X.—The Mission of L. Caesar and L. Roscius in January 49 B.C.

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Before the publication of Mommsen's Roman History the great majority of historians agreed in the opinion that long before the outbreak of the Civil War in January 49 B.C. Caesar had been determined to seek supreme power by force. They were also convinced that his various offers of compromise or peace before and after the outbreak of hostilities were made for the purpose of deceiving public opinion and of creating disunity in the ranks of his opponents. This view was completely reversed by Mommsen,[1] who contended that all Caesar's proposals were sincere and that it was only the folly and obstinacy of his opponents which made them reject these offers and so made a war to the bitter end inevitable. His interpretation of the events has been so influential that even historians who, like E. Meyer and R. Syme, took an entirely different view of the main characters and of the nature of their struggle followed him in this respect.[2]

Neither interpretation does full justice to the situation. Caesar, in spite of his military genius, was certainly not a man to rejoice in

[1] Th. Mommsen, *Römische Geschichte* 3^{13} (Berlin, 1922) 370, 385, and passim.

[2] E. Meyer, *Caesars Monarchie und das Principat des Pompejus* (Stuttgart, 1922) 279: "Caesar scheute vor dem entscheidenden Schritt noch zurück: er wollte noch einen Versuch machen, ob sich nicht doch ein erträgliches Abkommen finden lasse"; 285: "Für diese Verhandlungen hat Caesar die weitgehendsten Konzessionen geboten"; 297: "Caesar hat die ihm gebotene Handhabe ergriffen (when L. Caesar and L. Roscius offered to conduct negotiations with the senate) . . . Er ist mit diesen Vorschlägen noch ein grosses Stück über seine früheren Konzessionen hinausgegangen." R. Syme, *The Roman Revolution* (Oxford, 1939) 47: "Caesar's proposals to the senate were moderate and may not be dismissed as mere manoeuvres for position." F. E. Adcock, *CAH* 9.640: "The offer (made by Caesar through L. Caesar and L. Roscius) was sincerely meant." An exception, at least as far as the proposals made through L. Caesar are concerned, is W. E. Heitland, *The Roman Republic* (Cambridge, 1909) 3.281: "The proposal for disbandment was more plausible than genuine." Heitland also makes some excellent remarks about the military situation at that juncture. But he believes that the acceptance of Caesar's proposals by Pompey and the consuls was a mere trap (very much in contrast to the impression which one gets from Cicero's letters) and it is perhaps possible to disagree with some of his views concerning the political side of the question. Since most of the authors who wrote on the problem since the publication of Heitland's work in 1909 have returned to Mommsen's view it is perhaps permissible to discuss their views first and to reserve the discussion of Heitland's opinions for the second part of this article.

war and violence for their own sake if he could achieve his political aims in a peaceful way. Nor was the military situation at the end of the year 50 so clearly in his favor as to present an irresistible temptation for quick military action. In this respect Mommsen and his followers are indubitably right. But the case is somewhat more complicated.

Most ancient historians admit freely that Caesar's offers, though always sincere, were also calculated to be used as weapons in the struggle for a favorable public opinion in case of their rejection by Caesar's enemies. Mommsen even goes so far as to suggest that it might have been embarrassing for Caesar if the proposals which he made in his letter to the consuls on January 1, 49 B.C., had been accepted by the Senate. Yet he does not hesitate to add that Caesar would undoubtedly have abided by his own conditions if the die-hards in the Senate had not prevented their acceptance. Let us consider what such an assumption implies. Obviously we cannot know for certain what Caesar would have done if his opponents had acted differently. But granting that Mommsen is right, what conclusions should we draw? Must we assume that Caesar would have been satisfied with a second consulship and with the possibility of carrying through that part of his later legislation which he considered most necessary, and, having done that, would have given up all further ambitions for an extraordinary position in the state? Certainly not in Mommsen's opinion. For he is convinced that the "corrupt" oligarchic regime had to be replaced by a monarchy and that it was Caesar's historical task to bring this about. He certainly does not believe that Caesar, whom he considers the greatest political genius of all time, would have betrayed his historical mission because he had defeated himself in negotiations with his political opponents. But if that is Mommsen's opinion it certainly implies that Caesar, while for the moment abiding by his own conditions, would still have used the advantages gained by their acceptance as stepping stones toward further aggrandizement and toward the overthrow of the existing form of government.

If this supposition is made it seems still possible to blame Caesar's enemies on either of two counts. We may contend that they should have recognized the necessity of a new political order, and hence should have submitted willingly to the rule or leadership of the man who was eminently fitted to create it. Or we may believe that in each single case it was unwise on their part not to

accept his seemingly moderate proposals at this special juncture, because this would have given them an opportunity to make better preparations for the final struggle if Caesar chose to abide by the agreement for the present, or because it would have placed him in an awkward position if he had violated the agreement immediately after he himself had proposed it and after it had been accepted by both parties. But it appears somewhat unfair to blame them for not having accepted even the most moderate proposals if they knew full well that Caesar would use their acceptance as a stepping stone toward the attainment of much larger aims, which, however justified they may seem from a long-range point of view, can hardly be considered moderate in any accepted sense of the word.

These general considerations may perhaps justify the opinion that Caesar's peace offers cannot be dealt with in an off-hand fashion. Each one of these proposals must be analyzed on its own merits and against the background of the military and political situation existing at the time when the offer was made. Only when this has been done can the general policy followed by Caesar in his various attempts to bring about a peaceful agreement be discussed intelligently. The present paper will examine the proposals made by Caesar in January 49 B.C. through the agency of L. Caesar and L. Roscius, because in this case, more than in any other, it seems possible to arrive at very definite conclusions.

The mission of L. Caesar and L. Roscius is mentioned in some detail by Caesar,[3] Cicero,[4] and Dio Cassius,[5] and probably referred to in Plutarch's life of Pompey [6] and by Appian.[7] We have first to discuss the chronological discrepancies found in these different accounts.

Caesar says that he met the ambassadors for the first time at Ariminum,[8] that he sent them back to Pompey and the consuls with proposals for a compromise,[9] and that he continued his advance from Ariminum towards Pisaurum, Fanum and Ancona only after they had returned with his opponents' counterproposals.[10] According

[3] *Civ.* 1.8ff.
[4] *Fam.* 16.12 and *Att.* 7.14.
[5] D.C. 41.5ff.
[6] Plu. *Pomp.* 60.
[7] App. *BC* 2.36.
[8] *Civ.* 1.8.1ff.
[9] *Ibid.* 1.9.
[10] *Ibid.* 1.11.

to his account it was at the same time that he sent Antony with five cohorts to Arretium.[11] Cicero, however, mentions the loss of Arretium in a letter [12] which was clearly written before he met the consul Lentulus at Formiae on January 20.[13] Since it must have taken at least three days for the news of the occupation of Ancona to arrive in Campania [14] and since Caesar's troops could not have reached Ancona from Ariminum in less than two days—the distance being about 66 miles—it is clear that Caesar must have started his march from Ariminum on January 14 at the very latest.[15] Since Caesar crossed the Rubicon in the night between the 10th and 11th of January and arrived in Ariminum on the 11th, and since L. Caesar and L. Roscius cannot have travelled from Ariminum to Rome (or Campania) [16] and back within 3 or 4 days,[17] it follows that Caesar's account of the chronological order of events is flagrantly untrue.[18] Since, furthermore, a slip of the memory concerning events of such importance in which Caesar personally took an active part is not very likely, it is perhaps permissible to conclude that this untruth must be deliberate.

It is also clear from Cicero's letters [19] that Caesar is wrong when he says that Pompey left Rome only after Caesar's advance into Picenum.[20] Since here he speaks of an event at which he was not present one might be inclined to assume that he merely committed an error. But as he states a little earlier [21] that long before his advance into Picenum his ambassadors had met Pompey at Capua, one suspects that in this latter case Caesar inadvertently told the

[11] *Ibid.* 1.11.4.

[12] *Att.* 7.11.1.

[13] Cf. *Att.* 7.12.2.

[14] As to the speed with which news travelled at that time see infra note 17 and p. 140.

[15] In all likelihood he continued his advance directly after the occupation of Ariminum. Otherwise the evacuation of Rome on January 17 would hardly be understandable.

[16] See note 22 and infra p. 130.

[17] According to Caesar (*Civ.* 1.3.6) L. Piso and L. Roscius had offered a few days before to make the journey from Rome to Caesar and back within 6 days. This was obviously the shortest time in which the journey could be completed.

[18] See also infra p. 130f.

[19] Pompey left Rome on January 17 (Cic. *Att.* 7.10) and never returned to the capital. The first news of Caesar's advance beyond Ancona and Arretium did not reach Cicero before February (see infra p. 140).

[20] *Civ.* 1.12ff.

[21] *Ibid.* 1.10.1.

truth [22] without noticing that it was inconsistent with the untrue part of his story.[23]

Dio's account follows, on the whole, the chronological order of events as given by Caesar, but contains some further discrepancies. Dio says that Pompey sent L. Roscius and L. Caesar on their first errand after having learned of Caesar's strength and intentions from Labienus, who had deserted Caesar's cause.[24] Yet Cicero tells his friend Atticus in a letter written on January 24 [25] that Labienus met Pompey for the first time after deserting Caesar at Teanum Sidicinum on January 22, that is, exactly one day before the ambassadors came back with Caesar's proposals and met Cicero himself at Minturnae.[26]

Dio says [27] that Pompey left Rome when he heard that his counterproposals had not been very well received by Caesar and before the ambassadors had come back from Caesar. This clearly implies that he had met them at Rome when he made his counterproposals. For Cicero's letters prove beyond doubt that Pompey never returned to Rome after he had left the neighborhood of the city on January 17. Yet we know from the same source that Pompey discussed his counterproposals with L. Caesar at Teanum Sidicinum on January 23.

L. Holzapfel [28] has tried to eliminate this latter discrepancy by means of the assumption that L. Caesar and L. Roscius travelled back and forth twice with slightly different proposals in the short interval between January 8 and January 23, when Cicero met L. Caesar at Minturnae. According to this view they met Pompey

[22] This passage (acceptis mandatis Roscius cum Caesare Capuam pervenit ibique consules Pompeiumque invenit) is a strong confirmation of the assumption that the negotiations were not confined to the meeting of the ambassadors with Pompey at Teanum Sidicinum on January 23, but that they also attended the meeting of the Senate at Capua on January 25 (see infra p. 137).

[23] I cannot help feeling that Caesar would have smiled at the readiness with which many modern historians assume that he would have given a more accurate account of the events if he had only had the time to revise his hastily written work. An analysis of his report, it would seem, leads rather to the conclusion that he would have eliminated those elements of truth which did not agree with the picture he tried to give of his actions and which might have made his more attentive readers suspicious.

[24] D.C. 41.4.2 and 5.2.

[25] *Att.* 7.13b.3.

[26] *Att.* 7.14.1.

[27] D.C. 41.6.5ff.

[28] L. Holzapfel, "Die Anfänge des Bürgerkrieges zwischen Caesar und Pompejus," *Kl* 3 (1903) 213ff.

at Rome when they came back from their first mission, while the meetings at Teanum Sidicinum and a few days later at Capua took place after their second.

This theory of Holzapfel has been refuted by T. Rice Holmes.[29] There can be hardly any doubt that the ambassadors travelled to Caesar only twice, the first time with a message from the Senate and a letter from Pompey, referred to by Caesar in *Civ.* 1.8.2ff., the second time with the counterproposals of Pompey and the Senate after the meeting in Campania, and that they carried proposals from Caesar only once, when they arrived in Campania on January 23. But there are some points in Holzapfel's arguments which require further discussion.

The discrepancy between Caesar's assertion that he did not advance beyond Ariminum before he had received the second message from Pompey and Cicero's reference to the fall of Ancona is not removed by Holzapfel's theory. For even if the ambassadors had met Pompey at Rome and then hurried back to Caesar before they met Pompey a second time in Campania, they still could not have reached Caesar before his advance on Ancona, if we can believe Cicero's letters. On the other hand, it is true that Dio, apart from some additional discrepancies, agrees with Caesar's chronology and not with Cicero's. But this does not prove that Caesar is right and Cicero wrong. We may admit that Cicero indulged in some slight exaggeration when, in a letter to Tiro, written on January 27, he affirmed that the senators left Rome only after having received news of the occupation of Ariminum, Pisaurum, Ancona and Arretium. For on account of the difficulty of an advance from Ariminum through mountainous country to Arretium, authentic information concerning the actual occupation of that city can hardly have arrived in Rome before or on January 17, the date of the evacuation. But this inaccuracy is easily explained by Cicero's desire to make the somewhat precipitous flight from the capital appear less discreditable. It is also quite excusable in a letter written more than a week after the event, and the news of the *impending* occupation, which was confirmed soon after, must have arrived on January 17. It is quite different with Cicero's reference to the occupation of Ancona in his letter to Atticus of January

[29] T. R. Holmes, *The Roman Republic*, vol. 3 (Oxford, 1923) 359f. A more detailed discussion of Holzapfel's arguments has been omitted from my manuscript for the sake of brevity and on the suggestion of the referee.

19. For Atticus was not far away in Greece like Tiro but in Rome, where news must have reached him before it reached Cicero, and there would have been no point whatever in Cicero's lying. In fact, Cicero speaks in this letter of the fall of Ancona not as something new to Atticus but as an event in everybody's mouth.

The agreement between Caesar and Dio concerning the chronological order of events must, therefore, be explained in a different way, and the obvious explanation, namely, that Dio took over his chronology either directly or indirectly from Caesar, is confirmed by other observations. Since L. Caesar and L. Piso had proposed a few days earlier to go to Caesar as emissaries of the Senate,[30] the senators L. Roscius and L. Caesar could hardly have gone a few days later on a mission as purely private negotiators for Pompey. They could not have left without the knowledge of the Senate, and the fact that they carried some message from Pompey to Caesar and from Caesar to Pompey in addition to their official mandate was quite sufficient to arouse the suspicions of many senators.[31] Caesar does not indicate the contents of the message from the Senate but says that L. Caesar revealed his private mandate from Pompey *reliquo sermone confecto, cuius rei causa venerat*,[32] which shows clearly that there was some other message. We do not know for certain what the ambassadors were to tell Caesar on the part of the consuls and the Senate [33] but one can easily think of many reasons why Caesar may not have wished to reveal this part of their mission. If, then, Dio or his source used Caesar's work this explains the lack of any reference in Dio to this part of L. Caesar's message. As a further confirmation of this assumption one may perhaps point to the striking similarity between the words *reliquo sermone confecto*, etc. in Caesar and Dio's expression [34] ἀποκριναμένου δὲ ἐκείνου τά τε ἄλλα ἅπερ ἀπεστάλκει καὶ ὅτι which he uses when telling of Caesar's answer to the message of the ambassadors.

It is, on the other hand, obvious that Dio did not use Caesar exclusively in his account of the events, since he tells many things about the negotiations in Rome which Caesar does not mention.

[30] Caes. *Civ.* 1.3.6.

[31] D.C. 41.5.3.

[32] *Civ.* 1.8.2.

[33] Most scholars believe that they were sent to inform Caesar officially of the steps taken by the Senate on January 7.

[34] D.C. 41.5.3.

So far Holzapfel is certainly right when he declares [35] that Dio must have used two different sources and that this explains his error in regard to the date of the arrival of Labienus. In Holzapfel's opinion this second authority of Dio must have been an eye-witness of the events in Rome because he gives an extremely vivid account of them and therefore cannot have committed any major chronological errors. There is some truth in Holzapfel's observation though the conclusion which he draws from it can hardly be accepted.

Undoubtedly Dio's report contains certain details which are quite convincing and cannot be found in any other extant author. This is especially true of the passage [36] where Dio speaks of the suspicions of many senators that Pompey might arrive at a personal agreement with Caesar at the expense of the Republic. This vivid account of the reactions of the senators must ultimately go back to an eye-witness. But things like these must have been discussed by many persons long after the event, so that the man who wrote about them need not have been present when they happened. There are, in fact, certain indications which make it very probable that Dio's whole account of the events in Rome was put together by his authority from hearsay. What he says of the fears evoked in many senators through the memory of the times of Marius and Sulla [37] is certainly correct and is confirmed by many of Cicero's letters.[38] But his account of Caesar's conditions and of the Senate's reaction to them is extremely vague and can hardly be accurate. He says that Caesar offered to dismiss his armies at once and that upon this everybody shouted that both Caesar and Pompey should dismiss their armies at the same time.[39] Now we know from both Caesar and Cicero that Caesar offered to dismiss his armies altogether while Pompey was to dismiss only those in Italy but retain his army in Spain. Since this was in agreement with the Senate's own decision of January 1,[40] it would have been incredible folly on the part of the Senate to demand that both leaders should dismiss all their soldiers. Nor is there any indication of such an attitude of the Senate either in Caesar or in Cicero, who would certainly have mentioned it. We know, on the other hand, that

[35] *Op. cit.* (see note 28), 222f. and 233f.
[36] D.C. 41.5.3ff.
[37] *Ibid.* 5ff.
[38] *Att.* 8.11.2; 9.9.2; 9.10.2; etc.
[39] D.C. 41.5.4.
[40] *Ibid.* 41.2.1.

what Dio describes did happen in the meeting of the Senate of December 1 of the preceding year, but under very different circumstances.[41] All this tends to show that Dio's account of the events in Rome is really a collection of the reminiscences of several persons, some of them very valuable, but without chronological order, the latter being supplied not by this source of Dio but by Caesar's work.

It is, however, very important for our purpose to be aware of the fact that Dio's account, in spite of the chronological confusion, contains very valuable additional information concerning the relations between Pompey and the Senate. It shows above all how difficult Pompey's position was, and that it was quite impossible for him to accede to Caesar's demand for a private conference. Any such move would have aroused the most violent suspicions on the part of the Senate, and would have destroyed all hopes for sincere and energetic collaboration. Since Pompey was utterly dependent on the support of the republican party, he would by such a step have delivered himself with tied hands to Caesar.

Let us then turn to an analysis of the contents of the negotiations as we find them described by Caesar himself and in Cicero's letters. As to Caesar's proposals there is no direct contradiction between the two accounts though they mention partly different details. Caesar reports his terms as follows:[42] 1) Pompey was to go to his provinces; 2) they (this can only mean Caesar and Pompey) were to dismiss their armies; 3) all troops in Italy were to be disbanded; 4) all fear was to be removed from the nation; 5) free *comitia* were to be held; 6) the government was to be entrusted to the Senate and the people.

The second of these conditions is not very clearly expressed. Since the first condition implies that Pompey, contrary to Caesar's previous demands, was to retain his provinces, the second condition can hardly have meant that Pompey should dismiss all his troops, including all his legions in Spain. The demand, on the other hand, that Pompey should dismiss all his troops in Italy is included in the third condition. There is therefore some inconsistency in the conditions as reported by Caesar. The reasons of this inconsistency will have to be investigated,[43] especially since points 4 and 6 in Caesar's account are also somewhat vague.

[41] See App. *BC* 2.30.119 and Plu. *Pomp.* 58.
[42] *Civ.* 1.9.5–6.
[43] See infra, p. 136.

Cicero is much more specific.[44] He says that Caesar's conditions were the following: 1) Pompey was to go to Spain; 2) the levies of new troops in Italy were to be stopped immediately and the garrisons to be disbanded; 3) Caesar would then turn over Gallia Ulterior to Domitius and Gallia Citerior to Considius Nonianus, that is, to his lawful successors; 4) Caesar would give up his previous demand for permission to be a candidate for the consulship in his absence; 5) he promised to come to Rome and to abide by the regular procedure of the elections.

The first condition mentioned by Cicero is obviously identical with Caesar's first condition. Conditions four and five give a concrete and specific account of what Caesar describes somewhat vaguely as conditions four, five and six. Condition two corresponds to Caesar's condition three. But it is Cicero's condition three which is especially interesting. Together with condition one it shows that, as far as the retention of provinces and, since provinces could not be without troops, the retention of some military power was concerned, Caesar's proposals were one-sidedly in favor of Pompey. This could also be inferred from Caesar's own account, though Caesar does not express himself at all clearly. There is no conceivable reason why in a letter to Tiro Cicero should have lied concerning Caesar's proposals. But the vagueness of Caesar's report is all the more striking. On the face of it, one should think that it was in Caesar's interest to stress the fact that his proposals were extremely favorable for his opponents. Yet, he was certainly not incapable of expressing himself clearly whenever he wished to do so.

About the counterproposals made by Pompey and the Senate Cicero says only that all Caesar's conditions were accepted with the one additional provision that Caesar should withdraw his troops from the towns in Italy proper which he had occupied, so that the Senate could return to Rome and ratify the agreement.[45] It is also clear from Cicero's letters that in the meantime Pompey continued to levy new troops in Southern Italy.

[44] *Fam.* 16.12.3.

[45] *Ibid.*: Accipimus condiciones, sed ita ut removeat praesidia ex iis locis quae occupavit, ut sine metu de his ipsis condicionibus Romae senatus haberi possit; *Att.* 7.14.1: Probata condicio est, sed ita ut ille de iis oppidis quae extra suam provinciam occupavisset praesidia deduceret. Id si fecisset responsum est ad urbem nos redituros esse et rem per senatum confecturos. The latter sentence suggests that a definite promise was made that the agreement would be ratified.

The discrepancy between this part of Cicero's story and Caesar's account of the counterproposals is very considerable. He says that the demands of his opponents were as follows:[46] Caesar was to withdraw into Gaul, evacuate Ariminum, and dismiss his armies. As soon as this was completed, Pompey would go to Spain. In the meantime, that is, until pledges had been given that Caesar would fulfil his promises, Pompey and the consuls would continue to levy new troops.

Having stated the conditions in this form, Caesar then goes on to complain[47] that it was most unfair on the part of his enemies to demand that Caesar should return to his provinces while Pompey retained his along with the legions which did not belong to him,[48] that Caesar should dismiss his armies while Pompey levied new ones, and that Pompey should promise to go to his provinces without giving a definite date, so that he could stay in Italy until after Caesar's consulate without violating his promise.

Let us analyze Caesar's account. That the counterproposals contained a clause saying that the levies would not be stopped until some guaranty had been given for the fulfilment of Caesar's promises can be inferred from Cicero. This part of Caesar's account, therefore, is obviously true. The condition that Caesar should first withdraw from Italy is directly confirmed by Cicero; but there seems to be some evasion in Caesar's account, in that the words *Arimino excederet* again suggest that this was the only town in Italy which he had occupied, while there can be no doubt whatever that he had taken a good many other places also.

Between the account of these two conditions Caesar inserts the words: *Exercitus dimitteret, quae si fecisset Pompeium in Hispanias iturum.* These words again are somewhat vague. If they mean that all troops *in Italy* were to be dismissed first and then Pompey would go to Spain they clearly correspond to Caesar's own proposals as described by Cicero and confirmed by an analysis of Caesar's own account in the previous chapter.[49] If they mean that Caesar should surrender his provinces, along with the troops sta-

[46] *Civ.* 1.10.

[47] *Ibid.* 1.11.1–3.

[48] The expression *alienas legiones* undoubtedly refers to the two legions which in the earlier part of the year 50 had been transferred from Caesar to Pompey for a threatened war with the Parthians and which Pompey had retained in Italy.

[49] See supra, p. 133f.

tioned there, to his successors the issue is somewhat less clear. The question must certainly have arisen as to who should act first, and the logical thing to do would have been to make Pompey leave for Spain at the same time as Caesar surrendered his provinces, all troops in Italy in the meantime having been dismissed. Both Cicero's and Caesar's accounts [50] show clearly that the point had not been mentioned either in Caesar's proposals or in Pompey's answer to them. This is not very surprising since the details of the procedure in any such agreement would naturally be left to a special understanding which was to be reached after the acceptance of the basic conditions. Caesar, however, does not mention at all that the basic proposal had come from himself and represents the whole condition as an unfair demand made by his opponents. This explains why he was so vague and seemingly illogical in his description of his own proposals.[51] To describe them more clearly would have spoiled the effect of his invective against his enemies.

That Caesar tries to mislead his readers—very successfully indeed, as most modern histories of the period show—becomes still clearer by a careful perusal of the following chapter. He accuses his opponents of unfairness and bad faith because of their demand that he should dismiss his armies while they continued to levy a new one.[52] But that no such demand was made is proved not only by Cicero, but by Caesar's own words. For previously he had said [53] that his opponents refused to discontinue the levies until pledges had been given that Caesar would fulfil his promises. These pledges cannot very well have been identical with the dismissal of his whole army, since this would have meant the ultimate fulfilment of his promise and not a mere pledge. That the pledge actually consisted in the withdrawal of his troops from Italy proper is proved by Cicero. The implication then must have been that Pompey and his associates would stop the levies as soon as the troops had been withdrawn.

Enthusiastic supporters of Caesar's veracity may, of course, contend that the words *exercitum Caesaris velle dimitti* refer only to Caesar's troops in Italy or that they can be understood to mean that Pompey demanded that Caesar should dismiss his troops (in the future) while he himself was still making levies (in the present).

[50] Caes. *Civ.* 1.11.2; Cic. *Fam.* 16.12.3.
[51] See supra, p. 134.
[52] *Civ.* 1.11.1.
[53] *Ibid.* 1.10.4.

But this would only tend to show that these two chapters in Caesar's work are masterpieces of subtle propaganda, since every single sentence, if taken by itself, can be interpreted in such a way that it is true while the whole context must necessarily deceive the less careful reader.

Following this clarification of the nature of the actual proposals and counterproposals and their misrepresentation by Caesar, we must turn again to some chronological questions. Since, as we have seen, L. Caesar and L. Roscius travelled only once to Caesar and back before their meeting with Cicero at Minturnae on January 23, and since the minimum time required for the journey back and forth was only six days we cannot determine the dates of their departure from Rome and their arrival at Caesar's headquarters with accuracy. It is possible that they arrived there only after the occupation of Ancona.

The occupation of this city was known to Cicero on January 19 [54] and must therefore have occurred on January 16 or earlier. At the same time Antony was on the march towards Arretium. The next town to be occupied by Caesar was Iguvium.[55] In a letter written after the meeting with L. Caesar on January 23 Cicero writes that Thermus was still holding Iguvium.[56] Since news of Caesar's position must have come with L. Caesar, Iguvium cannot have been taken before January 20 or rather 21. Caesar's rapid advance into Picenum, as we shall see later, cannot have started before January 25 or 26, or very much later either. But these dates suffice to show that there was a certain delay in Caesar's advance which coincided at least partly with the time of the peace negotiations. It is important for our purpose to know whether this delay was due to Caesar's desire to wait for the outcome of the negotiations or to some other cause.

Since the ambassadors on January 23 met Cicero at Minturnae first and then Pompey at Teanum Sidicinum it is clear that they must have spent that whole day in Campania. But there can scarcely be any doubt that they also attended the meeting of the Senate which took place at Capua on January 25.[57] Pompey and the consuls can hardly have given a definite answer without con-

[54] *Att.* 7.11.1; cf. supra, p. 128.
[55] *Civ.* 1.12.1.
[56] *Att.* 7.13b.3.
[57] *Att.* 7.14.2 and 7.15.2.

sulting the Senate, and if they had taken so extraordinary a step, Cicero would have mentioned it. The account which he gives of the discussions in the Senate [58] suggests on the contrary that the senators were given an opportunity to express their opinions before a definite decision was reached.

If the ambassadors had started back on their way to Caesar early on January 24 they could not have reached Ariminum or Ancona before the evening of January 26 at the very earliest. If, as is almost certain, they started late on January 25 or early on January 26 they cannot have arrived before the evening of January 28, but it is much more likely that they did not arrive before January 29 or February 1. We have then to determine the dates of Caesar's advance on Iguvium and into Picenum in order to find out whether he began new military operations before or after he received the counterproposals of the Senate.

As slightly different dates have been assigned to the relevant events by different scholars we may perhaps again be satisfied with the determination of *termini ante quos*, since they are all we need for the solution of our problem. In a letter of February 8 Cicero writes: [59] VII Id. Febr. Capuam C. Cassius tribunus pl. venit, attulit mandata ad consules ut Romam venirent . . . Consul ei (sc. Pompeio) rescripsit ut ille prius in Picenum. At illud totum erat amissum; sciebat nemo praeter me ex litteris Dolabellae. Cicero's information then was not based on mere rumor but on an authentic letter from Dolabella, who at that time was in Caesar's camp. The letter may have travelled fast, but it must have taken at least two days and probably more to pass through the mountains to Rome and thence to cover the very considerable distance to Capua. Since, on the other hand, it must have arrived before the arrival of C. Cassius at Capua on February 7, the event referred to can hardly have happened later than February 4.

The expression *at illud totum erat amissum* may, of course, be and probably is an exaggeration. But it certainly implies that a very great part of the district had been occupied.[60] A letter from Pom-

[58] *Att.* 7.15.2: Omnes cupiebant Caesarem . . . stare condicionibus. Uni Favonio leges ab illo nobis imponi non placebat, sed is haud auditus est in consilio. See also supra, note 22.

[59] *Att.* 7.21.2.

[60] O. E. Schmidt, *Der Briefwechsel des M. Tullius Cicero von seinem Prokonsulat in Cilicien bis zu Caesars Ermordung* (Leipzig, 1893) 127, contends that by the words

pey to Domitius [61] makes it possible perhaps to arrive at more definite conclusions. In this letter Pompey expresses his surprise that Domitius had changed his plan to leave Corfinium on February 9 (a.d. V Id. Febr.) because he had received information that Caesar had arrived at Castrum Truentinum from Firmum. This presupposes, of course, that Domitius received this information before the day on which he had planned to leave. This shows that Castrum Truentinum had been occupied not later than February 7, but possibly earlier. Domitius' information that Caesar had advanced towards Castrum Truentinum from Firmum prior to his attack on Corfinium agrees with Caesar's report which says [62] that he advanced towards Corfinium from Firmum. For Castrum Truentinum is directly on the road from Firmum to Corfinium. Caesar mentions the occupation of Firmum *after* the conquest of Asculum Picenum; but the close connection of both events in the first sentence of Chapter 16 *recepto Firmo expulsoque Lentulo* (who had commanded at Asculum) suggests that both events happened at about the same time. This conclusion has been doubted on the ground that the road to Asculum through the mountain valleys is rather difficult. But we may perhaps point out that such an advance is in agreement with Caesar's general strategy since he always made an advance inland in preparation for, or at the same time with, an advance along the coast (for example to Arretium at the same time as the advance via Pisaurum and Fanum to Ancona, and to Iguvium in preparation for the advance on Auximum; both these advances carried his troops much farther inland and farther into difficult mountain terrain than the advance on Asculum). Asculum then would have been taken previous to the advance from Firmum to Castrum Truentinum. According to Caesar's own statement,[63] he stayed a whole day in Firmum *rei frumentariae causa*. If he was to occupy Castrum Truentinum on February 6 or early on February 7, this day of rest must have been the 5th of February. Firmum and Asculum, therefore, must have been occupied on February 4. This is in perfect agreement with what we can infer from Cicero's

Picenum totum erat amissum Cicero or Dolabella meant the occupation of Auximum and Cingulum. But since both these towns are on the northern fringe of Picenum, this is altogether incredible. A mere rumor might conceivably be exaggerated to such an extent, but not the report of an eyewitness of Dolabella's rank.

[61] *Att.* 8.12b.1.

[62] *Civ.* 1.16.1.

[63] *Ibid.*

letter of February 8 [64] since Asculum is sufficiently to the south-west of Picenum to account for Cicero's statement that the whole of Picenum had been lost.

Asculum had been held by ten cohorts under Lentulus Spinther but, according to Caesar, offered no resistance. The distance, however, from Auximum to Asculum is more than 60 miles through several mountain valleys. In addition Caesar, according to his own report,[65] was joined on the way by the twelfth legion, which in the meantime had arrived from Gaul. This must have made necessary some reorganisation or rearrangement of Caesar's forces. Caesar therefore cannot have begun his advance from Auximum to Asculum later than February 1, and probably began it earlier.

The occupation of Auximum was preceded by negotiations between the garrison and the magistrates and, following these, a skirmish between Caesar's troops and some cohorts under Attius Varus.[66] All this must have required some time, so that Caesar, if he was to start on his further advance on Asculum early on February 1, must have begun his march on Auximum from Ancona at least two days earlier, that is on January 28. This is further confirmed by the fact that on February 3 Cicero had already heard that Caesar was on the move again and had occupied several new towns,[67] and that in a letter of February 4 he says[68] *at illum ruere nuntiant iam iamque adesse*, an expression which is identical with Caesar's description of the panic caused by his occupation of Auximum.[69] In calculating the dates of the actual events from the dates when news about them reached Cicero one must keep in mind that news of the capture of Corfinium, the most important event of the first phase of the war, which happened on February 21, reached Cicero only on February 24.[70] Yet the distance from Auximum to Formiae is about twice as far as from Corfinium, though partly less difficult to travel.

The dates at which we have arrived so far are, therefore, definitely the latest possible. Yet they show that the ambassadors,

[64] See supra, p. 138f. and note 60.

[65] *Civ.* 1.15.3.

[66] *Ibid.* 1.13.

[67] *Att.* 7.18.2.

[68] *Att.* 7.20.1.

[69] *Civ.* 1.14.1: Caesar enim adventare iam iamque adesse eius equites falso nuntiabantur.

[70] *Att.* 8.8.

if they attended the meeting of the Senate at Capua, cannot have been back at Ancona before Caesar started his advance from that city on Auximum. But even if it should be possible to stretch the chronology in such a way as to assume that they arrived just before he gave the order to advance on Auximum, the fact would still remain that Caesar had ordered the occupation of Iguvium by Curio in preparation for his rapid advance to the South [71] while the negotiators were still in Campania.

In this connection mention must also be made of a passage in a letter which Cicero wrote on February 3,[72] obviously almost at the same time as the letter in which he says that Caesar was occupying new towns.[73] In this passage he says that early in the morning of February 3 (*III Non. Febr. mane*) he received a letter from Furnius in which he found enclosed a letter from Curio to Furnius in which Curio made fun of the mission of L. Caesar (*irridet L. Caesaris legationem*). Most scholars believe that Curio referred to Caesar's rejection of the counterproposals made by Pompey and the Senate, and E. Meyer takes the passage as proof [74] that Caesar made his final decision at Ariminum on January 27 or 28. But, as we have seen, the ambassadors cannot have been back at Caesar's headquarters before the late evening of January 26, even if they did not attend the meeting of the Senate at Capua, which they almost certainly did. Curio, on the other hand, was not in Caesar's company when the ambassadors arrived, but on a special military mission at Iguvium. He therefore cannot very well have received the news of Caesar's decision early enough to mention it in a letter which must have reached Furnius in Rome early in the morning of February 2, if it was to reach Cicero in Campania on the morning of the next day. Apart from this, the words *irridet L. Caesaris legationem* are rather strange if through Curio's letter Cicero received the first definite information of Caesar's rejection of Pompey's

[71] Caes. *Civ.* 1.12. This passage shows that Caesar did not begin his advance on Auximum until he had received notice that Curio had taken Iguvium.

[72] *Att.* 7.19.

[73] *Att.* 7.18. Tyrrell and Purser think that this letter was written earlier than 7.19. But 7.18 cannot be the "hopeful letter" which Cicero says that he wrote during the night. For 7.18 is anything but hopeful. In both letters Cicero says that he was just starting on his way to Capua when he wrote them. 7.18 looks rather like a continuation of 7.19, written when his first emotions had cooled down a little. This would also explain why in 7.18 Cicero mentions events of February 2, while in 7.19 he refers only to the letters received in the morning of February 3.

[74] *Op. cit.* (see note 2) 305.

counterproposals. Would he not have mentioned this fact rather than Curio's scorn, which, in that case, was rather irrelevant? The passage in Cicero's letter strongly suggests that Curio made fun of the whole mission *before* the rejection by Caesar was known. This would indicate that Caesar's lieutenants had never taken the negotiations seriously, and that now, when Caesar was again on the march, they felt free to show their scorn openly, though Caesar himself may have wished to keep up appearances for the sake of public opinion. But Cicero would, of course, at once draw his conclusions from this attitude of one of Caesar's chief lieutenants.

As a result then of this first part of our investigation we arrive at the following conclusions: 1) Caesar has deliberately distorted the chronological order of events when he pretends that he began his advance beyond Ariminum only after the breakdown of the negotiations conducted through the agency of L. Caesar and L. Roscius. 2) Caesar not only had occupied Pisaurum, Fanum, and Ancona, and possibly Arretium, before the negotiations had even started, but he also gave orders for the occupation of further places before the negotiators had come back from their mission, though there had been a certain delay in his operations when he sent them on their mission. This does not indicate that Caesar placed very great hopes in, or had a very great desire for, the success of the negotiations. 3) Caesar has given an obscure and ambiguous account of his own proposals and a deliberately and utterly misleading account of the contents and meaning of the counterproposals made by his opponents. This seems to indicate that Caesar feared his readers might not believe in the sincerity of his offer and the inacceptability of his enemies' counterproposals, if they were presented with a clear and honest account of the actual contents of the negotiations. 4) Caesar's lieutenants seem not to have taken the negotiations seriously.

All this, however, is not an entirely sufficient basis for a definite indictment. The occupation of Iguvium and even the advance on Auximum may be interpreted as purely precautionary measures. Caesar may have found it necessary to distort the truth because he did not trust the intelligence of his readers to see the inacceptability of his opponents' real proposals. He may then still have been sincere in making his offer, though very sceptical in several respects. Curio finally may have been mistaken concerning Caesar's real

intentions. In order to arrive at definite conclusions we shall therefore now have to examine the general situation.

Most of the modern scholars dealing with the question, including Mommsen himself, did not indicate the reasons for their belief in the sincerity of Caesar's proposals. But O. E. Schmidt pointed out [75] that Caesar could not have started his advance into Italy with only one legion if he had seriously reckoned with a military conflict. In Schmidt's opinion Caesar's advance had a double aim: either to frighten the Senate into outright submission to his previous demands or at least to throw this body into such confusion that Pompey would be compelled to seek a private agreement with Caesar. When his advance on Ancona did not have the desired effect he found himself in a rather dangerous position, which made it necessary for him to seek delay through further negotiations until more troops had arrived from Gaul. This is the reason why the offers made through L. Caesar and L. Roscius are so much more liberal than any of his earlier proposals.

There is certainly some truth in this latter observation, which, in contrast to the opinion of Mommsen, E. Meyer, Adcock, and Syme, implies that Caesar's proposals at that time were not sincere. But the first part of Schmidt's argument is hardly acceptable. Early in December of the preceding year Caesar's agents Curio, Antonius, and Piso had induced the Senate to vote that both Caesar and Pompey should lay down their arms and give up their provinces,[76] but on the following day the premature and exaggerated news that Caesar had given orders to ten legions to advance into Cisalpine Gaul had stirred his enemies to energetic action [77] and started the chain of events which led to the reversal of the vote of the Senate on January 1 [78] and culminated in the *senatus consultum ultimum* of January 7. Caesar therefore can hardly have hoped that an advance into Italy with troops which were patently insufficient for a military success would induce the Senate to reverse its second decision. The opposite was rather to be expected. Apart from this, Caesar's actual success shows clearly that, together with the troops which were already on their way, his forces were sufficient for the conquest of the Italian peninsula.

[75] *Op. cit.* (see note 60) 123.
[76] App. *BC* 2.30.119; Plu. *Pomp.* 58.
[77] App. *BC* 2.31.120; Plu. *Pomp.* 59.
[78] D.C. 41.2.1–2.

There is, however, another consideration which disproves Schmidt's argument altogether. The assumption that Caesar would not have started his inroad into Italy with only one legion, if he had seriously reckoned with a military conflict, implies that Caesar could have started his advance with larger forces. But is this true? Curio had advised Caesar early in December to assemble all his troops in Upper Italy for an attack on Rome.[79] Caesar, however, did not follow this advice. Instead he ordered his lieutenant Fabius to keep himself ready with the bulk of Caesar's army for an advance beyond the passes of the Pyrenees and to keep watch over Pompey's legions in Spain until Caesar's arrival.[80] There can be hardly any doubt that this was wise strategy.[81] For the conquest of Italy would have been of little avail if Caesar's opponents had been able to keep very strong forces in Spain while they organised still greater forces in the East. It is equally obvious that Caesar would not have been able to win his amazing victories in Spain during the summer of the year 49 if Pompey's lieutenants had had the time to block the passage over the Pyrenees. The very fact therefore that Caesar was more concerned over Spain than over any possible resistance in Italy indicates that he was prepared for a military decision.

There still remains the question why Caesar did not wait for the arrival of the XIIth legion which later joined him in Picenum and of the VIIIth legion and the 22 additional cohorts which were also on the march, before he started his advance on Arretium and Ancona. But this question also can be answered without great difficulty. The war was practically declared by the *senatus consultum ultimum* of January 7. The same action would certainly have been taken earlier if Caesar had attempted to assemble larger forces in Upper Italy at an earlier date. To delay his own attack after the declaration of war would have enabled his enemies to reinforce their positions and to take countermeasures. His rapid advance, on the contrary, while quite without danger to himself, since there were no troops anywhere near Ancona during this first phase of the war in sufficient strength to resist even one veteran

[79] App. *BC* 2.32.125.

[80] Caes. *Civ.* 1.37.

[81] The attitude of Massilia, the long drawn out siege of this city, and the difficulties encountered by Caesar at Ilerda are sufficient to show that he might very well have lost the Civil War if he had endangered his communications with Gaul and neglected to keep open the road to Spain by concentrating all his troops in Italy.

legion effectively, brought the disloyalty of the municipia towards the senatorial regime into the open, threw terror into the garrisons of the small towns farther south, and enabled Caesar to levy recruits from the very territory of his enemies. But it is quite true that he could not advance much farther without waiting for reinforcements. This explains the delay of his operations between January 16 and January 22 or 24. This is exactly the time when he sent L. Caesar and L. Roscius on their mission. Their arrival at his headquarters in Ariminum or Ancona was undoubtedly extremely welcome. It offered an excellent opportunity to create confusion in the ranks of his opponents and to delay efficient action on their part. No wonder therefore that he made use of this opportunity.

This may not fully prove that Caesar did not mean his proposals seriously as an alternative to a military decision. But it does prove that he was very definitely prepared for such a decision and that his offers were meant to be used as a political and, in so far as they were apt to delay military action on the part of his opponents, even as a military weapon in case the negotiations should fail. Schmidt's assumption that Caesar could not have reckoned with a military conflict [82] really implies that Caesar was a lucky fool who made a very great mistake and then won nevertheless by sheer luck.

We have then again to consider the content of Caesar's offer. Up to December of the preceding year Caesar had always demanded that he be allowed to keep his provinces and his armies until he had been elected consul and that hence he should be permitted to be a candidate in his absence. Early in December through his agents at Rome [83] and again in his letter to the consuls on January 1 he had replaced this demand by the alternative proposal to give up his armies and his provinces if Pompey was willing to do the same. Now he offered to give up his armies and provinces while Pompey was only to dissolve his armies in Italy but to retain his governorship in Spain along with the military power which was inevitably connected with this position.

Is it conceivable that this offer was meant seriously at this juncture? The attitude of the Senate early in December as well as the readiness of the senators on January 25 to accept his offer with the sole additional provision that Caesar first withdraw his troops from Italy proper shows clearly that such an offer would have been

[82] See supra, p. 143. Cf. also the passage from E. Meyer's work quoted in note 2.
[83] See note 76.

accepted at any time before Caesar's inroad into Italy. Why then had it never been made before?

The main reason why Caesar had insisted on being allowed to retain his provinces until after his election to the consulship had been that he feared his enemies might try to prevent his election by bringing a criminal action against him. How could he hope to escape such an action now, after having invaded Italy with an armed force, if he gave up his military power and allowed his enemy to retain his? This consideration, it should seem, explains perfectly Cicero's first reaction to the message transmitted by L. Caesar. On January 22 Cicero had written [84] that the time for negotiations was now over. Quite naturally so. For the attack on Italy had made the rift between Caesar and the Republic irreparable. Either he was to be prosecuted or he had proved that he could break the law with impunity and that he was the master. On the very next day L. Caesar arrived with proposals, which, if they had been made at an earlier period, would almost certainly have prevented the outbreak of a civil war, but if made now and if sincere, meant that Caesar was going to hand himself over with tied hands to his enemies. It seemed perfectly illogical, as it actually was; and it is not surprising that Cicero, the most intelligent man of his time, spoke of *absurdissima mandata*.[85]

But if these proposals seemed too good to be true they must have also seemed too good to be rejected. Most of the senators remained extremely sceptical concerning the sincerity of these proposals.[86] But it is not very surprising either that gradually in Cicero's mind, as happened rather often in the course of his life, wishful thinking began to obscure his better insight.[87] The counter-proposal that Caesar should first withdraw his troops from Italy proper seemed to provide an excellent test for the sincerity of his offer; and Caesar's acceptance might conceivably make it possible for both parties to agree in the fiction that no inroad into Italy had occurred, that no law had been violated, or at least, that the original situation, as it had existed before the crossing of the Rubicon, had been restored. So for four or five days Cicero was full of hopes. Then came the news that Cäesar had continued his

[84] *Att.* 7.13a.2: condicionum autem tempus amissum est.
[85] *Att.* 7.13b.2.
[86] *Att.* 7.15.3.
[87] *Att.* 7.15.3; 17.2; 19.1.

advance without even waiting for the return of the negotiators. From this moment it seemed clear that the proposals could never have been meant seriously.

This result is confirmed by an analysis of the counterproposals of Pompey and the Senate. Mommsen says that these counterproposals were in fact a clumsy fraud,[88] though perhaps not intended as such; and even Heitland, who does not believe in the sincerity of Caesar's offer, says that these counterproposals were "a trick to cheat Caesar of his advantage." [89] This is what Caesar wished the public to believe.[90] But is this opinion correct? In order to give an answer to this question we have to make a clear distinction. We have admitted that Caesar would have found himself in an awkward and dangerous position if his conditions had been accepted and executed by both parties. But this tends only to prove that his offer cannot have been sincere. It is an entirely different question whether the counterproposals of Pompey gave Caesar's opponents an undue advantage during the period PRECEDING the execution of the actual agreement. For it is to this preliminary period only that the counterdemands apply.

What would the position of the senatorial party have been if Caesar's proposals had been accepted without any revision, and what would Caesar's position have been if he had accepted the revised conditions? Outright acceptance of Caesar's proposals by both parties would have meant that Caesar must stop his advance immediately at the points which he had reached at the time when the ambassadors came back. These were probably Iguvium and Auximum. But it does not make any appreciable difference in the argument if we believe that the line of his farthest advance extended from Iguvium to Ancona. On the part of the Senate it would have meant immediate discontinuation of the levies. The second step would have been the gradual disbanding of both Caesar's and Pompey's troops in Italy, but not in their provinces. This completed, Pompey would have had to depart for Spain, and Caesar to turn over his provinces and the rest of his troops to his successors.

It is obvious that the first phase would have favored Caesar's interests greatly. For while Pompey and the Senate could discon-

[88] *Op. cit.* (see note 1), 386: "eine plumpe Prellerei."
[89] *Op. cit.* (see note 2), 282.
[90] Caes. *Civ.* 1.11. Cf. also D.C. 41.6.5.

tinue the levies at once, Caesar's reinforcements, which were already on the march, would necessarily have continued to reach strategically more advantageous positions until they could be reached by new orders. In addition, if Caesar then had decided to break the agreement and to continue his advance,[91] it would have taken at least three days for the news of his action to reach Pompey. Pompey therefore would have lost at least a week in military preparations, quite apart from the confusion which would have resulted from an attempt first to discontinue the levies everywhere and then to resume them after Caesar had been given a full week's time to come closer to the very places where the levies were held. This shows that Pompey and the Senate had to do something to prevent this, unless they wished to hand themselves over with tied hands to their enemy. It is difficult to see what else they could have done except to continue the levies until Caesar had given some guaranty that he would abide by his own conditions. And how could they demand less than a withdrawal of his troops from Italy?

This becomes even clearer if one considers the second phase of the agreement proposed by Caesar, the disbanding of the troops of both contestants in Italy. The meaning of this proposal is far from clear. On Pompey's side it meant indubitably that he should disband all his troops in Italy, while he retained those in Spain. But what about Caesar's troops? He was to hand over his provinces to his appointed successors immediately after Pompey had disbanded his troops in Italy and at the moment when he left for Spain. This implies that until that event he was to retain his provinces including the troops belonging to them. Which of Caesar's troops were then to be disbanded before that event? According to the wording of his own proposals one might presume the one or two legions which had already invaded Italy. But this would have left Caesar with the VIIIth legion and the 22 newly levied cohorts and possibly the XIIth legion also [92] in Upper Italy, while his opponents would then have had no troops whatever in the peninsula. It is even con-

[91] As to the question whether his regard for public opinion would not have prevented Caesar from violating an agreement which he himself had proposed see infra p. 149.

[92] Since the XIIth legion joined Caesar on his way to Firmum on February 2 or 3 (see supra p. 140) it must have reached the boundary between Cisalpine Gaul and Italy proper at just about the time when the ambassadors arrived with the counterproposals. The VIIIth legion and the 22 additional cohorts, which reached Caesar at Corfinium on February 16 must at that time still have been farther north.

ceivable that in the further course of the negotiations Caesar would have contended that it was sufficient for him to withdraw his troops to Cisalpine Gaul since, in contrast to Pompey's Italian legions, all his troops really belonged to his provinces. Or if he had started to disband his legion or legions in Italy it would have been much easier for him to reassemble his veterans at a moment's notice than for Pompey to gather again his raw recruits.[93] What is more, it was only too likely that the two veteran legions which Pompey did have in Southern Italy, if disbanded, would at once follow a call by Caesar to serve under him, since they had previously been under his command. Caesar's opponents therefore found themselves in an absolute necessity of making provisions to escape this danger, especially since any disagreement concerning the undetermined details of Caesar's offer would have given him an excellent excuse for breaking off the negotiations and continuing his advance at the most favorable moment. They had to make sure that the negotiations concerning the procedure to be followed in the dissolution of the armies would be conducted under conditions which afforded at least a minimum of safety to themselves.

It cannot be denied, on the other hand, that full acceptance of Pompey's counterproposals would have changed the situation somewhat in favor of Caesar's opponents. The fact that Pompey would have continued to levy troops until Caesar had evacuated Italy would not have meant a very great advantage for Pompey as far as the war in Italy was concerned, since Caesar at the same time would have assembled his whole army on the boundaries of Italy proper, the XIIth and VIIIth legions and the 22 cohorts being already on the march. But it would have enabled Pompey to take a much larger contingent of Italian troops with him to the Orient in case the war was to start again and Italy was still to be evacuated by the republican forces. Also the psychological effect on Caesar's troops might have been very bad if they had had to withdraw without a battle from regions which they had occupied only a few weeks or days before. But this only shows that, once a war has started, it is almost impossible to conclude an armistice which does not give a decided advantage to one or the other party, unless a definite military deadlock has been reached, which was in no way the case at this juncture. The really important question is which

[93] This was pointed out by Heitland, *op. cit.*, 281.

party was more likely to violate the agreement or to break off the negotiations after they had started. The answer to this question can hardly be doubtful. Caesar was the complete master of all his moves and decisions, while his opponents had to rely on majority decisions. It had been difficult enough to make the Senate reverse its vote that both Caesar and Pompey should give up their provinces at the same time,[94] though Pompey's governorship had previously been extended to the year 46, while Caesar's had not.[95] How can one believe that a majority of the Senate could have been induced to continue the war against Caesar now that he himself had declared his willingness to give up his governorship, while Pompey was to retain his, and that Pompey himself and both consuls had publicly accepted Caesar's proposals? Yet, in contrast to Caesar, Pompey at this juncture was not able to wage war without the support of the consuls and at least a very substantial part of the Senate. Cicero's letters show very clearly that, apart from a few die-hards with no following, nobody would have countenanced such a course of action. The danger to Caesar therefore was not in the slight military advantage which his enemies might have gained during the preliminary period of the final negotiations, but in the situation in which he would have found himself AFTER the full execution of all the conditions of the proposals. Yet these proposals had been made by himself. There can therefore be no doubt that he had never had the slightest intention of abiding by them, but used them only in order to influence public opinion in his favor and to throw confusion into the ranks of his opponents. Caesar's opponents therefore cannot be justly blamed for not having accepted what most modern historians have termed the most moderate proposals. Nor can they be blamed for a tactical mistake since unconditional acceptance of Caesar's offer would have impaired rather than improved their military situation.

We must not, however, draw too far-reaching conclusions from this result of our investigations. Mommsen and his followers were so convinced of the superiority of Caesar and the rottenness of the senatorial regime that they did not even think it worth while to investigate the merits of a special case: the rule of the Roman oligarchy was obsolescent and reactionary; any move therefore

[94] D.C. 41.2.1–2.
[95] D.C. 40.56.2; App. *BC* 2.24.92.

which they might make was only a new proof of their stupid stubbornness and stubborn stupidity. It would be equally erroneous to conclude that Caesar's proposals were always completely insincere and that his opponents were always right in rejecting them because this was so in the case of the offers made through L. Caesar and L. Roscius. In fact a great deal could be said in favor of the opinion that the actions taken by the Senate during the first days of January 49 were a great tactical mistake in several respects. But this question requires a special analysis and cannot be discussed here.

There remains the more general problem whether Caesar's opponents should not have recognized the necessity of a new political order and therefore have tried to collaborate with the man who was eminently fitted to create it rather than to resist his rule or leadership. Since this question is closely connected with our special problem and has greatly influenced the solutions offered by recent scholars it is perhaps permissible to say a few words about it.

We are dealing here with a question of what ought to be or ought to have been rather than with a question of what is or has been. The answer therefore will inevitably to some extent depend on the philosophy or the historical viewpoint of the historian who gives it. But since historians most often deal out praise and blame as if their point of view was the only one possible and yet do not always agree on questions of this kind it is perhaps worth while to investigate the different viewpoints.

Since the publication of Mommsen's work—but very much in contrast to the opinion of illustrious authors of previous periods—the condemnation of the attitude of Pompey and the optimates has been almost universal among historians of the epoch. Yet the reasons given for this judgment vary a good deal. For Mommsen the Roman optimates represented the ancient equivalent of the hated Prussian Junker class while Caesar represented the popular monarchy which he regarded as the ideal form of government for his own country. It has often been pointed out that his presentation of the history of the last century of the Roman Republic is very strongly colored by his political convictions as a German democrat of 1848. His successors did not share his political convictions, but many of them, including E. Meyer, have pointed out

that the oligarchic regime of the Senate, which had had its very great merits at the time when Rome was still a comparatively small state, was not suited to the administration of a great empire and hence had to be replaced by a more centralized, monarchic or semi-monarchic regime. The optimates therefore, in his opinion, are to blame for not having recognized this historical necessity. The same opinion has been expressed in a more generalized and cruder form by some recent German historians who contended that the optimates were wrong because they opposed "the spirit of their time" or, to use a recent American expression which conveys the same idea, "the wave of the future." Still another school of thought with many representatives in Germany and in America considers success as the only criterion of the greatness of a statesman. In their opinion Pompey and the optimates stand condemned simply because they failed. Many historians of this school like to repeat that with his famous words *victrix causa deis placuit, sed victa Catoni* Cato pronounced the most demolishing judgment on himself as a statesman.

It is easy to see that these different viewpoints have much in common, yet are not identical. What they have in common and how they differ will come out more clearly if we ask first how far the condemnation of Pompey and the optimates is justified according to these views themselves. There is no doubt that Caesar was successful in as much as he defeated his enemies. His opponents were either killed or committed suicide or had to submit to his rule in one way or another. But less than four years after his decisive victory at Pharsalus Caesar was assassinated, the Roman Empire was again thrown into a long civil war, and what came finally out of it resembled in many respects, as E. Meyer has shown,[96] rather the kind of rule for which Pompey had striven than Caesar's monarchy. It might then seem as if Pompey had still been victorious after his defeat and death, and as if what Caesar had been striving for had not been "the wave of the future" after all, or at least not of the immediate future. One might even add that when it finally did become the wave of the future it was the beginning of what is commonly known as the decline and fall of the Roman Empire.

Such an evaluation of Caesar's works and aims, and of the relative historical position of Caesar and Pompey, would be just as one-

[96] *Op. cit.* (see note 2).

sided as the one with which we have set it in contrast. But it may serve to illustrate the fact that neither "success" nor "the spirit of the time" are the unfailing criteria which they are considered to be by many modern historians. These criteria are still less infallible at a time when the wave of the future has not yet become a wave of the past and when there is still a possibility that the presumed wave of the future may suddenly begin to roll backwards. It seems therefore somewhat unfair to demand that statesmen and politicians should be so much wiser than even the wisest historians have been whenever, instead of dealing with the past, they have tried to prophesy the future.

E. Meyer's criticism [97] has a much more concrete historical and political foundation and deserves a much more detailed discussion. There can be no doubt that during the years and decades preceding the Civil War of 49 B.C. the government of the Roman Republic had increasingly proved incapable of upholding the most elementary order in the capital, of fulfilling its administrative tasks, and, above all, of initiating and carrying through the most urgent economic and political reforms through legislation. We have admitted, on the other hand, that Caesar was in no way the man to wage a civil war for its own sake and that he would certainly have been very glad if he could have achieved his aims in a peaceful way. What is more, R. Syme, in a brilliant chapter of his excellent book,[98] has shown in detail how consistently Caesar tried to win the support and the collaboration of the few outstanding men of the old optimate party. Submission, therefore, to Caesar's domination before the outbreak of the armed conflict would not have meant physical or political suicide on the part of the optimates, and so they may seem to stand even more severely condemned because under these conditions they did not submit to his rule or leadership for the sake of the common good.

But this is not yet the answer to our question. It has often been remarked [99] that Rome, if it had not fallen to the domination of Caesar would have fallen to that of Pompey, just as later it fell into the power of Octavianus Augustus. This is not a modern observa-

[97] E. Meyer is mentioned here only, because he has given the most detailed attention to the problem. Besides, all the really outstanding historians have based their criticism of Pompey and the optimates on considerations similar to those of E. Meyer.

[98] *Op. cit.* (see note 2), chapter 4: "Caesar, the Dictator."

[99] Most recently, for instance, by R. Syme, *op. cit.* 51.

tion. For similar utterances can be found in many of Cicero's letters. At the very time when Pompey was the defender of the Republic against Caesar, Cicero wrote to his friend:[100] *dominatio quaesita ab utroque est* and *uterque regnare vult.* But why was it then that in the final contest Pompey found himself allied to the Senate while Caesar, even after his complete victory, was never able to win the sincere collaboration of any of the leading statesmen of the nobility? Was it only because Pompey was the weaker of the two, less energetic, less able to come to a quick decision, less capable of risking everything in one decisive move, and therefore less dangerous? Was it because there were not so many political adventurers among his followers? Or because he was not publicly connected with the party of the so-called *populares* and less committed to reforms and legislation prejudicial to the economic interests of the ruling class? Was it, as E. Meyer suggested, because the nobles felt that under the rule of Pompey they would still have a larger and more direct influence on the administration of public affairs than under the domination of Caesar?

All these were probably contributing factors of very great importance. There is, however, another factor which, under the influence of the prevailing theory that material and economic interests of nations and groups are the sole decisive factors in all historical developments, has received but scant attention.[101] This is the personal attitude of Pompey and Caesar towards their fellow-nobles. Yet if one may trust the very spontaneous expressions of Cicero's feelings in his letters this factor was of greater importance than any material and economic considerations.

The question is somewhat complicated by the fact that Caesar was much more gracious and polite than Pompey. There is also the contrast between Pompey's savage threats against all those who would not follow his party during the first months of the Civil War[102] and the unexpected clemency of Caesar. But Pompey uttered his threats as the leader of a party while Caesar's clemency, as the very word suggests, was the clemency of a master. Pompey may have left Cicero lying on his knees when he begged him for support against Clodius while Caesar might lift up a nobleman

[100] *Att.* 8.11.2.

[101] Some excellent remarks have, however, been made by R. Syme, *op. cit.* 26, 51, and passim.

[102] *Att.* 8.15.2; 8.16.2; etc.

before he could fall on his knees—though he did not always do so. But Caesar's politeness was the product of his sovereign grace and mercy while Pompey's rudeness was very obviously the result of his helplessness and embarrassment. Pompey might rudely reject advice given by Cicero. But even then it would carry some weight because it *was* advice given by Cicero. Caesar might very politely ask for Cicero's advice, but Cicero would know very well that his advice would be heeded only so far as it pleased Caesar. If Pompey was rude it was also possible to give him a rude answer,[103] while this was utterly impossible with Caesar. Caesar also acted as a true sovereign in that he always tried to be polite personally, but would pronounce his threats through the medium of his lieutenants and assistants.[104] For all these reasons the wounds inflicted on personal pride by Caesar's politeness and clemency [105] smarted much more than the wounds inflicted by Pompey's rudeness. Cicero's letters are full of passages which show how experiences of this kind whether he had them himself or observed them in others rankled in his mind, though he was neither the proudest nor the strongest character among the nobles, and how his sense of dignity suffered from them. In estimating the importance of this factor Shakespeare has probably shown a sounder historical judgment than those most modern historians who cannot see anything but economic interests as the driving forces in history.[106]

It would not be just, on the other hand, to blame the Roman nobles too much for their stupid pride and untimely sense of dignity. When, at the time of Tiberius, the Senate had finally completely lost its pride and stooped to abject flattery and adulation, it soon became apparent that it was no longer fit to be an agency for the administration of a great empire even under the supervision of a princeps, and the important administrative tasks fell more and more to freedmen in the household and personal entourage of the emperor. Those emperors on the other hand, who, like Trajan, tried to give

[103] See, for instance, *Att.* 7.21.2.

[104] Cf. *Att.* 10.8A and *Fam.* 8.16 in contrast to Caesar's own letter (*Att.* 10.8B).

[105] The case of the former consul M. Claudius Marcellus is also very much to the point.

[106] It is, however, noteworthy that the most outstanding specialists in the social and economic history of the ancient world, like Rostovtzeff, have always been foremost to point out that one cannot explain everything in purely economic terms, and that it is only the much more numerous works of second rank which overemphasize the economic interpretation of history.

back to the Senate something of its old function, took great pains to instill into this body some traces of the pride which had prevented it from submitting to the domination of Caesar.

This is not written in order to detract from Caesar's glory. There can be no doubt that as a military, political, and legislative genius he far surpassed all his contemporaries. But his greatness had also its destructive side. The present article, which has mainly dealt with a special problem, does not aspire to a complete solution of this much larger question. But it is intended to contribute to its reconsideration. Mommsen's fulminations against Pompey and the rotten aristocracy may be excused, and even command respect, as expressions of a man who was not only an eminent scholar, but also passionately took sides in the political struggle of his own time and fought its battles over again in the field of ancient history. But if such invectives as his are repeated by others with a claim to be expressions of superior political and historical wisdom they are but empty presumptions and should be rejected. Probably no historical work will ever be written quite without political prejudice, but we should at least try to see the relative justification of the standpoints of the different parties and individuals.