fides*. The text nowhere supports the notion that Caesar wants literally to conflate (in the public mind) his *causa privata* as such with the greater republican *causa populus Romanus*. It is on this point that Raaflaub has gone astray (for reasons relating to his broader interpretation of the text).<sup>3</sup>

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<sup>2</sup>Ibid., 250-51.

<sup>3</sup>I would argue that Raaflaub goes astray here ultimately because of the way he has previously (and wrongly) interpreted Caesar’s references to his *dignitas*. For Raaflaub, *Dignitatis Contentio*, 191, Caesar’s statements about his *dignitas* in *BC* 1.7-9 indicate that his motivation for beginning the war was purely personal (“...*nichts anderes, als dass Caesar seinen Bürgerkrieg in erster Linie mit einer ganz persönlichen Zielsetzung, um seiner privaten Ansprüche, um seiner dignitas willen geführt habe.*”). Raaflaub thinks that Caesar does not conceal the fact that his motivation is personal. Indeed, Raaflaub (191) seems shocked by his own conclusion: “...*dadurch noch erschreckender, dass Caesar selbst es so offen zugegeben, überall verkundet und nicht den geringsten Versuch unternommen hat, seine persönlichen Motive zu verschleiern.*” Yet Raaflaub accepts that this must be the case. If one accepts this (and therefore that no serious claim of *publica fides* is implied in *BC* 1.7-9), then it is not difficult to believe that Caesar in the *BC* might well be seeking to identify his *causa privata* with the *causa publica* in a way that diminishes or excludes the legally constituted state. Raaflaub in fact believes (191) that Caesar’s *publica fides* claims (to use my terms, not his) were not serious, i. e., they were merely

Raaflaub also goes astray in the way he interprets Caesar's use of the slogan *tota Italiae* at *BC* 1.35.1. To see why, let us first look at *BC* 3.12.2. In this passage, the citizens of Apollonia in Greece are depicted as offering resistance to L. Staberius, the Pompeian commander in charge of their city. The people of Apollonia declare that they will not shut their gates against the consul (i. e., Caesar) or "decide anything for themselves that would go against what all Italy and the Roman people had decided (*neque sibi iudicium sumpturos contra atque omnis Italia populusque Romanus iudicavisset*). The expression *omnis Italia populusque Romanus* is worth comparing with *auctoritas totius Italiae* at 1.35.1. As consul, Caesar at 3.12.2 can legitimately claim that the Roman people as such have authorized his actions. Thus he now explicitly associates *omnis Italia* with the formal sanction of the Roman citizen-body. As John Carter comments, "Caesar could now claim, as he could not before Massilia, that his recent election as consul showed the constitutional approval of the Roman people."<sup>4</sup> Carter is also correct to state that "both in practical and emotive terms there was a real difference between 'all Italy' and 'the Roman people.'"<sup>5</sup> But as we can see, for example, at 1.22.5, Caesar had claimed from the very outset to be defending (by virtue of his *dignitas*, I argue, rather than his official position, which was in dispute) the *libertas populi Romani*. Therefore his assertion at

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aimed at winning over public opinion (*speziell der Masse der Senatoren und Ritter, aber auch des Volkes und der Soldaten als Rechtfertigung eines aussergewöhnlichen Schrittes notwendig*), but played no significant role among the initiated and people of discernment (*aber unter den Eingeweihten und Einsichtigeren spielten sie keine erwähnenswerte Rolle*). Of course, one could argue that the "mass" of senators and equestrians at whom, Raaflaub says, Caesar's constitutional propaganda was aimed, must have included many discerning and politically sophisticated individuals. But that is an argument for another day.

<sup>4</sup>Carter, *Commentary* 3, 154.

<sup>5</sup>Ibid.

Massilia that he has the support of *tota Italia* should not be seen as a new or alternative type of claim, or in conflict with (or divergent from) the notion of *libertas populi Romani*. The statement is meant as a claim of *publica fides* on traditional moral grounds. Caesar is merely telling the Massiliotes that he has the backing of “all Italy” for his unofficial actions on behalf of his and the Roman people’s *libertas*. In fact, his scrupulous refusal to claim at 1.35.1 the official legal backing of the *populus Romanus* that he claims at 3.12.2 in itself displays sensitivity to *publica fides*. Caesar does not mean to suggest that a relationship exists between himself and *tota Italia* in which he is the *maior*. If he had, then that would indeed have been something new. But he does not. Raaflaub wrongly argues in effect that *auctoritas totius Italiae* is meant to replace or substitute ideologically for the endorsement of the senate, which Caesar had failed to obtain: “*Musste auf seiner Seite die—politisch natürlich nahezu bedeutungslose—auctoritas ganz Italiens die—allein wesentliche—Zustimmung des Senats ersetzen....*”<sup>6</sup> This is too subtle. Raaflaub seems to believe that *tota Italia* as a notion emerges here only as a result of Caesar’s supposed post-1.32 identification of his *privata causa* with the *populus Romanus* (discussed above), and that it is in this sense that the slogan is set off against the “other party, headed only by Pompey” (*so nannte Caesar charakteristischerweise als Eponenten der andern Partei einzig Pompeius*).<sup>7</sup> In fact, Caesar in terms of his narrative makes it plain that he already enjoys near-universal support in Italy when he appears before the senate at 1.32. Certainly, Caesar would have been delighted if he could have alluded here to official senate support. Since he could not, he simply maintained what he had been maintaining all along. *Tota*

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<sup>6</sup>Raaflaub, *Dignitatis Contentio*, 250.

<sup>7</sup>Ibid.

*Italia* in no way displaces the senate ideologically—although perhaps it does divert audience attention from it.

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