A Culture of Civil War?

Bellum civile and political communication in Late Republican Rome

Edited by
Henning Börm, Ulrich Gotter and Wolfgang Havener

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Introduction
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WOLFGANG HAVENER

At the end of his account of the Catilinarian Conspiracy, Sallust masterfully captured the horrors of civil war as well as its highly paradoxical character. When Catiline and his supporters had been vanquished in a final battle near Pistoria, the troops of the victorious consul C. Antonius Hybrida roamed the battlefield, but the flush of victory soon turned into terror and grief. Turning over the bodies of the dead, they found 'now a friend, now a guest or kinsman; some also recognised their personal enemies. Thus the whole army was variously affected with exultation and mourning, lamentation and gladness.'[1] Having achieved a glorious victory on behalf of the *res publica*, Antonius' soldiers simultaneously had to acknowledge that the price for this success was the death of thousands of fellow-Roman citizens.[2] The outcry one might have expected as a result, however, failed to materialise. On the contrary: as Cassius Dio reports, echoing Sallust's account, the soldiers acclaimed Antonius *imperator*, the senate even decreed a *supplicatio*, 'and the people changed their raiment to signify their deliverance from all dangers'.[3]

For Theodor Mommsen, this episode signified a kind of turning point in the history of Roman civil war. In a brief comment on the episode in his *History of Rome*, Mommsen pointedly claimed that Catiline's defeat, and especially its aftermath with the honours decreed for Antonius, 'showed that the government and the governed

1 Sall. *Cat*. 59.8 f.: *Multi autem, qui e castris visundi aut spoliandi gratia processerant, volventes hostilia cadavera amicum alii, pars hospitem aut cognatum reperiebant; fuere item qui inimicos suos cognoscerent. Ita varie per omnem exercitum laetitia, maeror, luctus atque gaudia agitabantur.*

2 Sallust explicitly calls Catiline's supporters *cives* in the preceding sentence, emphasising how brave they had fought and died in the face of defeat (Sall. *Cat*. 59.6).

3 Cass. Dio 37.40.2: […] ἔπεμψε, καὶ αὐτοκράτωρ ἐπὶ τῇ νίκῃ, καίτοι τοῦ ἀριθμοῦ τῶν πεφονευμένων ἐλάττονος παρὰ τὸ νενομισμένον ὄντος, ἐπεκλήθη. βουθυτηθῆναί τε ἐψηφίσθη, καὶ τὴν ἐσθῆτα ὡς καὶ πάντων τῶν δεινῶν ἀπηλλαγμένοι μετέβαλον.

were beginning to become accustomed to civil war.'[4] This phrase which Mommsen seemingly made in passing and on which he does not subsequently come back, touches on the central questions and topics the present volume aims to address: from the murder of Tiberius Gracchus in 133 BCE to Young Caesar's victory over Antonius (and Cleopatra) at Actium in 29 BCE, the history of the Late Roman Republic was characterised by recurrent episodes of civil strife. Many inhabitants of the empire and even Italy itself had to face the disastrous consequences: marauding bands of soldiers or veterans, violence and forced dispossessions. The *res publica* encountered severe and far-reaching changes in a whole number of areas. A large number of the members of the senatorial families that had determined Roman politics and society for centuries perished on the battlefields of Pharsalus, Mutina, Philippi or Actium. Others took their seats in the senate and re-negotiated the balance of power. At the end of this development stood the new political order of the Principate.

For a long time, scholarship has invested much effort in reconstructing the episodes of civic bloodshed, as well as their causes and consequences, that tore apart the Roman Republic, mainly focusing on incidents of political murder or the years of actual warfare, the preceding political machinations, and the de-stabilising consequences for the *res publica*. Previous studies have repeatedly emphasised the disruptive effects of diverging interests of different social groups that supposedly left the *res publica* defenceless against assaults by ruthless warlords and dynasts.[5] Others, like Christian Meier, have highlighted the inflexibility of the Republican political order, based on the tradition of the *mos maiorum*, which prevented political institutions, as well as Roman society as a whole, from adapting to changing circumstances and new challenges, creating a 'crisis without alternative'.[6] Erich Gruen, in contrast, claimed that the Republican system was highly functional until Caesar decided to cross the Rubicon and start a war that would bring the *res publica* to its knees.[7] More recently, Robert Morstein-Marx and Nathan Rosenstein have adduced the loss of cohesion among the members of the senatorial elite and a resulting loss of authority of the established institutions as the decisive factor for the demise of the traditional political system.[8] All of these approaches share a rather narrow political and institutional scope, which has increasingly been subjected to scrutiny in recent years.[9] While the contributors to a collection edited

4 Mommsen 2001, 187: 'Antonius ward wegen dieses Sieges vom Senat mit dem Imperatorentitel gebrandmarkt und neue Dankfeste bewiesen, daß Regierung und Regierte anfingen, sich an den Bürgerkrieg zu gewöhnen.' (transl. Dickson 1870, 222–223.)

5 See Brunt 1988, 1–92.

6 Meier 2017.

7 Gruen 1974, 504: 'Civil war caused the fall of the Republic, not vice versa.'

8 Morstein-Marx/Rosenstein 2010, 629–635.

9 Osgood 2006 and Steel 2013 are among those who take a more comprehensive view in their accounts of the last decades of the Republic and the coming of the Principate, respectively. See also the contributions in Pina Polo 2020 on different aspects of the period between 44 and 31 BCE.

by Karl-Joachim Hölkeskamp have developed the political perspective by applying the concept of 'political culture' to the period, other approaches have tried to broaden the perspective by leaving the field of political and institutional history and focusing on anthropological or cultural phenomena like collective memory or the various methods of coming to terms with the horrors of the civil war era in later literary or historiographical texts.[10] Still others have taken a comparative view either by taking into account the Greek context, where the concept of *stasis* was an integral element of *polis* culture, or by establishing continuities between the Roman civil wars and ideas of civil war in Early Modern Europe and the United States of America.[11]

Building on these approaches, the present volume, which originated from a joint conference organised by the Universities of Heidelberg and Konstanz in 2017, aims to demonstrate that the period from 133 to 29 BCE merits a much more extensive type of investigation: 'the age of civil war' consisted of more than intermittent periods of in-fighting and the eventual emergence of the Principate. Even when arms fell silent, the sources show that constant fear of renewed internecine violence was a pervading experience, implicitly shaping the ways in which contemporaries not only conceived the political system or the course of events, but also how they interpreted central norms and values, traditions or the media that were used to transmit and implement them.[12] The constant threat and regular recurrence of internecine warfare thus also transformed Rome's cultural imaginary. Following Mommsen's notion of a society getting used to violent internal conflict and even outright war among citizens, we argue that civil war became a figure of thought in the first century BCE, a benchmark of the manifold discourses on politics, the social foundations of the *res publica* and the essence of human nature and community in general.[13] Civil strife thus changed Roman society to a degree which cannot fully be revealed by an analysis of military campaigns or politics alone. Instead, in order to fully understand how it shaped the lives of those

10 On the concept of political culture in relation to the civil war period, see Hölkeskamp 2009. Westall 2018a, a special issue of *Hermathena*, combines contributions on both the 'anthropology of civil war' and its literary representation with more traditionally oriented articles on prosopography and legal history. On civil war in literary and historiographical texts, see Henderson 1998; Breed/Damon/Rossi 2010; Welch 2015; Lange/Vervaet 2019. On civil war and material culture, see Maschek 2018.

11 On *stasis* in classical and Hellenistic Greece, see Gehrke 1985 and Börm 2019, respectively, as well as Gray 2015. For a comparative approach to Greek *stasis* and Roman civil war, see Börm/Mattheis/Wienand 2016. The broader historical perspective is taken by Armitage 2017 (on which see the detailed critical review of Lange 2017).

12 On the crucial significance of violence in the context of civil war, see Kalyvas 2006 and Lange 2018. On fear as a driving force during the Triumviral Period, see Hurlet 2020 and Havener 2016, 55–76; for fear as a rhetorical device in Cicero's orations, see Pina Polo 2019.

13 See also the seminal study by Jal 1963 who emphasises that civil war 'apparaît ainsi comme une veritable "catégorie de la pensée romaine"' (57) which left a particular mark on literary texts from Late Republican to Imperial times.

who had to experience it, it is necessary to write a cultural history of Roman civil war – or rather: a history of the Late Roman Republic as a 'culture of civil war'.

Usually, this would be the place where terms like these have to be defined in order to make them operable as analytical tools. In both cases, however, this proves notoriously difficult, as there do not exist any unequivocal or uncontested definitions either of the term 'culture' or the term 'civil war'. Concerning the latter, civil war studies in recent years have tried to precisely define their subject from a whole range of (inter-) disciplinary angles without coming to terms.[14] Significantly, most of the publications on the period of Roman civil war have not made an attempt to define the term either.[15] Reflecting on these difficulties, in order to facilitate its use in the context of a comparative historical analysis of Greek and Roman civil conflict (both in the Republican and Imperial period), Henning Börm has suggested the following working definition:

> civil war is a violent conflict between at least two armed parties, both of which, as a rule, have a structure that is at least paramilitary; furthermore, it is necessary for at least one of the parties in the conflict to see the enemy principally as (former) members of the same group, i. e. they themselves consider the war to be an internal affair.[16]

Of course, there can be no doubt that this definition is fully applicable to the internecine conflicts of the first century BCE. For the purpose of the present volume, with its focus on the ways in which contemporaries perceived and were influenced by the experience of civil war, instead of formulating an abstract definition as heuristic tool, however, it might prove more productive to address the problem of definition from another perspective. In the following paragraphs, we will turn the question of definition into a first case study which can serve to illustrate our approach and from which can be developed the guiding questions and the main fields of inquiry that constitute the basis for the following contributions.[17]

14 See, among others, Waldmann 1998; Sambanis 2004; Kalyvas 2007.

15 Neither Westall nor Breed/Damon/Rossi, for example, provide a definition in their introductory texts.

16 Börm 2016, 18; see also Lange 2017, 136–139.

17 For a similar approach, see the instructive recent study by Valentina Arena who aims to show 'what the coinage of this new phrase [i. e. *bellum civile*] and its coming to prominence in the political language of the early 40s and the Triumviral period tell us about the nature of the Roman political world of the time.' (Arena 2020, 102.) Arena argues that '[b]y adopting *bellum civile* as a descriptive phrase of normative value, the Romans emphasised a conceptualisation of their community as a body starkly divided into two entities, where one section of society aimed to prevail over the other and annihilate it.' (102 f.) This interpretation doubtlessly gets to the heart of the matter in certain ways (although, as will be demonstrated below, the notion of annihilation might be questioned). When it comes to the point of why the term *bellum civile* was coined in the first place, however, Arena seems to prefer an explanation that is based on the more traditional political and institutional paradigm outlined above: '[…] the notion of *bellum civile* appeared and gradually came to prominence when the constitutional answers, which were organised round the notion of *Concordia*, became inadequate.' (121).

In a letter addressed to his friend and secretary Tiro from late January 49 BCE, Cicero vividly portrays the tense and aggressive atmosphere he perceived in Rome in the face of Caesar's march towards the city:

> My existence and that of all honest men and the entire Commonwealth hangs in the balance, as you may tell from the fact that we have left our homes and the mother city herself to plunder or burning. We have reached the point when we cannot survive unless some God or accident comes to our rescue. From the day I arrived outside Rome all my views, words, and actions were unceasingly directed towards peace. But a strange madness was abroad. Not only the rascals but even those who pass for honest men were possessed with the lust of battle, while I cried aloud that civil war is the worst of calamities.[18]

As the course of events demonstrates, Cicero's appeals fell on deaf ears – even though, in order to make his warnings as clear as possible, he had recourse to one of the most abominated expressions of his time: *bellum civile*. Cicero could and obviously did assume that labelling Caesar's transgressive actions as 'civil war' would make a strong impression on his contemporaries. That it did not, and that neither Caesar nor his adversaries were prevented from taking up arms and leading the *res publica* into the abyss, could be interpreted as an unmistakable sign that the fundamental principles of Roman society were at stake. Under normal circumstances the term Cicero used in order to make his fears palpable did not only constitute a paradox but, as Ulrich Gotter has outlined, had to be seen as a terminological *monstrum*.[19] The sheer existence of the term was outrageous, as it brought together two elements that had hitherto been completely incompatible: the notions of *bellum* and *civis* and thus the strictly separate spheres of *domi* and *militiae*.[20]

Veit Rosenberger has tried to identify certain elements that defined a proper Roman *bellum*.[21] First, he takes into consideration the aspects of *Staatsrecht* and religion or to be precise their special combination that manifested itself in the act of declaring war.[22] Although Rosenberger reaches the conclusion that there was no formalised way of declaring a *bellum*, the ritual framework that enclosed military operations at Rome is of

18 Cic. *fam*. 16.12.1 f.: *Quo in discrimine versetur salus mea et bonorum omnium atque unversae rei publicae, ex eo scire potes, quod domos nostras et patriam ipsam vel diripiendam vel inflammandam reliquimus: in eum locum res deducta est, ut, nisi qui deus vel casus aliquis subvenerit, salvi esse nequeamus. Equidem, ut veni ad urbem, non destiti omnia et sentire et dicere et facere, quae ad concordiam pertinerent; sed mirus invaserat furor non solum improbis, sed etiam iis, qui boni habentur, ut pugnare cuperent me clamante nihil esse bello civili miserius.*

19 Gotter 2011, 61: 'Vor diesem Hintergrund wird das *bellum civile* zum begrifflichen Ungetüm, dessen Monstrosität in der Kombination von *bellum* und *civile* liegt.' See also Brown 2003, 103 and Jal 1963, 21–32.

20 On the religious as well as political implications of this distinction, see Rüpke 2019, 245–261 as well as Russell's paper in this volume.

21 Rosenberger 1992, 128–133.

22 See also Rüpke 2019, 99–126; on the fetials and the *ius fetiale*, see Santangelo 2008.

undeniable importance (see below).[23] Rosenberger comes to similar results considering other possible starting points for a definition: the duration, scope or impact of a campaign, the political organisation of the combatant parties, the numbers of troops involved in the fighting or the strategies of legitimation developed by the protagonists could all be adduced for some of the conflicts termed *bella* in our sources, while others did not fall under any of these categories. One factor, however, seems to have been absolutely crucial – at least prior to the times of Cicero and his contemporaries: a *bellum* was firmly situated in the *militiae* sphere, that means it was conducted against a foreign enemy. A *civis*, in turn, characterised precisely by his status as a Roman citizen with the corresponding duties, rights and privileges, could not be termed a foreign enemy *by definition*.[24] Against this background, it is highly significant that for centuries the Romans did not even have an expression in order to describe the phenomenon of civil war – the idea of citizens fighting a proper war against fellow citizens was not only outrageous, it was unthinkable.

This obviously changed in the decades following the conflict between Marius and Sulla.[25] Two terminological as well as conceptual developments converged in this period.[26] First, the various protagonists of the civil war era started to experiment with the term *hostis*, which had hitherto marked the enemy in a *bellum* as unmistakably foreign. Now, the expression was transferred to the internal context and used against Roman adversaries, stripping them of their rights and privileges as Roman citizens – but not necessarily indicating that they were no longer perceived as Romans, as is clearly suggested by the fact that contemporary as well as later sources do not strictly distinguish between those conflicts featuring a *hostis*-declaration and those which did not when using the term *bellum civile* with its emphasis on the civil component.[27] The coining of this expression constituted the second – and more innovative – development. Scholarship usually emphasises that the term *bellum civile* was a new as well as highly provocative creation, first attested in the 60s BCE.[28] David Armitage, for example, states: 'The

23 See Rich 2013.

24 See Arena 2020, 112 f.

25 On the crucial importance of the Sullan civil war for later developments, see Flower 2010.

26 For a contrasting view, see Raaflaub 2021 who argues that both contemporaries as well as later Roman historians did not engage systematically with the concept of civil war and that 'the elite developed mechanisms aimed at denying the reality of civil war, at least officially and publicly.' (113)

27 See Havener 2016a, 155–157; see also Arena 2020, 113 who emphasises that the term as well as the act obviously 'seemed to be losing effectiveness, and, above all, its relevance' due to the fractured structures of political legitimacy in the aftermath of Caesar's murder in 44 BCE. On the development of the term, see Hellegouarc'h 1972, 188 f. For the juridical aspects, see Kunkel/Wittmann 1995, 238–240 and Ungern-Sternberg 1970. On the *hostis*-declaration in general, see Allély 2012 and Cornwell 2018 who, however, views the act as an instrument in order to render a conflict external rather than internal. Lange 2013, 86, in contrast, sees the *hostis*-declaration as an alternative to the externalisation of a conflict and one means to legitimise a civil war triumph (on this aspect, see below).

28 See, among others, Arena 2020, 104 f.; Brown 2003, 95 and 104.

inventor is unknown. He – and it must have been a man, because he was surely a Roman citizen – joined together two distinct ideas to make an explosive new amalgam. No one before that obscure Roman had yoked these two elements together.'[29] This observation is certainly true, yet at the same time it captures only one aspect of the term and neglects another, equally significant one: in order to characterise and designate the state of the *res publica* during the immediate past as well as their own lifetime, contemporaries did not invent something entirely new, but chose to bring together two well established terms that had very specific connotations. The central question which touches on the central premises of the present volume is why they decided to do so, especially since there already existed various expressions for civil strife. What was the additional semantic value of a highly problematic terminological combination like *bellum civile*? What message did this specific expression convey that others like *seditio*, *tumultus* or *discidium* could not? What made this term the most suitable to put in a nutshell the perceptions of Romans during the last decades of the Republic and the experiences they encountered?

The expression *bellum civile* is first attested in Cicero's speech *pro lege Manilia* in which the orator tries to paint a picture of Pompeius as the most formidable general Rome has ever seen:

> Who, then, ever possessed or had reason to possess more knowledge of warfare than Pompeius […]; who, in his youth, learned the lessons of warfare not from the instructions of others but from the commands he held himself, not by reverses in war but by victories, not through campaigns but through triumphs? In short, what manner of warfare can there be in which the vicissitudes of his country have not afforded him experience? The civil war, the wars in Africa, Transalpine Gaul and Spain, the Slave war and the Naval war, wars different in type and locality and against foes as different, not only carried on by himself unaided but carried to a conclusion, make it manifest that there is no item within the sphere of military experience which can be beyond the knowledge of Pompeius.[30]

29 Armitage 2017, 31 f.

30 Cic. *Manil.* 28: *Nunc vero cum sit unus Cn. Pompeius, qui non modo eorum hominum, qui nunc sunt, gloriam, sed etiam antiquitatis memoriam virtute superarit, quae res est, quae cuiusquam animum in hac causa dubium facere possit? Ego enim sic existimo, in summo imperatore quattuor has res inesse oportere, scientiam rei militaris, virtutem, auctoritatem, felicitatem. Quis igitur hoc homine scientior umquam aut fuit aut esse debuit? qui e ludo atque pueritiae disciplinis, bello maximo atque acerrimis hostibus, ad patris exercitum atque in militiae disciplinam profectus est; qui extrema pueritia miles in exercitu fuit summi imperatoris, ineunte adulescentia maximi ipse exercitus imperator; qui saepius cum hoste conflixit, quam quisquam cum inimico concertavit, plura bella gessit quam ceteri legerunt, plures provincias confecit quam alii concupiverunt; cuius adulescentia ad scientiam rei militaris non alienis praeceptis, sed suis imperiis, non offensionibus belli, sed victoriis, non stipendiis, sed triumphis est erudita. Quod denique genus esse belli potest, in quo illum non exercuerit fortuna rei publicae? Civile, Africanum, Transalpinum, Hispaniense, servile, navale bellum, varia et diversa genera et bellorum et hostium non solum gesta ab hoc uno, sed etiam confecta nullam rem esse declarant in usu positam militari, quae huius viri scientiam fugere possit.*

In his seminal article on the terms *bellum sociale* and *bellum civile* from 2003, Robert Brown, emphasising that the latter was by no means the only terminological innovation of the first century BCE, observes that Cicero in this passage lists several kinds of wars that did not correspond to the established pattern of war designated by the term *bellum*.[31] Several further points are worth mentioning here. First of all, the term *bellum civile* comes without warning, without any form of definition, even without any further explanation. It is simply adduced as one of the wars that enabled Pompeius to develop his outstanding generalship. If we do not assume that Cicero here deployed a rhetorical trick, the seemingly unspectacular occurrence might indicate that by this time already, the expression was at least common and established enough for its connotations and implications to be identified by the audience.[32] At the same time, it is highly striking that civil war is portrayed not in an exclusively negative way here. After all, the experience Pompeius gathered by conducting, among others, a *bellum civile* predestines him, according to Cicero, for the command against Mithridates.[33] Even civil war, in other words, might prove useful for the *res publica* – albeit under precisely confined circumstances. Cicero's rhetorical manoeuvre is possible only because the implications of the term are very specific in this particular case: it designates the wars against Cinna and Carbo and is thus employed in order to describe a particular conflict which, in contrast to the other *bella* listed by Cicero (apart from the slave war), had taken place on Italian soil. Brown has emphasised that *bellum civile* here seems to be an analytical category rather than a political catchphrase.[34] At the same time, however, the fact that Cicero employs this expression in order to describe a certain period of Roman history is highly conspicuous in combination with another aspect – a combination crucial for understanding the semantics of the concept of *bellum civile* as a whole: the notion of civil war as a *bellum confectum*. Cicero emphasises that Pompeius did not only conduct the wars he listed *solum*, but that he carried them to a conclusion. Contrary to a *seditio*, a *dissensio* or a *discidium*, a *bellum* could be brought to a definitive end, an end that could be marked, for example, by a ritual like the triumph, the closing of the doors of the temple of Janus and so on.[35] A *bellum* thus constituted a defined period of time as

31 Brown 2003, 103 f. On the passage, see also Steel 2011, 140–147 and van der Blom 2019, 118–123.

32 Based on fragments from and references to Sulla's autobiography in later sources, Lange/Vervaet 2019a cogently argue that he may have been the 'inventor' of the term.

33 See van der Blom 2019, 120 f., similarly suggesting that the main thrust of the passage was 'to avoid triggering bad memories of these civil wars while still making his point about Pompeius' suitability for the command […]'. While van der Blom is certainly correct in refuting Armitage's claim that Cicero aimed to establish 'a hierarchy with civil war being the most dangerous' (see Armitage 2017, 66), it might be argued that the *bellum civile* is here adduced not only as one war among many and as Pompeius' first command, respectively, but that its potentially provocative connotations are deliberately brought into play.

34 Brown 2003, 95 f. and 106.

35 See Rüpke 2019, 205–241.

well as a defined status with particular characteristics, regulations, and certainly not least with a specific counterpart: *pax*.

This fundamental quality made the notion of *bellum* highly functional for coming to terms with the horrors of civil war in a number of different ways.[36] First, and probably foremost, there could be hope that the *res publica* that had experienced serious turmoil, could be pacified again. A *bellum civile* did not have to be permanent, but could actively be brought to an end.[37] *Discordia*, whose personification was portrayed as the most dangerous enemy of the Roman order in various sources, could be defeated – a notion that would form one of the backbones of Young Caesar's strategy of legitimising his role in the civil wars from 43 to 31 BCE.[38] Closely connected to this aspect was another element of *bellum* in general and *bellum civile* in particular: again contrary to other expressions that could be employed to designate a state of civil strife, the concept of *bellum* always entailed the notions of victory and defeat. A *bellum* was brought to an end by a final victory from which the victorious protagonists even could and did generate political power and prestige. That this held true also for a *bellum civile* is clearly demonstrated by the simultaneously innovative and highly provocative civil war triumphs celebrated by Sulla, Pompeius, Caesar and Young Caesar.[39] For the losing side, of course, defeat was and remained a thorn in the flesh. In a letter to Marcellus, probably written in September 46, Cicero even generally laments victory in civil war, regardless of which side had been victorious:

> In civil war, never once experienced by our forebears but often by our own generation, all things are sad, but none sadder than victory itself. Even if it goes to the better party, it makes them more fierce and violent; though they may not be so by nature, they are forced to it willy-nilly. For the victor has often to act even against his inclination at the behest of those to whom he owes his victory.[40]

36 Instead of emphasising that civil war 'challenged the standard Roman criteria, their very definition of war, to the breaking point' (Armitage 2017, 33), it is therefore more productive to ask why and how those 'standard criteria' could be related to the phenomenon of civil war.

37 See Osgood 2015. Significantly, Cicero himself would later play with this notion, when he declared his conflict with the Catilinarians a *bellum aeternum* (see Havener's paper in the present volume).

38 On Discordia as enemy of the Romans, see Breed/Damon/Rossi 2010a, 4–8 and Havener 2016, 140–150.

39 See Lange 2016 and Havener 2014.

40 Cic. *fam.* 4.9.3: *Omnia sunt misera in bellis civilibus, quae maiores nostri ne semel quidem, nostra aetas saepe iam sensit, sed miserius nihil quam ipsa victoria; quae etiam si ad meliores venit, tamen eos ipsos ferociores impotentioresque reddit, ut, etiam si natura tales non sint, necessitate esse cogantur. multa enim victori eorum arbitrio per quos vicit etiam invito facienda sunt. an tu non videbas mecum simul quam illa crudelis esset futura victoria? igitur tunc quoque careres patria ne quae nolles videres? 'non' inquies; 'ego enim ipse tenerem opes et dignitatem meam.' at erat tuae virtutis in minimis tuas res ponere, de re publica vehementius laborare.* On the passage, see Brown 2003, 109.

At the same time, however, even a *bellum civile* with all its brutality and bloodletting that affected the whole of the *res publica* that was finally brought to an end one way or another, might at least constitute a starting point for coming to terms and reintegrating society, as has been demonstrated by Ingo Gildenhard in his analysis of Cicero's *pro Marcello*.[41] In this speech, Cicero acknowledges Caesar's victory and at the same time shifts the focus on the termination of civil war as such.[42] The victor, in turn, was provided with a range of possibilities in dealing with his defeated adversaries. Victory in a *bellum* did not automatically have to result in the physical elimination of the whole enemy party.[43] Punishing the leaders of the hostile party did not prevent Caesar or his adoptive son from incorporating the soldiers of Pompeius and Antonius into their own armies. Caesar's *clementia*, although this could certainly be considered an affront by his adversaries, was another option.

At the same time, the concept of *bellum* could be employed in order to assign responsibility. In a *bellum*, the opposite side was clearly defined as the enemy, a fact that might have some considerable influence on the loyalty of the combatants. As Ulrich Gotter has emphasised, the blame for starting a civil war could always be laid on the enemy.[44] Significantly, one of the very few instances where Caesar actually uses the term *bellum* in his commentary on the civil wars, accuses Pompeius and the members of the Senate for making the war inevitable.[45] This meant that Caesar's enemies drove him into the last and ultimate level of escalation. 'Civil war is the worst of all calamities',

41 See Gildenhard 2011, 223–243; see also Brown 2003, 109 f.

42 Cic. *Marcell.* 29: '[…] but if this city is never to be tranquillised by your measures and your institutions, the passage of your name to the ends of the earth will be but a wayward roaming; fixed resting-place and assured home it will never have. Among those yet unborn there shall arise, as there has arisen among us, sharp division; some shall laud your achievements to the skies, and others perchance shall find some quality, and that the chiefest, to be lacking, should you fail to quench the fires of civil war, and thereby bring salvation to your country, with the result that your achievements in war will be attributed to fate but the establishment of order to design. Look then to the verdict even of those who shall pass judgement upon you many ages hence, a judgement that will in all probability be less prejudiced than ours; for they will judge without partiality or interest, as without animosity or hatred.' (*sed nisi haec urbs stabilita tuis consiliis et institutis erit, vagabitur modo tuum nomen longe atque late, sedem stabilem et domicilium certum non habebit. Erit inter eos etiam, qui nascentur, sicut inter nos fuit, magna dissensio, cum alii laudibus ad caelum res tuas gestas efferent, alii fortasse aliquid requirent, idque vel maximum, nisi belli civilis incendium salute patriae restinxeris, ut illud fati fuisse videatur, hoc consilii. Servi igitur eis etiam iudicibus, qui multis post saeculis de te iudicabunt et quidem haud scio an incorruptius quam nos; nam et sine amore et sine cupiditate et rursus sine odio et sine invidia iudicabunt.*)

43 Contrary Arena 2020, 118: 'The conclusion of a *bellum civile* could only be brought about by the complete defeat of the enemy.'

44 Gotter 2011, 61 f.

45 Caes. *civ.* 1.26.6: 'Shortly thereafter he reported that without the consuls – since they were absent – it was impossible to discuss a settlement. So Caesar decided that the objective attempted so often in vain finally had to be abandoned and that he had a war to fight.' (*Ita saepius rem frustra temptatam Caesar aliquando dimittendam sibi iudicat et de bello agendum.*) On civil war in Caesar's *Commentarii*, see Osgood 2019.

Cicero wrote in the passage quoted above. From 49 onwards, as Robert Brown and Henriette van der Blom have conclusively shown, the occurrences of the term *bellum civile* in the Ciceronian corpus rise significantly.[46] Whereas Cicero adduces the expression only thrice prior to 49, after that date it pervades his work. Brown saw this as evidence for his assumption that the expression was made from an analytical tool into a catchphrase that could be employed in political debates and invectives. Against the background outlined here, however, more might be said with regard to this development: Cicero and his contemporaries obviously came to realise that *bellum civile* was not only a term to designate a specific military conflict from the past (the Sullan 'civil war') that had been ended once and for all. They had to acknowledge that their own times were about to fall under the same definition. The insight that one *bellum confectum* did not mean that there would be no further civil wars and that they were about to make the same mistakes that their predecessors had committed and that justified the use of a highly problematical expression like *bellum civile* in order to describe their own period of time, must have been highly influential regarding the ways in which contemporaries conceived of their surrounding world. The events of their very own present could no longer be termed *seditio*, *discessio* or *coniuratio*, but had to be termed a *bellum civile*.[47] 'At the outset, Caesar', Cicero declared in his speech *pro Ligario*, 'you held that that movement was a secession, not a war, not an outburst of hatred between foes, but of dissension between citizens, a dissension in which either party had the welfare of the state at heart, but in which each, through policy or through passion, swerved from the interest of the general body.'[48] A *dissensio*, in other words, included the possibility of *consensus*, of coming to terms without going to outright and bloody war. This might have been the reason why Caesar chose to employ this term rather than *bellum civile* in his own commentaries in order to demonstrate his willingness to find a compromise. Crossing the Rubicon, that means starting a war, a *bellum*, with the mechanisms this set in motion and the follow-up costs it entailed, constituted a point of no return both in practice and terminologically.[49]

The preceding considerations illustrate one of the central premises of the present volume. As has been outlined above, we argue that the *bella civilia* of the first century

46 See Brown 2003, 107–112; van der Blom 2019, 113–117 with a full list of the occurrences of the term in the Ciceronian corpus in n. 4.

47 See Arena 2020, 112–118 making a similar diagnosis for the period following the promulgation of the *Lex Titia*: 'Although no one still wished to be perceived as fighting a civil war, the generals of the Triumviral period were now prepared to accept, if necessary, that this was indeed the kind of internal conflict with which they were engaged.' (117)

48 Cic. *Lig.* 19: *secessionem tu illam existimavisti, Caesar, initio, non bellum, neque hostile odium, sed civile discidium, utrisque cupientibus rem publicam salvam, sed partim consiliis, partim studiis a communi utilitate aberrantibus*. See Brown 2003, 117 f.

49 Significantly, as Armitage 2017, 63 f. emphasises, Caesar himself did not mention the crossing of the Rubicon as a key moment in his *Commentarii*.

BCE had a decisive influence on the *res publica* as a cultural community. The fact that the Latin language for a long time lacked a proper term to describe this comprehensive phenomenon clearly demonstrates that contemporaries faced a challenge which went far beyond the practical effects of civil war. The dynamic of events during the last decades of the Republic entailed the necessity of creating and establishing new methods of interpretation, patterns of action and even the theoretical concepts underlying them in order to deal with and make sense of the cataclysmic developments that threatened the very existence of their community. As will be shown by the contributions of this volume, however, these methods did not only facilitate coming to terms with the traumatic experience of civil war, but contributed to its dynamics themselves. Civil war, in other words, generated a whole set of novel structures of perception and collective as well as individual self-description which, in turn, due to their inherent follow-up costs informed the course of events. The contributions collected in the present volume aim to analyse these correlations from a number of different angles in order to illustrate possible starting points for a comprehensive cultural history of the Roman civil wars. The underlying questions and fields of inquiry may be grouped under five headings:

1.) The semantics of civil war and the ideology of '*bellum civile*' as a figure of thought: As has been demonstrated with regard to the coining of the expression *bellum civile* itself, the experience of civil war resulted in the development of an innovative terminology which comprised new creations, the formation of new connotations connected to established and traditional terms like *imperium*, *pax*, *libertas*, *pietas* or even *res publica*, as well as the adoption of expressions and concepts from other contexts like the Greek *stasis* discourse.[50] What were the implications of these transformations? How can they be explained and who was responsible for them? Can they be described as deliberate acts of creation or rather as the result of a more gradual and subliminal process?

2.) Strategies of legitimation: The protagonists of the civil war era actively contributed to disseminate and prolong the horror of internecine bloodshed. A central question is therefore, what methods these key players developed in order to validate and legitimate their role both during the wars as well as in their aftermath. In what respect did the individual strategies that can be discerned, for example, in the memoirs in Sulla's memoirs, Caesar's *Commentarii* or Augustus' autobiography differ from one another?[51] Which literary methods and patterns did they employ in order to explain and legitimise their actions? How were these strategies perceived, commented on and evaluated by their intended recipients as well as later generations?

50 On the notion of *pax*, see Cornwell 2017, esp. 43–80 as well as Havener 2016, 193–252 (focusing on the *Pax Augusta*). On *imperium* and the concept of empire, see Gotter 2019; on *libertas*, see Hodgson 2019 and Arena 2012; on *res publica*, Hodgson 2017.

51 On memoirs and the genre of autobiography in Late Republican Rome, see Smith/Powell 2009 and Flower 2014. On Caesar's *Commentarii*, see Westall 2018.

3.) Communicating (about) civil war in text and imagery: The phenomenon of civil war did not only leave an imprint on texts dealing with actual military conflict. In a seemingly paradoxical way, civil war may be characterised as an unwanted enabling condition for fervent cultural productivity. Civil war informed the writings of poets, philosophers, and historians: the oratory of Cicero, with its Manichean tendency to split Rome's civic community into 'the good' (*boni*) and 'the bad' (*improbi*); the historiography of the Late Republican and Early Imperial period which documents changing conceptions of history or time; the poetry of the period which makes civil bloodshed (and its eventual triumphant suppression by Augustus) a privileged point of reference.[52] And it may be argued that the creation of a 'language of civil war' did not end in the sphere of literary texts but also informed both imagery, architecture, and conceptions of space.[53] How did the Romans talk and write about civil war?[54] How was civil war depicted and symbolised in sculpture, portraiture and architecture? And – more importantly – how did writers, philosophers and artists try to make sense of it?

4.) Civil war society: The extermination of a large part of the senatorial elite had significant repercussions for the composition of Rome's socio-political elite, which, according to Syme, constituted the core of the *Roman Revolution*. To which qualities and developments did figures like Pompeius and his son Sextus, Dolabella, Agrippa, Munatius Plancus or Young Caesar owe their ascendancy?[55] How did political turmoil affect central mechanisms of creating political and social hierarchies and networks?[56] How did the role of women change in the civil war era, women like Antony's wife Fulvia or Clodia who were both vilified by Cicero in his speeches, or the female protagonist of the *Laudatio Turiae*?[57]

5.) Reintegration and reconstruction: After decades of bloodshed and violence, the Romans had to face the challenge of constructing new rules for writing and talking about civic disasters to facilitate the process of coping with the collective trauma and deeply divisive fault-lines caused by civil bloodshed. In this light, Republican Rome takes its place among many other, more recent societies deeply influenced by and torn apart by civil warfare (Rwanda, Yugoslavia, Iraq): all faced (or face) the challenge to cope with a 'collective suicide'. What strategies were developed in order to rebuild common values and a shared (political) culture in an attempt to overcome the disintegrating consequences of the *bella civilia*?

52 On Cicero, see Gildenhard 2011; on patterns and conceptions of time and the notion of decadence in Roman thought, see Ando 2019; Biesinger 2019 and 2016. On civil war and the representation of the Late Republic in Augustan poetry, see, among others, Powell 2008 and Lowe 2019.

53 See Zanker 2003 and Russell 2016.

54 On political communication during the Late Republic, see Rosillo-Lopez 2017.

55 On Sextus Pompeius, see Welch 2012; on Plancus and Agrippa, see Mitchell 2019 and Tan 2019, respectively.

56 See Rollinger 2014.

57 See Osgood 2014

The contributions collected in this volume address these questions from a variety of perspectives. The three papers of the first section focus on the ways in which civil war shaped Late Republican politics and society. Lines of conflict ran through families, networks of patronage and political alliances. Brothers killing brothers, sons slaying fathers and friends betraying friends developed into a dreading emblem for the horrors that contemporaries had to experience. The dynamics of permanent internal strife led to fragmentation and polarisation, forcing protagonists as well as bystanders to take sides – and bear the potentially existential consequences of their decisions. Against this background, the figures of those (few) who refused to conform to this dynamic stand out. HANNAH MITCHELL therefore explores the notion of neutrality in civil war and its limits, outlining different options for avoiding definite commitments as well as the problems connected to each of them. Focusing on Cicero's correspondence in 49 BCE as well as a number of other case studies, she demonstrates that the decision not to tie oneself to the cause of either party was by no means an 'easy way out' as it entailed a number of extremely difficult considerations and the weighing up of potentially conflicting interests. As the success of a strategy of neutrality necessarily depended on the outcome of the war and the question whether the winning side would accept such a stance in hindsight, MITCHELL argues that the decision to abstain from any compromising activity constituted a tightrope act which – especially in the case of Cicero – necessitated legitimation not only before his senatorial peers but also before himself.

CARSTEN HJORT LANGE focuses on the term *terra marique*. According to him, the ideological connotations of this specific formulation, employed most prominently in chapter 13 of Augustus' *Res Gestae* and the iconic phrase *terra marique esset parta victoriis pax*, is closely linked to its military and strategic component. He argues that naval victories like Naulochus and Actium alone were not sufficient in order to fulfil the 'triumviral assignment' and that land campaigns were an integral element of the civil wars of the 30s BCE both in terms of actual warfare and for legitimising purposes. The combination of two topographically different 'theatres of warfare', land and sea, in one concise formula allowed Augustus to present his achievements (military victory as well as the establishment of peace) as comprehensive accomplishments that could and should be celebrated and commemorated accordingly.

Campaigns, battles and the organised political assassination of the proscriptions resulted in a decimation of the male element of the senatorial and equestrian classes as well as massive losses among the rank and file. As a result, elite women gained centre stage during this period of crisis. KATHRYN WELCH emphasises that women like Cornelia, Terentia, Fulvia or Servilia have to be seen not merely as the mothers, wives or daughters of male protagonists, but rather as active and independent agents. The extraordinary circumstances and divided loyalties of the *bella civilia* provided women with more comprehensive opportunities for acquiring both material wealth and social status, which could constitute the basis of increased political influence. Significantly,

the more pronounced activity of women in the civil war era took forms that had long been established in Roman society but were now thrown into much sharper relief: negotiation, activation of connections, mediation etc. As WELCH outlines at the end of her chapter, because of their role in the events unfolding during the last decades of the Republic women also figured prominently in the collective memory of the period as both heroines and villains. Her contribution thus connects the first section of the volume with the four papers of the second section. They centre on the question how civil war and its repercussions informed collective memory and what strategies were developed by the protagonists of the civil war era in order to influence its formation and to make sure that their actions, decisions and actual as well as supposed achievements were remembered properly.

It has been outlined above that *bellum civile* blurred the traditional boundary between the spheres *domi* and *militiae*. Elaborating on this aspect, AMY RUSSELL discusses the ways in which civil war became manifest in the city of Rome itself from the 80 s BCE onwards and how urban space became an element of the collective memory of the Sullan *bellum civile*. She contends that the material as well as symbolic traces of internecine violence profoundly shaped the Romans' perception of urban topography and forced them to reconsider established concepts of space. Although, contrary to what might be expected, the sources do not single out Sulla's crossing of the *pomerium*, RUSSELL emphasises that the presence of an armed force and the occurrence of actual fighting within the *urbs* as well as the memory of this highly transgressive and traumatic act that were linked to certain places, defined the experience of urban space both for contemporaries as well as later generations.

With the contribution of CRISTINA ROSILLO-LÓPEZ, focus shifts from the topographical *lieux de mémoire* and the spatial memory of civil war to the genre of oral commemoration. She addresses the question how oral memories of the traumatic experiences formed and changed over the course of the following generations, highlighting the specific characteristics of this medium of commemoration compared to other forms of memory. ROSILLO-LÓPEZ argues that one of the main strategies to convey and employ these memories of the past was to update and adapt them according to the specific conditions of the present and to the expectations of the respective audience. Analysing Cicero's speech *pro Rabirio*, she explores the mechanisms and strategies that were developed in order to employ (or, in this case, depreciate) oral recollections of internecine conflict in the context of a political trial. As ROSILLO-LÓPEZ points out, the speech demonstrates that one of the most important environments for the transmission of oral memory was the family. Within this particular community of memory, the cross-generational remembrance of civil strife and a family's role in its unfolding could be used in order to establish and strengthen a common identity – which, in turn, could be converted into a convenient point of attack.

Given the particular nature of this form of commemoration and its inherent problems, it comes as no surprise that prominent figures involved in the events made use of

other media in order to put their specific version of events on record. Some of them, most notably Sulla and the later Augustus, composed autobiographies which have unfortunately only survived in fragments. Nevertheless, such texts can provide valuable insights into strategies of self-representation and justification developed by the protagonists of the period, as HARRIET FLOWER shows in her study on the autobiographical writings of P. Rutilius Rufus (cos. 105 BCE). FLOWER argues that, contrary to established views, Rufus' work should not primarily be seen as a defence of his controversial political and administrative activities as legate in the province of Asia in the 90 s BCE. Instead, she interprets Rutilius' *de vita sua* against the background of the experiences he made during the Sullan civil war as well as his particular role as exile who took an active part in the negotiations between Sulla and Fimbria in 85 BCE and managed to remain an influential figure even from his retreats at Mytilene and Smyrna. The resulting lack of possibilities to explain and justify his actions before the Roman public in more traditional media made the emerging genre of autobiographical writing an attractive alternative in order to maintain a certain status.

Justification also lies at the heart of ULRICH GOTTER'S contribution. He addresses the efforts taken by the protagonists of the *bella civilia* in order to present their actions as favourably as possible, both to their contemporaries and to posterity when confronted with the problem that under the circumstances of severe and bloody internecine conflict, any historiographical work with an autobiographical focus necessarily suffered from a massive lack of credibility. Focusing in particular on Caesar's *commentarii*, GOTTER discusses the lines of argument as well as the literary techniques developed by civil war generals in order to compensate for this highly disadvantageous position. He identifies two crucial elements of Caesar's strategy of justification. On the one hand, he consequently assigned the blame for the escalation of conflict into ultimate bloodshed to his adversaries. On the other hand, he presented himself as an anti-Sulla. Raising the spectre of Sulla as *exemplum malum* par excellence allowed Caesar to present his own actions in a much more favourable light.

Such a prominent deployment of an *exemplum malum* gains its full force when it is viewed against the background of the potential transformations of the system of norms and values on which the *res publica Romana* and Roman society were based, as well as the media through which these norms and values were conveyed. Consequently, the third section begins with an analysis of the development of the notion of exemplarity under the conditions of civil strife. Focusing on the case studies of Cicero, Cornelius Nepos and Valerius Maximus WOLFGANG HAVENER illustrates three different aspects of the connections between exemplarity, or *exempla*, and the particular conditions of civil war. In contrast to approaches arguing that during the last decades of the Republic, Roman exemplarity underwent a process of degradation and lost its binding force, HAVENER contends that precisely because of their persistent *auctoritas*, politicians, authors of historiographical or biographical works and even writers like Valerius Maximus who have long been deemed mere compilers, all employed *exempla*

as a means to reflect on the effects that *discordia* had on common norms and values and even to reformulate and adapt the very notion of exemplarity according to the challenges of ongoing civil strife.

One of the most crucial Roman *virtutes* that featured prominently in the exemplary discourse, both in Republican and Imperial times, was the concept of *pietas*. Challenging the established view that it has to be seen primarily as a 'political catchword', FEDERICO SANTANGELO argues that the term *pietas* has to be interpreted in a more comprehensive way: as part of a concept of piety, or the proper behaviour towards one's own family, the *res publica* and the gods – an issue of critical importance in a time of ongoing deadly violence between members of the same community. In his analysis of the ramifications of piety, SANTANGELO focuses on a number of different aspects like the influence of the *ius divinum* on political decisions, the treatment of the bodies of Roman soldiers killed in battle by their own fellow-countrymen or the prominent role of rituals in the context of internecine conflict. Thus, he demonstrates that religious concerns of the different parties and protagonists of the civil wars influenced both the course of events and the contemporary discourse on the *bellum civile* to a high degree. Ultimately, with Augustus' programme of restoration and reform, that aimed at restoring the *pax deorum*, religion provided a way to come to terms with the past and foster cohesion in a deeply divided society.

A similar approach is taken by KIT MORRELL in her investigation of the repercussions of the *bella civilia* on Roman law. Aiming to shift the focus from a constitutional and legal perspective (in the narrower sense of the word) towards the study of Rome's 'culture of legality' she defines the latter as the 'socio-political attitudes to law and legality that may support the (re)implementation of the rule of law, even while the reality is suspended'. In the civil war of 49 BCE, an ostentatious respect for legal forms and procedures, a concern for confronting legal problems that occurred during the course of events and a cautious dealing with the laws enabled by political adversaries, guided the actions of Caesar himself as well as his opponents. Therefore, MORRELL suggests that civil war cannot merely be seen as a time of lawlessness in which the 'rule of law' was suspended completely. Instead, in spite of the various innovations in the legal field as well as the many outright illegalities that have long been seen as detrimental to the *res publica*, basic patterns of thinking about the authority of law and its impact on Roman society remained intact during the period of internal strife.

DOMINIK MASCHEK also takes a legal procedure – the trial of C. Rabirius – as the starting point for his considerations on the impact of civil war and the traumatic experience of violence on the ways in which contemporaries conceptualised their personal life as well as the world that surrounded them. In view of the seemingly contradictory testimonies of the written sources that focus on the detrimental consequences of violence and warfare on the *res publica* and the material record that has often been interpreted more positively as evidence for increased specialisation and elite consumption, MASCHEK opts for taking a 'longer view'. In order to bring together the impact of single traumatic

events and long-term trends visible in the archaeological record, he refers to the concept of 'social generations'. The synopsis of written and material evidence demonstrates how the dynamics of civil war and continuous internecine violence influenced both the economic and the ideological outlook of consecutive 'controlling generations'.

In the final section, we return to some of the problems outlined at the beginning of this introduction. It has been emphasised that the emergence of civil war confronted the Romans with the necessity to create a new terminology in order to make sense of their experiences. The three contributions in this section explore different aspects of the emerging 'language of civil war', i. e. the ways in which it communicated about the new phenomenon of the *bellum civile* and its existential effects. HENNING BÖRM addresses the question whether the Greek discourse on *stasis* with its established terminology, underlying connotations and basic structural assumptions constituted a conceptional point of reference for the protagonists of the civil war period. He argues that in their search for appropriate descriptive, explanatory and justificatory patterns, the Romans did not only adopt central elements from this discourse but that they also adapted them with regard to the particular conditions of the Roman socio-political order. Conspicuously, the longer such formulations and the ideas connected to them were used as 'heuristic tools', the more likely they were to influence actual political action. BÖRM suggests that both the *hostis* declaration and the proscriptions first occurring during the Sullan civil war can be read against the background of the Greek context in which both the formal condemnation of a fellow citizen as πολέμιος τῷ δάμῳ and the physical annihilation of the members of the opposite party were well established elements of civil conflict. In this regard, the murder of Tiberius Gracchus in 133 BCE and the efforts to legitimise this massive breach of taboo in terms of a tyrannicide proved to be crucial for future developments.

This last point is corroborated by CATHERINE STEEL'S analysis of oratory in the period between the murder of Gracchus and the outbreak of civil war in 88 BCE. Scipio Nasica's strategy of legitimation as well as the senate's acquiescence, rendered political violence among Roman citizens both an acceptable figure of thought and a viable way of action. STEEL explores how the notion of violence was employed in public speech in a time of intensifying conflict, a period that might be termed a 'war before the war' (although, of course, it has been emphasised in recent scholarship that the Social War, beginning in 91 BCE, has to be seen as an integral part of the history of the *bella civilia*). She argues that oratory contributed decisively to a normalisation of violence against Romans as a means of defending the *res publica* particularly by agents from the conservative part of the political spectrum. This process constituted the foundation for the introduction of the term *hostis* into the sphere of internecine violence as is implicated that the *res publica* could not only be defended against enemies from without but also from within.

Finally, MATTEO CADARIO focuses on another aspect of the emerging 'language of civil war', the field of *Bildersprache*. Focusing on the case studies of Pompeius, Caesar

and Octavian, he emphasises that honorary statues and portraits gained a formerly unknown prominence in the age of civil war as they were used in order to convey political messages and claims made by the protagonists of the *bella civilia* more often and more explicitly than before. According to CADARIO, the high frequency of changing portrait types, the changing of patterns of distribution and the spread of images belonging to certain genres like the cuirassed statue can be seen as constitutive elements of a Late Republican 'portrait culture' that can be intimately linked to the overall phenomenon of a 'culture of civil war'.

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Part I
Political and Social Repercussions of Civil War

On Not Joining Either Side
*The Discourse of Elite Neutrality in Roman Civil War**

HANNAH MITCHELL

Taking sides is the fundamental condition of civil war. The divided political community tries to enforce or resolve its division(s) with organised violence.[1] The Romans of the first century BCE expressed the division in various ways: a splitting of the community (one body with two heads), or a multiplication of the constituent parts of the *res publica* (two senates and two peoples).[2] In Cicero's *De Republica*, Laelius puts the crucial turning point in the tribunate of Tiberius Gracchus, which divided one people into two parties.[3] Florus, when marvelling at the magnitude of the civil war between Caesar and Pompeius, emphasised that the entire empire was involved, the number of legions on each side encompassed all the strength of Italy, and the whole senate broke into factions.[4] And yet, moving from Florus' totalising rhetoric to the historical experience of civil war, it is clear that many individuals were also preoccupied with the dangerous task of defining the limits of participation '*in partibus*', and exploring whether anyone could position themselves as completely separate from the sides – as 'neutral'.[5] A culture which reckons with the citizen body divided must also take into account whether any space is to be allowed to the non-partisan, the uncommitted, and the indifferent. Such a position presents problems for the faction leaders who try to win over supporters in a scenario in which citizen bodies are resources.

In his discussion of the Roman nobility in the second civil war, Shackleton Bailey wrote: 'The list of neutrals is brief but brilliant. In some cases, "neutrality" or support

* All dates are BCE unless otherwise indicated. My particular thanks to Wolfgang Havener, Kathryn Welch, Kit Morrell, Andrew Stiles, and Bernard Gowers for their comments on this chapter. All errors remain my own.

1 Definitions of civil war: Kalyvas 2006, 5, 17, 19; Börm 2016, 17–18.

2 Full discussion in Wiseman 2010.

3 Cic. *Rep.* 1.31: *divisit populum unum in duas partes*

4 Flor. 4.2.5 (2.13): *Totus senatus in partibus*

5 It is also an explicit concern of various allies of the Romans, but the international aspect of this is beyond the scope of this short study.

for Caesar might be a matter of interpretation.'[6] He did not pursue the vital issue of whose interpretation. His list contained eleven neutral *nobiles*, nine of them ex-consuls, and he confined discussion of interpretation to the footnotes. Others have similarly used the language of neutrality, or produced prosopographies of neutrals, with little discussion of criteria or of the possibility of multiple definitions by the participants.[7]

The study of modern civil war primarily uses the categories of combatants and non-combatants (or civilians); non-combatants are regularly further divided into supporters (or collaborators) and neutrals.[8] These concepts and divisions would be comprehensible to the Romans of the first century BCE, but the Roman discourse itself had far more potentialities for talking about non-participation.[9] This may be attributable to the fact that *bellum civile* was itself a new invention, still under construction in the first century BCE, and that the vocabulary for 'neutrality' was being developed from a range of expressions in everyday speech.[10] Most commonly, Latin authors write of individuals being 'in neither camp' (*neutro castra*), or 'of neither side' (*neutra partium*). Clearly, not being present in either military camp was the most concrete and specific way to designate neutrality and preserve non-combatant status, yet this very distinction was problematised at the outset of the civil war in 49 BCE (as discussed below). Not being of either side was a more ambiguous description, since it could be debated whether performing civilian offices for someone who was fighting a civil war, while not actually joining the fighting oneself, counted as having taken a side. Both of these common expressions were based on a negative, defining what someone was not, but there were also positive ways of describing a neutral position, such as an individual being in the middle (*medium*). This could describe someone's views and actions as not positively supporting either side, but it could also mean giving due consideration to both sides. Other common descriptions which are in evidence in the source material are someone being 'quiet' (*quies*), or the decision 'to stay away' (*abesse*). Physical withdrawal could mean from the military camps, or Rome, or Italy. Exile (*exsilium*), being removed or barred from the Roman state, is also relevant. Thus, we have a fascinating range of possibilities for talking about, and conceptualising, 'neutrality'. The ways in

6 Shackleton Bailey 1960, 260–1, cf. 264.

7 Bruhns 1978, 31–63; Brunt 1988, 494; Syme 1939, 51, 62, 64.

8 On the problem of applying attitudinal versus behavioural criteria to identifying supporters: Kalyvas 2006 87, 91–104. Kalyvas summarises his own approach: 'Positing coherent, identifiable political groups with clear preferences fails to match the vast complexity, fluidity, and ambiguity one encounters on the ground' (2006, 10).

9 Armitage discusses how contemporary definitions and rules of civil war were developed particularly through the experiences of the American civil war and in the Geneva conventions (2017, 161–239).

10 cf. Bauslaugh (1991, xx, 3–20) for the Greek vocabulary of neutrality. Comparably to the Latin, there are various forms of common terms and phrases which are used to describe the situation (and gradations), rather than there being a specific technical vocabulary.

which language was employed to describe and, even more importantly, to construct these different stances, is significant.

Privileging a single definition of neutrality is to miss the full potential of the Roman debate about civil war. The Romans found it possible to argue about the definition of a combatant – to play with and move the boundaries of the camp; they found it possible to argue about what constituted political collaboration and its inverse, politically hostile action. If we return to the essential problem of civil war being multiple conflicting ideas of political life and community, then it is logical to examine multiple competing views of being (un)committed. Seen in this light, the various definitions, the constant redrawing of lines, and the differing interpretations of the same line are not a hindrance to finding the 'true' definition, but the crux of the issue.

The study of the discourse of neutrality can be helped by summarising the three questions with which the participants seem most concerned: Is it possible? Is it desirable? Is it justifiable? The first question asks what conditions need to be met and what the implications of those conditions are in practice. The second asks whether the outcome would be good for the individual and/or community, which is a matter of testing whether it satisfies the competing and interrelated claims of rank, reputation, political duty, personal safety, and responsibilities to family and friends. The third asks whether this is a moral and political position which others will accept. Finding the answers to these questions is a matter of the 'culture' of civil war because it takes place in the 'webs of significance' in which Roman citizens are suspended.[11] The values and behaviours of politics, family, social relations, property ownership, etc, give meaning to civil war and the tools to negotiate it; they are themselves affected by the substance of civil war, division and violence.

We can further illuminate the significance of this focus on culture by applying the contemporary terminology of the 'major cleavage' of civil war.[12] In the case of the outbreak of war in 49 BCE, we might say that the major cleavage was the status of Caesar in the political community. This was the most significant point of dispute, but only one aspect of people's decision-making and experiences.[13] To recognise this is not to downplay the significance of the major cleavage of each civil war, but to give due consideration to the broader political, social, and economic issues which gave the conflict meaning. This complex of values and behaviours can be tracked particularly in the case of Cicero, whose voluminous correspondence reveals his daily and even hourly reckoning with how to apply the political, moral, and social systems which were so familiar to him to the abhorrent circumstances.[14]

11 Geertz's definition of culture (1973, 5); cf Hölkeskamp's definition of 'political culture' (2022, 4–7).
12 Kalyvas 2006, 14, 364–366.
13 Shackleton Bailey 1960, 264–267.
14 The scholarly literature on Cicero's letters from this period and his decision-making is immense. It is referenced below when dealing with the specific issue of neutrality. In general, see: Brunt (1986),

Cicero floated a range of 'middle' options, such as going to a place overseas away from the theatres of war, acting as a (partial or impartial) mediator, being a peace-maker in the senate at Rome, or staying on his own properties in Italy. While thinking about these options, he drew on philosophy, history (Greek as well as Roman), precedents from the Sullan civil war, his own political experiences, and the forecasting or advice of many friends – itself motivated and influenced by many factors. Cicero's letters from this phase have made him susceptible to charges of a lack of resolution or moral fibre. Examining the letters in the context of the difficulty of defining and justifying neutrality brings into clearer focus the problems that he faced. Cicero was not just slow to make a decisive move because he was getting up the courage to join the side he knew that he would ultimately join (Pompeius' – military support for Caesar was never considered), but because he was engaged in a process of determining the full range of his choices. Was there a middle option, and what might it look like? While he ultimately did not manage to find a neutral position which was acceptable to him, the possibilities entertained, and the complexity of the dilemma, are helpful in trying to reconstruct the experiences of other members of the Roman elite.

Although the discourse of neutrality was not solely the domain of the Roman elite, it is the focus here because the majority of our evidence concerns this group. Furthermore, given the socio-political privileges of the elite, the problem of neutrality had particular complexities and opportunities for them. The general problem of how and why the Roman elite chose sides in civil war has been examined extensively, but by foregrounding the issue of neutrality, further aspects are revealed. Eschewing either side and choosing the middle ground presented its own problems. Despite the fact that neutrality is sometimes associated with taking the easy option, and with self-protection, a stance of neutrality had just as much risk – if not more – than taking a side. The neutral had to fear both sides. The cultural approach also reminds us that the process of reintegration after civil war was a vital issue.[15] What would the status of a 'neutral' be in the community after the war? For individuals of this rank, reputation, which was acquired and enacted through service to the *res publica*, was commonly considered more important than life.[16] For many, preserving life, family, and property, but losing *dignitas* or being excluded from public life, would not be an option worth considering.

Hall (2009), Lintott (2008), Mitchell (1991), Rawson (1975), Shackleton Bailey (1971), Tempest (2011), White (2003, 2010).

15 Börm 2016.

16 On the culture of the elite and the 'aristocratic ethos': Rosenstein 2006, Beck 2022, Wiseman 1985, Hölkeskamp 2010, esp. 30–32, 48–52, 107–124.

The Limitless Violence of Sulla

The civil war of the 80s BCE gives us few examples of the discussion of neutrality, but some of the developments are important in terms of how this possibility was crushed, as well as how this set up the problem for the next generation. The first phase of this conflict was notable for Sulla's innovation of declaring citizens to be public enemies, equivalent to foreign enemies (*hostes*).[17] When Sulpicius the tribune had the Mithridatic command transferred from the consul Sulla to his own ally Marius, Sulla gathered his legions encamped at Nola and marched on the city of Rome. Military resistance was slight. Having taken the city, Sulla convened the senate and presented it with a list of twelve *hostes* who could be killed and who would have their property confiscated.[18] The list was apparently supposed to limit violence to the twelve named men rather than causing indiscriminate killing. The process through which this was enacted is important: the senators were required to approve the making of the list and the names on it.[19] Only one senator refused to give an opinion, Mucius Scaevola the *augur*.[20] In this way, Sulla treated the senate as his political collaborators, forcing them to commit their support publicly, and the fact that only one person resisted shows how effective fear and violence were in cowing the rest. Plutarch wrote that the senators hated Sulla for this.[21]

Cinna and Marius were just as violent, and their retaliatory killings when they marched on Rome in 87 were not confined to a list. Plutarch recounts the terrifying scene of the elite coming one by one to meet Marius. Those who greeted him but did not receive an acknowledgment in return were killed then and there by his bodyguard.[22] Ties of hospitality and friendship were no protection.[23] Plutarch focusses on the idea of satiation; the only limit would be when Cinna and Marius became full up with the sight of bloodshed. There is no discussion of negotiation in the sources; those who feared for their lives simply fled. In 83, when Marius the younger, besieged in Praeneste, was on the cusp of losing the war to Sulla, he wrote to the urban praetor Brutus Damasippus to assemble the senate and kill four leading senators: Publius Antistius, Papirius Carbo, Lucius Domitius, and Mucius Scaevola, the *pontifex maximus*. Appian wrote that Marius ordered the executions because he saw his own end coming and wanted his private enemies killed.[24] The tragedy for these people was that they could

17 On *hostis* declarations see Allély 2012, Cornwell 2018.
18 Plut. *Sull.* 10.1; The sources differ in their details. Liv. *per.* 77, Vell. Pat. 2.19, App. *civ.* 1.60, Cic. *Brut.* 168, Val. Max. 3.8.5; Rosenblitt 2019, 123; Lintott 1999, 155.
19 Vell. Pat. 2.19.1 has Sulla enact this via a *lex* of the people.
20 Val. Max. 3.8.5.
21 Plut. *Sull.* 10.1.
22 Plut. *Mar.* 43.3–4.
23 Plut. *Mar.* 43.5.
24 App. *civ.* 1.88; Vell. 2.26.2.

be seen simultaneously as Cinnan/Marian political collaborators and as Sullan sympathisers.

Thus, in these years of civil war, any idea that not bearing arms might be a protection against violent reprisals had been completely eviscerated. Appian wrote that when Sulla marched against Rome in 83 BCE, the people in the city, taking account of Sulla's character, his earlier march on the city, the decrees passed against him, and the attacks on his family and friends, perceived that in this fight there would be no middle ground between victory and utter destruction.[25] Sulla planned not only fear, punishment, and correction, but death, confiscations, and the slaughter of the entire *populus*.[26] Sulla's invention of proscription gave frightening form to this development.[27] Appian's version of the proscriptions has Sulla call the people together to tell them that he would spare none of his enemies; he would take vengeance against the magistrates and anyone else who had committed a hostile act against him since the consul Scipio had turned back on the agreement made with him.[28] Aiding or sympathising with the proscribed was also considered a crime.[29] If the list was apparently meant to give certainty and provide rules, this was undermined by Sulla's statement that he was just proscribing as many as he could remember, and he might proscribe others later.[30] The initial clarity of inclusion, people who had committed specified hostile actions, was also farcically undermined by many senators and equestrians being killed because of private feuds (including people Sulla did not even know), and the rich being proscribed solely on account of their wealth. Punishing the sons of the proscribed by depriving them of the chance to have political careers was also considered unjust.[31] The proscriptions paradoxically held out the possibility of clarity and justification for the choices made, but the reality included punishing friends and family simply for their proximity to others, and killing some completely arbitrarily.

Plutarch's anecdote of the fate of Quintus Aurelius exemplifies the Sullan situation. Plutarch wrote that Aurelius was a man who stayed out of politics (ἀπράγμων) and kept to himself, who thought his only part in the disasters would be to console others. He went to read the proscription list in the Forum and found his own name there. He quipped that his Alban estate was prosecuting him, and as he fled he was killed not far from the Forum.[32] Plutarch deliberately highlights that a generally-accepted expectation that the non-partisan would be safe from violence was violated. Even the norms of exile were challenged. C. Norbanus, the consul of 83, having fought against Sulla, fled

25 App. *civ.* 1.81.
26 App. *civ.* 1.82.
27 Hinard 1985.
28 App. *civ.* 1.95.
29 App. *civ.* 1.96.
30 Plut. *Sull.* 31.4.
31 Plut. *Sull.* 31.5.
32 Plut. *Sull.* 31.6.

Italy for Rhodes and was later put on the proscription list. Despite the fact that exile was usually an accepted alternative to capital punishment, Sulla demanded Norbanus' return – essentially, that he surrender himself to be killed.[33] While the Rhodians were debating what to do, Norbanus killed himself in the middle of the Agora.[34] With a safe place of exile disallowed, the only choice was between whether death would be by one's own or another hand.

Sulla challenged norms and values, lines and limits.[35] He instituted the idea of listing enemies to be killed, therefore apparently limiting those who would suffer the consequences of violence, but he also impiously massacred people who had surrendered and even killed some of his own supporters.[36] Catulus famously asked him, 'with whose help will we conquer, if we kill armed men in war, and unarmed men in peace?'[37] Yet sometimes, as Plutarch noted, Sulla arbitrarily showed mercy.[38] It was not just the extent of the violence but this unpredictability, the multiple coexisting rules concerning who could or would be killed, that was the basis of the Marian/Sullan terror.

Pompeius and Caesar Define their Camps

The next generation's framing of the limits to participation and repercussions is readily comprehensible in light of the limitless violence and arbitrary decision-making of the Sullan period. However, Pompeius' choice of strategy also shaped the nature of the debate about neutrality. Pompeius had decided to leave Rome and Italy in order to put into effect the plan of a naval encirclement of Italy.[39] This would deprive the population of grain, turn them against Caesar, and force him to negotiate a settlement or surrender. Essential to this plan was getting as many magistrates and senators as possible to leave Italy, so that Caesar would be isolated and any counter-moves made in the depleted senate would lack legitimacy. However, there was a strong feeling of hesitancy. The senate meeting, on the 17th of January 49, was vital for establishing Pompeius' view of the lines of acceptable participation or non-participation in the civil war. Many might have thought that they could stay on their estates and claim that they were neither combatants nor sympathetic to Caesar. Pompeius tried pre-emptively to make this position unacceptable and untenable. The sources slightly differ on where Pompeius

33 Kelly 2006, 3.
34 App. *civ.* 1.91.
35 On the rupture of the Sullan period and the aftermath see Flower 2010, Rosenblitt 2019.
36 Sulla killed his supporter Q. Lucretius Afella, who had successfully prosecuted the siege of Praeneste, for disobedience. Afella had tried to stand for the consulship against Sulla's rules and his explicit injunction (App. *civ*. 1.101).
37 Oros. 5.21.
38 Plut. *Sull.* 6.7.
39 Welch 2012, 43–57.