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# How to Get Away with Murder in Ancient Rome

Cameron Beckey '23

The legacy of Roman law can be seen in the legal systems of many countries today, but Roman law was not without its flaws. Power and influence often swayed the extent to which justice was delivered. Roman law, while setting the stage upon which modern legal culture has developed and evolved, was also flawed in its outlawing of homicide, and as a result, homicide was largely justified in Roman history.

Bloodshed was so integral in Roman day-to-day life that even the foundation of the city was rooted in fratricide. In the first book of Livy's *Ab Urbe Condita* (*A History of Rome*), Remus is said to have died in a skirmish with his brother Romulus, after mocking the walls of the new city as seen in "*vulgatior fama est ludibrio fratris Remum novos transiluisse muros; inde ab irato Romulo, cum verbis quoque increpitans adiecisset ... interfectum*" which can be translated as "the more common story is that Remus jumped over the new walls mocking his brother, where Romulus in great anger killed him."<sup>1</sup> Romulus not only kills his brother, but then goes on to state "*sic deinde, quicumque alius transiliet moenia mea*" which translates to "So perish whoever else shall leap over my walls!"<sup>2</sup> This story serves to remind us that although homicide may be outlawed in writing, at the end of the day it was also accepted by the citizens as necessary for the acquisition of power and the continuation of Rome itself. Justified homicide dated all the way back to the first king of Rome. This incident of fratricide set the stage for the continued justification of homicide in Rome.

It is worth noting that a distinction between punishments for intentional and unintentional homicide was clarified by Numa Pompilius, the second Roman king. He put forth the laws such as "If anyone with malice aforethought slays a free man he shall be guilty of parricide" and conversely, "In Numa's laws it is provided that if anyone kills another accidentally he shall offer a ram

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<sup>1</sup>Livy, *The History of Rome*, trans. Benjamin Oliver Foster, (Cambridge: Harvard University Press, 1919), 1.7.

<sup>2</sup>Livy, 1.7.

for the life of the slain man to his agnates in the presence of the assembled people.”<sup>3</sup> Despite the fact that these laws banned homicide in writing, in practice, homicide was often justified in the minds of the Roman people.

The most famous piece of written legislation of Roman law was the Twelve Tables. Put into effect in 449 B.C.E., the Tables were a set of bronze tables written by decemvirs that served as the earliest written legislation of Roman law.<sup>4</sup> They allowed the plebeians to access the law for themselves and protect themselves against abuses of power from higher classes. These laws touched on everything from court proceedings, to land disputes, to legal homicide. Table IV, which focuses on paternal power, reads “A notably deformed child shall be killed immediately.”<sup>5</sup> Under these laws, parents were encouraged to kill any mentally or physically deformed child. On Table IV, a father is given “over a son the power of life and death,” or *necisque potestas*.<sup>6</sup> Any father in Ancient Rome had the power to take the life of his child at any time, and by extension, had the power to compel them into forced labor, to control them financially, and to essentially dictate their entire lives under threat of death. If a man were to kill an innocent free-person, he would face legal punishment, but if that same man were to kill his innocent son, he would face no consequences. Thus the homicide of any Roman son by his father was justified.

An example of a blatant violation of the laws set out in the Twelve Tables without repercussions is Cicero’s Catilinarian Conspiracy. Cicero uncovered Catiline’s conspiracy to assassinate several government officials and to burn the city. The senate was later convened to discuss the punishment of Catiline’s conspirators, where Cicero convinced the Senate in a rousing speech to execute the conspirators without a trial. The Senate concurred and the conspirators were taken to the Forum to be executed while Cicero was hailed as the *pater patriae*, or the “father of the fatherland,” by the common people. This execution was in direct violation of Table IX of the Twelve Tables which states “For anyone whomsoever to be put to death without a trial and unconvicted...is forbidden.”<sup>7</sup> This incident shows the ineffectiveness and inconsistent nature of the enforcement of these laws. Cicero was able to use his influence and

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<sup>3</sup>Allan C. Johnson, Paul R. Coleman-Norton, and Frank C. Bourne, “Laws of the Kings, 753 – 510 B.C.,” Lillian Goldman Law Library, 2008.

<sup>4</sup>Allan C. Johnson, Paul R. Coleman-Norton, and Frank C. Bourne, “The Twelve Tables,” Lillian Goldman Law Library, 2008.

<sup>5</sup>Johnson, “The Twelve Tables.”

<sup>6</sup>Johnson.

<sup>7</sup>Johnson.

power to convince the entire senate to directly violate a law and execute men without a trial for the crime of attempted homicide. The contradictory nature of Roman law was bolstered by its inconsistent enforcement in day-to-day life. The Catilinarian Conspiracy highlights the legal bias that existed in favor of the wealthy and powerful. Those with the means to hire skilled lawyers or bribe officials got away with crimes whereas those who did not have access to those resources were more likely to be convicted and punished for the same offense.

Cicero used his influence and oratory ability to condemn Catiline and his conspirators. In his famous *Against Catiline* speech, he closes by saying

Tu, Iuppiter, ... hunc et huius socios a tuis ceterisque templis, a tectis urbis ac moenibus, a vita fortunisque civium omnium arcebis et homines bonorum inimicos, hostis patriae, latrones Italiae scelerum foedere inter se ac nefaria societate coniunctos aeternis suppliciis vivos mortuosque mactabis.

Then do you, O Jupiter [...] repel this man and his companions from your alters and from the other temples, from the houses and walls of the city, from the lives and fortunes of all the citizens; and overwhelm all the enemies of good men, the foes of the republic, the robbers of Italy, men bound together by a treaty and infamous alliance of crimes, dead and alive, with eternal punishments.<sup>8</sup>

In this case, Cicero used his influence and oratory skills to not only expel Catiline and the conspirators, but to move the senate to concur with his call to punish them as well.

Cicero's writings demonstrate the contradictory nature of justified homicide in the *De Officiis*, where he justifies the conspiracy against and assassination of Julius Caesar, despite his previous denouncement of Catiline's conspirators. Cicero wrote of Caesar: "Our tyrant deserved his death for having made an exception of the one thing that was the blackest crime of all."<sup>9</sup> He argues that Caesar deserved to be assassinated because without him, the republic could thrive. Cicero goes on to say "The man who maintains that such an ambition (like that of Caesar's) is morally right is a madman; for he justifies the destruction of law and liberty and thinks their hideous and detestable suppression glorious."<sup>10</sup> Cicero demonstrates his distaste for Caesar and his

<sup>8</sup>Cicero, *Against Catiline*, trans. Albert Clark, (Oxford: Clarendon Press, 1908), 1.13.

<sup>9</sup>Cicero, *On Government*, trans. Michael Grant, (London: Penguin Books, 1989), 3.82.

<sup>10</sup>Cicero, *On Government*, 3.82; Charles F. Baker III and Rosalie F., *Ancient Romans: Expanding the Classical Tradition* (Oxford: Oxford University Press).

actions by calling him “the most horrible and hideous of all murders.”<sup>11</sup> In his *Against Catiline* speech, Cicero condemned the conspirators for their failed attempt to seize control of the Roman state through the assassination of its most prominent figures, and yet in *De Officiis*, he supported the assassination of the most famous leader of Rome. In Caesar’s case, his assassination was said to be justified by those who conspired against him because they argued that if Caesar were to stand trial, it would not be a fair trial due to the fact that Caesar controlled the senate. Although Cicero was not directly involved the plot against Caesar, he publicly asked the Senate to grant the conspirators amnesty. Cicero believed that the state was a *res publica*, or thing of the people, and as such, one man should not hold absolute power over the people because then there ceases to be a government at all.<sup>12</sup> This assassination was also justified through the lens of preserving the Roman state through self-defense regardless of the motives of the conspirators themselves.

Men in positions of political power had another avenue for killing off enemies and political rivals called proscription. Popularized by Lucius Cornelius Sulla Felix, proscription was a convenient way to gain and retain power and influence. He saw proscription as a means of deterring others from following in his opponents’ footsteps and to discourage any riots or rebellions. Those who were proscribed were listed as outlaws, and their goods and land were confiscated. Killing and betraying the proscribed was rewarded and assisting them in any way resulted in penalties. Sulla was said to have orchestrated massacres of his opponents in the Villa Publica while the senate inquired about the sounds of screaming.<sup>13</sup> Sulla’s proscriptions were a direct challenge to the values of Roman society, which emphasized due process for the persecuted. His proscriptions were in violation of Table V which read “For anyone whomsoever to be put to death without a trial and unconvicted...is forbidden.”<sup>14</sup> While these actions were widely criticized, they were justified because proscription was seen as necessary in order to maintain political stability and prevent chaos in Rome.

A widely accepted reason for killing yourself or your family members in Ancient Rome was for the preservation of honor. This phenomenon often occurred because an unmarried woman who was raped or otherwise “stripped

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<sup>11</sup>Cicero, 3.82.

<sup>12</sup>Cicero, 3.82.

<sup>13</sup>Melissa Barden Dowling, “The Clemency of Sulla,” *Historia: Zeitschrift Für Alte Geschichte* 49, no. 3 (2000): 303–40.

<sup>14</sup>Johnson.



of her modesty” was often thought to be better off dead for the sake of preserving the honor of the rest of the family. Fully grown women were still expected to be under the guardianship of a man, as seen in Table V of the twelve tables. Table V reads “Women, even though they are of full age, because of their levity of mind shall be under guardianship.”<sup>15</sup> This law implies that women are not fit to take care of themselves due to the “levity of their minds,” and implies that men knew best how to care for themselves and others. Cicero writes of this idea in his *De Finibus*, “in our commonwealth was found the lady who expiated her outraged honor by a self-sought death, and the father who killed his daughter to save her from shame. Who is there who cannot see that all these deed and countless others besides were done by men who were inspired by the splendor of moral greatness to forget all thought of interest and are praised by us from no other consideration but that of Moral Worth.”<sup>16</sup> Cicero goes so far as to say that men are praised for this honor killing for their motivations to maintain “the splendor of moral greatness” and the consideration of “moral worth.”<sup>17</sup> In the eyes of the Romans, honor killings were accepted, and even expected in some circumstances, and therefore, honor killings were justified in the minds of the Roman people.

The flaws in Roman law allowed for homicide to be outlawed in writing, but often justified in practice. How do you get away with murder in Ancient Rome? Have influence over the senate, or money to hire lawyers. The double standard for those with power and money allowed the upper-class Romans to talk or pay their way out of punishment. If you are a father, kill your child, because under the eyes of the law, that is completely legal. Assassinate a political leader for the sake of self-defense of the republic. Take advantage of proscription to off your enemies and rivals. Lastly, kill for the preservation of honor and moral considerations. Under Roman Law, for better or worse, these methods of homicide were all at some point justified in the minds of the Roman people.

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<sup>15</sup>Johnson.

<sup>16</sup>Cicero, *De Finibus*, (Cambridge: Harvard University Press, 1931), 467.

<sup>17</sup>Cicero, *De Finibus*, 467.

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# Silence Speaks Volumes: Intentional Brevity in the Orpheus and Eurydice Scene in *Georgics* and *Metamorphoses*

Jifan (Jerry) Zhu '23

Orpheus, as a character in Classical literature, predates both Vergil and Ovid. Often associated with his otherworldly ability in lyre-playing, Orpheus is mentioned in some early Greek works. The myth of his descent to the underworld to save his love Eurydice also existed during this time, as it is referenced both in the *Alcestis* of Euripides and in the *Symposium* of Plato.<sup>1</sup> However, a complete account of the story only comes to us in Golden Age Roman poetry—Vergil's *Georgics* is the first place in which the story is told, and Ovid tells a similar tale in his *Metamorphoses*. The two accounts are quite similar in structure—both include a description of the death of Eurydice, Orpheus' descent into the underworld, his supplication to Dis and Persephone, followed by his ascent, the second death of Eurydice, and his grief thereafter. The differences in the details between the two accounts are significant, however. C. M. Bowra suggests that both works draw from a common Greek poem which is no longer extant, and that Ovid, being the later poet, was aware of Vergil's account.<sup>2</sup> However, each account is weighted differently—in this essay, I intend to compare three scenes from the story, examining why each author chose to either elaborate on a scene or spend little time discussing it.

The first scene which would be interesting to examine is Orpheus' song or speech to Dis and Persephone. Vergil chooses to entirely exclude the song from the *Georgics*, instead opting for an extended description of the underworld that strongly parallels his description of the underworld in Book 6 of the *Aeneid*, as well as an extended description of how Orpheus' poem affects its listeners.<sup>3</sup> Vergil's description is grandiose and epic, giving Orpheus credit for his stunning

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<sup>1</sup>Sarah Hitch, "Orpheus and Eurydice," in *The Oxford Encyclopedia of Ancient Greece and Rome* (Oxford: Oxford University Press, 2009).

<sup>2</sup>C. M. Bowra, "Orpheus and Eurydice," *The Classical Quarterly* 2, no. 3 (1952): 113.

<sup>3</sup>Virgil, *The Bucolics, Aeneid, and Georgics*, ed. James Bradstreet Greenough (Oxford: Oxford University Press, 1883), 4.471–484.

song without any attempt to record it. As William Anderson notes, Vergil is being prudent here by “avoid[ing] the challenge of producing the ineffable song by which Orpheus conquered death.”<sup>4</sup> Ovid, however, decides to take the description in a completely different direction. Instead of shying away from recreating the legendary song, Ovid imagines it as an argumentative speech towards Dis and Persephone. Anderson describes Ovid’s rendition of Orpheus’ speech as being “pompous, unconvincing, and full of witty sophistication.”<sup>5</sup> Throughout the speech,<sup>6</sup> multiple specific details support this observation. In line 23, Ovid writes *causa viae est coniunx*, a very brief and emotionless description. There are two interesting things to note about this line. The first is the choice of the word *coniunx*—the word is used formally, in the sense “consort” or “marriage partner” according to the Oxford Latin Dictionary, devoid of any suggestion of love or emotion.<sup>7</sup> Anderson also notes that the brusque nature of the line affords not even an adjective to *coniunx*. Indeed, the actual name of Eurydice, *Eurydices*, is not even mentioned until line 10.31, more than a dozen lines into the speech. Furthermore, while Vergil spends an extensive 14 lines describing the underworld and the effects of Orpheus’ song, Ovid foregoes the slow and grand pace of epic poetry, instead compressing Vergil’s description into only four lines and adding more detail.<sup>8</sup> The stark differences between these two accounts can be well explained by the motivations of Vergil and Ovid: While Vergil is finishing up his didactic masterpiece with a literary flourish of epic storytelling, Ovid transforms a myth known to his readers in a cheeky, innovative fashion that bucks tradition and establishes his unique voice, justifying his somewhat irreverent desire to recreate Orpheus’ death-defying speech.

Another point of difference is how Vergil and Ovid treat the moment when Orpheus fails to control himself, turning back to face Eurydice. Vergil is extensive here: with four lines he describes the emotional turmoil that plagues Orpheus immediately before he looks back,<sup>9</sup> terrible fate striking down and Eurydice’s final words before being snatched back,<sup>10</sup> and her disappearance

<sup>4</sup>Ovid, *Ovid’s Metamorphoses, Books 6-10*, ed. William Scovil Anderson (Norman: University of Oklahoma Press, 1998), 475.

<sup>5</sup>Ovid, *Metamorphoses*, 475.

<sup>6</sup>Ovid, *Metamorphoses*, 10.17-39.

<sup>7</sup>P. G. W. Glare and Della Thompson, *Oxford Latin Dictionary*, 2nd ed., (Oxford: Oxford University Press, 2012), s.v. “coniunx.”

<sup>8</sup>Ovid, *Metamorphoses* 478-479.

<sup>9</sup>Virgil, *Georgics*, 4.488-491.

<sup>10</sup>Virgil, 4.492-498.

and his futile attempt to reenter the underworld.<sup>11</sup> Charles Segal suggests that another purpose of this extended description is to draw the line between *amor* and *labor*.<sup>12</sup> In contrast to the *labor* shown by the bees earlier in *Georgics* 4, Vergil creates an antithesis here by telling the story of love and humanity, including the fatal flaws which are brought with it. Vergil tells of how *dementia cepit amantem* “madness seized the one loving” (488), and of how *furor* has ruined everything (*Illa* “*Quis et me,*” *inquit,* “*miseram et te perdidit, Orpheu, // quis tantus furor?*” “‘What, both me,’ she said, ‘sad, and you, has destroyed, O Orpheus, what such great madness?’”)<sup>13</sup> These “madnesses,” both associated with love, are on full display thanks to Vergil, and foreshadow what Dido would say to Aeneas in the *Aeneid* quite well. But in Ovid’s rendition of the moment, instead of a lengthy and heart-wrenching description of tragedy, we get something far more brief. As Anderson notes, the five-line speech that Eurydice gives in Vergil is reduced to a single word—*vale*—by Ovid, in a rather perfunctory manner.<sup>14</sup> Again, Ovid opts for brevity instead of an epic-like extended speech, and once again goes against the epic tradition.

The endings of the two accounts are rather distinct as well. Vergil draws the narrative to a close in a beautiful and intensely poignant account of Orpheus’ death at the hands of the Ciconian women:

Tum quoque marmorea caput a cervice revulsum  
gurgite cum medio portans Oeagrius Hebrus  
volveret, Eurydicen vox ipsa et frigida lingua  
“ah miseram Eurydicen!” anima fugiente vocabat:  
“Eurydicen” toto referebant flumine ripae.”

Then too, even then, what time the Hebrus stream,  
Oeagrian Hebrus, down mid-current rolled,  
Rent from the marble neck, his drifting head,  
The death-chilled tongue found yet a voice to cry  
‘Eurydice! ah! poor Eurydice!’  
With parting breath he called her, and the banks  
From the broad stream caught up ‘Eurydice!’”<sup>15</sup>

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<sup>11</sup>Virgil, 4.488-491.

<sup>12</sup>Charles Segal, “Orpheus and the Fourth Georgic: Vergil on Nature and Civilization,” *The American Journal of Philology* 87, no. 3 (1966): 311.

<sup>13</sup>Virgil, 494-495. Translation mine.

<sup>14</sup>Ovid, *Metamorphoses*, 476.

<sup>15</sup>Virgil, *Georgics*, 4.523-527. Translated by Greenough.

The death of Orpheus is described as featuring “high neoteric style”,<sup>16</sup> and Segal comments that his death is perfectly human in how he dies for love. “What survives him is precisely that which arises out of his suffering and love,”<sup>17</sup> where Vergil draws a final contrast between the themes of *labor* and *amor*. Ovid, on the other hand, diverges from Vergil’s account completely, ending his account of the story with a description of Ovid turning his love towards the young men of Thrace.<sup>18</sup> Once again, Ovid diverges from Vergil, excising the melodramatic and deeply emotional conclusion that Vergil writes, instead, Anderson writes, “[Ovid] will not let us read Orpheus’s loss as a true tragedy.”<sup>19</sup>

Both Vergil and Ovid write unique and compelling accounts of Orpheus’ descent to the underworld and his failure to take back Eurydice, but as demonstrated, both authors choose to elaborate on some parts and not others to enhance their own narrative needs. While Vergil is focused on creating an epic poem and writing a story that will balance out his earlier description of the *labor* of the bees with the *amor* of the human condition, Ovid presents a satirical account that intentionally contravenes the epic genre, disrupting expectations to create his unique story.

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<sup>16</sup>Richard F. Thomas, *Georgics* (Cambridge: Cambridge University Press, 2002), 235.

<sup>17</sup>Segal, “Orpheus,” 311.

<sup>18</sup>Ovid, *Metamorphoses*, 10.82-85.

<sup>19</sup>Ovid, *Metamorphoses*, 476.

# Road to the Rubicon: Analyzing the Buildup of Caesar's Civil War

*Evan Luo '25*

## Introduction

It is common knowledge that when Caesar and his thirteenth legion crossed the Rubicon River on the 10th of January in 49 B.C.E., he plunged Rome into a civil war that would transform the Roman Republic into the Roman Empire. Modern media and even historians paint this fateful decision as the cause for the fall of the Roman Republic. They further portray Caesar as the victim, forced to march on Rome or face prosecution from the senate. Yet, have historians perhaps misidentified the origins of the civil war?

The Roman Civil War (49 – 45 B.C.E.), also known as Caesar's Civil War, was one of the last and most dramatic politico-military conflicts of the Roman Republic before its reorganization into the Roman Empire. Fought between Gaius Julius Caesar (100 – 44 B.C.E.) and Gnaeus Pompey Magnus (106 – 48 B.C.E.), this great conflict saw Caesar triumph against the Roman Senate. In the immediate aftermath, Caesar was proclaimed dictator for life by the senate, but was, shortly thereafter, assassinated in a conspiracy of pardoned senators. Although his reign was short, Caesar left a power vacuum that would eventually be filled by his adopted grandnephew Gaius Octavius (later known as Augustus), who would go on to become Rome's first and longest-reigning emperor.

To this day, the origin of the Roman Civil War is subject to contentious debate, with Classics Professor Erich S. Gruen calling the motives of the conflict “nowhere to be found.”<sup>1</sup> Even the Romans themselves were clueless about the causes of the war.<sup>2</sup> But the civil war is most often attributed to the notion that Caesar—if he returned to Rome—would have been criminally prosecuted by a

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<sup>1</sup>Erich S. Gruen, *The Last Generation of the Roman Republic* (Berkeley: University of California Press, 1995), 495.

<sup>2</sup>Gruen, *Last Generation*, 495.

clique of hardline senators for his crimes during his consulship. Historians thus assume that Caesar was forced to march on Rome in order to protect himself from condemnation. This is commonly known as the prosecution theory. Many scholars like Allan Massie even go on to argue that Caesar faced certain death if he returned to Rome.<sup>3</sup> The belief has historical merit, yet further scrutiny challenges this notion. Most importantly, Massie along with other esteemed historians including Mary Beard and Adrian Goldsworthy, fail to analyze the prospect of prosecution and the validity of ancient sources.

Building upon the research of previous scholars, this paper traces the buildup of the Roman Civil War and Caesar's decision to cross the Rubicon River in 49 B.C.E., emphasizing the role Roman culture played in precipitating the civil war and refuting the popular prosecution theory. This paper then argues that it was the gradual deterioration of the Roman Constitution, the formation of the First Triumvirate, and the political stalemate between the *populares*<sup>4</sup> (populist elites) and *optimates*<sup>5</sup> (senatorial establishment) that catalyzed this great conflict. Through the analysis of 1st century BCE correspondence and ancient Roman chronicles spanning from the 1st to 3rd century CE, this paper concludes that Caesar was, in fact, *not* vulnerable to prosecution. Rather, Caesar marched on Rome to maintain his *ratio absentis*<sup>6</sup>—his right to run for the consulship *in absentia*—which granted him both a Roman triumph and simultaneous consulship.

## The Destruction of the Roman Constitution

The root cause of the Roman Civil War was the degradation of the Roman Constitution. An uncoded and unwritten set of principles passed down through precedent, the Roman Constitution guided procedural governance of the Roman Republic and was upheld by the *mos maiorum* (“the way of the

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<sup>3</sup>G. R. Stanton, “Why Did Caesar Cross the Rubicon?,” *Historia: Zeitschrift Für Alte Geschichte* 52, no. 1 (2003): 87.

<sup>4</sup>The *populares* (“supporters of the people”) were populists who believed power laid in the hands of the people, operated mostly before the plebeian assembly, and opposed the *optimates* in the senate.

<sup>5</sup>The *optimates* (“the best ones”) were senatorial conservatives who upheld the traditions and authority of the senate, operated mostly in the senate, and opposed the *populares* and plebeian assembly.

<sup>6</sup>The *ratio absentis* (“reason of absence”) was a technical term for permission to stand for election without having to be present in Rome. Typically, candidates had to be inside Rome to announce candidacy but the *ratio absentis* waived aspiring politicians of this requirement.



ancestors”). The *mos maiorum* too was an unwritten code of ancestral tradition that underpinned all aspects of Roman life and can be shortened into eight relevant values: *Fides* (Fidelity), *Pietas* (Piety), *Disciplina* (Discipline), *Gravitas* (Gravity), *Constantia* (Perseverance), *Virtus* (Manliness), *Dignitas* (Dignity), and *Auctoritas* (Authority). For almost a millennium, these quintessential values protected Rome in times of unparalleled vulnerability, but the eventual fall of the republic’s enemies, which in turn undermined the need for the *mos maiorum*, undermined this fragile constitution. The republican constitution would be further damaged by the tribunes and murders of the Gracchi brothers, the military reforms by Gaius Marius, and Sulla’s march on Rome. These four pivotal developments culminated in the destruction of the Roman Constitution.

The republic’s failure to adhere to the *mos maiorum* was precipitated by the fall of Carthage and Rome’s conquest of the East. At the end of the Third Punic War (149 – 146 B.C.E.), Rome triumphantly destroyed and sacked the city of Carthage—bringing an end to what the 2nd century B.C.E. Greek historian Polybius notes, “the longest...and most severely contested war...in history.”<sup>7</sup> Yet Rome’s victory over the Carthaginians would paradoxically lead to its own demise. The fall of Carthage meant that Rome no longer had an external power capable of threatening it, and with no other rivals in the Mediterranean, a sense of confidence and security flooded the streets of Rome. But this came at the cost of the *mos maiorum*. As Sallust, a 1st century B.C.E. Roman historian, argued,

before the destruction of Carthage the people and senate of Rome together governed the republic peacefully and with moderation. There was no strife among the citizens either for glory or for power; fear of the enemy preserved the good morals of the state. But when the minds of the people were relieved of that dread, wantonness and arrogance naturally arose, vices which are fostered by prosperity... Thus the peace for which they had longed in time of adversity, after they had gained it proved to be more cruel and bitter than adversity itself. For the nobles began to abuse their position and the people their liberty.<sup>8</sup>

Since the Roman elites’ wealth and power were vested in the republic, the fear of external rivals like Carthage had previously ensured that all classes in the republic acted in the best interest of the state. But without a rival power capable of instilling the nobles with enough fear to follow the *mos maiorum*, the motives of the wealthy magistrates naturally drifted. Now, magistrates

<sup>7</sup>Polybius, *The Histories*, trans. Evelyn S. Shuckburgh (New York: Macmillan, 1889), 1.63.

<sup>8</sup>Sallust, *The War With Catiline. The War With Jugurtha*, trans. J. C. Rolfe (Cambridge: Harvard University Press, 2013), 223.

became more focused on advancing their own wealth and glory than that of the republic's. This, of course, went against the *mos maiorum*, particularly the values *fides*, *pietas*, *disciplina*, and *gravitas*, which all stressed the prioritization of the republic.

Additionally, in his 2nd century C.E. *Epitome of Roman History*, the Roman historian Florus explains that the conquest of the East stood as a catalyst for the corruption which would lead to the Roman Civil War between Caesar and Pompey.

It was the conquest of Syria which first corrupted us, followed by the Asiatic inheritance bequeathed by the king of Pergamon. The resources and wealth thus acquired spoiled the morals of the age and ruined the State, which was engulfed in its own vices as in a comer sewer... Finally, when did the lust for power and domination arise save from excessive wealth? It was this which armed Caesar and Pompey with the fatal torches which kindle the flames that destroyed the State.<sup>9</sup>

Florus argues that the excessive indulgence of Asiatic luxuries and treasures created a “lust for power and domination,” and that magistrates no longer sought office for the good of the republic, but to line their own coffers with riches. However, this endless desire for power and wealth did not only affect the Roman elite; *all* classes were infected with this avarice. Sallust believed that “riches had become the honored goal [of the Romans which directed] them towards greed and waste and [deprived] them of all principle and moderation.”<sup>10</sup> Materialism now took precedence over the teachings of the *mos maiorum*. Evident in the final century of the Roman Republic, this desire for power and wealth guaranteed societal turmoil between political factions and would eventually tear the republic apart.

Yet it was not until the ascension of Tiberius Gracchus that the Roman Constitution was truly crippled. Successfully elected as a *tribunus plebis* (plebeian tribune) in 134 B.C.E., Tiberius took on a populist agenda to advance his political power and prestige.<sup>11</sup> The plebeian tribunes were originally established to safeguard the interests of the plebeians, all non-patrician (non-aristocratic) Roman citizens who were typically poor. Over the course of three centuries,

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<sup>9</sup>Florus, *Epitome of Roman History*, trans. E. S. Forster (Cambridge: Harvard University Press, 1929), 215.

<sup>10</sup>T. N. Mitchell, “Cicero on the Moral Crisis of the Late Republic,” *Hermathena*, no. 136 (1984): 25.

<sup>11</sup>Jurgen von Ungern-Sternberg, “The Crisis of the Republic,” in *The Cambridge Companion to the Roman Republic*, ed. Harriet I. Flower (New York: Cambridge University Press, 2014), 78.

however, the position became more and more corrupt, with many tribunes using their term in office to elevate their own political and financial standing.

By the late 2nd century B.C.E., Rome's economic situation had severely deteriorated. As a result of the republic's territorial expansions and lack of foreign rivals, greedy, land-owning Romans sought to "outbid and drive out the poor by [raising rents]," which, correspondingly, replaced the idealized citizen farmer class with "gangs of foreign slaves."<sup>12</sup> This demographic shift in Rome's countryside resulted in an oversupply of labor which forced the rural poor to find work in urban centers. Yet at the same time, Rome experienced a decline in the number of public works being undertaken, leading to a shortage of work for the increasing urban poor.<sup>13</sup> This, of course, angered the lower classes, which in turn, impelled them to rally behind the *populares*. While unfortunate for the plebs, this combination of economic downturns provided an ideal opportunity for a populist politician like Tiberius Gracchus.

With economic unrest among the plebeians, Tiberius seized upon the opportunity and proposed the *lex Sempronia agraria*, a law that limited the amount of land someone could own at 500 *iugera* (310 acres) with excess being redistributed to the poor.<sup>14</sup> While naturally popular with the Roman poor, the bill triggered bitter opposition from the landowning elites, who saw their wealth and power threatened.<sup>15</sup> Unable to curb Tiberius' popularity, the senate counted on his colleague Marcus Octavius to veto the bill.<sup>16</sup> But Tiberius could not back down. As noted by German historian Jurgen von Ungern-Sternberg, "[Tiberius] had played a role in the catastrophic Roman defeat at Numantia [and any] further failure would have been a disaster for the [public image] of the young [noble] and for his future political career."<sup>17</sup> This previous Roman military failure had alienated Tiberius from the *optimates* (Rome's senatorial establishment), impelling him to pursue political glory through alternative means—a reformist agenda.<sup>18</sup> Inflamed by the senate's filibuster and never capitulating, Tiberius did what no Roman had ever done before; he defied the

<sup>12</sup>Plutarch, *Makers of Rome*, trans. Ian Scott-Kilvert (New York: Penguin, 1965), 160.

<sup>13</sup>Saskia T. Roselaar, *Public Land in the Roman Republic: A Social and Economic History of Ager Publicus in Italy, 396–89 BC* (New York: Oxford University Press, 2013), 216.

<sup>14</sup>Roselaar, *Public Land*, 230.

<sup>15</sup>Plutarch, *Makers*, 161.

<sup>16</sup>von Ungern-Sternberg, "The Crisis of the Republic," 79.

<sup>17</sup>von Ungern-Sternberg, "The Crisis of the Republic," 79.

<sup>18</sup>T. Corey Brennan, "Power and Process under the Republican "Constitution"," in *The Cambridge Companion to the Roman Republic*, ed. Harriet I. Flower (New York: Cambridge University Press, 2014), 42–43.

will of the Senate and brought the bill before the *concilium plebis* (the plebeian assembly).<sup>19</sup> While technically legal, it was entirely unprecedented. Although the plebeian assembly decided the adoption of legislation, it was always done with the approval of the senate. Since the Roman Constitution was unwritten, the Roman Republic functioned on tradition and custom that took “mutual cooperation rather than [politicians] making use of their full legal powers.”<sup>20</sup> This act to save his own *dignitas* broke centuries of tradition and countered the *mos maiorum*. By demonstrating that law could be passed by circumventing the senate’s approval, Tiberius diminished the authority of the senate. A precedent was set, and men who aspired to political prominence would follow in his footsteps. Tiberius’ further attempt to secure a second and consecutive term further violated the norms-based constitution.<sup>21</sup> But Tiberius was not the only one to break custom.

Publius Cornelius Scipio, infuriated with Tiberius’ strong-arm politics, killed the tribune with a lynch mob in 133 B.C.E.<sup>22</sup> Scipio’s violent reaction legitimized the use of mob violence for political ends. Tiberius’ younger brother Gaius Gracchus, who later won unprecedented consecutive terms as tribune, would meet a similar fate. After a brawl that killed a consul’s servant, the senate executed the *senatus consultum ultimum* (the senate’s ultimate decree) and killed Gaius.<sup>23</sup> Never before had the senate used a decree against a fellow Roman, and the consequences would be devastating. The *optimates* had shown that state-sanctioned violence, as Classics Professor Harriet Flower notes, was a more “logical and more effective alternative to political engagement, negotiation and compromise within the parameters set by existing norms.”<sup>24</sup> Any political threat to the *optimates* now faced the possibility of utter destruction. The murders of the Gracchi brothers, Gaius and Tiberius, were the last straw in exposing the Roman Constitution’s fragility and set in motion a series of aristocratic violence against populist politicians.

One populist general by the name of Gaius Marius took matters into his own hands. Through a series of military reforms, Marius forged an army more loyal to their commander than to the republic itself. The most important

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<sup>19</sup>M. M. Henderson, “Tiberius Gracchus and the Failure of the Roman Republic,” *Theoria: A Journal of Social and Political Theory*, no. 31 (1968): 57.

<sup>20</sup>von Ungern-Sternberg, “The Crisis of the Republic,” 80.

<sup>21</sup>Erich S. Gruen, *Roman Politics and the Criminal Courts, 149–78 B.C.* (Cambridge: Harvard University Press, 1968), 57.

<sup>22</sup>Mary Beard, *SPQR: A History of Ancient Rome* (New York: Liveright, 2015), 224.

<sup>23</sup>Adrian Goldsworthy, *Caesar: Life of a Colossus* (New Haven: Yale University Press, 2006), 7.

<sup>24</sup>Harriet I. Flower, *Roman Republics*, (Princeton: Princeton University Press, 2010), 87.

and influential of Marius' military reforms was the alteration of the legionary recruitment process, which permanently changed the demographics of the legion. Prior to the Marian reforms, the Roman army was a conscript levy of all property-owning, male citizens who served in the pre-Marian legions "out of a sense of duty and loyalty to the state."<sup>25</sup> But in 112 B.C.E., the effectiveness of this conscript army was called into question. Rome found itself at war with the kingdom of the Numidia (modern day Tunisia and Libya), yet there was one major problem: Rome's reserves of military manpower were depleted. In response, Gaius Marius, the commander of the Numidian campaign, levied new legions from the *capite censi*,<sup>26</sup> who were previously barred from enlisting in the legions.<sup>27</sup>

With the freedom to join the legion, Rome's poorest citizens were now able to escape poverty. But this also meant that, by enrolling in the legion, the *capite censi* were forced to become dependent on their commanders. Once these legionaries were discharged, they had little to no livelihood to return to, and since the senate did not provide retirement upon discharge, they had to rely on their commander for profit and plunder.<sup>28</sup> This consequently shifted the loyalty of the legions from the republic to their general. *Capite censi* legionaries were also more willing to serve in longer campaigns than the previous generation of militia levies. This gave generals like Gaius Marius and Julius Caesar more time to refine their recruits into a veteran fighting force.<sup>29</sup> By the time of Caesar, the pool of recruits had further changed. It was now possible to enlist legions of non-Italians from the provinces; these recruits would have even less loyalty to the Roman state.<sup>30</sup> It was only a matter of time before a general took advantage of his soldiers' unwavering devotion to further his own political ambitions.

Since military success brought popularity and prestige, as well as the votes of the legions, military success became the best and most abused political instrument for high office. Marius was able to achieve his unprecedented

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<sup>25</sup>Christopher A. Matthew, *On the Wings of Eagles: The Reforms of Gaius Marius and the Creation of Rome's First Professional Soldiers*, (Newcastle upon Tyne: Cambridge Scholars Publishing, 2010), 1.

<sup>26</sup>The *capite censi* ("those counted by the head") referred to the poorest class of Roman citizens and were not eligible for military service. They owned so little property that they were assessed by the "head" rather than their financial status.

<sup>27</sup>Lawrence Keppie, *The Making of the Roman Army: From Republic to Empire* (New York: Barnes & Noble, 1994), 59.

<sup>28</sup>Matthew, *Wings of Eagles*, 20–21.

<sup>29</sup>Matthew, 22–23.

<sup>30</sup>Matthew, 26.

five consecutive consulships through successfully leading campaigns against the Numidians and Germans.<sup>31</sup> Yet his consecutive consulships also violated Roman law, weakening the precedent-based constitution. As a result of military success, generals became officials rather than officials becoming generals, going against traditional governance of the republic. Pompey and Caesar would eventually capitalize on this trend to secure political prominence. While the intentions of the Marian reforms were to protect the republic, the effects did the exact opposite. Instead of a defensive measure, the legions transformed into a political tool. Now, successful generals had the most influence in Roman politics, which would put the power of the state into the hands of the few. With a complete disregard for the norms-based constitution, Rome was left in a precarious state. Rather than the usual quarrel in the Forum, conflict between powerful generals could now spiral into a bloody civil war.

Soon enough, conflict did indeed come when in 88 B.C.E. renowned Roman general Lucius Cornelius Sulla made an unprecedented march on Rome. Born a patrician in 138 B.C.E., Sulla defeated the North African kingdom of Numidia and saved the Roman Republic from its rebellious Italian allies. As a result of his military success, Sulla reached the consulship in 88 B.C.E., where he then assigned himself the command against Mithridates, the king of Pontus whose territorial ambitions threatened Roman allies in Anatolia.<sup>32</sup> But Gaius Marius *also* desired this lucrative campaign. Through the plebeian assembly and political violence, Marius deprived Sulla of his province and transferred the command of the campaign to himself.<sup>33</sup>

This was entirely unprecedented yet technically legal. Never before had a Roman general had his authority denied through a rogue tribune. Sulla was furious, and if he did not reclaim his command, his *auctoritas* (authority) as consul would be diminished. Sulla had already made concessions to Marius and Sulpicius, the tribune who had supported Marius' rebellion, but had faith that a successful war paired with a triumph could recuperate his prestige.<sup>34</sup> However, Sulla no longer bore the campaign, and if he relented now, he would be exposed to political extinction.<sup>35</sup> There was only one way out if he wanted to retain his *dignitas*: marching his legions on Rome. In Irish historian Arthur Keaveney's account, Sulla "had little choice but to act," and his march on Rome was not "a

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<sup>31</sup>Matthew, 21.

<sup>32</sup>Lynda Telford, *Sulla: A Dictator Reconsidered* (Barnsley: Pen & Sword Military, 2014), 96.

<sup>33</sup>Plutarch, *Fall of the Roman Republic*, trans. Rex Warner (New York: Penguin, 1958), 67–68.

<sup>34</sup>Arthur Keaveney, *Sulla: The Last Republican* (New York: Routledge, 2005), 49.

<sup>35</sup>Keaveney, *Sulla*, 50.

cold-blooded and premeditated act,” but rather “the act of a frightened man who had been cornered and driven to desperation.”<sup>36</sup> The popular general had struggled strenuously for the past decade to prove himself to the senatorial order and was not going to tolerate the fate of a demagogic tribune. So, in the end, Sulla marched on Rome, consolidated control, and reclaimed leadership of the campaign against Mithridates.

However, Sulla's march on Rome would present grave consequences to the republic. Sulla had shown that a successful general could defy the will of the state and rule Rome as a dictator, which went against the Roman Constitution in its entirety. This complete disregard for the precedent-based constitution would plunge the republic into a cycle of civil wars: only a year later in 87 B.C.E., a civil war between Cinna and Octavius ended with Cinna taking control of Rome; six years later, a civil war in which Sulla retook Rome and proscribed his enemies; a decade long rebellion in Spain and North Africa by Quintus Sertorius; an unsuccessful rebellion instigated by Marcus Aemilius Lepidus after demanding the consulship; and a conspiracy by Lucius Sergius Catilina to seize the consulship to restore his family's honor and prestige. The repetition of these civil wars and rebellions only ingrained the use of military means to achieve a political goal.

## The Rise and Fall of the Triumvirate

It was in this political environment that the triumvirate then emerged. Formed in 60 B.C.E., the triumvirate was an informal three-way alliance between Pompey, Crassus (a general and financial patron), and Caesar. Crassus was an established statesman and bankrolled the alliance. Pompey was Rome's most accomplished general which brought him the loyalty and votes of the veterans. Caesar, on the other hand, was *pontifex maximus*, the highest religious official in Rome. Additionally, Caesar was one of the leading *populares*, which brought him the support of the masses. By combining their various bases, the triumvirate quickly achieved insurmountable power. The triumvirate was not a pact of similar political ideals nor one of friendship, but an arrangement that would politically benefit each triumvir.<sup>37</sup> Caesar was already indebted to Crassus through previous loans and political favors, and his alliance with Pompey was further solidified with Pompey's marriage to his daughter Julia

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<sup>36</sup>Keaveney, 51.

<sup>37</sup>Goldsworthy, *Colossus*, 166.

in 59 B.C.E.<sup>38</sup> Though never official, the triumvirate controlled almost every aspect of political life in Rome.

As a result, the triumvirate directly challenged the authority of the senate and transferred political power into the hands of three ambitious individuals. In his 2nd century C.E. *Lives of the Noble Greeks and Romans*, Plutarch maintained that Caesar and Pompey first “worked together to destroy the power of the aristocracy and only when this had been accomplished quarrelled amongst themselves.”<sup>39</sup> Instead of power divided among hundreds of senators, the triumvirate created an unstable political rule in Rome. This instability was made worse by the longstanding enmities between Crassus and Pompey. Almost fifteen years before, Pompey had stolen credit for defeating Spartacus and ending Rome’s Third Servile War, when it had actually been Crassus who killed Spartacus and concluded the war. Of course, both men still loathed each other, with Pompey even accusing Crassus of trying to assassinate him.<sup>40</sup> The alliance further deteriorated when Julia died in 54 B.C.E., which severed the personal bond between Caesar and Pompey.<sup>41</sup> While Pompey and Caesar continued to work together, the motives to retain the alliance became ever more political. Finally, in 53 B.C.E., the triumvirate totally collapsed when Crassus died at the Battle of Carrhae in a disastrous military campaign against the Parthian Empire (modern day Iran). Crassus’ death fundamentally shifted the political balance in Rome since many leading men of the republic depended on him for loans and favors; his son was neither old enough nor talented enough to assume his father’s position, which led to many of Crassus’ clients dispersing between Pompey and Caesar.<sup>42</sup> As a result, power was now divided between the hands of Rome’s two most influential men, and a power struggle was now inevitable. Lucan’s 1st century C.E. poem *Civil War* is a perfect epitome of this:

Their rivalry in valor gave them motives: Magnus, you fear your former triumphs might be dimmed by novel exploits, that your laurels for the pirates might give way before conquered Gauls. And you are being roused by skill, your series of spoils, and a fortune that cannot stand to be second place. Caesar could bear none better, Pompey no equal.<sup>43</sup>

As Lucan suggests, Pompey had enjoyed unprecedented fame and prestige thanks to his conquest of Asia and eradication of the Cilician pirates, but

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<sup>38</sup>Suetonius, *The Twelve Caesars*, trans. Robert Graves (New York: Penguin, 1957), 10.

<sup>39</sup>Plutarch, *Roman Republic*, 266–267.

<sup>40</sup>Goldsworthy, *Colossus*, 260.

<sup>41</sup>Christian Meier, *Caesar: A Biography*, trans. David McLintock (New York: BasicBooks, 1995), 294.

<sup>42</sup>Goldsworthy, *Colossus*, 361.

<sup>43</sup>Lucan, *Civil War*, trans. Matthew Fox (New York: Penguin, 2012), 7.



Caesar's own rise to prominence through the Gallic Wars now overshadowed and challenged Pompey's influence.<sup>44</sup> While Pompey and Crassus governed Rome, Caesar was off campaigning in Gaul (modern day France). As a result of his military success, the Gallic campaigns brought Caesar immense popularity, wealth, and power.<sup>45</sup> Caesar was now on par or even superior to Pompey himself, undoubtedly making Pompey jealous. Pompey craved prestige and superiority above all else, and his envy fractured the already fragile alliance. Pompey's willingness to sour relations for the sake of political power could be best exemplified when he stole credit from Crassus for defeating Spartacus, and consequently, left Crassus to be rewarded a mere ovation rather than triumph.<sup>46</sup> Rome had no room for two ambitious politicians.

### **Pompey's Drift to the *Optimates***

Pompey's growing allegiance towards the *optimates* further widened the political rift between the delicate alliance. Ever since the Gracchi brothers, political and state-sponsored violence had become a problematic norm, and in the 50s B.C.E., the greatest agitator of this institutional violence was Clodius Pulcher. Clodius was a plebeian tribune who had learned the effectiveness of political violence and had orchestrated mob gangs to rule Roman politics.<sup>47</sup> While a populist, he presented a direct threat to the triumvirate, going as far as to attempt an assassination on Pompey and question the validity of Caesar's legislation as consul.<sup>48</sup> In response, Pompey supported his rival, Titus Milo, who formed his own gangs.<sup>49</sup> Though weapons were forbidden in the city of Rome, both sides secretly armed themselves with swords and even employed gladiators.<sup>50</sup> And for the next five years, the two tribunes and their followers clashed and filled the streets of Rome with blood and terror. Rome's situation was made worse when it was unveiled that the elections were fraught with bribery.<sup>51</sup> Eventually, the rivalry between Clodius and Milo culminated in the former's death, which

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<sup>44</sup>Plutarch, *Roman Republic*, 215.

<sup>45</sup>Goldsworthy, *Colossus*, 358.

<sup>46</sup>Plutarch, *Roman Republic*, 124–125.

<sup>47</sup>W. Jeffrey Tatum, *The Patrician Tribune: Publius Clodius Pulcher*, (Chapel Hill: The University of North Carolina Press), 149.

<sup>48</sup>Goldsworthy, *Colossus*, 258.

<sup>49</sup>Goldsworthy, 259.

<sup>50</sup>Tatum, *Patrician Tribune*, 143.

<sup>51</sup>Goldsworthy, *Colossus*, 346.

only increased chaos in the city. In response to his death, Clodius' supporters rioted and brought his body to the senate house to be burnt on a pyre, which destroyed the senate house itself.<sup>52</sup> Rome was in crisis.

In desperation, the senate turned to Pompey, and passed the *senatus consultum ultimum* in 52 B.C.E., which appointed Pompey as sole consul and gave him extraordinary powers.<sup>53</sup> Pompey then marched legions into the streets of Rome, held trials under armed guards, and condemned the leaders of the chaos (Milo included). This was unprecedented but effective, and order was restored. As a reward, the senate gave Pompey an extended governorship of Spain with powers similar to those that Caesar held in Gaul.<sup>54</sup> Pompey's success in quelling the disorder had brought him the adoration of the *optimates*, and he had no intention of giving it up, so left his deputies to govern Spain while he remained in Rome.<sup>55</sup>

Pompey's drift towards the *optimates* naturally made him less politically dependent on Caesar. While Pompey had previously fallen out of favor with Rome's aristocracy by hoarding all the glory for himself, and then again by divorcing his aristocratic wife, the calamities in 52 B.C.E. presented the *optimates* no other option than to support Pompey. Pompey's marriage to Metellus Scipio's daughter further consolidated the alliance, and the fact that Pompey had initiated the marriage with Scipio's daughter himself clearly exemplifies his desire to join the aristocracy and leave behind Caesar's political allyship.<sup>56</sup> Meanwhile, Pompey had previously rejected a marriage proposal to Caesar's great niece, indicating that their alliance was uneasy.<sup>57</sup>

## The Political Stalemate Between the *Populares* and *Optimates*

By the end of his Gallic War in 50 B.C.E., Caesar had amassed 12 seasoned legions and had conquered all of Gaul (modern day France). The main issue at hand now was how Caesar, who had accumulated so much power and wealth,

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<sup>52</sup>Tatum, *Patrician Tribune*, 245.

<sup>53</sup>Meier, *Caesar*, 299.

<sup>54</sup>Cassius Dio, *Roman History, Volume III: Books 36–40*, trans. Earnest Cary (Cambridge: Harvard University Press, 1914), 473.

<sup>55</sup>Beard, *SPQR*, 285.

<sup>56</sup>Goldsworthy, *Colossus*, 349.

<sup>57</sup>Gruen, *Last Generation*, 452–453.

was to be re-integrated into Roman politics.<sup>58</sup> One aristocrat made his answer clear. Consul Claudius Marcellus, who resented Caesar's political monopoly, berated Caesar and argued that since his conquest of Gaul was over, he should be recalled, and his armies disbanded. By referring to Pompey's law in 52 B.C.E., Marcellus further declared that Caesar's privilege to stand for election *in absentia* was no longer justified and consequently be terminated.<sup>59</sup> While Marcellus' actions had no immediate effect, they would instigate a series of political attacks against both dynasts. On the other hand, Pompey was stuck in a perilous situation. His alliance with Caesar had brought him what he desired, but he also wanted to gain the respect and adoration of the *optimates*.

The center of attention was now on the termination of Caesar's provincial governance. Since the law extending Caesar's governorship in 55 B.C.E. was incredibly vague and never actually specified a deadline, the *populares* and *optimates* interpreted it differently: to the *optimates*, this date was 50 B.C.E., while for the *populares*, this was 49 B.C.E.; and naturally, the *optimates* demanded that the populist Caesar resign.<sup>60</sup> In the middle of this political clash, Pompey tried to appease both sides through compromise as he still wanted to retain his political relationship with Caesar even as he increasingly catered to the *optimates*, but the circumstances that followed would make a neutral position impossible.

In the end, the *populares* and *optimates* would tear the dynasts apart. In 50 B.C.E., despite opposition from both the Pompeians and Caesarians, Curio was successfully elected to the tribunate.<sup>61</sup> Even up to his election, Curio had politically attacked both Pompey and Caesar; Caelius, a contemporary politician of the period, expected the newly elected Curio to "remove some of Caesar's authority while offering a paltry sop to Pompey."<sup>62</sup> Yet within only three months of his tribuneship, Curio ceased to attack Caesar and now began instead to act on his behalf. Tensions heightened when Curio began to "[advocate] Caesarian interests while assaulting Pompey."<sup>63</sup> This, of course, damaged the already splintering relations between Pompey and Caesar. Like Clodius, Curio could not be controlled, and yet Caesar had to rely on him since he could not leave his province.

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<sup>58</sup> Beard, *SPQR*, 285.

<sup>59</sup> Suetonius, *Twelve Caesars*, 13.

<sup>60</sup> Goldsworthy, *Colossus*, 364.

<sup>61</sup> Gruen, *Last Generation*, 471.

<sup>62</sup> Gruen, 466.

<sup>63</sup> Gruen, 479.

With his governorship soon to expire, Caesar surprisingly decided not to run for the consulship in 50 B.C.E.<sup>64</sup> But this choice also meant that Caesar's term, according to the *optimates*, would expire before he could run for the consulship the following year: 49 B.C.E. Consequently, Caesar would be stripped of his *imperium*, deprived of a triumph, and lastly, precious time in reorganizing Gaul into a Roman province. In light of this affront, Caesar faced total political extinction. If he wanted to maintain his *dignitas* and *auctoritas*, Caesar could not yield to the *optimates'* demands; only Pompey could decide Caesar's fate.

As a concession that would allow Pompey to maintain his relationship with the *optimates* while also undermining their agenda, he offered a seven-month long extension to Caesar's governorship.<sup>65</sup> However, Curio despite being an ostensible advocate for Caesar could not let this slide or face a dissolution of his plans. He was, as Gruen states, "determined to establish his own political base on the wreckage of [Caesar and Pompey]."<sup>66</sup> Curio believed that if he could force the two most powerful men in Rome into conflict, he could rise to prominence in the resulting power vacuum, and so he promptly vetoed Pompey's proposal and exacerbated tensions by espousing that Caesar would defend his veto with force.

When Caesar's term expired in the interpretation of the *optimates* (November 50 B.C.E.), Caesar maintained his post in accordance with the law, which infuriated the *optimates*. Yet since Caesar aspired to further political endeavors, he had no choice but to resist the *optimates'* demands. Pompey's hands too were tied. He had already offered concessions to Caesar against pressures from the *optimates*, but if he wanted to maintain his cherished relations with the aristocracy, he could not offer any more exceptions.<sup>67</sup> Pompey became further impatient with and suspicious of Caesar when the distant leader requested further honors, perceiving it as an attack on his own position.<sup>68</sup> His loyalties were splintering, and it was inevitable that he had to choose a side.

The final nail in the coffin came when Curio advocated that *both* men resign from their command which received overwhelming senatorial support: 370 senators in favor to 22 against.<sup>69</sup> But Pompey would not back down. While Caesar's term was nearing expiration, Pompey still had many years left in his

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<sup>64</sup>Gruen, 477.

<sup>65</sup>Gruen, 480.

<sup>66</sup>Gruen, 480.

<sup>67</sup>Gruen, 471.

<sup>68</sup>Gruen, 479.

<sup>69</sup>Beard, *SPQR*, 285.

command. Although designed to appear as a dual attack, this vote was effectively a sole and targeted attack on Pompey's position, and if he conceded now, his resignation would disparage his *dignitas* and influence with the *optimates*. Yet, even in the end, Pompey was willing for Caesar to return to Rome with honor and glory.<sup>70</sup> Pompey knew that the *optimates* had only sided with him to counter Caesar, so his presence could be leveraged to his benefit. But Caesar's tribunes foundered the idea. When Curio retired, Mark Antony took his stead and delivered a fierce tirade against Pompey, condemning his entire career and openly issuing threats of war.<sup>71</sup> The situation further deteriorated when senatorial meetings were being deadlocked with the tribune's veto, creating a political stalemate.

### **Crossing The Rubicon: Point of No Return**

Yet even in this perilous time, peace would have been possible if not for the *optimates'* unyielding opposition. In the summer of 50 B.C.E., the senate requested that each dynast provide a legion to bolster Rome's forces in the East.<sup>72</sup> While Caesar willfully obliged, Pompey decided to recall the legion that he had loaned to Caesar in 54 BCE.<sup>73</sup> This effectively meant that Caesar lost not one, but two legions. To Caesar, the affair seemed even more suspicious when his two legions marched back to Italy, and simply remained there ineffective, with no one making the effort to send them overseas.<sup>74</sup> Caesar knew that the *optimates* were trying to diminish his military might and political influence, but he continued to hope that this concession would satisfy the *optimates* and the senate. It did not, and Caesar was now left with only ten understrength legions, approximately 30,000 men.<sup>75</sup> Moreover, as tensions increased, Caesar even offered to give up two of his three provinces and nine out of his ten legions, as long as he was allowed to retain his privilege to stand for the consulship *in absentia*.<sup>76</sup> This was a good deal for the senate, who had been desperately trying to limit Caesar's power for nearly a decade. However, even after offering

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<sup>70</sup>Goldsworthy, *Colossus*, 370.

<sup>71</sup>Gruen, *Last Generation*, 488.

<sup>72</sup>Anthony Everitt, *Cicero: The Life and Times of Rome's Greatest Politician* (New York: Random House, 2003), 203.

<sup>73</sup>Everitt, *Cicero*, 203.

<sup>74</sup>Goldsworthy, *Colossus*, 368.

<sup>75</sup>Goldsworthy, 372.

<sup>76</sup>Meier, *Caesar*, 345.

to keep just one legion, *optimates* like Cato and Scipio continued to refuse, unwilling to accept any proposal that would allow Caesar a potential pathway to the consulship.<sup>77</sup> Peace was possible, but a small minority in the senate forced war instead.

Further rumors and misinformation by the *optimates* only exacerbated the situation. In October of 50 B.C.E., a narrative rapidly circulated that Caesar had converged four legions in Cisalpine Gaul, which was perceived as Caesar preparing for war. In reality, Caesar had only one legion in the province that was patrolling the border areas from raiding. In early December, another report came to Rome claiming that Caesar had already invaded Italy.<sup>78</sup> While the story was false, the consul Marcellus urged the senate to act but was brushed off. In desperation and panic, he went to Pompey, presented him with a sword, and called on him to protect the Republic. Pompey then assumed the command of the two legions that Caesar had given up and instructed to raise more legions.<sup>79</sup> Of course, none of this was legal, since the senate had not granted Pompey permission to do so, but the Roman Constitution had been forsaken and previous rules were now obsolete. In early January of 49 B.C.E., Metellus Scipio proposed a motion commanding that Caesar must lay down his command or be considered an enemy of the state.<sup>80</sup> The senate passed the motion, but it was promptly vetoed by Caesar's tribunes.<sup>81</sup> With tensions at a precipice, Lucius Calpurnius Piso, Caesar's father-in-law, offered to travel to Cisalpine Gaul with a praetor (Rome's second highest magistracy) to directly consult with Caesar; yet once again the *optimates* refused the proposal for peace making.<sup>82</sup>

Caesar was simply too powerful: even after its slow depletion, his army was too large to be confronted head-on, and his popularity was too great for him to be defeated in an election. With partisan gridlock paralyzing the government and political strife going no-where, the senate passed the *senatus consultum ultimum*, calling upon all magistrates to ensure the safety of the republic and declaring Caesar an enemy of the state. The senate had forced Caesar into a crossroads: surrender with disgrace or civil war. With no other choice, Caesar crossed the Rubicon and marched on Rome.

For the next three months, Caesar blitzed through Italy, capturing a multi-

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<sup>77</sup>Goldsworthy, *Colossus*, 376.

<sup>78</sup>Goldsworthy, 374.

<sup>79</sup>Goldsworthy, 374.

<sup>80</sup>Meier, *Caesar*, 341.

<sup>81</sup>Goldsworthy, *Colossus*, 375.

<sup>82</sup>Goldsworthy, 376.

tude of towns who surrendered without a fight, many championing the Caesarian cause. Always the populist, Caesar adopted a policy of clemency that shocked everyone: he forgave and released his enemies. Many expected Caesar to behave like Sulla or Marius and retaliate against the city populace.<sup>83</sup> Instead, Caesar kept his army under tight discipline and pardoned his opponents, which became a central part of his propaganda campaign. The longer the senate resisted, the more justified Caesar's grievances became in the eyes of the Roman people.

After many months of cat and mouse in Europe, Asia, and Africa, Caesar finally defeated Pompey's colossal army at Pharsalus, as well as the last two remaining Pompeian armies at Thapsus and Munda. With the support of the people, Caesar assumed the authority of the republic and crowned himself dictator in perpetuity, paving the way for the Roman Empire and ushering in over half-a-millennium of imperial autocracy.

## The Prosecution Theory: Why Did Caesar Cross the Rubicon?

Although most historians agree that Caesar was forced to march on Rome, not all historians agree on *why* Caesar maintained his right to stand for the consulship *in absentia*. Being the foremost root of the Roman Civil War, Caesar's decision must be carefully examined. The prevailing narrative for the last 2,000 years was that Caesar needed his *imperium* to maintain his legal immunity, and in doing so, could avoid criminal prosecution by the *optimates*. Caesar was vying for the consulship once his governorship expired, but candidates had to be inside the *pomerium* (a religious boundary surrounding a section of Rome). Yet crossing the *pomerium* meant waiving his *imperium*, which exposed him to prosecution. To bypass this, Caesar had requested to stand for the consulship *in absentia* which was passed by the plebeian assembly. This would allow Caesar to step directly from his governorship to the consulship while maintaining *imperium*, and therefore immunity from prosecution. However, the *optimates* had stripped him of this privilege, which accordingly forced him to march on Rome. The theory has merit. The basis of this view comes from Suetonius in his 2nd century C.E. biography *Divus Julius*: if Caesar returned to Rome, he would have to "plead his case like Milo in a court ringed around with armed men."<sup>84</sup>

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<sup>83</sup>Goldsworthy, 390.

<sup>84</sup>Suetonius, *Twelve Caesars*, 15.

Suetonius even cites Asinius Pollio, a partisan of Caesar, who writes, ““They brought it on themselves. They would have condemned me regardless of all my victories—me, Gaius Caesar—had I not appealed to my army for help.””<sup>85</sup> If Suetonius and Pollio are to be taken at face value, then Caesar was forced to march against the senate to save himself from a conviction in the Roman courts. British historian Adrian Goldsworthy dogmatically agrees with this theory and suggests that “Caesar could easily have suffered [condemnation in the courts], but at the very least would have been politically damaged, when any hint of vulnerability would attract further prosecutions.”<sup>86</sup> Goldsworthy believes that just being on trial would have dented Caesar’s *dignitas* and *auctoritas*. Classics Professor Fritz Heichelheim goes even further and claims that Caesar would have been executed if he resigned his command.<sup>87</sup> For many classicists studying Caesar, the histories teach this narrative as a dogmatic fact. Yet was this true or even likely?

The short answer is no. While it is undeniable—he himself confirmed this in his commentaries—that Caesar had to march on Rome to protect his *dignitas* and political career, he was not actually exposed to prosecution or execution as many historians make it out to be. Simply referring to Asinius Pollio does not confirm this case. Moreover, the literal interpretation of ancient sources makes the validity of this theory wary at best. Most strikingly, the only two contemporary sources of the era, Caesar’s *Bellum Civile* (Commentaries on the Civil War) and Cicero’s *Epistulae ad Atticum* (Letters to Atticus), are silent on the matter.<sup>88</sup> If it is presumed real that Caesar—according to Asinius Pollio—justified marching on Rome to avoid prosecution, then why did he not mention this in his writing? The commentaries are the same place where Caesar voiced his other woes and misfortunes, yet there is no mention of the threat of prosecution. On the other hand, Cicero’s correspondence hints nothing of a prospective trial, let alone the possibility of a conviction.<sup>89</sup> Cicero’s silence is even more telling. In his letter to his friend Atticus written on the 27th of December, 50 B.C.E.—just two weeks before disaster, Cicero arduously lays out all the possible resolutions to the ongoing conflict between Caesar and the *optimates*. Yet *nowhere* in his thorough analysis does he mention the possibility of a prosecution and fully assumes that Caesar would become consul if he did

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<sup>85</sup>Suetonius, 15.

<sup>86</sup>Goldsworthy, *Colossus*, 371.

<sup>87</sup>Fritz M. Heichelheim et al., *A History of the Roman People*, (Englewood Cliffs: Prentice Hall, 1962), 227.

<sup>88</sup>Robert Morstein-Marx, “Caesar’s Alleged Fear of Prosecution and His ‘Ratio Absentis’ in the Approach to the Civil War,” *Historia: Zeitschrift Für Alte Geschichte* 56, no. 2 (2007): 164.

<sup>89</sup>Gruen, *Last Generation*, 495.



not lay down his command.

(1) Caesar's candidature may be admitted while he still retains his province and army either by favor of the Senate or of the Tribunes. (2) Caesar may be persuaded to hand over his province and army and so become Consul. (3) If he be not so persuaded, elections may be held without admission of his candidature, he not obstructing and meanwhile retaining his province. (4) Should he obstruct this by means of the Tribunes but not resort to violence, there will be an interregnum. (5) If he brings up his army before his candidature is not accepted we must fight him. Now he may begin military operations (a) at once, before we are properly ready, or (b) at the elections, when his friends demand that his candidature be admitted according to the law and the demand is rejected. Further he may resort to arms either (a) on the single pretext of the rejection of his candidature or (b) on some additional pre-text, if it should happen that a Tribune obstructing the Senate or stirring up the people and being censured or curtailed in his functions by senatorial decree or removed from office or expelled or claiming to have been expelled should take refuge with him.<sup>90</sup>

If Caesar was indeed vulnerable to prosecution, why did Cicero not mention this? The prosecution theory argues that once Caesar relinquished his command, he would have been prosecuted by the *optimates*. Yet, Cicero writes that Caesar would have directly stepped into the consulship—likely due to his popularity with the people—if persuaded to lay down his command. This, of course, goes against the prosecution theory. Furthermore, the *only* device Cicero anticipated being used to block Caesar from becoming consul was through force: “we must fight him or allow his candidacy in accordance with the law.” If preventing Caesar's candidacy through trial was truly a viable prospect, then it would have been mentioned in Cicero's “complex strategic discussion.”<sup>91</sup> Yet, it is nowhere to be found. Cicero was well connected with the *optimates*, so even if a plan existed to prosecute Caesar, then Cicero would have known about it. Even when Cato proclaimed—and took an oath too—that he would personally prosecute Caesar on his return, Cicero decided to forgo this information.<sup>92</sup>

Further assessment of Cato's denunciations against Caesar reveal that his proclamations were mere rhetoric rather than tangible plans of political annihilation. His most notorious call for Caesar to be handed over to the Germans for an alleged treaty violation in 55 B.C.E. serves as a perfect example of this.

<sup>90</sup>Marcus T. Cicero, *Letters to Atticus, Volume II*, trans. D. R. Shackleton Bailey (Cambridge: Harvard University Press, 1999), 221–223

<sup>91</sup>Morstein-Marx, “Caesar's Alleged Fear,” 165.

<sup>92</sup>Suetonius, *Twelve Caesars*, 15.

He even went as far to say that Caesar was a greater threat to Rome than the Germans themselves.<sup>93</sup> Obviously, as Plutarch presumes, “nothing was done” and the issue never resurfaces again.<sup>94</sup> Even if Cato wanted to prosecute Caesar, there was no viable way to do so as noted by Plutarch: “Cato could accomplish nothing, since the people wished all along that Caesar should have the chief power; and although Cato had the senate under his influence, it was afraid of the people.”<sup>95</sup> As the most popular man in Rome because of his populist legislation and conquest of Rome’s greatest threat (Gaul), the senate could not prosecute Caesar in fear of inciting a plebeian mutiny. Cato must have known this—which is why he never made an effort to pursue his declarations—and is why his remarks can be regarded as purely rhetorical and futile.

Even if the *optimates* tried to prosecute Caesar, achieving a conviction would have been slim to impossible. As Adrian Goldsworthy explains in his biography on Caesar, the innocence or guilt of a person rarely determined the outcome of a trial—with many former governors, accused and guilty of corruption, evading punishment;<sup>96</sup> Caesar could have easily done the same. Through the plunder of his Gallic conquests, Caesar funded public spectacles—such as gladiatorial games—that captivated all classes of Roman society.<sup>97</sup> United with his unrivaled popularity, it is hard to believe that anyone would even attempt to convict Caesar.

If the *optimates* controlled the court, Caesar could rely on jury intimidation and bribery to elude conviction. Clodius Pulcher, who was put on trial for sacrilege after a religious scandal, did just this despite his obvious guilt and evaded punishment after he and his allies launched a hail of threats and bribes at the jury.<sup>98</sup> Why could Caesar not do the same? Even in a situation where the *optimates* successfully prosecuted Caesar—an incredibly unlikely to even impossible situation, Caesar could repeal his conviction just like Cicero had done in 57 B.C.E., and then go on to win the consulship. As professor Erich S. Gruen notes, “far lesser men than Caesar had eluded condemnation in the past.”<sup>99</sup> Through his tribunes, he could have enacted legislation to recall himself, which would have undeniably passed given his immense popularity

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<sup>93</sup>Plutarch, *Lives, Volume VIII: Sertorius and Eumenes. Phocion and Cato the Younger.*, trans. Bernadotte Perrin (Cambridge: Harvard University Press, 1919), 359.

<sup>94</sup>Morstein-Marx, “Caesar’s Alleged Fear,” 161.

<sup>95</sup>Plutarch, *Lives*, 361.

<sup>96</sup>Goldsworthy, *Colossus*, 371.

<sup>97</sup>Goldsworthy, 345.

<sup>98</sup>Goldsworthy, 148.

<sup>99</sup>Gruen, *Last Generation*, 495.

with the people.<sup>100</sup> Taking that into consideration, some scholars, including Fritz Heichelheim and Alan Massie, even believed that Caesar faced imminent death if he returned to Rome, since it was the only way to prevent Caesar from escaping with impunity.<sup>101</sup> Yet, if this was in fact true, then in no way could Cato or the *optimates* expect Caesar to give up his command.

Like Suetonius, many historians such as British historian Tom Holland believe that the trial of Milo served as precedent for Caesar's conviction, yet this was definitely not the case. As the killer of Clodius, a champion of the people, Milo was extremely detested. Popular pressure for his conviction had been intense, and the armed guards that lined his trial were not to force a conviction, but to ensure that the violent popular pressure to convict him did not intimidate the jury. On the other hand, Caesar was a popular war hero and the crowds in the Forum could be expected to zealously pressure for an acquittal.<sup>102</sup> This criterion therefore gives no reason to believe that a court surrounded with soldiers could have imposed a wildly unpopular verdict upon Caesar.

Furthermore, prosecuting Caesar would have put Pompey's own interests at stake. Pompey had allied with Caesar solely for him to pass through his legislation such as the settlement of his veterans—which the *optimates* had fiercely opposed. Yet a conviction rendered all of Caesar's law during his consulship invalid, and therefore went against Pompey's own agenda.<sup>103</sup> Even more striking, the *optimates* did not even attempt to repeal Caesar's laws as consul, likely due to their fear of retribution from the people. Therefore, the belief that the *optimates* were genuinely willing to prosecute Caesar, which would have brought even greater uproar from the crowd, is unsubstantiated and fallacious.

Many details further prove that Caesar was, indeed, not vulnerable to prosecution. First, if Caesar's *ratio absentis* was to protect him from prosecution, why is this threat never mentioned in and before the year 52 B.C.E.? Moreover, Cato did not filibuster his request to stand *in absentia* like in 60 B.C.E., which further reinforces the fact that he did not have plans for prosecution if Caesar was still in a position to maintain his *imperium*. Weeks into the war, Caesar even offered to surrender his *ratio absentis* if Pompey accepted peace terms.<sup>104</sup> This

<sup>100</sup>G. R. Stanton, "Cross the Rubicon?," 89. <http://www.jstor.org/stable/4436678>.

<sup>101</sup>Stanton, "Cross the Rubicon?," 87.

<sup>102</sup>Morstein-Marx, "Caesar's Alleged Fear," 162.

<sup>103</sup>Morstein-Marx, 161.

<sup>104</sup>Gaius J. Caesar, *The Civil War*, trans. Jane F. Gardner (New York: Penguin, 1967), 40.

would supposedly put him at odds with the prosecution theory, since he would then be prosecuted. Plus, even when Caesar did march on Rome, he never actually crossed the *pomerium*. By ordering the senate to meet outside of the religious boundary, Caesar easily bypassed this obstruction.<sup>105</sup> Furthermore, all of Caesar's enemies had already fled with Pompey to Greece, and no one dared to chastise him while at the head of a vast army. Yet he still did not cross the *pomerium*. This indicates that Caesar, in fact, wanted his *ratio absentis* to celebrate his triumph. While crossing the *pomerium* may have had no real change to Caesar's power, it had a symbolic one. Religion was the central pillar of Roman society and if Caesar were to symbolically lose his command (since crossing the *pomerium* automatically deprived a magistrate's *imperium*), then it could have had massive ramifications and render his triumph invalid and his actions illegal in the eyes of the Roman people (since he no longer held *imperium*). This would have undoubtedly dented his *auctoritas* and *dignitas* with the Roman people. But if Caesar did not maintain his *ratio absentis* to avoid prosecution, then why did he need it?

Rather than the fallacy that Caesar needed his *ratio absentis* to avoid prosecution, he instead needed it to secure a triumph and the consulship. While Pompey had triumphed on three separate occasions, Caesar had yet to celebrate one, which hampered his political reputation. While praetor in 60 B.C.E., Caesar had earned a right to the triumph after a successful campaign against the Spanish natives, and since he was also vying for the consulship, he requested to stand *in absentia*.<sup>106</sup> Yet this was filibustered by none other than Cato, which forced Caesar to relinquish Rome's greatest military honor for the consulship instead.<sup>107</sup> This extreme disappointment demonstrates why Caesar placed enormous emphasis on maintaining his *ratio absentis*, which ensured a triumph and a circumvention from the painful dilemma of 60 B.C.E.

Caesar also wanted to follow his famous uncle's footsteps, Gaius Marius, who was elected consul *in absentia* in 101 B.C.E. after decisively defeating the Germans at the Battle of Aquae Sextiae. Given Caesar's efforts in his early career to stress the connection with his famous relative, whose powerful union of military prowess and populist politics served as a paragon for his own political career, there is every reason to believe that the Marian precedent was important

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<sup>105</sup> Cassius Dio, *Roman History, Volume IV: Books 41–45*, trans. Earnest Cary (Cambridge: Harvard University Press, 1916), 29–30. Dio emphasizes heavily that Caesar was *outside* of the *pomerium* so that he could convene with both the senate and the people of Rome.

<sup>106</sup> Plutarch, *Roman Republic*, 265–266.

<sup>107</sup> Plutarch, *Roman Republic*, 266.

to him.<sup>108</sup> Additionally, Caesar would also be following the steps of his former triumvir, Pompey, who ran for the consulship and triumphed *in absentia* in 71 B.C.E. Caesar may also have wanted his *ratio absentis* so that he could arrange his Gallic triumph independently of his consular candidacy, which presented the attractive possibility of following in the footsteps of Marius—not to mention Caesar's rival Pompey—by enjoying the unparalleled honor of a triumphal entry into the consulship.<sup>109</sup>

In addition, Caesar needed more time to organize his newly conquered territories, and his ability to stand for the consulship in *absentia* gave him just that. There is every reason to believe that this was one of Caesar's principle reasons for marching on Rome; in his own words, he “was being robbed of six months of [his] command and dragged back to Rome.”<sup>110</sup> This is the most probable reason for why Caesar postponed his candidacy from 50 to 49 B.C.E.<sup>111</sup> Pompey too, in the aftermath of his conquests of Asia minor, requested the privilege to stand for the consulship in *absentia*, and there is every reason to believe that Caesar cherished this advantage. If Caesar completed a successful provincial organization, it would stand as a lasting monument to his legacy.<sup>112</sup> Yet with the senatorial blockade, achieving this would be impossible. In other words, the *optimates* had just stolen not one, but two of the greatest honors a Roman could achieve: the Roman triumph and organizing a province. This was a grave affront to Caesar's *dignitas*, and considering that protecting his *dignitas* was his principal reason for marching on Rome, it is obvious why this was one of his core reasons for leading his legions across the Rubicon.

While not vulnerable to prosecution, Caesar was prone to political extinction and humiliation if he surrendered to the *optimates*. As shown previously in Cicero's *Letters to Atticus*, Caesar's *ratio absentis* was, in fact, legal. It is true, as Caesar notes in his *Bellum Civile*, the senate had ignored “the will of the people.”<sup>113</sup> Like Sulla in 88 B.C.E., if Caesar conceded to the aristocracy's repeal of his privilege to stand *in absentia*, then more concessions would follow, and he would eventually find himself reduced to nothing. Furthermore, Roman *virtus* dictated that Caesar could not back down. Roman aristocrats were indoctrinated from childhood that to “give in even in the face of defeat” meant certain

<sup>108</sup>Morstein-Marx, “Caesar's Alleged Fear,” 168.

<sup>109</sup>Morstein-Marx, 169.

<sup>110</sup>Caesar, *Civil War*, 40.

<sup>111</sup>Gruen, *Last Generation*, 477.

<sup>112</sup>Gruen, 477.

<sup>113</sup>Caesar, *Civil War*, 40.

disgrace.<sup>114</sup> In foreign wars, this extreme attitude had served the republic well, shocking both Pyrrhus (a Greek general who invaded Rome in 280 B.C.E.) and Hannibal (a notorious Carthaginian general who marched across the Alps and invaded Rome in 218 B.C.E.), neither understanding why the Romans would not yield in the face of defeat. But in the age of civil wars, this ensured that these internal conflicts were waged with the utmost ruthlessness.<sup>115</sup> Once a struggle began, both sides knew that they must win or die. As a result, many generals in the last century of the Roman Republic fought to the end—and to the death. Caesar was no different.

Not only did Caesar march against the senate to preserve his Gallic command, but he also marched because it was strategically prudent to do so in January 49 B.C.E. Even though his legions had been reduced in recent times, Caesar still had crushing military superiority: five veteran legions across the Alps compared to Pompey's twenty-two raw cohorts (two legions) in Italy.<sup>116</sup> The more time Caesar spent idling, the more legions Pompey would procure; he had to march now. Moreover, Caesar's vicinity and the winter weather compromised Pompey's communications network. Since Caesar controlled the land routes to Spain and the sailing season began only in spring (early May by the Roman Republican calendar), no messages could be relayed between Pompey and his legates, which as a result, impaired Pompey's military capacity and left his best legions leaderless.<sup>117</sup> Caesar, seizing the opportunity, implemented the *divide et impera* (divide and conquer) stratagem and even joked that he was going to fight "an army without a general" in Spain and then "a general without an army" in Greece.<sup>118</sup>

Pollio's testimony, or more rather Suetonius' dubious account, if presumed genuine, should, therefore be interpreted as a *casus belli*—or rather a justification for war. The prosecution theory rose as the dominant thesis for Caesar's march on Rome because it suited the agenda of both the *populares* and the *optimates*: for those who favored Caesar, they believed he had no choice but to appeal to his army in the face of a rigged tribunal; for his critics, Caesar started a civil war to escape accountability for his crimes in a court of law.<sup>119</sup> By the end of the civil war, Caesar had killed roughly 50,000 Romans in the field of

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<sup>114</sup>Goldsworthy, *Colossus*, 515.

<sup>115</sup>Goldsworthy, 515.

<sup>116</sup>C. T. H. R. Ehrhardt, "Crossing the Rubicon," *Antichthon* 29 (1995): 40.

<sup>117</sup>Ehrhardt, "Rubicon", 40.

<sup>118</sup>Goldsworthy, *Colossus*, 392.

<sup>119</sup>Morstein-Marx, "Caesar's Alleged Fear," 159.

battle, and as a result, Caesar desperately needed a justification for waging war against fellow Romans; the prosecution theory provided just the whitewash. As professor Gruen notes, “such a statement—whether or not Caesar ever made it—was an obvious apologia for the massacre at Pharsalus.”<sup>120</sup> 6,000 Romans died at the Battle of Pharsalus—a colossal death toll for the time—and it is quite accepted that Caesar needed a justification for this bloodshed. Given that Pollio wrote this testament after 35 B.C.E., it is also possible that the supposed statement Caesar made, as Pollio notes, was actually “later embellishment or invention.”<sup>121</sup> This is quite plausible. It is hard to imagine that Pollio would have recalled Caesar’s exact statements from over at least a decade ago; possibly even longer: two decades perhaps. The prosecution theory thus makes the perfect defense for Caesar’s Civil War.

## Conclusion

This paper complements three larger historiographical trends, notably those that trace the fall of the Roman Republic, the origins of the Roman Civil War, and then lastly, Caesar’s motives for marching against the senate. However, this paper also significantly differs from others in the field. Many scholars just discuss which events took place as opposed to *why* said events took place. For instance, many papers and books pertaining to the republic’s demise typically record Tiberius’ tribuneship, Marius’ military reforms, and Sulla’s march on Rome and their impact on precipitating the end of the republic, yet they typically never analyze *why* they occurred. Rather, this paper does the inverse and thoroughly analyzes why certain decisions and events came to fruition. Most notable in this paper is the case on Caesar, which shows the exact reasons for his need of the *ratio absentis* and his decision to march on Rome, details that many historians either ignore or overlook completely.

Furthermore, many historians who write on the Roman Civil War, and more broadly the fall of the Roman Republic, tend to discuss the causes of the events in a separate fashion rather than link together how they relate. Scholars writing about the legacy of the Gracchi brothers, but also ignoring how this directly caused the extensive use of political violence in the 80s and 50s B.C.E. is a case in point. Instead, this paper investigates the far-reaching chain of events that

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<sup>120</sup>Gruen, *Last Generation*, 494.

<sup>121</sup>Ehrhardt, “Rubicon”, 33.

paved the foundations for the Roman Civil War as one continuous narrative, analyzing how the events in one period precipitated the events of the next.

Beginning in the 2nd century B.C.E., Rome experienced a period of moral decline that culminated in the destruction of the Roman Constitution. The events that took place from 134 to 88 B.C.E. are thus best viewed as manifestations of this belief; rather than actively serving the interests of Rome, nefarious figures like Tiberius, Marius, and Sulla used their positions of power to increase their own political standing, which set precedent for other aspiring aristocrats to use mob violence to pass legislation, achieve political success through military success, and if necessary, march on Rome to further one's agenda.

The further emergence of the First Triumvirate transferred the authority of the state from the senate to Pompey, Crassus, and Caesar. Consequently, with power tied in the hands of three individuals, the triumvirate's own destruction quickly ushered in an intense power struggle between Caesar and Pompey. Even when both men desired compromise, an unyielding stalemate between the *populares* and *optimates* ensured that no agreement was possible. The additional political tirades endured by both Pompey and Caesar and then rumors of Caesar's concentration of four legions in Italy, and thus the erosion of trust, only escalated the situation. The resulting outcome was a civil war in which less than 10% of the entire Roman Senate—400 senators at this specific point in history—participated in, revealing how only a small minority could destroy the state; an important lesson to remember even 2000 years later.

This paper also rejects the commonly supported notion of the prosecution theory, which argues that Caesar was forced to march against the *optimates* to avoid a criminal trial. While Caesar was indeed *forced* to march on Rome—the direct cause of the civil war—he was never prone to prosecution. Solely based on the dubious account of Suetonius, the evidence for the theory is thin at best. There was little incentive, if any at all, to prosecute Caesar, and the evidence against the belief is logical and conclusive. The only contemporary sources available are also silent on the matter. The prosecution theory should not, therefore, be regarded as the primary reason Caesar marched on Rome. Rather, Caesar maintained his *ratio absentis* to protect his political future. But just how a civil war could be justified to the Roman people on that basis merits further research.

Therein lies the value of the Roman Civil War's—and more broadly the fall of the Roman Republic's—legacy. This episode in Roman history serves as a chilling reminder that the robust defenses of the state will slowly erode if not regularly reinforced. This erosion is often as simple as a spike in wealth



inequality, which frustrates voters, and impels them to rally behind populist politicians like Tiberius Gracchus or Julius Caesar—a phenomenon that is *still* evident today. But when authority changes hands from the traditional institutions of the state to a handful of powerful politicians, the inevitable outcome is war, which tears the state apart and more often than not results in a military dictatorship. And as Sulla's and Caesar's civil wars reveal, this could be ignited by something as simple as a petty political dispute between two powerful men or factions. The Roman Republic's dramatic downfall therefore teaches us two important lessons: when citizens lose faith in their own institutions, those institutions become merely that—meaningless institutions, which enables personal interests to triumph over the common good; and secondly, tyranny triumphs—not by the will of one—but through the exploits of many.

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