

The Treaty Between Rome and Lycia of 46 BC, the Law of Caesar,  
and the Coming of the Principate

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On 24 July 46 BC, during the third dictatorship of Julius Caesar, an alliance between Rome and Lycia was ratified in the *comitium* at Rome by means of a formal treaty. The text of the treaty, which was engraved on a bronze plaque, is the longest surviving inscribed Roman treaty, and can further shed light on the nature, form, and content of Roman *foedera*, as well as on Rome's relations with her allies and her diplomatic role in the wider Mediterranean world. But perhaps of greater significance is the treaty's ability to improve our understanding of the political atmosphere during the uncertain period following Caesar's victory over Pompey (48 BC), as well as the nature of Caesar's power and authority during his final years. This treaty between Rome and Lycia falls at a pivotal moment of transition from Republic to Principate, only two years before Caesar's assassination in 44 BC, following which – after a period of civil war and uncivil peace – the Roman world was dramatically and permanently changed by the emperor Augustus, who replaced the traditional Republican form of government with an autocracy. Scholars have traditionally focused on the years following Caesar's death and during Augustus' rise to power as the period of greatest social and political change; this transformation, however, began earlier than this, and Rome's treaty with Lycia can provide a glimpse of the first stirrings of what was eventually realized under Augustus, namely, a world-dominating empire consolidated under one man. Thus, the aim of this paper is to examine the transition from Republic to Empire from the perspective of Roman treaty-making.

The longstanding custom in treaty-making during the Republic was that treaties were negotiated by individual generals or groups of senators, in the name of the Roman people, and were subsequently ratified by a *lex* of the people. To get an idea of how

significantly this changed during the height of the Roman Empire, we can look at the *lex de imperio Vespasiani*,<sup>1</sup> a document from AD 69 in which the new emperor Vespasian was explicitly granted numerous rights, including the unrestricted right to make treaties, which appears as the first section of this law. While scholars debate whether this law was created specifically for Vespasian or whether earlier versions of it had been passed during the Julio-Claudian period upon each emperor's assumption of the purple,<sup>2</sup> the first clause of the *lex de imperio Vespasiani* clearly states that Augustus (as well as his successors, Tiberius and Claudius) possessed the power to make treaties with whomever he wished. The Lycian treaty falls between the treaty-making and politics of the Republic and those of the Empire. Before exploring the nature of Caesar's role in the formulation and enactment of the treaty and his constitutional position during the final years of his life, it is helpful first to outline how Rome made treaties, and then the context in which this treaty was initially proposed and to trace Caesar's movements following his victory over Pompey at Pharsalus. By examining both the traditional and unique aspects of the Lycian treaty, and by ascertaining to what extent it conforms to traditional Republican treaties in its language and content and to what extent it diverges from them (and why), the Lycian treaty can be viewed as a stepping-stone in the progression towards one-man rule.

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<sup>1</sup> M. Crawford, *Roman Statutes*, vol. 1 (London: Institute of Classical Studies, 1996), no. 39; *CIL* VI 930.

<sup>2</sup> P. A. Brunt, "Lex de Imperio Vespasiani," *The Journal of Roman Studies* 67 (1977): 95 ff.; H. Last, *The Cambridge Ancient History*, vol. 11 (Cambridge: Cambridge University Press, 1936), 404-408; H. Jolowicz and B. Nicholas, *Historical Introduction to the Study of Roman Law* (Cambridge: Cambridge University Press, 1972), 365-366; J. A. Crook, "Augustus: Power, Authority, Achievement," in *The Cambridge Ancient History: The Augustan Empire*, vol. 10, eds. J. A. Crook, A. Lintott, E. Rawson (Cambridge: Cambridge University Press, 1996), 120; Crawford, *Roman Statutes*, 549-550; C. Ando, *Imperial Ideology and Provincial Loyalty in the Roman Empire* (Berkeley: University of California Press, 2000), 156-157; B. Levick, *Claudius* (London: Routledge, 2009), 21-22.

The process for requesting and securing a treaty with Rome generally went as follows: a foreign embassy would come to Rome in order to obtain an alliance.<sup>3</sup> The embassy would approach a competent, high-ranking magistrate, who would then convene the Senate and introduce the matter; once the *sententiae* of the senators had been heard, the matter would be put to a vote. If the matter of an alliance were passed, a *senatus consultum* would be drafted and the matter would then be brought to the people for rejection or confirmation. The sanction of the *populus Romanus* was absolutely essential for the legality and legitimacy of a formal *foedus*.<sup>4</sup> In strict legal terms, a *senatus consultum* was merely advice to the magistrate who had requested it, but in practice it had nearly the force of law, since the people usually felt the Senate's decrees to be binding.<sup>5</sup> Since formal treaties concluded with cities in the Greek East were frequently drafted at the same time as their accompanying *senatus consulta* – which were often inscribed on the same object and displayed together in the partner city – the procedure by which *senatus consulta* were drafted, promulgated, and translated into Greek must have closely resembled that of Roman *foedera*.<sup>6</sup> It is not certain where or by whom the text of official Roman treaties, and their accompanying *SC*, were translated into Greek, although based on the consistency of language, and the “uniformity in the method and technique” of the translations, Sherk concludes that the Greek translations must have been made from the

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<sup>3</sup> A. N. Sherwin-White, *Roman Foreign Policy in the East: 168 B.C. to A.D. 1*. (London: Duckworth, 1984), 61. Alternatively, the terms of a treaty would sometimes be negotiated by a general in the field, who would then hand the matter over to the Senate for revision and approval.

<sup>4</sup> Sherwin-White, *Roman Foreign Policy in the East*, 64: The matter of a formal alliance (i.e. *foedus*) must first be approved by the Senate, which would then instruct a magistrate, such as the *praetor urbanus*, to submit the proposal to the assembly of the people (*comitia centuriata*) for a vote.

<sup>5</sup> R. K. Sherk, ed. *Roman Documents from the Greek East: Senatus Consulta and Epistulae to the Age of Augustus* (Baltimore: Johns Hopkins Press, 1969), 4-5. Cf. 98: “*Senatus consulta* were usually part of the proceedings involved in making a treaty since it was the Senate that had the power and authority to conclude formal treaties with foreign states.”

<sup>6</sup> *Ibid.* 11.

original documents and executed in Rome, by Romans:<sup>7</sup> “*senatus consulta* and *foedera* were important documents, and their translation could not be left in the hands of amateurs or Greek provincials, who might deliberately or unintentionally distort the true meaning.”<sup>8</sup> Sherk further guesses that men who worked in the *aerarium Saturni*, the *scribae librarii quaestorii* employed on a semi-permanent basis and possessed of the necessary skill and training, made the official Greek translations.<sup>9</sup> By a similar process, therefore, the Lycian treaty was likely proposed, confirmed, and translated; one copy was inscribed on bronze and posted on the Capitol in Rome, and another copy, already translated into Greek by the *scribae* at Rome, was sent to Lycia, where it was inscribed on bronze and displayed (probably) at the Letoon at Xanthus.

As previously mentioned, the Lycian treaty was confirmed on 24 July 46 BC, during the third dictatorship of Julius Caesar, with the urban praetors, Lucius Volcacius Tullus and Lucius Roscius, presiding over the oath-taking in the *comitium* and the *fetiales*, L. Billienus and L. Fabricius Licinus, carrying out the sacrifice and libation on behalf of the Roman people; the terms had been decided by Julius Caesar, confirmed by a *senatus consultum*, and guaranteed by the ‘law of Caesar’. I will return to the issue of this law later in the paper, but first it is useful to discuss briefly the events surrounding the treaty’s inception, which can help to explain how this treaty came about and how Caesar became personally attached to it. The arrangements that were confirmed in the treaty by the Roman people and the accompanying *senatus consultum* were initially drafted by Caesar during his brief visit to Asia in 48 BC, following the Battle of Pharsalus, when he was

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<sup>7</sup> Sherk, ed. *Roman Documents from the Greek East*, 13-19.

<sup>8</sup> *Ibid.* 13.

<sup>9</sup> *Ibid.* 18. They were also not subject to yearly turnover, unlike the urban quaestor, who was responsible for the administration of the *aerarium* and served for only one year.

approached by ambassadors from the Lycian League.<sup>10</sup> Caesar granted their request for a formal alliance and decided the terms, which were later confirmed by a senatorial decree and passed by a vote of the people. According to Appian, as soon as Caesar crossed the Hellespont and arrived in Asia Minor, delegations were sent to him from the Ionians, the Aeolians, and all the other inhabitants of Asia Minor to make requests for favors, privileges, and alliances on behalf of their respective cities; it is likely that Lycia's embassy was one of these deputations described by Appian.<sup>11</sup> Although his time in Asia was brief, Caesar was remarkably active, reorganizing Rome's provincial administration and remitting a third of the taxes for all the inhabitants of the province of Asia, as well as visiting Cnidus – very near Lycia – and granting the city its freedom.<sup>12</sup> It is in this context of supplicating the apparent ruler of the Roman world that the Lycian envoys probably made their request. During this time Caesar was also approached by envoys of Mytilene on Lesbos, who presented him with a decree and informed him of the honors paid to him in Mytilene, “expressing in the customary way that city's submission to the new ruler.”<sup>13</sup> Caesar responded with assurances of his good intentions and the establishment of

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<sup>10</sup> T. P. Wiseman, *Remembering the Roman People: Essays on Late Republican Politics and Literature* (Oxford: Oxford University Press, 2009), 199; J. Osgood, *Caesar's Legacy: Civil War and the Emergence of the Roman Empire* (Cambridge: Cambridge University Press, 2006), 15; E. Bradford, *Julius Caesar: The Pursuit of Power* (New York: William Morrow and Company, 1984), 238; Z. Yavetz, *Julius Caesar and His Public Image* (Ithaca: Cornell University Press, 1983), 101-104; Sherk, ed. *Roman Documents from the Greek East*, 152-153; Mitchell, *The Treaty Between Rome and Lycia*, 233. On Caesar's time in Asia Minor, cf. Caes. *BC.* 3.10; Plut. *Caes.* 48; Dio 42.6.

<sup>11</sup> App. *BC.* 2.89. While some of these requests, such as Lycia's, were for formal alliances (i.e. confirmed by a *foedus*), others no doubt were satisfied with Caesar's (informal) assurance of *amicitia et societas*, not necessarily followed by a formal *foedus*. Cf. J. A. Crook, A. Lintott, and E. Rawson, eds., *The Cambridge Ancient History: The Last Age of the Roman Republic, 146–43 B.C.*, 2<sup>nd</sup> ed. vol. 9 (Cambridge: Cambridge University Press, 1994), 441-442.

<sup>12</sup> Plut. *Caes.* 48; App. *BC.* 2.116; Dio 42.6. Also, cf. Mitchell, *The Treaty Between Rome and Lycia*, 234; Yavetz, *Julius Caesar and His Public Image*, 101-102.

<sup>13</sup> Sherk, ed. *Roman Documents from the Greek East*, 153. For a brief summary on the events that prompted Mytilene to send an embassy, cf. Sherk, ed. *Roman Documents from the Greek East*, 152-3.

‘friendship and alliance’ between Rome and Mytilene.<sup>14</sup> These arrangements with Cnidus and Mytilene, made by Caesar personally in 48 BC, were eventually confirmed in Rome, in a formal treaty in 45 BC and in a *senatus consultum* sometime between April 46 BC and February 45 BC, respectively.<sup>15</sup>

Before departing for Egypt in his pursuit of Pompey, Caesar sailed to Rhodes and spent a few days on the island.<sup>16</sup> It seems that during this brief visit, Caesar made arrangements for a treaty between Rome and Rhodes, which Appian refers to in his description of the (later) meeting between the tyrannicide Cassius and Archelaus, the ambassador of the Rhodians, in 43 BC.<sup>17</sup> On the basis of Appian’s account, the treaty between Rome and Rhodes seems to have been a formal treaty, concluded by oaths, sacrifices, and libations, in which the two parties agreed not to take up arms against one another and to help each other in times of danger, terms similar to those of the surviving treaty between Rome and Lycia. Furthermore, in Appian’s account Cassius characterizes the treaty as having been personally organized and guaranteed by Julius Caesar, a process that also resembles that of the Lycian treaty, in which the personality and authority of the dictator figure prominently.<sup>18</sup> Mitchell argues that it was during Caesar’s time on Rhodes that the Lycians approached him, in order “to offer him their support and to seek help in

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<sup>14</sup> Mitchell, *The Treaty Between Rome and Lycia*, 233.

<sup>15</sup> Mytilene: *RDGE* no. 26; Yavetz, *Julius Caesar and His Public Image*, 104. Cnidus: *SEG* LIX 1207. Mitchell, *The Treaty Between Rome and Lycia*, 233-234 thinks the agreement with Mytilene was also a *foedus*, although only Caesar’s letters to Mytilene and the *sc* survive.

<sup>16</sup> *Caes. BC.* 3.106; *App. BC.* 2.89: the visit was so brief that Caesar did not even wait for the arrival of his army. Mitchell, *The Treaty Between Rome and Lycia*, 234 believes that Caesar’s visit only lasted for 10 days, although this is not certain.

<sup>17</sup> *App. BC.* 4.66-70: 4.66 (argument between Cassius and Rhodians), 4.68 (speech of Archelaus), 4.70 (Cassius’ reply).

<sup>18</sup> *App. BC.* 4.70: Cassius even makes the claim that the treaty was made between Rhodes and Julius Caesar, and not between Rhodes and Rome. It is important to note that Appian wrote during the second century AD, and his understanding of how the process of treaty-making worked may have been affected by what was standard during his time under imperial rule.

their own struggles.”<sup>19</sup> Mitchell bases this claim on the similarities between the Lycian treaty and the Rhodian treaty just discussed, as well as the fact that both Rhodes and Lycia provided Caesar with warships to take with him to Egypt.<sup>20</sup> Caesar’s actions while in Asia provide a glimpse into his mindset and his attitude towards his own authority and his position within the Roman state, and also offer perspective on the Lycian treaty. By making arrangements for new alliances and guaranteeing existing ones, although still in the midst of civil war, Caesar created the impression of “stand[ing] for the Roman people as a whole,”<sup>21</sup> an impression which the reaction of the various (city-)states in Asia Minor only served to strengthen and confirm.<sup>22</sup>

I will first briefly outline the text of the treaty, summarizing the clauses in the order in which they arise, and temporarily suspending analysis. I will then discuss the clauses that have parallels in other treaties made between Rome and cities in the Greek East, the texts of which have also survived in inscriptions.<sup>23</sup> Following Mitchell’s example, I will refer to each treaty text by “the name of Rome’s treaty partner;”<sup>24</sup> these are: Cibyra (c. 167 BC),<sup>25</sup> Maronea (c. 167 BC),<sup>26</sup> Methymna (c. 129 BC),<sup>27</sup> Astypalaea (105 BC),<sup>28</sup> Callatis (c. 106-101 BC),<sup>29</sup> Thyrrheum (94 BC),<sup>30</sup> Mytilene (c. 46 BC),<sup>31</sup>

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<sup>19</sup> Mitchell, *The Treaty Between Rome and Lycia*, 235.

<sup>20</sup> Rhodes provided ten ships (Caes. *BC.* 3.106) and Lycia provided five (*Bell. Alex.* 13.5); Mitchell 234-235. <sup>20</sup> Additionally, following Caesar’s assassination, both Rhodes and Lycia refused to support Cassius and Brutus, Caesar’s assassins, in their efforts against the Caesarians, choosing to remain loyal to Caesar and his successors, and both suffered greatly for their resistance. Cf. Plut. *Brut.* 30-32; App. *BC.* 4.61, 65-74 (on Rhodes), 76-80 (on Lycia); Dio 47.34. Cf. Osgood, *Caesar’s Legacy*, 89-94.

<sup>21</sup> Mitchell, *The Treaty Between Rome and Lycia*, 235.

<sup>22</sup> *Ibid.*: “His new allies thus recognized him as constituting the legal sovereign power of Rome.”

<sup>23</sup> *Ibid.* 173-174.

<sup>24</sup> *Ibid.* 173. For a comprehensive bibliography on these inscriptions, cf. Mitchell, *The Treaty Between Rome and Lycia*, 173-174.

<sup>25</sup> *OGIS* 762; *I. Kibyra* 1.

<sup>26</sup> *SEG XXXV* 823; *SEG XXXVII* 611.

<sup>27</sup> *Syll*<sup>3</sup> 693; *IG XII.2.510*; *Syll*<sup>2</sup> 319; *IGR IV.2*

<sup>28</sup> *IG XII.3.173*; *RDGE* no. 16.



Cnidus (45 BC).<sup>32</sup> My purpose in highlighting the texts' corresponding clauses and shared features is to situate this treaty, between Rome and Lycia, in the wider tradition of Roman treaty-making and relations with the Greek East in the second and first centuries BC, and to determine how much of this treaty adheres to the conventional form, style, and language of Roman *foedera*. Once this has been established, I will then turn my attention to the unique sections of the *foedus*, that is, those sections that are specific to this document and that have no parallel clauses in the treaties previously mentioned. It is in these unique clauses that Caesar's influence can be felt, and in their examination I will attempt to determine the motivations behind their inclusion and the potential impetus for these innovations. Finally, I will discuss Julius Caesar's role in the formulation and enactment of the treaty, as well as what the implications are for our understanding of the nature of Caesar's power, and his attitude towards his position in the Roman state and towards Rome's relationship with the rest of the Mediterranean world.

The text begins with an oath, sworn at Rome in the *comitium* on July 24 of 46 BC, by the Romans and the Lycian envoys, and in accordance with the law of Caesar (κατὰ τὸν νόμον τὸν Καίσαρος), during the third dictatorship of Julius Caesar. The text of the treaty proper follows with a general statement establishing 'friendship and alliance' between Rome and Lycia in perpetuity. The next section contains what is commonly referred to as the *maiestas*, or 'majesty', clause, in which the Lycians are required to respect and uphold the power and prominence of the Roman people. The following clause outlines the reciprocal pledges of both parties concerning the proper handling of each

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<sup>29</sup> *CIL* I<sup>2</sup> 2. A. Avram, *Der Vertrag zwischen Rom und Kallatis. Ein Beitrag zum Römischen Völkerrecht* (Amsterdam: Verlag Adolf M. Hakkert, 1999), 53-54 proposes a reconstruction of the text.

<sup>30</sup> *Syll*<sup>3</sup> 732; *IG* IX<sup>2</sup>. 1.242; *Syll*<sup>2</sup> 377; *SEG* LVII 490.

<sup>31</sup> *RDGE* no. 26 d-e; *IG* XII.2.35; *Syll*<sup>3</sup> 764; *IGR* IV.33; *SEG* LV 910; *SEG* LI 1027.

<sup>32</sup> *I. Knidos* 33; *SEG* LIX 1207; *SEG* LVII 1097; *SEG* LI 1519.

other's enemies; both parties are prohibited from allowing the enemies of the other to pass through their territory and from giving them any form of aid (e.g., money, provisions, weapons, ships). Additionally, if one party is engaged in war, the other must give assistance. The following section concerns contraband, and the import and export of forbidden goods, designating the relevant officials for handling offences of this type. The two clauses that follow lay out the proper legal procedures for handling capital offences and civil disputes. Next is a clause concerning pledges, hostages and ransom. These are followed by a 'territorial clause', which defines the extent of Lycian territory and specifies particular cities and regions that were restored to the Lycians by 'the law of Caesar'. The treaty ends with an 'alteration clause', which stipulates that both parties must abide by the terms of the treaty. But details of this treaty may be revised (and provisions added or removed) if both parties agree to the changes. The final lines of the inscription record the names of the men (both Roman and Lycian) who performed the necessary sacrifice and libation in accomplishment of the oath.

The first lines of the document contain the oath, which was sworn in 46 BC during the third dictatorship of Julius Caesar, with Marcus Lepidus as his master of the horse, and while Lucius Volcacijs Tullus and Lucius Roscius were serving as the urban praetor and the peregrine praetor, respectively.<sup>33</sup> Official documents of this type were normally introduced by a reference to the two consuls (that is, the two leading magistrates) of the year.<sup>34</sup> Half of the first line of the text, which identifies the two chief

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<sup>33</sup> LL. 1-6: [Ἐπὶ Γαίου Ἰουλίου Καίσαρος δικτάτορος] τὸ τρίτον καὶ Μάρκου Λεπέδου ἱπάρχου, Λευκίου Οὐολκακίου Τύλλου στρατηγοῦ καθεσταμένου ἐπὶ τῶν πολειτῶν καὶ Λευκίου Ῥωσίου - - - στρατηγοῦ καθεσταμένου ἐπὶ τῶν πολειτῶν καὶ ξένων πρὸς θ' ἀλλόθεν Σεξιτιλίων τοῦτο τὸ ὄρκω μῶσιον συνετελέσθη κατὰ τὸν νόμον τὸν Καίσαρος ἐν τῷ κομητίῳ ὑπὸ τῶν Ῥωμαίων καὶ Λυκίων.

<sup>34</sup> Mitchell, *The Treaty Between Rome and Lycia*, 76.

magistrates of 46 BC, is missing, preserving only the name and title of one of these officials: Marcus Lepidus the *magister equitum*.<sup>35</sup> That the other leading magistrate of 46 BC was Julius Caesar is certain, although the matter of his title requires more discussion, since Caesar held two offices in 46 BC, the consulship and the dictatorship. From the τὸ τρίτον preserved in the inscription we know the office must have been one that he held for the third time in that year, although this does not resolve the matter since Caesar held both the consulship and the dictatorship for the third time in 46 BC. Still, that the text originally referred to Caesar's consulship is supported by what seems to have been the standard Roman practice of prefacing treaties with a reference to the two consuls of the year, followed by a reference to the two praetors present in Rome (*praetor urbanus* and *praetor peregrinus*),<sup>36</sup> as demonstrated by the *senatus consultum* concerning Rome's treaty with Astypalaea, which included the formula: ἐπὶ ὑπάτ[ω]ν Ποπλ[ίου] Ῥουτίλιου] Ποπλίου υἱοῦ καὶ [Γν]αίου Μαλλίου Γναίου υἱοῦ, [στρατηγοῦ κατὰ] πόλιν Λευκίου [- -] ωνίου Λευκίου υἱοῦ, [ἐπὶ δὲ τῶν ξένων - - - - -] Ποπλίου υἱοῦ.<sup>37</sup> Similarly, the treaty with Thyrrheum began: συμμαχία ν ποτὶ Ῥωμαίους· ἐπὶ ὑπάτων Γαίου Κοιλίου Κάλδου Γαίου υἱοῦ, [Λ]ευκίου Δομετίου Γναίου Αἰνοβάρβου, στρατη[γο]ῦντος κατὰ πόλιν Γαίου Σεντίου Γαίου υἱοῦ, [ἐπὶ δ]ὲ τῶν ξένων Λευκίου Γελλίου Λευκίου υἱοῦ.<sup>38</sup> Yet despite these parallels, the rest of the line does not support the restoration of Caesar's title to consul, since it would be incongruous to

<sup>35</sup> L. 2: Μάρκου Λεπέδου ἱπάρχου.

<sup>36</sup> Cf. Mitchell, *The Treaty Between Rome and Lycia*, 176 for possible restorations of the first line, referring to Caesar's consulship: [ἐπὶ ὑπάτων Γαίου Ἰουλίου Καίσαρος] τὸ τρίτον, or referring to Caesar's consulship and dictatorship: [ἐπὶ ὑπάτων Γαίου Καίσαρος] τὸ τρίτον.

<sup>37</sup> LL. 15-18; *RDGE* no. 16. *Ancient Roman Statutes* (from here on abbreviated as *ARS*) no. 52 (trans.): "In the consulship of Publius Rutulius, son of Publius, and Gnaeus Mallius, son of Gnaeus, when Lucius . . . onius, son of Lucius, was urban praetor, and . . . , son of Publius, was peregrine praetor. . . ."

<sup>38</sup> LL. 1-6; *SEG* LVII 490. *ARS* no. 58a. (trans.): "Alliance with the Romans. In the consulship of Gaius Coelius Calvus, son of Gaius, and Lucius Domitius Ahenobarbus, son of Gnaeus, when Gaius Sentius, son of Gaius, was urban praetor and Lucius Gellius, son of Lucius, was peregrine praetor. . . ."

refer to Caesar's traditional office of consul, but to refer to Lepidus' extraordinary office of *magister equitum*, a position that by its very nature could not exist independent of a dictator. Additionally, a reference to Caesar's consulship, but not his dictatorship, in the treaty would downplay the importance of the dictatorship, which was his main source of power and authority between 48 BC and 46 BC – that is, the period between the initial proposal of alliance and the formal ratification of the treaty with Lycia. It seems most likely, therefore, that the treaty began with a reference to Caesar's third dictatorship and with no mention of his consulship.<sup>39</sup> The matter of Caesar's dictatorship is significant for the questions of his official position and formal powers following the civil war, and will be important when we examine the question of under what authority Caesar arranged and concluded the terms of the treaty, and the meaning and significance of the 'law of Caesar'.

The treaty proper follows the introduction just outlined, beginning with a general statement establishing 'friendship and alliance' (φιλία καὶ συμμαχία) between the Romans and the Lycians to last for all time (τὸν ἅπαντα χρόνον), and a state of peace between the two nations, free from malicious deceit (ἄνευ δόλου πονηροῦ).<sup>40</sup> This sort of statement was a common element in Roman treaties, for a similar formula appears in several of the parallel treaties, sometime followed by a subsidiary clause adding that "peace was to be maintained by land and sea."<sup>41</sup> While the phrasing may vary, the sense is consistent, as are certain phrases, such as φιλία καὶ συμμαχία, τὸν ἅπαντα χρόνον, and κατὰ γῆν καὶ κατὰ θάλασσαν. The status of friend and ally was held by voluntary

<sup>39</sup> Mitchell, *The Treaty Between Rome and Lycia*, 76.

<sup>40</sup> LL. 6-9: τῷ δήμῳ τῷ Ῥωμαίων καὶ τῷ κοινῷ τῶν Λυκίων φι(λ)ί[α καὶ συμμαχία καὶ κοινωνία τὸν ἅπαντα χρόνον ἀσφαλῆς καὶ ἀμετάθετος ἔστωι ἄνευ δόλου πονηροῦ · εἰρήνη τε κατὰ γῆν καὶ κατὰ θ(ά)λασσαν αἰώνιος ἔστω τῷ τε δήμῳ τῷ Ῥω[μαίων καὶ] τῷ κοινῷ τῶν Λυκίων.

<sup>41</sup> Mitchell, *The Treaty Between Rome and Lycia*, 186. Cf. Cnidus, *SEG* LIX 1207, LL. 10-11; Astypalaea, *IG* XII.3.173, LL. 27-29; Maronea, *SEG* XXXV 823, LL. 10-12.

allies of Rome, and could be confirmed by a treaty and “ratified by solemn formalities,”<sup>42</sup> and the treaties between Rome and Maronea, Astypalaea, Cnidus and Thyrrheum, and the *senatus consultum* concerning the treaty with Mytilene in 48 BC all contain statements of alliance that parallel the one preserved in the text of the Lycian treaty.<sup>43</sup> Rome’s treaty with Cnidus, which was confirmed in 45 BC and is contemporary with the Lycian treaty, also contains a similar clause on friendship and alliance, to last in perpetuity: ἀνὰ [μέσον δήμου Ῥωμαίων καὶ δήμου Κνιδίω[ν] [φιλία] συμμα[χία] - - - - - εἰς τὸν ἅπ[αντα] χρόνον ἀσφα[λῆς βέβαιός]ς τε ἔστω [κ]α[ὶ] κατὰ γῆν καὶ κατὰ θάλασσα[ν].<sup>44</sup>

The next section contains the so-called *maiestas* clause, in which the Lycians agreed to uphold the superiority and power of the Romans.<sup>45</sup> This clause has no precise parallels in any of the earlier extant epigraphic treaties, in part because of their fragmentary form, as well as the fact that this type of clause may not have been included in every treaty Rome concluded.<sup>46</sup> A similar clause, although fragmentary, may be found in the contemporary treaty with Cnidus, which, based on the Lycian text, Mitchell restores: τῆ[ν] ὑπεροχ[ὴ]ν καὶ ἐξουσίαν καὶ ἀρχ[ὴ]ν τοῦ [δήμου το]ῦ Ῥωμαίων

<sup>42</sup> Sherwin-White, *Roman Foreign Policy in the East*, 26. The phrase of ‘friendship and alliance’ was used to describe a variety of relationships between Rome and foreign nations, and this status could also refer to a more informal status of alliance, not ratified by a *foedus* but by senatorial recognition, usually in the form of a *senatus consultum*. Cf. Sherwin-White, *Roman Foreign Policy in the East*, 69 for the distinction between two types of allies: *ex foedere* and *ex senatus consulto*.

<sup>43</sup> Maronea: *SEG XXV* 823, LL. 10-12: Φιλία καὶ συμμαχία καλῆ ἔστω καὶ κατὰ γῆν καὶ κατὰ θάλασσαν εἰς τὸν ἅπαντα χρόνον, πόλεμος δὲ μὴ ἔστω. Similarly, Thyrrheum: *SEG LVII* 490, LL. 9-11; Mytilene: *RDGE* 26 b, LL. 16-17; Astypalaea: *RDGE* no. 16, LL. 26-29. Cf. Sherk, ed. *Roman Documents from the Greek East*, 98.

<sup>44</sup> LL. 9-11; *SEG LIX* 1207.

<sup>45</sup> LL. 9-11: τὴν τε ἐξουσίαν καὶ ὑπεροχὴν τὴν Ῥωμαίων [βεβαί]ας καθὼς πρόεπον ἐστὶν διατηρεῖτωσαν Λύκιοι διὰ παντὸς ἀξίως ἑαυτῶν τε [καὶ τ]οῦ δήμου τοῦ Ῥωμαίων.

<sup>46</sup> Cf. E. Täubler, *Imperium Romanum: Studien zur Entwicklungsgeschichte des Römischen Reichs* (Leipzig: Teubner, 1913), 62, 64-5; A. N. Sherwin-White, *Roman Citizenship*, 2<sup>nd</sup> ed. (Oxford: Clarendon Press, 1973), 159.

[βεβαίως διατηρεῖτω οὕτως ὡς ἐά]ν τι[ς - -].<sup>47</sup> This clause, which served as an acknowledgment of political reality and the imbalance of power between the two parties, is an interesting addition to a treaty, and seems to have been included in treaties in which the relationship between Rome and her treaty partner was notably unequal, such as in the case of Rome's treaty with the Aetolians following Rome's victory in the war with Antiochus III, with whom the Aetolians had sided.<sup>48</sup>

In the next section on reciprocal pledges both sides agreed not to let the other's enemies pass through their territory, nor to give the other's enemies assistance or shelter (LL. 11-22), followed by a clause that obligated Rome and Lycia to aid the other if war were waged against them (LL. 22-26). This clause, establishing a mutual military alliance, was also common in treaties between Rome and her voluntary allies, and is paralleled in the treaties of Maronea, Methymna, Cibyra, and Astypalaea; likewise, similar terms of reciprocal obligations are laid out in the treaties with Maronea, Astypalaea, Methymna, Thyrrheum, and Mytilene.<sup>49</sup> The final section of the treaty proper contains the agreement of both parties to abide by the terms of the treaty and not to disrespect them by any malicious deceit or fraud, specifically mentioning the Roman people, the Lycian *koinon*, and the Roman and Lycian magistrates; it also contains the 'alteration clause,'<sup>50</sup> which states that details of the treaty may be emended if both parties agree to the changes.<sup>51</sup>

<sup>47</sup> Mitchell, *The Treaty Between Rome and Lycia*, 188; for an alternative restoration, cf. *SEG* LIX 1207, LL. 12-13.

<sup>48</sup> Livy 38.11. Cf. also Plb. 21.32.1.

<sup>49</sup> Maronea: *SEG* XXV 823, LL. 12-30, 30-37; Methymna: *Syll.*<sup>3</sup> 693, LL. 2-10, 11-18; Cibyra: *OGIS* 762, LL. 1-6; Astypalaea: *RDGE* no. 16, LL. 29-34, 40-44; Thyrrheum: *SEG* LVII 490, LL. 11-24; Mytilene: *SEG* LI 1027, LL. 2-11. The order in which the obligations are recorded sometimes varies, such as in the Maronea text, in which Rome's obligations come second, while in the Cibyra text this order was reversed.

<sup>50</sup> Mitchell, *The Treaty Between Rome and Lycia*, 192-193.

<sup>51</sup> LL. 64-73: ὁ δῆμος ὁ Ῥωμαίων ἄρχοντες ἢ καὶ ἀντάρχοντες ὡς ὁμοίως Ῥωμαῖοι τό τε κοινὸν τὸ Λυκίων ἄρχοντες τε καὶ ἀντάρχοντες τοῦ κοινοῦ τῶν Λυκίων τοῦτο τὸ ὄρκωμόσιον καὶ τὴν συνθήκην χειρὸν μὴ ποιείτωσαν δόλωι πονηρῶι μηδενὶ μηδὲ παρ(ε)υρ(έ)σει μηδεμίαι · τούτωι τῶι

Alteration clauses appear at the end of almost all of our extant parallel treaties in similar, although not identical, terms.<sup>52</sup> It seems that, the *maiestas* clause notwithstanding, the terms laid out in the opening and concluding sections of the treaty between Rome and Lycia were formulaic and common to this genre of formal document, and though not identical in language, have the same sense as in the other treaties struck by Rome with Greek allies.<sup>53</sup>

Thus, the treaty between Rome and Lycia contains several clauses that have parallels, in both language and content, in other treaties made between Rome and Greek (city-)states. Of greater significance, however, are the sections of that document that are specific to this treaty, which are more likely to reflect either the specific circumstances in which the treaty was made or the interests of Julius Caesar himself, and which occupy the intervening space between the neutrality clauses, following the pact of defensive alliance, and the alteration clause.<sup>54</sup> The detail and fullness of this *foedus* surpass those of the other parallel treaties; as Mitchell argues in his commentary on these unique sections, this cannot simply be attributed to the fragmentary nature of the other treaties, “since the treaties with Maronea and Astypalaea are essentially complete... [and] those with Cibyra, Methymna, and Callatis [although missing] their opening sections, [contain] final clauses in each case... that bound the parties to go to the others’ aid, if they were attacked,

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ὄρκωμοσίῳ ἐάν τι κατὰ τὴν ἐκατέρων γνώμην φαίνεται προσθεῖναι ἀφελεῖν ἐντάξαι περιγράψαι ἐξέστωι, ἐάν τι προστεθῆι γραφῆι ἐνταγῆι πρὸς τοῦτο τὸ ὄρκωμόσιον ἐξέστωι · ἐάν τι πάλιν ἐξαιρεθῆι ἢ περιγραφῆι ἐκ τούτου τοῦ ὄρκωμοσίου καὶ τοῦτο ἐξέστωι.

<sup>52</sup> Maronea: *SEG XXXV* 832, LL. 36-41; Cibyra: *OGIS* 762, LL. 6-12; Methymna: *Syll.*<sup>3</sup> 693, LL. 17-20; Astypalaea: *RDGE* no. 16, LL. 45-48; Cnidus: *SEG LIX* 1207, b LL. 6-10; Callatis: Avram, *Der Vertrag zwischen Rom und Kallatis*, 54, LL. 10-13.

<sup>53</sup> Mitchell, *The Treaty Between Rome and Lycia*, 193 concludes that “[t]he terms of all these agreements were essentially tralatician and common formulas were applied without change from one case to the next. Little significance can be attached to the minor differences in wording that can be noted between the various surviving examples. These may reflect either minor variations in the drafting of the original Latin text of the treaties, variations in their translation into Greek, or, most probably, a combination of the two.”

<sup>54</sup> LL. 26-69.

and...[that provided] for alterations to the terms of the treaty if this was mutually agreed.”<sup>55</sup> The unparalleled clauses in the Lycian treaty occupy a space between the final clauses of the treaties with Cibyra, Methymna, and Callatis, namely, the neutrality clause (and pact of defensive alliance) and the alteration clause, and it is thus unlikely that any additional clauses of a similar nature were ever present in these other treaties. Many of the additional provisions concern legal procedures, especially in the treatment of criminal and civil cases involving Romans and Lycians.

The first of these additional clauses concerns the import and export of forbidden goods, and the legal procedure for handling breaches of this provision.<sup>56</sup> The Romans and Lycians were prohibited from importing (εἰσαγέτωι) and exporting (ἐξαγέτωι), by either land or sea, anything that was forbidden in both Rome and Lycia. Those who violated this rule, outside of Lycia, should be taken to the *praetor peregrinus*; those who were charged in Lycia should be taken to the person holding the highest magistracy. The lack of specificity concerning the legal procedure to be followed in Lycia, and specifically the vague reference to “the holder of the highest magistracy” (τὸν τὴν μεγίστην ἀρχὴν ἔχοντα) without any attempt to define the office further, may indicate that this section was a generic clause – although such a clause does not appear in our other surviving treaties – that was “copied across from other similar treaties.”<sup>57</sup> Lycia was a federation

<sup>55</sup> Mitchell, *The Treaty Between Rome and Lycia*, 194.

<sup>56</sup> LL. 26-32 (SEG LV 1452): ὁ ἂν παρ' ἑκατέρων αὐτῶ(ν) κοινῆι ἀπηγορευμένων ὑπάρχει, τοῦτο μήτε κατὰ γῆν μήτε κατὰ (θά)λασσαν ἐξαγέτωι μηδὲ εἰσαγέτωι μηδεὶς · ἐὰν δέ τις ἐπιλήμφθη τούτων τι πεποιηκώς ἐπ' αὐτοφώρῳι, τοῦτον ὁ εὐθύνων ἐπὶ τὸν στρατηγὸν ἀγέτωι τὸν τοῖς ξένους καὶ πολεῖταις δικα(ι)οδοτοῦντα · ἐὰν δέ τις ἐν Λυκίαι ἐφάψηται τινος ἐπὶ τὸν τὴν μεγίστην ἀρχὴν ἔχοντα τὸν εὐθυνόμενον ἀγαγέτω πρὸς ἕτερον δὲ μηδένα · ὁ ἂν ἢ ἄγιον κατὰ τοὺς νόμους τοῦτο ἄγιον ἔστωι, τὰ δὲ λοιπὰ χρήμ(α)τα μὴ ἔστωι.

<sup>57</sup> Mitchell, *The Treaty Between Rome and Lycia*, 195-196: Although there is no clause similar to this in the other surviving treaties, Mitchell argues that its non-specific language suggests that the clause was not limited to this treaty between Rome and Lycia, but that it was a “standard feature of many inter-state agreements.”



made up of 23 different cities, which would vote on matters of state and elect magistrates, such as the *lykiarch* and other League officials.<sup>58</sup> If the treaty were meant to refer to the individual holding the highest magistracy in all of Lycia, that would likely have been the *lykiarch*, the highest official in the Lycian *koinon*.<sup>59</sup> It is also possible that the official “holder of the highest magistracy” was meant to refer to the holder of the highest local magistracy in whatever *polis* the dispute had arisen, rather than in all of Lycia. While it is not possible to determine this absolutely – because of the vagueness of the text and our relatively patchy knowledge of the internal structure of the League itself – the latter option is more likely, for if the *lykiarch* were the intended τὸν τὴν μεγίστην ἀρχὴν ἔχοντα this office would have been explicitly mentioned; by leaving the magistrate vague the clause can be applied to the different chief magistrates, as they varied in name from one Lycian city to the next.

The precise behavior that this clause was meant to address and the nature of the contraband itself are also matters of some uncertainty. Mitchell posits that the contraband mentioned in the treaty may have included weapons and even raw materials, such as timber, which could have military uses, in an attempt to control the movement of items that could facilitate warfare within the Empire, something that would have concerned the Romans during a period of (or immediately following) civil war.<sup>60</sup> Concern over the movement of arms into and out of the Near East might have been especially acute at the moment when the treaty was proposed because of the recent civil war, when Pompey had fled to the East from Pharsalus; although Pompey soon died, his actions pointed to the

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<sup>58</sup> Cf. Strabo 14.33. Also, cf. R. Behrwald, “The Lykian League,” in *Federalism in Greek Antiquity*, eds. H. Beck and P. Funke (Cambridge: Cambridge University Press, 2015), 403–418. Ultimately, the political structure of the League, its specific officials, and their duties remain largely unknown.

<sup>59</sup> The equivalent of the *strategos* in other Greek leagues.

<sup>60</sup> Mitchell, *The Treaty Between Rome and Lycia*, 197.

possibility that any Roman general could amass power and resources in Asia Minor for an attack on Rome. In fact, something along these lines did happen following Caesar's assassination, when Cassius and Brutus fled Rome for the East and raised up forces to fight Octavius and Antony; Brutus even besieged cities in Lycia after they refused to give him support against the Caesarians.<sup>61</sup> Alternatively, this clause has also been interpreted by some scholars, such as Mitchell, to be addressing customs regulations, rather than the import and export of materials for martial purposes, and the customs law of Asia (*lex portorii Asiae*) is alluded to by Mitchell, who believes that it might clarify the intent of this clause.<sup>62</sup> The *lex portorii Asiae* contains numerous clauses detailing such matters as regulations on the import and export of goods in the province of Asia and penalties for evasion, and there is a specific section in the law that may shed light on this clause from the Lycian treaty, which states: "No-one is to land or take out or export anything unregistered...except in both cases at the places listed above."<sup>63</sup> Thus, rather than referring to contraband or attempts to violate trade restrictions, the clause may actually be concerned with attempts to evade customs regulations, such as those enumerated in the *lex portorii Asiae*: "[W]hat such regulations [in the Lycian treaty] forbade," argues Mitchell, "was not the import or export of specific goods, but the import and export of those goods without paying the appropriate tariffs."<sup>64</sup>

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<sup>61</sup> Plut. *Brut.* 30-32; Appian. *BC.* 4.61-65, 4.76-80; Dio 47.34.

<sup>62</sup> Mitchell, *The Treaty Between Rome and Lycia*, 196. The *lex*, which survives in epigraphic form, was probably originally created in the 120s BC and went through a series of modifications and amendments by subsequent magistrates before coming to its definitive form in AD 62, which is preserved in an inscription; cf. M. Cottier et al., *The Customs Law of Asia* (Oxford: Oxford University Press, 2008), 1-13.

<sup>63</sup> LL. 53-55. Cottier et al., *The Customs Law of Asia*, 49.

<sup>64</sup> Mitchell, *The Treaty Between Rome and Lycia*, 197. Additionally, even though Lycia was not under Roman provincial control at this time, it is possible that because of Lycia's proximity to the province of Asia there was concern over goods being taken in and out of the Roman province through Lycia, and that establishing customs stations along Lycia's borders or coast to control and tax this trade was considered. Mitchell, *The Treaty Between Rome and Lycia*, 188 rules this out on the basis of Lycia's free status, but he

But what is most interesting in this clause, and what holds the most value for our present study, concerns the procedure for violations, and specifically, the location of the offenses – while Lycia is specified in cases handled by a Lycian magistrate (LL. 30-31), the jurisdiction of the Roman praetor seems to embrace everywhere *not* in Lycia. There is no specific location mentioned for where an individual had to be charged for violating the terms of this clause in order for his case to be handled by the *praetor peregrinus*; it is simply stated that it had to be ‘outside of Lycia’. There is also no attempt to define the territorial and jurisdictional boundaries of Rome, and what seems to emerge from this clause is a conception of Lycia as a geographical region with clearly defined borders, while Rome encompasses everything else – regardless of the realities of Rome’s provincial territories.<sup>65</sup> We will return to this idea shortly.

The next section concerns the administration of criminal law and capital offenses, first defining the nature of a capital crime, then laying down the procedure. The treaty’s formulation of what constitutes a capital crime specifies that killing a free man, selling a free man into slavery, doing anything of this sort with malicious intent, and committing a capital crime should be treated as capital offenses.<sup>66</sup> This definition is by no means

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may be putting too much stock in Lycia’s independence; Lycia was still in the orbit of Roman power, and may have been susceptible to Roman influence or eager to please the Romans, their liberators. Cottier, et al., *The Customs Law of Asia*, 22: “...the point of being a free city was that it was not part of a province, even though the Romans might locate a customs station there to control what went beyond into the province.” The possibility of a station being omitted from the text of the *lex portorii Asiae* is not out of the realm of possibility; cf. *ibid.* 104, 172.

<sup>65</sup> Mitchell, *The Treaty Between Rome and Lycia*, 196 touches on this issue of delineation (or lack thereof) of Roman territory, but he believes that this is because of the ‘artificiality’ of the section; the possibility of this being a deliberate, though subtle, statement on Rome’s sovereignty does not seem to have occurred to him.

<sup>66</sup> LL. 32-34: ἐάν τις τὸν ἐλ(ε)ύθερον ἀποκτείνῃ ἢ καὶ ἐκὼν ἀποδώτῃ ἢ καὶ (ί) τις δόλ(φ) πονηρῶ τούτων τι ποιήσῃ, εἴ τε καὶ πρῶγμα κεφαλικὸν ἐπιτελέσῃται, τοῦτο κεφαλικὸν ἔστω.

exhaustive or without potential loopholes, but the general sense is clear: “an[y] action that was aimed at the life or liberty of a free man was a capital crime.”<sup>67</sup> The following clause on procedure states that if a Roman citizen is charged with a capital crime in Lycia, he should be tried in Rome according to Roman law, and if a Lycian citizen is charged with a capital crime, he should be tried in Lycia according to his own laws.<sup>68</sup> The procedure appears to be equal for both Romans and Lycians, although the language is not identical: the procedure for Roman defendants explicitly refers to where the charge was made (Lycia) and where the trial should take place (Rome); Lycian defendants are also to be tried by their own laws, but the exact location where the trial should take place is omitted, as well as where the charge was originally made. It seems, from the language, that Roman and Lycian defendants were intended to be tried in their native city or country and according to their native laws when charged *in Lycia*. The omission in the case of Lycian citizens of the location where the charge was made is significant: what was the proper procedure for Lycians accused of capital offenses *outside of Lycia’s* borders? In Mitchell’s assessment, the fact that the location of the charge was included in the case of Roman defendants, but omitted in the case of Lycian defendants, is not problematic: “Roman citizens charged in Lycia, and Lycians charged in Rome in such cases were each to be tried according to their own laws in their native country. No significance should be attached to the omission of specific geographical location in the case of the Lycian citizen since the meaning was already clear.”<sup>69</sup> He later adds: “The

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<sup>67</sup> Mitchell, *The Treaty Between Rome and Lycia*, 199.

<sup>68</sup> LL. 34-36 (Roman defendant): περί τούτων τῶν πραγμάτων ἐὰν πολεΐτης Ῥωμαΐος εὐθύνηται ἐν Λυκία, κατὰ τοὺς ἰδίους νόμους ἐν Ῥώμῃ κρινέσθω, ἀ(λ)λαχῆ δὲ μὴ κρινέσθω. LL. 36-37 (Lycian defendant): ἐὰν δὲ Λύκιος πολίτης εὐθύνηται, κατὰ τοὺς ἰδίους νόμους κρινέσθω, ἀλλαχῆ δὲ μὴ κρινέσθω.

<sup>69</sup> Mitchell, *The Treaty Between Rome and Lycia*, 199.

Lycian treaty asserts explicitly that cases involving Roman citizen defendants should be referred to Rome. . . . On the other hand the treaty did secure precisely the reciprocal right for Lycian citizens, that capital charges against them should be heard in Lycian courts.”<sup>70</sup> Mitchell’s interpretation of this section seems mistaken, and especially his assumption that the rights established in the clause were parallel and equal for both Romans and Lycians, despite the glaring omission of any geographical indication of the location of the crime for Lycian defendants. I am in agreement with Mitchell on the matter of where Lycian defendants were intended to be tried, and that the intent of this clause was to ensure, for the Lycians, the privilege of being tried in Lycia and by their native laws. This all depends, however, on where the accusation was made and, thus, the omission of the geographical location of the charge is of great significance. Throughout this document it seems clear that the provisions that are laid out were intended to apply to situations that arose in Lycia, or Lycia’s vicinity, only, despite any appearance of reciprocity and equal engagement on the part of Rome.<sup>71</sup> According to Mitchell’s reading, this clause would have established for Lycians the same privileges in Rome that Romans enjoyed in Lycia: Lycians would have been allowed to return to Lycia to face trial, in accordance with their own laws, when they had been charged with a crime in Rome (or in any Roman province). If the Lycians had truly been extended equal status with Romans (in criminal matters) and the right to be tried in Lycia for crimes that they had been charged with in Rome (that is, the reciprocal privilege of Romans), then the location of where the charge was made would have been explicitly included in the language of the clause, as it was in the case of the Romans: ἐὰν πολεῖτης Ῥωμαῖος εὐθύνηται ἐν

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<sup>70</sup> Mitchell, *The Treaty Between Rome and Lycia*, 202.

<sup>71</sup> This may be the result of relatively little interaction between Lycians and Romans in Rome, and that Roman citizens in Lycia were more numerous than Lycian citizens in Rome.

Λυκία, κατὰ τοὺς ἰδίους νόμους ἐν Ῥώμῃ κρινέσθω.<sup>72</sup> Sánchez similarly takes issue with Mitchell's interpretation of this section and argues instead that the geographical indication for where the accused Lycian was charged was omitted because it is identical to the location in the first segment of the clause: ἐν Λυκίᾳ.<sup>73</sup> In other words, a Lycian's right to be tried under his own laws was considerably constrained.

Mitchell's reading of this clause is largely based on his belief that the right of jurisdiction in the defendant's native country was normal for free states, which had the right to arbitrate legal matters of a capital nature when their own citizens were the offenders.<sup>74</sup> This assessment is problematic when one considers (for example) a decree from the free city of Colophon in Asia Minor, which was passed in the late second century BC in honor of Menippos, who had secured for his fellow citizens the privilege of having legal disputes handled in Colophon, in accordance with local law, and with no interference from the proconsul or any other Roman authority – even in cases involving Roman citizens.<sup>75</sup> The language of this decree, and the fact that such a decree was created, suggest that this was something unique and not the type of right extended to most autonomous cities. Thus, rather than being the normal situation for free states, as Mitchell argues, the right of jurisdiction in the defendant's native country seems to have been a distinct privilege, which was infrequently extended – which is why Colophon felt Menippos' achievement worthy of commemoration.

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<sup>72</sup> L. 35.

<sup>73</sup> P. Sánchez, "La convention judiciaire dans le traité conclu entre Rome et les Lyciens (P.Schøyen I 25)," *Chiron* 37 (2007): 367-368.

<sup>74</sup> Mitchell, *The Treaty Between Rome and Lycia*, 200.

<sup>75</sup> *SEG XXXIX* 1243, 1244; J. and L. Robert, *Claros I: Décrets hellénistiques* (Paris: Editions Recherche sur les civilisations, 1989), Ménippos I-III; J. – L. Ferrary, "After the Embassy to Rome," in *Diplomats and Diplomacy in the Roman World*, ed. C. Eilers (Leiden: Brill, 2009), 141-142. For a similar situation involving Chios, cf. *RDGE* 70 (L. 14-18); A. Lintott, *Imperium Romanum: Politics and Administration* (London: Routledge, 1993), 39-40, 62-63.

Mitchell's generalization on this matter requires further discussion, in no small part because of the rather complicated matter of the nature of Lycia's free status. Officially, Lycia's freedom was granted in 167 BC, following the Third Macedonian War with Perseus, when Rome liberated Lycia (and Caria) from Rhodian control. The legitimacy of this action was derived from the fact that Lycia had originally been secured for Rhodes by Rome after the war with Antiochus III, in the Treaty of Apamaea (188 BC). The reason given for emancipating Lycia was Rhodes' inadequate support of Rome during the Third Macedonian War.<sup>76</sup> The fact that Rome was responsible for Lycia's liberation may have inspired a sense of indebtedness in the Lycians, as well as a latent fear that their liberty could be revoked at Rome's discretion.<sup>77</sup>

Other factors that could have caused uncertainty among the Lycians over their status are the terms by which Rome granted Lycia's freedom, and whether these terms explicitly laid out the unconditional nature of Lycia's freedom, or whether they were vague and unspecified. Given Rome's tendency to avoid specificity and delineation whenever possible, it is not improbable that the bestowal of freedom on Lycia did not include a precise definition of what this gift was and what sort of expectations, if any, Rome had for Lycia in the future. In fact, following Rome's grant of Lycia to Rhodes in

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<sup>76</sup> The loss of Roman favor had a grave impact on Rhodes, and several cities under Rhodian control used it as an opportunity to assert their own independence and break free; additionally, the loss of Lycia and Caria, and the revenue generated from these territories, was a dramatic loss of income for Rhodes and marked the beginning of an economic, and eventually political, decline. Rome's bestowal of freedom would not have been forgotten by Lycia, nor would Rome's treatment of Rhodes, which would have served as a powerful deterrent to any other states in the Greek East to attempt something against the interests of Rome. On the Treaty of Apamaea, cf. Liv. 37.55-56, 38.38-39; Plb. 21.24.7, 25.4.5, 46.8-11; Sherwin-White, *Roman Foreign Policy in the East*, 22-27. On Lycia's liberation from Rhodes, cf. Polybius 29.19.5-10; E. S. Gruen, *The Hellenistic World and the Coming of Rome* (Berkeley: University of California Press, 1984), 569-573; Sherwin-White, *Roman Foreign Policy in the East*, 31.

<sup>77</sup> According to official, polite policy towards the Greek East this was not within Rome's power to do – at least not while Lycia remained a 'friend and ally' of Rome – but in the *realpolitik* of Roman relations with less powerful states, this was something that the Romans would have had no scruples doing.

188 BC, there was considerable confusion over the nature of that grant and of Lycia's status under Rhodian power. The Rhodians thought that the assignment of Lycia was an "absolute gift" and as such, they attempted to impose direct control over Lycia; the Lycians, on the other hand, resisted these attempts and claimed that they should be treated as "self-governing allies."<sup>78</sup> Following a rebellion against Rhodian control, which was harshly put down, the Lycians made an appeal to Rome about their cruel treatment at the hands of the Rhodians in 177 BC. The Senate responded that Rome had intended (in the Treaty of Apamea and its corresponding *senatus consultum*) Lycia to have the same relationship to Rhodes as allied states had to Rome, but did not make any further attempts to intervene on Lycia's behalf.<sup>79</sup> This situation is enough to explain any possible confusion surrounding Lycia's status prior to its emancipation in 167 BC, for the vagueness of Rome's assignment of Lycia to Rhodes was insufficiently resolved by the Senate's response, which might have provided some clarification, but was far from satisfying. A similarly ambiguous situation may have arisen in 167 BC, leaving the Lycians without a precisely determined conception of their freedom and status.

Thus, Lycia's complicated past with Rome does not support Mitchell's assertion of Lycia's unambiguous freedom.<sup>80</sup> It is exceedingly improbable that the terms of the treaty gave Lycians the right to be tried in Lycia and according to their own laws, regardless of where the crime occurred and where the charge was made. Furthermore, in light of the honorific decree from Colophon discussed above, Mitchell's claim that the right of jurisdiction in the defendant's native country was held by all free states seems mistaken. Regardless of whether or not Lycia was, strictly speaking, a free and

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<sup>78</sup> Sherwin-White, *Roman Foreign Policy in the East*, 24.

<sup>79</sup> Liv. 37.55.5, 38.39, 41.6; Plb. 22.5, 25.4-6; Sherwin-White, *Roman Foreign Policy in the East*, 24.

<sup>80</sup> Mitchell, *The Treaty Between Rome and Lycia*, 200-201.



autonomous state, her status was not equal to Rome's, and any interpretation of this clause that suggests that Lycians had obtained equal status to Romans in capital matters is implausible. Rather than outlining the normal legal situation for free states or confirming a special privilege for the Lycian League, what this clause actually seems to demonstrate is a weakening of the Lycians' jurisdictional rights: Lycian defendants are afforded the privilege of being tried in Lycia and by their only laws *only if* they had been charged *in Lycia*.

The following section on civil disputes and the procedure for adjudication raises related issues and concerns.<sup>81</sup> The difficulty of this clause is due in large part to Mitchell's interpretation and translation:

If any Roman concerning other matters should be engaged in a dispute with a Lycian, let him be judged in Lycia according to the laws of the Lycians, and let him not be judged anywhere else. But if a Lycian is engaged in a dispute by a Roman, whatever magistrate or promagistrate happens to be dispensing justice, whichever of them the disputants approach, let him dispense justice and let him set up a court for them.<sup>82</sup>

Following Mitchell's translation, it appears that this clause gave the complainant, that is the individual initiating the lawsuit, the privilege of having the case adjudicated according to his native laws: a Lycian sued by a Roman had to appear before the Roman (pro)magistrate, while a Roman citizen sued by a Lycian had to have his case heard in a Lycian court. This, then, is the antithesis of the procedure laid out for criminal matters, which is one reason why Mitchell's interpretation should be doubted. In capital trials it is clear that the location of jurisdiction conformed to the nationality of the accused

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<sup>81</sup> LL. 37-43: ἐὰν δὲ τις περὶ ἐτέρων προ(α)γμάτων Ῥωμαῖος (παρ)ὰ Λυκίου μεταπορεύηται, κα(τὰ) τοὺς Λυκίων νόμους ἐν Λυκίᾳ κρινέσθω, ἀλλ(α)χῆ δὲ μὴ κρινέσθω · ἐὰν δὲ Λύκ(ι)ος παρὰ Ῥωμ(α)ίου μεταπορεύηται, ὅς (ἂ)ν ἄρχων ἢ(ἀ)ντάρχων τυγχάνη δικαιοδοτῶν πρὸς ὃν (ἂ)ν αὐτῶν προσέλθωσιν οἱ ἀμφισβητοῦντες, οὗτος αὐτοῖς δικαιοδοτεῖται κ(ρ)ιτήριον συνιστανέτω, διδότη τε τὴν πᾶσαν ἐργασίαν ὅπως περὶ τούτου τοῦ πράγμ(α)τος ὡς ὅτι τάχιστ(α) τὸ κρ(ι)τήριον καθὼς ἂν αὐτῷ φαίνεται δικ(α)ιον εἶναι καὶ καλῶς ἔχον συντελέσθῃ · ῥύσιον λαβεῖν μὴ ἐξέστω.

<sup>82</sup> Mitchell, *The Treaty Between Rome and Lycia*, 171.

(provided that, as just discussed, the charge was made in Lycia), and it is hard to understand why the opposite practice, favoring the plaintiff, would be adopted for civil and non-capital cases.<sup>83</sup> Following Sánchez, the procedure laid out in this clause should be understood thus: if a Roman were engaged in a civil dispute *by* a Lycian (i.e. Roman is the defendant) he should be judged according to Roman law, and a Roman (pro)magistrate should handle the case; likewise, if a Lycian were engaged in a civil dispute *by* a Roman (i.e. the Lycian is the defendant) he should be judged in Lycian and according to Lycian law.<sup>84</sup>

Even though the treaty does not specify where these disputes originated, like the preceding clause on capital offenses, this clause should be similarly read as being concerned with legal disputes that arose in Lycia only; it was not meant to be applied to disputes that arose in Rome proper (which would have been handled by the *praetor peregrinus*, in accordance with Roman civil law) or in Rome's provinces. That Lycians, who were sued by Romans, could be tried in Lycia, according to their own laws, initially seems like a privilege. But if the same situation arose in a Roman province or in Rome, would the case then be referred to a Lycian official and tried in Lycia? The answer is undoubtedly no. So, while a Roman in Lycia, who was sued by a Lycian, could have his case handled by a Roman magistrate outside of Lycia, the same cannot be said of a Lycian in any Roman territory. The effect of this is that Roman authorities enjoyed a far larger sphere of jurisdiction and authority than their Lycian counterparts, and even than

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<sup>83</sup> Sánchez, “La convention judiciaire dans le traité conclu entre Rome et les Lyciens (P.Schøyen I 25),” 369. Sánchez cites the *lex Rupilia* (123 BC) on the administration of justice in Sicily as evidence contradicting Mitchell's interpretation, which asserted that in civil litigation between Sicilians and Romans citizens the privilege of being tried by fellow citizens belonged to the defendant and not the plaintiff. Cf. Cic. *Verr.* 2.2.32.

<sup>84</sup> The dispute arises mainly from the reading of *παρὰ μεταπορεύηται*, in LL. 37-8: Ῥωμαῖος [παρὰ] Λυκίου μεταπορεύηται and L. 39: Λύκ(ι)ος παρὰ Ῥωμ(α)ίου μεταπορεύηται. Mitchell restores *μετὰ*, instead of *παρὰ*, in L. 37.

the territory they formally possessed as provinces. The way this section is set up also seems to have created a situation in which it would have been harder for a Lycian to seek redress against a Roman, since he had to travel to find a Roman (pro)magistrate to handle his case.<sup>85</sup> Once again we see the Romans privileged over the Lycians, despite the superficial appearance of symmetry in the terms for procedure, and the subtle encroachment of Roman authority on Lycia's supposed independence.

The next section is concerned with pledges, ransom, and captured goods.<sup>86</sup> The final clause of this section guarantees the freedom of any captured Lycian who appeared in Rome and of any captured Roman who appeared in Lycia;<sup>87</sup> what this means is that if any free Roman were captured in war, he would regain his free status as soon as he set foot on Lycian soil, just as if it were Roman, and if any free Lycian were captured in war (and subsequently sold into slavery), he would regain his free status as soon as he set foot in Rome. The inclusion of this clause was probably the consequence of differences in Roman law and Lycian law concerning the status of slaves and the status of

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<sup>85</sup> The clause also stipulates that the magistrate should set up a court and should ensure that the judgment is delivered as swiftly as possible. That the (pro)magistrate should 'set up a court' (κριτήριο συνιστανέτω) could refer to a variety of actions, such as the Roman magistrate handling the entire case himself (that is, presiding over the trial and delivering the verdict), or the Roman magistrate organizing the trial but assigning jurors, or even deferring the entire matter to local authorities; the scope granted for interpretation in this clause is, unsurprisingly, broad. It is not specified where this Roman (pro)magistrate should be approached, whether it be a (pro)magistrate who happened to be in Lycia at the time or if the disputants would have to appeal to one of the Roman (pro)magistrates in a neighboring province.

<sup>86</sup> LL. 43-52: ἐὰν δέ τις λαβῆ, ἐπιτείμιον ἔστω ἐκάστης ἡμέρας ἕως ἂν ἀποδώῃ τὸ ῥύσιον σησερτίους νόμοις πεντακοσίους · ἐὰν Ῥωμαῖος Λύκιον ἢ Λύκιος Ῥωμαῖον ἐκ πολεμίων λυτρώσῃται, τὸ κεφάλαιον τοῦ χρήματος ἀποδιδότωι · ἐ(ἂ)ν Ῥωμαῖον πολέμο(ι) λαβῶσιν καὶ μετὰ ταῦτα Λύκιοι τούτου ἐγκρατεῖς γενηθῶσιν, ἀποδιδότωσαν Ῥωμαῖοις τούτον, ὡς ὁμοίως δὲ καὶ Ῥωμαῖοι Λυκίοις ἀποδιδότωσαν, ἐὰν τι τοιούτων συμβῆι · ἐὰν τις ἐκ πολεμίων ἀνασώσῃ ἵππον ἄνθρωπον πλοῖον, ἀποκαθιστάτωι καὶ δίδότωι, τὰ δὲ λοιπὰ χρήματα αὐτὸς ἐχέτωι · ἐὰν Λύκιος ἐκ πολεμίων ἀνασώθῃς εἰς Ῥώμην παραγένῃται, ἐλεύθερος ἔστω, ὡς ὁμοίως δὲ καὶ Ῥωμαῖοι τὸ αὐτὸ δίκαιον ἐν Λυκίαι ἔστωι.

<sup>87</sup> LL. 50-52: ἐὰν Λύκιος ἐκ πολεμίων ἀνασώθῃς εἰς Ῥώμην παραγένῃται, ἐλεύθερος ἔστω, ὡς ὁμοίως δὲ καὶ Ῥωμαῖοι τὸ αὐτὸ δίκαιον ἐν Λυκίαι ἔστωι.

prisoners of war. In his commentary on this treaty, Mitchell explains these points of difference and why this last clause was considered necessary:

In Roman private law the mere fact of capture by an enemy caused a Roman to exchange citizen status for that of a slave. Freedom and citizenship were recovered when the erstwhile captive returned to territory under direct Roman sovereignty, according to the right known as *postliminium*. In Greek eyes, captivity in itself did not affect a person's status. Slave status was a consequence of being treated as a slave, in particular by being sold to a third party. The effect of the treaty, from a Roman viewpoint, was to say that a Roman captive, who ended up on Lycian soil, should be deemed a free person according to the right of *postliminium*, exactly as if he or she had returned to Roman territory. From a Lycian viewpoint the clause was drafted with an explicit mention of the city of Rome itself. It was therefore concerned precisely with the status of those Lycians who had been sold into slavery after capture and taken to Rome with their new masters.<sup>88</sup>

For the Greeks, one did not become a slave by capture, but by being treated like a slave (e.g. being sold into slavery). In Roman law, a Roman was stripped of his citizenship and became a slave as soon as he was captured by an enemy, but he could recover his freedom and citizen status as soon as he entered any territory under direct Roman control. What is especially interesting about this clause is that by stipulating that a captured Roman should regain his freedom as soon as he enters Lycia, Lycia becomes the equivalent of Roman soil; despite Lycia's independence, here it is treated like an extension of Rome and like a Roman province.

The final lines of the inscription record the names of the men who performed the sacrifices (in accomplishment of the oath) and made the libations on either side:<sup>89</sup> on behalf of the Roman people, Lucius Billienus performed the sacrifice and Lucius Fabricius Licinus performed the libation; on behalf of the Lycian *koinon*, Aristippus performed the sacrifice and Adeimantus performed the libation, with the Lycian ambassador Naucrates also in attendance. The two Romans who carried out the sacrifice

<sup>88</sup> Mitchell, *The Treaty Between Rome and Lycia*, 209.

<sup>89</sup> LL. 74-79: ὑπὲρ τοῦ δήμου τοῦ Ῥωμαίων τοῦτο τὸ ὄρκωμόσιον ἔτεμεν Λεύκιος Βιλλήνιος Γαίου υἱὸς φυλῆς Οὐελείν(α), ἔτελείωσεν Λεύκιος Φαβρίκιος Λευκίου υἱὸς Μενηγία Λικινός · περὶ τοῦ κοινοῦ τοῦ Λυκίων ἔτεμεν Ἀρίστιππος Φιλεταίου υἱὸς πρεσβευτῆς, ἔτελείωσεν Ἀδεϊμάντος Ἀδεϊμάντου υἱὸς πρεσβευτῆς, συναρῆν Ναυκράτης Ναυκράτου υἱὸς πρεσβευτῆς.

and libation were almost certainly fetial priests;<sup>90</sup> the *fetiales*, in the early Republic, were responsible for declarations of peace and war and their accompanying rituals, and for ensuring that Rome did not embark on any unjust or unpropitious wars.<sup>91</sup> Although the *fetiales* had played a prominent role in Rome's foreign policy in the early Republic, their role gradually diminished as the Senate began to assume responsibility for foreign diplomacy, and by the late Republic "the fetials were one of the obscurest priestly colleges."<sup>92</sup> In light of the relative obscurity and "social insignificance" of the fetial priests at this point, Mitchell concludes that Lucius Billienus and Lucius Fabricius Licinus were "unremarkable rank-and-file senators holding inconspicuous priesthoods."<sup>93</sup> The Lycian officials who conducted the sacrifice on behalf of the Lycian *koinon*, Aristippos and Adeimantos, are not known outside this treaty, but Mitchell assumes that they were the leading magistrates of the Lycian League. The third Lycian also present at the ceremony, Naucrates, also seems to have been a prominent figure in the Lycian *koinon*, and is probably the same Naucrates mentioned by Plutarch: the popular leader who persuaded the Lycian cities to rebuff Brutus' (subsequent) demands in 43 BC for money and troops.<sup>94</sup>

The inscription of Rome's treaty with Lycia is in Greek, which strongly suggests that it is not the text that was displayed in Rome, but that it is the copy that was published in Lycia. The most likely provenance of the inscription is the Letoon sanctuary at

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<sup>90</sup> Mitchell, *The Treaty Between Rome and Lycia*, 238.

<sup>91</sup> See A. Watson, *International Law in Archaic Rome: War and Religion* (Baltimore: Johns Hopkins University Press, 1993), 1-28 for comprehensive description of the duties and rituals of the *fetiales*.

<sup>92</sup> Mitchell, *The Treaty Between Rome and Lycia*, 239.

<sup>93</sup> Mitchell, *The Treaty Between Rome and Lycia*, 239.

<sup>94</sup> Plut. *Brut.* 30.

Xanthus, the central sanctuary of the Lycian *koinon*,<sup>95</sup> “the federal association of Lycian cities.”<sup>96</sup> In Rome, statutes and other official documents, such as treaties, were inscribed in bronze and were then set up on the Capitol, on or around the temple of Jupiter Optimus Maximus.<sup>97</sup> Bronze was used because it was believed to endow a text with a unique “inviolability and permanence,”<sup>98</sup> and “inscription on bronze was virtually a *sine que non* for the publication of official and legal documents in Rome.”<sup>99</sup> The promulgation of a treaty in a bronze inscription was an essential part of “Roman diplomatic arrangements,”<sup>100</sup> although it was not required that the copy sent to Rome’s treaty partner be inscribed in bronze as well, and usually treaties and decrees erected in the Greek East were carved in stone.<sup>101</sup> It is therefore unusual, though not unprecedented, that the Greek copy of the Lycian treaty was engraved on a bronze plaque, in accordance with Roman custom.

It is now time to turn our attention back to Caesar: his prominence in the treaty, his personal agency in its formulation and ratification, and the nature of the ‘law of Caesar’. Ultimately, the treaty was ratified in accordance with the so-called ‘law of Caesar’ (LL. 5, 63), which may refer to a specific *lex Iulia* that was passed for this precise situation or for formal treaties in general. It also may refer, as some scholars have argued, to the overall legal authority granted to Caesar by the Senate and the people to make decisions in matters concerning war and peace, and, thus, to arrange personally,

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<sup>95</sup> Strabo 14.3.6.

<sup>96</sup> S. Mitchell, “The Treaty Between Rome and Lycia of 46 BC (MS 2070),” in *Papyri Graecae Schøyen*, ed. M. Pinaudi (Florence: Papyrologica Florentina, 2005), 183.

<sup>97</sup> J. Bodel, ed., *Epigraphic Evidence: Ancient History from Inscriptions* (London: Routledge, 2001), 24.

<sup>98</sup> *Ibid.* 23.

<sup>99</sup> Mitchell, *The Treaty Between Rome and Lycia of 46 BC (MS 2070)*, 83.

<sup>100</sup> *Ibid.* 179.

<sup>101</sup> Bodel, ed. *Epigraphic Evidence*, 23; Mitchell, *The Treaty Between Rome and Lycia*, 184.

and conclude, formal treaties of alliance.<sup>102</sup> As I discussed at the beginning of this paper, it is likely that Caesar was approached by Lycian envoys, requesting ‘friendship and alliance’ with Rome, while in the East in 48 BC; it is similarly likely that Caesar granted this request and subsequently organized the terms of the treaty between Rome and Lycia, personally endorsing its various clauses and provisions. The language of the treaty strongly indicates that the arrangements laid out in the *foedus* were originally made and approved of by Caesar himself: καθὼς Γάϊος Καίσαρ ὁ αὐτοκράτωρ ἔκρεινεν ἢ τε σύνκλητος δογματίσασα συνεπεκύρωσεν τῷ τε νόμῳ τῷ Καίσαρος πεφυλαγμένον καὶ κατησφαλισμένον ἔστιν. The matters that Caesar had decided (ἔκρεινεν), concerning the treaty, were also confirmed by the Senate, and were guaranteed by the ‘law of Caesar.’<sup>103</sup> But by what authority did Caesar make this alliance, and dictate the terms of the treaty, with Lycia? Regardless of whether or not Caesar possessed the *de facto* power to do so,<sup>104</sup> the legal basis for his actions requires discussion. Following his victory over Pompey at Pharsalus, Caesar was voted the dictatorship *in absentia* for a period of one year (rather than the traditional six months) in October of 48 BC,<sup>105</sup> and it is possible that the legality of Caesar’s initial decision regarding Lycia was

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<sup>102</sup> Wiseman, *Remembering the Roman People*, 199: “The arrangements that were sworn to had been decided by Gaius Caesar...they were guaranteed by what the Lycians’ Greek text calls ‘Caesar’s law’...which must be the legal authority the Senate and People had given him to decide on matters of peace and war.” Cf. G. Kantor, “Roman Treaty with Lycia (*SEG* LV 1452) and the Date of Caesar’s Third Dictatorship,” *Zeitschrift für Papyrologie und Epigraphik* 190 (2014): 135: The decision of Caesar “derived its validity from the legal authority the Senate and People had given him to decide on matters of peace and war, and was further confirmed by an additional senatorial decree...”

<sup>103</sup> LL. 62-64. Mitchell, *The Treaty Between Rome and Lycia*, 236: “What Caesar had decided had been additionally confirmed by a senatorial decision and thus acquired the force of a law in Caesar’s name. It was in accordance with this law that the formal oath of allegiance was sworn.” Cf. Wiseman, *Remembering the Roman People*, 199.

<sup>104</sup> Bradford 238: “The conquest of Gaul had already proved his point – that the general in command of a victorious army, backed by the wealth resulting from his conquest, does not need the dispensation of the Senate.”

<sup>105</sup> Wiseman 197-8. Caesar was also voted the consulship for a period of 5 years. Bradford, *Julius Caesar*, 201-203, 254; Yavetz, *Julius Caesar and His Public Image*, 59. Cf. Dio 43.14.3.

derived from his authority as dictator.<sup>106</sup> In Mitchell's assessment, this Lycian treaty "illustrate[s] the nature of Caesar's powers during his dictatorship and indicate[s] some of the ways in which they were exercised...[and] in particular his authoritative decisions to create treaties with allied cities, which had the explicit force of law."<sup>107</sup> Dio tells us that Caesar was granted by the people – in addition to his dictatorial powers – the legal authority to make decisions concerning matters of war and peace, as well as the power to deal with Pompey's supporters at his discretion; Dio also comments that, even though Caesar had already taken these powers himself, he wanted his actions to have the appearance of legal authority as well.<sup>108</sup> It is important to note, however, that Dio's view of Caesar's legal powers may be retrospective. Dio may have based his assessment either on similar powers possessed later by emperors or on Caesar's actions; in other words, the very fact that Caesar did these things may have led Dio to assume that there was some sort of legal foundation for them.

Thus, Caesar's motivation for having his arrangements confirmed by the Senate requires examination. As mentioned earlier, the creation and ratification of the treaty between Rome and Lycia came at a time of significant social and political upheaval, as well as at an important moment in Julius Caesar's career, prior to his acceptance of the title of dictator for life, and therefore before he ceased to be concerned with even the appearance of adhering to the traditional Republican ways of creating and confirming treaties. While it is possible that Caesar thought that the Senate's approval was required for the legality of his decision, it seems more likely that Caesar sought the Senate's confirmation, by *senatus consultum*, in an effort to endow his actions with legitimacy by

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<sup>106</sup> Suet. *Iul.* 76.

<sup>107</sup> Mitchell, *The Treaty Between Rome and Lycia*, 237.

<sup>108</sup> Dio 42.20.1. J. A. Crook et al., *The Cambridge Ancient History*, 458-459.



maintaining the semblance of Republican tradition and of stability in an environment of significant political upheaval and uncertainty.<sup>109</sup> The revival of the *fetiales* in the confirmation of the treaty, whose role in Rome's foreign policy had been in decline for quite some time by this point, similarly points to Caesar's desire to surround his decision with the traditional trappings of Republican treaty-making. Rather than legal necessity, Caesar's choice to have the Senate confirm his terms was more likely a matter of tact and political strategy. Traditionally, the Senate had controlled matters of alliances and the arrangement of treaties, but it seems unlikely that in this instance the Senate did little more than give its stamp of approval, and it is likely too that it was not involved at all in the drafting of the treaty or in any potential revision.<sup>110</sup> It would seem, then, that up until the treaty's ratification, at least, Caesar still desired to maintain the illusion, transparent as it might have appeared to his contemporaries, of acting within Republican bounds and in accordance with custom.<sup>111</sup>

What emerges from this document, and specifically from the unique clauses that we have examined here, is a subtle extension of Rome's territorial boundaries and the assumption of sway over an increasingly growing area – from the first, almost everything outside of Lycia is treated as subject to Roman jurisdiction, and by the end of the treaty Rome has assumed some sovereignty over Lycia itself, despite Lycia's free status. It is clear from the language of the treaty, and from his prominence in it, that Caesar had

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<sup>109</sup> On this period cf. Yavetz, *Julius Caesar and His Public Image*, 177: "...the picture is partly...one of change and partly one of continuity, but in most cases a mixture of both. What, however, is more important is that things were not functioning properly."

<sup>110</sup> Another possibility is that the senatorial decree, confirming Caesar's arrangement, may have been requested by the Lycians, who, although recognizing Caesar as the supreme authority of Rome, were concerned about what might happen to their status and privileges in the event of Caesar's death or another civil war, and, thus, wanted the Senate's endorsement to ensure that the terms of the treaty, guaranteed by Caesar, would be permanent.

<sup>111</sup> J. A. Crook et al., *The Cambridge Ancient History*, 458: "At the start of the war...Caesar stressed constitutional propriety, and tried to act on some sort of precedent. Irregularities gradually crept in."

significant agency in the formation and confirmation of Rome's alliance with Lycia, and because of this, we can look at these unique elements of the treaty through the lens of Caesar's mindset. Based on what is known about Caesar, and in light of his victory over Pompey at Pharsalus and the subsequent grants of power and honors from the Senate and the people,<sup>112</sup> as well as his reception in Asia Minor in 48 BC, it is not difficult to see how Caesar's conception of Roman sovereignty, and his own power and authority, began to swell. By personally granting this alliance – as well as those with Mytilene, Rhodes, and Cnidus – and dictating the terms of the treaty, with little to no input from the Senate, the body that usually controlled such matters, Caesar became an embodiment of the Roman State itself. He alone could grant privileges and alliances, and he did not require the dispensation of the Senate to do so. Caesar, increasingly emboldened by his victories and by the honors and powers heaped upon him, drafted the terms of this treaty to reflect, as he envisioned it, the boundlessness of Roman supremacy, encompassing not only the areas formally in Rome's power as provinces, but even those areas that were formally independent and free from Roman control.

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<sup>112</sup> E.g. the consulship for a period of five years (rather than the traditional one year), the dictatorship for one year (rather than the traditional 6 months), tribunician power, the authority to make decisions in war and peace, and the power to do deal with Pompey's supporters at his discretion. Cf. Dio 42.20.1.

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### **Abbreviations**

<i>ARS</i>	<i>Ancient Roman Statutes</i>
<i>CIL</i>	<i>Corpus Inscriptionum Latinarum</i>
<i>IG</i>	<i>Inscriptiones Graecae</i>
<i>OGIS</i>	<i>Orientis Graeci Inscriptiones Selectae</i>
<i>RDGE</i>	<i>Roman Documents from the Greek East</i>
<i>SEG</i>	<i>Supplementum Epigraphicum Graecum</i>
<i>Syll</i> <sup>3</sup>	<i>Sylloge Inscriptionum Graecarum</i> , 3 <sup>rd</sup> edition

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