

Biography of Titus Labienus, Caesar's Lieutenant in Gaul

by

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The primary interest that scholars have in the life of Titus Labienus concerns his reasons for leaving Caesar after his service in Gaul to Caesar during the near-decade of the fifties. In January 49 B.C.E., Labienus crossed to Caesar's enemies. Historians usually followed Dio Cassius (41.4.4) in attributing his departure to pride and frustrated ambition. Since the appearance in 1938 of Ronald Syme's "The Allegiance of T. Labienus" in the *Journal of Roman Studies*, scholars have generally accepted his view that Labienus thus made manifest an allegiance to Pompey that he had held from the outset. Syme's explanation has made Labienus the touchstone, as it were, upon whom rests the validity of prosopographical study of Roman politics. This assumption imparts to Labienus's departure a significance for modern scholars apart from the act itself. Syme bases his interpretation upon Labienus's birth in Cingulum in Picenum where Pompey's family had extensive estates and a large following and upon Labienus's cooperation with agents of Pompey during his tribunate in 63 B.C.E. This biography of Labienus assumes that personal and hereditary ties served, not dictated, Labienus's policies and concludes that other motives than those proposed by Syme caused Labienus to leave Caesar rather than go to Pompey.

History of This Biography

Biography of Titus Labienus, Caesar's Lieutenant in Gaul began as a doctoral thesis submitted to the faculty of the Department of Classics of the University of Washington in March, 1970. A revised Chapter Two of the dissertation has been published as "The Trial of C. Rabirius in 63 B.C." in *Latomus* for 1973, pages 285-300 and as "The Duumviri in the Trials of Horatius, Manlius and Rabirius" in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung* for 1974, pages 106-25 and expanded into *A Legal and Historical Commentary to Cicero's Oration pro Rabirio perduellionis reo*, published by Adolf M. Hakkert, Amsterdam, 1978. For the author's translation of the *Oratio pro Rabirio perduellionis reo*, see <http://www.perseus.tufts.edu>. Portions of Chapters Two and Four have appeared as "A Note on Labienus' Camp, Winter 54-53 B.C." in *The Classical World*, 1971: 214 and as "Labienus' Departure from Caesar in January 49 B.C." in *Historia, Zeitschrift für alte Geschichte*, 1972: 224-240. Some of the published material has been incorporated into this biography; other changes comprise stylistic revisions and editing. References to secondary works referred to by abbreviations may be found in the bibliography under the author's name. No bibliography after 1970 is cited. An appendix on aspects of Otto Matthies' dissertation, *Entstehungszeit und Abfassungsart von Caesars Bellum Gallicum*, Freie Universität, Berlin 1955, has been omitted.

According to *L'année philologique*, the bibliographic source for antiquity, little has been produced concerning Labienus' departure from Caesar since 1972. In 1989, Wylie Graham published, "Why did Labienus defect from Caesar in 49 B.C?,"contending, according to the summary by *L'année philologique*, that "Labienus's defection can be attributed in part to his harsh personality, but mostly to the ingratitude and lack of advancement opportunities that characterized Caesar's treatment of his legates in the 50s B.C." As *L'année philologique* does not identify the journal, abbreviated as *AHB*, in which Graham's article appeared, I have not seen his article, but "defect" of the title and "defection" of the summary imply Labienus the traitor.

I

Labienus's Career Before 63 B.C.E.

Overview: Knowledge about Labienus before 63 B.c.e. is derived from Cicero's *Oratio pro Rabirio perduellionis reo* (*Oration On Behalf of Rabirius, a Defendant in a Case of High Treason*). *Labienus was probably of equestrian rank from Cingulum in Picenum. He served under Publius Servilius Vatia, proconsul in Cilicia from 78 to 75. No connections can be made with Caesar who was with Servilius briefly in 78. Ties with Pompey, on the other hand, though unattested, are possible, even likely, especially since the patronage of the powerful patron of Picenum would have promoted his advancement in the army and in Rome.

Little is known about T. Labienus before 63 B.C.E., when he was tribune of the people.[1] His praetorship, probably in 60 or 59, places his birth in 99 or 98.[2] His family was of equestrian rank [3] from Cingulum in Picenum. Although direct evidence is lacking, Cicero's invective against Labienus makes his origin from Picenum very likely (*Rab. perd.* 22). The assumption that the Labieni were from Cingulum depends upon Caesar's remark that Labienus drafted the constitution for Cingulum and erected buildings there at his own expense (*BC* 1.15.2). Cingulum apparently was a *praefectura*, a common form in Picenum.[4] This meant that, although Cingulum belonged to the tribe Velina, and its inhabitants enjoyed full citizens' rights, it had little local government but was administered by prefects for dispensing legal decisions (*praefecti iure dicundo*) from Rome.[5] By the end of the Republic, the *praefecturae* had been incorporated into the Roman state as *municipia*, governed by their own elected magistrates.[6]

Since Caesar indicates that the transformation of Cingulum into a *municipium* was a recent event in 49, it was probably carried out in accord with the *lex Namilia Roscia Paeducia Alliena Fabia*. [7] This was a Caesarian measure, sponsored by a board of tribunes in 55 and intended mainly to supplement Caesar's agrarian laws of 59. [8] The extant portion of the law, however, shows that it contained provisions for drafting constitutions. [9] We may suppose that when Labienus' native town was incorporated, Caesar's chief lieutenant was among the commissioners appointed to oversee the change. His gifts to the town would then testify to his patronage as well as his wealth. [10] Hence Caesar's purpose in mentioning it: even Cingulum sent ambassadors to him and did not resist out of obligation to Labienus who was by this time with Caesar's enemies. Caesar continues:

Quaeque imperaverit se cupidissime facturos pollicentur. Milites imperat; mittunt;

Whatever Caesar ordered, [the commissioners] promised that they would do very eagerly. He orders soldiers: they send soldiers.

His satisfaction is ill-concealed. Additional support for Cingulum as Labienus' native town comes from the learned poet Silius Italicus who used the name Labienus for a soldier from Cingulum (*Pun.* 10.32-35).

Throughout Labienus's lifetime, Picenum was under the patronage of the *gens Pompeia*. Its large number of Roman citizens furnished the legions that were the basis of Cn. Pompeius

Strabos' influence during the Social War and that supported his son's rise to eminence following Sulla's return in 83 B.C.E.[11] Originally Strabo drew his Picene clients from among the tenants of his large estates, but his stunning success against the Allies filled Picenum with his veterans and made him the most powerful patron of the district.[12]

Pompeius Strabo's *clientelae* did not end with his death. When Sulla returned to Italy, Strabo's son, Cn. Pompeius or, in modern literature, Pompey, brought him an army recruited from his father's clients and veterans.[13] The devotion of the people of Picenum, evident in 60 B.C.E. in the fate of Carbo's agents, continued throughout most of Pompey's life.[14] The Picenes aided him in 56 against the mobs of Clodius and offered the prospect of a reliable army and hope of victory in early 49 B.C.E.[15]

Pompey's extensive clientage in Picenum must therefore be a factor in evaluating Labienus' career, especially in view of the events of January 49. For the period before 63, a link with Pompey is unattested but not unlikely, and advancement at Rome would be easiest through the important patron. A possible connection at this time, however, and the more clearly defined connections later, should not be taken as a key to Labienus' political activities. Such ties did not guarantee loyalty; Caesar's party in 49 included many former Pompeians, several from Picenum.[16] Whatever Labienus' reasons for leaving Caesar, his Picene origin was there to be exploited. It facilitated, not dictated, his purposes.

In 78 B.C.E., Labienus served under P. Servilius Vatia, who was sent as proconsul to suppress the pirates and to destroy their strongholds in Cilicia.[17] Piracy in the eastern Mediterranean, with the exception of M. Antonius' naval victories in 102–100 B.C.E., had prospered unchecked in the second century. Directly responsible for this freedom was Rome's weakening of the power of Rhodes in the Aegean until it could no longer protect the trade routes along the Cilician coast. Other factors were the decline of Egypt's and Rome's restrictions on Antiochus' ships east of Cape Sarpedonium. The need for slaves, supplied by pirates and purchased at the free port of Delos, contributed to Rome's reluctance to assume administrative responsibilities in the East. Civil war and the problems of Italian citizenship later intervened. Although the wars with Mithridates who had added the pirates to his fleet pointed to the danger from the pirates in a way that the Romans best understood, Sulla was too pressed by the need to return to Rome and Servilius' predecessor, Cn. Cornelius Dolabella, too intent on plunder, to make headway against them.[18]

Labienus may have taken part in the civil war between Marius and Sulla, perhaps as a *contubernalis* (member of a commander's staff). But even without that experience, his equestrian status would have qualified him for a military tribunate, the lowest level of officer. Since men of his station during the Republic generally did not serve in the ranks, we may assume that Labienus served in this capacity.[19]

Servilius' operations against the pirates were spent in winning the plain on the eastern shore of Lycia and the territory of Attalia in Pamphylia and in subduing Isauria, a wild and mountainous hinterland named from its two large towns, Old and New Isaura. Two prosperous Lycian cities of Olympus, Corycus and Phaselis, which had been in the hands of the pirate-king Zenicetes, were seized, plundered, and made part of the Roman dominion. Attalia was then annexed for its geographical position between Cilicia and the new territories.[20]

The second part of the campaign contributed little to the suppression of brigandage but gave Labienus experience in the logistics of a rough country, unsuited for wagons and

inhabited by tribes untouched by Hellenistic civilization. Instead of routing the pirates from their dens on the Cilician coast, Servilius turned northeast into Pisidia and reduced the towns of Isauria. For these victories he took the cognomen Isauricus and received a triumph. But his accomplishments, spectacular as they were, achieved nothing lasting toward quelling the menace at sea.[21]

There is no way of knowing what Labienus' duties were. They were assigned as the situation demanded and were not delegated permanently to any tribune. In battle, his responsibilities, despite the growing importance of the *legatus*, were probably not confined to commands of small detachments.[22] Outside of battle they included the maintenance of security and order in camp, supervision of the health, morale, and discipline of the troops, and interceding between them and the high command. But his duties were not specialized and could embrace a wide range of activities.[23]

Labienus may have remained with Servilius until the latter's return in 74 B.C.E. A tour of duty in an overseas army could be extended beyond a year.[24] At any rate, he certainly was in Cilicia long enough to be able to meet Caesar who was with Servilius in early 78 B.C.E. It is not necessary, however, to see in this the beginning of Labienus' association with Caesar.[25] Caesar was in Cilicia a short time when he left for Rome at the news of Sulla's death and Lepidus' revolt (Suet. *Iul.* 31). More importantly, he was not pursuing a *popularis* course at this time but was out to win the good will of the Sullan nobles. How successful he was in this is shown clearly by his being co-opted in late 74 or 73 B.C.E. into the college of *pontifices*. Animosity from any of the priests, who included Q. Metellus Pius, Q. Lutatius Catulus, and M. Terentius Lucullus, would have prevented his admittance into the priesthood.[26] Service with M. Minucius Thermus, praetorian governor of Asia in 81–80 B.C.E., and with Servilius was part of his reconciliation as was his refusal to join Lepidus or Sertorius.[27]

Nothing further is heard of Labienus until he appears as tribune of the people in 63. As Syme remarks in the case of M. Petreius, a man could spend most of his life in obscurity as a military tribune, prefect, and legate.[28] Many such men even shunned political honors. The army was often a family tradition, and its rewards and dangers were sufficient. For a few who gained the praetorship a magistracy often held only the prospect of a provincial command. Others, while not aiming for a civil career, sought office to benefit their general.[29] It was a common pattern, and we must now consider Labienus' tribunate as an instance.

II

Tribunate of the People and the Trial of C. Rabirius in 63 B.C.E.

Overview: *This section is concerned mainly with Labienus' prosecution of C. Rabirius for perduellio or high treason. The course of this trial has caused many difficulties, since the account of it given by Dio Cassius appears to be inconsistent with Cicero's speech for the defense. According to Dio, Rabirius was tried by duumviri, two magistrates empowered in cases of perduellio, while Cicero seems to have delivered his speech in a trial involving a fine, which took place after the duumviral procedure had been annulled. The solutions offered by scholars vary in detail, but they agree in accepting Theodor Mommsen's premise that the duumviral procedure, as outlined in Livy's story of the Alban victor P. Horatius, dates from the early Republic and served as the pattern for the trial of 63. Thus the right of appeal, which is essential to the story of Horatius, formed part of the procedure from its conception. It is now recognized that the duumviri did not act as judges and were not subject to appeal. They were rather a temporary board, appointed to pronounce and carry out a sentence of scourging upon a culprit whose guilt was so manifest that ordinary criminal proceedings were unnecessary and whose pollution for his crime was so dangerous that immediate purification was imperative. This understanding raises again the question why Labienus revived the duumviri.*

For an in depth study of the duumviral procedure, which is offered as a new Roman magistracy, see Wm. Blake Tyrrell. A Legal and Historical Commentary to Cicero's Oratio Pro C. Rabirio Perduellionis Reo. Amsterdam: Adolf M. Hakkert, 1978. For the author's translation of this speech, see <http://www.perseus.tufts.edu>.

In 63 B.C.E., Labienus was cooperating with Pompey's agents. Pompey was the dominant power in Roman politics during the 60s, so this is not necessarily indicative of a lasting association. Caesar was in a similar position regarding Pompey and aided Labienus in the prosecution of Rabirius and in carrying his law concerning the election of priests. But Q. Metellus Celer, usually considered to have been in league with Labienus in ending the trial of Rabirius, was more likely acting independently or with Cicero.

In mid-63 B.C.E. and at Caesar's instigation,[1] Labienus accused C. Rabirius of *perduellio* for the murder of the tribune L. Appuleius Saturninus. It was undoubtedly a political prosecution. Saturninus had perished thirty-seven years earlier in the riot following upon the consular elections for 99. Rabirius himself was an insignificant senator whose faithful support of senatorial interests in the 90s gained him membership in that body as well as making him the object of numerous attacks in the courts.[2] Although he was active in the events of late 100 B.C.E., it is unlikely that one man killed Saturninus, despite the reward of freedom given to a slave of Q. Croto for having done so.[3] But revenge for the murder of a sacrosanct tribune scarcely cloaked the aim of the prosecution: to discredit the *senatus consultum ultimum* (last decree of the senate), the emergency measure developed against C. Gracchus and used thereafter in the struggle against the Populares.[4] Q. Hortensius and

Cicero spoke for the defense. The evidence consists of Cicero's speech *pro Rabirio perduellionis reo*, his comments in *In Pisonem* (4) and *Orator* (102), a short section of the thirty-seventh book of Dio Cassius work on Roman history (26–28), and a single chapter of Suetonius' *Divus Iulius* (12).[5]

Perduellio or high treason embraced all crimes against the state.[6] Prosecution, at first connected with the *duumviri*,[7], was regularly carried out in the last two centuries of the Republic by the tribunes of the people until their judicial prerogatives were curtailed by Sulla. It was, however, the antiquated and little understood procedure of the *duumviri* that Labienus revived against Rabirius, the usual reason advanced by scholars being a desire to impress the imagination of the people.[8]

According to Dio, the prosecution began with violent disputes in the senate whether the court should convene. Caesar's party won, and immediately another clash ensued concerning the judgement (37.27.1).[9] C. and L. Caesar were chosen as *duumviri* by the praetor.[10] Q. Metellus Celer is usually suggested. C. Caesar condemned Rabirius, who then appealed to the centuriate assembly. Rabirius would have been convicted, had not the augur and praetor Q. Metellus Celer forestalled the voting by lowering the flag on the Janiculum, thus indicating that the sentries were no longer at their posts, and further business was forbidden (Dio 37.27.3–28.2; Liv. 39.15.11; Gell. 15.27).[11] Although it was within his rights, Labienus did not resume the prosecution.

Suetonius adds that C. Caesar was chosen by lot to judge Rabirius, that is, the lot fell to Gaius, not Lucius, to pass sentence.[12] Caesar condemned him so eagerly that his own fierceness was that greatest advantage to the appellant. Unlike Dio, Suetonius suggests that Rabirius would have been pardoned, if the assembly had voted.[13]

There are only two other cases of the *duumviral* procedure in the sources, the trial of the Alban victor and sororicide, P. Horatius, during the kingship of Tullus Hostilius, and that of M. Manlius Capitolinus in 384 B.C.E.[14] The latter, too brief to show more than the existence of *duumviri* in the fourth century, is corrupted by being treated also as a tribunician accusation.[15] The story of Horatius the historian Livy tells as follows: Horatius, decorated with the spoils of his victory over the Curatii, was returning home when he met his sister. She at once burst into tears at the sight of the cloak of her betrothed among the spoils. Enraged that she should weep for an enemy, Horatius slew her.[16] He was brought before the king. The latter, to avoid the enmity of pronouncing and executing an unpopular decision, said:

Duumviros, qui Horatio perduellionem iudicent, secundum legem facio;

I appoint according to the law *duumviri* to condemn Horatius of treason.

If the *duumviri* found him guilty, he could appeal, in which case there would be a *certatio* (contest) before the people between the magistrates and Horatius.[17] Should the former prevail, then would be pronounced the sentence:

Caput obnubito; infelici arbori reste suspendito; verberato vel intra pomerium vel extra pomerium;

Let there be a veiling of the head; let there be a hanging from a barren tree with a rope; let there be a flogging either within the pomerium or outside the pomerium [free space around the city boundary] .

Such was the text of the *lex horrendi carminis*, under the terms of which the *duumviri* were appointed. One of them condemned Horatius whose guilt was manifest; in fact, Livy says, they thought that the law precluded the acquittal of even an innocent man.[18] But at the king's suggestion, Horatius appealed and was pardoned by the people.

Because Labienus and Caesar, according to Cicero, had resurrected the duumviral proceedings *ex annalium monumentis atque ex rerum commentariis* (from annalistic archives and royal commentaries), the trial of Horatius is usually considered to have provided the model for the accusation of 63.[19] *Provocatio ad populum* (appeal to the people), essential to both accounts, and Cicero's quotations from the *lex horrendi carminis* conspire to make this assumption more likely.[20] The contest on appeal therefore should take place between Rabirius' advocates and the *duumviri*. Cicero's speech, however, does not bear out this scenario. The *curx* is his statement in chapter ten:

Nam de perduellionis iudicio, quod a me sublatum esse criminari soles, meum crimen est, non Rabiri:

The charge concerning the condemnation for treason, which you keep accusing me of having abolished, is directed against me, not Rabirius;

and again at 17:

Quam ob rem fateor atque etiam, Labiene, profiteor et prae me fero te ex illa crudeli, importuna, non tribunicia actione sed regia, meo consilio, virtute, auctoritate esse depulsum;

Accordingly, I admit, and even, Labienus, state openly and declare outright that you were dislodged from that savage and unacceptable proceeding, one befitting not a tribune but a king, by my strategy, by my courage, and by my influence.

The trial for *perduellio* apparently was finished before Cicero delivered his speech. Furthermore, after repeating a list of charges brought against Rabirius by former accusers and raked up by Labienus, Cicero asks (8):

Nam quid ego ad id longam orationem comparem quod est in eadem multae inrogatione praescriptum, hunc nec suae nec alienae pudicitiae pepercisse?

Why would I prepare a long speech in answer to declarations made in this same [*eadem*] proposal of a fine, namely, that my client spared neither his virtue and decency nor those of another?

Eadem (same) seems to refer to the charges just listed, including that of immorality as well

as the present charge of the murder of Saturninus.[21] Cicero must be speaking, not in a trial for *perduellio*, but in a tribunician accusation in which conviction carried the imposition of a fine.[22].

Several inconsistencies with the regal procedure support this conclusion. Labienus is mentioned throughout as the prosecutor and, given his power to limit Cicero's speaking time to thirty minutes, appears to have been presiding.[23] This is surprising. From the trial of Horatius the *duumviri* should have opposed Rabirius in the appeal trial. Cicero's allusion to Labienus' display on the Rostra of Saturninus' death mask indicates that he was speaking in the Forum, where the tribal assembly met, not the Campus Martius used by the centuriate assembly.[24] A fine above 3020 asses was subject to appeal to the tribes and therefore would not conflict with Cicero's description of Rabirius's plight: *in hac defensione capitis, famae fortunarumque omnium* (in this defense of Gaius Rabirius' life and citizenship, his reputation, and all his fortunes).[25] Moreover, for Labienus to have presided over the centuries requires assuming that a tribune of the *plebs*, an official not of the *populus* but merely of the *plebs* and so not possession *auspicia*, borrowed them from a magistrate with *imperium*. [26] This troublesome assumption, however, is eliminated if Rabirius was being tried in a pecuniary process, since the tribune could preside over the tribes which heard appeals from large monetary sentences.[27] Finally, Rabirius is nowhere threatened with the punishment for *perduellio*, scourging,[28] but rather with infamy and exile, the consequences of failure to pay an exorbitant fine.[29]

These difficulties led Mommsen, following Niebuhr, to reject Dio and attribute Cicero's speech to a trial concerning a fine that was undertaken after the failure of the prosecution for treason.[30] His proposal has not found favor with scholars who attempt to explain the inconsistencies without sacrificing Dio. However distinct their explanations, they are alike in accepting the story of Horatius as the precedent and model for the trial of 63 B.C.E. Here Mommsen's influence is most strongly felt. He held that the *lex perduellionis* in the form which Livy had received from the annalistic tradition to be a valid formula for the duumviral procedure of the early Republic, *Provocatio* was therefore an essential element from the outset; dependent upon the king's consent in the regal procedure, it was stipulated by law in the Republican. According to its terms, *duumviri* were appointed, at first by the king and then by the consuls, to judge cases of treason. Their appointment later passed to the people.[31] In each case, however, the purpose was the same: to allow appeal from an authority whose direct decision could not be overridden by an assembly.[32] By defending their verdict on appeal, the *duumviri* would function as judicial magistrates and not merely condemn, as Livy implies.[33] It was partly to explain the fact that Labienus and not a *duumvir* was the prosecutor that induced Mommsen to place Cicero's speech in a trial over a fine.

Scholars, while not accepting Mommsen's views, have concurred with him in placing the Horatian legend at the root of their understanding of the trial of Rabirius. It is unlikely that the *duumviri* were judges, for they did not weigh evidence for Horatius' guilt as it was presented in preliminary investigations, nor were they empowered to acquit. They declared him guilty, which is the meaning of *duumviri . . . perduellionem iudicent* (*duumviri . . . to condemn Horatius of treason*). The statement that the *duumviri . . . se absolere non rebantur ea lege ne innocium quidem posse* (the *duumviri* did not think that according to this law they could acquit even an innocent man), a statement that is incompatible with the rest of Livy's account, preserves a trace in his sources of this function. The *duumviri* were probably an ad

hoc board, appointed by a higher magistrate in cases of obvious guilt. One delivered the verdict; the other carried out the punishment. Since the trial of Rabirius did not reach the latter stage, we hear only of C. Caesar. Their appointment then constituted more than a prejudice against the accused, as Mommsen supposed. It meant rather that Rabirius's culpability was so evident that an inquiry was unnecessary. What remained was simply to pronounce and execute the sentence.

Secondly, how *provocatio* was supposed to operate in the *lex perduellionis* is not easily seen. The contest could have taken place only between a *duumvir* and Horatius over the latter's guilt or innocence. As we have seen, the *duumvir* did not hand down a sentence, the justice of which was open to doubt; he voiced the condemnation of a manifestly guilty person. There is no need for a defense as one is usually understood, even if it were part of the procedure of appeal. The latter procedure consisted of a vote by an assembly whether to annul or to endorse a magistrate's verdict. The procedure was in effect a contest between the validity of the sentence and the justification of the appeal.[38] The hearing of witnesses and speeches of the litigants came in the investigations before sentencing. *Si vincent* (if [*duumviri*] will win) (Liv. 1.26.6) can only mean "if the duumviral verdict will be approved by the assembly." By its very nature the duumvirate excluded appeal, for the guilt of the culprit was beyond question.

Provocatio was a Republican institution, and no one now places its origin in the regal period. Its resemblance to a king's timely concession for amnesty enabled the story of Horatius to be used as a paradigm for its operation. Nor was it a feature of the early Republican constitution as the annalists believed. It was developed during the struggle between the orders as a political device to protect the plebeian from the *coercitio* of a patrician magistrate. It was at first no more than the "call for help" to one's fellows and probably did not become a legal right until 300 B.C.E.[40]

A law in which *provocatio* is so prominent is thus not likely to be a formula for a procedure dating before 300. The expression *vel intra pomerium vel extra pomerium* (either inside the pomerium or outside the pomerium) places the law during the class struggle, since it presupposes that magisterial power within the *pomerium* was already limited in some way [41]. The language of the law, on the other hand, is proper for an ancient law in the early Republic.[42] But compared with the detailed instructions given the *quaestores paricidii* preserved in Varro (6.90–92), it is vague and imprecise.[43] Nothing is said concerning the manner of choosing *duumviri* or who convened and presided over the assembly. Hence the *lex perduellionis* is probably an annalistic invention that dates from the Gracchan period when *provocatio* became an important aspect of the clash between the Optimates and Populares.

Moreover, Livy's account of Horatius could not have served as the pattern for the trial of Rabirius. According to Cicero (*Rab. perd.* 15), Labienus procured *omnis et suppliciorum et verborum acerbitates* (every instance of bitter punishments and bitter words), not from living memory, but *ex annalium monumentis atque ex regum commentariis* (from annalistic archives and royal commentaries). Since no other instance of appeal under the kings occurs in the sources, it is generally assumed that Cicero is referring to the story of Horatius as reproduced by Livy from a traditional account. But *provocatio* was not part of the duumviral procedure as understood by Labienus and Cicero. This is clear from Cicero's ironic taunts of Labienus the popularis in chapters 10-17 of his defense of Rabirius. This section will be

examined more closely; it suffices here to mention chapter 12. Cicero has just given what proved to be the *locus classicus* for the *lex Sempronia de provocatione* of 123 B.C.E.: that no Roman citizen may be condemned on a capital charge without a trial by the people.[44] He then reproaches Labienus:

Hic popularis a iiviris iniussu vestro non iudicari de cive Romano sed indicta causa civem Romanum capitis condemnari coegit;

this man of the people did not force the condemnation of a Roman citizen by *duumviri* without a trial by the people; no, he forced a Roman citizen to be condemned without even a hearing of his case.

So much less a *popularis* than C. Gracchus is Labienus who offered no preliminary hearings, no comitial trial, and hence no *provocatio*.

Cicero's quotations [46] from the *lex perduellionis* are confined, as were Labienus', to the odious terms of the punishment. They furnish no proof for the existence of the first part of the law. In fact, that part probably had not yet been written in 63.[47] The impersonal imperatives of the second part, on the other hand, are common in ancient statutes and are found in the Twelve Tables which prescribe scourging as the capital penalty.[48] The preservation of the formula in an ancient law explains how Cicero and Labienus knew of the procedure. Perhaps the formula is as old as the Twelve Tables. At any rate, its inclusion in *regum commentarii* (royal commentaries) does not indicate a greater antiquity. This section teems with political slogans from the struggle between Optimates and Populares. *Regnum* and related words did not refer to a monarchy or a period in history but to a power or privilege which, though legal, was incompatible (*importunum*) with the spirit of the Republic.[49] Cicero expresses its connotation more fully with *illa crudeli, importuna, non tribunicia actione et regia* (that savage and unacceptable proceeding, one befitting not a tribune but a king) (*Rab. perd* 17). *Regia* summarizes the preceding adjectives. The *lex* is an invention not only of an annalist but of one writing after 63 B.C.E. Had Labienus disregarded the right of appeal, which was expressly defined by law, Cicero would not have passed over so blatant and useful an indiscretion.

The course of the prosecution may now be outlined. The prosecution of Rabirius began with Labienus' proposal that Rabirius's self-evident guilt in the murder of the sacrosanct tribune warranted the appointment of *duumviri perduellionis*. Since Saturninus had been killed without benefit of a trial before an assembly, his was a *caedes civis indemnati* (death of an unconvicted citizen). *Perduellio* in the three cases known to have involved *duumviri* was a sacral crime. For Manlius it was striving to be king. For Horatius it was probably the shedding of kin blood; for Rabirius, the blood of a tribune protected by the an oath of inviolability sworn by the *plebs* and never seriously challenged by the patricians. One *duumvir* declared Rabirius guilty of *perduellio*. No trial took place; none was needed. Manlius and Horatius were openly guilty, and the same would have been asserted of Rabirius. Condemnation instantly rendered Rabirius accursed (*sacer*) to the gods and brought into being a dangerous pollution or upset of the relations between the city and its gods. To expel this pollution was the task of the second *duumvir*. Scourging was both a magisterial execution and an expiatory sacrifice. It rid the community of a criminal and appeased divine

anger aroused by his act. As an *homo sacer* (accursed man), Rabirius would not be sacrificed to the gods, for that required a pure and unblemished victim. Rather, the pollution created by his crime would be cleansed, and the *pax deorum* restored. What god was specified is not known and probably depended upon the crime.

The charge of *perduellio* invoked a debate in the senate over whether the court should convene as reported by Dio Cassius (37.27.1). Caesar's party won, and immediately another clash ensued concerning the judgement. Caesar's influence prevailed, and he and his kinsman Lucius were named by the praetor. The lot fell to Caesar to pronounce condemnation (Suet. *Iulius* 12). Cicero intervened, however, before its execution and crushed the judgment and with it the duumviral procedure. This happened in the struggle "over the condemnation," also recorded by Dio. Labienus then renewed the prosecution as a tribunician action for *perduellio* before the centuriate assembly. To one of the meetings (*contiones*) belong Labienus' display of Saturninus' death mask (Cic. *Rab. perd.* 25), the hearing of witnesses (18), and Hortensius' defense of Rabirius (18). Cicero delivered his speech in the final meeting on the day of the voting. This explains how Labienus was able to limit his time to thirty minutes—Labienus was presiding at the meeting. Before the assembly could vote, Q. Metellus Celer lowered the flag on the Janiculum Hill, thus disbanding the assembly.

Labienus could claim reasons of *inimicitiae* (enmity) impelled him to prosecute Rabirius. His uncle had been killed with Saturninus.[53] But, as Cicero points out, this was not the reason for the accusation. It was an attack on the *senatus consultum ultimum*,[54] not upon its validity or the senate's right to pass the measure, but rather upon its use to cloak political murders in the senate's interests after the crisis which had provoked the decree had passed. The *senatus consultum ultimum* was de iure a resolution that in the senate's opinion a crisis existed within the state that required the immediate attention of the executive. It was the senate's prerogative to advise the magistrates, and as with any *consultum* (decree) the magistrates were not bound by it.[55] The *senatus consultum ultimum* did not increase their powers or release them from any legal restraint. The responsibility for their actions remained with the magistrates.[56]

The decree had the effect, however, of proclaiming martial law, the right of the state to defend its existence by every means, including the suspension of civic privileges. Measures otherwise illegal could be taken with impunity against citizens whose aggression had made them public enemies.[57] The issue surrounding the *senatus consultum ultimum* concerned the right, assumed by the magistrates during the aftermath of the revolt, to put to death citizens who were no longer engaged in active hostilities. According to the opponents of the decree, once the crisis had passed, a rebellious citizen ceased to be a public enemy (*hostis*) and became a criminal subject to due process. They distinguished between its use as martial law and its exploitation as a political weapon by the senate. The death of over insurgents alone was justified by martial law. Otherwise the principles of arrest and trial could not lawfully be overridden.[58] This distinction Cicero tried to conceal by misrepresenting the accusation as an attack upon the right of the state to defend itself, which was never in question.[59] But then it was to his advantage to confuse the exigencies of the state with the infighting of the senatorial aristocracy.

The death of Saturninus provided Caesar and Labienus with a pretext. The tradition concerning Saturninus' end was distorted, probably soon afterwards, by party bias seeking to exonerate the nobility from the results of the *senatus consultum ultimum*. [60] The decree

was not mentioned, and thus in the traditional account Saturninus became a casualty of open warfare against Marius, his former ally turned willing enemy.[61] But there is another account, that he perished while an unarmed prisoner in the Curia. He surrendered to Marius and was placed there under a pledge of safety.[62] This version Labienus adopted.[63] Saturninus' death, it could be argued, was not excusable by reasons of state; on the contrary, it was a breach of the orders and protective custody of the consul who had implemented the martial law. Rabirius did not kill an enemy; he murdered a Roman citizen, whom the *lex Sempronia* guaranteed a trial and appeal to the people. Such was the burden of Labienus' speech.[64]

Cicero's defense assumed that Saturninus died under arms while a *hostis* of the Roman people. His slaying was therefore a deed of glory. Since Hortensius had already proven that a slave killed him, Cicero could claim only that Rabirius had taken up arms for that purpose.[65] He argued that if it was legal to be in arms against Saturninus, which Labienus probably had conceded, it was legal to have killed him. Moreover, Marius was not empowered to grant public protection, the senate's prerogative. Even if he had pledged it, Marius, not Rabirius, had violated it.

Cicero's first argument is valid only if Saturninus was under arms. Cicero, however, cites no details of the circumstances of his death.[66] The second is more damaging to Cicero's case than to Labienus'. By admitting the prosecution's claim that Saturninus was a prisoner when he was killed, Cicero puts himself in the position of asserting that the *senatus consultum ultimum* authorized Marius to kill rebellious citizens but did not allow him to spare them when they were no longer a threat.[67] Little wonder that Cicero needed the fire of rhetorical fanfare.[68]

But Labienus and Caesar did not have in mind to expose the illegalities sanctioned by the ultimate decree in 100. At the least they sought to prevent its passage in 63.[69] This surely was their object in the tribunician prosecution undertaken after the failure of the earlier attempt.[70] Their first assault, at once ambitious and farfetched, if it had succeeded, would have shackled the senate's most effective weapon against the schemes of its enemies. They revived the *duumviri perduellionis*, a procedure which bypassed the normal processes of criminal law. Moderns have never taken this prosecution to be as serious an attack on the *senatus consultum ultimum* as Cicero did.[72] But if it had come to scourging, the precedent would have been a mortal blow. Henceforth, a magistrate who killed or failed to prevent a henchman from killing a Roman citizen in any circumstances save armed conflict would automatically be guilty of treason.[73] There would be no opportunity for defense; punishment came immediately and inexorably upon pronouncement of condemnation. This would hold true even if Rabirius had escaped through voluntary exile, which, one prefers to believe, Labienus would have allowed. In view of his treacherous attempt upon Commius in the winter of 52 and the slaughter of Caesar's veterans captured at Dryrachim, his mercy is by no means assured.[74] Faced with this possibility, a magistrate would be reluctant to implement the decree, and if he did so, he would quickly disclaim any connection with the aftermath of the crisis. No pretense of legality would remain for the political assassinations perpetrated in the senate's behalf.[75] Extravagant, no doubt, but in terms of the gain, the life of an old man was small expense.

But the prosecution put Labienus in an awkward position. By advocating scourging without appeal, he defied the very purpose that had gained the tribunes their sacrosanctity.

The tribune traditionally was the defender of the individual. Far from succoring Rabirius, however, Labienus intended to rob him of protection conferred by the bulwarks of Roman freedom, *provocatio* and the *ius auxilii*.^[76] The roles of tribune and consul were reversed. The people had heard Cicero claim to have their interests at heart in opposing Rullus' agrarian scheme.^[77] Now they heard him defending their sacred rights against a wayward tribune; his weapons, the slogans and watchwords of *popularis* propaganda ironically on the lips of a consul.

Cicero begins by asserting that through his *auxilium* the condemnation for *perduellio* was thwarted (*Rab. perd.* 10). At a stroke, the consul assumed the role of the tribune.^[78] But he was not the first, he says, to have driven the *carnifex* (executioner) from the forum, the *crux* (cross) from the Campus. That praise belongs to their ancestors who banished along with the kings every trace of kingly *crudelitas* (cruelty), and to the many brave men who wished their *libertas* (liberty) to be fortified by the *lenitas legum* (leniency of laws), not by the *acerbitas suppliciorum* (harshness of punishments). There is nothing historical in this. By identifying the *duumviri* with kings, while the consul, recipient of regal power and traditional opponent of the Roman people, became the champion of their *libertas*. Moreover, Cicero had turned against Labienus two slogans of the Populares: that liberty rested upon the preservation and observation of laws, and that it protected them from unusual and severe punishments.^[79] It was Labienus who wanted to outrage their liberty *non modo supplicio invisitatis sed etiam verborum crudelitate inaudita* (not merely with outlandish punishments but with savage words hitherto unheard) (13). The terms of the duumviral law, resurrected *ex regum commentariis* (15), belong not to the *libertas* and *mansuetudo* (gentleness) of the Roman people, not even to Romulus or Numa Pompilius; they are the cant of Tarquin, *superbissimus atque crudelissimus rex* (very prideful and cruel king) (13). *Superbia* (pride) and *crudelitas* were traits in *popularis* propaganda which the nobility shared with the kings, strange things for a tribune of the people to be defending.^[80]

Aequitas (fairness) was probably a watchword of C. Gracchus whom Labienus had mentioned in connection with the *lex Sempronia* for *provocatio*. The name of Gracchus had become a byword for *popularis*.^[81] Cicero asked why, if the duumviral procedure contained any shred of fairness, had Gracchus not mentioned it (14).

Labienus had also alluded to a *lex Porcia* on scourging, probably when listing the earlier accusations brought against Rabirius (8). The law provided that a man charged with a capital offense could escape the death sentence by voluntary exile, even after condemnation.^[82] It was a catch-phrase of the *popularis* but an unhappy one for a tribune who proposed to submit a Roman citizen to the *carnifex* (12).^[83] In fact, even the censors whose name was odious to the people,^[84] wanted to free the forum from the executioner (15).

The object of *popularis* politics during the 70s had been the restoration of the tribunate to its full powers. The Populares had inveighed against the *dominatio* of Sulla and the nobility, which had reduced the people to slavery and deprived them of their champions (*vindices iuris*).^[85] Not all memory of their slogans had faded by 63. Perhaps Cicero evoked them against Labienus: "even slaves were freed from the fear of the executioner and cross through the kindness of their masters. Will not the past deeds and achievements of the Roman people free them from those same fears?" (16).^[86]

However effective Cicero's oratory, Rabirius owed his immediate rescue to Q. Metellus Celer. Celer, Pomey's brother-in-law, had been his legate in the Mithridatic War together

with his brother Q. Metellus Nepos and was praetor in 63.[87] Since Labienus and Caesar were probably cooperating with Pompey at this time, Celer is usually considered to have been their agent.[88] Accordingly, he is assumed to have chosen C. and L. Caesar as *duumviri* and to have broken up the assembly at the instigation of the prosecutors. Their aim was to avoid a damaging acquittal by the centuries whose organization favoring the senatorial interests made that outcome likely. Hence Labienus did not renew the accusation. That Celer apparently was at odds with Cicero at this time is taken to bear out this assumption.[89]

There are reasons for questioning this the prevailing opinion. Celer's letter to Cicero (*Fam.* 5.1) in early 62, occasioned by the latter's attack in the senate upon Nepos, reveals Celer as an arrogant *nobilis*, proudly conscious of his *dignitas familiae* and pompous in his service to the state. It is no wonder that he was not always on cordial terms with an upstart consul, a mere *novus homo* (new man, that is, one whose ancestors had not held the consulship) needed instruction on how to behave in accord with the clemency of their ancestors (*Fam.* 5.1.2). It is not necessary to see political differences between them.[90]

Nor was Celer ever as zealous in Pompey's interests as his brother. Nepos was a legate in both eastern wars from 67 through 63; Celer served only in 66.[91] Yet he could forget his blue blood when advantageous. His resentment at Pompey's divorce of his sister did not come out until after Pompey had aided him to the consulship with L. Afranius.[92] He then turned against Afranius and, with Lucullus and Cato, blocked ratification of his Asian settlements and a land law for his veterans.[93] Secure in his nobility and family connections, Celer accepted support for his *cursus honorum* (succession of the magistracies) where he found it, as his due, without sacrificing his own ambitions.

Nothing certain concerning Celer's loyalties can be derived from Dio's statement that the *duumviri* were chosen by the praetor (37.27.2). Even if Metellus were the urban praetor, it is not known how Labienus initiated the duumviral procedure.[94] Perhaps he proposed a plebiscite or approached the praetor directly, in a manner similar to requesting a day before a *comitia* (voting assembly). Possibly he specified the *duumviri* by name, and so the praetor had nothing to do with their selection except to recognize them officially. But it is probable that the first debate in the senate resulted when the praetor referred the motion to the senate for advice, an unlikely course for a hostile praetor.

A close look at Dio's account of Celer's disbanding of the assembly indicates partnership with Cicero. Rabirius would have been convicted:

had not Metellus Celer, augur and one of the praetors, stopped it. When they would not obey him and were not alarmed that the trial was being conducted contrary to custom, he ran to the Janiculum before the vote was taken and hauled down the military flag (73.27.3).

Who would not obey him and were not alarmed that the trial was being conducted contrary to custom? The presiding praetor and Labienus. Celer in his capacity as augur announced that he had seen unfavorable omens, and thus the assembly should be disbanded.[95] Perhaps it was for this reason that Dio mentions his augurate, an otherwise otiose detail. An augur attended the assembly to assist the presiding magistrate with his special knowledge and to maintain religious decorum. For this function he did not have *auspicia impetrativa* (omens

sought), but he could report unexpected *auspicia oblativa* (omens offered), which by law caused adjournment.[96] When he was disregarded, Celer rushed to the Janiculum and took down the flag. He was neither presiding nor an agent of the prosecution. In either case, there would have been no need to resort to the stratagem of the flag.[97] To suppose that he was Labienus' agent but not presiding assumes that the defense wanted the voting to be carried out in order to obtain vindication of the *senatus consultum ultimum*. This conflicts with Dio who maintains that the assembly would have found Rabirius guilty.

Perhaps Cicero aimed merely at postponing the voting; meanwhile, a prosecution could be brought against Labienus.[98] We do not know when the *oratio pro Rabirio* was delivered. An early date is suspected, but an attack on the *senatus consultum ultimum* and a warning for Cicero gain more impact the later in the year they are placed. It was spoken before Cicero resigned his claim to Cisalpine Gaul, which came just before or after the consular elections.[99] Scheduled for July, the elections were delayed by senatorial decree until later that month or to the beginning of August.[100] In the weeks before the elections, Cicero was apprehensive about the success of Catiline's canvass. Many Catiline's supporters were in the city.[101] Possibly the expediency of the flag was merely to gain time until Catiline was defeated, and his followers dispersed. But another trial was lost in the ensuing events. The prosecution had obtained its purpose; in any case, Rabirius's exile was unimportant.

It is possible that Celer was acting independently, but Cicero's arrangement with his colleague, C. Antonius, that Cisalpine Gaul fall to Celer in the lot for praetorian provinces, points to some connection with Cicero.[102] Celer had a short memory, and a member of the great plebeian house did not need for long the patronage of an upstart consul.[103] Now was he avid for Pompey, who would forgive in deference to his ancestors. Throughout his career Celer sought advancement with the traditional assumption of the noble. It may be that Cicero knew him better than his modern evaluators:

Est consul *philopatris* et, ut semper iudicavi, natura bonus;

He is a consul who loves his fatherland, and, as I have always judge, a good man by nature (Att. 2.1.4).

During his tribunate, as Syme has shown, Labienus was engaged in Pompey's interests.[104] With his colleague T. Ampius Balbus, he passed a law conferring ceremonial honors upon Pompey.[105] Another law returned the elections of *pontifices* to the people, a right that Sulla had taken away in favor of co-optation.[106] Priests were once again chosen by a special *comitia* of seventeen tribes selected by lot. Although the *lex Labiena* probably did not affect the election of *pontifex maximus*, Caesar gained good will for his own candidacy by supporting Labienus.[107] Through heavy bribery and Pompey's influence, Caesar was successful over the eminent ex-consuls Q. Lutatius Catulus and P. Servilius Vatia.[108]

Dio and Suetonius give Caesar as the force behind the prosecution of Rabirius. Their identification may be accepted to the extent that Caesar conceived the revival of the *duumviri* and aided Labienus against Rabirius. The power in the background was Pompey, which whom Caesar was cooperating at this time. In 63, Caesar was a politician of promise; he had

the wit to fashion, but not the following to execute, his extravagant plan.

After his tribunate, Labienus next appears in 58 B.C.E. as Caesar's legate in Gaul. His rapport with Caesar in 58 points to Spain and service under Caesar in 61–60 B.C.E. and a praetorship possibly in 59. Labienus' military experience, especially that in the hinterland of Cilicia, would have been useful for the fighting in Farther Spain, which Caesar had in mind. Moreover, by 62 Pompey was completing his reorganization of Asia Minor and Syria, administrative details which offered little danger and excitement or concomitant, promotion. Labienus was a professional soldier. His political office was an interlude to serve his general and a means to greater military commands. If we are to understand his later actions, we must look to Gaul.

III

Labienus' Lieutenantcy in Gaul, 58 to 51 B.C.E.

Overview: *Labienus' lieutenantcy in Gaul from 58 to 51 B.C.E. is described as background to the events of January 49. The primary evidence for this period, Caesar's Commentarii Rerum Gestarum de Bello Gallico, is treated neither as a texture of falsehood nor as an unbiased record but as the memoirs of a general whose prejudices and presuppositions are visible in the work. For this reason, it is possible to gain from the commentarii insight into Caesar's attitude toward his subordinates and of the conditions of service in the Gallic army.*

When Caesar left for Gaul, he had little experience at the head of legions. His victories as propraetor in Farther Spain were those of a politician who was just realizing his own talents and still relied upon his lieutenants (*legati*).^[1] He made up his deficiency in part by taking Labienus as a *legatus pro praetore*. A recommendation from Pompey need not be assumed as having brought them together. They cooperated in 63. More importantly, each had what the other wanted. Labienus was a seasoned soldier, and Caesar's governorship held promise of rich rewards, a promise guaranteed by his own need for money. Labienus because respected and wealthy in Gaul ^[2] and remained with Caesar until the outbreak of civil war. Mommsen, following Dio, explained the crossing to Pompey as a result of pride and frustrated ambition. F. E. Adcock suggested resentment over Antonius' advancement; Syme, that he made manifest an allegiance he had kept all along.^[3] Whatever the reason, it is unlikely that it is unconnected with his service under Caesar.

For Labienus' role in the Gallic war we are dependent upon his *Commentarii Rerum Gestarum de Bello Gallico*. Matthias Gelzer has said that Caesar's "ability thus to portray his actions as the only right and proper ones appears as part of his genius." E. Badian called this characteristic his "sweet reasonableness."^[4] This aspect of Caesar is relevant to the present inquiry since rarely is it possible to separate completely what Labienus did from how Caesar has told it. From his deeds, we can draw conclusions about Labienus as a military leader, but only through Caesar's treatment of Labienus can we approach the nature of their relationship. The treatment is one-sided, that of a very persuasive man.

Written as *commentarii rerum gestarum, Bellum Gallicum* purports to record the bare bones of fact for elaboration by historians.^[5] The facts however have been marshalled so artfully that many scholars do not believe that Caesar wrote simply to preserve his deeds. They conjure motives of justification for illegal aggression and atrocities or of propaganda for the consular elections of 50 or 49. A general's memoirs are by nature subjective, and complete adherence to truth should not be expected. But the happenings in Gaul were known from sources independent of Caesar and could not be greatly falsified. Not that there was reason to do so: Caesar's proconsulship, a monumental success, needed no defense. Thus the *Bellum Gallicum* portrays his deeds as a series of victories and Caesar as the *imperator populi Romani* who never lost the initiative in subduing Gaul. Most likely this was its aim.^[6] Deviations from strict truth, in so far as intentional, are probably in that interest. For example, rather than admit failure at Gergovia, Caesar blamed the over-enthusiasm and disobedience of the troops (*BG* 7.52; cf. 47.2–4) and pretended to be satisfied with the

capture of three deserted camps (7.46.4–47.1).

This purpose has affected the accounts of his officers' undertakings. They are not, as Adcock believed, impartial descriptions, exposing for appraisal the military quality of their actions.[7] Although he composed rapidly,[8] Caesar did not simply transcribe his subordinates' dispatches into his precise style. He edited them in ways that reflect his purpose and attitude toward them.[9] Knowledge of the events surrounding the loss of fifteen cohorts at Aduatuca in 54 B.C.E. was gained from survivors (*BG* 5.37.7) and captives (5.52.4). Their information was spotty and confused. Caesar arranged it into a smooth narrative that placed all blame for the incident upon Sabinus (5.26.37).[10] It was intended to absolve him of responsibility for a disaster caused in a great measure by his delegation of dual command. But it illustrates that in his mind a *legatus*' failure was the *legatus*' own. Similarly, he did nothing to palliate Galba's mistakes in his mission to open the St. Bernard pass through the Alps.[11] His methods in using the dispatches of his officers are not literary devices as much as manifestations of prejudices formed during seven years' campaigning.[12] Viewed in this way, they reveal Caesar as a general vis-a-vis his subordinates and not as a writer who feared his own design and glory would be overshadowed by others.[13]

Labienus is usually described as Caesar's second in command and right-hand man. This is certainly true of the first campaign where he is the only *legatus* mentioned by name. While Caesar returned to Italy for reinforcements, Labienus was in charge of the fortifications on the Rhone by which the Helvetii had been prevented from entering the Province (*BG* 1.10.3).[14] It is unlikely that Caesar expected further fighting. After their first attempts to ford the river had failed, the Helvetii obtained permission from the Sequani to pass through their territory (1.9–10.1). Labienus was probably instructed to remain in position until they were committed to that course and then rejoin Caesar.

By the time Caesar caught up with the Helvetii, they had crossed the Arar and were plundering the fields of the Aedui. The latter, followed by their dependents, the Ambrii, and by the Allobroges, sent ambassadors to ask for protection, which Caesar granted (*BG* 1.11). He acted immediately. Leaving his camp with three legions, Caesar launched a surprise attack on the Tigurini, one of the four Helvetian *pagi* (villages, cantons). They were still on the eastern bank of the river and were cut off from the others. He killed a great part of them and put the others to flight (1.12.1–4).

A tradition, preserved by Plutarch (*Caesar* 18.2) and Appian (*Celt.* 15), held that Labienus was responsible for the defeat of the Tigurini. At best, it goes back to Labienus and, true or not, would indicate his dissatisfaction with the account in the commentaries. In that case, it must have originated after 52. It is less likely to have resulted from Caesar's dispatch to the senate at the end of 58 B.C.E. Since the *legatus* did not possess *imperium* independently but by virtue of the general's commission, Caesar would have taken the victory as his own without injustice.[15] But in 58, Caesar needed to build morale, and that would have made a poor beginning. Labienus may have played a part in the defeat which Caesar later omitted in his memoirs to further his claim to have avenged public as well as private wrongs (*BG* 1.12.7). But to prefer Plutarch or Appian to Caesar's explicit statement in view of their gross errors is risky business.[17]

Caesar carefully made clear that Labienus was not at fault in the abortive trap of the Helvetii. The opportunity arose when the Helvetii encamped at the foot of a hill (*BG* 1.21.1). Under cover of night, Labienus occupied the highest ridge of the height with two legions. A

short time later, Caesar set out with the rest of the army. A reconnoitering party under the centurion P. Considius was sent ahead (1.21.3–4). By daybreak Caesar had come within a mile and a half of the camp, when Considius galloped back to report that the hill was held by the Helvetii: he recognized their weapons and insignia (1.22.1–2). Caesar immediately drew up a line of battle on the nearest hill. Labienus with instructions not to engage the enemy unless Caesar's forces were in sight remained in position (1.22.3). Later Caesar learned that Considius had reported *quod non vidisset pro viso* (what he had not seen as if seen) (1.22.4). In the meantime the enemy moved, and Caesar had no choice except to follow (1.22.5).

The episode is typical of Caesar's caution in his first campaign. He was content to wait for conditions favorable to victory and though pressed by the need for supplies, refused to commit himself otherwise (*BG* 1.15.4–5; 16.1–2).[18] Even then he would not attack without the ambush from the rear, although he had four legions. Moreover, the battle near Bibracte was brought about by the Helvetii (1.23.3). He did not try to represent the quitting of the Helvetian caravan as a tactic meant to draw them into a disadvantage (1.23.1). It is easy to forget that Caesar was not always the bold general of Dyrrachium or Munda. In 58, he was unsure of his army and his officers.[19] Perhaps he was uneasy with the traditional leadership of the legions by military tribunes. The panic at Vesontio (1.39–40) surely did not come as a complete surprise and may have accelerated the rise of the *legatus* in his army.[20] At any rate, these factors explain his dependency upon Labienus in 58, a dependency that disappeared as Caesar gained experience and confidence in other lieutenants.

At the end of the season, Labienus commanded winter quarters for all the legions at Vesontio among the Sequani (*BG* 1.54.3).[21] The assignment was one of responsibility, since the location was intended to provoke conflict. By not withdrawing into the Province, Caesar made manifest aims beyond the repulse of the Helvetian and German invaders. The Gauls revolted, and the subjugation of their country ensued.

According to Dio (41.4.3), Labienus commanded the legions whenever Caesar was administering justice in Cisalpine Gaul. Dio is surely generalizing from *BG* 1.54.3. After 58, the legions were often scattered over a wide area in separate camps under single officers. Labienus could have had little direct authority. The reasons for the individual camps were of course military, but the effect was to deprive Labienus of the influence that would have accrued from such a permanent assignment. It would be useful to know whether Labienus was Caesar's only *legatus pro praetore*. [22] The right to represent the imperator was the proper function of an officer of that rank, so the loss of that right would have been yet more galling.

The Roman camp among the Sequani had its inevitable effect, and before the end of winter, Labienus had informed Caesar that the Belgae were exchanging oaths and hostages (*BG* 2.1.1). In the campaign against the Belgae in 57, Caesar pursued them with three legions and with the cavalry under Pedius and Cotta caused great destruction (2.11). When the Nervii surprised the Romans near the Sabis, Labienus happened to be on the left wing with the ninth and tenth legions. He defeated the Atrebatres opposing him, crossed the river and captured the enemy camp (*BC* 2.23.1–1) From that height he saw that the right wing was being hard pressed by the Nervii and sent the tenth against their rear (2.26.1–5). His action turned the battle, inflicting heavy losses upon the Nervii (2.27.1; 28.2).

The Belgian campaign is told in a straightforward fashion. The caution and patience displayed against the Helvetii combined to be the best strategy against the Belgae who were

pressed by numbers and shortage of food. No attempt to detract from the success of the pursuit need be found in the words *sine ullo periculo* (without any danger) (1.11.6). As Caesar explains, only the Belgae in the rear resisted (2.11.4–6), and undisciplined flights following a rout always resulted in much slaughter.[23]

The account of the defense against the Nervii, however, was intended to exculpate Caesar from two errors: faulty scouting, which led him to misjudge the size of the enemy force, and failure to draw up a line of battle to protect those who were entrenching the camp.[24] Caesar was taken completely off guard. But the narrative emphasizes that Caesar did all that was required with speed to match the enemy's (2.19.7):

incredibili celeritate . . . ut paene uno tempore et ad silvas et in flumine et iam in manibus nostris hostes viderentur;

with incredible speed... that almost at the same time the enemy seemed both coming toward the woods and in the river and already upon us (2.19.7);

Caesari omnia uno tempore erant agenda;

Caesar had to do everything at the same time (2.20.1).

His standing order for each *legatus* to remain with his legion until camp was fortified (*BG* 2.20.3–4) placed the officers, and Labienus, where they were needed. He found time to harangue the important tenth; this he mentions twice (2.21.1–2; 25.1). Caesar disappears during the confusion of battle (2.22–24), but when all seems lost, he intervenes personally to restore the situation (2.25.1–2). The presence of the *imperator* spurs every man to his utmost (2.25.3); his peril brought the tenth to the relief with all possible speed (2.26.5).[25] Caesar is vindicated, while Labienus is overshadowed.

In the spring of 56, Caesar received word that the Veneti were detaining Crassus' commissary officers in exchange for the hostages whom they had surrendered the previous year. The Veneti persuaded other maritime tribes to do likewise, and an uprising of the northwestern seaboard seemed imminent (*BG* 3.8.2–5). Caesar ordered warships to be built along the Liger River and rejoined the legions as soon as the meeting at Luca had ended (3.9.1–2).[26] To anticipate a widespread revolt and to isolate the Veneti, he split up the army (3.10.3). P. Crassus with twelve cohorts and a large contingent of horse cut off the Aquitanians to the south; to the north, Q. Titurius Sabinus kept the Venelli, Curiosolites and Lexovii from sending aid. Caesar led the army into the territory of the Veneti, while Brutus assembled and brought the fleet of Roman warships and Gallic vessels (3.11.3–5).

Labienus, on the other hand, was sent with cavalry to the Treveri (*BG* 3.11.1–2). His mission was to secure the loyalty of the Remi and the newly pacified Belgae and to keep the Germans beyond the Rhine. It was rumored that the Germans had been summoned by the Belgae. His turned out to be the least important assignment of the year. To be sure, cavalry was the most suitable instrument for containment, and Labienus may have already developed an interest in it as an arm independent of infantry. But how strongly would the Germans have regarded an invitation from the Belgae, recently and soundly defeated?[27] How strongly did Caesar suspect a German inroad? Strong enough apparently to justify the dispatch of his most

experience *legatus*, while P. Crassus, not yet a *quaestorius*, [28] was sent with a much larger command among unknown tribes. If so, why give Labienus just Celtic cavalry? Unsupported by legions, they would have withstood only the weakest attempts to cross the Rhine. The presence of a Roman force was sufficient to safeguard the Remi from Belgian retaliations and to keep both loyal, for that is the import of the words *in officio*:

Itaque T. Labienum legatum in Treveros, qui proximi flumini Rheno sunt, cum equitatu mittit. 2) huic mandat, Remos reliquosque Belgas adeat atque in officio contineat Germanosque, qui auxilio a Gallis arcessiti dicebantur, si per vim navibus flumen transire conentur, prohibeat (*BG* 3.11.1–2);

And so Caesar sent T. Labienus the lieutenant with cavalry into the Treveri who are the nearest to the Rhine River. He orders him to stay near the Remi and the rest of the Belgae and to keep them to their duty and to check the Germans, who were said to have been summoned by the Gauls, if they tried to cross the river by force in boats.

The contingent of cavalry would not have been strong enough to do much else. At any rate, nothing happened worthy of mention.

On the eve of the first expedition to Britain in 55, the Morini, a maritime tribe and former ally of the Veneti, surrendered to Caesar (*BG* 4.22.1–1). When Caesar returned, however, a section of the Morini surrounded a small contingent of infantry on the road to Sulpicius's camp. They resisted, and immediately six thousand Morini, summoned by the uproar, joined the attack. The Romans held out for four hours when their cavalry appeared and put the enemy to flight (4.37.1–4). On the next day, Labienus was sent with the seventh and tenth legions to punish them. [29] He subjugated the Morini with little trouble, since the swamps that they relied upon for defense had gone dry (4.38.1–2).

The Morini did not pose a serious concern for Caesar. In 56 B.C.E., he thought that, although little remained of the summer, he could subdue them quickly and easily (*BG* 3.28.1). Bad weather forced him to quit after the Morini had withdrawn behind dense forests and marshes and refused to fight (3.28.2–29). The next year they were trifles, *res tantulae*, which were resolved before he left for Britain (4.22.2). Michel Rambaud attributes this attitude to a literary pretense meant to disparage Labienus and belittle his success (297). But Caesar's own campaign, late in the season of 56 and after a long march, shows that it was more than literary.

A storm that wrecked a large part of Caesar's fleet during the first expedition to Britain convinced Caesar of the need for a more diversified base on the continent in 54 B.C.E. (*BG* 4,29.1–3). [30] Thus Labienus, who probably participated in the earlier crossing, [31], was left behind with three legions and two thousand horse to secure the port and grain supply and to watch over the situation in Gaul (5.8.1). It was his first opportunity since the winter of 58/57 to exercise the privilege of a *legatus pro praetore* in representing the commander. Since Caesar had taken with him as hostages nearly all the leaders of the Gallic states, there was no trouble in Gaul (5.5.3–4). The summer was spent in constructing ships to replace those destroyed and damaged at anchor (5.10.2–11.4). Labienus built sixty (5.23.4). Unfortunately, very few reached Britain so Caesar had to crowd the men into the ships that he had (5.23.4–6).

The season was almost over when Caesar disembarked in Gaul. The summer had been dry, and the harvest scanty. It was necessary to spread the burden of winter quarters among more states than in the past (5.24.1). Labienus had one legion among the Remi, near their common border with the Treveri (5.24.2).[32] No doubt partly responsible for Caesar's choice was Labienus' familiarity with the area from his operations there in 56 B.C.E. At this time, however, rebellion was probably being fomented.[33] Earlier in the year, Caesar had settled a struggle for primacy in the state between Indutiomarus and Cingetorix in the latter's favor since Cingetorix was well disposed toward him (5.4.3). Indutiomarus at first prepared for war but fearing desertion by his followers, yielded and handed over two hundred hostages (5.3.4–4.1). Caesar, anxious to be under way to Britain, had to be content with this precaution, although he knew Indutiomarus had become more embittered by this blow to his influence (5.4.4).

The separation of the legions offered Indutiomarus the opportunity for revenge. He encouraged Ambiorix, a chieftain of the Eburones, clients of the Treveri (*BG* 4.6.4), to attack the camp of Cotta and Sabinus at Aduatuca in Eburonan territory (5.26.2). Meanwhile, he began to gather an army. A few days later Labienus learned what had happened from survivors of the ambush and slaughter of the fifteen cohorts at Aduatuca (5.37.7). About the same time, Indutiomarus with infantry and cavalry of the Treveri pitched camp about three miles from Labienus. This was Labienus' situation when he received Caesar's request to lead his legion against the Nervii, if he could do so safely (5.46.4). He replied that to set out then, especially with the enemy nearby and already elated by their recent victory, would have the appearance of flight, and he feared that he could not sustain their attack (5.47.4–5). But Indutiomarus did not attack; evidently he was waiting for reinforcements from those besieging Q. Cicero's camp. He had already set the assault for the next day, when that night, before midnight, the Remi brought news of Caesar's relief of Cicero. He then retreated into his own territory (5.53.1–2).

But Indutiomarus soon returned with an army raised by his personal influence. His intentions were to lay waste the land of the Remi after destroying Labienus and then join the Senones and Carnutes in a general uprising (*BG* 5.55–56). Labienus learned of this from Cingetorix and his relatives. Despite holding an impregnable position, he decided upon offensive action. Cavalry were called out from the neighboring states for a fixed day. Meanwhile, Indutiomarus began harassing his camp nearly every day. Labienus kept his men behind the rampart and did his utmost to increase the appearance of fear (5.57). So contemptuous were the Gauls that the arrival of cavalry escaped their notice. No warning of Labienus' reinforcements came from within, so carefully did he close off the camp. Toward the evening of the next day, when the Treveri were withdrawing, off guard and scattered, Labienus sent forth his cavalry from two gates. Their orders were to kill Indutiomarus before turning to the others, preventing him from escaping in the delay (5.58.1–5). *Comprobat hominis consilium fortuna* (Fortune approved the man's plan) (5.58.6). Indutiomarus was slain while fording a river, and a great slaughter ensued.

This ruse had been used before.[34] Its effectiveness depended upon the invincible Roman camp and the fiery impetuous temperament of the Gauls.[35] The variation in summoning cavalry is explained by the superiority of the Treveri in that form of warfare (2.24.4; 5.3.1).

Rambaud accuses Caesar of diminishing Labienus' victory by attributing it to *fortuna*

(298). In the course of the war, several incidents impressed upon Caesar the power of luck.[36] Such is the case here with the twice repeated phrase, *unum omnes peterent* (that all seek one) (*BG* 5.58.4, 6). His *fortuna* was that a plan based upon searching out and killing a single man among a multitude in flight should succeed, as the juxtaposition of *unum omnes* emphasizes.[37] More was needed to win than strategy; *fortuna* was an inseparable attribute of a good general.[38] More likely it is by way of a compliment.

In the following year (53 B.C.E.), Labienus again used the stratagem to defeat the Treveri, now led by Indutiomarus' relatives. After his death, they persevered in rebellion by stirring up the farther tribes of Germany and by leaguings with Ambiorix (*BG* 6.2.1–2). Caesar's blitzkrieg ended the hopes of the Nervii, Carnutes and Senones. Thus freed to extend his full effort against the Treveri and Ambiorix, Caesar marched *cum legionibus expeditis* (with legions free of incumbrances) into the territory of the Menapii to deprive Ambiorix of succor from that quarter (6.5.1, 4–5). The baggage was sent, under guard of two legions, to Labienus on the border of the Treveri, Caesar's next objective (6.5.6–7).[39] But he was anticipated by Labienus.

A larger force of Treveri was already advancing against Labienus, when the legions arrived at his camp. The Treveri then pitched camp and awaited the Germans (*BG* 6.7.1–3). Labienus with twenty-five cohorts entrenched a camp a mile away, separated from them by a river with steep banks. Neither intended to cross, and the enemy's prospects of reinforcement increased daily (6.7.4–6). To entice the Gauls across, Labienus pretended flight. Scarcely had the rear of the column left the rampart, when the Gauls began to ford the river (6.8.1). Labienus, exhorting his men to display the same valor for their present leaders as for the *imperator* and to consider him present and watching, wheeled against the enemy who broke at the first charge (6.8.4–6). A few days later they surrendered. The Germans, informed of these events, withdrew across the Rhine, accompanied by the clan of Indutiomarus (6.8.7–8).

One thing stands out in this account, namely, the speech in direct discourse, the only one given to a *legatus* (*BG* 6.8.4). Its purpose is clear: the soldiers willingly display their greatest bravery for Caesar but must be reminded to maintain that standard for his officers. Labienus, however skilled, was merely a *dux*, while Caesar was *imperator*. Caesar's close relationship with the legionaries too deeply pervades the commentaries and secondary tradition to be a literary device. He must have kept before the *legatus*, as he does the reader, that he fought with Caesar's soldiers.[40] Crassus' success in Aquitania in 56 was due in part to the troops' eagerness to show what they could accomplish in Caesar's absence with an *adulescentulus* (youth) in command (3.21.1). Brutus defeated the Veneti, despite his own perplexity and lack of foresight, because of the valor and ingenuity of the men fighting before Caesar (3.14.3, 8–9).[41] The possibility that Labienus delivered such an harangue cannot be dismissed, but when he makes a similar speech, against before a successful battle (7.62.2), suspicions are justified. Labienus crushed the powerful Terveri, robbing Caesar of the opportunity. He was victorious over the Parisii; Caesar failed at Gergovia. But lest the reader forget, Labienus accomplished what he accomplished with the *imperator* Caesar's men.

Later in the summer Labienus was sent with a third of the army into the territory of the Eburnes (*BG* 6.33.1). His orders were to return after an interval of seven days (6.33.4–5). Since the mission was part of Caesar's revenge for the cohorts lost at Agedincum, Labienus probably ravaged their fields and sought information about Ambiorix. But Caesar is silent

concerning the results of this assignment.

The legions were stationed in winter quarters where they could watch over the recently pacified tribes of central and eastern Gaul. Two were with the Treveri, two with the Lingones, and the remaining six at Agedincum, the chief town of the Senones (*BG* 6.44.3). Caesar does not say who commanded the main camp at Agedincum. It is usually assumed to have been Labienus.[42] An incident, suppressed by Caesar, may give some support.[43] The Treveri were too far from the center of the revolt, [45] and the Lingones remained faithful (7.63.7). But Commius may have been operating among the Carnutes and Senones, tribes in the vicinity of Agedincum. The former were the first to arms (7.2.1–1), and the death of Acco, chieftain of the Senones, was a primary cause of unrest (7.1.4). Assuming that Labienus was in charge of Agedincum as Caesar's representative, we may ask why was the attempt upon Commius his sole effort to suppress the rebellion. It has been suggested that he was hampered by the loss of the supplies which the Senonian Drappes intercepted, when Gaul defected (*Hirt. BG* 8.30.1).[46] Yet this does not explain why Labienus did not react aggressively to the gradually increasing unrest as Caesar had done in 53 (6.4). Labienus was not one to hesitate in a crisis. The Gauls, on the other hand, realized from the outset that their main objective was to keep Caesar from rejoining the legions (7.1.6–7). The army would not dare to withdraw from winter quarters in his absence. Caesar himself was unwilling to order them southward under their officers, knowing that they would encounter resistance on the march and be compelled to fight (7.6.2–3). Did Caesar distrust Labienus' discretion? What latitude did he have when Caesar was in Italy?

Caesar stated his conception of the *legatus*' role in defending P. Sulla from failing to pursue the Pompeiani at Dryrrachium:

Aliae enim sunt legati partes atque imperatoris: alter omnia agere ad praescriptum, alter libere ad summam rerum consulere debet:

Different are the roles of *legatus* and *imperator*; the one [*legatus*] ought to do everything according to orders, the second [*imperator*] ought freely to deliberate on the big picture (literally, the sum of things) (*BC* 3.51.4).

Sulla was correct in not hazarding a battle in which he might have suffered a setback *ne imperatorias sibi partes sumpsisse videretur* (lest he appear to have appropriated as his own the role of the *imperator*). (*BC* 3.51.5). Such was the lesson learned at Vesontio by the soldiers, centurions and military tribunes:

se . . . unum de summa belli suum iudicium sed imperatoris esse existimavisse;

they did not think that theirs was the judgment concerning the big picture of the war but it belonged to the general (*BG* 1.41.3).

This ranking held also for the *legatus*. He was supposed to obey orders; initiative on his part was not encouraged. Sabinus was praised for his caution in 56 B.C.E. in not engaging the Venelli in the *imperator*'s absence except under the most favorable circumstances (*BG* 3.17.7).[47] Fabius was mildly chastised for not setting out with the order (5.47.3) as M.

Crassus had done (5.46.3). Caesar attributed the destruction of two cohorts by the Sugambri at Aduatuca in 53 to *fortuna* but complained that if Q. Cicero had kept his men within camp as instructed, there would have been no opportunity for mischance (6.42.1).

Labienus' authority as *legatus pro praetore* therefore was limited. He did not have the full right to act in Caesar's absence. He was not empowered to meet a situation on his own initiative. Caesar was imperator in Gaul, even when he was in Italy.[48] All others, including Labienus, were his adjutants. His alone was the *summa imperi belli administrandi*. This condition of service in the Gallic army is shown clearly in the beginning of 52 when Labienus probably could have crushed the revolt in its infancy. Six years' gain was nearly wiped out because Caesar, occupied with the crisis surrounding Clodius' death and the dictatorship proposed for Pompey, would not permit major military operations without him. Labienus must have known by now, if not before, that his own advancement under Caesar had reached its ceiling.

Near the end of winter in 52 B.C.E., after successfully reducing several towns by siege and restoring a momentary calm among the Aedui, in order to attack simultaneously both centers of rebellion, Caesar divided the army. He led six legions down the Elaver valley to Gergovia, while Labienus with four set out against the Senones and Parisii (*BG* 7.34.2). From Decetia, where Caesar had met with the Aedui (7.33.2), Labienus went to Agedincum and then down the left bank of the Sequana toward Lutetia.[49] Lutetia was an island town and stronghold of the Parisii (7.57.1). Its capture would render them helpless since it held their provisions and belongings and would gain for Labienus an easily defended base against the Carnutes and Senones.[50] About fifteen miles from Lutetia, he encountered the enemy, drawn up behind a swamp and prepared to resist (7.57.4).[51] Unable to span the marsh with wattle works, Labienus slipped silently upstream to Meclosedum, another island town. Its inhabitants had joined the Parisii, and he took the town without incident.[52] He then turned toward Lutetia (7.58.1–5). The enemy countered by burning the town and destroying its bridges and pitched camp on the south bank opposite Labienus and in front of the town (57.58.6).

At this point Labienus heard rumors from his native troops that the Aedui had defected, and Caesar had withdrawn from Gergovia and was speeding toward the Province.[53] The Bellovaci to the north were also preparing war (7.59.1–2). Labienus realized that he had to quit the offensive against Lutetia or be caught between the Parisii and Bellovaci and cut off from Agedincum. *Tantis subito difficultatibus obiectis ab animi virtute auxilium petendum videbat* (With so many difficulties suddenly thrown in his path, he realized that he had to seek aid from the courage of his resolution) (7.59.6).

That night, he sent the boats that he had brought from Meclosedum, each under a Roman knight, to await him four miles downstream. Five cohorts were left in camp; the remaining five of that legion were ordered to proceed toward Agedincum with all the baggage and making as much noise as possible. Skiffs with splashing oars added to the hubbub (7.60). With three legions, Labienus rendezvoused with the boats and quickly crossed the Sequana. Shortly before dawn, the enemy learned what was happening and thought the Romans were in flight and trying to cross the river in three places. They divided their army accordingly (7.61.1–4) The main body met Labienus at dawn and, in the ensuing battle, were surrounded and annihilated. The Gauls in the camp came at the sound of fighting and were cut down by the cavalry (7.62.1–7). Labienus returned to Agedincum, where he probably received word of Caesar. Leaving there with the whole army, he rejoined Caesar on the third day (7.62.10).

At Alesia Labienus took part in the fierce fighting around the camp of Caninus and Antistius. The camp was in danger of giving way when he arrived with six cohorts. His orders were to hold out as long as possible and then, as a last resort, draw his troops from the walls and sally forth onto the plain (*BG* 7.86.1–2). Meanwhile under Caesar’s personal leadership, the battle was won everywhere except at the camp. Caesar, dispatching cavalry around the outer fortifications to come upon the enemy from behind, was hurrying toward the camp (7.87.2). A message came from Labienus that the rampart and ditch were no longer defensible, and that with an additional eleven cohorts from the neighboring forts, he was going to break out. Caesar sped to join the fight (7.87.3). His crimson cloak signaled the arrival of the *imperator* with reinforcements. The enemy renewed its efforts, but the cavalry appeared at their rear. Panic set in, and many were cut down in flight (7.88.1–3).

Caesar is vague about Labienus’ actions at the camp, though not necessarily by intention. The narrative derives its unity from the theme of Caesar’s personal intervention. Labienus held out against Vercassivellaunus and the picked Gauls until Caesar arrived with aid. This much is clear.

Labienus wintered at Vesontio with the seventh and fifteenth legions,[54] but in March of 51 B.C.E., the seventh was summoned for the campaign against the Bellovaci (*BG* 8.6.3). When they were subdued, and peace everywhere restored, Caesar called Labienus to his side and dispatched the fifteenth to Cisalpine Gaul (8.24.3). Labienus accompanied Caesar on a punitive expedition among the Eburones and then was sent with two legions to the Treveri (8.25.2). Later in the summer, he won a cavalry battle, killing many and taking their leaders captive (8.45.3). Hirtius does not say whether any of the three camps among the Aedui, Turoni and Lemnovices was under Labienus (*BG* 8.46.4). But in September, Caesar put him in charge of Cisalpine Gaul and from there he entered into negotiations with Caesar’s enemies (8.52.2–3).

The elements of power at Rome, as taught by Sulla and confirmed by Pompey, were three: vast wealth, the loyalty of veteran legions, a successful general who could obtain wealth and a personal army. In the years 58–51 B.C.E., Caesar became the man with whom the senatorial government had to reckon. He understood the workings of finance; money flowed in his camp and at Rome, the reward or inducement for services.[55] Instinctively, he was able to engender devotion among the centurions and common soldiers. But he gave little opportunity for others to do likewise. His *legati*, unlike Pompey’s in the 60s, were not sent home to stand for political office, the first step to military command.[57] For Labienus, possibly of praetorian rank since 60 or 59,[58] this could have been particularly embittering. He did not see Caesar as the future dictator, a prejudice which Mommsen in his appraisal of Labienus could not ignore.[58] He too was a victorious general. His subjugation of the Treveri, if *suo imperio*, would have won a triumph. The defeat of the Parisii resulted from the same bold initiative praised often in Caesar.[59] The commentaries testify to Caesar’s appreciation and respect for Labienus as a soldier. In other respects, they reveal a judgment of Labienus not as a partner but as a subordinate. Such was the condition of service in Gaul. Signs of strain appear in 51. Labienus was not employed against the dangerous Bellovaci. He spent the summer among the Treveri and away from Caesar. When the consulship seemed forthcoming, it was too late. Money and honors rarely bind a relationship after the balance of power has gone awry.

IV

Departure from Caesar and Civil War

Overview: Pompey did not take part in the solicitation of Labienus and was not closely associated with Labienus during the latter's years in Gaul. Therefore old ties with Pompey will not explain Labienus' motives in leaving Caesar. These conclusions are supported in the following way. According to Aulus Hirtius, Labienus was approached by Caesar's inimici a term which in Caesarian propaganda referred to his senatorial enemies who were carefully distinguished from Pompey. The effect of Labienus' first meeting with Pompey was to encourage him to face Caesar in Picenum. In this regard, Labienus acted in accord with the senatorial policy of resistance in Italy and not with Pompey's strategy of evacuation and reconquest. Since it is unlikely that Pompey would have kept his plans for the war secret from a military man of Labienus' stature, he probably did not participate in the approaches to Labienus. Moreover, Cicero's surprise at the rumors of Labienus's departure from Caesar shows that Labienus was not a partisan and agent of Pompey during his years in Gaul. Had that been the case, Cicero would have expected him to rejoin Pompey and would have had some notion of his reasons. Instead, he was in the dark until after Labienus had met with the consuls and Pompey at Teanum Sidicinum. Although Cicero was grappling at the time with the problem of which side to join in the event of war, and forsaking the stronger side because of ties with Pompey was very much in his thoughts, he saw no precedent in Labienus for his own decision.

Labienus' motives were more concerned with leaving Caesar than with joining Pompey. We are not sufficiently informed to say definitely what they were. Dio's suggestion that pride and frustrated ambition were behind Labienus' move does not seem far from the truth.

Modern historians from their admiration for Caesar have unjustly labelled Labienus' act as desertion, whereas in fact he sided with the legitimate government against a revolutionary proconsul.

In a letter to Atticus, written in mid-December 50 B.C.E., Cicero included Labienus' wealth among the milestones of Caesar's ignominious rise to power (7.7.6). At this time, Labienus was in charge of Cisalpine Gaul, a move calculated, at least ostensibly, to promote his candidature for the consulship with Caesar in 48.[1] But by now Labienus had been approached by Caesar's enemies (Hirt. *BG* 8.52.3). Cicero had no inkling, however, of these negotiations and reckoned Labienus, along with Mamurra and Balbus, as a prominent Caesarian. This in itself is not surprising. Although Caesar had been informed, the knowledge of the solicitation of Labienus need not have been widespread. But on December 11 and later on the twenty-fifth, Cicero discussed with Pompey the possibility of war.[2] On the first occasion, Pompey thought it certain and, two weeks later, even desirable. If he knew of the advances toward Labienus, a topic certainly relevant to their conversations, he did not tell Cicero. When they met outside Rome[3] on January 17, 49 B.C.E., Pompey must have again said nothing of Labienus, for a few days later Cicero was surprised by the rumor that he had left Caesar:[4]

Quaeso, quid est hoc? aut quid agitur? Mihi enim tenebrae sunt. “Cingulum,” inquit, “nos tenemus: Anconem amisimus. Labienus discessit a Caesare;”

I ask you, what is this? Or, what’s going on? I am in the dark. “We hold Cingulum,” he says, “We lost Ancona. Labienus has left Caesar” (*Att.* 7.11.1).

Cicero was not certain of the report until the twenty-third of December, the day after Labienus joined the consuls and Pompey at Teanum Sidicinum (*Att.* 7.13a.3; *Fam.* 14.14.2).[5]

Pompey may have kept every indication of these negotiations from Cicero or have been unaware himself how they were proceeding. That Pompey was silent by accident is unthinkable, as is a purposeful silence on Cicero’s part. Labienus was too close to Caesar not to be important news. Moreover, Pompey had no motive for reticence on January 17 when he left Rome. In fact, an announcement of the impending desertion of Caesar’s best *legatus* might have relieved somewhat the diffidence and confusion that he left behind him.[6] But another explanation adequately accounts for Pompey’s silence, namely, that he was not party to the overtures toward Labienus.

Labienus was governor of Cisalpine Gaul probably from early September. Caesar was in Gaul, conducting the lustration of the army among the Treveri.[7] It was on the return march during early November that he received rumors of Labienus’ disaffection. Hirtius’ words are revealing:

crebro audiebat Labienum ab inimicis suis sollicitari;

he kept hearing often that Labienus was being approached by his personal enemies (*BG* 8.52.3).

Inimici in Caesarian propaganda denoted Caesar’s senatorial enemies.[8] He was careful to distinguish between Pompey and those implacable foes:

Ipse Pompeius, ab inimicis Caesaris incitatus et quod neminem dignitate secum exaequari volebat, totum se ab eius amicitia adverterat et cum communibus inimicis in gratiam redierat, quorum ipse maximam partem illo adfinitatis tempore iniunxerat Caesari;

Pompey himself, stirred up by Caesar’s personal enemies and because he was unwilling for anyone to be equal with himself in prestige, was totally alienated from friendship with Caesar and had reestablished favorable relations with their common personal enemies, the greatest number of whom he had linked to Caesar during the time of their closeness (*BC* 1.4.4).

Hirtius used the term knowingly in describing the attempts of the consul M. Marcellus in 51 to raise discussion in the senate concerning Caesar’s successor (*BG* 8.53). Pompey supported Caesar’s tribunes in defeating the motion,[9] but *non frangebantur animi inimicorum Caesaris* (the spirits of Caesar’s personal enemies were not broken) (*Hirt. BG* 8.53.2).

Other elements of Caesarian propaganda occur in Hirtius' brief account of the winter of 50 B.c.e. Hirtius speaks of the *factio paucorum* (faction of a few) that sought to overthrow Caesar's influence. He twice mentions Caesar's *dignitas*, which Curio was defending in 50 and the consuls of 49 were dedicated to attack.[10] The account of Caesar's enthusiastic reception in the cities of Cisalpine Gaul (*BG* 8.51) may owe something to the bandwagon propaganda of Caesar's triumphant march through Italy as depicted in the opening chapters of the *Bellum Civile*. [11]

Hirtius was familiar with Caesarian catchwords. He knew what was implied by *inimici*. The conclusion is inescapable: Labienus was approached, not by agents of Pompey, but by the leaders of that small coterie of senators who opposed Curio's compromise.[12] Even if it is argued that Caesar, hoping for a reconciliation, intended in this way to spare Pompey, Hirtius had no such motive.

In winning over Labienus, Caesar's enemies aimed higher than depriving him of his best officer. Their combination with Pompey was not untroubled. They favored a showdown in Italy. By the middle of January, P. Attius Varus was in Auximum, and P. Lentulus Spinther in Asculum. In Samnium on the Valerian road to Rome, L. Domitius Ahenobarbus held Corfinium.[13] Pompey, however, intended from the outset to abandon Rome and Italy: with his navy he would cut off the supply of grain to Italy and then return with forces from Spain, Africa and the East to crush Caesar. But except for hints, he gave his senatorial allies no clue that evacuation was the only course he was considering.[14] His hints, on the other hand, were hotly received, for, however strategically motivated, Pompey's plan would have them at his mercy. If Caesar were defeated in Italy, they would be the victors and receptacle of the *res publica*, and Pompey merely their general. The alternative was *dominatio* by Pompey. Bewildered, they could not be certain that his inactivity and hesitation did not prelude a reconciliation with Caesar.[15] It was to their advantage then to fight as soon as possible. Such was Domitius's purpose in committing a large body of troops to a stand at Corfinium.[16] As part of their efforts, the senators approached Labienus, as the events following the meeting at Teanum Sidicinum on January 22 show.

The effect of Labienus' arrival was to encourage Pompey to face Caesar in Picenum. On January 28, Cicero wrote to Atticus:

qui [Pompeius] quidem ad me scribit paucis diebus se firmum exercitum habiturum, spemque adfert si in Picenum agrum ipse venerit, nos Romam redituros esse. Labienum secum habet non dubitantem de imbecillitate Caesaris copiarum; cuius adventu Gnaeus noster multo animi plus habet;

Pompey writes to me that within a few days he will have a reliable army and adds the expectation that if he comes into Picenum, we will return to Rome. He has Labienus at his side who has no doubts about the weakness of Caesar's forces. At his arrival, our Gnaeus has by far more courage (7.16.2).

Pompey's reliable army probably included the two legions handed over by Caesar for the Parthian war.[17] Pompey set out with Labienus on January 25 for Apulia to inspect them.[18] One legion, the fifteenth, Labienus had led successfully against the Parisii in 52 B.C.E. and afterwards commanded in winter quarters.[19] Previously, Pompey had expressed

distrust of these legions and now decided to use a show of support for their former *legatus* as a pretext for newly found confidence in them.[2] He also was relying upon new levies from Picenum, as the *ipse* of the temporal clause reveals.[21] Pompey was certain that his appearance (*ipse*) in Picenum would stimulate the levies more than the representatives of the senate had done. Likewise, Labienus was certain to have more influence around Cingulum than P. Attius Varus.[22] Meanwhile, Pompey sent L. Vibullius ahead *confirmandorum hominum causa* (for the sake of strengthening men), perhaps with promises of his impending arrival (Caesar *BC* 1.15.4).

More revealing, however, are Labienus' assurances of the weakness of Caesar's troops (Cic. *Att.* 7.16.2). He probably argued, as he did before Pharsalus, that very few veterans of the Gallic campaigns remained, their numbers thinned by too many battles.[23] He doubtless referred to the low morale brought on by Caesar's unending fighting and ambitions against the state. Coming from Labienus, they had a greater impact on Pompey than earlier reports.[24] Labienus had just left Caesar. The thirteenth legion, now with Caesar at Ariminum, had been under his command when he governed Cisalpine Gaul.[25] Yet, he brought with only Gallic and German cavalry (*Baf.* 40.5). Labienus was deliberately misleading Pompey and doing so in the interests of the senatorial coterie.

On the twenty-third of January, Cicero claimed, no doubt with some exaggeration, that Pompey was unaware of what was happening in Picenum (*Att.* 7.13a.1). Three days later, influenced by Labienus, Pompey was thinking seriously of a showdown in Picenum.[26] The situation on the Republican side improved; nothing further was heard of quitting Italy.[27] Clearly, Labienus' first actions and words with Pompey were in accord with the senatorial plan of facing Caesar in Italy and not with Pompey's evacuation and reconquest. This does not prove that Caesar's enemies solicited him from the purpose of turning Pompey's eyes to Italy.[28] But it does show that Pompey did not take part in the negotiations, for it is unlikely that he would have kept his strategy secret from a military man of Labienus' stature.

But hopes for Picenum were shortlived. On February 1, Auximum fell to Caesar (Caes. *BC* 1.13). The conquest of the whole territory rapidly ensued. Pompey left for Luceria in southern Italy,[29] and Labienus probably accompanied him.

Syme's suggestion of old ties with Pompey does not explain Labienus' departure from Caesar, although such ties may have been recalled to facilitate the shift at the eleventh hour.[30] Nor was Labienus closely associated with Pompey during the years 58–50 B.C.E. Had he been so, Cicero would not have been surprised but would have expected or at least had some notion of Labienus' motives in leaving Caesar. Moreover, his crossing would have afforded Cicero a model which he could not have passed over in silence. Already the problem of whose side to join, should it come to war, concerned him.[31] Forsaking the stronger side because of ties, political or personal, with Pompey was very near to his own thoughts.[32] But Labienus' heroism lay not in joining Pompey but in leaving Caesar:

Labienum ab illo discessisse propemodum constat. Si ita factum esset ut ille Romam veniens magistratus et senatum Romae offenderet, magno usui causae nostrae fuisset. Damnasae enim sceleris hominem amicum rei publicae causa videretur, quod nunc quoque videtur sed minus prodest;

it is agreed that Labienus has almost left Caesar. If it had happened in this way that

Labienus, on coming to Rome, met the magistrates and senate at Rome, he would have been of much use for our cause. Labienus seems to have condemned a friend of his of a crime for the sake of the Republic, a thing which now also seems the case but is less useful (Cic. *Att.* 7.13.1);

and in the pain that it caused Caesar:

Labienu heroa iudico. Facinus iam diu nullum civile praeclarius, qui ut aliud nihil hoc tamen profecit: dedit illum dolorem;

I judge Labienus a hero. There is no political move for a long time more glorious. If Labienus has not accomplished anything else, he has caused Caesar pain (Cic. *Att.* 7.13.1).

Both points of view are found in Cicero's review of the events of January written to Tiro on the twenty-seventh:

Maximam autem plagam accepit quod is qui summum auctoritatem in illius exercutu habebat, T. Labienus, socius scleris esse noluit, reliquit illum et est nobiscum. . . ;

Caesar received, however, a very great blow because that man who held the highest position in his army, T. Labienus, refused to be an ally in his crime and left him and is now with us (Cic. *Fam* 16.12.4).

The question remains why Labienus left Caesar. His departure did not take Caesar unaware. He had one legion in Cisalpine Gaul, and that was split into cohorts and scattered in *municipia* and in a province fervently Caesarian.[33] How sincerely Caesar contemplated a consulship with him is unanswerable. But Caesar's letters to Cicero before the latter joined Pompey in Greece demonstrate his appreciation for appearances.[34] The governorship provided his enemies with a token of his goodwill and Labienus with a harmless opportunity to disclose his intentions.[35] Afterwards, Caesar sent Labienus his money and baggage with that same contemptuous indifference with which he returned to Domitius the war funds left behind at Corfinium.[36]

Whatever Labienus' reasons, they clearly were more concerned with leaving Caesar than with joining his enemies. What may have been the rumor current at Rome in January 49 is preserved in Dio: jealousy and resentment turned into hatred.[37] Of the hatred there can be little doubt:

Tum Labienus: "Desinite ergo de compositione loqui; nam nobis nisi Caesaris capite relato pax esse nulla potest;"

Then Labienus declared: "Stop talking about an agreement; there can be no peace with us unless Caesar's head is brought back" (*BC* 3.19.8).

Hardly the words of a man moved by principles.[38] Considering the conditions in the Gallic

army, causes are not difficult to find. Labienus had proved on every occasion his capacity for independent command. He could easily have felt himself Caesar's equal in the field. Although a *praetorius* since 59 or 58, a consulship with its subsequently provincial army was not forthcoming. The consulship with Caesar, even if seriously planned, would not have altered the balance of power between them. Antonius' election to the augurate, the first step to the consulship, showed the direction of Caesar's purposes. Caesar's enemies held out a new opportunity to gain an army. Three years later he could boast that he had won the loyalty of his troops (*BAf.* 19.3). Beyond that, we cannot go.

Pompey's senatorial allies quickly became disenchanted with the gruff Labienus. He lacked the *dignitas* requisite for recognition among the *nobiles* in the Republican camp, and so he probably had to be content with the rank of *legatus*.^[39] But Pompey valued his presence and made him commander of the cavalry.^[40] Labienus' hand may be seen in the attempt to win at Pharsalus with cavalry.^[41] It was not until after Pompey's death, when the senatorial cause lacked a proven general, that he gained a scope befitting his skills as a tactician. Even then the nominal command fell to Q. Metellus Scipio, an unworthy scion of once illustrious families.^[42]

After Pharsalus, Labienus escaped with his German and Gallic cavalry and brought the news of defeat to Dyrrachium. Cunningly, he tempered disaster with the encouraging deceit that Caesar received a mortal wound.^[43] He then put his force under Cato's orders at Corcyra and accompanied him, first to the Peloponnese and from there to Africa, intending to rejoin Pompey in Egypt.^[44] Upon landing in Cyrenaica, however, they learned from Sextus Pompeius of his father Pompey's death. Setting out toward Cyrene, Cato sent Labienus ahead with cavalry, but he was refused admittance into the town until Cato himself arrived a few days later.^[45] When they heard that Scipio and Varus were raising an army with King Juba of Numidia, Cato marched across the desert and united his and Labienus' forces with them.^[46]

Labienus spent the next eighteen months building a strong cavalry around his sixteen hundred German and Gallic horse and eight thousand Numidian allies (*BAf.* 19.3). Its superiority over legionaries for fighting in Africa gave him a greater importance than that of the imperator Scipio. But Cato probably appeased the popinjay's pride while keeping Labienus in command.^[47] It was a fortunate outcome, for Labienus' tactics twice caused Caesar considerable anxiety (*BAf.* 71.2–72.1) and twice brought him to near defeat.

Labienus was camped near Leptis when he learned that Caesar had landed at Hadrumentum on December 28, 47 B.C.E. (*BAf.* 2.5; 3.1). Caesar could not attack immediately, because part of his fleet had been separated in the crossing and the small force with him was weak from the voyage. Hence he remained near the coast and on the defensive.^[48] By the fourth of January, enough ships had arrived so that Caesar was able to supplement his commissary by foraging inland. He set out on the fourth from Ruspina with thirty cohorts (11.1–3). Labienus had been waiting for an opportunity to engage Caesar on the open plain and moved to the attack before Caesar had marched three miles (12.1). His plan was to surround Caesar with cavalry and overcome him with numbers alone. The enemy, he assured his men in a meeting before the battle, would panic at the memory of Curio's fate and, exhausted by killing so many, would be crushed by the very effort of success (19.2–3). But he moved prematurely; dust clouds warned Caesar in time to summon his cavalry and archers from Ruspina (12.1-2).

Labienus drew his horsemen into a long line with light infantry interspersed. So densely packed were they, that Caesar's men thought that they were dealing with foot soldiers (13.1). Caesar was also deceived. Anticipating a pitched battle, he assumed the usual formation, a line of foot with cavalry on the wings to prevent encirclement, but owing to his small force, he adopted a single line (13.2). Labienus apparently had planned on the triple line which Caesar favored.[49] When the Caesarians presented a longer front than expected, he hesitated only a moment before ordering his men to spread out laterally and envelop the enemy (*BAf.* 14.1). Caesar was caught off guard. His men were on the verge of breaking ranks, for whenever a cohort charged, its unshielded flank was open to the shafts of the light infantry (14.2–3). Labienus quickly routed Caesar's cavalry and surrounded the cohorts. Victory was a matter of time, since the Caesarians, crowded in upon themselves, could only defend against the volleys of Labienus' men (15.3; 16.4). But Labienus' horse was wounded, after he came too close to the enemy line, and he was tumbled from the saddle (16. App. *BC* 2.95). At the same time, Caesar ordered his cohorts to extend their formation to its maximum length and to face about alternately.[50] This broke the encompassing corona at the wings. Labienus escaped serious injury, but the attack had lost its momentum and was routed (*Baf.* 17).

At once Caesar began to retreat toward Ruspina, but at that moment reinforcements under M. Petreius and Cn. Piso arrived and, joined by Labienus, they renewed the attack upon Caesar.[51] Again, they avoided close quarters (*BAf.* 18.1–4). By a desperate effort, Caesar seized several heights, ready to face a prolonged struggle. Instead, Labienus broke off (18.4–5). He intended to contain Caesar in towns or in camp and cut off his supplies or harass and wear down his legions on the march. Further fighting, with night approaching and Caesar's other cohorts nearby in Ruspina, would have been profitless.

A few days later, Labienus and Petreius were joined by Scipio with eight legions and three thousand horse (*BAf.* 20.2; 24.1). Together, they easily penned Caesar behind his entrenchments near Ruspina and, by intercepting his foragers, further restricted his meager intake of grain (24.2–3). But a disagreement grew in the Republican camp over the best way to exploit their advantage. Scipio favored caution. He was content to draw up his battle line each day, an empty challenge considering his overwhelming numbers, while reducing Caesar by starvation without risk (30; 32.1). Labienus, on the other hand, surmising that convoys were on the way, thought that Caesar's predicament should be pressed. He attempted to take Leptis with cavalry but was repulsed (29.2–3). The town, well fortified and garrisoned by six cohorts with artillery, was vulnerable only to a siege by infantry which Scipio had probably refused him. But near the end of January, before anything could be gained, Caesar received reinforcements and provisions from Sicily and moved from Ruspina (34.6; 37.1–2).

In the ensuing operations around Uzitta and Aggar, the initiative passed to Caesar who pushed for a decisive encounter. His attempts were frustrated by Labienus, whose cavalry hampered his lines of supply and harried his troops on the march. But Scipio refused to commit his infantry, and Labienus could make little headway against Caesar's legions.

Caesar marched southward from Ruspina and began to build entrenchments along the western slope of a series of low hills overlooking Uzitta and Scipio's camp (*BAf.* 37–38.2). On one hill stood a fort held by Numidians. Caesar sent a squadron of Spanish horse who quickly dislodged them (39.1–3). Labienus in turn sent his right wing consisting of German and Gallic troops to their rescue, but, because of a farmhouse obstructing his view, he did

not notice that they had been cut off by Caesar's cavalry (39.4–40.3). Their loss was a severe blow. In the positional warfare that followed, Labienus had nearly trapped Caesar in a ravine when his own men, unnerved at the approach of the legions, turned and suffered heavy casualties (49–50). Another ambush failed when Caesar was informed beforehand and surprised Labienus' light armed troops (65–66).

After three weeks of maneuvering had not brought about a pitched battle, Caesar moved farther south and took up a position two mile southwest of Aggar (*Baf.* 67.1). Both sides continued the same tactics. Hoping to force Scipio to commit himself by attacking his sources of supply,[52] Caesar seized Zeta, a town ten miles from his camp (68.1–2). His route, however, necessitated passing Scipio's camp on his flank. On the return march, Labienus and Afranius emerged from behind nearby hills and fell upon Caesar's rear guard (69.1). Their object was to cause Caesar to pitch camp on the spot, away from water. Hence they avoided close quarters, giving way before the rush of the legionaries while wounding the horses of Caesar's cavalry (69.3–5). It was the same situation as on the plain of Ruspina. But this time by replacing cavalry with foot soldiers, Caesar slowly extricated his column, although with greater losses than the author of the *Bellum Africum* admits (70).

Little is known of Labienus' military career after this encounter in early March 47 B.c.e. The battle of Thapsus was fought with infantry, which may explain why Labienus' part in it has gone unrecorded. After the defeat, he fled with Varus and Sextus Pompeius to Spain where he probably was second in command to Cn. Pompeius.[53] Despite commanding the right wing at Munda, he did not attract the attention of the soldier who wrote the *Bellum Hispaniense*. [54] Labienus inadvertently caused the rout which ended the battle and the civil war when he transferred part of his forces from his position on the right across the rear of the Pompeian line. He meant apparently to succor the left wing which was under pressure from Caesar's tenth legion and in danger of being outflanked by the Moorish cavalry of king Bogud. The Pompeian ranks, taking his movement as the beginning of retreat, lost heart and before they could be checked, descended into full flight.[55] In the carnage that followed, Labienus was killed and buried on the field.[56]

Labienus, first and last, was a professional soldier with no delusions about war and seemingly without thought for the aftermath of victory. In the Gallic campaign, he appears as a competent lieutenant whose skill rivalled his general's. But as a whole, the portrait of Labienus that emerges from the sources is not attractive, and modern historians have imposed their own *damnatio memoriae*. Responsibility lies in part with the man himself: Labienus was not a congenial person. Although undeniably successful in the field, he was given to swagger.[57] The break with Caesar left him bitter and consumed by craving for vengeance. Cicero praised the deed but disliked the man. Caesar had no reason to no reason for impartiality. In the parley at Apsus, Caesar charged Labienus with the treachery which ended hopes of peace (*BC* 3.19.5–8). Labienus' oaths at Dyrrachium and Pharsalus, both meant to lift the morale of the Pompeians, were turned into "*l'exagération du transfuge qui veut prouver à se nouveaux amis la solidité de ses récentes convictions*" (the exaggeration of the turncoat who wishes to prove to his new friends the solidarity of this recent convictions.)[58] Although Pompey and the senatorial leaders must have concurred, Labienus alone bears the infamy of the execution of Caesar's veterans at Dyrrachium (*BC* 3.71.4). The full background cannot be recaptured, but Labienus' words and deeds in the *Bellum Civile* are probably based on what Labienus said and did.

Modern historians in their admiration for Caesar have further denigrated Labienus with labels of “faithless man,” “deserter,” and “renegade.” Mommsen is most eloquent, and damning, in his judgment of Labienus:

To all appearances Labienus was one of those persons who combine with military efficiency utter incapacity as statesmen, and who in consequence, if they unhappily choose or are compelled to take part in politics, are exposed to those strange paroxysms of giddiness, of which the history of Napoleon’s marshals supplies so many tragicomic examples. He may probably have thought himself entitled to rank along side of Caesar as a second chief of the democracy; and the rejection of this claim of his may have sent him over to the camp of his opponents.[59]

Mommsen sees Caesar as a man of foresight, whose aim from the outset of his career was to rid Rome of the degenerate oligarchy and provide in its place a just system of government. For Mommsen, a move away from such a man could only be utmost folly. But despite their foibles, infighting and excesses, the nobility and senatorial class represented the constitutional authority of the Roman state, a condition which Caesar himself realized.[60] Neither did Caesar have the approval and devotion of his partisans to the extent Mommsen imagined. A few followed from affection; the others from more practical motives.[61] Hence we must not assume that Labienus, in leaving Caesar, deserted a trusting friend and fellow soldier. Personal reasons aside, he in fact joined the legitimate government in its struggle against a revolutionary proconsul who placed his own *dignitas* above his country. At least that was Cicero’s view when he said:

Labienus heroa iudicio. Facinus iam diu nullum civile praeclarius (*Att.* 7.13a.1)

and

T. Labienus socius sceleris esse noluit (*Fam.* 16.12.4).

Notes to Labienus's Career Before 63 B.C.E.

1. Tribune: Broughton, *MRR* 2.167–168.
2. We know from Cicero's speech for Rabirius (25) that Labienus was not yet born when Saturninus was killed on December 10, 100 B.C.E. Labienus's praetorship, though unattested, is likely on the grounds that Caesar would not have risked a rebuff for an obvious and unnecessary infraction of the *leges annales* by promoting Labienus's canvass for the consulship of 48 (Hirt. *BG* 8.52.2, with Syme, *JHS* 28 (1938) 121–122), if he were not of praetorian rank. Since the minimum age for that office was forty years, Labienus's birth may be placed in 99 or 98. Broughton (*MRR* 2.578) leaves open the question of his praetorship. Badian (*Philol.* 103 [1959] 95 note 1) suggests 98 or 97 because Labienus was tribune pl. in 63. But the tribunate, being a noncompulsory office, is an uncertain indication of age.
3. Equestrian rank: Cic. *Rab. perd.* 22. The Labienii are sometimes considered a *familia* of the Atii (e.g., Botsford, 435; Heitland, *RR* 3.89). According to Klebs (*RE s.v.* [Atius Labienus] (22), 2254–2255), this notion owes its existence to arbitrariness in conducting prosopographical studies and to ignorance in forming Roman names.
4. Cic. *Rab. perd.* 22 and Caes. *BC* 1.15.1–2 imply this conclusion.
5. Tribus Velina: Liv. *per.* 19. The date for the extension of the tribe to Picenum is in question (Taylor, *VDRR* 64 with note 66). Definition of a *praefectura*: Festus, 262 Lindsay. The degree of dependence upon the *praefecti* varied, and thus the exact status of individual *praefecturae* is not easily determined (Sherwin-White, 49–50). But it is a clear indication of Roman citizenship before the Social War (Beloch, 576; Taylor, *VDRR* 65–66).
6. Beloch, 577; Sherwin-White, 142. The magistrates for the newly created *municipia* were *duoviri*. For Cingulum, see *CIL* 5686 and 5688.
7. Rudolph, 199.
8. Fifty-five B.C.E., the generally accepted date, was first proposed by Willems, *Le sénat de la république romaine*, 1.497–499. Willems' evidence is repeated by Rudolph, 196–198 and Taylor, *Studies* 72–73. The dating is based upon the identity of the sponsors, all known followers of Caesar except Mamilius who is unidentified, and on Dio 39.32.3 who says that in 55 most of the tribunes were won over by the triumvirs. Fifty-five is the only year in this period when as many as five tribunes are unknown. But it is a question whether the purpose of the law was to settle problems raised by Caesar's legislation of 59 and so was a political measure (Cary, *JHS* 27 [1937] 50) or to extend municipal jurisdiction to Italian communities and so was free of political implications, as Rudolph contends.

9. This is clear from the opening words of chapter 53: *quae colonia hac lege deducta quodve municipium praefectura forum conciliabulum constitutum erit* (Bruns, Fontes,⁷ 95–96; Hardy, *CQ* 19 [1925] 185).
10. Wealth: Cic. *Att.* 7.7.6; Val. Max. 8.14.5.
11. Veterans: Vell. 2.29.1. *BAf.* 2.22. For *Gemeindepatronat* of the *gens Pompeia*, see Gelzer, *Kl. Schr.* 1.95–98.
12. Estates: Plut. *Pomp.* 6.1. Knowledge of the area brought about Strabo's selection in 90 B.c.e. to conduct the war against Asculum as a *legatus* of the consul P. Rutilius Lupus (Cic. *Font.* 43; App. *BC* 1.40; Gelzer, *Kl. Schr.* 2.111). After an initial defeat, he reduced the city by siege (*Liv.per.* 47; App. *BC* 1.47; Oros. 5.18.17).
13. *BAf.* 2.22; *Liv.per.* 85; Vell. 2.29.1; Val. Max. 5.2.9; Plut. *Pomp.* 6.1–2.
14. Attempts by Carbo's agents to levy troops were unheeded. The two brothers Ventidius were expelled from Auximum, where Pompey had set up his headquarters, for acting in Carbo's interests (Plut. *Pomp.* 6.2–4).
15. Clodius: Cic. *Q/F.* 2.3.4. 49 B.C.E.; Cic. *Att.* 7.16.2.
16. For example, L. Nonius Asprenas and L. Municius Basilus. See Syme, *RR* 92 and note 5.
17. Cic. *Rab. perd.* 21. For the life of Servilius, see Münzer, *RE s.v.* "Servilius"(93), 1812–1817.
18. Ormerod in *CAH* 9.350–353; Magie, 1.282–287.
19. For the military tribunate, see Marquardt, *Staatsverw.* 2.363–367 and Lengele, *RE s.v.* "tribunus" (9), 2439–2448. There were two types of military tribune, those elected by the people in the tribal assembly and those appointed by the general. Labienus was probably among the latter.
20. The campaign against the pirates is described by Sallust in the *Historiae I* and by Livy in book 90; both are lost. The fragments of Sallust and the epitomies of Livy have been put together by Ormerod in *JRS* 12 (1922) 35–56 and by Magie, 1.1287–1290 and 2.1167–1174.
21. Magie, 1.291. Cognomen and triumph: *CIL* 1.741. *Imperator*: Cic. *Verr.* 2.1.56, 4.82; *Rab. perd.* 21.
22. Holmes, *CG*² 565–567. The greater abilities and experience of the *legatus*, who was usually a senator and so of at least quaestorian rank, was gradually diminishing the

general's reliance upon military tribunes. But in the Sullan period, this development was just beginning (Lengle, *RE s.v.* "tribunus" (9), 2443).

23. Lengle, 2443–2445; Suolahti, 43–49.

24. Smith, 61. Servilius celebrated his triumph in 74, but the chronology of the campaign is uncertain. According to Cicero (*Verr.* 2.3.211), he held the command for five years, but Eutropius (6.3) and Orsoius (5.23.21) refer to a war of three years. Ormerod's seems the best solution: 78 given to preparations, campaigning in 77, 76, and 75, and 74 to Rome for the triumph (*JHS* 12 [1922] 37–39). See also Magie, 2.1167.

25. Syme, *JHS* 28 (1938) 119.

26. Cic. *Fam.* 3.10.9: amplissimi sacerdoti collegium, in quo non modo amicitiam violari apud maiores nostros fas non erat, sed ne cooptari quidem sacerdotem licebat, qui cuiquam ex collegio esset inimicus.

27. Taylor, *CP* 36 (1941) 118–119. Caesar followed the traditional political career in the early years (Strasburger, *Eintritt* 127–32). The prosecutions of Cn. Cornelius Dolabella and C. Antonius were a normal means of advancement and apparently did not effect his acceptance by the nobility.

28. Syme, *JRS* 28 (1938) 120.

29. Smith, 62–65.

Notes to Tribuneate of the People and the Trial of C. Rabirius in 63 B.C.E.

1. In the enumeration of his consular speeches which he was preparing for publication in 60 B.C.E., Cicero place the *pro Rabirio perduellionis reo* in fourth position (*Att.* 2.1.3). This has led to dating its delivery early in 63 (Peterson, 236; Boulanger, 117 and note 1; Syme, *JRS* 34 (1944) 97). The aim of the prosecution makes a later date, May or June, preferable. It is probable from Suet. *Iul.* 12 and Dio 37.27.1 that Caesar was responsible for the unusual manner of the prosecution. Perhaps he was inspired to it by his interest in ancient *caerimonia*, but surely for better reasons that to “give this intellectual interest a practical application” (Fowler, *CR* 30 [1916] 69) let to its use.
2. See von der Mühl, *RE* s.v. “Rabirius” (5), 24–25 for a biography of Rabirius.
3. Cic. *Rab. perd.* 19: *confiteor interficiendi Saturnini causa C. Rabirius arma cepisse*. Slave: *Rab. perd.* 31. The allegation that Rabirius tossed Saturninus’ head about at a party smacks of political slander: *caput eius Rabirius quidam senator per convivia in ludibrium circumtulit* ([Aur. Vic.] *Vir. ill.* 73.12).
4. Thus Cicero represents the attack on Rabirius (*Rab. perd.* 2: *ut illud summum auxilium maiestatis atque imperi quod nobis a maioribus est traditum de re publica toleretur*.) Also *Rab. perd.* 4; *Orat.* 102.
5. Cic. *Pis.* 4: *ego in C. Rabirio perduellionis reo XL annis me consulem interpositam senatus auctoritatem sustinui contra invidiam atque defendi*; *Orat.* 102: *Ius omne retinendae maiestatis Rabirii causa continebatur; ergo in ea omni genere amplificationis exarsimus*; Dio 37.26.28; Suet. *Iul.* 12.
6. *Perduellio*, originally “wicked warrior,” meant the national enemy (*hostis*). Criminally, the abstract *perduellio* designated an act of a national enemy (Mommsen, *Straf.* 537). Cf. *Dig.* 48.4.11: *Qui perduellionis reus est hostili anima adversus rem publicam . . .* The term probably did not refer at first solely to military crimes, but its definition may have narrowed in that direction as the non-military *maiestas populi Romani imminuta* became more popular (Merrill, *CP* 13 [1918] 35). A neat distinction should not be drawn between *perduellio* and *maiestas*, since *perduellio* recalled only the similarity between a traitor and a *hostis*. Cf. Brecht, *RE* s.v. “*perduellio*,” 616–622; for a more detailed definition, which discovers specific crimes for different historical periods, see Brecht, *Perduellio* and a review by Daube, *JRS* 31 (1941) 180-184.
7. This is Mommsen’s extrapolation from Liv. 1.26.2. The commonly used *duumviri perduellionis* is not in the sources (*St.R.*³ 2.217 note 4).
8. This is the usual reason: Greenidge, 355; Hardy, 110; Holmes, 1.50–51, 251; Brecht, *RE* s.v. “*perduellio*,” 635; Ciaceri, 1.220.
9. Dio 37.27.1. Mommsen conjectures that Labienus proposed a plebiscite which

provided the details of the duumviral procedure, including their appointment by the praetor. See Strachan Davidson, 1.196 concerning the vagueness of these preliminary proceedings.

10. The identity of this praetor is unknown. Q. Metullus Celer is usually suggested. Meyer (560 note 1) proposed L. Valerius Flaccus.

11. Dio 37.27.3–28.3. Flag: Liv. 39.15.11; Gell. 15.27. Mommsen, *St.R.*³ 1.387 note 4.

12. Suet. *Iul.* 12: *sorte iudex in reum ductus*, as interpreted by Meyer, 560 note 1 and Ciaceri, 1.231. Mommsen (*St.R.*³ 2.617) thought that the praetor chose the *duumviri* by lot from an indeterminate group of candidates. He saw the possible use of the lot which Meyer suggested (*St.R.*³ 2.617).

13. Suetonius' account is corrupted by the use of the legal phrase *diem dicere*, implying Caesar caused Labienus to summon Rabirius before his tribunal (Holmes, 1.452 note 1). Concerning Suetonius, see also below, note 50.

14. Mommsen, *St.R.*³ 2.615 note 2. Horatius: Liv. 1.26. Manlius: Liv. 6.20.

15. Brecht, *Perduellio* 153. Livy knew of a version with *duumviri* (6.20.12): *sunt qui per duumviros, qui de perduellione anquirent creatos, auctores sint damnatum*. But he followed the tribunician version (6.20.1, 20.12). The duumviral version, according to Mommsen the older account, has been corrupted by annalistic retrojection of the tribunician prosecution (*Röm Forsch.* 2.193–195). The language used in this section suggests that the elaboration originated in the propaganda of the Optimates and Populares surrounding the *senatus consultum ultimum*, especially Liv.6.19.3: *ut videant magistratus ne quid ex perniciosis consiliis M. Manli res publica detrimenti capiat*.

16. Liv.. 1.26.4. The grounds for the charge of *perduellio* are not clear. The murder of a sister is *parricidium*, which Festus recognized (*s.v.* “*sororium tigillum*,” 380 Lindsay): *accusatus (Horatius) tamen parricidii apud duumviros, damnatusque provocavit ad populum*. But the sister had committed *proditio* by weeping for an enemy, and her death anticipated legal execution. Nevertheless, she was yet *indemnata*, so her murder was an offense against the state. Perhaps the crime was both treason and parricide, since in early Rome parricide was considered an act of treason against the authority of the *paterfamilias* (Lear, 4–6). The subject is much discussed; see Mommsen, *Straf.* 528 note 1; Ogilvie, 114–115 for bibliography.

17. Who summoned and presided over the *comitia* for the appeal is not stated in the procedural law. Mommsen by analogy with the quaestorian comitia proposed that the *duumviri* carried out these functions with borrowed auspices (*St.R.*³ 2.218).

18. Liv. 1.26.7: *hac lege duumviri creati, qui se absolvere non rebantur ea lege ne innoxium quidem posse*.

19. Cic. *Rab. perd.* 15. The *annales* usually suggested are those of C. Licinius Macer (Meyer, 556; Brecht, *Perduellio* 174 note 1). Model: Mommsen, *St.R.*³ 2.615 note 2; Greenidge, 355; Hardy, 112; Holmes, 1.250; Meyer, 356; Brecht, *RE* s.v. “*perduellio*,” 635 and *Perduellio* 170.
20. Cic. *Rab. perd.* 13 and Liv. 1.26.6. Brecht, *Perduellio* 170: Wir glauben dagegen aus Ciceros Zitaten in seiner Rede folgern zu müssen, dass der Horatiusbericht in Jahre 63 v. Chr. schon ganz festand und dass Livius ihn seiner Vorlage fast oder ganz wörtlich entnommen hat.
21. Huschke concludes from chapters 10 and 17: Daraus geht hervor, dass alle jene Anklagen mit Einschluss dieser die Keuschheit betreffenden und so denn nothwendig auch die letzte vom ihm nur zu besonderer Erörterung in einer altera pars aufgesparte, dass Rabirius den Saturninus erschlagen habe, ein und derselben (eadem) multae inrogatio zur Grundlage dienten und folglich der Process, in welchem Cicero den Angeklagten vertheidigte, nicht ein Perduellionsprocess war (515–516).
22. Mommsen, *St.R.*³ 2.298 note 3; 615 note 2; *Straf.* 588 note 1; 590 note 1. Huschke, 516, 527–528: speech belongs to a *contio* in a trial over a fine. Heitland (33–39) in his edition of 1882 depended heavily upon Huschke. Gelzer *RE* s.v. “Tullius” (29), 870–872, following Mommsen, thought Labienus brought a pecuniary accusation for *perduellio* against Rabirius in the *concilium plebis* (871).
23. Prosecutor: Cic. *Rab. perd.* 4: *rem . . . a tribuno pl. susceptam*; 6: *accusatoris condicioni*; also 7, 8, 11, 13, 18, 20, 23–25. President: 6, 9, 38. Huschke, 518.
24. Cic. *Rab. perd.* 25, which, according to Huschke (517), “eben so unwidersprechlich beweisen, dass Cicero’s Rede in einem Mult- und nicht in dem von Dio geschildereten Perduellionsprocesse gehalten sei.
25. Cic. *Rab. perd.* 1. Fine: Mommsen, *St.R.*³ 3.353. Huschke, 526.
26. Mommsen, *St.R.*³ 2.218. Botsford, 103–104, 244.
27. Mommsen, *St.R.*³ 3.358 and note 1.
28. Oldfather (*TAPA* 39 [1908] 49–72) has shown that the *carmen* specified scourging, not hanging or crucifixion. The phrase *infelici arbori reste suspendito* means “‘hang or fasten him with a rope on (or to) a tree,’ not, “‘from a tree,’” where *arbori* is a locative (54). The only construction with *suspendere* meaning “to hang from “ is in the ablative with or without a preposition (53). Hanging before scourging would reduce the effectiveness of the blows and kill the victim too quickly (51). Moreover, there is no evidence that the Romans hanged criminals from a gallows (54). Crucifixion, on the other hand, well attested as the *supplicium servile* (see Oldfather, 60 and note 2), was oriental in origin and not known at Rome until 217 B.C.E. (Liv. 22.33.2) (60–62).

29. Huschke, 516.

30. Niebuhr, *M. Tulli Ciceronis Orationum pro M. Fonteio et pro C. Rabirio fragmenta*, 69–70. Niebuhr nevertheless was diffident in rejecting Dio: *atque ego certe is minime sum qui de huius scriptoris, prudentis et diligentis viri, fide detrahere soleam; sed hac quidem in re eum errasse . . . ex hac ipsa oratione perspicue intelligitur* (69). Mommsen, *St.R.*³ 2.298 note 3) derived the title from Cic. *Pis* 4. A copyist, wishing to distinguish this speech from that delivered in 54 B.C.E. for C. Rabirius Postumus, embellished the simple *pro Rabirio* of Cicero's letter to Atticus (2.1.3).

31. According to Mommsen (*St.R.*³ 2.616–617), the election of *duumviri*, although the prerogative of the *comitia*, could be accomplished by their representative. Since they were not a permanent magistracy, a special law was required in each case, which permitted variations in the manner of their appointment (*Straf.* 1.154 and 587).

32. A *duumvir* had to pronounce sentence for the king to allow for the possibility of appeal, since the king's verdict was final (Mommsen, *St.R.*³ 2.615 note 1).

33. Mommsen (*St.R.*³ 2.617 and note 5) believed that the *duumviri* could acquit as well as condemn. They received from the people or from their representative, in this case, a praetor, instructions similar to those given a judge in a civil case: *si paret, condemna; si non paret, absolve*. Cicero's insistence that they merely condemned (*Rab. perd* 12: *indicta causa civem Romanum capitis condemnari coegit*) Mommsen deemed "eine advocatische Flause" (*Straf.* 155 note 1), a pretense to discredit Caesar (*St.R.*³ 2.617 note 5).

34. This research has shown that the comitial process in the pre-Sullan period was not a two stage process. The magistrate did not pronounce in an earlier trial a decision which he later defended as a prosecutor before a *comitia* summoned by the defendant's *provocatio*. He was rather an investigator in the preliminary stages, after which he proposed a penalty. He then came before the assembly as a prosecutor. For this research, see Kunkel, *Untersuchungen* and a brief statement in a review of Kunkel by Brunt in *Rev. d'histoire du droit* 32 (1964) 440–449.

35. Bleicken, *ZS* 76 (1959) 335.

36. These words are probably Livy's and may be compared to 6.20.12 (quoted above, note 15), where he mentions *auctores* who spoke of *duumviri* in connection with the trial of Manlius. Each statement alludes to an alternative version which Livy knew but was not following. For his technique of summarizing different accounts at the end of the treatment derived from his main source, see Walsh, 141. The *auctores* of 6.20.12 may have been Cornelius Nepos who said that Manlius was killed by scourging (Gell. 17.21.24). *Auctores* in regard to one author is a frequent exaggeration in Livy (Walsh, 142).

37. Brecht, *ZS* 59 (1939) 311–313; Bleicken, *RE s.v. "provocatio,"* 2461–2462, *ZS* 76

(1959) 340; Meyer, 561, 588. Brecht assumes a “echtes Provocationsverfahren” before the *duumviri perduellionis*, who had *imperium*; that is, if appeal were not lodged, their capital sentence could be immediately carried out. This is unacceptable since the *duumviri* were not judicial magistrates. See Kunkel, 22 and below, note 73. In any case, their *imperium* would be only *de iure* since appeal was inevitable.

38. Bleicken, *ZS* 76 (1959) 335.

39. Staveley, *Hist.* 3 (1955) 414.

40. Staveley, *Hist.* 3 (1955) 414–416. Bleicken, *ZS* 76 (1959) 345–356, esp. 350. The *decemviri* in 451–450 B.C.E. may have formulated the *provocatio* procedure, but the magistrate was still free to disallow it (Staveley, 421).

41. Latte, *RE* s.v. “Todesstrafe,” 1614.

42. Bleicken, *ZS* 76 (1959) 334; e.g., the unexpressed subject in *si provocarit*, where a later law would have *si quis provocarit*, is a feature of the XII Tables (Daube, *FRL* 60).

43. Varro, 6.90–92. Bleicken, *ZS* 76 (1959) 336 and note 28.

44. *C. Gracchus legem tulit ne de capite civium Romanorum iniussu vestro iudicaretur*. Also Cic. *Cat.* 4.10; Plut. *C. Gracch.* 4.1.

45. Bleicken, *ZS* 76 (1959) 338–339. Brecht, *Perduellio* 179–181 saw that the *duumviri* excluded *anquisitiones (indicta causa)* and a comitial trial (*iniussu vestro*). Since he held that appeal was possible from the *duumviri*, Brecht thought that Cicero was concealing this right from the audience. See below, note 75.

46. According to Oldfather, Cicero’s omission of *reste* from the *carmen* as it is given in Livy was a deliberate device “to discredit his opponent Labienus by showing that he intended to crucify a Roman citizen” (*TAPA* 39 [1908] 59), “with the purpose of appealing to every Roman’s prejudice against that penalty” (64). The inclusion of *reste* would have shown the audience that crucifixion was not proposed (59), since a rope was not used in this form of execution (57 and note 4). But then neither is the veiling of the head attested in the sources for crucifixion (57). Cicero was able to “misstate the facts because the formula and exact nature of the execution were unknown to the audience.” It is baffling how Labienus could have complained in *contiones* about Cicero’s annulment of the duumviral procedure (*Rab. perd.* 10) without revealing the nature of the procedure, even if he had wanted to do so, which is unlikely. The section 10–17 of Cicero’s defense of Rabirius in which Cicero discusses the earlier procedure (the boasts in 10 and 17 close off the section as a unit) is an ironic contrast between Labienus and Cicero as *populares*. The effect of irony depends upon the listener’s awareness that the speaker’s words convey the opposite of what he intends. Most telling is the reference to the *lex Porcia (Rab. perd.* 12). Cicero said that the law removed the rods from the body of every Roman citizen, but

hic misericors flagella rettulit; Porcia lex libertatem civium lictori (bearer of rods and axes) *eripuit, Labienus, homo popularis, carnifici tradidit*. It is clear that the *carnifex* was to scourge Rabirius, and that the people knew this. The omission of *reste* is not sufficient to override the implications of the irony.

47. Thus the usual source (see above, note 19) is eliminated, C. Licinius Macer, who died in 66 B.C.E. (Cic. *Att.* 1.4.2; Plut. *Cic.* 9.2; Val. Max. 9.12.7).

48. Imperatives: Daube, *FRL* 57–61. Scourging: Twelve Tables 8.9 (Bruns, *Fontes*⁷).

49. Wirzubski, 64. Allen, *TAPA* 84 (1953) 230–236.

50. Suetonius (*Iul.* 12) hardly devoted extensive research to the character of the *duumviri*. He did not know that Caesar passed sentence without trying the case, which explains his apparent haste and fierceness in condemning Rabirius (Hardy, 113). Bleicken (*ZS* 76 [1959] 339 note 36) points out that his intimation of Rabirius' acquittal shows his superficial knowledge, and therefore little emphasis should be placed upon his mention of *provocatio*, which he easily could have confused with *appellatio* of the empire.

51. From Cic. *Pis.* 4, it is probable that the method of intervention was a decree of the senate (Hardy, 116).

52. After the final *contio* Labienus's charge was submitted to the assembly, which was conducted by the praetor (Taylor, *RVA* 100–101). There was no loaning of auspices, and Labienus was not president of the *comitia*.

53. Cic. *Rab. perd.* 2, 18–20.

54. Expression: Caes. *BC* 1.5.3. Wording of the decree: *videant* (or, *dent operam*) *consules praetores tribuni plebis, etc. . . . quid respublica detrimenti capiat* (Willems, 2.248). See also Palumann, *Klio* 13 (1913) 321–386; Mommsen, *St.R.* 3.1240–1247. Last in *CAH* 9.82–89; O'Brien Moore, *RE s.v.* "senatus (Regierung)," 756–760.

55. A *senatus consultum ultimum* may have been passed against Tiberius Gracchus in 133 B.C.E., but the consul Q. Mucius Scaevola refused to honor it (Val. Max. 3.2.17; Plut. *Tib. Gracch.* 19–20; Mommsen, *St. R.* 3.1242; Willems, 2.248).

56. Although the ultimate responsibility for illegal acts that resulted from the implementation of the decree rested with the senate, the magistrates were open to recriminations in the courts. The magistrates, in turn, would call upon the authority of the senate for corroboration of the seriousness of the danger.

57. The citizens by their own acts made themselves *hostes*. The senate's later practice of declaring them enemies (e.g. Sall. *Cat.* 36.2) was no more than a recognition of their changed status (Last in *CAH* 9.87–88). Not incidentally, however, it provided a defense

against subsequent prosecutions.

58. These were the arguments, as Wirzubski points out (59–60), for and against the actions of the consul L. Opimius who augmented the first *senatus consultum ultimum* in 121 against C. Gracchus and his followers (Cic. *de Or.* 2.106, 132, 134); *Part. Or.* 106). Gracchus and many supporters were killed in the storming of the Aventine, but many others were arrested and later executed at Opimius' orders without trial. The following year, he was prosecuted by the tribune P. Decius (Cic. *Cat.* 1.4; *Phil.* 8.14; Sall. *Iug.* 31.7; Plut. *C. Gracch.* 18; App. *BC* 1.114–120; Liv. *per.* 61). His acquittal established the constitutional validity of the decree (Mommsen, *St.R.* 3.1242 note 2), but despite the court's decision, opponents of the senatorial majority never recognized the legality of these and similar executions. Cf. Sall. *Iug.* 16.2: *cuius legationis (i.e. to Jugurtha) princeps fuit L. Opimius, homo clarus et tum in senatu potens, quia consul C. Graccho et M. Fluvio Flacco interfectis acerrime victoriam nobilitatis in plebem exercuerat.*

59. Hardy (102–103) holds that because of the precedent of Opimius' acquittal and the rebels' status as *hostes*, the *Populares* did not contest the constitutionality of the decree. This is true, not so much for the reasons Hardy gives, but because there was no way to challenge the senate's right to advise the magistrates.

60. The account of Marius's exploits began with the memoirs of his most uncompromising enemies, M. Aemilius Scaurus, P. Rutilius Rufus, Q. Lutatius Catulus, and Sulla. Their distortions were subsequently formed by the Sullan analysts into a literary tradition of far-reaching influence. For the nature of the sources for Marius' career, see Carney, 2–7 with his full notes. The prominence of Scaurus in the suppression of Saturninus indicates the early beginning of this process (Val. Max. 3.2.18).

61. Liv. *per.* 69; Flor. 2.4.4; Oros. 5.17.5–9. the Livian tradition was colored by Optimate propaganda (Klebs, *RE* s.v. "Appuleius" [29], 267) and by the motif of Marian *calliditas* (Passerini, *Ath.* 12 [1934] 281–297).

62. App. *BC* 1.144: "Glaucias and Apuleius, hoping that Marius would come to their aid, surrendered themselves;" Plut. *Mar.* 30.3: "They surrendered themselves because of the so-called public pledge." Flor.2.4.6: *sed cum abruptis fistulis obsideretur, senatuique per legatos paenitentiae fidem faceret, ab arce degressus cum ducibus factionis receptus in curiam est.* Propaganda interests are nevertheless served in Florus: *ibi eum facta inruptione populus fustibus saxisque coopertum in ipsa quoque morte lacereavit*, thus showing that the people, not the merciful senate, were opposed to Marius's attempt to save the criminals (Passerini, *Ath.* 12 [1934] 292–293). The invention of stoning in App. *BC.* 1.145 and in *Vir. ill.* 73.11 had the same purpose. *Fides populi*: Mommsen, *St. R.* 3.1065.

63. Cic. *Rab. perd.* 28: *ac si fides Saturnino data est, quod abs te saepissime dicitur, non eam C. Rabirius sed C. Marius dedit, idemque violavit, si in fide non stetit. Quae fides, Labiene, qui potuit sine senatus consulto dari?* Hardy, 106–107.

64. *Lex Sempronia*: Cic. *Rab. perd.* 12. Labienus also spoke of a *lex Porcia*, probably in connection with the charge *de civibus Romanis contra legem Porciam verberatis* (8).

65. Cic. *Rab. perd.* 18. Hortensius probably played upon the emotions of the audience by recounting Rabirius' war record as may be inferred from the single fragment of his speech, *cicatricum mearum* (Malcovati, *ORF* 322).

66. Cic. *Rab. perd.* 19. The lacuna after 19 probably contained an account of Saturninus' actions before the passing of the *senatus consultum ultimum*.

67. Cic. *Rab. perd.* 28 (quoted above, note 63), as interpreted by Hardy, 108. Cicero's discomfiture, although proving only Labienus's adoption of the story, is a strong hint for its truth, since elsewhere, and even in the present speech (27, 29), Cicero is very deferential to Marius (Passerini, *Ath.* 12 [1934] 290).

68. Cic. *de Or.* 102: *in ea omni genere amplificationis exarsimus*.

69. Disturbances were imminent *a turbulentis hominibus atque novarum rerum cupidis, ab intestinis malis, a domesticis consiliis* (Cic. *Rab. perd.* 33). But Cicero's willingness to comply with the *senatus consultum ultimum* (*Rab. perd.* 35) may have been inserted in B.C.E. when the speech was published (*Att.* 2.1.3).

70. Opinion concerning the aim of the prosecution is threefold: (1) to attack the right of the senate to pass the decree; e.g., Meyer, 549, 563; Ciaceri, 1.220; (2) to arouse indignation against the decree by exposing abuses committed under its aegis: Hardy, 109–110; Holmes, *RR* 1.452–453; Boulanger, 119; and so (3) prevent its use in 63: Lallier, *Rev. Hist* 12 (1880) 265–266; Taylor, *RVA* 103.

71. Lily Ross Taylor (*RVA* 102) suggests that the duumviral procedure was an invention. The alternative version of the trial of Manlius, despite Mommsen (see above, note 15), may derive ultimately from the same source as the first part of Livy's *lex* and so be no older than 63. But Cicero accepted the procedure as ancient and quoted from it. There was no reason for him to keep silent unless the procedure had juristic authenticity.

72. For opinions concerning the purpose of the duumviral, see note 8.

73. As Cicero knew, the blame was Marius' (*Rab. perd.* 27). Rabirius' misfortune in 63 was having survived the events of 100.

74. Commius: Hirt. *BG* 8.23. Prisoners: Caes. *BC* 3.71.4.

75. Brecht (*Perduellio*, 178–189) and Bleicken, (*ZS* 76 [1959] 339–340; *RE* s.v. "provocatio," 2453–2454) saw that the *duumviri* were revived not merely for their effect upon the imagination of the people but to be able to condemn Rabirius without a *iudicium populi*. thus Caesar's verdict could be immediately carried out, if, according to Brecht,

appeal was not lodged. Accordingly, Cicero must have hidden this stage of the process from the audience in order to gain a pretext for annulling the procedure (186). The weakness of Brecht's thesis is the assumption that in case of conviction, Rabirius would not appeal or that the execution could be rushed through before Cicero, who knew of it in advance, could gain this safeguard for Rabirius. Moreover, how could the audience fail to know of the possibility, when they had convened to vote on Rabirius' appeal (Daube, *JRS* 31 [1941] 183). Bleicken thought that Labienus and Caesar avoided a trial before the assembly, fearing that it would be broken up by a veto of a senatorial tribune or by a religious hindrance. But these obstructions lay before any prosecution and were more likely against a procedure that ended in scourging.

76. Liv. 3.45.8: *tribunicium auxilium et provocationem plebi Romanae, duas arces libertatis tuendae*; 3.55.4: *legem de provocatione, unicum praesidium libertatis*. Wirzubski, 24–26. The *leges de provocatione* were keystones in *popularis* propaganda since the Gracchi.

77. Cic. Leg. Agr. 2.6: *ego autem non solum hoc in loco dicam ubi est id dictu facillimum, sed in ipso senatu in quo esse locus huic voci non videbatur popularem me futurum esse consulem prima illa mea oratione Kalendis Ianuariis dixit*. The second speech was delivered a few days afterwards (Gelze, *RE* s.v. "Tullius" [29], 866).

78. The *ius auxilii* had been won at the consuls' expense (Cic. Leg. 3.16: *nam illud quidem ipsum, quod in iure positum est, habet consul, ut ei reliqui magistratus omnes pareant excepto tribuno, qui post exstitit, ne id, quod fuerat, esset. Hoc enim primum minuit consulare ius, quo exstitit ipse qui eo non teneretur, deinde attulit auxilium reliquis non modo magistratibus, sed etiam privatis consuli non parentibus*); Rep. 2.58; Liv. 2.33.1.

79. Laws: e.g. Cic. Leg. Agr. 2.102: *consistit libertas in legibus*. Punishments: Cic. Dom. 77: *potest igitur damnati poenam sustinere indemnatus? est hoc tribunicium, est popuare?* See Meier, *RE* s.v. "Populares," 600–602 for other sources.

80. Cf. *Rhet. Her.* 1.5.8 where the author appears to give a summary of *popularis* attack. See also Sall. *Iug.* 5.2.

81. *Aequitas*: Wirzubski, 44–46. *Popularis*: Cic. Dom. 24: *C. Gracchus qui unus maxime popularis fuit*; Sest. 105; Wirzubski, 39 note 5.

82. Sall. *Cat.* 51.21–22; Liv. 10.9.4. Voluntary exile had always been open to a defendant as a means of avoiding condemnation (Polyb. 6.14.7, with Walbank's note; de Zulueta in *CAH* 9.874–875). The *lex Porcia* made the custom statute law. By proposing to condemn, arrest, and punish Rabirius through *duumviri*, Labienus denied him that escape, as Cicero pointed out (*Rab. perd.* 16).

83. Cic. *Corn. ap.* Ascon. 78 Clark: *Porciam (legem) principium iustissimae libertatis*;

Verr. 2.5.163.

84. Cic. *Div. Caec.* 8: *ensorium nomen, quod asperius antea populo videri solebat*: Meier, *RE* s.v. “Populares” 602.

85. See especially Sall. *Hist.* 1.55 and 3.48; Wirzubski, 50–52. Cicero may be recalling the slogan, *vindicatio in libertatem*, which the Populares of the 70s had made a household word (Wirzubski, 52), But the expression had been overworked by both Populares and Optimates and so was losing its original meaning (Wirzubski, 103–104). It is therefore not certain that this association was felt.

86. The *crux* is the device upon which Labienus proposed to have Rabirius scourged, not a cross for crucifixion, since the audience knew the nature of the penalty (see above, note 46). Had it been meant for crucifixion, Cicero could have been more exact as in Verr. 2.5.169–170. Instead, he denounces all corporal punishment of citizens, as is shown by *Rab. perd.* 16: *a verberibus, ab unco, a crucis denique terrore*, since a hook was not part of either method of execution.

87. Brother-in-law: Mucia, Pompey’s third wife, was the uterine sister of Celer and Nepos (Cic. *Fam.* 5.2.6). Legate: Dio 36.54.2–4. Praetor: Broughton, *MRR* 2.166.

88. Agent: e.g., Drumann-Groebe, 2.12–22; Strachan Davidson, 1.203; Cary in *CAH* 9.490; Boulanger, 129; Syme, *JHS* 28 (1938) 118 and *RR* 32 and note 4; Ciaceri, 1.232; Taylor, *RVA* 103. Celer is less often described as an ally of Cicero: e.g. Lallier, *Rev. Hist.* 12 (1880) 275 and note 3; von der Mühl, *RE* s.v. “Rabirius” (5), 25; Petersson, 237; Anderson, 6. According to Gelzer (*RE* s.v. “Tullius” [29], 870–871), Celer worked with the prosecutors in naming the *duumviri*; however, he called the disbanding a *völliger Meinungswechsel*.

89. Celer in his letter to Cicero (*Fam.* 5.1.1) from the beginning of 62 B.C.E. speaks of their *reconciliata gratia*. Cicero probably replied (5.2.5): *quod scribis de “reconciliata gratia” nostra, non intellego cur reconciliatam esse ducas quae numquam imminuta est*.

90. Even when Metellus was opposing Clodius’s transfer to the plebeians in 60 (Cic. *Att.* 2.1.4), Cicero found him cold comfort (*Att.* 1.18.1): *Metellus non homo sed “litus aequae aëris et solitudo mera!”*

91. Pirates: Broughton, *MRR* 2.148. Mithridates: Joseph. *BJ* 1.127. Anderson (6) points out that if Celer had been military tribune under Metellus Pius in Spain and tribune pl. in 68 (the consulship of L. Caecilius Metellus), he would have owed neither post to Pompey. Concerning these doubtful positions, see *MRR* 2.87 and 138.

92. Dio 37.49.1 and 3; Syme, *RR* 33. On his return from Asia, Pompey divorced Mucia (Cic. *Att.* 1.12.3; Dio 37.49.3), reputedly for infidelity (Plut. *Pomp.* 42.7).

93. Settlements: Dio 37.49.3–5. Land law: Cic. *Att.* 1.18.6; 19.4; 2.1.8; Dio 37.50.1–5.

94. Münzer, *RE s.v.* “Caecilius” (86), 1209 refers to Cic. *Sull.* 65 to show that Celer was urban praetor in 63 B.C.E., presumably because he was presiding over the senate, a right held by this praetor after the consul. The passage is quoted here for convenience: *Kalendis Ianuariis cum in Capitolium nos senatum convocassemus, nihil est actum prius, et id mandatu Sullae Q. Metellus praetor se loqui dixit, Sullam illam rogationem de se nolle ferri.* The passage, however, may indicate that Celer was the first to be recognized. Would Cicero have yielded the presidency of his first session? The *rogatio* is that of L. Caecilius Rufus that civil rights be restored to P. Autronius Paetus and Sulla (*Sull.* 62–66; Dio 37.25.3).

95. Cic. *Rab. perd.* 17: *Qua tu in actione . . . omnia religiones atque auspicioꝝ publica iura neglexisti* may provide a clue to how Celer was to dismiss the assembly.

96. Botsford, 112–113, with the ancient sources.

97. Pompey had no difficulty disbanding the *comitia* in 55, when it appeared Cato would be elected praetor (*Pomp. Pomp.* 52; *Cat. Min.* 42). This is especially pertinent, because it was the centuriate assembly, and the *boni* favored Cato’s election. According to the prevailing opinion, similar conditions were true of Rabirius’ trial: the presiding officer wanted dismissal, while the assembly wanted to go ahead with the voting. Antonius in 44 B.C.E. waited until the second class had voted before announcing evil omens (Cic. *Phil.* 2.82–84).

98. There may be a threat of retaliation in the courts in Cic. *Rab. perd.* 17: *liberum tempus nobis dabitur ad istum disceptationem.*

99. The *pro Rabirio* is the fourth and Cicero’s resignation speech sixth in the list of *Att.* 2.1.3, but how long before his resignation it was delivered is indeterminable. This order, however, is confirmed by Cic. *Pis.* 4–5. Cisalpine Gaul: Cic. *Pis.* 5: *ego provinciam Galliam senatus auctoritate exercitu et pecunia instructam et ornatam, quam cum Antonio commutavi, quod ita existimabam tempora rei publicae ferre, in contione deposui reclamante populo Romano.* Cicero drew Macedonia in the lot for provinces, but in early 63 he handed it over to Antonius in return for his neutrality regarding Catiline (Cic. *Leg. Agr.* 1.216; 2.103, which speaks of his *concordia* with his colleague; *Fam.* 5.2.3; Plut. *Cic.* 12.4; Dio 37.33.4). See also Allen, *TAPA* 83 (1152) 233–235, who argues in favor of this interpretation; Gelzer, *RE s.v.* “Tullius” (29), 865; Holmes, *RR* 1.4357. The exchange was a *pactio* (Sall. *Cat.* 26.4), requiring no official action (Allen, 236 note 5). Elections: Allen, 236–237, who places them after Cicero’s resignation.

100. Gelzer, *RE s.v.* “Tullius” (29), 874.

101. Cic. *Mur.* 49; Plut. *Cic.* 14.1–2; Hardy, *CC* 39.

102. Cic. *Fam.* 5.2.3–4:

Quod autem ita scribis, “pro mutuo inter nos animo,” quid tu existimes esse in amicitia “mutuum,” quid tu existimes esse in amicitia “mutuum” nescio; equidem hoc arbitror, cum par voluntas accipitur et redditur. Ego, si hoc dicam, me tua causa praetermissis provinciam, tibi ipse levior videar esse: meae enim rationes ita tulerunt atque eius mei consili maiorem in dies singulos fructum voluptatemque capio. Illud dico, me, ut primum in contione provinciam deposuerim, statim quem ad modum eam tibi, traderem cogitare coepisse. Nihil dico de sortitione vestra: tantum te suspicari volo nihil in ea re per collegam meum me insciente esse factum. Recordare, cetera: quam cito senatum illo die facta sortitione coegerim, quam multa de te verba fecerim, cum tu ipse mihi dixisti orationem meam non solum in te honorificam sed etiam in collegas tuos contumeliosam fuisse. 4) Iam illud senatus consultum quod eo die factum est ea praescriptione est ut, dum id exstabit, officium meum in te obscurum esse non possit.

It is impossible to agree with Allen (*TAPA* 83 [1952] 239) that Celer was hearing of this for the first time. Silence was unlike Cicero.

103. Cicero hoped for a word of praise from Celer at the end of 63 in recognition of their collaboration against the Catilinarians (*Fam.* 5.2.1–2). But an insult to Nepos outweighed any comradeship that might have developed between them. Although Cicero was trying to explain the laughter in the senate as being directed at himself, not Celer, his disappointment and humiliation were genuine. For a *novus homo*, Cicero expected too much of the supercilious and clannish noble. Celer, on the other hand, was more likely to remember Pompey’s insults to the Metelli, Pius and Creticus.

104. Syme, *JRS* 28 (1938) 118.

105. These were the right to wear a golden crown and triumphal dress at the games and a crown and bordered toga at the theater (Vell. 2.40.4; Dio 37.21.3–4). Concerning Ampius, an ardent Pompeian, see Klebs, *RE s.v.* Ampius (1), 1978–1979.

106. Dio 37.37.1. Labienus’s law put back into force the *lex Domitia* of 104. Taylor (*TAPA* 73 [1942] 19) suggests that Labienus was the tribune (Dio 37.25.3), who proposed Caesar’s unsuccessful bill to return right of office to the sons of the proscribed (Vell. 2.43.4).

107. Dio 37.37.2–3.

108. Sall. *Cat.* 49.2. See Broughton, *MRR* 2.171 for other sources.

Notes to Labienus's Lieutenancy in Gaul, 58 to 51 B.C.E.

1. Caesar was governor of Farther Spain in 61 and 60 B.C.E. See Broughton, *MRR* 2.180.
2. Cic. *Fam.* 16.12.4: *summam auctoritate in illius exercitu habebat, T. Labienus*: Schol. Bern to Lucan 3.345 (167 Usener in Münzer, *Klio* 18 (1923) 201): *Labienus X annis cum Caesare militavit et in Gallis inter decem legatos primus habitus est et multas res prospere gessit*. Labienus's wealth was comparable to that of Mamurra and Balbus (Cic. *Att.* 7.7.6) and enabled him later in Africa to grant an award to a horseman *ex praeda Gallica* (Val. Max. 8.14.5). Tenny Frank (*AJP* 40 [1919] 407–409) indentified the Mentula of Catullus with Labienus. He contended that the usual identification with Mamurra is impossible since the person in question is from Firmum in Picenum (Catull. 1114.1), whereas Mamurra was a native of Formiae (Pliny, *NH* 36.7.48). Mentula had lands extending *usque ad Hyperboreos et mare ad Oceanum* (115.6), which Frank took as referring to Caesar's grants of Gallic lands.
3. Dio 41.4.4. Mommsen, *Hist. of Rome*, 4.435; Adcock in *CAH* 9.635; Syme, *JRS* 28 (1938) 121 and 124. For a general appreciation of Labienus's life, see Abbott, "Titus Labienus," *CJ* 13 (1917) 4–13.
4. Gelzer, *Caesar*⁶ 169. Badian in a review of Gelzer, *Caesar*⁶ in *Gnomon* 33 (1961) 599.
5. The meaning of the term *commentarius rerum gestarum*, with the addition of *C. Iuli Caesaris* the probable title of the memoirs, is much discussed. See Collins, *CW* 57 (1963) 81–83 for bibliography. The *commentarius* is understood in this study as a form intermediary between *hypomnemata* or aide-mémoire and the finished *historia* (Adcock, *CML* 9). That is, Caesar offered a record of facts for conversion into a polished history, as Cicero (*Brut.*262) and Hirtius (*BC* 8. pr.5) recognized, but one not without literary claims of its own.
6. The purpose of the commentaries is not known. Theories that it was an apology of some type must overcome the objections that the Romans did not feel war guilt regarding natives and that senatorial ratification of public thanksgivings had condoned any illegality, such as Caesar's withdrawal from his province in 58 (*BG* 1.10.5). In the first book of the commentaries Caesar tried to represent his actions as being in accord with traditional Roman policy toward native tribes. This may be the result of the use of his dispatches to the senate from 58 B.C.E.. when such a plea as relevant. Theories viewing the *BG* as political propaganda, on the other hand, are based on the assumption of a large reading public, which was not true for ancient books (De Witt, *TAPA* 73 [1942] 347).
7. Adcock, *CML* 74. Adcock expresses the common opinion shared, for example, by Holmes, *CG*² 249–250; Jullian, 3.149 note 1; Laistner, 40.
8. Hirt. *BG* 8. pr.6: *ceteri enim quam bene atque emendate, nos etiam quam facile atque celeriter eos perfecit scimus*.

9. This is not to say that Caesar falsified their dispatches. His techniques were omission, shift of emphasis, and the addition of his own observations. Even when he followed a report closely, the final result could be much different from the officer's intention. Rambaud (67) concludes from the unusually high proportion of historical infinitives in *BG*, a stylistic favorite of Galba, that Caesar incorporated in his narrative much of that officer's report. Yet Galba surely stressed his earlier successes, avoided the impression of panic in conferring with his staff (*BG* 3.3.1: *celeriter* [quickly]), and mentioned the names of the centurion and military tribune without the laudatory phrases (3.5.2). The overall effect is unfavorable to Galba. For Rambaud's judgment concerning the treatment of *legati*, see below, note, 13.

10. For Caesar's treatment, see Collin's dissertation, 87–95; 100–101.

11. *BG* 3.1–6. Clearly shown are his errors in splitting his small force and choosing an untenable camp site, his unreadiness to stand a siege, and his underestimation of the danger (3.2.2–3.1).

12. This assumes that the commentaries were edited and published as a whole in winter, 52/51 B.C.E. At that time, Caesar probably wrote the seventh commentary and prepared the final draft from his dispatches to the senate and those of his officers, notes, and preliminary drafts. The techniques above (note 9) are in keeping with his speed and ease in composing. The date of publication cannot be determined (see Collins, *CW* 57 [1963] 49–51). They appeared before 46 B.C.E. when Cicero read them. Mommsen reasoned that since Caesar speaks favorably of Pompey as sole consul in 52 (*BG* 7.6.1), the *Bellicum Gallicum* was published in 51 (*History of Rome* 4.720, note *). His argument is inconclusive, however, because Caesar attempted reconciliation as late as 49 B.C.E. An argument *ex silentio Ciceronis* is against serial publication in the fifties.

13. The latter approach is that of Rambaud (296), who finds Caesar a prestidigitator and purveyor of mendacity, bent on deception and self-aggrandizement. Although many of the data to which Rambaud appeals are undeniable, the spirit in which they were written, as Collins points out in a review of Rambaud (*Gnomon* 26 [1954] 533), is open to question. Caesar composed too hastily to be the writer of Rambaud's intricacies.

14. The left bank of the Rhone is steep and precipitous for most of the distance from Lake Geneva to the Jura Mountain. Caesar had only to supplement this natural barrier (Dio 38.31.4; Napoleon, 2.53–54; Holmes, *CG*² 614–615).

15. *Imperium*: Willems, 2.615 and note 5; Mommsen, *St.R.*³ 2.656; von Premerstein, *RE* s.v. "legatus," 1143. Injustice: Kraner-Dittengberger, 1.50; Rambaud, 66. For *legati*, see Willems, 2.608–615; Mommsen, *St.R.*³ 2.694–701; Holmes, *CG*² 563–565; von Premerstein, *RE* s.v. "legatus," 1141–1143.

16. Jullian, 3.2–7, note 4; Holmes, *CG*² 26; Adcock, *CML* 26.

17. The secondary tradition contains little that is not Caesar and nothing demonstrably preferable to his account (Holmes, *CG*² 215–217; Collins, *CW* 57 (1963) 84: “the secondary tradition for the *B.G.* contains nothing but Caesar and smoke.) Dio 38.32.4, to whom appeal is usually made in opposing Caesar, does not mention Labienus.

18. Caesar’s hesitancy may have been caused in part by political motives. His relations with Dumnonix and Ariovistus are not clear. But before returning to Italy for reinforcements (*BG* 1.10.3), Caesar must have decided upon war with the Helvetii and given up, at least temporarily, thoughts of campaigning in Illyricum. (Three legions were at Aquileia (1.10.3) which controlled the roads to Illyricum.) The veracity of the Helvetian and German narratives is still debated (see Walser, 1–36).

19. Against the Helvetii he put away his horse and those of his officers in order to equalize the danger and remove hope of flight (*BG* 1.25.1).

20. The six military tribunes shared the command of the legion, two alternating daily for two months (Marquardt, 2.363–364). The *legatus*, however, had been growing in importance since Sulla (Lengle, *RE. s.v.* “tribunus” (9), 2443). Nothing is said about *legati* in the battle with the Helvetii, so perhaps tribunes were in command. Against Ariovistus, the tribunes were superseded by *legati* and the quaestor (*BG* 1.52.1). But the *legatus* had not yet become the permanent *legatus legionis* of the empire (Mommsen, *St.R.*³ 2.701, note 3). Contributing to this development in Caesar’s army was his habit of awarding military tribunes for political reasons to young men of no experience (*BG* 1.39.2; Cic. *Fam.* 7.5.3; 8.1).

21. Caesar did not name the location of the camp in the Sequanian territory, but Napoleon’s conjecture (2.100) of Vesontio, which Caesar had garrisoned earlier in the year (*BG* 1.38.7), is probable.

22. Mommsen, referring to *BG* 1.21.1, assumed that the Vatinian law contained, on the pattern of the *lex Gabinia* of 67, a clause which conferred upon Caesar’s *legati* propraetorian *imperium* (*St.R.*³ 2.656–547 and note 1). The *lex Vatinia* granted Caesar the right to appoint *legati* without a *senatus consultum* (Cic. *Vat.* 35–36), the normal procedure (Willems, 2.608–609). Caesar had five in the years 58–55; the number was raised to ten in 54 and to twelve in 52. That they all had *imperium pro praetore* is not mentioned. Perhaps Labienus alone was so distinguished.

23. *BG* 4.37.4; 5.17.3–4. Hirt. *BG* 8.29.3.

24. Dodge, 115–116.

25. Oppermann, 85–89; Adcock, *CML* 69–70; Rambaud, 298.

26. Caesar does not specify where he met the legions. At the end of 57 they were quartered in the valley of the Liger among the Carnutes, Andes, Turones, and in friendly states

surrounding the Belgae (*BG* 2.35.3). Jullian (3.290) thought that Caesar himself led the legions from Belgium and then dispatched Labienus to the Treveri (3.11.1–2). Holmes, *CG*² 88 note 2) believes that he did not go to Belgium in person but sent orders to Labienus, and thus all the legions were among the Nantes when Caesar arrived from Luca.

27. At the news of Ariovistus' defeat, the Suebi, on the journey to join him (*BG* 1.37.3–4), gave up their attempts to cross the Rhine and turned back (1.54.1).

28. Willems, 2.613 note 1; Drumann-Groebe, 3.699. Thus it is not certain whether Crassus was a *legatus*, since *legati* were usually chosen from among senators. But Dio (39.31.2) calls him by that title for the end of 56, and Caesar's silence does not prove otherwise (Holmes, *CG*² 564). Broughton, *MRR* 2.204 (57 B.C.E.) AND 212 (56 B.C.E.) leaves the question in doubt. At any rate, Crassus was entrusted with commands as if he were a *legatus*.

29. These were the legions that had gone to Britain (*BG* 4.38.1), the seventh (4.32.1) and tenth (4.25.3).

30. In 55 b.c.e., P. Sulpicius Rufus had a garrison sufficient to maintain the port (*BG* 4.22.6) but not to build ships and carry to Britain the stores and grain that were desperately needed (4.29.4).

31. At least Labienus is not mentioned among the officers who remained in Gaul (*BG* 4.22.5–6).

32. This is Napoleon's solution (2.219 note 2) for a needless problem raised by Caesar's references to Labienus's camp. In describing the distribution of legions for winter quarters 54/53, Caesar said (*BG* 5.24.2): *quartam in Remis cum T. Labieno in confinio Treverorum hiemare iussit*. Labienus was still among the Remi when Caesar relieved Cicero (*BG* 5.53.2): *Indutiomarus . . . copiasque omnis in Treveros reducit*. But early in 53 Labienus seems to have been among the Treveri (6.5.6): *totius exercitus impedimenta ad Labienum in Treveros mittit*; 6.7.1: *Treveri . . . Labienum cum una legione, quae in eorum finibus hiemabat, adoriri parabant*. (*Hiemabat* is preferable to *hiemaverat* [du Pontet] or *hiemarat* {Seel}, because the winter was not yet over.) Hence scholars have postulated that Labienus moved his camp in mid-winter into the Treveri, perhaps to relieve the Remi of the burden of the legion and to quell further restlessness from the Treveri. Others have resorted to emending the text, for which suggestions see Holmes, *CG*² 732–734). The problem, however, is one of emphasis. In 54, Caesar thought of the camp as the place where Labienus stopped Indutiomarus from injuring the Remi and turning westward into central Gaul (5.56.5); the following year his mind was upon it as a base against Ambiorix and the Treveri (6.5.1). The apparent shift in location is a shift in perspective. When Holmes concluded (*CG*² 734) that "Labienus's camp was very near the common frontier of the Treveri and the Remi," he is stating what Caesar said at first: *cum Remis . . . i confinio Treverorum*. For a revised version of this note, see Wm. Blake Tyrrell, "A Note on Labienus's Camp, Winter 54-53 B.C.," *CW* 64 (1971) 214.

33. Münzer, *RE* s.v. “Labienus” (6), 262, is surely correct that Labienus did not go to Rome on furlough in autumn, 54 B.C.E. This assumption, accepted by Kraner-Dittenberger (*ad BG* 5.24.2), derives from Cic. *QFr.* 3.8.1: *alteram [epistulam] quoque te scribis pridie Labieno dedisse, quia adhuc non venerat*, where the impossible *quia* of manuscript M has been emended to *qui*. But from *QFr.* 3.8.2: *Tu velim cures ut sciam quibus dare oporteat eas quas ad te deinde litteras mitemus; Caesarisne tabellariis, ut is ad te protinus mittat, an Labieni*, carriers were to take Cicero’s letters to Quintus. The problem disappears when *quia* is emended to *quae* (Rauschen).

34. By Sabinus in 56: *BG* 3.17–19 and by Caesar shortly before Labienus in 54 (5.49.7–51).

35. Advantages of the fortified camp: analysis by the emperor Napoleon, quoted by Napoleon III (2.214–216. Temperament: Napoleon, 2.221–222.

36. *BG* 6.30.2: by a great stroke of luck L. Minucius Basilus came upon Amborix in the Ardennes, off guard and unprepared, but luck also allowed Ambiorix to escape with every means of resistance and flight apparently cut off. Caesar comments (6.30.2): *multum cum in omnibus rebus tum in re militari potest fortuna*; *BG* 6.35.2: the unexpected appearance of the Sugambri at Cicero’s camp and the plan to injure Ambiorix that backfired (*BG* 6.42.3). It is not generally accepted that by *fortuna* Caesar means simply luck. See Fowler, *CR* 17 (1903) 153–156; Ericsson, *Eranos* 42 (1944) 57–69; Brutscher, *MH* 15 (1958) 73–83.

37. Kraner in his 1853 edition of the *BG* pointed out that by *hominis* Caesar was thinking of a Roman commonplace, the antithesis between human wisdom and luck, namely, “man proposes, god disposes.” The observation is restated with examples by Foster in *CJ* 13 (1917) 277–281.

38. Cic. *Imp. Pomp.* 47–48.

39. The winter was not yet over, and Labienus was still in winter quarters (*BG* 6.3.1). His engagement with the Treveri was known at Rome before the beginning of March, when Cicero referred to it in a letter to Trebatius (*Fam.* 7.13.2).

40. Rambaud, 298.

41. But in giving credit to the troops Caesar creates an impossible situation. According to *BG* 3.14.5, the hooks attached to long poles, the implements responsible for victory, were *praeparata a nostris*. Brutus who, we are told (*BG* 3.14.3) was without a plan of his own, apparently had no inkling of their presence on the ships. But he did know the strengths of the Venetian ships (3.14.4) from the Gauls in his fleet (3.11.5). The latter probably were unfamiliar with rowed vessels, if the ignorance of the Britons who traded with the Gauls along the Channel coast is an indication (4.25.1). It is unlikely that the Gauls thought of a

device which utilized the thrust of oars. If it was invented by the Romans, discipline being what it was, it was impossible that no one in command knew of it. See also Rambaud, 300.

42. Jullian, 3.409–410; Kraner-Dittenberger *ad BG* 6.44.3 and 7.5.3.

43. That Caesar, who made no effort to conceal his own treachery (Usipetes and Tencteri: *BG* 4.13–14; Acco: pardoned [6.4.3] and executed [6.44.2]), should pass over Labienus's in silence is a strong indication that the *BG* was published before Labienus left him.

44. According to Dio 40.43.1, Commius tried to ambush Labienus.

45. Distance was one reason for their not coming to the meeting held by the Aedui at Bibracte (*BG* 7.63.7).

46. Holmes, *CG*² 134; Kraner-Dittenberger *ad BG* 7.6.2.

47. *BG* 3.17.7: *praesertim eo absente qui summam imperi teneret*. These words are surely Caesar's and were not found in Sabinus' report. Caution in such circumstances was advisable even for the *imperator*. It is a question whether chapters 17–19 were written as a defense of Caesar's misplaced confidence in Sabinus in 54 B.C.E. (Collins, *CW* 57 [1963] 51). If so, the praise is more indicative for being deliberate.

48. Dodge, 228: "That there should be no one in supreme command during Caesar's absence strikes us as a singularly weak method." The only time that Caesar spoke of a *legatus* as an *imperator* (*BG* 5.33.2) is in contrasting Sabinus and Cotta.

49. Holmes, *Commentary ad* 7.58.4 and *CG*² 775.

50. Cf. *BG* 1.38.3 and 7.13.3.

51. The swamp was probably the Essons on the left side (Napoleon, 2.274, note 1). For a discussion of this and other geographical problems, see Holmes, *CG*² 775–785.

52. Rambaud (298) finds disparagement of Labienus's feat in the words (*BG* 7.58.4): *perterritis oppidanis, quorum magna pars erat ad bellum evocata, sine contentione*. The speed with which Labienus captured the town shows that those inhabitants who could bear arms had mustered with other states (7.57.2).

53. Caesar had quit Gergovia (*BG* 7.53.3), anticipated an attempt to prevent him from crossing the Liger (7.55.9–10; 56.3–4), and was coming to Labienus's relief (7.56.5). Of course, he did not seriously consider withdrawing into the Province (7.56.2).

54. Seventh: Drumann-Groebe, 3.704, note 4. Fifteenth: Hirt. *BG* 8.24.3.

55. Caesar frankly admits the operation of financial obligation (*BC* 1.39.3–4): *simul a tribunis militum centurionibusque mutuas pecunias sumpsit; has exercitui distribuit. Quo facto duas res consecutus est, quod pignore animos centurionum devinxit, et largitione militum voluntates redemit.* Dio (42.49.4) called Caesar a “man of business.”

56. Of Caesar’s *legati*, P. Vatinius, praetor in 55 B.C.E., and Ser. Sulpicius Galba, praetor in 54 B.C.E., are alone in occupying a major magistracy before 49 after service in Gaul.

57. The rank of *legatus pro praetore* does not necessarily indicate that Labienus had held the praetorship. It is unlikely, however, that Caesar would have considered promoting Labienus’s canvass for the consulship of 48 (Hirt. *BG* 8.52.2 with Syme, *JRS* 28 [1938] 121–122) had Labienus not been of praetorian rank. Caesar preferred to operate within the constitution as much as possible.

58. Mommsen, *Hist. of Rome* 4.434–435, quoted a Chapter IV, note 59.

59. Labienus could have returned to Ageduncum by the right bank of the Sequana. The Bellovaci were not yet mobilized to imperil the fording of the Matrona. The loss of prestige before the army and the eventual need to cross the Sequana were probably factors in the decision to face the Parisii on the left bank (Holmes, *Commentary* ad 7.60.4).

Notes to Departure from Caesar and Civil War

1. For this interpretation of Hirt. *BG* 8.52.2: T. *Labienum Galliae praefecit togatae, quo maiore commendatione conciliaretur ad consulatus petitionem*, see Syme, *JRS* 28 (1938) 121–122. Syme accepts Kraffert's emendation, *maior ei commendatio*, and understands *ei* to refer to Labienus, not Caesar.
2. December 11: Cic. *Att.* 7.4.2; December 25: Cic. *Att.* 7.8.4.
3. Cic. *Att.* 9.10.2. Pompey and Cicero met in the suburbs, since Cicero could not enter the city because of his imperium.
4. The surprise felt over Labienus was part of Cicero's shock at news more fitting a public enemy than a general of the Roman people, as his next sentence shows: *utrum de imperatore populi Romani an de Hannibale loquimur. Inquit* should not be taken to refer to anyone in particular (Shackleton Bailey *ad* 134 [7.11] 1).
5. Dio (41.4.2–3; 5.1–2) is mistaken in placing Labienus's departure from Caesar before Pompey had sent L. Caesar and L. Roscius to Caesar. They were returning from Caesar when they met with Cicero at Minturnae on the morning of January 23 (*Att.* 7.13b.2).
6. Plut. *Pomp.* 61, *Caes.* 33; App. *BC* 2.37; Dio 41.7.1.
7. Hirtius (*BG* 8.52.1–2) implies that Caesar but Labienus in charge of Cisalpine Gaul after the lustration which Labienus attended. This sequence, however, allows too little time for Labienus's return to Cisalpine Gaul, the approaches of Caesar's enemies, and the rumors to reach Caesar on the road. So Holmes (*RR* 2.252, 326–327) is probably correct in assuming that Labienus was left in charge. The date in early September for the beginning of Labienus's governorship depends upon the date for Antonius's election to the augurate, probably in late July, and not in late September. This dating is founded on Cic. *Fam.* 8.14, which is probably the *prioribus litteris* of *Fam.* 8.12.4. The latter reached Cicero at the Piraeus on October 14 (*Att.* 6.9.1) after its carrier, a slave of Cicero, had delayed forty days in Rome (*Fam.* 8.12.4). Since the carrier had the letter (i.e., *Fam.* 8.14) in his possession for all of the forty days and left Rome on September 23 (*Fam.* 14.5.1), *Fam.* 8.14 must have been written in early August. Thus the inaugural election must have occurred shortly before. Caesar, after hearing of Antonius's victory, spent August campaigning in Cisalpine Gaul. A date for the elections in late September (Drumman-Groebe, 3.97, note 7; Gelzer, *Caesar*⁶ 184) does not leave sufficient time for Caesar's leisurely tour (Hirt. *BG* 8.51) and for the legions to have assembled in the territory of the Treveri.
8. Caes. *BC* 1.7.1: *omnium temporum iniurias inimicorum in se commemorat; a quibus deductum act depravatam Pompeium querit invidia atque obtreptione laudis suae.*; *BC* 1.32.1, where Caesar argues that Pompey must have approved of the law of the Ten Tribunes, which Cato opposed, since it was passed during his consulship. Also 1.2.8, 3.4, 4.1, where Cato is named, 7.7, 8.3, 9.2, 22.5. Caesar of course meant not only Cato but

among others M. Claudius Marcellus (cos. 51) and his brother Gaius (cos. 49), L. Cornelius Lentulus Crus (cos. 49) and Cato's adfines, Cn. Domitius Ahenobarbus and M. Calpurnius Bibulus. See Syme, *RR* 43–45.

9. Cael. in Cic. *Fam.* 8.1.2, 2.2, 5.3. Cic. *Att.* 8.3.3; Plut. *Caes.* 29.1; App. *BC* 2.26. Marcellus was also opposed by his colleague, Ser. Sulpicius Rufus, who acted from non-partisan motives (Cic. *Fam.* 4.1.1; Suet. *Iul.* 29.1).

10. *Factio paucorum*: Hirt. *BG* 8.50.2; Caes. *BC* 1.22.5. *Dignitas*: Hirt. *BG* 8.50.4, 52.4, 53.1; Caes. *BC* 1.7.7, 8.3, 9.2, 22.5. See also Cic. *Att.* 7.11.1. An indication that Hirtius was thinking of the language used in the *Bellum Civile*, language which was also the parlance of the Caesarian camp, is the term *adversarius*, “civil enemy” (*BG* 8.50.4, 54.3). It is used once by Caesar in the *BG* (7.4.4) to denote his Roman enemies other than his *inimici* and is a less final expression than *hostis*. In *BC* 1.72, for instance, he calls the trapped Afranians both *adversarii* and *cives*. The author of the *BAf.*, it may be noted, mentions a speech in which Caesar distinguished between the *adversarii* and *inimici* of the Gaetuli (32.4). The term *adversarius* predominates in the later *BAf.* and *BHisp.*

11. Caes. *BC* 1.12–18. The object of this propaganda was to show that Caesar's march into Italy enjoyed the approval of all (Collins, *AJP* 80 [1959] 120–121; Rambaud, 279–280). For the term “bandwagon propaganda,” see Collins' dissertation 80.

12. Curio's proposal, that Pompey and Caesar both should lay down their arms, was rejected by only twenty-two senators (Plut. *Pomp.* 58.3–6; App. *BC* 2.30).

13. Attius: Caes. *BC* 1.12.3. Lentulus: *BC* 1.15.3. Domitius: *BC* 1.15.6–7; Cic. *Att.* 7.13b.3.

14. Kurt von Fritz has convincingly argued for this interpretation in *TAPA* 73 (1942) 145–180, especially 150–153 and 168–169. Hints: App. *BC* 2.37; Dio 41.7.3. Pompey aroused so great a fury that he pretended to have given up his plans and did not announce unequivocally the necessity for evacuating Italy until his letter to the consuls (in Cic. *Att.* 8.12a), written at the latest on February 15 (von Fritz 154–161, 169).

15. Cic. *Att.* 7.26.2; 8.12.2; 10.8.5: *pacem putavi fore, quae si esset, iratum mihi Caesarem esse cum idem amicus esset Pompeio nolui. Senseram enim quam iidem essent.* During the period before the outbreak of hostilities, Cicero suspected Pompey of wanting an agreement with Caesar, with the result that he would be forsaken as before in 58 B.C.E. Dio records the fears at Rome in January 49 of a settlement, fears that were aroused by private messages between Pompey and Caesar (41.5.2–3; Schmidt, 124; Shackleton Bailey, *JRS* 50 [1960] 83). Because of these suspicions, Pompey could not assent to Caesar's repeated requests for a personal interview (*BC* 1.9.6; 24.5; 26.3) (von Fritz, *TAPA* 72 [1941] 133).

16. Burns, *Hist.* 15 (1966) 84–85.

17. Hirt. *BG* 8.54.1–3; Caes. *BC* 1.4.5, 32.6; Cic. *Fam.* 8.4.4; Dio 40.65; App. *BC* 2.29.

18. Cic. *Att.* 7.15.3: *Pompeius ad legiones Appianas est profectus; Labienum secum habet.* *Appianas* is Lipsius' emendation and refers to an Appius who brought the legions from Caesar into Italy (Plut. *Pomp.* 57.4). Gelzer (*Caesar*⁶ 186) identifies him as Appius Claudius, nephew of the censor. According to Cic. *Att.* 8.11b.2, Pompey left Teanum Sidicinum on the same day that Cicero arrived in Capua, thus on the twenty-fifth (*Att.* 7.15.2). Apulia: Caes. *BC* 1.14.3; Cic. *Att.* 7.12.2.

19. Winter quarters: Hirt. *BG* 8.24.3. Drumann-Groebe (3.704, note 3) conjecture from *BG* 8.24.3 that the fifteenth legion was one of Labienus's four legions for the Parisian campaign (Caes. *BG* 7.34.2). Also Jullian, 3.460, note 5.

20. Pompey later explained his failure to relieve Domitius in Corfinium by his lack of faith in these legions (Cic. *Att.* 8.12c.2; 12d.1; 12a.2). But Pompey had already voiced doubts about their loyalty. At any rate, these legions were naturally suspect; cf. Cic. *Att.* 7.13a.2 (January 23): *spes omnis in duabus insidiose retentis, paene alienis legionibus.* It is unlikely, however, that Pompey was sincere but rather hiding his decision not to fight in Italy (von Fritz, *TAPA* 73 [1942] 167–169).

21. The clause *si . . . venerit* is more likely temporal than conditional (Shackleton Bailey ad 140 [7.16] 2).

22. The senatorial levies were proceeding badly (Cic. *Att.* 7.13a.2). Before garrisoning Auximum, Varus, who was conducting a levy in Picenum (Caes. *BC* 1.12.3), had attempted to raise troops at Cingulum (Cic. *Att.* 7.13b.3), which had Labienus as its patron (Caes. *BC* 1.15.2). Pompey was the patron of Auximum (Dessau, 877) and through his paternal estates and *clientelae* expected to have great influence in the district.

23. Caes. *BC* 3.87.1–2.

24. Plut. *Pomp.* 57.4; Caes. 29.4; App. *BC* 2.30. Dio (41.4.3) or his source drew the obvious conclusion that Labienus also had informed Pompey about Caesar's military secrets.

25. Hirt. *BG* 8.54.3; Caes. *BC* 1.7.8; Plut. *Caes.* 32.1; App. *BC* 2.32; Holmes, *RR* 2.252.

26. Pompey probably wrote the letter quoted in Cic. *Att.* 7.16.2 on January 26 (von Fritz, *TAPA* 73 [1942] 167, note 111).

27. Cic. *Fam.* 14.14.2 (January 23): *Labienum rem meliorem fecit; Att.* 7.13b.3 (January 24): *aliquantum animi videtur nobis attulisse Labienus.* But turning Pompey toward Picenum, Labienus had brought harmony of purpose to the Republican camp. Holzapfel (*Klio* 4 [1904] 356, note 4) notices that the result of Labienus's statement was a silence in Cicero's letters to Atticus concerning the abandoning of Italy that lasted from January 23

to February 4 (7.13b–19), but he drew no conclusions from his observation. As late as February 2, the day after the fall of Auximum, Cicero wrote to Atticus in that vein (7.17.1): *de pueris in Graeciam transportandis tum cogitabam cum fuga ex Italia quaeri videbatur. Nos enim Hispaniam peteremus, illis hoc aeque commodum non erat.* By this time, however, Cicero had convinced himself that Caesar could not reject his own terms, and a peaceful settlement was imminent (Cic. *Att.* 7.15.3; 17.2; 18.1; 19.1). Most of the senators, although eager that Caesar accept their counterproposal that he remove his troops from the towns outside his province (Cic. *Att.* 7.14.1; 15.2), did not share Cicero's expectations. They looked upon Caesar's proposal as a ruse to retard their preparations (Cic. *Att.* 7.15.3) and continued to work, now with Pompey, for a victory by arms in Italy. Cf. the levies in Campania (Cic. *Att.* 7.14.2). They were confident that they had Caesar trapped between the Spanish legions and hostile Gauls (except for the Transpadanes) at his rear and in front by a bulwark strong enough to keep him from reaching Rome (Cic. *Fam.* 16.12.4). This evaluation of Cicero's position, as Cicero described it to Tiro on January 27, was surely that of the senators and consuls with whom he had spoken two days earlier in Capua (*Att.* 7.15.2). His own opinion, written on the twenty-sixth, was more pessimistic (*Att.* 7.15.3): *sumus enim flagitiose imparati cum a militibus tum a pecunia.* Thus although thoughts of evacuation were put aside, for most peace through negotiations was not a serious possibility. The optimism of the senatorial camp resulted from Labienus's effect on Pompey.

28. That Pompey might leave Italy was of course suspected from the outset (Dio 41.7.3).

29. Pompey was reported at Luceria before February 4 (Cic. *Att.* 7.20.1 [February 5]).

30. Syme, *JRS* 28 (1938) 123–125. Syme's has become the accepted opinion (e.g., Taylor, *TAPA* 73 [1942] 19: "T. Labienus, later Caesar's ablest legate in Gaul, a man whose desertion to Pompey at the beginning of the Civil War Syme has convincingly explained by Labienus's Picene origin;" Gelzer, *Caesar*⁶ 186 and note 3).

31. In December 50 and earlier, when war was merely a possibility, Cicero was more concerned with the immediate issue of how he would vote on Caesar's provinces. He assumed that he would follow Pompey whatever were his own feelings (*Att.* 7.1.2; 3.5; 6.2; 7.7).

32. Cicero thought that Labienus might have regretted his decision (*Att.* 7.12.5): *eumque arbitror paenitere, nisi forte it ipsum est falsum, discessisse illum.* In the same letter, Cicero struggled with what he should do. Pompey's unreadiness and disregard of his advice distressed him, but public opinion and the duties of a friend and citizen, of which he was always conscious, prevented his joining Caesar (7.12.3). Yet he saw in Labienus no parallel to help him in deciding.

33. Cohorts of the thirteenth legion were occupying the *praesidia* formerly held by the fifteenth which had been turned over to Pompey (Hirt. *BG* 8.54.3). They were later withdrawn when a state of war in Italy (*tumultus*) was declared (Caes. *BC* 1.7.8).

34. Caes. in Cic. *Att.* 9.6a; 10.8. Caesar was concerned that there be a Republican senate at Rome when he arrived.

35. Syme, *JRS* 28 (1938) 121.

36. Labienus: Plut. *Caes.* 34.2–3; *Pomp.* 64.3. Domitius: Caes. *BC* 1.23.4

37. Dio 41.4.2–4. Von Fritz (*TAPA* 72 [1941] 133) has suggested that “Dio’s account of the events in Rome is really a collection of the reminiscences of several persons” with a chronological order taken from Caesar’s *BC*. Viewed in this way, Dio 41.4.2–4 would at least reflect what was common knowledge of Labienus’s relations with Caesar.

38. I owe this point to Professor William C. McDermott of the University of Pennsylvania.

39. Cic. *Att.* 8.2.3 (February 17, 49 B.C.E.): *Afranium expectabimus et Petreium; nam in Labieno parum est dignitatis*. Cicero surely does not mean distrust of a turncoat, as Drumann-Groebe (3.383) and Heitland (*RR* 3.278) propose. The *transfuga vilis* of Lucan (5.346) belongs to the period after the publication of Caesar’s *BC*. Nor is it likely that Cicero was speaking ironically, as Shackleton Bailey (*ad* 152 [8.2] 3) believes. Labienus, a bitter and ruthless man of the camp, despite his equestrian birth and praetorian rank, did not display the personal worthiness or command the respect of the old Pompeians, Afranius and Petreius. *Legatus*: Broughton, *MRR* 2.301.

40. Plut. *Pomp.* 68.1. According to Appian (*BC* 2.62), it was partly on the advice of Labienus, who was deceived by a god, that Pompey turned against the fleeing Caesarians at Dyrrachium instead of seizing Caesar’s camp, thus failing to exploit his victory to its utmost. Appian or his source who was mistaken in reporting that Labienus went directly from Pharsalus to Spain (*BC* 2.87) may be embellishing upon Caes. *BC* 3.71.4. That is, so crazed for revenge was Labienus that he was blinded to the victory before his eyes and sought prisoners whom he might later taunt and execute.

41. Caes. *BC* 3.86–87; Adcock, *RAW* 116: “[Labienus’s] idea of winning Pharsalus with cavalry was tactically sound, and would, I believe, have succeeded except against the rare combination of a general of genius and troops of the very highest skill and aggressiveness.

42. Liv. *per.* 113; Vell. 2.54.3; Plut. *Cat. Min.* 57.5–58.1; App. *BC* 2.87. Dio 42.57.1–4.

43. Frontin. *Str.* 2.7.13; Cic. *Div.* 1.68; Dio 42.10.3; *BAf.* 19.3. Appian (*BC* 2.87) mistakenly has Labienus go to Spain after Pharsalus.

44. Dio 42.10.2–3; 13.2–4; Plut. *Cat. Min.* 56.1. According to Dio (42.13.2), Cato learned of Pompey’s death at Cyrene. Holmes (*RR* 3.220 and 221, note 6) assumes that Labienus went from Corcyra to Africa with Afranius and Scipio and did not march overland with Cato.

45. Plut. *Cat. Min.* 56.2–4.

46. Lucan 9.368–949; Liv. *per.* 112; Vell. 2.54.3; Plut. *Cat. Min.* 56.6–8. It was on this march that Labienus urged Cato to inquire of Ammon concerning the end of Caesar and the future of Rome and received from the god the answer that Cato had no need for oracles (Lucan 9.549–584).

47. Cato's was the voice of moderation among the quarrels of Scipio and Varus and their fawning on King Juba (Plut. *Cat. Min.* 58.1). Scipio, an incompetent who longed for a provincial army (Caes. *BC* 1.4.3), dreamed of victories and the acclamation of *imperator* (*BC* 3.31.1). Naturally, he resented a qualified soldier. His conflict with Labienus over rewarding a horseman who had been a slave was probably typical of their relationship (Val. Max. 8.14.5). Scipio was given to talk about the *castrensis honos*: his actions were otherwise (*BAf.* 28.4; 46.1–3).

48. Lost ships: *BAf.* 2.5; 7.3 Caesar occupied Ruspina and Leptis so his fleet could have a safe harbor (7.4; 9.1). Despite the goodwill of the natives (6.7, except Hadrumentum garrisoned by the enemy [3.1]), there was not enough grain on the coast (8.1, 3).

49. It was the formation that he most often employed in the Gallic campaign (Holmes, *CG*² 587).

50. *BAf.* 17.1: *Caesar . . . iubet aciem in longitudinem quam maximum porrigi et alternis conversis cohortibus ut una post, alterna ante signa tenderet.* According to Holmes (*RR* 3.244), “the men of every alternate cohort were directed to face about and take up their position in the rear of the cohort next to them, back to back.” This maneuver under the circumstances would have been excessively difficult and complicated and moreover is not justified by the Latin. Adcock (*CAH* 9.684) correctly interprets the passage: “[Caesar’s] alternate cohorts faced about so as to attack simultaneously on both fronts.”

51. The single battle, reported by Appian (*BC* 2.95) and Dio (43.21.1–3) is probably the result of condensation.

52. Flight to Spain: Dio 43.30.3. Second in command: *BHisp.* 18.9, where Cn. Pompeius and Labienus, probably as joint leaders, issue an edict condemning the massacre of the citizens of Ategua (*BHisp.* 15.6; Val. Max. 9.2.4). Münzer, *RE s.v.* “Labienus” (6), 269–270.

54. Right wing: *BHisp.* 31.4 with Dio 43.38.3. Concerning Labienus's lack of prominence in the campaign, Holmes (*RR* 3.297) suspects that “jealousy or the fatuity of Gnaeus allowed him to contribute little to the result except inveterate rancor against his former chief.” Perhaps Labienus's absence is also the result of the common soldier's view of Pompey's sons as the leaders of the enemy, combined with the lack of another extensive tradition.

55. This is Holmes' solution (*RR* 3.549–551) to the discrepancy between accounts in *BHisp.* and in Florus and Dio, both of which presumably derive from Livy. According to the author of the *BHisp.*, the left wing of the Pompeians was yielding when the enemy began to transfer a legion from his right wing. It was prevented from reinforcing the hard pressed left by Caesar's cavalry which moved against that wing as soon as the legion started across (31.4–5). Hence the cavalry was set in motion because the legion had begun to cross its line. Florus (2.13.83) has Labienus sent five cohorts obliquely across the line to aid the Pompeian camp which was being threatened, apparently, by Bogud's cavalry. According to Dio (43.38.2–3), Labienus left his place in the line to prevent Bogud from assaulting the Pompeian camp. Holmes (3.551) regarded as strong evidence for his view that Bogud must have been acting under Caesar's orders which were consequently given before Labienus had moved. To the author of the *BHisp.* the movement of the cavalry, however, appeared to follow that of the legions or five cohorts.

56. *BHisp.* 31.9; Vell. 2.54.4. App. *BC* 2.105; Oros. 6.16.8. According to Appian (*BC* 2.105), Labienus's head was brought to Caesar.

57. Cf. Labienus's behavior on the plain of Ruspina when he thought that he had Caesar trapped (*BAf.* 16), and before the doomed Caesarians at Dyrrachium (*Caes. BC* 3.71.4).

58. Rambaud, 345. Dyrrachium: *Caes. BC* 3.13.3–4. Pharsalus: *BC* 3.87; also Plut. *Pomp.* 68.1.

59. Mommsen, *Hist. of Rome* 4.435.

60. Thus Caesar wanted the senators, especially Cicero, to return to Rome (*Cic. Att.* 7.17.3).

61. See Strasburger, *HZ* 175 (1953) 225–264, esp. 240 ff. ad 246 ff. After Caesar's death, Matius who followed the friend but could not approve of his actions wrote to Cicero (*Fam.* 11.28.2):

Itaque in victoria hominis necessari neque honoris neque pecuniae dulcedine sum captus, quibus praemiis reliqui, minus apud eum quam ego cum possent, inmoderate sunt abusi.

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