

# CAESAR AND THE HISTORY OF EARLY ROME

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## 1. *Introduction*

The intellectual and emotional connections between the emperor Augustus and the legends of early Rome are well known. Augustus' descent from Aeneas and his celebration of traditional values, for instance on the Ara Pacis, leave no room to doubt that he used this fortuitous legendary genealogy to the full, and so did those around him, in their search for ways to legitimise, understand, and perhaps to control the first emperor<sup>1</sup>. It is also well known that this was not a process begun by Augustus; rather one can readily see ways in which Julius Caesar built on his connections<sup>2</sup>. This is important, both for an understanding of Caesar, and more broadly for an understanding of the production of historical thought in the late Republic. I wish to look in detail at some of the episodes which connected Caesar to the early history of Rome, and to analyse where these stories came from, and what they can tell us about Caesar's influence on history, and the influence of history on Caesar.

When we talk of the influence of history on the Romans, we tend to think of exemplary history; the means by which Romans built up individuals from the past to instruct the behaviour of actors in their present<sup>3</sup>. There are many instances of individuals whom we think of as exemplary, and the early histo-

<sup>1</sup> The bibliography is huge: on Aeneas, see K. GALINSKY, *Aeneas, Sicily and Rome*, Princeton 1969; on Augustan literature and culture more generally, K. GALINSKY, *Augustan Culture*, Princeton 1996; on Virgil, P.R. HARDIE, *Virgil's Aeneid: Cosmos and Imperium*, Oxford 1986, taking a less sceptical line than many predecessors on the poet's attitude to Augustus' reign; on imagery in general, P. ZANKER, *The Power of Images in the Age of Augustus*, Michigan 1990 and the important exhibition catalogue, *Kaiser Augustus und die verlorene Republik*, Mainz 1988.

<sup>2</sup> The inescapable if controversial work on this subject is S. WEINSTOCK, *Divus Julius*, Oxford 1971.

<sup>3</sup> M. ROLLER, *Exemplarity in Roman culture: the cases of Horatius Cocles and Cloelia*, "CPh" 99 (2004) 1-56; *The exemplary past in Roman historiography and culture*, in A. FELDHER (ed.), *The Cambridge Companion to the Roman Historians*, Cambridge 2009, 214-230; also U. WALTER, *Memoria und res publica: Zur Geschichtskultur im republikanischer Rom*, Frankfurt am Main 2004.

ry of Rome is full of them. At the same time, we are often told that Roman history was profoundly influenced by ‘gentilicial history’; that is that the accounts of individual clans or houses preceded the national history, and that the national history was in some sense forged out of the combination of those individual gentilicial histories, and still bears the mark<sup>4</sup>. Augustus seems to demonstrate the impact of both; this history of the Iulii was reflected in the Forum of Augustus, and the figure of Aeneas, pious towards his father, and obedient to the will of the gods, delivers from the past to the present both Augustus’ mandate and his justification<sup>5</sup>. Moreover, we are also told that contemporary events influenced the writing of history, so that the struggles of the later Republic may have created the historical account of periods, particularly for the earlier years for which the evidence was limited.

Whether that is a fair reading of what was happening at the time of Augustus is for another day; our question is whether this makes sense for Julius Caesar? To what extent did he utilise his genealogy, and to what extent did it support, constrain or influence his behaviour? Was his example of use to historians seeking to construct the image of early Rome? Within this account, I will spend some time on a character who has not been the focus of much attention over the years, L. Julius Caesar, the consul of 64 BC, whose works included writings on religious matters<sup>6</sup>. Part of the reason that he is not much known is that the fragments of his work are to be found in the *Origo Gentis Romanae*, a work of late antiquity, which was assumed by Peter and many who followed him to be full of invented citations. I have defended the authenticity of the fragments in a recent article, arguing that the author was at least trying to refer to works he believed he had read, though the accuracy of his citations may be suspect<sup>7</sup>. That said, L. Julius Caesar did not write a history; what he did write was a work of more antiquarian interest. Yet he was not the first Caesar to be interested in history, and a consideration of the literary and historical interests of the Iulii reveals intriguing opportunities for understanding the world in which his more significant cousin grew up.

<sup>4</sup> W. BLÖSEL, *Die memoria der gentes als Rückgerät der kollektiven Erinnerung im republikanischen Rom*, in U. EIGLER - U. GOTTER - N. LURAGHI - U. WALTER (edd.), *Formen römischer Geschichtsschreibung von den Anfängen bis Livius: Gattungen – Autoren – Kontexte*, Darmstadt 2003, 53-72; T.P. WISEMAN, *Clio’s Cosmetics: Three Studies in Greco-Roman Literature*, Leicester 1979, 57-139 on the Claudii.

<sup>5</sup> See works cited in n. 1, and on Augustus’ Forum, J. GEIGER, *The First Hall of Fame: A Study of the Statues in the Forum Augustum*, Leiden 2008.

<sup>6</sup> The exception is E. BICKEL, *Lucius Caesar cos. 64 in der Origo Gentis Romanae: die traditionelle Urgeschichte der Römer als bestandteil ihrer Pontifikal- und augural-Literatur*, “RhM” 100 (1957), 201-236.

<sup>7</sup> C.J. SMITH, *The Origo Gentis Romanae: Facts and Fictions*, “BICS” 48 (2005) 97-136; see also A. CAMERON, *Greek Mythography in the Roman World*, Oxford 2004, 328-334.

## 2. *The History of the Iulii in the Republic*

Badian's recent survey is now the best account we have of the Iulii in the Republic<sup>8</sup>. According to the sources, three individuals held the consulship in the period before the decemvirate; one of those was also a decemvir and an envoy to treat with the seceded plebs. It is interesting to note that Cicero goes out of his way to praise the role of the legates in achieving this compromise in his speech on behalf of Cornelius, at a time when Julius Caesar had himself – like Cornelius – been a vigorous supporter of Pompey. Livy is far more circumspect about the legates, but praises another Julius (possibly the son of the decemvir) who held the consulship shortly after the decemvirate in 447 for being notably moderate<sup>9</sup>. The family of Iulii Iulli hold consular tribunates, one magister equitum, one dictatorship and a censorship in the fifth and fourth centuries; a consulship in 267, a praetorship in 208, and there was a distinguished consul in 157, then nothing until the second half of the second century when we find Iulii Caesares in the lower ranks of the senate and on various commissions, as well as coining money<sup>10</sup>.

Given that we are relatively well informed about consuls and to a lesser extent praetors, there are probably few missing magistrates, although we should not underestimate the likelihood that the Iulii were seldom if ever out of the senate; it is only the survival of the *S. C. de agro Pergameno* which reveals one L. Julius in the Senate in 129 or 101<sup>11</sup>. There is a gap between prominence and persistent presence. One of the major gaps in our evidence is the early records of pontifices and other priests, as is immediately evident from Rüpke's charts<sup>12</sup>. It is worth adding that if any of the reconstructions of the Forum of Augustus are correct, even with the padding offered by over a dozen Alban kings, and a number of Julian women, and a number of blanks for future entrants, as Geiger suggests, given the number of *summi viri* not from the Julian clan, there must have been some confidence that

<sup>8</sup> E. BADIEN, *From the Iulii to Caesar*, in M. GRIFFIN (ed.), *A Companion to Julius Caesar*, Blackwell 2009, 11-22.

<sup>9</sup> C. Iulius Iullus, cos. 489 BC, D.Hal. 8,1,1; C. Iulius C. f. Iullus, cos. 482, Livy 2,43,1, D.Hal. 8,90,5; see Asc. 77C and Livy 3,50,15-16 for his embassy of 449; Vopiscus Iulius C. f. Iullus, cos. 473, Livy 2,54,3, Diod. 11,65,1; D.Hal. 9,37,1; 41,1; Livy 3,65 for the consul C. Iulius in 447, who may also have been consul in 435 and 434.

<sup>10</sup> See BADIEN, *From the Iulii...* for details; and M.H. CRAWFORD, *Roman Republican Coinage*, Cambridge 1974 for the moneyers.

<sup>11</sup> See R.K. SHERK, *Roman Documents from the Greek East: Senatus Consulta and Epistulae to the Age of Augustus*, Baltimore 1969, 12 line 26: the date is famously uncertain.

<sup>12</sup> J. RÜPKE, *Fasti sacerdotum: Die Mitglieder der Priesterschaften und das sakrale Funktionspersonal römischer, griechischer, orientalischer und jüdisch-christlicher Kulte in der Stadt Rom von 300 v. Chr. bis 499 n. Chr.*, Stuttgart 2005.

one could identify significant figures from the clan in order to make the two sides of the building match<sup>13</sup>.

At this point, we have to turn to the mythological pretensions of the Iulii. As will be evident from the passages attributed to Cato the Elder, the claim that it was known by the early second century that the Iulii were descended from Iulus, who was identical with Ascanius, is disputable. Cato says that Iulus died childless, and is therefore on the face of it incompatible with the second passage. Unless we argue that the second passage conflates two separate statements, the best solution might be to imagine that Cato took pleasure in casting the sorts of doubts that Livy himself expresses on the Ascanius story<sup>14</sup>.

The representation of the descent of the family from Venus is also evident in the coins of Sextus Julius Caesar, praetor of 123 BC, but minting in 129, and L. Julius Caesar, consul of 90, minting in 103 BC; both show Venus in a biga with Cupid. The first has an anchor, interpreted by Crawford as a reference to the voyage from Troy. Yet the Cornelii Sullae were probably using Venus and the Trojan association as early as 150 BC, and would go on to use Venus Victrix extensively; and the Memmii in 106 BC were also using Venus, in a biga, or on a prow, associated with Saturn, the indigenous Latin deity<sup>15</sup>. In other words, the Iulii Caesares, now the prominent family, by no means had it all their own way in the second century when it came to their mythological associations.

In this context the famous altar at Bovillae, with its inscription to Vediovis, usually dated to around 100 BC on the grounds of the pseudo-archaic spelling, is intriguing<sup>16</sup>. Vediovis is related to Jupiter, and the location at Bovillae takes us close to the world of Alba Longa, and the *Feriae Latinae* with their strong references to Jupiter<sup>17</sup>. Vediovis is also sometimes identified with Apollo, in which context the story that C. Iulius Mento, consul of 431, who stole the dedication of the temple to Apollo in the absence of his colleague (Livy 4,26,1), might be relevant. This is not settled mythological thought, but the ferment of new ideas and new connections. The Iulii were, it seems, like many others at this point in time, seeking to indicate the depth

<sup>13</sup> GEIGER, *The First...*

<sup>14</sup> Cato the Elder F9; F11 Peter; Serv. *Aen.* 1,267; 6,760; cf. Livy 1,3.

<sup>15</sup> CRAWFORD, *Roman...*, 258; 320; and 313 for the Memmii, on whom see also G. FARNEY, *Ethnic Identity and Aristocratic Competition in the Roman Republic*, Cambridge 2007, 273-274.

<sup>16</sup> ILS 2988: VEDIOVEI PATREI GENTEILES IULEI | VEDI[OVEI] AARA | LEEGE ALBANA DICATA. WEINSTOCK, *Divus...*, 8-12; cf. BADIAN, *From the Iulii...* for the association with Apollo, citing Gell. 5,12,11-12.

<sup>17</sup> On which A. GRANDAZZI, *Alba Longa, histoire d'une légende : recherches sur l'archéologie, la religion, les traditions de l'ancien Latium*, Roma 2008 is now indispensable.

of their claim to superiority. Over time, the connection with Troy became secure, and the consul of 64, L. Julius Caesar had a longstanding relationship with the city of Ilion, which began in his quaestorship of 77 BC, and continued through his censorship of 61; it was perhaps his daughter who was honoured by Ilion<sup>18</sup>.

To sum up, we have a fragmentary picture, and one which suggests that insofar as the Iulii Caesares tried to establish a legendary genealogy, they did so from two different directions, one through Vediovis and one through Venus; that the latter was disputed; but that the activity was pretty consistent from the early second century BC. The impact was not in and of itself huge; there were other families more successful than the Iulii in politics and I believe that we can overestimate the significance of these genealogical games. They were, it seems to me, a necessary concomitant of the patrician style, rather than a reason for success<sup>19</sup>. Still, the most famous Julius Caesar was born into a family which had already begun to establish a clear claim on an ancestral significance, which connected them right back to the beginning of Roman history. The family certainly had one pontifex and an augur in the early years of Caesar's life. And at an early stage, it nearly gained one of the oldest priesthoods in the city.

### 3. *Julius Caesar as flamen Dialis*

The brief notices we have inform us that Caesar was designated *flamen Dialis*, but lost the office because Sulla invalidated the acts of Cinna and Marius. Caesar was still very young, and moreover, may not have been in strong health; so insofar as the appointment benefited anyone, it may have been the family. It is well-known that the office came with substantial restrictions, ones against which Caesar may have chafed, but it was also indisputably grand, the holder being required to demonstrate impeccable patrician credentials<sup>20</sup>. The Cornelii had held the office several times (indeed Caesar broke off his engagement to marry a Cornelia precisely for the purposes of this priesthood), the Valerii once, and a Quinctius, a Sulpicius and

<sup>18</sup> A. ERSKINE, *Troy between Greece and Rome: Local Tradition and Imperial Power*, Oxford 2001, 246-247; T.R.S. BROUGHTON, *The Magistrates of the Roman Republic*, III, Atlanta 1986, 110 for a summary of the evidence which now unites L. Julius Caesar the consul of 64 with a censor of 61 BC in the Lex Gabinia-Calpurnia on Delos and the honorand of *I.Ilion* 71 and 10.

<sup>19</sup> C. J. SMITH, "JRA" 21 (2008), 387-388.

<sup>20</sup> Suet. DJ 1; Vell. Pat. 2,43,1; Rüpke no. 2003; J. SCHEID, *The Priest*, in A. GIARDINA (ed.), *The Romans*, Chicago 1993, 55-84; WEINSTOCK, *Divus...*, 305-308; J.H. VANGAARD, *The Flamen: A Study in the History and Sociology of Roman Religion*, Copenhagen 1988.

a Claudius also featured. The connection with Jupiter shortly after the proclamation of the relationship with Vediovis/Jupiter is intriguing.

Scheid's description of the *flamen Dialis* as a permanent reminder to the Roman people of the awesome presence of the god Jupiter in their midst finds an echo of the huge significance of the ongoing relationship with the god at Alba Longa. In both instances, the rituals and presentation of the worship seem to have been deliberately archaic. The Latin Jupiter, unmovable despite the sack of Alba, and the Roman Jupiter, so fixed that the *flamen* could not spend a night away from the city, represent two poles of the sacred story of Rome. Was Julius Caesar's nomination therefore simply a political expedient? Weinstock's suggestion that Caesar's desire for a *flamen* which would have made him the fourth figure, after Romulus/Quirinus, to receive such an honour, suggests that the nomination left a mark.

#### 4. *Julius Caesar and his regal legacy*

If the desire to connect the Iulii with the past was by this point clear, it was rendered more so by Caesar's first clear act of self-association with the regal past. In his funerary speech for his aunt Julia, Caesar notes her doubly glorious descent, from Ancus Marcius on her mother's side and from Venus on her father's side<sup>21</sup>. So tangled were the genealogies of the great families that this was perhaps not utterly unexampled; several families claimed descent from Numa for instance<sup>22</sup>. It is interesting that Ancus Marcius was by the time of Ennius often seen as a popular king – *bonus Ancus* who redistributed land to the people<sup>23</sup>. That is one side perhaps of this speech, which coincided with Caesar's restoration of Marius' trophies. It is also plain that Caesar referred to a relationship which was by this time pretty strongly rooted. First, the luck of the name meant that it was hard for anyone but a Marcius to claim Ancus Marcius, although several families of the house did so, notwithstanding its plebeian status. Second, an obscure Marcius Rex had been permitted to restore the Aqua Marcia in his praetorship of 144<sup>24</sup>. Third, in 88

<sup>21</sup> Suet. DJ 6,1: *amitae meae Iuliae maternum genus ab regibus ortum, paternum cum dis immortalibus coniunctum est. nam ab Anco Marcio sunt Marcii Reges, quo nomine fuit mater; a Venere Iulii, cuius gentis familia est nostra. est ergo in genere et sanctitas regum, qui plurimum inter homines pollent, et caerimonia deorum, quorum ipsi in potestate sunt reges.*

<sup>22</sup> C.J. SMITH, *The Roman Clan: The Gens from Ancient Ideology to Modern Anthropology*, Cambridge 2006, 35-36.

<sup>23</sup> Ennius 37 Skutsch.

<sup>24</sup> Plin. NH 31,41; 36,121; Frontin. Aq. 1,7.

BC one Marcius Censorinus had minted denarii showing both Ancus Marcius and his grandfather Numa Pompilius<sup>25</sup>. The statement that the Julian descent from Venus was as secure as the Marcian descent from Ancus Marcius was challenging.

By the time Caesar was 30, without having to do very much, he had acquired connections with two gods and two kings, and was a pontifex, whilst L. Julius Caesar was already, and had been for some time, an augur, and perhaps a patron of Troy. What difference did this make? Gruen writes ‘To what degree that fanciful genealogy boosted his political advancement may be questioned. Powerful connections counted for more’<sup>26</sup>. In recent exchanges Gary Farney and I have debated the role of the *gens* in actually changing politics. The issue is one of nuance rather than substance I think; and perhaps best understood as being about the extent to which gentilicial affiliations genuinely differentiated aspiring politicians. My inclination is that what really differentiated someone was the absence of such connections, but Farney’s argument that gentilicial affiliation remained a resource to be appropriately deployed stands<sup>27</sup>.

Yet the other side of this debate is the existence of a political resource within the history of early Rome, and particularly the struggle of the orders. To what extent were politicians able to use this history effectively and intelligently? Caesar, who was clearly enough influenced by his genealogical inheritance, demonstrated in 63 that he was capable of using history as well as the gods.

### 5. Julius Caesar and the rediscovery of *perduellio*

The well-known case of Rabirius, prosecuted in 63 BC for the killing of Saturninus nearly forty years before, demonstrated ways in which the highly disputed details of Roman law could be used to make a highly relevant political point<sup>28</sup>. The case referred to the crime of *perduellio*, which was a form of treason, but rarely used indeed. There are five other known cases: Horatius, under Tullus Hostilius, M. Manlius Capitolinus, Publius Claudius

<sup>25</sup> CRAWFORD, *Roman...*, 346.

<sup>26</sup> E.S. GRUEN, *Caesar as a Politician*, in GRIFFIN (ed.), *A Companion...*, 23-36.

<sup>27</sup> C.J. SMITH - G. FARNEY, “JRA” 21 (2008), 379-398.

<sup>28</sup> Cic. *Rab. Per.*; Livy 1,26; Dio 37,26-28; R.M. OGILVIE, *A Commentary on Livy I-V*, Oxford 1965, 114-115; A. WATSON, *The Death of Horatia*, “CQ” 29 (1979), 436-447; A. MAGDELAIN, *Remarques sur la perduellio*, “Historia” 22 (1973), 405-422; B. LIOU-GILLE, *La perduellio: Les procès d’Horace et de Rabirius*, “Latomus” 53 (1994), 3-38.

Pulcher after his disastrous naval defeat in the first Punic War, Cn. Fulvius in 211 BC, again after a military defeat, and Tiberius Sempronius and Gaius Claudius the censors who were prosecuted in 169 BC over a row with a tribune over contracts which escalated into a political stand-off. All are slightly different from each other. Magdelain nicely commented that the trial of Horace was a legend, that of Manlius doubtful, and that of Rabirius a comedy.

Comic as it may all now seem, Rabirius was in a difficult spot. That Saturninus had been killed in spite of his tribunician sacrosanctitas was indisputable; the issue was whether the *senatus consultum* which had been passed gave sufficient immunity. Caesar and the tribune Labienus believed not, and perhaps they did have an eye to what they thought might happen if the Catilinarian episode got ugly (which of course it did). By insisting on *duumviri* appointed by the praetor as the sole judges, by nomination and not by election, a trial held before the people, but with little in the way of defence, and a vicious death sentence, Caesar and Labienus were running against the development of Roman law, and by invoking a process used right at the outset of the city, they were connecting their views with the original authority of the law. The charge, as Liou-Gille describes it, was against the act of a warrior who continued to act as a warrior in a time of peace. It is about overstepping the bounds, and the trial was thus, as everyone recognises, more warning than anything else. The other *duumvir* was L. Julius Caesar, ex-consul and augur. The whole process was brought to a halt in a rather appropriate way when another augur used an equally obscure mechanism to disperse an assembly which had met, probably to consider an appeal<sup>29</sup>.

The trial of Rabirius exemplifies one sort of history which could be written about the Roman republic, the history of power which was progressively limited and authority which was properly constrained. This is a history which lays the emphasis on the fierceness of the response appropriate to the failure to respect the limits of legitimate power, and it is the sort of history which might have been deployed to underpin, for instance, Saturninus' law on *maiestas*. In a sense it was a warning to Cicero that pushing too far could be disastrous. Cicero's defence, as far as we can tell, was to portray himself as the genuine *popularis* – an excellent example of the sort of contional monotony which Morstein-Marx identified – but in a way that must have missed the point<sup>30</sup>. The point of the trial was not to show *clementia* but the implacable intolerance of the state towards any part of the state stepping out of line.

<sup>29</sup> Dio 37,27,3.

<sup>30</sup> R. MORSTEIN-MARX, *Mass Oratory and Political Power in the Late Roman Republic*, Cambridge 2004.

Using the oldest past of Rome to achieve this message was clever. It removed the sting of deciding which part of the state is most powerful; in fact the appointment by what remained of regal power of the sternest of arbitrators takes us to a world beyond subjectivity. How did Caesar reconcile that position with his opposition to the death penalty for the Catilinarian conspirators? One possibility is that it is precisely in the clarity of the appointment of a single and final port of call sanctioned by antiquity. The use of the *senatus consultum* had no profound antiquity, and that was its permanent weakness<sup>31</sup>. What did his fellow-judge think? All we know is that Cicero (*Cat.* 4,13) attributes to L. Julius Caesar the comment that Lentulus in 63 should be killed (*vitae privandum esse*), and that his grandfather and uncle had been killed *iussu consulis*. It is difficult to know what to make of this; was he really showing off how tough he was by commending the death of his relatives? It is clear that he had modified his position by the final vote (*Cic. Phil.* 8,1; *Att.* 12,21,1); and as Drummond says it seems unlikely that he argued for ignoring the *lex Porcia*<sup>32</sup>.

Finally, we must ask to what extent did the Caesarian trial itself shaped the telling of the previous trials? In other words, can we really say that the Caesarian trial followed the example of the Horatian trial when the best account we have – Livy’s – was written well after the Caesarian trial? We struggle here, because Livy does not cite any other author in his account and as a consequence we cannot be certain which other authors dealt with the episode; and it is certainly not clear when the connection was made between Horatius and *perduellio*. Much depends on our opinion of the way in which lawyers rather than historians dealt with the transmission of information regarding early law. Perhaps stories had the capacity to encapsulate the essence of legal process, and lawyers subsequently derived their law from stories, and then historians read the law back into the narrative<sup>33</sup>. Ogilvie notes that when Cicero cites the few phrases which belonged to the ancient rituals of a *perduellio* case, the form of the words is not archaic but ‘a second century restoration’<sup>34</sup>.

If so, we could surmise that the story was developed by both historians and lawyers in the second century. Watson has argued that in fact we should see the details as being of greater antiquity, based presumably on some form

<sup>31</sup> A. DRUMMOND, *Law, Politics and Power: Sallust and the Execution of the Catilinarian Conspirators*, Stuttgart 1995; A.W. LINTOTT, *The Constitution of the Roman Republic*, Oxford 1999, 89-93.

<sup>32</sup> DRUMMOND, *Law...*, 96; *Cic. Cat.* 4,13; *Phil.* 8,1; *Att.* 12,21,1.

<sup>33</sup> The best account of the jurists’ culture is now J.D. HARRIES, *Cicero and the Jurists: From Citizens’ Law to the Lawful State*, London 2006.

<sup>34</sup> OGILVIE, *A Commentary...*, 114.

of surviving law; Cicero himself indicates that the procedures were derived *ex annalium monumenti atque ex regum commentariis*<sup>35</sup>. The only possible case to which he could refer is that of Horatius (the others, whether real precedents or not are Republican; therefore, even if it was a Republican case which created the Horatian example, it must have done so long before Caesar's time). Watson is also right I think to note that the fact that everyone seems to have accepted that the *duumviri* could not acquit even an innocent man, and thus it was genuinely only the people who could resolve the situation, must have predated Caesar. In a sense, Caesar could not lose in this case, even if he had no intention of pursuing it to the end. First, he had indicated that the *senatus consultum* was not an adequate defence for overstepping the boundaries of legal authority; second he had reinforced the rights of the people, and here it seems to me that Dio's careful account is preferable to Suetonius' suggestion that Caesar's hostility would have brought about Rabirius' pardon<sup>36</sup>.

As a final note who held the information about the legislation of the early kings? Beyond doubt, it was the pontifices, amongst whose number Caesar now ranked, and whom he was soon to lead. Dio expressly relates his success in a popular election to this trial, and I will return to this in a moment but for now, it is important I think to emphasise that when Cicero refers to the two forms of authority used by the prosecution, he refers to two sources both wholly in the control of a priestly order in which Caesar was inscribed. The annals began as pontifical records, and the *Annales Maximi* were controlled by the pontifices until shortly before this year; and the *leges regiae* were as far as we can tell predominantly concerned with pontifical and augural regulations, therefore perfectly suited to the two judges, both *Iulii Caesares*, one a pontifex and one an augur<sup>37</sup>.

## 6. *Julius Caesar and the appointment of the Pontifex Maximus*

If we turn briefly to the election of Julius Caesar as Pontifex Maximus, we can again see Caesar using the past as a defence against a present situation which was inimical to his interests. In 104 BC, the *lex Domitia* had replaced the co-option of priests with election by the 17 tribes; Sulla reverted to the

<sup>35</sup> Cic. *Rab. Perd.* 15

<sup>36</sup> Dio 37,27,3; Suet. *DJ* 12.

<sup>37</sup> B.W. FRIER, *Libri Annales Pontificum Maximorum: The Origins of the Annalistic Tradition*, Michigan 1999; on the *leges regiae*, there is a sober account in F. WIEACKER, *Römische Rechtsgeschichte*, München 1988, 307-309.

previous situation, and the *lex Atia* of 63 restored the popular involvement. Clearly this was in Caesar's interests; Lutatius Catulus was a stronger candidate. But it was more than that – apart from another reversion from the hateful dictator's legacy, the election of priests was the endpoint of a process of gradual democratisation, but which stemmed from a particular belief about the role of the people which was of considerable antiquity; after all, originally, kings too were elected. In other words, even here, Caesar stood in a tradition; interestingly, L. Caesar may have been elected augur<sup>38</sup>.

### 7. *Julius Caesar and the Ferae Latinae*

Like all Roman magistrates, Caesar was bound to attend the *Ferae Latinae* on the Alban Mount, and even in 49 BC, when he was in a huge rush, he made sure to celebrate them. Subsequent celebrations were carefully orchestrated; Octavian was made *praefectus urbi* in 47, and in 45 the festival lasted three days with a different *praefectus urbi* each day. The celebration in 44 was even more elaborate; it was connected with an *ovatio*, and apparently preceded by a grant of the right to wear the costume of the king of Alba, which included the red boots which the patricians used at Rome. Caesar's *ovatio* was also special because he rode into the city, when he should have entered on foot, and when he was a *dictator* (holders of which office were not supposed to ride, hence the appointment of the *magister equitum*). It was on his return that he found that his statues had been adorned with diadems.

This last festival and the profound link which Caesar seems to have made between the Kings of Alba and his own person, is one of the clearer indications of his use of the sort of genealogy which Augustus would use in developing the procession of *summi viri* in his Forum. Stewart argued against Weinstock that when Caesar celebrated the *Ferae Latinae* in December 49, he did so because he was claiming that in January 49, they had been improperly celebrated, and moreover that his issue of a coin with the jug/lituus combination in 47 BC addressed directly the issue of pontifical and augural legitimacy for his offices, notwithstanding the troubled times in which they were obtained. Whether or not this stands, it seems indisputable that Caesar did use the associations of the *Ferae Latinae* in a particular way, and I have argued elsewhere that this was specifically intended to justify the legitimacy of his military actions<sup>39</sup>.

<sup>38</sup> G.J. SZEMLER, *The Priests of the Roman Republic. A Study of Interactions between Priesthoods and Magistracies*, Bruxelles 1972; WEINSTOCK, *Divus...*, 31-34.

<sup>39</sup> WEINSTOCK, *Divus...*, 319-331; R. STEWART, *The Jug and the Lituus on Roman Republican Coin*

## 8. *Julius Proculus and the death of Caesar*

The details of the religious developments at the end of Caesar's life are both well-known and complicated, and time does not permit us to consider them in detail. I have already mentioned that Caesar would stand fourth in line after Romulus/Quirinus to receive a flamine, and it is the association with Romulus/Quirinus with which I wish to end this survey. Specifically, it is clear that a story existed, and appears to have existed before the death of Caesar, that Romulus may have been apotheosised into Quirinus. Another story existed however, in which Romulus was slain by his fellow senators. This story is first alluded to, according to Plutarch (*Pomp.* 25), in the heated debates over Pompey's command in 67 BC, when one of the consuls, Piso, is alleged to have said 'if he imitates Romulus he will not escape Romulus' end'. On the basis of this and other evidence, Classen suggested that Licinius Macer might have been the author of a rather anti-Romulean account which included the story of his death, but I think we need to be careful how much weight we put on this; Ogilvie is surely correct when he says that 'the accounts of the death are modelled on the murder of Caesar'.

The account of Julius Proculus looks to be more securely ancient – it looks as if it was probably in Ennius, and the only mystery is how it fits with the Julian ancestry of Romulus, since this Julius is Alban and not described as being related to Romulus. This would fit with the hypothesis hinted at above that in fact the Iulii worked quite hard to establish a dynastic link, and that others may not have been so wholly convinced<sup>40</sup>.

## 9. *Lucius Julius Caesar and the augural link*

Throughout this paper, I have drawn attention to the shadowy figure of Lucius Julius Cesar, consul of 64, censor, and longstanding augur. Not highly rated in modern accounts, he is described usually as a distant relative. Lucius' grandfather and Julius' great-grandfather were brothers – the two Caesars were therefore second cousins once removed. Lactantius (*Inst.* 1,15,30) states that L. Julius Caesar was a *propinquus*. The passage is in other respects quite wrong (it states that Piso and Caesar advised against a funeral

*Types: Ritual Symbols and Political Power*, "Phoenix" 51 (1997), 170-189; GRANDAZZI, *Alba...*, 517-730; C.J. SMITH, *The Feriae Latinae*, forthcoming.

<sup>40</sup> C. CLASSEN, *Romulus in der römischen Republik*, "Philologus" 106 (1962), 174-203; OGILVIE, *A Commentary...*, 84-85; O. SKUTSCH, *The Annals of Quintus Ennius*, Oxford 1986, 260; cf. G. ZECCHINI, *Cesare e il mos maiorum*, Stuttgart 2001, 44-45 for a late date.

for Caesar whereas in fact Piso demanded a public funeral). We have seen that Julius Caesar and Lucius Julius Caesar disagreed over the sentence for Lentulus in 63.

I give here a preliminary version of an edition of Caesar's work. Bold and italics indicates a verbatim quotation; bold is designed merely to give an indication of what the citing authority appears to be ascribing to the lost author.

### L. Julius Caesar: fragments

Works with titles:

#### *Libri auspiciorum*

F1                    Macrob. *Sat.* 1,16,29

Iulius Caesar sexto decimo auspiciorum libro negat, nundinis contionem advocari posse, id est cum populo agi, ideoque nundinis Romanorum haberi comitia non posse.

#### *Libri augurales*

F2                    Priscian. 6,16,86

Caesar in auguralibus: *si sincera pecus erat*

Works without titles:

F3                    Priscian 8,4,15

L. Caesar: *certaeque res augurantur οἰωνοσκοποῦνται*

F4                    Fest. p154L

Maiorem consulem, L. Caesar putat dici vel eum, penes quem fasces sint, vel eum, qui prior factus sit; praetorem autem maiorem urbanum, minores ceteros.

F5                    OGR 9,6

Postquam is multa maria permensus appulsus sit ad Italiae promontorium, quod eat in Baiano circa Averni lacum, ibique gubernatorem Misenum morbo absumptum sepultum ab eo; ex cuius nomine urbem Misenon appellatam, ut etiam scribit Caesar Pontificalium libro primo, qui tamen **hunc Misenum non gubernatorem, tubicinem fuisse** tradit.

F6                    OGR 10,3

Inde profectum pervenisse in eum locum, qui nunc portas Caietae appellatur ex nomine nutricis eius, quam ibidem amissam sepeliit. At vero Caesar et Sempronius aiunt **Caietae cognomen fuisse, non nomen, ex eo scilicet inditum, quod eius consilio impulsuque matres Troianae taedio longi navigii classem ibidem incenderint, Graeca scilicet appellatione apo tou *kaiein*, quod est incendere.**

F7 OGR 11.3

**cum simulacris deorum penatum prosectum, atque illum, ubi illa procubuit enisaque est porculos triginta, ibidem auspicatum † postquam Lavinium dixit**, ut scribit Caesar libro primo et Lutatius libro secundo.

F8a Serv. *Aen.* 1,267 = Cato, Jordan I F10, Peter F9,  
Chassignet I F9, Cugusi F12a

(V) at puer Ascanius, cui nunc cognomen Iulo additur (DS + S) secundum Catonem historiae hoc habet fides: Aeneam cum patre ad Italiam uenisse et propter inuasos agros contra Latinum Turnumque pugnasse, in quo proelio periit Latinus. Turnum postea ad Mezentium confugisse eiusque fretum auxilio bella renouasse, quibus Aeneas Turnusque pariter rapti sunt. migrasse postea in Ascanium et Mezentium bella, sed eos singulari certamine dimicasse. (DS) et occiso Mezentio **Ascanium**, sicut L. Caesar scribit, **Iulum coeptum uocari**, uel quasi τοβουλον id est, sagittandi peritum, uel a prima barbae lanugine, quam τοβλον Graeci dicunt, quae ei tempore uictoriae nascebatur. (S) et occiso Mezentio Ascanium Iulum coeptum uocari, a prima barbae lanugine quae ei tempore uictoriae nascebatur.

Cf. Serv. *Aen.* 1,570 (cf. Hygin. *fab.* 260); Serv. *Aen.* 3,710-711; OGR 10,3

F8b OGR 15,4

**Is postea per legatos amicitiam societatemque Latinorum impetravit**, ut docet Lucius Caesar libro primo, itemque Aulus Postumius in eo volumine, quod de adventu Aeneae conscripsit atque edidit. Igitur **Latini Ascanium ob insignem virtutem non solum Ioue ortum crediderunt, sed etiam per diminutionem declinato paululum nomine primo Iolum, dein postea Iulum appellarunt; a quo Iulia familia manavit**, ut scribunt Caesar libro secundo et Cato in Originibus.

F9 OGR 16,4

Tum Ascanius iureiurando se purgans, cum nihil apud eos proficeret, petita dilatione ad inquirendum, iram praesentem vulgi aliquantulum fregit pollicitusque est se ingentibus praemiis cumulaturum eum, qui sibi Laviniam investigasset; mox recuperatam cum filio in urbem Lavinium reduxit dliexitque hinc materno. **Quaeres rursus ei magnum favorem populi conciliavit**, ut scribunt Gaius Caesar et Sextus Gellius in origine gentis Romanae.

Lucius Caesar *Sepp*

F10 OGR 17,2

Cumque illuc simulacra deorum penatium transtulisset, postridie apud Lavinium apparuerunt, rursusque relata Albam appositisque custodibus nescio quantis se Lavinium in pristinam sedem identidem receperunt. Itaque tertio **nemo ausus est amovere ea**, ut scriptum est in annalium pontificum quarto libro, Cincii et Caesaris secundo, Tuberonis primo.

F11 OGR 18,5

Post illum [Aemulus Silvius] regnavit Aventinus Silvius, isque finitimis bellum inferentibus in dimicando circumventus ab hostibus prostratus est ac sepultus circa radices montis, **cui ex se nomen dedit**, ut scribit Lucius Caesar libro secundo.

F12 OGR 20,3

Tum illi, quibus id imperatum erat, impositos alveo pueros circa radices montis Palatii in Tiberim, qui tum magnis imbribus stagnaverat, abiecerunt eiusque regionis subulcus Faustulus specularus exponentes, ut vidit relabente flumine alveum, in quo pueri erant, obhaesisse ad arborem fici puerorumque vagitu lupam excitam, quae repente exierat, primo lambitu eos detersisse, dein levandorum uberum gratia mammas praebuisse, **descendit ac sustulit nutriendosque Accae Larentiae, uxori suae, dedit**, ut scribunt Ennius libro primo et Caesar libro secundo.

It will be immediately obvious how difficult this reconstruction is. The most secure citation is Macrobius' reference to a work on auspices; this might be the same as the work which Priscian cites in F2, and that is almost certainly the same as the one cited by him in F3. The *OGR* in F5 cites another work, *Libri Pontificalium*, and that ought to be different. Assuming the *OGR* knew only one work, and cited regularly from that, what does it look like? The most obvious parallel is the *OGR*'s own account (17-18) of the early pre-Republican books of the *Annales Maximi*; it is the same mixture of stories with a religious twist and slightly pedantic detail. F5 here is about the instrument played by one of Aeneas' companions; F6 the etymology of Caieta; F7 the Penates, also found in the *OGR*'s citations from the *Annales Maximi*. F8 is extremely interesting, because both Cato the Elder, cited by Servius, and *OGR* are cited for a similar story. Whilst this cannot confirm by itself the reliability of the *OGR*, it is suggestive; however, it is very hard to determine here what belongs to which source. F9 is problematic, and requires emendation to remain a fragment of Lucius Caesar; F10, 11 and 12 are versions of familiar stories, though it is notable that if F12 is really from Caesar's second book, his first covers only Aeneas, and his second the entire period from Ascanius to Romulus and Remus, although that assumes a chronological account, and the reliability of the book numbers.

Doubts abound; I cannot prove that there are not two authors lurking here, one on augural matters, and the other on some combination of early history and pontifical stories, and there will always be uncertainty about the security of the citations from *OGR*, since even if the author was not deliberately inventing, no-one would claim for him a great degree of care or accuracy. Whether the author or authors is or are the same as the consul and augur is impossible to determine; Occam's razor is irrelevant given the capacity of sources to mistake, and Roman onomastic practice to duplicate,

names, but the author is at least very likely to be Republican since the *OGR* does not appear to cite imperial historians. Although Bickel has already brought all the fragments together and attributed them to the consul of 64 BC, he went too far in assuming the significance of the work.

I am intrigued though by Weinstock's description of a L. Julius Caesar as the 'family historian'<sup>41</sup>. Certainly if the fragments are taken as all by a single author, then we could discern an author with an interest in the earliest history of Rome; slightly pedantic and clearly intrigued by process, precedent and form. Is this the picture of a man who was augur for nearly fifty years? Of a man who happily sustained a relationship with Troy, home of his forefathers? We cannot know for sure, and neither can we know for sure that anything he wrote was of interest to his greater relative. However, we can put the evidence here presented about Julius Caesar, albeit well known, alongside what was more or less contemporary scholarship from a kinsman. The Iulii Caesares seem to have worked consistently hard at their genealogy and their connections, indeed preserving both a line to Jupiter and one to Venus. At least two of them, in the late Republic, were also interested in early history, and could converse on matters such as the priorities of praetors and the rules for *perduellio*. At least they had something in common when they both judged Rabirius, even if they disagreed on the fate of the conspirators later that year. In the context of a debate over the influence of Caesar on history, or the influence of history on Caesar, it seems to me that we have found more evidence here of the latter than the former; the painstaking Julian construction of a vision of the past, one influenced by both particularist family interests but also the broader political shape of the Republic – a history of Rome, taken in a broad antiquarian sense, and perhaps substantially influenced by L. Iulius Caesar at a relatively late date – which gave Caesar the outlines within which his innovation and his political determination found their own paths.

<sup>41</sup> The quote is at WEINSTOCK, *Divus...*, 183, though the substantive discussion is at 17 n. 6.