

TRIUMVIRATE AND PRINCIPATE*

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I. INTRODUCTION

More than thirty years after its publication *The Roman Revolution* still stands unrivalled, not as the 'definitive' account of the emergence of a monarch from the ruins of the Republic but as something far more than that, the demonstration of a new method in the presentation of historical change. The aspect of this method, which has found most imitation, is of course prosopography; and it is indeed essential to it. But far more important is the use made of contemporary literature to mirror events, and to analyse and define the concepts and the terms in which the events were seen by those who lived through them.

It is the common characteristic, perhaps even the definition, of great works of history that they invite imitation and offer a challenge, not just to apply their methods and standards to other areas, but to pursue their own conclusions further. The present paper is gratefully offered as an attempt to portray with a different emphasis some aspects of the establishment of Octavian as a monarch, first by demonstrating the extent to which the institutions of the *res publica* remained active in the Triumviral period, and secondly by redefining the change which culminated in 27 B.C., precisely by asking again in what terms it and the *novus status* which emerged from it were seen by contemporaries.

Monarchy is an infinitely complex phenomenon, in each case unique to the particular society from which it springs. The complexity is only increased when it emerges from a centuries-old aristocratic republic whose web of customs, rights and traditions is dignified by moderns with the title of a constitution; and further when it immediately involves the direct relationship of the monarch to a vast range of regions and communities of varying cultures and political characters. This is the essential new factor, foreshadowed by Pompey during his command in the East, and briefly in Rome by Caesar as dictator. Moreover it allows us to simplify, and to focus a large part of the discussion on a single criterion of monarchy, the issuing by the monarch of pronouncements which are themselves treated by his subjects as effective legal acts. It is all-important to stress the difference between these and pronouncements which either complete some collective legal process, or merely promise that such a process will take place. Among such effective pronouncements the personal judicial verdicts of the monarch have a particular significance. Considerations such as these will be vital in determining the relevance of the Triumviral period to the emergence of monarchy, and the nature of the change completed in 27 B.C.

II. THE TRIUMVIRATE AND THE *RES PUBLICA*

Nobody, then or since, could dispute that the Triumviral period was profoundly marked by violence, illegality and the arbitrary exercise of power. This view was openly expressed at the time by the jurist Cascellius, who refused to give a *formula* in respect of properties granted by the *triumviri*, 'universa eorum beneficia extra omnem ordinem legum ponens'.¹ Even Octavian himself admitted this, abolishing (whatever

*An earlier version of this paper was given at a research seminar in Berkeley in the Autumn of 1968, and part of a more recent version at the Scuola Normale Superiore at Pisa in January 1973. It is offered here first and foremost as a tribute to Sir Ronald Syme; secondly as an attempt to make some preliminary remarks about the unpublished Triumviral documents from the excavations by Professor Kenan Erim at Aphrodisias, which Miss J. M. Reynolds has very kindly allowed me to use; and thirdly as the last of a series of preliminary studies towards a book to be called *The Emperor in the Roman World*. I am most grateful for critical comment (and general dis-

agreement) to Professors E. Badian and G. W. Bowersock in Harvard and A. D. Momigliano and E. Gabba in Pisa, and to Miss Reynolds for generous advice and assistance.

The new dossier of Triumviral and Imperial documents from the theatre of Aphrodisias is reported by K. T. Erim and J. M. Reynolds in *JRS* lix (1969), 56, and by Erim in *AJA* lxxiv (1970), 174. A discussion of these documents by Miss Reynolds is due for publication in the *Acta* of the Sixth International Congress of Greek and Latin Epigraphy, Munich 1972.

¹ Val. Max. vi, 2, 12.

that may mean) all that had been done unlawfully and unjustly up to his sixth consulate in 28 B.C.² None the less, if we rely too uncritically on the famous, but also typically emotive, rhetorical and imprecise, phrase of Tacitus which introduces his reference to this 'abolition'—'exim continua per viginti annos discordia, non mos, non ius'³—we shall miss important features of the Triumviral situation.

It is necessary to emphasize first how little can be confidently deduced from the brief accounts we have of the establishment of the Triumvirate, which in this respect resemble the accounts of the 'settlement' of 27.⁴ Moreover the evidence we have relates partly to the pact of Bononia and partly to the lex Titia itself. In spite of a very useful recent discussion⁵ it is necessary to review the main points here.

For the actual powers of the triumvirs, none of our earliest sources, Livy as represented in the *Epitome*, Augustus himself in the *Res Gestae*, and Velleius Paterculus, gives any help. Nor does the opening narrative section of Suetonius' *Divus Augustus* (12-13) or his later references (27, 96), or the descriptions of the pact and the proscriptions in Plutarch's *Cicero* (46) and *Antonius* (19-20), or in Florus (ii, 15). So it is important to emphasize that the narrative sources on which we depend for our conception of the formation of the Triumvirate and the powers of its members are essentially Appian and Dio. From Appian, *BC* iv, 2/4-7 on the pact of Bononia we learn that their power was to be equal to that of the consuls, and to last for five years. They were to appoint (ἀποφῆναι) the city magistrates at once for each of the next five years. They were to divide the governorships of provinces and 'have' (ἔχειν) the different regions separately. Nothing is said about how the government of the provinces would actually work, except that in 3/9 it is said that Lepidus was to be consul for the following year, to remain in Rome and to govern Spain through others (δι' ἑτέρων). When Appian in iv, 7/27 comes to describe the passing of the tribunician Lex Titia itself he repeats only the detail that their power was to be consular and for five years.

Dio, describing Bononia (xliv, 55, 3-4), mentions the five-year term, the right to give ἀρχαί and τίμια, and the division of the provinces (ἀρχεῖν δοθῆναι); he does, however, add some sort of definition of their powers—ὥστε τὰ τε ἄλλα πάντα, κἂν μηδὲν ὑπὲρ αὐτῶν μήτε τῷ δήμῳ μήτε τῇ βουλῇ κοινώσωσι, διοικεῖν. He adds, still describing Bononia, that they agreed on executions of their enemies (xliv, 56, 1). When mentioning their subsequent actions in Rome he makes only a passing allusion to the Lex Titia—ἃ γὰρ ἐπετάττον καὶ ἐβιάζοντο, τὸ τε ὄνομα τοῦ νόμου ἐλάβανε (xlvii, 2, 2). It is thus evident that our major sources for these events are not only remote from them in time but lacking in clarity. Only the *Epitome* of Livy tells us formally that the Lex Titia gave a legal basis to the proscriptions; only Aulus Gellius (xiv, 7, 5) records that the Triumviri had the *ius consulendi senatus*; and only the *Fasti Colotiani*⁷ give us the terminal date of the five-year period of the triumvirate—'[M.A]emilius, M. Antonius (erased), Imp. Caesar III vir(i) r(ei) p(ublicae) c(onstituendae) ex a(nte) d(iem) V K. Dec. ad pr(idie) K. Ian. sex(tas).' These *Fasti*, which the erased name of Antonius shows to have been inscribed before September 30 B.C., thus make clear that the Triumvirate was due to expire on the 31st of December 38 B.C.

What remains quite obscure is what effects the appointment of *triumviri rei publicae constituendae* was expected to have on the assemblies, the Senate and the annual magistracies. Least obscurity attaches to the question of elections and of appointments to provincial commands, which are explicitly stated to have been within the powers of the Triumviri. But was every annual magistracy in the period filled by Triumviral appointment? And if so, did this mean that the *comitia centuriata* and *tributa* actually ceased to meet for electoral purposes until 27 B.C. (see below)? Or might they have met to elect formally lists of candidates put forward by the Triumvirs? A number of important articles on the elections under Augustus ignore the problems of

² Dio liii, 2, 5; cf. Tac., *Ann.* iii, 28, 3.

³ Tac., *Ann.* iii, 28, 1.

⁴ For the direct evidence on the provincial aspects of the settlement of 27 see *JRS*, lvi (1966), 156-7.

⁵ V. Fadinger, *Die Begründung des Prinzipats: quellenkritische und staatsrechtliche Untersuchungen*

zu Cassius Dio und der Parallelüberlieferung (Diss. Munich, 1969), esp. 31-83.

⁶ See Livy, *Epit.* 120; *Res Gestae* 1, 7; Vell. Pat. ii, 69.

⁷ A. Degrassi, *Inscriptiones Italiae* xiii, 1: *Fasti Consulares* (1947), pp. 273-4.

the Triumviral period.⁸ Only the valuable study of R. Frei-Stolba traces the fortunes of the elections from the Republic through the Caesarian and Triumviral periods, to the Empire.⁹ There is of course abundant evidence to show arbitrary use of the power of appointment by the Triumvirs, including gross affronts to Republican custom in certain years. At the end of 43 they appointed two suffect consuls, one of them a praetor in office, who was replaced by one of the aediles; and five days before the end of the year they sent the praetors off to provinces, and appointed replacements.¹⁰ In 42 Dio speaks of them as appointing the city magistrates for several years in advance.¹¹ In 40 suffect consuls and praetors were again appointed right at the end of the year, and an aedile to replace one who died on the last day of December.¹² In 39 the Triumvirs are recorded as making appointments to magistracies several years ahead and to the consulate for eight years, subsequently making additions and subtractions to the list. Dio carefully emphasizes that it was at this point that the arbitrary appointment of suffect consuls became regular, and underlines the continuity with established imperial practice.¹³ Similarly, when agreement was temporarily reached with Sextus Pompeius in the same year, its terms included praetorships, tribunates and priesthoods for his followers, and a consulate and the position of *haruspex* for himself (he was deposed from both in 37).¹⁴ The following year saw the culmination of the period of disturbance of the Republican magistracies.¹⁵ Sixty-seven praetors were appointed in the course of the year, and a *puer* was made quaestor.¹⁶ Under the next year Dio notes continual multiplication of office-holders, and gives the reason, namely that the offices were valued not for themselves but as the necessary preliminary to provincial commands.¹⁷

In the following years such irregularities were greatly reduced,¹⁸ though suffect consulates continued (Octavian abandoning his consulate in 33 on the first day).¹⁹ The suffect consulate in 30, for which, as Plutarch says, Octavian 'chose' Cicero's son as his colleague,²⁰ ended the systematic use of suffect consulates for several decades. The abandonment of this practice was surely intended as a sign of approaching normality.

The extensive powers of appointment exercised by the Triumvirs naturally led to the distribution of appointments as favours, and to requests for them from interested parties. So Plutarch mentions that Octavia after her rejection by Antonius continued to assist men sent by him ἐπι ἀρχάς τινος ἢ πράγματα to obtain their requests from Octavian (*Ant.* 54); while Aelian has the incident of a runaway slave who was given the praetorship by Antonius, and was recognized by his former master while ἐν ἀγορᾷ τῆ Ῥωμαίων ὑψηλὸν διάγοντα καὶ δικάζοντα.²¹ If we can trust a curious anecdote in Dio,²² the right of patronage was extended even beyond the Triumvirs; for he records that Statilius Taurus was rewarded by the people for completing his theatre in 30 B.C. and celebrating the event with a gladiatorial show, by being granted the right to select one of the praetors each year.

None the less, there remain a few indications that the ritual of the elections continued, and even that some places were filled by election. Dio mentions that there were no aediles in 36 B.C. ἀπορία τῶν αἰρεθησομένων.²³ In the proscriptions, according to Appian, one praetor was killed ἀρχαιρεσιάζων μὲν ἐν ἀγορᾷ, and another fled while canvassing the voters for the quaestorship for his son. In this case the son revealed his father's hiding-place, and was rewarded by the Triumvirs with both

⁸ A. H. M. Jones, 'The Elections under Augustus', *JRS* xlv (1955), 9 = *Studies in Roman Government and Law* (1960), 27; P. A. Brunt, 'The lex Valeria Cornelia', *JRS* li (1961), 71; B. M. Levick, 'Imperial Control of the Elections under the Early Principate', *Historia* xvi (1967), 207.

⁹ R. Frei-Stolba, *Untersuchungen zu den Wahlen in der römischen Kaiserzeit* (1967). On the period from 42 to 28 B.C. see pp. 80-6.

¹⁰ Dio xlvii, 15, 2-3.

¹¹ xlvii, 19, 4.

¹² xlviii, 32, 1 and 3.

¹³ xlviii, 35, 1-3. Under 31 B.C. Dio duly notes that the arrangement of eight years before had been that Octavian and Antonius should be consuls, 1, 10, 1.

¹⁴ xlviii, 36, 4; 54, 6.

¹⁵ I am indebted to Professor Badian for emphasising to me the importance of indicating the extent to which Triumviral irregularities increased or decreased in the course of time.

¹⁶ xlviii, 43, 2.

¹⁷ xlviii, 53, 1-3.

¹⁸ One may note a couple of suffect praetors in 33, Dio xlix, 43, 7.

¹⁹ Appian, *Ill.* 28/80; Dio xlix, 43, 6.

²⁰ Plut., *Cic.* 49.

²¹ Aelian, *Apospasmata* 66. Cf. *Dig.* I, 14, 3.

²² li, 23, 1.

²³ xlix, 16, 2.

his father's property and an aedileship.²⁴ The first part of the latter story is confirmed by Valerius Maximus.²⁵ Similarly, according to Plutarch (*Cic.* 49), it was when Antonius was ἀρχαιρεσίας τελῶν in December 43, that Cicero's head and hands were brought to him. One story in Appian (*BC* iv, 41/173) records that the people elected (ἀπέφηνεν) a man as aedile in this period.

But although appointment by patronage was clearly normal, the theory that the Republican magistrates, once in office, should exercise their traditional functions persisted throughout the period. When the soldiers imposed an agreement on Octavian and L. Antonius at Teanum in 41 B.C., one of its conditions was that the consuls should exercise τὰ πάτρια without hindrance from the Triumvirs.²⁶ Similarly, when Octavian's fortunes turned in 36, πολλά τῆς πολιτείας ἐφίει τοῖς ἐτησίοις ἄρχουσι κατὰ τὰ πάτρια.²⁷ While these references clearly indicate that full normality was not actually achieved, it is none the less important to stress the extent to which the traditional duties of the magistrates in fact continued. Sacrifices were carried out,²⁸ games and festivals conducted,²⁹ and public buildings constructed and dedicated.³⁰ As is clear from an anecdote in Appian (*BC* iv, 41/173) and Dio (xlviii, 53, 4), office in Rome continued to demand substantial expenditure. Both the continuation of routine business and its subjection to violent interference are illustrated by Suetonius' story (*Div. Aug.* 27) of a praetor dragged from his tribunal by Octavian's soldiers.

Much more important, however, are the indications that substantial matters were still put through by the consuls. Twice under the year 42, Appian represents Antonius as getting the consul Munatius Plancus to have a safe-conduct voted for someone.³¹ Ten years later, as is notorious, the consuls Sosius and Domitius Ahenobarbus resolutely opposed Octavian, and refused his demands for publication of Antonius' Donations of Alexandria,³² Sosius would have taken direct action against Octavian but for the veto of the tribune Nonius Balbus.³³ Two years after that, it was Cicero's son who, as suffect consul of 30, read the news of the death of Antonius to the people.³⁴ At about this time, after the conspiracy of the younger Lepidus, a puzzling passage of Appian (*BC* iv, 50/218-9) shows a consul on his tribunal and with his lictors accepting a *vadimonium* from Lepidus' mother for her appearance before Octavian.

More important than these scattered examples of consular or magisterial action is the evidence of votes by the Senate, or by the Senate and people. First, a number of *leges*, or popular votes. From 42 we have the *lex Munatia Aemilia* enabling the Triumvirs to make grants of citizenship (see p. 55 below), the law for the deification of Julius Caesar—'quem senatus populusque Romanus in deorum numerum rettulit' (*ILS* 72, Aesernia),³⁵ and perhaps a *lex Rufrena*.³⁶ From 40 (?) we have the important tribunician law, the *lex Falcidia*.³⁷ From the mid-30's onwards various honours were voted to Octavian, some abortively,³⁸ but more significant is the fact that Antonius continued to wish to have his Eastern dispositions ratified in Rome (Dio xlix, 41, 4). Whether the renewal of the Triumvirate in 37 was ratified, even retrospectively, remains in doubt. In *BC* v, 93/398, Appian says that they renewed it οὐδὲν ἔτι τοῦ δήμου δεηθέντος, but in *Illyrica* 28/80 that ὁ δῆμος ἐπικεκυρώκει. However, in 30 B.C. the Senate and people certainly passed a *lex Saenia* allowing Octavian to create patricians,³⁹ and voted the privilege to Statilius Taurus mentioned above.

²⁴ *BC* iv, 17-18/68-70.

²⁵ Val. Max. ix, 11, 6.

²⁶ Appian, *BC* v, 20/79.

²⁷ Appian, *BC* v, 132/548.

²⁸ Dio li, 21, 1-2 (Valerius Potitus, suffect consul of 29).

²⁹ Dio xlviii, 32, 4; Vell. Pat. ii, 79, 6, M. Titius 'ludos in theatro Pompei faciens', presumably as suffect consul in 31; Dio xlviii, 20, 2, Agrippa as praetor in 40 giving the *ludi Apollinares*.

³⁰ Dio xlix, 42, 2, Aemilius Lepidus Paullus, suffect consul of 34, dedicating the Basilica Aemilia; xlix, 45, 1-5, Agrippa's building-programme as aedile in 33.

³¹ Appian, *BC* iv, 37/158; 45/193.

³² Dio xlix, 41, 4.

³³ Dio i, 2, 3.

³⁴ Appian, *BC* iv, 51/221.

³⁵ See also Dio xlvii, 18-19, and below, p. 55.

³⁶ *ILS* 73 'divo Iulio iussu populi Romani statutum est lege Rufrena', cf. *ILS* 73a. See *Diz. Epig.* s.v. 'lex', 730-1; Degrassi, *ILLRP* I², 409.

³⁷ Dio xlviii, 33, 5 etc. *Diz. Epig.* s.v. 'lex' 731-2.

See Broughton, *MRR* ii, p. 372.

³⁸ Appian, *BC* v, 131/543; Dio xlix, 15, 5-6; li, 19-20.

³⁹ *RG* 8; Tac., *Ann.* xi, 25, cf. Dio lii, 42, 5. For other possible *leges* of this period see G. Rotondi, *Leges publicae populi Romani* (1912), 435-41.

The Senate acting without the *populus* in substantive matters appears even more frequently. In 41, according to Florus (ii, 16) they declared L. Antonius a *hostis*. In 40 they condemned Salvidienus Rufus to death, voted the *cura* of the city to the Triumvirs,⁴⁰ and ratified the grant of the kingdom of Judaea to Herod.⁴¹ In 39 they ratified all the *acta* of the Triumvirs down to that time.⁴² More traditional functions continued as well; in 37, on the advice of the *pontifices* the Senate ordered the removal of the bones of a man whom the populace had honoured with burial on the Campus Martius.⁴³

Then, ignoring various votes in favour of Octavian,⁴⁴ we may note that the Senate declared Antonius a *hostis*, presumably in 30—and that one senator voted against.⁴⁵ It was apparently subsequently to this that they voted to take down the image of Antonius and cancel the honours voted to him (Plut., *Cic.* 49); and in 29 to close the gates of the temple of Janus (*RG* 13; Dio li, 20, 4).

Nobody would argue that the formal exercise of their traditional functions by the Senate and people demonstrates the continuance of the free play of politics. But the evidence does seem to indicate that the institutions of the *res publica* themselves persisted through the Triumviral period. Moreover the Triumvirs not only, as we shall see (p. 65 below), made repeated promises to restore effective power to the Republican institutions, but showed considerable concern to have their actions formally approved and ratified by the traditional organs of the State. This intermingling of the exercise of individual power and of the role and influence of the Republican institutions comes out very clearly in the now extensive dossier of Triumviral documents.

III. TRIUMVIRAL DOCUMENTS

The documents containing official decisions from the Triumviral period come entirely from the Greek East. In this context it will be sufficient to note their essential contents and their relevance to the way in which decisions were made. To illustrate a certain progression of form and attitude they will be given in chronological order.

1. Letter of Antonius to Hyrcanus and the *ethnos* of the Jews, 42/1 B.C. Jos., *Ant.* xiv, 12, 3 (306-13).
2. Letter of Antonius to Tyre, 42/1 B.C. Jos., *Ant.* xiv, 12, 4 (314-18).
3. Letter of Antonius to Tyre enclosing his *edictum* (διάταγμα). 42/1 B.C. Jos., *Ant.* xiv, 12, 5 (319-22).

Josephus notes that similar letters were sent to Sidon, Antioch and Arados (xiv, 12, 6 (323)), but does not quote them. The letters which he does quote were evoked by an embassy to Antonius at Ephesus some time after Philippi, which brought a gold crown and asked for the freeing of Jewish prisoners taken in the period of Cassius' domination, and the restoration of lost territories. Antonius accepted these claims at once. In his letter to Hyrcanus he refers to a previous embassy to himself in Rome, discourses extravagantly on Philippi, and orders the release of the captives, the maintenance of *beneficia* previously granted by himself and Dolabella (proconsul of Syria in 43 B.C.), and the restoration of lands taken by the Tyrians. Writing to Tyre he emphasises that his opponents at Philippi had not been appointed to their provinces by the Senate (οὔτε γὰρ ἐπαρχίας ἐκείνων οὐθεις οὔτε στρατόπεδα τῆς συγκλήτου δούσης ἔλαβεν), orders restoration, and offers them the opportunity of presenting their case before him when he reaches their vicinity. In the second letter he orders the inscription in a prominent place of a general edict referring to the illegal seizure of Syria by Cassius and the losses suffered by the Jews. Here he uses his full titulature, Μάρκος Ἀντωνίου αὐτοκράτωρ τριῶν ἀνδρῶν καταστάτων περὶ τῶν δημοσίων πραγμάτων

⁴⁰ Dio xlviii, 33, 2-3.

⁴¹ Josephus, *Ant.* xiv, 14, 4-5 (384-9). For the date and circumstances see now E. Schürer, *The History of the Jewish People in the Age of Jesus Christ*, ed. Vermes and Millar, i (1973), 281.

⁴² Dio xlviii, 34, 1.

⁴³ Dio xlviii, 53, 5-6.

⁴⁴ e.g. Appian, *BC* v, 130/538, 541; Dio xlix, 43, 6; 45, 1; Appian, *Ill.* 28/83.

⁴⁵ Appian, *BC* iv, 45/193.

εἶπεν. It is to be noted that the issue is brought forward, as so often, by an embassy from an interested party, that the decisions on it are taken directly and individually by the Triumvir concerned, but that some reference is made to the legality of his position.

4. Letter of Antonius to the *koinon* of Asia on the rights of the σύνοδος τῶν ἀπὸ τῆς οἰκουμένης ἱερωνικῶν καὶ στεφανειτῶν. (?) 41 B.C. *SB* 4224; R. K. Sherk, *Roman Documents from the Greek East* (1969), no.57.

Antonius refers to two embassies, a previous one when M. Antonius Artemidorus, τοῦ ἐμοῦ φίλου καὶ ἀλείπτου, and the eponymous priest of the *synodos*, Charopinus of Ephesus, had approached him in Ephesus and requested the maintenance of its privileges; and a second by Artemidorus asking permission to have the privileges inscribed on a bronze tablet. This letter, preserved on papyrus, is addressed to the *koinon* presumably for information and as further protection for the rights of the *synodos*. The pre-existing role and importance of the *koinon* is now clear from a document from Aphrodisias showing that earlier in the century it had sent an embassy to Rome to protest against the excesses of the *publicani*.⁴⁶

5. A grant (*decretum*?) of citizenship by Octavian (or the Triumvirs?) to Seleucus of Rhosus, (?) 41 B.C. *IGLS* iii, 718, ii; Sherk, *Roman Documents* no.58, ii.

The document is much mutilated, and there is ample room for doubt about both its correct designation and its date. What is significant in this context is that it refers (l.10) to a *lex Munatia Aemilia*, evidently passed by the consuls of 42 B.C., Munatius Plancus and Aemilius Lepidus, in accordance with which the grant is made. There is no indication of date, but it is probably early, as the donor appears as [?Καῖσαρ ἀ]υτοκράτωρ. 'Imperator' does not yet appear as a *praenomen*, which it came to do from 38, or possibly 40, B.C.⁴⁷ On the other hand the verb given in l.11 is ἔδωκαν which has suggested to some that an original which referred to a grant by two or three of the Triumvirs has been tampered with before being inscribed several years later. The aftermath of Philippi remains a reasonable, but not in the least a certain, context for the original grant. More important for our purposes is its justification in terms of a *lex*, its formal and detailed character, and its references (ll. 68-71) to the rights of embassy to the Senate, and to Roman magistrates and pro-magistrates, and to fines payable to the *populus Romanus*.

6. (?) Greek translation of a *lex* establishing ceremonies in honour of the deified Julius Caesar? 41 B.C.? *Forschungen in Ephesos* iv, 3 (1951), p. 280, no. 24.

The fragmentary text reads as follows:

θῆλετε κελεύετε ἵνα Μᾶρκος Ἄν[
 εἶτε τι ὑπὲρ ταύτης ἱερωσύνης τε[
]νημονήαν θεοῦ Ἰουλίου μετὰ πο[
]τε ποῆ μήτε τις τούτων τινα τῶν[
]ων πρὸς ταύτην τὴν ἱερονημ[ο
]ρέχειν τούτων τῶν διδόντων ἢ ὑ[
]ην τὴν ἐρώτησιν ποιήσῃ ἢ γ[
]ρι μόνη τε αἰτίαι πάντων[ν
]ταρχο[

The first words obviously translate 'velitis, iubeatis' the terminology of a *lex*,⁴⁸ and θεοῦ Ἰουλίου is likely not to have been used until after the vote of divine honours in 42 B.C. (Dio xlvi, 18-19). Whether the reference to Marcus Antonius relates in any way to his presence in Ephesus in 41 B.C.⁴⁹ must remain a matter of speculation.

⁴⁶ First published by K. Erim, *PBSR* xxxvii (1969), 92-5; see T. Drew-Bear, *ZPE* viii (1971), 285-8, and for a full discussion *idem*, 'Deux décrets hellénistiques d'Asie Mineure', *BCH* xlvi (1972), 435, on pp. 443-71.

⁴⁷ See R. Syme, 'Imperator Caesar, a Study in Nomenclature', *Historia* vii (1958), 172; R. Combès,

Imperator (1966), 132-5.

⁴⁸ Mommsen, *Staatsrecht* iii, 312, n. 2. S. Weinstock, *Divus Julius* (1972), 402, suggests, surely wrongly, that this is a letter from the Senate.

⁴⁹ S. Weinstock, *loc. cit.* (n. 48).

7. *Senatus Consultum* in response to an embassy, probably from Panamara, Caria. 39 B.C. Sherk, *Roman Documents*, no. 27.

The document is formally dated to August in the consulship of L. Marcius Censorinus and Gaius Calvisius. All that emerges is that a large Greek embassy, probably, but not necessarily, from Panamara itself, made some request which Censorinus put to the Senate, and which was evidently received favourably.

8. Part of a *Senatus consultum* relating to Plarasa-Aphrodisias, 39 B.C. A fragmentary text in Sherk, *Roman Documents*, no. 28B = *OGIS* 455, see *REG* xix (1906), p. 102, no. 16. Another fragmentary text, which partially coincides, is Aphrodisias document I (unpublished).

The new text from Aphrodisias runs to 58 lines, beginning slightly before the one copied by Sherard in the early eighteenth century, and since lost, and continuing some 30 lines beyond it. In line 46 (and fragmentarily in l. 36) there stand the names of the consuls of 39, L. Marcius Censorinus and Gaius Calvisius. The *senatus consultum* confirms grants of rights and privileges, including freedom and immunity, to the city, and to the *temenos* of Aphrodite there, made by Divus Julius, Octavian and Antonius. Among the provisions are some for the reception of future embassies from the city coming before the Senate. Compare no. 12 below.

9. *Edictum* of the Triumvirs. ? 39 B.C. or soon after. Aphrodisias document II (unpublished).

The document contains the last part (about 30 letters) of each of twelve lines of an *edictum* by the Triumvirs. This is established for certain by the first line. [τῶν τριῶν ἀνδρῶν τῶν τῆς δημῶσιων πραγμάτων (vac.) διατάξεως λέγουσιν. There is no formal indication of date but the succeeding lines contain references to a war and its effects, which is likely to be the Parthian invasion of 39 B.C., although it may, as Miss Reynolds has pointed out to me, refer also to oppression by Brutus and Cassius.

10. Letter of Octavian to Ephesus, promoted by an embassy from Plarasa-Aphrodisias, 38 B.C.? Aphrodisias document III (unpublished).

Octavian appears with the *praenomen* 'Imperator', which suggests a year not earlier than 38, or possibly 40, B.C., and his letter is concerned with restoration after the war of Labienus, (11. 5-6 ἐν τῷ πολέμῳ τῷ κατὰ Λαβιῆνον), which suggests not later than 38. The sufferings of Plarasa-Aphrodisias were detailed to Octavian, he says, by an ambassador, Solon son of Demetrius, the same man who appears in no.13 below. The most striking feature of the letter is that Octavian writes that he has given ἐντολαί to his colleague Antonius to repair the damage; but Miss Reynolds suggests that this may translate *mandata*, in the sense of a commission, and hence be less dramatic than it at first appears. The letter comes to Ephesus because it has been reported to Octavian that a gold statue of Eros dedicated by Divus Julius, having been looted from Aphrodisias, has been dedicated to Artemis of Ephesus. They are firmly warned to restore it. There is no reference to the institutions of the *res publica*.

11. Letter of Octavian to Stephanus concerning Aphrodisias (and letter of Stephanus to Aphrodisias). 38 B.C.? Aphrodisias documents iv and v (unpublished).

Octavian instructs someone called Stephanus to protect Plarasa-Aphrodisias, whose interests he has at heart above all other cities in Asia, in the absence of Antonius (this will hardly help to date the letter, for Antonius was only rarely in the province of Asia). The first line (ὡς Ζώιλον τὸν ἐμὸν φίλῳ(?) ἐπιστάσαι τὴν πατρίδα αὐτοῦ ἐλευθέρωσα καὶ Ἀντωνίῳ συνέστησα) adds to the evidence on an interesting figure discussed in some typically illuminating pages by L. Robert,⁵⁰ and proves conclusively his view that Zoilus belongs in this period and not in the second century A.D. The documents are notable for Octavian's attachment to Aphrodisias, and the cult of

⁵⁰ L. Robert, 'Inscriptions d'Aphrodisias', *Ant. Class.* xxxv (1966), on pp. 401-32.

Venus-Aphrodite, which he had inherited from Julius Caesar; he writes that he has 'taken' for himself this one city from all Asia. The date will again be about 38 B.C., for Stephanus in his letter refers to the handing-over of free men and slaves and also a gold crown after the war of Labienus.

12. *Senatus Consultum* on Plarasa-Aphrodisias. 35 B.C. (?). *MAMA* viii 405 = Sherk, *Roman Documents* no.29; unpublished loose blocks from the theatre of Aphrodisias.

Nothing survives of the subject matter of this fragmentary *S.C.* and only just enough of a name in the first line to suggest (up till now) identification with L. Cornificius L.f., consul of 35 B.C. [. . . Λευκίου Κορνιφικίου Λευκίου υἱοῦ ὑπάτων . . .]. But the heading does contain references to the public archives in Rome, and it could be that this is one of the documents referred to in no. 13. But once again we see the machinery of the *res publica* at work, and in the area 'controlled' by Antonius.

However, Miss Reynolds now reports a loose block from the stage of the theatre which makes a join on the right-hand side of the existing text, and in particular greatly extends the list of senatorial witnesses. She further suggests that two other loose blocks, both containing parts of an *S.C.* on the privilege of Aphrodisias, also join on below. The first of them contains the name of Gaius Calvisius, the consul of 39. It may therefore be that this document is the first part of no.8.

13. Letter of Octavian to Aphrodisias. 39-4 (39/8?) B.C. Sherk, *Roman Documents* no.28A.

This letter to Aphrodisias from a Triumvir whose name is missing has generally been supposed, as in Sherk, *op. cit.*, to be from Antonius, solely because Asia formed part of 'his' territory. But its contents, and the comparison with no.14 below, ought to have made it clear that it was from Octavian, even before the discovery of the Aphrodisias dossier. Octavian, as it certainly is, writes in response to a request brought by their ambassador, Solon, son of Demetrius (the same man as in no.10), for copies of the documents granting them privileges: παρεκάλεσεν εἰς τὸ τοῦ γεγονότος ὑμῶν ἐπικριματος καὶ δόγματος καὶ ὀρκίου καὶ νόμου ἀντιπεφωνημένα ἐκ τῶν δημοσίων δέλτων ἐξαποστέλλαι ὑμῶν τὰ ἀντίγραφα (ll. 22-31). The careful distinction between the different forms of Roman official acts, *decretum* (?), *senatus consultum*, *iusiurandum* and *lex*, and the reference to the public archives (in the *aerarium*),^{5 1} emphasises again the extent to which the Triumvirs, at least formally, operated within the framework of the *res publica*. The possible limits of the date are indicated by the beginning of Octavian's titlature as it survives: [ὑπατος ἀποδεδειγμένος τὸ β' καὶ [τὸ γ']], so between 39 and 34 B.C. If this were the same journey on the part of Demetrius as that which produced no.10, the document would date to the first year or so of the period.

14. Letter of Octavian to Rhosus, Syria. 36-4 B.C. *IGLS* iii, 718; Sherk, *Roman Documents* no.58, i.

This is a covering letter ordering the filing in the public archives of Rhosus of no.5 (nos. 17 and 18 which are inscribed on the same stone, were written later than this). Octavian surprisingly omits the title *triumvir rei publicae constituendae*, but is Imperator IV (from 36 B.C.) and consul designate for the second and third time, so 39-4 B.C. The date is therefore 36-4 B.C. He writes [τὰ ὑπογεγραμμένα ἐξεληφθη ἐκ στήλης ἐκ τοῦ Ῥώμηι Καπετωλίου [ἄπερ ἀξιῶ (?)] καταχωρίσαι εἰς τὰ παρ' ὑμῶν δημόσια γράμματα. Copies are also to be sent for registration to Tarsus, Antioch and Seleucia. The letter is evidence that Octavian's relations with cities in the Greek East were not confined to the special case of Aphrodisias; and, along with nos. 5-7, that Greek cities other than Aphrodisias continued to be in active contact with the institutions of the *res publica* in Rome.

15. *Edictum* of Octavian on the privileges of veterans. 38-33 B.C. (?), *BGU* ii, 628; *CIL* xvi, p.145. no.10; Riccobono, *FIRA*² i, no.56; Cavenaille, *Corpus Papyrorum Latinarum*, no.103; S. Daris, *Documenti per la storia dell'esercito romano in Egitto* (1964), no.100.

^{5 1} See *JRS* liv (1964), pp. 34-5; cf. M. W. Frederiksen, 'The Republican Municipal Laws: Errors and Drafts', *JRS* lv (1965), 183, on pp. 184-7.

The *edictum* is quoted in a Latin papyrus of the first century A.D., itself evidently part of a report of legal proceedings. It begins 'Imp. Caesar [d]ivi filius trium[v]ir rei publicae consultor (or 'consul ter' or 'consul iter.' or 'constit(uendae) iter(um)') dicit', which seems to suggest a date between 38 and 33 (or 32 on the hypothesis that Octavian was still triumvir then). The extremely legalistic terms of the document are noticeable, including for instance a provision for veterans to be enrolled in a certain tribe for the census and for voting purposes.

It will be convenient to complete the dossier with three 'post-Triumviral' documents. It is to be emphasised that in all three the titulature of Octavian mentions no public office other than the consulate.

16. Letter of Octavian to Mylasa, Caria, in response to an embassy. 31 B.C. (or 32 ?). Sherck, *Roman Documents* no.60.

Octavian writes to Mylasa as ὑπάτος τε τὸ τρίτον καθεστραμένος. The titulature is puzzling, and the presence of the τε perhaps suggests that something has been omitted—he was Imperator V before Actium and VI after it. The expression *may* mean, as it is normally taken, that he was simply consul for the third time, i.e. in 31. But might it not be a document of late 32, when (perhaps) his only official position was that of *consul designatus* for the third time? The letter refers to two successive embassies which the Mylasans had sent to report their sufferings and losses in the war. On either of these datings this must refer to the preliminaries of the war of Actium.⁵²

17. Letter of Octavian to Rhosus, in response to an embassy. 31 B.C. *IGLS* iii, 718; Sherck, *Roman Documents* no.58, iii.

Octavian writes as Imperator VI (after Actium), consul for the third time (31 B.C.) and ἀποδεδειγμένος τὸ τέταρτον (for 30), so in the last four months of 31. He mentions that the embassy from Rhosus met him in Ephesus, and offered a *stephanus* and various honours (Dio indeed refers to his brief visit to Asia before his return to Italy in the middle of the winter of 31/30⁵³). He undertakes to do them further services when he comes to Syria, through which he did subsequently pass in 30 B.C.; and he testifies most emphatically to the constant intercessions which Seleucus, who was one of the ambassadors, had made on behalf of his city.

18. Letter of Octavian to Rhosus, recommending Seleucus. 30 B.C. *IGLS* iii, 718; Sherck, *Roman Documents*, no.58, iv.

Octavian writes as consul for the fourth time, but is apparently not yet *designatus* as consul for 29. He refers again to the services of Seleucus as *nauarchos*, and to his immunity, Roman citizenship and other privileges. He continues in a very significant manner: 'I recommend this man to you. For such men render one's benevolence more ready towards their native cities as well. On the assumption therefore that I will gladly do for you whatever is possible for the sake of Seleucus, have confidence, and send to me on whatever matter you wish.' Octavian writes as a monarch. If in 30 B.C. he expected or intended any future diminution of his effective power to confer benefits, there is no sign of it here. On the contrary he confidently expects, and even invites, petitions for benefits, which will be addressed to himself personally. It is here, rather than in the documents of the Triumvirate proper, with their recurrent formalism and repeated references to the institutions of the *res publica*, that a pattern appears in which decisions will be made by the untrammelled will and judgement of an individual.

It is striking how exactly these two letters match the assumptions of Vergil in the *Georgics*, which, according to the *Vita* by Donatus (27/91-5), were read to Augustus at Atella in 29: '... Caesar dum magnus ad altum/fulminat Euphratem bello victorque volentis/ per populos dat iura viamque adfectat Olympo.' (iv, 560-2).

⁵² For comparative evidence see Magie, *Roman Rule in Asia Minor* (1950), 439-40 and notes. If, however, the titulature has been seriously abbreviated, it remains possible that Octavian wrote as consul

designate for the second and third time, i.e. in 39/4, and that these embassies too referred to the war of Labienus.

⁵³ Dio li, 4, 1-3.

IV. TRIUMVIRAL FUNCTIONS AND THE EMERGENCE OF PERSONAL JURISDICTION

As we have seen (p. 51 above), the only attested formal definition of the Triumvirs' power in relation to the Republican magistrates is that it was to be consular. What the powers of a Triumvir were in Rome therefore remains unclear; and the obscurity is increased by the fact, which Dio carefully notes, that the successive divisions of territory between them never included Rome and Italy. For, as he says with the rather under-valued acerbity with which he records the emergence of monarchy, they were supposed to be striving not to gain Italy but on its behalf.⁵⁴ One respect in which they were clearly distinguishable from the consuls while in Italy did emerge in 41 B.C.: the Triumvirs had a praetorian cohort, but the consuls did not.⁵⁵ The rest of the apparatus of Triumviral office seems, however, to have been very similar to that of the consuls. An anecdote in Appian shows them seated on the tribunal in the forum (*BC* iv, 37/157). As we have seen (p. 51 above) they were granted the *ius consulendi senatus*; when in 32 B.C. Octavian summoned the Senate and sat on the consuls' bench (Dio I, 2, 5), and later continued to summon and address it when the consuls had fled (I, 3, 2), it is to be presumed that he was exercising a triumviral right, whether formally lapsed or not. Like other magistrates, they could also issue pronouncements as *edicta*, of which we have seen some examples among the documents listed above. Such was presumably the προγραφή quoted by Appian, in which the Triumvirs announced the proscriptions: as given, it begins with the conventional terminology of an *edictum*, λέγουσι.⁵⁶

However, it was an inevitable product of the situation that embassies, petitioners and perhaps ordinary litigants should address themselves directly to the Triumvirs, or to one or two of them, and thereby tend to isolate them from the environment of Republican institutions, and to create a monarchical situation in which decisions were made by individual pronouncement. We have already seen a number of instances of embassies to one or other of them, and the literary sources offer more.⁵⁷ Individual petitioners took the same course. Perhaps the best illustration of the working of government in the period is provided by the so-called *Laudatio Turiae*.⁵⁸ The husband of the unnamed matron records that he was restored from exile 'beneficio et i[ud]icio apsentis Caesaris Augusti' (the document was inscribed after 27 B.C.), but that in his absence actual permission for his return had to be sought from Lepidus—'[quom per te] de restitutione mea M. L[epi]dus conlega praesens interp[ellaretur et ad eius] pedes prostrata humi'. In the face of abuse and physical assault the matron (apparently) managed to quote the *edictum restitutionis* of Octavian. Similarly, another priceless and undervalued contemporary source, Cornelius Nepos, *Vita Attici* records that Atticus's daughter was married to Agrippa, with Antonius acting as *conciliator*: 'cuius gratia cum augere possessiones posset suas, tantum abfuit a cupiditate pecuniae, ut nulla in re usus sit ea nisi in deprecandis amicorum aut periculis aut incommodis (12)'. Against this background there is surely no difficulty in accepting that Vergil in the *First Eclogue* (42-5) is referring to a successful petition to Octavian:

hic illum vidi iuvenem, Meliboee, quotannis
bis senos cui nostra dies altaria fumant.
hic mihi responsum primus dedit ille petenti:
'pascite ut ante boves, pueri; summittite tauros'.

A major public episode was the petition of the *matronae* to the Triumvirs over an imposition of *tributum*, recorded by Valerius Maximus (viii, 3, 3) and Appian (*BC* iv,

⁵⁴ Dio xlviii, 2, 1.

⁵⁵ Appian, *BC* v, 21/82. cf. Seneca, *Ep.* 114, 6, the *signum* being obtained from Maecenas 'cum absentis Caesaris partibus fungeretur'. For further evidence see M. Durry, *Les cohortes prétoriennes* (1938), 76-7; A. Passerini, *Le coorti pretorie* (1939), 30-3.

⁵⁶ Appian, *BC* iv, 8-11/34-44. It is not clear what was the form of the pronouncement quoted in iv 38/159, by which Messala was removed from the list

of the proscribed. But the term 'proscriptionis edictum' applying to an individual, is attested in Seneca, *de clementia* 1, 9, 5.

⁵⁷ Plut., *Ant.* 24; Jos., *Ant.* xiv, 12, 2 (301); Appian, *BC* iv, 47/201; v, 52/216.

⁵⁸ *CIL* vi, 1527 = *ILS* 8393: M. Durry, *Eloge funèbre d'une matrone romaine (éloge dite de Turia)* (1950), ii, lines 21-8.

32-4/136-46): since none of the men would offer their *patrocinium*, Hortensia, the daughter of Hortensius, 'causam feminarum apud triumviros et constanter et feliciter egit: repraesentata enim patris facundia impetravit ut maior pars imperatae pecuniae his remitteretur'. According to Appian the scene took place before the *tribunal* of the Triumvirs in the forum, and they first had the women driven off by their lictors, and then announced a reduction in the *tributum* on the next day.

It is not an accident that the episode concerns the demand for a *beneficium*, which is granted by the simple pronouncement of the Triumvirs, or that in describing the petition Valerius Maximus resorts to the typical vocabulary of the law court. For precisely one of the characteristics of monarchy is the blurring of the distinction between the issuing of decisions and giving of legal judgments by the holder, or holders, of power. As Mommsen notes,⁵⁹ Quintilian alludes to this development in just this period in discussing the occasions and functions of *deprecatio*—'*deprecatio quidem, quae est sine ulla specie defensionis, rara admodum et apud eos solos iudices, qui nulla certa pronuntiandi forma tenentur. quamquam illae quoque apud C. Caesarem et triumviros pro diversarum partium hominibus actiones etiam si precibus tenentur, adhibent patrocinia . . .*' He continues directly to the situation of speaking before the *princeps*—'*quod si quando apud principem aliumve, cui utrum velit liceat, dicendum erit . . .*'⁶⁰

Summary, semi-judicial procedures for disposing of enemies taken in the field are amply attested for the Triumviral period,⁶¹ right down to Octavian's hearings in 31 and 30.⁶² These are of course a crucially important instance of the arbitrary exercise of power in this period. But in the long term, for the fundamental transformation of the Roman state, the development of a routine personal jurisdiction by the holder of individual power is of much greater importance. The complexities of this development, which can be roughly described as the introduction into the city of Rome of the system of *cognitio*⁶³ by a Republican provincial governor, cannot be discussed here. But it must be emphasised that we have excellent evidence, which seems to be neglected both in books on Julius Caesar⁶⁴ and in those on the legal procedure of the late Republic,⁶⁵ that Caesar as dictator exercised a routine personal jurisdiction in Rome—'*ius laboriosissime ac severissime dixit*', as Suetonius records (*Div. Jul.* 43). The generalization is confirmed by two anecdotes. Valerius Maximus (vi, 2 11) tells a story of Galba, '*qui divum Iulium consummatis victoriis (i.e. in 45/4 B.C.) in foro ius dicentem in hunc modum interpellare sustinuit*'. From the same period, after Munda, Seneca (*de benef.* v, 24) records an incident when a veteran of Caesar's army was engaged in a case before him which concerned nothing more than a dispute between himself and his neighbour. It is clear that the fact that the man was a veteran was *not* the reason why the case came to Caesar. For it is only in the middle of the proceedings that he succeeds in establishing his identity as such, and hence his claim to a *beneficium*. Caesar is described as '*obiratus quod se a <co>gnitione media ad veterem fabulam abduceret*'. So the procedure was that of *cognitio*, and the point at issue an entirely insignificant matter. (Whether it was a civil or a criminal case is not entirely clear.)

Whether it results from the limited nature of our sources or not, it is a fact which has not yet received its due emphasis that there is very little evidence for a routine personal jurisdiction by the Triumvirs in minor, non-political matters, and none at all for its exercise in Rome. The evidence of Triumviral jurisdiction other than

⁵⁹ *Strafrecht*, 144, n. 5.

⁶⁰ Quintilian, *Inst. Orat.* v, 13, 5-6.

⁶¹ The evidence is collected and discussed only, so far as I know, by H. Volkmann, *Zur Rechtsprechung im Principat des Augustus* (1969), 11-50.

⁶² Val. Max. i, 7, 7; Plut., *Ant* 72; Dio li, 2, 4-6; li, 16, 1.

⁶³ Not '*cognitio extra ordinem*', an expression which, as indicated in *JRS* lviii (1968), 222, is a grammatical monstrosity, since '*extra ordinem*' is an adverbial phrase, which can qualify various verbs including '*cognoscere*', but is not found as an adjectival phrase. The modern use of the pseudo-

concept '*cognitio extra ordinem*', even in the titles of books — some are listed in M. Kaser, *Das römische Zivilprozessrecht* (1966), 339—is a classic instance of the process of nominalization brilliantly discussed by D. Daube, *Roman Law: Linguistic, Social and Philosophical Aspects* (1969), ch. 1.

⁶⁴ No trace of the question in the excellent work of M. Gelzer, *Caesar: Politician and Statesman* (1968). (1968).

⁶⁵ Even A. H. J. Greenidge, *The Legal Procedure of Cicero's Time* (1901), contains no discussion of the jurisdiction of Caesar as dictator.

over Roman political enemies in fact all relates to Antonius. Plutarch's *Life* records *περὶ τὰς κρίσεις ἦν ἐπιεικῆς* (23), and that he often gave judgment: *ἐπὶ βήματος* to tetrarchs and kings (58). An example, illustrating the confusion between judgement and political decision will be the accusations against Hyrcanus and Herod⁶⁶ which preceded the steps which produced documents 1-3 above. We have two specific instances of cases before Antonius: Lachares, the father of Eurycles, was beheaded by him for *ληστεία* (Plut., *Ant.* 67); and Boethus of Tarsos was accused before him of peculation, but evidently acquitted (Strabo 674). That jurisdiction was part of his normal routine seems clear from Appian's description (*BC* v, 76/324) of his emergence from his Athenian holiday over the winter of 39/8 B.C.: standards, guards and officers were seen at his door, embassies were received and cases decided—*δίκαι διεκρίνοντο*.

As regards Octavian, by contrast, who was of course based in Rome, we have no concrete instances of routine jurisdiction, and no general references to the issue until we reach the notoriously puzzling reference in Dio (li, 19, 6-7) to a vote in 30 B.C. which allowed him, among other things *ἐκκλητον τε δικάζειν*. It is not necessary to discuss the peculiarities of this report, or whether the right was actually accepted by Octavian at this time, and, if so, how it relates to the later exercise of jurisdiction by the *Princeps*. It is important to stress instead, what has sometimes been denied,⁶⁷ that a routine jurisdiction was subsequently exercised by Augustus himself, not just in the provinces,⁶⁸ or on appeal,⁶⁹ but in Rome and Italy and as the court of first instance, and in both civil and criminal cases.⁷⁰ The routine nature of the work is clear from Suetonius: 'ipse ius dixit assidue et in noctem nonnumquam, si parum corpore valeret lectica pro tribunali collocata vel etiam domi cubans' (33); 'ex secessibus praecipue frequentavit . . . Tibur, ubi etiam in porticibus Herculis templi persaepe ius dixit' (72).

In this important respect therefore the Triumvirate, so far as our evidence goes, may perhaps mark if anything a slight step back in the development of a monarchic institution which was already known before, in the dictatorship of Caesar, and which was to come into full effect in the principate of Augustus.

V. THE 'RESTORATION OF THE REPUBLIC'

Nothing said above is claimed to prove that the period of the Triumvirate was not one where violence and illegality played a crucial role. But the discussion will, it may be hoped, have emphasised that the Triumvirate was an institution which was created by a form of law, and which was superimposed on, but did not replace, the institutions of the *res publica*. In consequence, it exhibited many of the ambiguities in the exercise of authority, and many of the compromises between individual power and traditional institutions which characterise the Principate itself. Moreover, the existence of suspicions and rivalries between the Triumvirs caused them, in the search for political support, to pay repeated lip service to the S.P.Q.R. (see below). Not only did the *res publica* survive, if much weakened, but the 'Augustan' revival might be considered to have begun in the later thirties, with the building-programme of Agrippa as aedile in 33; and its characteristic archaism is already visible in the use of the Fetial rite to declare war in 32.⁷¹ When Atticus died on the last day of March 32 B.C., and was buried 'comitantibus omnibus bonis, maxima vulgi frequentia',⁷² the outward appearance of Roman life must have been much as it had always been. It is against this background that we can come back to the two central questions. What really changed in the development from Triumvirate to Principate? And, more important even than the facts of constitutional change, what did men think and say had happened, and how did they characterise the *novus status* in which they lived?

⁶⁶ Jos., *Ant.* xiv, 12, 2 (302-3);

⁶⁷ e.g. by J. Bleicken, *Senatsgericht und Kaisergericht* (1962), 72 f.

⁶⁸ One may list by way of illustration Livy, *Epit.* 134 (I presume that 'conventum Narbone egit' must refer to Augustus' jurisdiction in 27); Seneca, *Controv.* 10 *praef.* 14; from 'senatorial' provinces, Jos., *BJ* i, 26, 4 (531); Suet., *Div. Aug.*, 93.

⁶⁹ Suet., *Div. Aug.* 33.

⁷⁰ Criminal: Val. Max. ix, 15, 2; Ovid, *Tristia* ii, 127 ff.; Dio liv, 15, 4; lv, 7, 2; lvi, 23, 2-3; 24, 7; Seneca, *QN* i, 16, 1; Suet., *Div. Aug.* 24; 33; 45, 1; *Dig.* xviii, 24, 1; Strabo 670. Civil: Val. Max. vii, 7, 3 and 4; ix, 15, *ext.* 1; Suet., *Div. Aug.* 97; *Dig.* viii, 3, 35.

⁷¹ Dio i, 4, 5.

⁷² Nepos, *Atticus* 22, 3-4.

As is notorious, our evidence does not serve to resolve unambiguously the question of when the Triumviral powers came to an end, either in strict theory or in practice.⁷³ All that we can say for certain is that from 31 onwards, indeed until his assumption of the *tribunicia potestas* in 23, the only actual office or power which the titulature of Octavian/Augustus reveals is that of consul. In this formal and outward aspect the only change in 27 was the appearance of the *cognomen* 'Augustus'.

There were of course more substantial changes, but their character and significance still require re-examination against the Triumviral background. In 28 Dio records that Octavian shared the *fasces* with Agrippa and his colleague in the consulate,⁷⁴ a gesture evidently intended as a symbol of normality, but one whose significance we cannot interpret for lack of evidence from the preceding period. In the same year, as we have noted (pp. 50-1 above), he abolished the illegal *acta* of the Triumvirate, and at the end of it took the customary oath of a consul leaving office.⁷⁵ Tacitus indeed appears to couple with this abolition, and to place in this year, the substantial steps which created the Principate—'sexto demum consulatu Caesar Augustus, potentiae securus, quae triumviratu iusserat abolevit deditque iura, quis pace et principe uteremur'.⁷⁶ As so often with Tacitus, we cannot discern precisely to what he is referring. Augustus himself (*RG* 34, see below) speaks of his sixth and seventh consulates. Dio, however, clearly relates the essential change to the 'settlement' of 27.

Of the changes which now took place, those affecting the government of the provinces at least are reasonably clear.⁷⁷ The Triumvirs had been empowered to appoint all provincial governors (p. 51 above), and we have adequate evidence of their doing so,⁷⁸ and of Octavian continuing to do likewise between Actium and 27.⁷⁹ But it should be noted that the Republican title *pro consule* had not been abandoned,⁸⁰ though *legatus pro praetore*, first attested in the seventies B.C.,⁸¹ is found also, though in Sicily under Sextus Pompeius.⁸² More significantly, these proconsuls, although they were the appointees of, and in some sense subordinate to, the Triumvirs, continued to celebrate triumphs⁸³ (a fact which surprised Dio).⁸⁴ In 29 B.C., however, Octavian shared the triumph of Gaius Carrinas (Dio li, 21, 6), and denied the deposition of the *spolia opima* to Licinius Crassus (Dio li, 24, 4; cf. Livy iv, 20, 5-7). From 27 B.C. some provincial governors continued to have the title *proconsul*, and appointment by lot was now restored in their case.⁸⁵ But the governors of most of the major military provinces lost this title in favour of *legatus*, and continued to be appointed by Augustus; how soon the full title, 'legatus Augusti pro praetore', came into regular use is curiously difficult to determine,⁸⁶ but 'leg. Augusti' appears on coins of P. Carisius in Lusitania in the mid-20's B.C.,⁸⁷ and 'leg. imp. Caesaris Aug.' (*ILS* 929) is used of Articuleius Regulus, governor there in the period A.D. 2-14. The change was thus far from being unambiguously a step in the direction of Republicanism; our evidence provides only a single uncertain instance from the Republic of a *legatus* using his commander's name in his title.⁸⁸ Moreover, while proconsuls continued for a few years, down to 19 B.C., to celebrate triumphs, no *legatus* appointed by Augustus ever did, or could.

⁷³ For recent discussions see Fadinger, *op. cit.* (n. 5), ch. 2; K. E. Petzold, 'Die Bedeutung des Jahres 32 für die Entstehung des Principats', *Historia* xviii (1969), 334; E. Gabba, 'La data finale del secondo Triumvirato,' *RFIC* xcvi (1970), 3.

⁷⁴ Dio liii, 1, 1.

⁷⁵ Dio, *loc. cit.*

⁷⁶ Tac., *Ann.* iii, 28.

⁷⁷ cf. *JRS* lvi (1966), 156-7.

⁷⁸ e.g. Appian v, 129/537; 132/549; Dio xlviii, 22, 1.

⁷⁹ e.g. Appian, *BC* iv, 38/161; Dio li, 23, 2 (cf. Dio li, 17, 1, Cornelius Gallus left in charge of Egypt.)

⁸⁰ e.g., Degrassi, *ILLRP*² i, 433, cf. Broughton, *MRR* ii, 369, n. 1; and n. 83 below. Documentary evidence for the titles borne by governors is however extremely sparse throughout the Triumviral period.

⁸¹ *ILS* 37 = Degrassi, *ILLRP*² i, 372.

⁸² Degrassi, *ILLRP*² i, 426.

⁸³ The evidence on triumphs between 43 and 28 B.C. is admirably collected by A. Degrassi, *Fasti*

Consulares et Triumphales, Inscriptiones Italiae xiii, 1 (1947), 567-70.

⁸⁴ xlviii, 42, 4.

⁸⁵ Dio liii, 11, 2.

⁸⁶ I owe this essential point to Professor Badian. The documentary evidence is still very poor for this period. In Hispania Citerior, however, it is clear that 'legatus pro praetore' was normal, see G. Alföldy, *Fasti Hispanienses* (1969), 3-13, though Paullus Fabius Maximus, c. 3/2 B.C., uses 'legat. Caesaris' (p. 9). '[Legatus pro] pr. Augusti Caesaris in [Illyrico]' is used of M. Vinicius, there 10/9 or some years later, see A. Dobo, *Die Verwaltung der römischen Provinz Pannonien* (1968), 16-18. Milestones from Galatia of 6 B.C. have 'curante Com. Aquila leg. suo pro pr.', R. K. Sherck, *The Legates of Galatia* (1951), 24.

⁸⁷ Alföldy, *op. cit.* (n. 86), 131.

⁸⁸ See J. M. Reynolds, 'Cyrenaica, Pompey and Cn. Cornelius Lentulus Marcellinus', *JRS* liii (1962), 99-100, no. 7, = *ILLRP*² i, 1234.

The notion that these two methods of appointment and two forms of titulature reflected a fundamental division of political and administrative responsibility between Princeps and Senate is an illusion.⁸⁹ Nor can we tell what formal description was applied to Augustus' position in relation to the Imperial provinces. It may be that he was formally proconsul of these provinces while concurrently holding the consulship (Pompey had already been proconsul, or *pro consule*, of Spain—Caes. *BG* vi, 1, 2—when elected consul in 52 while continuing his command; cf. Vell. Pat. ii, 48, 1); but no document gives Augustus or any other Emperor the *title* of proconsul until the reign of Trajan.⁹⁰ It may be, alternatively, that some formula employing the term *imperium proconsulare*, or a similar expression, was devised; but for that we have no evidence at this stage. It remains entirely open to suggest that the provincial aspects of the settlement of 27 amount, on Augustus' side, simply and solely to the right to appoint *legati* as governors of most of the major military provinces.

As regards the city magistracies, our evidence tends to suggest that the *form* of Republican elections had continued through the Triumviral period (pp. 52-3 above). If that is correct, and it is not certain, then when Dio asserts (liii, 21, 6-7) that electoral assemblies began to meet again from 27 onwards, we may take this as a reference to the recommencement of genuine competition for election, which is clearly attested for the Augustan period; the competition was limited in practice, but not formally, by Imperial *commendatio*.⁹¹ (Nonetheless, our sources do in certain instances speak of Augustus 'offering' or 'giving' the consulate to a man.)⁹² As regards the holders of the city magistracies, no change was made in their powers in 27, for no formal change had been made in the Triumviral period.

Thus the changes which culminated in 27 were of a fairly limited kind, and not all of them clearly tended towards a revived Republic. But that brings us to our central question: now that we have seen the extent to which the institutions of the *res publica* survived through the Triumviral period, what evidence have we to justify the normal view that 27 saw either a real or a proclaimed 'Restoration of the Republic'?⁹³

The question involves acute problems as to what terms are used in our sources to describe the change of 27 or the state of affairs resulting from it, and what these terms meant at different periods. When if ever, for instance, was *res publica* used to mean 'the Republic' in our sense? It surely has something like that meaning in one passage of Tacitus, referring to the year A.D. 14: 'quotus quisque reliquus qui rem publicam vidisset?'⁹⁴ But did it have the same meaning in the 20's B.C.? Already in 29 B.C. the Senate and People of Rome had made a dedication to Octavian 're publica conservata'.⁹⁵ More important perhaps is a passage from the third book of Livy, written precisely in the two years after 27 B.C.⁹⁶ Here Livy describes the Senate's reaction to a determined and patriotic speech by L. Quinctius Cincinnatus, consul in 460 B.C.: 'erecti patres restitutam credebant rem publicam'.⁹⁷ 'Res publica' here means 'the State' or 'the condition of public affairs', and certainly cannot mean anything like 'the Republic'.

This passage also serves to emphasize that, even if it were the case that contemporary sources consistently use 'res publica restituta' of the change completed in 27, this is not likely to have meant that 'the Republic was restored'. In fact it is remarkable, firstly, how little reflection the event has in contemporary literature—nothing in Vergil, Horace or Propertius echoes it—and, secondly, how varied are the expressions used in those literary and documentary sources which do refer to it. The expression 'res publica restituta' is used almost certainly in the *Laudatio Turiae* (see p. 59 above), ii, 25, 'pacato orbe terrarum, res[titut]a re publica'; and possibly in

⁸⁹ See Millar, *op. cit.* (n. 77).

⁹⁰ Mommsen, *Staatsrecht* ii, 2, 778.

⁹¹ *Op. cit.* in n. 8 above.

⁹² Tac., *Ann.* ii, 43 (Calpurnius Piso); iii, 75 (Ateius Capito); Seneca, *de clementia*, 1, 9, 12 (L. Cinna); *Dig.* i, 2, 2, 47 (Antistius Labeo).

⁹³ The following argument returns, in greatly

expanded form, to some points briefly made in *CR*, n. s., xviii, (1968), 265-6.

⁹⁴ Tacitus, *Ann.* i, 3, 7.

⁹⁵ *CIL* vi, 873 = *ILS* 81.

⁹⁶ R. M. Ogilvie, *A Commentary on Livy Books 1-5* (1965), p. 2.

⁹⁷ Livy iii, 20, 1.

the *Fāsti Praenestini* for January 12:⁹⁸

Corona querc[ea uti super ianuam domus imp. Caesaris] Augusti poner[etur
senatus decrevit quod rem publicam] P.R. rest[it]u[it].

It must be emphasised that these two cases are the *only* ones in which the expression is used, or may be used. In Ovid, *Fāsti* under January 13 a quite different formulation appears (i, 589-90) 'redditaque est omnis populo provincia nostro, et tuus Augusto nomine dictus avus'. Alternatively, *cistophori* of 28/7 B.C. have 'Libertatis p.R. vindex'.⁹⁹ What might be taken as a reference to the restoration of political liberty is in fact more precisely a reference to the end of the civil war; the reverse has 'Pax', and the *Fāsti* note on August 1st. 'quod eo die imp. Caesar divi f. rem publicam tristissimo periculo liberavit'.¹⁰⁰

Our most general statement comes from the loyalist Velleius; in describing the general settlement of affairs after the end of the civil wars he echoes in part the words of Cicero addressing Julius Caesar in *Pro Marcello* 23: 'Omnia sunt excitanda tibi, C. Caesar, uni... constituenda iudicia, revocanda fides, comprimendae libidines, propaganda suboles, omnia, quae dilapsa iam diffluxerunt, severis legibus vincienda sunt.' Velleius' version is more detailed and ornate: 'Finita vicesimo anno bello civilia, sepulta externa, revocata pax, sopitus ubique armorum furor, restituta vis legibus, indicūs auctoritas, senatui maiestas, imperium magistratum ad pristinum redactum modum; tantum modo octo praetoribus adlecti duo prisca illa et antiqua rei publicae forma revocata'.¹⁰¹ We could reasonably paraphrase this passage as 'Augustus restored the *res publica*', but not as 'Augustus restored the Republic'. The reference to the raising of the number of praetors from eight to ten shows how precise and restricted is the meaning of 'rei publicae forma' in this context.

Our most valuable source for these events would have been Livy. But while his Preface refers to the closing of the gates of Janus in 29 (i, 19, 3), it happens not to refer to the political settlement which followed. However, insofar as we may judge by the *Epitome* 134, when he came to the settlement he described it in neutral terms: 'L. Caesar rebus compositis et omnibus provinciis in certam formam redactis Augustus quoque cognominatus est'. It is unnecessary and pointless to go on to list the references in later authors to the settlement of affairs at this time, for our concern is essentially with how it was described and thought of by contemporaries. But we may note the two well-known passages in which Tacitus characterises the development of Octavian from Triumvir to Princeps:

- Ann.* i, 2 'posito triumviri nomine consulem se ferens et ad tuendam plebem tribunicio iure contentum'
iii, 28 'sexto demum consulatu (28) Caesar Augustus, potentiae securus, quae triumviratu iusserat abolevit (see p. 50 above), deditque iura quis pace et principe uteremur.'

In both of these passages Tacitus alludes to, rather than describes, features of Augustus' position in the 20's B.C. Neither reflects any knowledge of a claim that the Republic had been restored. In fact the only statement in our sources which can be interpreted as making a claim of that sort comes from Augustus himself in *Res Gestae* 34. However well known, his words still need reconsideration:

In consulatu sexto (28) et septimo (27), postquam bella [civ]ilia exstinxeram, per consensum universorum potitus rerum omnium rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli. Quo pro merito meo senatu[s] consulto Augustus appe]llatus sum... Post id tem[pus] auctoritate [omnibus praestiti, potes]tatis au[tem] nihilo amplius [habu]i quam cet[eri qui] mihi quoque in ma[gis]tra[t]u conlegae [fuerunt].

Augustus' words are carefully chosen: except for the consulates of 27-23, 5 and 2 B.C. he never held any Republican magistracy after January 27. What he says can

⁹⁸ *CIL* i² p. 231; A. Degraasi, *Inscriptiones Italiae* xiii, 2 (1963), 112-13.

⁹⁹ *R.I.C.* i, Augustus no. 10; C. H. V. Sutherland, *Coinage in Roman Imperial Policy 31 B.C.-A.D. 68* (1951), 31; Sutherland, Olcay, Merrington, *The*

Cistophori of Augustus (1970), 89-90.

¹⁰⁰ A. Degraasi, *Inscriptiones Italiae* xiii, 2 (1963), p. 191 (*Fāsti Amiternini*), cf. 31, 135.

¹⁰¹ Velleius ii, 89, 3-4.

only be absolved of actual falsehood by being understood to mean, in the strictest sense, that *qua consul* he had no powers greater than those of his successive colleagues. But at all times he held other powers which they did not, in the initial period specifically the right to appoint *legati* to govern his provinces (see above, p. 62); and after 23 B.C. his occasional consulates were essentially irrelevant to his position.

So we have to be cautious in considering the words he uses to describe the events of 28 and 27. He conspicuously fails to claim any constitutional basis for his *potestas* up to that point. But what he does claim is that he transferred that *potestas* in 'senatus populique Romani arbitrium'. We cannot, in interpreting this, disregard the view of our only narrative source for these events, Cassius Dio, who considered that the offer of resignation of his powers made by Octavian in January 27 B.C. was a charade which was deliberately intended to, and immediately did, result in a formal continuation of his control of the state.¹⁰² The word 'arbitrium', again, can refer to a historical fact if it alludes to Octavian's offer and the subsequent vote of Senate and People in January 27 B.C.; but if it carries an implication of a continued political freedom lasting beyond that point, that is another matter.

To Dio, of course, there never was any such event as the restoration of the Republic; for he, like Appian (*Hist., praef.* 14/60), regarded Actium as the moment when monarchy returned to the Roman world.¹⁰³ It should, however, be noted that he, Appian and Suetonius all refer to proposals or promises, made at various times by Octavian and Antonius, which would have amounted to 'restoring the Republic'. The form of words used is almost always that of *giving back* power:

36 B.C. Appian, *BC* v, 152/548 ὁ Καῖσαρ . . . τὴν ἐντελῆ πολιτείαν ἔλεγεν ἀποδώσειν, εἰ παρεγένοντο ἐκ Παρθυαίων Ἀντώνιος.

34 B.C. Dio xlix, 41, 6 τοιαῦτα δ' οὖν ὁ Ἀντώνιος πράττων ἐτόλμα τῇ βουλῇ γράφειν ὅτι τῆς τε ἀρχῆς παύσασθαι καὶ ἐπ' ἐκείνη τῷ τε δήμῳ πάντα τὰ πράγματα ποιήσασθαι ἐθέλει.

32 B.C. Dio I, 7, 1 ὁ Ἀντώνιος . . . ὑπέσχετο τὴν τε ἀρχὴν ἐντὸς δύο μηνῶν μετὰ τὴν νίκην ἀφήσειν καὶ τὸ πᾶν αὐτῆς κράτος τῇ τε γερουσίᾳ καὶ τῷ δήμῳ ἀποδώσειν.

30 B.C. Suetonius, *Div. Aug.* 28 'de reddenda re p. bis cogitavit: primum post oppressum statim Antonium, memor obiectum sibi ab eo saepius, quasi per ipsum staret ne redderetur; ac rursus taedio diuturnae valetudinis (23 B.C.), cum etiam magistratibus et senatu domum accitis rationarium imperii tradidit'

29 B.C. Dio lii, 1, 1 ἐκ δὲ τούτου μοναρχεῖσθαι αὐθις ἀκριβῶς ἤρξαντο, καίτοι τοῦ Καίσαρος βουλευσαμένου τὰ τε ὄπλα καταθέσθαι καὶ τὰ πράγματα τῇ τε γερουσίᾳ καὶ τῷ δήμῳ ἐπιτρέψαι.

The last passage serves only as an introduction to the debate of Agrippa and Maecenas, and need not be taken as evidence of an intention by Octavian specifically in 29 to restore power to Senate and people. It should be noted that the earlier passages all refer to unfulfilled public promises from the Triumviral period, and that of Suetonius to an unfulfilled private intention. Suetonius gives no hint of an awareness that it had ever been claimed that the event in question had actually occurred.

However, since men writing in the established Empire could hardly have doubted that they were living under a monarchy, it might reasonably be objected that this has coloured their view of the crucial transitional period. So we may come finally to the essential question—how did the matter seem to contemporaries? First we may note the remarkable frankness with which Cornelius Nepos, writing some time after the death of Atticus at the end of March 32, and apparently after the death of Antonius, characterises the ambitions of the two Triumvirs—'cum se uterque principem non solum urbis Romae sed orbis terrarum esse cuperet'.¹⁰⁴ This passage was probably written before January 27. But the preface of Vitruvius' *de architectura* is another matter, for it seems certain that it was written after January 27, and not later than

¹⁰² Dio liii, 2, 6-12, 3.

¹⁰³ Dio ii, 1, 1-2.

¹⁰⁴ Nepos, *Atticus* 20, 5.

23 B.C.¹⁰⁵ The tone of his address to Augustus in his preface is therefore of primary importance for assessing the conceptions which obtained in Rome in the 20's:

Cum divina tua mens et numen, imperator Caesar, imperio potiretur orbis terrarum invictaque virtute cunctis hostibus stratis triumpho victoriaque tua cives gloriarentur et gentes omnes subactae tuum spectarent nutum, populusque Romanus et senatus liberatus timore amplissimis tuis cogitationibus consiliisque gubernaretur . . . cum vero adtenderem te non solum de vita communi omnium curam publicaeque rei constitutionem habere sed etiam de opportunitate publicorum aedificiorum . . . cum autem concilium caelestium in sedibus immortalitatis eum (Julius Caesar) dedicavisset et imperium parentis in tuam potestatem transtulisset . . .

The passage contains no precise allusions to the current constitutional position. But its unabashed acceptance of the personal dominance of Augustus is unmistakable. Moreover, and this is the essential point, its obsequious flatteries could certainly be disregarded and considered as of no historical significance *if* they had been written under any conditions *except* those supposed by modern scholars, namely a recently-proclaimed 'restoration of the Republic'. Had such a thing been proclaimed, Vitruvius' words would have been grossly undiplomatic—and would not have been written.

The same considerations apply, with rather less force, to a number of passages in Horace and Ovid. None is very precise or significant in itself, and most are less close in time to 27 B.C. than the preface of Vitruvius, but all are incompatible with the hypothesis that Augustus had proclaimed a restoration of the Republic:

Horace, *Odes* i, 12, 49-52: 'gentis humanae pater atque custos,/orte Saturno, tibi cura magni/ Caesaris fatis data: tu secundo/ Caesare regnes . . .' and later (58) 'te minor laetum reget aequos orbem'.

iii, 14, 14-16: 'ego nec tumultum/ nec mori per vim metuam tenente/ Caesare terras'.

iv, 5, 1-2: 'Divis orte bonis, optime Romulae/ custos gentis, abes iam nimium diu', cf. iv, 15, 17 'custode rerum Caesare'.

Ovid, *Fasti* i, 531-2: 'et penes Augustos patriae tutela manebit:/ hanc fas imperii frena tenere domum'.

ii, 138-42: 'quodcumque est alto sub Iove, Caesar habet . . . vis tibi grata fuit, florent sub Caesare leges./ tu domini nomen, principis ille tenet'.

Tristia iv, 4, 13-16: 'ipse pater patriae (quid enim est civilius illo?)/ sustinet in nostro carmine saepe legi,/ nec prohibere potest, quia res est publica Caesar,/ et de communi pars quoque nostra bono est'.

Nothing much needs be claimed for these well-known passages, except that they reveal a perfectly open recognition of the control of the Roman state by one man. With the exception of one of the passages of Ovid (*Fasti* ii, 138-42), none betrays the slightest anxiety to cloak this domination in constitutional forms. Even more emphatic is Horace in *Epistulae* ii, 1, 1-4:

'Cum tot sustineas et tanta negotia solus,
res Italas armis tuteris, moribus ornes,
legibus emendes, in publica commoda peccem,
si longo sermone morer tua tempora, Caesar.'

Augustus himself objected to being acclaimed publicly as 'dominus',¹⁰⁶ refused the dictatorship in 22 B.C.,¹⁰⁷ and at the end of his life claimed, somewhat disingenuously as we have seen, to have excelled others only in *auctoritas*. But he too had no hesitation in recognising the facts of his position. In a letter to his grandson

¹⁰⁵ v, 1, 7, referring to an *aedes Augusti* at Fanum, ought to be conclusive, but it has sometimes been suggested on general historical grounds that the expression is impossible in Italy at this date. But other indications show that the work was complete by 23 or 22 B.C.: Schanz-Hosius, *Gesch. d. röm. Lit.* ii (1935),

387-8, cf. A. Boethius, 'Vitruvius and the Roman Architecture of his Age', ΔΡΑΓΜΑ *M.P. Nilsson dedicatum* (1939), 114.

¹⁰⁶ Suet., *Div. Aug.* 53.

¹⁰⁷ *RG* 5; Vell. Pat. ii, 89; Suet., *Div. Aug.* 52; Dio liv, 1, 3-4.

Gaius he wrote, 'Deos autem oro, ut mihi quantumcumque superest temporis, id salvis nobis (vobis?) traducere liceat in statu rei publicae felicissimo, ἀνδραγαθούντων ὑμῶν καὶ διαδεχομένων stationem meam'.¹⁰⁸ 'Res publica' here means just what it does in a letter of Ateius Capito, who died in A.D. 22, referring to the love of *libertas* which possessed his great rival Antistius Labeo. 'Sed agitabat', inquit, 'hominem libertas quaedam nimia atque vecors usque eo ut, *divo Augusto iam principe et rempublicam obtinente*, ratum tamen pensumque nihil haberet, nisi quod iussum sanctumque esse in Romanis antiquitatibus legisset'.¹⁰⁹

Labeo thus saw the principate of Augustus in a light not entirely different from that in which Cascellius had seen the Triumvirate. Moreover, even the complaisant Capito regarded the principate as a state of affairs in which Augustus 'rem publicam obtinebat'. That the *res publica* had been duly *restituta* by Augustus he would surely have agreed; but he clearly did not suppose that it had ever been *reddita*.

The regimes of Julius Caesar, of the Triumvirs and of Augustus all had to adjust themselves in differing ways to the *res publica* of Rome and its institutions, whose tenacity in survival was to be one of the most remarkable features of Imperial history. The temporary nature of the Triumvirate, its very lack of definition, and the competition for political support between its three, and then two, holders, caused it to be, if anything, more dependent on the Republican institutions than were the regimes of Caesar and of Augustus which preceded and followed it. The victory of Actium, the death of Antonius and the stabilization of affairs in Rome all marked steps towards, not away from, the establishment of a monarchy; and no good evidence suggests that anybody at the time claimed, or supposed, otherwise.

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¹⁰⁸ Aulus Gellius, *NA* xv, 7, 3 = E. Malcovati, *Imperatoris Caesaris Augusti Operum Fragmenta*⁵

(1969), *Ep.* xxii.
¹⁰⁹ *Ibid.* xiii, 12, 1-2.