NONDUM PATIENTIBUS ANNIS: POMPEIUS' CAREER AND CAESAR'S RHETORIC IN THE SPEECH AT ARIMINUM (LUCAN 1.314–23)[*]

ABSTRACT

This article argues that a key aspersion which Lucan has his version of Julius Caesar cast upon Pompeius Magnus in book one of his poem has consistently been misunderstood. Prior scholarship has claimed that Caesar's dark hints of Pompeius triumphing again nondum patientibus annis, *'when the years do not yet allow it', are a reference to Pompeius' first triumph in 81–79 B.C.E., when (so it is claimed) he was too young by triumphal law to celebrate one. The article demonstrates: firstly, that no such ban on triumphs on the grounds of age can be shown to have existed; and, secondly, that such an allusion would be absurdly irrelevant to the ageing Pompeius whom Caesar faces. The article argues rather that* nondum patientibus annis *refers to the law forbidding the holding of the consulship (and so, potentially, the* imperium *needed for a triumph) within ten years of a previous one, which Pompeius had demonstrably infringed in the Fifties B.C.E. Such an interpretation imputes to Lucan both superior historical understanding, and superior rhetoric*.

Keywords: Lucan; Pompeius Magnus; Julius Caesar; Triumph; *Lex Annalis*; Consulship

> scilicet extremi Pompeium emptique clientes
> continuo per tot satiabunt tempora regno?
> ille reget currus *nondum patientibus annis*,

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ille semel raptos numquam dimittet honores? Lucan 1.314–7

Shall his wretched and venal minions
Glut Pompeius with despotic power through so many periods, without a break?
Shall he rule the chariots, *when the years do not yet permit it*,
Shall he never set down the honours which he has once snatched up?

The lines above are taken from the speech which Lucan allots to Julius Caesar, replying to Curio, at Ariminum, in January 49, in a meeting which conflates two historical exchanges between the two men.[1] In this part of Caesar's self-justifying diatribe against Pompeius Magnus, he 'asks a series of indignant rhetorical questions regarding extraordinary and, in some cases, extra-constitutional aspects and allegations regarding Pompey's career'.[2]

[1] The historical Curio advised Caesar to summon his legions in a meeting at Ravenna (App. *B Civ.* 2.32.125). This took place c. 12 or 13 December 50 (the dates are B.C.E. throughout)—not '9 December 49 [*sic*]' as stated at P.A. Roche, *Lucan:* de Bello Civili *Book 1* (Oxford, 2009), 133. Curio's tribunate expired on 9 December 50; he set out immediately thereafter to join Caesar at Ravenna (Dio Cass. 40.66.5). A swift journey from Rome to Ravenna took about three days (App. *B Civ.* 2.32.127, with C.B.R. Pelling, *Plutarch:* Caesar [Oxford, 2011], 310). Lucan transfers this to a meeting with Curio and the new tribunes at Ariminum on 11 January 49 (Caes. *BCiv.* 1.8.1; Dio Cass. 41.4.1). Plut. *Caes.* 31–2; *Ant.* 5.3, and App. *B Civ*. 2.33.133 imply that the tribunes arrived in Caesar's camp at Ravenna on 10 January. The chronology is debatable: the key discussion is T. Rice Holmes, *The Roman Republic and the Founder of the Empire* (Oxford, 1923), ii.334–7, firmly in favour of 11 January, but using our passage of Lucan somewhat uncritically; K.M. Girardet, *Januar 49 v.Chr.: Caesars Militärputsch* (Bonn, 2017), 245–6, elaborates on his points further.

Line 316 is rendered above in a very literal way, since the present article contends that the second half of it has been consistently mistranslated, and so that the meaning of the line as a whole has been misunderstood. Scholarship from the *Commenta Bernensia* downwards has rightly interpreted *currus*, 'chariots', as a reference to the celebration of triumphs.[3] *Currus* is a well-established metonym for triumphs in Latin literature. In Lucan, this metonymy appears throughout the poem.[4] Moreover, it is characteristic of Lucan, whether as narrator or through the mouths of his characters, to bring up in particular the triumphs of Pompeius Magnus.[5]

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[2] Roche (n. 1), 144. Compare the speech Caesar gives to the 13th legion in Ravenna in Caes. *BCiv* 1.7 and the response he gives to Pompeius' representatives at Ariminum in Caes. *BCiv* 1.9; Suet. *Iul.* 33, Dio Cass. 41.4.2 and Oros. 6.15.3 indicate a (second?) address to the troops in Ariminum. On these addresses, cf. Pelling (n. 1), 310, and R. Morstein-Marx, *Julius Caesar and the Roman People* (Cambridge, 2021), 322–3; Girardet (n. 1), 231–56 (with chronological table at 308–13), provides exhaustive detail on the evidence for the events of January 49.

[3] *Comm. Bern. ad loc.*: 'id est triumphos'.

[4] Luc. 3.77; 5.332; 7.280; 8.553; 8.814–5; 9.78–9. For this usage in general, M. Beard, *The Roman Triumph* (Cambridge, Mass., 2007), 223. Bentley's note interprets Pompeius himself taking the reins as an indignant exaggeration by the speaker: R. Cumberland (ed.), *M. Annaei Lucani Pharsalia cum notis Hugonis Grotii, et Richardi Bentleii* (Strawberry Hill, 1760), 37 *ad loc*.

[5] M.E. Deutsch, 'Pompey's three triumphs', *CP* 19 (1924), 277–9, at 277. D.C. Feeney, '*Stat magni nominis umbra*: Lucan on the greatness of Pompeius Magnus', in id., *Explorations in Latin Literature* (Cambridge, 2021), 1.89 n. 16, detects a pun on the Greek *pompē* in Lucan's linkage of Pompe-ius to triumphs.

Translators and commentators have typically taken *nondum patientibus annis* as referring to Pompeius' age. They have seen Caesar as evoking an occasion on which Pompeius celebrated a triumph when he was too young to do so (i.e., 'when *his* years did not yet permit it'). This occasion, so the usual argument runs, was that of Pompeius' first triumph. Roche's explanation is typical of the modern consensus: 'in 81 Pompey was granted a triumph by Sulla at the age of 25 over Iarbas of Numidia, despite the fact that he was still several years too young to stand for a regular magistracy and an *eques*'.[6] Braund, who translates the line as 'Shall Pompey guide triumphal chariots although his age does not allow it?', annotates it with the comment 'though the minimum age in law for celebrating a triumph was 30, Pompey obtained a triumph over King Hiarbas of Numidia when he was only 25.'[7] This interpretation is the norm when the line appears (usually, and understandably, in passing) in scholarship beyond commentaries and translations, too.[8]

There are two considerable difficulties with this interpretation of *nondum patientibus annis*. In the first place there was *not* a 'minimum age in law' for celebrating a triumph in the Roman republic; there is no obvious basis for such a prescription in the ancient texts discussing the viability of triumphs. The mere fact that Pompeius was twenty-five (the only consideration, on this interpretation, which Lucan's Caesar brings to bear) did not disqualify

[6] Roche (n. 1), 145.

[7] S.H. Braund, *Lucan:* Civil War (Oxford, 1992), 11.

[8] E.g. F.J. Vervaet, '"*si neque leges neque mores cogunt*." Beyond the spectacle of Pompeius Magnus' public triumphs', in C.H. Lange and F.J. Vervaet (edd.), *The Roman Republican Triumph Beyond the Spectacle* (Rome, 2014), 131–48, at 146 n. 80 ('Shall he hold the chariot reins forever before reaching the lawful age?'); M. Leigh, 'Lucan's Caesar and Laelius', in P. Mitsis and I. Ziogas (edd.), *Wordplay and Powerplay in Latin Poetry* (Berlin, 2016), 259–72, at 261 n. 10.

him from celebrating one. In the second place, this interpretation of the line, in the context of Caesar's argumentative strategy in this speech, produces defective rhetoric.

In this article, we shall elaborate on these two objections to the standard interpretation of *nondum patientibus annis*. We shall then advance a preferable one: that *nondum patientibus annis* refers not to the age of the youthful Pompeius, but to Sulla's law regarding the minimum legal interval, ten years, between holding two consulships. Such an interpretation, we shall argue, makes much more sense as a criticism of Pompeius from Caesar on the eve of the civil war than allusion to an unrepeatable occasion over thirty years previously. This, in turn, has ramifications for our understanding of Lucan's rhetoric, and his feeling for the texture of the arguments produced on both sides just before and after the crossing of the Rubicon.

THE LACK OF AN AGE REQUIREMENT IN ROMAN TRIUMPHAL PRACTICE

The ancient historiographical and para-historiographical tradition presents numerous possible grounds for denying a Roman general a triumph. Valerius Maximus, discussing the subject in his *Factorum ac dictorum memorabilium libri*, runs through several. These are: not killing five thousand of the enemy in a single engagement (Val. Max. 2.8.1); petitioning to triumph as a praetor in the same engagement as a consul (Val. Max. 2.8.2); regaining lost ground for the empire, rather than augmenting it (Val. Max. 2.8.4); and petitioning to triumph in civil war (Val. Max. 2.8.7).

Valerius Maximus' usefulness as a synchronic guide to actual Roman triumphal practice is somewhat suspect;[9] there are historical instances, for example, of triumphs

[9] Beard (n. 4), 209–11. For the fullest discussion, see F. Goldbeck and P.F. Mittag, 'Der geregelte Triumph: Der republikanische Triumph bei Valerius Maximus und Aulus Gellius', in H. Krasser, D. Pausch and I. Petrovic (edd.), *Triplici invectus triumpho: Der römische*

awarded to generals for regaining lost territory.[10] Apart from Valerius Maximus, evidence as to possible grounds for disqualification from a triumph comes mostly from arguments presented in senatorial debates by the annalistic tradition, which do not pretend to be systematic treatments of the subject.[11] This makes arriving at an entirely consistent set of criteria for the *ius triumphi*, if that is even a coherent notion, a tricky endeavour.[12] It would be fair to say that most modern scholarship would agree that the possession of a particular form of *imperium* (or the *auspicia* going with it) was a necessary, though not a sufficient, condition for a triumph.[13] This will be significant for the argument advanced in the final portion of this article.

For our immediate purposes, however, the most important thing about the ancient sources for the right to celebrate a triumph, scattered and contradictory though they can

Triumph in augusteischer Zeit (Stuttgart, 2008), 55–74, at 56–64.

[10] W.V. Harris, *War and Imperialism in Republican Rome: 327–70 BC* (Oxford, 1979), 123. Livy 5.49.7 (of Camillus, after winning back Rome from the Gauls) is a stand-out case.

[11] Beard (n. 4), 207–8.

[12] For some key problems with that notion, see the acute summary by C. Auliard, *Victoires et triomphes à Rome: Droit et réalités sous la République* (Besançon, 2001), 19–22, who stresses that only one Roman statute, the *lex Marcia Porcia* of 62, is explicitly attested to contain rules governing triumphs (see also the convenient table of the evidence on p. 184). For a robust defence of the *ius triumphandi*, C. Lundgreen, *Regelkonflikte in der römischen Republik: Geltung und Gewichtung von Normen in politischen Entscheidungsprozessen* (Stuttgart, 2011), 216–25.

[13] See n. 38 below for full references. For the later irregularities in this regard under Caesar himself and the Triumvirate, which do not affect the argument here, see C.H. Lange, 'The Late Republican triumph: continuity and change', in F. Goldbeck and J. Wienand (edd.), *Der römische Triumph in Prinzipat und Spätantike* (Berlin and Boston, 2017), 29–58, at 30 n. 5.

sometimes be, is what they do *not* say. Neither Valerius Maximus, nor Livy, nor the other ancient discussions of the phenomenon, claim that there was an age restriction. An instructive case is that of the elder Scipio Africanus, who attempted to triumph in 206 because of his successes in the Second Punic War. Livy and Valerius Maximus concur on the reasons advanced for denying that triumph: that he had been 'sent out to do those deeds without any magistracy (*sine ullo … magistratu*)' (Val. Max. 2.8.5), and that 'no one yet had triumphed who had done his deeds without a magistracy (*sine magistratu*)' (Livy 28.38.4).[14] Neither mentions the fact that the elder Africanus was thirty years old at most in 206 as an issue, even though Livy records objections to Africanus standing for the curule aedileship of 213 precisely on the grounds that he was under-age (Livy 25.2).[15] On Braund's view, the thirty-year old Scipio would have only just crept through as old enough to contemplate such a triumph, which one might well have expected Livy or Valerius Maximus to mention in this context if it had been a consideration. But Livy and Valerius Maximus do not, in this context or any other, mention thirty or any other age as a minimum qualification for a triumph. Nor does any other obvious ancient source.

If considered *in vacuo*, there are ways to rescue the interpretation of *nondum patientibus annis* as referring to Pompeius' youth at the time of his first triumph. There was no *explicit* age restriction on celebrating a triumph. But the linkage we have seen in Livy and Valerius Maximus between holding or having held a higher magistracy (and so potentially possessing independent *imperium*) and eligibility to triumph would effectively generate an age expectation. It would be unusual for a very young man to hold a suitable magistracy.

[14] E.S. Gruen, 'The "fall" of the Scipios', in I. Malkin and Z.W. Rubinsohn (edd.), *Leaders and Masses in the Roman World: Studies in Honor of Zvi Yavetz* (Leiden / New York / Köln, 1995), 59–90, at 61 with nn. 2–3; Lundgreen (n. 12), 193 with n. 567.

[15] The evidence on the required ages for magistracies in the middle Republic is brought into a semblance of order by A.E. Astin, *The* lex annalis *before Sulla* (Brussels, 1958), 31–45.

This is the way that Roche's note on the passage handles the issue; rather than asserting the existence of a direct age restriction for which there does not seem to be ancient evidence, Roche notes that Pompeius at the time of his first triumph 'was still several years too young to stand for a regular magistracy'.[16] This is close to the line on the relevance of Pompeius' age to his first triumph taken in Plutarch's *Pompeius*, which is worth quoting at length:[17]

> After this, Pompey asked for a triumph, but Sulla opposed his request. The law, he said, permitted only a consul or a praetor to celebrate a triumph, but no one else. Therefore the first Scipio, after conquering the Carthaginians in Spain in far greater conflicts, did not ask for a triumph; for he was not consul, nor even praetor. And if Pompey, who had scarcely grown a beard as yet, and who was too young to be a senator, should ride into the city in a triumph, it would not only make Sulla's government altogether odious, but also Pompey's honour.[18]

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[16] This is also the line taken by R.J. Getty, *Lucan:* De Bello Civili *I* (London, 1940), 70.

[17] On this passage and the background to Pompeius' first triumph in general, see A. Petrucci, *Il trionfo nella storia costituzionale romana dagli inizi della Repubblica ad Augusto* (Milan, 1996), 173–6; Auliard (n. 12), 121–2; J.-L. Bastien, *Le triomphe romain et son utilisation politique à Rome aux trois derniers siècles de la République* (Rome, 2007), 224; Vervaet (n. 8), 132–6; A.V. Koptev, 'Cn. Pompey's early triumphs in 80 and 71 BC: the problem of legitimacy', *Mnemon* 16 (2016), 119–52 (in Russian with English summary); Lange (n. 13), 45 (who also notes later occasions on which Pompeius stretched the triumphal rules). Cf. also Beard (n. 4), 15–18, who does not commit to a strong stance on the formalities of the case and focusses rather on the public perception at the time. As she rightly points out, the date of the triumph (and thus Pompeius' exact age) remains uncertain.

Plutarch's Sulla, while differing from Livy and Valerius Maximus on whether Africanus asked for a triumph, likewise phrases the actual objection to him and the young Pompeius having one in terms of magistracy ('the law … permitted only a consul or a praetor to celebrate a triumph'), but *does* move on to the subject of Pompeius' age. Sulla does not say that Pompeius is too young to be permitted a triumph. He does, however, focus on how 'odious' it would be if a man 'too young to be a senator', and therefore in the usual run of things even further off from higher office, were to have one. (In fact, Pompeius would subsequently circumvent the *cursus honorum* almost entirely.) Pompeius' age is not a factor which directly stops him from triumphing, but it does make it obvious (and so 'odious') that he would not usually be able to hold an office which would permit him to do so. Appian takes a similar line, in a more compressed way: Pompeius is allowed a triumph 'being still young and an *eques*' (App. *B Civ.* 1.80.368).

Lucan's Caesar, on the standard interpretation of *nondum patientibus annis*, omits a step in the argument which Plutarch's Sulla spells out. It would have been a lot clearer if he had said (for example) something like *indigno fascibus anno*, 'in a year unworthy of high office'. This would have clarified the young Pompeius' unreadiness by dint of his age for the offices that would bring the necessary *imperium* for a triumph.

But Lucan is a poet prepared to sacrifice clarity for epigram. The interpretation of *nondum patientibus annis* which we shall advance later in the article also involves leaving out a step. And Lucan, like Plutarch, would have motives to focus on Pompeius' age. For Plutarch, Sulla's argument sets up the famous quip that more worship the rising than the setting sun (Plut. *Pomp.* 14.3). For Lucan, the atrocities of the young Pompeius are a

[18] Plut. *Pomp.* 14.1–2, trans. B. Perrin. Compare also Liv. *per.* 89.20, where both Pompey's age and his equestrian status are stressed as unique.

recurring theme of Caesarian rhetoric,[19] and a sardonic contrast to his old age in the present of the poem.[20]

The standard interpretation of *nondum patientibus annis* produces, then, an assertion untrue in itself, and elliptical in the argument it must be seen as adumbrating to make it plausible, but which a charitable interpreter might think conceivable, if considered in isolation from its surrounding text. One can see, too, other reasons why such a false statement might have appeared. Lucan might simply be confused about triumphal procedure. Valerius Maximus has shown already this was not straightforward even for the Romans, and Lucan writes under the Neronian Principate, when Republican triumphal procedure was another country—although hyper-scepticism about his knowledge of history is not always warranted.[21] Or, he might simply be portraying his Caesar as tendentious, as he does elsewhere in the speech. For example, Caesar presents Pompeius' grain commission of the 50s as a sinister deliberate failure, when it actually seems to have been successful.[22]

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[19] E.g. Luc. 1.325–31, 7.307.

[20] E.g. Luc. 1.129–30, 324. At 7.382, *senex* is the last word of Pompeius' own speech. See also F.M. Ahl, *Lucan: An Introduction* (Ithaca, 1976), 156–7.

[21] On Lucan as a historical source, see A.W. Lintott, 'Lucan and the history of the civil war', in C. Tesoriero (ed.), *Lucan* (Oxford, 2010), 239–68, especially 247 and 264 [= id., *Violence, Justice, and Law in Classical Antiquity* (Leiden, 2023), 594–619, with minor changes]. The disappearance of non-imperial triumphs after the triumph of L. Cornelius Balbus in 19 would have rendered the old rules altogether obsolete by Lucan's time. See Beard (n. 4), 298, who speaks, with reason, of 'the Augustan triumphal revolution'. See in more detail T. Itgenshorst, 'Die Transformation des Triumphes in augusteischer Zeit', in F. Goldbeck and J. Wienand (edd.), *Der römische Triumph in Prinzipat und Spätantike* (Berlin and Boston, 2017), 59–81.

[22] See n. 27 below.

But the line cannot be taken in isolation from the surrounding text. In the next part of the article, we shall demonstrate that the standard interpretation of *nondum patientibus annis* does not just present a statement that is untrue. It also produces, in light of the argument that Caesar is making in this speech, a moment of rhetorical cack-handedness which it is hard to see Lucan as tolerating in his poem.

THE USELESSNESS OF POMPEIUS' FIRST TRIUMPH TO CAESAR'S ARGUMENT AT LUCAN 1.314–7

The key fact about lines 314–17, which makes the standard interpretation of *nondum patientibus annis* unsustainable, is that they are a series of rhetorical questions about the *future*.[23] Some manuscripts do offer *regit* instead of *reget* in line 316.[24] But editors rightly note the parallelism of the anaphoric *ille* clauses in 316 and 317 and that the verbs in the other two questions surrounding 316 (*satiabunt* in 315, and *dimittet* in 317) are also future indicatives,[25] although, again, there is some manuscript variation on *dimittet*.[26]

For rhetorical questions like these to work, the future scenarios they depict must be possible—or, at least, presented as such by their proponent. This is obviously true of the questions Caesar asks in lines 314–15 and 317. As we shall see, a willing audience in January

[23] On Lucan's Caesar and his proclivity for the future tense, see M. Helzle, '*Indocilis privata loqui:* the characterization of Lucan's Caesar', in C. Tesoriero (ed.), *Lucan* (Oxford, 2010), 355–68, at 358 n. 16.

[24] *reget* ΩC *–it* MU.

[25] For observations on the future tense in Lucan, see M. Leigh, *Lucan: Spectacle and Engagement* (Oxford, 1997), 325–9. Leigh's topic is the use of the future by the epic narrator, however; Caesar's rhetoric here therefore does not fall under the rubrics he analyses.

[26] *dimittet* ω *–it* ZMU.

49 might certainly believe that Pompeius' networks would keep him in a state of despotic power to satisfy him, or that he would hang on indefinitely to prerogatives he had gained. Historically, such fears were not confined to Caesar.[27]

The problem here is that line 316, on its standard interpretation, propounds a *future* scenario *which cannot possibly happen.* Pompeius might well continue in despotic power; he might well hang on to what he has grabbed. But the fifty-six-year-old Pompeius Magnus of January 49 will never celebrate a triumph again despite *not yet* (*nondum*) being old enough to do so. The answer to the question as Braund's translation puts it, 'Shall Pompey guide triumphal chariots although his age does not allow it?', is obviously a simple 'no', regardless of what Caesar or his followers choose to do. Pompeius' age now (January 49) and in the future always *will* allow it.

In Braund's translation, notably, *nondum* is rendered as if it were *non*. This mitigates the absurdity, at the cost of exact fidelity to the Latin. Such constrained evasiveness is typical of responses to the line. The authors of this article were first alerted to the problems of the standard interpretation by noting how many students familiar with what the line was 'supposed' to mean translated it in examinations. These students showed a strong tendency to render the future *reget* as though it were the perfect *rexit*. *Rexit* is unmetrical, and would, as we saw above, disrupt the succession of future indicatives in these lines, but the students sensed, correctly, that this was the only way the standard interpretation of the line could produce a question which was not manifestly absurd.

Compare and contrast how Caesar uses events from earlier in Pompeius' career elsewhere in this speech. Caesar does like to harp upon Pompeius' past, to dwell upon his excesses, or to belittle his achievements. When Caesar waxes eloquent on these themes, however, he alludes to past events as one would expect a competent rhetorician to do. In

[27] For Cicero's opinion, see Cic. *Att.* 8.11.2, with R. Syme, *The Roman Revolution* (Oxford, 1939), 51.

some cases, he simply invites the audience to remember past (alleged) iniquities. Why should Caesar bemoan (since everyone, he implies, knows about it) the sinister failure of Pompeius' commission to guarantee grain in the middle of the 50s (318–19)?[28] Who does not know about the shambles of Milo's prosecution (319–23)? At other points, he suggests that Pompeius' historic behaviour will set a *pattern* for how Magnus may be expected to behave in future. Pompeius will match and outdo his mentor Sulla in atrocities (325, 330–1, 335); Caesar will be a *provincia* for Pompeius, as the Cilician pirates and Mithradates of Pontus once were (336–8); the pirates Pompeius settled will be treated preferentially as *coloni* over Caesar's veterans (347). At no point, however, does Caesar assert that an obviously unrepeatable past transgression of Pompeius like his first triumph will simply happen again.

The standard interpretation of line 316, then, not only states a falsehood, but also imputes to Lucan's Caesar a moment of ham-fisted rhetoric, in the midst of a speech which otherwise deploys Pompeius' past record in a consistently forensic and forceful way. Since the fierce and effective rhetoric of lines 314–15 and 317 seems closely tied to the predicted future behaviour of Pompeius, extrapolating from his career in the previous decade, it is reasonable to ask whether line 316 might, if properly interpreted, be seen as part of that same rhetoric. This would seem less incongruous than posing a hypothetical based on an

[28] For the background, see the excellent note on the passage at Roche (n. 1), 146. As Roche notes, Cicero suggests that the commission was a success, although Lucan is true to the spirit of anti-Pompeian rhetoric in the late 50s (cf. Cic. *Q Fr.* 2.3.2). Plutarch (*Pomp.* 50.3) and Appian (*B Civ.* 2.18.67) also emphatically claim a success, even though Plutarch also alleges that the initial scarcity was engineered to bring about Pompeius' appointment (*Pomp.* 49.6–8); see further F.J. Vervaet, 'Arrogating despotic power through deceit: the Pompeian model for Augustan *dissimulatio*', in A. Turner et al. (edd.), *Private and Public Lies* (Leiden, 2010), 133–66, at 150–3 and 155 n. 56 and A.R. Dyck, *Cicero: The Man and His Works* (Cambridge, 2025), 340 with n. 22.

unrepeatable putative transgression against the protocols of triumph from Pompeius' first triumph thirty or so years previously. We would argue that such a superior interpretation, which ties the question of line 316 to future unconstitutional behaviour on Pompeius' part predicted from his recent and current behaviour, is, in fact, possible. Before we advance it, it will be helpful to consider Pompeius' official positions in the 50s, and how they affect Caesar's argument in lines 314–17.

POMPEIUS AND *IMPERIUM* IN THE FIFTIES

Pompeius was consul for 55, along with Crassus. The road to this consulship was irregular.[29] Anomalies included failure to submit his nomination within the customary period; getting the elections delayed for so long that the *interrex* procedure activated; and the use of political violence until all candidates other than Pompeius and Crassus were scared off (Plut. *Pomp.* 51.6–52.3, *Crass.*15.1–7, *Cat. Min.* 41.3–42.1; App. *B Civ.* 2.17.64; Dio Cass. 39.27.2–31.2).

Under the *lex Trebonia de provinciis consularibus* of 55, the passing of which led to more bloodshed (Plut. *Cat. Min.* 43.7), Pompeius was assigned Hispania Ulterior and Citerior as provinces for five years, enjoying the right to make peace and war without immediate reference to the people (Dio Cass. 39.33.2). The five-year *provinciae* from the *Lex Trebonia* gave Pompeius proconsular *imperium* for four years after this consulship ended.[30] This became pertinent during the disturbances of early 52 (Asc. 34C).

During the intercalary month of 52, Bibulus proposed in the Senate that Pompeius should become sole consul. He was duly 'appointed' consul by the *interrex* Ser. Sulpicius and

[29] R.J. Evans, 'Pompey's three consulships: the end of electoral competition in the late Roman republic?', *AClass* 59 (2016), 80–100, at 89–91.

[30] On the passage of the *lex Trebonia*, see Vervaet (n. 28), 155.

at once entered office (Asc. 36C).[31] A decree also prorogued Pompeius' tenure of Hispania Citerior and Ulterior as provinces, and thus his future proconsular *imperium*, by a further four or (more likely) five years,[32] so bringing its continuation in prospect down to (most likely) 45.[33] In January of 49, then, Pompeius held proconsular *imperium* which a hostile audience might well regard as ultimately based on a law passed through violence, during a consulship won under similarly shady circumstances. (Of course, a Caesarian might fight shy of objecting too precisely to *all* the legislation of 55, since the *Lex Licinia Pompeia* of that year extended Caesar's own command in Gaul.) This *imperium* had then been prorogued in the course of *another* irregular consulship, initially held without a colleague.

For the purposes of the present discussion, the most significant irregularity of Pompeius' sole consulship in 52, amongst others, was that it took place within three years of his previous one. Sulla's legislation earlier in the century had forbidden anyone from holding the consulship twice in a period of less than ten years (App. *B Civ.* 1.100.466; cf. Cic. *Leg.* 3.9).[34] This also seems to have been the stipulation of a law in the early Republic (Livy 7.42.2).

Julius Caesar, by contrast, had not infringed Sulla's law on the interval between consulships by January 49. There had been suggestions that he might seek or be appointed to a consulship before the requisite ten years had elapsed since his first consulship of 59, but

[31] The exact process here (Appointment by the Senate? Vote of the people?) is controversial: J.T. Ramsey, 'How and why was Pompey made sole consul in 52 BC?', *Historia* 65 (2016), 298–324, at 305–8; Vervaet (n. 28), 158–61.

[32] Four: Plut. *Pomp.* 55.12; five: Dio Cass. 40.44.2; cf. Broughton, *MRR* ii.238. Some confusion about the inclusive reckoning in translation is a likely cause of the discrepancy.

[33] E.S. Gruen, *The Last Generation of the Roman Republic* (Berkeley and London, 1995), 459 n. 36.

[34] E. Gabba, *Appiani Bellorum Civilium Liber Primus* (Firenze, 1967²), 343.

none of these had come to anything. Some talked in 52 of making him consul (Dio Cass. 40.50.3), but the appointment of Pompeius as sole consul had ruled that out (Dio Cass. 40.50.4). The possibility of him standing in 50 for the consulship of 49 seems to have been mooted in 51 (Caelius *ap.* Cic. *Fam.* 8.8 (84).9), but this, again, was not to be.[35] In fact, a significant element in the political disturbances of the late 50s arose from the attempts of Caesar and his allies to ensure that his proconsular *imperium* in Gaul lasted until he could run in 49 for the consulship of 48.[36] This was the earliest date at which Caesar could have held the office again without contravening Sulla's legislation.[37]

A Caesarian audience in January 49 might very well, then, be receptive to the picture of Pompeius' predicted future behaviour which Lucan's Caesar offers in lines 1.314–15 and 1.317 of the poem. A spectator unfriendly to Magnus might well look at the circumstances of Pompeius' magistracies in the 50s, the arranged grants and prorogations of proconsular *imperium* to himself during his own consulships, and characterize these, like lines 314–15, as a *regnum continuum* sustained by multiple instalments of illicitly-afforded power (*tot tempora*). Moreover, the proconsular *imperium* from the *Lex Trebonia* had, within the space of three years, already been extended potentially to the middle of the 40s, with no matching extension for Caesar. It would not stretch credulity to suppose, with line 317, that future *honores*, like this *imperium*, might not be laid down once Pompeius had snatched them up. To

[35] For this interpretation of the passage, and the issue of Caesar's thinking on this more generally, see K.M. Girardet, 'Caesars Konsulatsplan für das Jahr 49: Gründe und Scheitern', *Chiron* 30 (2000), 679–710, further developed in Girardet (n. 1), 101–25.

[36] R. Seager, *Pompey: A Political Biography* (Oxford, 1979), 137–9.

[37] Pelling (n. 1), 289 n. 14 notes that the legislated gap between the consulships clearly demanded 'a full ten-year interval rather than a tenth anniversary'. Caesar himself puts a strong stress on only standing for the consulship *expectato legitimo tempore* in one of his many self-justificatory passages (*BCiv* 1.32.1).

understand the relevance of this for the interpretation of line 316, we must now revisit some of the more secure preconditions for a Roman republican triumph.

SULLA'S LAW, THE *IMPERIUM* OF POMPEIUS, AND THE MEANING OF *NONDUM PATIENTIBUS ANNIS*

As noted above, the most plausible modern reconstructions of qualification for a triumph in the Roman republic emphasize the importance of *imperium (auspiciumque)* as a necessary pre-condition.[38] A relevant *datum* here (besides the career profile of those individuals known to have triumphed)[39] is reference in the sources to grants of *imperium* in the city of Rome to the *triumphatores* on the day they triumphed. Livy notes this of the triumphs allowed to

[38] E.g. T. Mommsen, *Römisches Staatsrecht* (Leipzig, 1887³), 1.126; H.S. Versnel, *Triumphus: An Inquiry into the Origin, Development and Meaning of the Roman Triumph* (Leiden, 1970), 169; Petrucci (n. 17), 146–60; Auliard (n. 12), 25 and 112–22; Bastien (n. 17), 198–204; Lundgreen (n. 12), 210–16; F.J. Vervaet, *The High Command in the Roman Republic: The Principle of the* summum imperium auspiciumque *from 509 to 19 BCE* (Stuttgart, 2014), 78,120; C. Lundgreen, 'Rules for obtaining a triumph—the *ius triumphandi* once more', in C.H. Lange and F.J. Vervaet (edd.), *The Roman Republican Triumph Beyond the Spectacle* (Rome, 2014), 17–32, at 24; A. Petrucci, 'Il ruolo del senato nel trionfo dalle origini della repubblica alla sua crisi', in A. Gallo, S. Lohsse and P. Buongiorno (edd.), *Miscellanea Senatoria* II (Stuttgart, 2023), 65–89, at 79–80. Beard (n. 4), 201–14 sounds some notes of caution. For the finer distinction between *imperium* and *auspicia* in this context, see, above all, F.J. Vervaet, 'The principle of the *summum imperium auspiciumque* under the Roman Republic', *SDHI* 73 (2007), 1–148, at 41–85. Since, in the case of a new consulship for Pompeius, *imperium* and *auspicia* would have been linked, the distinction does not affect the argument we offer here.

Lucius Anicius Gallus, Gnaeus Octavius and Lucius Aemilius Paullus in 167 (Livy 45.35.4).[40] *Imperium* would usually be lost on entering the *pomerium*. Would-be recipients of a triumph, like Cicero in the winter of 50/49, would not enter the *pomerium* during their petition (Cic. *Att.* 7.1.5), lest they should forfeit their *imperium* beforehand, an important consideration in Caesar's own *ratio absentis*, and thus a key aspect of negotiations before the civil war.[41] The reconstruction is not altogether without its difficulties. For example, magistrates celebrating a triumph in their year of office, when they *did* have *imperium* in the city, would not enter the *pomerium* either.[42] For all that, the causal connexion between *imperium* and the right to triumph seems robust.

In addition, it seems in the Roman republic that not every grant of *imperium* was considered sufficient as a pre-condition for a triumph. We have already seen that the elder

[39] The only apparent exception in the list of 'interesting Triumphs' at Lundgreen (n. 34), 29, L. Furius Purpureo in 200, a praetor who conducted war outside his *provincia* with the consular army, is not in fact such: as Livy's account makes clear, although some senators objected to his triumph *quod alieno exercitu rem gessisset* (Livy 31.48.2), the majority dismissed this argument precisely because Furius *in magistratu suisque auspiciis gessisset* (31.48.6).

[40] Livy makes a similar observation as to Marcellus' ovation (not a full triumph) in 211 (Livy 26.21.5). Beard (n. 4), 203 (with n. 42 at 370) notes that this resolution is 'not a regular feature of ancient descriptions of the triumph' and that Livy's instances 'may … be special cases'; if so, Livy does not expand on it. It is easier to see Marcellus' case as special than that of Ancius, Octavius, and Paullus, whose triumph had difficulties, but ones Livy describes only *after* the resolution is passed (Livy 45.35.5–42.1).

[41] R. Morstein-Marx, 'Caesar's alleged fear of prosecution and his *ratio absentis* in the approach to the Civil War', *Historia* 56 (2007), 159–78, at 170–2.

[42] Beard (n. 4), 204.

Scipio Africanus was denied a triumph in 206, despite being a *privatus cum imperio*, because he had not been a magistrate. From discussions and allusions in the historians (and, again, the individuals whom we know to have triumphed), it seems that, beside the *imperium* of a praetor or a consul in their year of office, that of a pro-praetor or pro-consul would suffice. The delegated *imperium* of a legate would not.[43]

We have already seen that Pompeius did, in January 49, hold proconsular *imperium* which would have permitted him (in principle) to triumph; we have also seen how Caesar and an audience sympathetic to Caesar might paint that *imperium* as illegitimate. Lines 314–15 duly do so. The obvious way to achieve the legitimate *imperium* which was a precondition for a triumph would be for Pompeius legitimately to hold the consulship again. But this, a Caesarian audience might well think, is exactly what Pompeius has recently shown he cannot be trusted to do. His third consulship of 52, besides being at first an anomalously solo affair, was held within three years of his second—a violation of Sulla's law forbidding the holding of a consulship fewer than ten years after a previous one.

We argue that *nondum patientibus annis* refers not to Pompeius' age at the time of his first triumph, but rather to the illegitimacy, in light of Sulla's legislation, of his third consulship—and to the likelihood that he might pull a similar stunt in future. The 'years not yet allowing it' are not the years of age of Pompeius in his twenties. Rather, they are the necessary decade 'not yet' elapsing between his second and third consulships (and, potentially, between his third and imagined future ones). This misbehaviour, the argument

[43] Vervaet (n. 8), 79, discussing Dio Cass. 36.36.1–4. For the Gallic triumph of C. Pomptinus, Caesar's predecessor in Gallia Transalpina, blocked by Caesar and Cato in a rare example of political agreement on the grounds of an irregularity in his *lex curiata de imperio*, see Cic. *Att.* 4.18.4, with Versnel (n. 38), 319–20; Auliard (n. 12), 113–14; Lundgreen (n. 12), 243–4; F.K. Drogula, *Cato the Younger: Life and Death at the End of the Roman Republic* (Oxford, 2019), 205–6.

would go, is one of the most glaring factors that have already rendered an instance of Pompeius' *imperium* illegitimate, so voiding the possibility of a legitimate triumph. A further context is provided by Caesar's own 'stolen triumph' of 60, when he had to forego a triumph after his governorship of Hispania Ulterior in order to stand for consulship *suo anno*, in stark contrast to Pompeius being allowed to celebrate his second triumph on the first day of his consulship of 70, held before the legal age.[44] As Caesar's enemies were (in his interpretation, at least) trying to prevent him from either celebrating his Gallic triumph or standing for the second consulship after the precise interval of ten years, the association between triumphs and the holding of consulship at the legitimate time becomes even stronger.[45]

This interpretation is superior to the standard one in the following ways:

1. On this interpretation, Caesar is not basing his objection to a hypothetical future triumph of Pompeius on a criterion for triumph (the age of the victorious general), which the ancient sources do not obviously acknowledge. Rather, he is basing it on a lack of valid *imperium*. The evidence of this as a criterion for a triumph, while not perfect, is very substantially more robust.
2. Unlike the standard interpretation, this one produces rhetoric which works. No one could possibly be worried that the ageing Pompeius will triumph again in future at the age of twenty-five. By contrast, the fear that he might seek to triumph again on the basis of consular *imperium* snatched before Sulla's due interval allowed it would seem all too plausible, in light of his behaviour in 52. What (Caesar implies) is to stop Pompeius ensuring that he becomes consul again in 48, say, or 47?
3. As a more minor consideration, our interpretation ties line 316 more coherently into the precise set of objections to Pompeius' actions which are the focus of lines 314–15

[44] Caesar's 'stolen triumph': Morstein-Marx (n. 2), 109–16 and Dyck (n. 28), 295; Pompeius' second triumph: Beard (n. 4), 7–41.

[45] For the link between Caesar's *ratio absentis* and his plans for a triumph, see n. 38 above.

and 317, viz., the likely future continuance of his patterns of behaviour in the previous decade or so. Pompeius' career was, to be sure, marked by extra-constitutional elements from his earliest youth,[46] but the jibes about *regnum continuum* sustained *per tot tempora* make most sense against the backdrop of the consulships, grants of *imperium*, and prorogations of the 50s. (The special commands of the 60s under the *lex Gabinia* of 67, and the *lex Manilia* of 66, may be subsidiary considerations, as well,[47] but the great run of *continuous* authority begins with the *cura annonae* of 57.) The same applies, in light of the prorogation of the provinces assigned under the *lex Trebonia* of 55, to the implication in line 317 that Pompeius has a record of not letting go of *honores* which he has once seized. On our interpretation, line 316 slots neatly into this complex of ideas: the implication that Pompeius will treat himself to another unconstitutional consulship picks up the allusion to his *regnum* in line 315, and an audience that is already primed to think about his alleged unconstitutionality in the 50s will have no difficulty interpreting *nondum patientibus annis* as an allusion to the illicit interval between the consulships of 55 and 52. The immediately succeeding lines to this set of rhetorical questions keep the focus on the 50s, too: the *cura annonae* at lines 318–9, and the disturbances at Milo's trial in 52 at lines 319–23. By contrast, the standard interpretation abruptly interrupts two questions geared most heavily towards the Pompeius of the 50s, with one geared towards the Pompeius of about thirty years before. It should be stressed that this is a minor consideration, since Caesar's rhetoric later in this speech *does* occasionally dive into Pompeius' more distant past: his apprenticeship to Sulla (325–6) and the commands of the 60s (336–7). All the same, our interpretation produces superior coherence.

[46] Vervaet (n. 8) notes the extra-constitutional aspects of *all* Pompeius' triumphs.

[47] Getty (n. 16), 70; Roche (n. 1), 145.

It may be objected that this new interpretation means that Caesar leaves implicit the logical connexion between *nondum patientibus annis* and the illegality of future Pompeian triumphs. He does not spell out the interim stage in the argument, that the 'years do not yet allow' Pompeius *to be consul*, which would be necessary for the legitimate *imperium* that would permit Magnus legally to triumph. Caesar also does not spell out the other necessary premise of this argument, that Pompeius does not currently wield legitimate *imperium*.

This is a valid point, but, as noted above, the standard interpretation is elliptical, too. Since age (*pace* Braund) was not a criterion for a triumph, the *nondum patientibus annis* still has to refer to taking up a magistracy. As in our interpretation, Caesar does not spell this stage of the argument out. As for the illegitimacy of Pompeius' current *imperium* in 49, we have already seen reasons why an audience friendly to Caesar might well be prepared to swallow that notion—which the references to *regnum continuum* in the previous line have already set up.

CONCLUSION

The usual interpretation of *nondum patientibus annis* at Lucan 1.316 as referring to Pompeius' age at the time of his first triumph is unsatisfactory, on multiple grounds. In its simplest form (asserting that Pompeius triumphed illegally because his age flatly disqualified him from doing so), it relies on a spurious criterion for a triumph which never existed. The interpretation can be redeemed, to an extent, by seeing what 'the years do not yet allow' as a senior magistracy, rather than the right to triumph *per se*. This brings the logic more into line with how the ancient sources, such as Plutarch and Appian, treat the controversy over Pompeius' first triumph. It does not resolve the other issues which make this interpretation problematic. This reading jarringly interrupts a sequence of Caesar's speech which is

otherwise solidly devoted to using Pompeius' putative misbehaviour in the 50s as an intimation of future malfeasance with a single reference to something Pompeius the *aduluscentulus carnifex* did in 81–79. More importantly, it makes Caesar produce an obviously absurd and self-defeating argument. Civil war or not, the fifty-six-year-old Pompeius of 49 will not be triumphing again despite being too young to do so.

If *nondum patientibus annis* is taken as referring to Sulla's ban on the same man holding consulships with less than a decade's interval between, all these problems are resolved. The absurd fear of an elderly general triumphing under-age is replaced by the all-too-plausible prospect of Pompeius triumphing under the *imperium* of a consulship snatched before Sulla's allotted interval, like the one he had in 52. Lines 314–23 maintain an uninterrupted common thread of using the putative horrors of the 50s—first as a pattern for Pompeius' future behaviour, then as an exercise in rhetorical *praeteritio*—rather than being disrupted by a momentary flashback to the years 81–79.

This reading has further implications. It brings out how alive Lucan can be (when he so desires it) to historical context. The opening of Caesar's speech, on this reading, does not just throw mud from every epoch of Pompeius' career in the hope that some will stick. Rather, it responds masterfully to the precise political tensions of the previous decade. 'An epic poet who fixes his story firmly in the time, space, and circumstances in which it really occurred, sometimes employing what at first sight seems unnecessary detail to achieve this, makes his narrative vivid and controls his account of motivation and character by the events of which he treats.'[48] There is still much scope for applying this lesson to the detailed study of Lucan in relation to history.

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[48] Lintott (n. 21), 240.

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