

OCTAVIAN IN THE SENATE, JANUARY 27 B.C.

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Reviewing Peter Sattler's *Augustus und der Senat* (1960), J. P. V. D. Balsdon remarked¹ that the background to the events which marked the establishment of the principate is a field which has been ploughed, even deep ploughed times without number. This must be agreed, and the sceptical need go no further than Lothar Wickert's article s.v. *princeps* in Pauly's *RE* xxii, 2 (1953), esp. 2002–2004, to confirm the truth of the remark. Much of the ploughing however has been concerned with the question, 'By what legal right did Octavian/Augustus govern before, during, and after the period in which he claimed to have "transferred the *res publica* into the discretionary power of the Senate and Roman people"?'² The interest of this particular question has somewhat declined recently, perhaps rightly so, in an age in which there is a score of Octavians in the world, governing by right of victory in a civil war, and the governed populations tolerate these rulers without constantly examining their constitutional credentials, because they have one all-important virtue—they have put a stop to civil war.³

The present forking over of one portion of the field (to borrow again from Balsdon) seeks to do no more than to enquire what are the consequences of assuming that when Octavian 'handed over the *res publica*' he may have done so by using the normal senatorial procedures of the *res publica* of Cicero's day, and to ask whether this clarifies our understanding of these events, or not. In the belief that it does this paper is written.

In the *res publica* of Cicero's day, as common sense would lead us to expect and enquiry, where that is possible, confirms the expectations of our common sense—the Senate discussed what was put before it, and the *senatus consultum* (or *auctoritas* as the case may be) which resulted from a debate reflected the feeling of the House on the subject under debate.

The formal summons to Senators seems always to have been to discuss the *res publica*, or *summa res publica*—*aut infinite de re publica, aut de singulis rebus finite* as Gellius puts it (xiv, 7, 9)—and this appears to have been the case even when the actual subject of the proposed discussion had been announced formally or informally in advance.⁴ A debate might

¹ *Gnomon* 1961, 393 ff. For a more favourable view of Sattler, P. A. Brunt, *JRS* 1961, 234–5. Sattler's views on the opposition to Augustus have been taken up and amplified by W. Schmitthenner, *Historia* xi (1962), 31 ff. Their basis is a belief in Dio's basic veracity, at least in the narrative. Less confident is F. Millar, *A Study of Cassius Dio* (1964). But all historians should heed what Tacitus tells us about his predecessors in imperial history (*Annals* i, 1); they were Dio's predecessors too, and Dio was less perceptive, and less Roman, than Tacitus.

² Cf. the valuable summaries by G. E. F. Chilver (*Historia* i (1950), 409 ff.); more recent but more discursive, E. T. Salmon, *Historia* v (1956), 456 ff. Both reveal how much tilling has been in the same furrow—*imperium, potestas, auctoritas*. A new line of thought was suggested by Sir Frank Adcock (*CQ* 1951, 132–5), but it did not convince Salmon (op. cit. 457, n. 7), and another by A. H. M. Jones (*Augustus* (1970), 46, and *A History of Rome Through the Fifth Century* (1968–70), 25, 26, 41) which does not convince me. Both involve a formal vote to give Octavian overriding powers. P. Grenade, *Essai sur les origines du Principat* (1961), adopted a similar but more sweeping view on the totality of Octavian/Augustus' legally bestowed powers. For a favourable review, Béranger, *Gnomon* 1961, 387–93, for a hostile one, Brunt, *JRS* 1961, 236–8.

³ See F. Millar (op. cit. 118) for Dio. For this reason, I share Syme's view of Augustus' interpretation of his *imperium*: *JRS* 36 (1946), 155, despite the theoretically valid but arm-chair objections of Salmon, op. cit. 465; cf. Syme, *Roman*

Revolution (1939), 307, 'had the question (of the name of Octavian's powers) been of concern to men at the time'. It wasn't. Cf. id. 324.

⁴ Mommsen, *Staatsrecht* iii, 918–9, 956 and n. 3 (on p. 957). Examples of formal announcement *ex s.c.*: Caelius in Cicero, *ad fam.* viii, 8, 5, and 6, six months' notice of a debate on the consular provinces (51 B.C.); Cicero, *ad fam.* i, 9, 8, five weeks' notice of a debate on the *ager Campanus* (56 B.C.). *Ex s.c.* embassies from provinces and *socii* had priority in February (*ad fam.* i, 4, 1), unless they were explicitly put off (*ad Att.* i, 14, 5). Less formal announcements were made by consuls from time to time: Antony let it be known that there would be an important debate on 1st June, 44 B.C., and Cicero was advised to stay away (*ad Att.* xv, 5, 2 with *Phil.* ii, 108); Hirtius kept out of Rome in order to avoid having to debate. On Antony's proposed *s.c.* about Brutus and Cassius *ad Att.* *ibid.*; it was to be debated on 5th June (*ad Att.* xv, 9, 1). On 31st August in the same year, it was known that the following day Antony would propose not the *res publica infinite* but honours to Caesar, and Cicero was explicitly told that this was so (*Philippic* i, 11–12 and 8). In December 63, Cicero told those who had arrived at his house how he proposed to deal with the letters he had seized from the Allobroges (*in Cat.* iii, 7), and on the 'immortal Nones', two days later, some Senators stayed away because they knew they were going to be asked to discuss the fate of the accomplices of Catiline, whom the Senate had decreed to have acted *contra rem publicam* (*in Cat.* iv, 10).

be opened by a speech from the presiding consul⁵ (or other magistrate); this might be general in character, or lead up to a proposal he wished to have debated or approved by S.C.;⁶ or the consul might invite one of the *consulares* to address the House,⁷ or to say what he thought about the *res publica*—i.e. propose a topic for debate; he could also allow motions and counter-motions or rival motions to be proposed as the debate progressed.⁸ When strong feelings were aroused debates might go on for days or even months, especially when there was a variety of conflicting proposals.⁹ The consul could also allow (or perhaps could not prevent) *altercationes* and complimentary speeches¹⁰ during the discussion, nor were debates always restricted strictly to the topic announced in advance.¹¹

Octavian was in the chair on 13 January, 27 B.C. Unless Dio is wholly misinformed, Octavian had primed only a few of his closest associates about what he was going to say, so the majority of the Senators had come expecting to discuss the *res publica infinite*. Octavian however had written out his entire speech in advance to make sure, as Suetonius tells us, that he neither said more than he intended, nor omitted anything by accident.¹² He opened the debate, and he will have been expected to do so; we do not know what he said,¹³ but we do know the results of the ensuing discussion: the first was that *ex senatus consulto* an oak-wreath (*corona querna*) was decreed to be hung above Octavian's front door;¹⁴ the explicit statement of the *fasti* from Praeneste that this was on 13th January is preferable to the non-chronological order of *res gestae* 34, in which the supreme, unique honour, the name Augustus, is placed first, followed by the laurels, the oak-wreath,¹⁵ and the rest.

The oak-wreath has—with good reason—been identified with the oak-wreath bearing the legend *OB CIVIS SERVATOS* which appears on coins.¹⁶ In *res gestae* 34 Augustus

⁵ Of Cicero's seventeen surviving senatorial speeches, two, *de lege agraria* i and *in Catilinam* i, are of this type; so was Antony's attack on Cicero to which *Philippic* i is a reply. Cf. Hirtius' and Pansa's speeches on 1st January, 43 B.C.: Cicero, *Phil.* v, 1.

⁶ *In Catilinam* iv re-opens a debate, and makes clear what the Senate must vote on 'before nightfall' (*in Cat.* iv, 6), though it proposed no motion.

⁷ *Post reditum in senatu* and *Philippic* i clearly belong to this class. So does the lost speech in which Cicero proposed Pompey's corn commission in 56 B.C. (*ad Att.* iv, 1-6).

⁸ *Philippic* iii introduces a motion (38), so do viii (33), ix (15), x (25) and xiv (36); a series of motions in *Philippic* v, 31, 38, 53; whatever may have been the case in the later speeches, Cicero's motion in *Phil.* iii was certainly not known or advertised in advance. *Phil.* xiii (50) and vii (27) introduce proposals in the course of debates already under way; cf. *de prov. cons.* (1), a debate whose subject was known in advance, and in which Cicero's speech was to support an already-proposed motion.

⁹ Protracted debates include the restoration of Ptolemy Auletes in 56 B.C. (which was never concluded; for the variety and complexity of the proposals, Cicero, *ad fam.* i, 1, ff.); the establishment of a court to try those charged with sacrilege at the *Bona Dea* festival of 62 B.C. lasted about 2½ months (Jan-Mid-March, 61 B.C.) and was settled only by one party capitulating; the revision of the Asian tax-contract (*ad Att.* i, 18, 7) lasted nearly a year. More briefly, 'eo die res confecta non est, eo die nihil perfectum est,' Cicero, *ad Q.f.* ii, 3, 1 and 3: many other examples.

¹⁰ Cicero's *in Pisonem*, the fragmentary *in toga candida* and *in Clodium* (et Curionem) are written-up *altercationes*; *de haruspicum responso* and *Philippic* xii combine self-defence with attacks on opponents; *pro Marcello* is a written-up version of what was a spontaneous and complimentary contribution to a discussion following a consular announcement; compare Cicero's account of Crassus' and his own contributions to the discussion which opened with the consul asking Pompey's views on the court to investigate the *Bona Dea* affair (*ad Att.* i, 14, 2-4).

¹¹ Cicero, *Philippic* iii, 13: 'quamquam vos nihil aliud nisi de praesidio, ut senatum tuto consulens Kalendis Ianuariis habere possint, rettulistis, tamen mihi videmini magno consilio atque optima mente potestatem nobis de tota re publica fecisse dicendi.' The implication that Cicero's extension of the field of debate was with the leave of the presiding tribunes is very clear.

¹² *Augustus* 84; for this occasion, Dio liii, 2, 7, and cf. 11, 1.

¹³ The speech in Dio is generally thought an invention—certainly it cannot be put into Latin in the simple style Suetonius describes as Augustus' (*Augustus* 86). The atmosphere of hysterical amazement in the Senate may, however, be authentic. Schmitthenner (op.cit. 36, following Sattler) emphasizes the opposition, describes the settlement as a compromise, and, accepting Dio's statements about doubling the praetorians' pay (liii, 11, 5), asks if the meeting was in fact intimidated by troops. If the answer is 'yes', the Romans played farces with straight faces superbly—better than I think credible.

¹⁴ *Corona quern[a uti super ianuam domus imp. Caesaris] Augusti poner[etur] senatus decrevit quod rem publicam] P[opulo] R[omano] rest[itu]it.* *CIL* i², 231; most accessible in V. Ehrenberg and A. H. M. Jones, *Documents illustrating the reigns of Augustus and Tiberius* (1955), 44 ff. (E/J *Docs* hereafter). This, the official document, says *p. R. restituit: re publica restituta* exists only on a private document, the famous *elogium* of 'Turia' (E/J *Docs* 357). F. Millar, 'Two Augustan notes', *CR* 1968, 263-6, questions the validity of this document. I agree. For the history and credentials of the *fasti*, see J. Gagé, 2nd ed. of *Res Gestae* (1950), 155 ff., with bibliography of post-Mommsen discoveries, p. 161.

¹⁵ Dio liii, 16, 7 says explicitly that the name Augustus was the last honour to be granted, but see below, p. 182. For two stages in awarding honours, Mommsen, *Staatsrecht* iii, 2, 745-6.

¹⁶ *OB CIVIS SERVATOS* is the legend of the first oricalchum SC coins from the Roman mint, dated not before 23 B.C., E/J *Docs* 19, *q.v.* for references. Cf. Val. Max. ii, 8, 7. For these coins and others, A. Bay, 'The lettering SC on the Augustan

calls it a *corona civica*. The saving of citizens' lives was the customary significance of an oak-wreath¹⁷ (as distinct from one of laurel or ivy, etc.); there cannot be much doubt that, when the *fasti* from Praeneste associate the *corona querna* with the restoration of something to the *populus Romanus* (*rem publicam* perhaps, as in the usual supplement offered by editors, see n. 14), they are referring to the same honour, and that there was only one such grant, not two.

If we are correct in supposing that a *corona querna* (with the significance of saving the citizens' lives) was voted on 13th January, Octavian must have claimed in his speech that he had done something for which this was an appropriate reward. The obvious thing would be the ending of the arbitrary treatment of citizens resulting from the civil wars; the restoration of the *quaestiones perpetuae* may have been mentioned, perhaps even that of *provocatio* or the revival of the *lex Valeria de provocazione*, which Livy discovered was one of the initial acts of the *res publica antiqua*¹⁸ after the expulsion of the Tarquins and the vindication of the liberty of the Roman People.¹⁹

The claim must have seemed appropriate to the context; the civil wars had been declared to be over,²⁰ the illegal measures of the triumviral era had been annulled with effect from 31 December, 28 B.C.,²¹ and the annulment must have included an amnesty for any who had still not been pardoned or excluded from the lists of the proscribed.²²

A second result of the debate was that Octavian's doorposts were publicly decorated with laurels. Augustus himself records the gift in his *res gestae* 34, and Dio associates the grant of the laurels with that of the oak-wreath (liii, 16, 4). Dio's text says δάφνος, and bushes of laurel appear on a number of coins, either on their own or with the *clupeus*

aes coinage', *JRS* 62 (1972), 114, for their date as 18–15 B.C. M. H. Crawford (private communication to the writer) observes 'there was a hiatus in the coinage between 27 and 19 B.C.' CIVIBUS SERVATEIS appears on an *aureus* dated CAESAR COS VII, H. Mattingly, *British Museum Catalogue of Coins of the Roman Empire (BMCRE)* i, CXXIV and 106–7, nos. 656 and following. The reverse is AUGUSTUS SC; on this issue SC records the gift of the name Augustus by the Senate: Mattingly and Sydenham, *Roman Imperial Coinage* 62, n. 1.

¹⁷ Val. Max. *l.c.*; cf. Gellius v, 6, 11; Pliny, *NH* xvi, 7 and 13 for the associated honours. Full references to ancient sources in *RE* iv, 1639 ff. (Fiebiger, 1901); Mommsen, *Res gestae* 2 149 ff.

¹⁸ Livy ii, 8, 1: rejected as a Livian error, R. M. Ogilvie, *Commentary on Livy* i–v (1965), 252. Could Augustus be one cause of the 'error'?

¹⁹ IMP CAESAR DIVI F COS VI LIBERTATIS P. R. VINDEIX, tetradrachm (cistophorus) *BMCRE* i, 112, no. 691, attributed to Asia (the Ephesus mint) by Mattingly, to Bithynia (the Nicomedeia mint) by A. M. Woodward in *Roman Coinage, Essays presented to Harold Mattingly* (1956), 152, with references; cf. M. Grant, *Roman Imperial Money* (1954), 24; Syme, *Rom. Rev.* 306. The reverse says PAX: Grenade (op. cit. (n. 2) 62–3) argues that this was the more important legend. I doubt it, but peace was the natural (and asserted) corollary of the victories proclaimed on the dated *quinarii* ASIA RECEPTA (IMP VII), *BMCRE* i, 105, nos. 647–9; on *denarii* AEGYPTO CAPTA (COS VI), ib. 106, nos. 650 ff., and on an *aureus* (COS VII), ib. no. 655. Cf. also Livy i, 19, 3, written before 25 B.C., R. Syme, *Harvard Studies* lxiv (1959), 42. See also Ch. Wirszubski, *Libertas* (1960), 4–5 for *Libertas populi Romani* as signifying Republican government, and 100 ff. for *libertatis p. R. vindex*.

Fergus Millar (*JRS* lxiii, 1973, 59 ff., which was not available to me until after this article was written) has rightly emphasized the lack of evidence for a routine personal jurisdiction by the triumvirs in Rome and Italy; we must agree, but there is also no evidence of the normal functioning of the Republican courts of justice. Moreover, the *coniuratio totius Italiae* must at least have seemed to put those who

took the oath *in verba C. Caesaris* into the same relationship to Octavian as every soldier put himself in relation to the commander under whom he enlisted—a relationship which certainly gave the commander summary powers. This relationship could also only be dissolved by the act of the commander releasing his troops at the end of his campaign, that is, in Octavian's case, at the end of the civil wars, which were what *tota Italia* had enlisted for. Note also that Dio liii, 2 suggests that there was no *praetor urbanus* in 28 B.C. until Octavian appointed one.

²⁰ The date is uncertain, and disputed. The *s.c.* quoted by Macrobius (*Sat.* i, 12, 25) gives the month as August. The battles at Naulochus and Actium were both fought in September (Dio li, 1, 1; for the calendars of the Arval Brethren etc., E/J *Docs* p. 51; Gagé, op. cit. (n. 14) 180); the *s.c.* lists Octavian's triumph in 29 and the capture of Egypt in 30 separately; 28 looks the most promising year (so Grenade, op. cit. (n. 2)), except that Janus had been closed (hence peace proclaimed) in January 29 (so Brunt, op. cit. (n. 2)). But it is possible that the *s.c.* was written well after 27, and called the abolition of the illegal measures of the triumvirs 'the end of the civil wars'. This involves believing that the *s.c.* to call Sextilis 'August' belongs to the date when it was passed, i.e. to 8 B.C. It is tempting to assign also to 28 the edict and oath of Suetonius, *Augustus* 27, 2 (so Grenade, 68), and to associate it with the opening of the gardens round his mausoleum to the public, dated to 28 by Suetonius, *Augustus* 100, 4, who omits the month.

²¹ Octavian's measures had been confirmed in 39 (Dio xlviii, 34, 1) and again in 29 (Dio li, 20, 1); this step distinguished him from the other two triumvirs (Sattler, op. cit., 34). But propaganda exhibiting deference to A. Cassellius was also perhaps important. Cassellius had refused to accept the validity of the acts of the triumvirs at any time (Val. Max. vi, 2, 12): he was still alive, and probably active, and widely respected, *RE* iii, 1635 (Jörs, 1899).

²² *Res gestae* 3, 1 and Velleius ii, 86 both exaggerate as far as 31 was concerned; however, the propaganda of 28 must have laid the ground for an award *clementiae causa*.

virtutis.²³ On other coins, however, laurel branches are shown, associated with the oak-wreath; these are not bushes, nor are they plaited into a wreath, but are shown encircling the oak-wreath and curved to fit within the rim of the coins.²⁴ They have been taken to represent branches fixed in an upright position to the doorposts of his house (and presumably renewed at fairly regular intervals).

Laurels (of whatever sort) symbolized victory; victories and triumphs were much in the air in 27 B.C.; apart from Octavian's own triple triumph in 29, three triumphs were celebrated from 'his' share of the triumphal provinces in 28. C. Calvisius Sabinus from Spain (26th May), C. Carrinas from Gaul (6th July), L. Autronius Paetus from Africa (16th August),²⁵ and it was the appropriate counterpoint to the theme of peace.²⁶ Other victories had been announced; M. Licinius Crassus had caused Octavian to take a seventh imperatorial salutation in 29²⁷ for his victories to the North of Macedonia; M. Valerius Messalla Corvinus was winning victories in Gaul: both would triumph in 27.²⁸ Crassus had already returned in 28,²⁹ but as he claimed the *spolia opima* (he had killed a chief of the Bastarnae in battle with his own hand), research was needed to examine the validity of his claim to this antique and Romulean honour³⁰—a convenient excuse no doubt, and a means of dealing with an extravagant and inconvenient claim. In addition, there were the well-advertised (if ill-starred) victories of Cornelius Gallus in Egypt and beyond its frontiers.³¹ Laurels, then, symbolized great victories which Octavian claimed to have achieved, if not universal victory within the limits of the Roman world, and a useful prelude to a claim that the provinces were sufficiently pacified to be handed over to the Senate.³²

To return to the Ides of January; the other act explicitly dated to them is the 'return of every province to our people', as recorded by Ovid;³³ unfortunately however Ovid's text is not certain, and he puts this act on the same day as the grant of the name Augustus, stated explicitly by the *fasti* of Praeneste and Cumae to have taken place on the 16th.³⁴ If Ovid is right about the return of the provinces on the 13th, the Senate was given a *relatio* to debate following Octavian's address—the consular provinces, and it so happens that the ultimate result of the Senate's debate is that an allocation of provinces to at least one of the consuls took place.³⁵

²³ *BMCRE* i, nos. 351–6, and Plate 7, nos. 5–8 (a Spanish mint).

²⁴ *BMCRE* i, nos. 134, 139, 148, 157, 165, 171, 175, etc.; Plate 18 for illustrations of these and others, cf. Plate 21, 8 (no. 737). The laurel wreath with this legend is a civil war (A.D. 68–9) coin, *BMCRE* i, no. 289 and n.

²⁵ *E/J Docs.* 35, from the Capitoline *fasti triumphales*; cf. the coins cited in n. 19, above.

²⁶ Velleius ii, 89.

²⁷ Dio li, 25, 2; *E/J Docs.* 17 (= *ILS* 81) records Octavian as IMP VII this year, and the dedication as RE PUBLICA CONSERVATA; Mommsen, *res gestae*², 12. 'Some people say' (ὡς γὰρ τινὲς φασί), says Dio, that Crassus also was saluted as *imperator*; *ILS* 8801 (from Athens) supports them. See Syme, art. cit. (above, n. 19) 46 for both this point and Crassus' return (below).

²⁸ Crassus on 4 July, not over the Bastarnae, but *ex Thraecia et Getis*; Messalla on 25 September (*E/J Docs.* 35, from the Capitoline *fasti triumphales*).

²⁹ Syme (n. 19 above) against Grenade, op. cit. (n. 2 above) 171.

³⁰ Livy iv, 20, 5–11, for Octavian's results; Ogilvie, op. cit. (above, n. 18), 563 f., with references to earlier literature. Syme (n. 27 above) disbelieves Groag's suggestion (*RE* xiii, 283 ff. (1926)) that Crassus' claims motivated the return of the *res publica* to the SPQR; so do I. For the relevance of Romulus' honour, Grenade, op. cit. 171; on the other hand (a) Crassus was the only *triumphator* of the time who had won his victory in 'Antony's' provinces; (b) Crassus was the one whose salutation as *Imperator* Octavian had seen fit to share, though Carrinas' victories had been celebrated in Octavian's Dalmatian triumph (Dio li, 21, 6; cf. above, and n. 27). Perhaps, too, the temple of Jupiter Feretrius was not yet completed; although the restoration had

begun before Atticus' death in 32 B.C. (Nepos, *Atticus* 20, 3), the temple had been extremely dilapidated, so much so that Augustus counted it as his own work (*res gestae* 19; Livy iv, 20, 7). Completion might have been delayed, too, if Crassus had made his inconvenient claim as early as 29. Augustus did not become IMP VIII till 25 B.C.

³¹ *E/J Docs.* 21 for Gallus' claims; dated 15 April, 29 B.C. Dio liii, 23, 5–7 (dated 26 B.C.) for his disgrace and suicide; his exact offence is not clearly stated. Syme, *Rom. Rev.* 309 dates it 27 B.C.

³² This might be what Livy, *Epit.* 134 is trying to say: 'rebus compositis et omnibus provinciis in certam formam redactis Augustus quoque cognominatus est'. Moreover, *cum per totum imperium populi Romani terra marique parta esset pax*, the formula for the closing of Janus' temple, could be held to exclude foreign wars, and was evidently so held, since the temple was not re-opened for Augustus' widely-anticipated campaign in Britain (Dio liii, 22, 5; Momigliano, *JRS* 40 (1950), 39), but only for his Spanish campaign (or the war against the Salassi): Plutarch, *Mor.* 322 B–C (= *de fortuna Romanorum* 9); Dio liii, 26, 5; cf. Orosius vi, 21, 1 (though he has the date wrong).

³³ *Fasti* i, 589–90: 'redditaque est omnis populo provincia nostro/ et tuus Augusto nomine dictus avus'. *est omnis* has the support of the best *MSS*, Lenz (Teubner editor), J. G. Frazer and others; *immunis* was read by Merkel (1891), and he has convinced some historians (e.g. Gagé, 164). Merkel also proposed *res publica* for *provincia*, which Mommsen accepted (*CIL* i, p. 384), but later regretted ('hodie paenitet', *Res gestae*² 147). *vestro* has *MS* support, but is not read.

³⁴ *E/J Docs.*, 45; cf. Mommsen, *Staatsrecht*, I, c.

³⁵ Whether Agrippa, the other consul, got a province is discussed below (p. 183).

According to Dio (and here we seem to have to depend on Dio) this is precisely what happened; in a prepared speech, read from a manuscript, Octavian put the provinces—which can only mean decisions on who was to govern the provinces—into the hands of the Senate.³⁶ They gave them straight back. Octavian's immediate reaction is unknown; his ultimate reaction was to undertake the government of Spain, Gaul and Syria for ten years, and the right to manage their frontier-policies (make war on and peace with the neighbouring peoples and client kingdoms),³⁷ and to put the rest into the hands of the Senate to manage by sending out annual governors in the traditional way.³⁸ One can argue inconclusively for 13th, 15th or 16th January as the date for this ultimate solution; in favour of the 13th it can be said that Octavian was unlikely to have given no thought to the probable outcome of his speech; on the other hand, some degree of hesitancy would be more democratic or republican-looking, as when (for example) the consuls consulted with Pompey about the resources he needed for his corn-commission in 56 B.C., before coming to a formal proposal;³⁹ an adjournment looks more attractive on the whole.

What else was in Octavian's speech? The *res publica* consisted of more than the provinces—of course. The point of Octavian's prepared script was to ensure that he did not forget anything (so Suetonius); and to invite the Senate to discuss the provinces was not to restore to them the *res publica*. Dio mentions the armies, the laws and the treasury. Of these, command of the armies went with the government of the provinces by tradition; there seems no need to suppose a special or separate discussion about them. To tell the Senate that they must resume legislative responsibility was a natural result of abolishing the triumvirs' illegal acts. Octavian himself had made the treasury solvent in 28, according to Dio;⁴⁰ we know that the Senate had titular responsibility for it throughout the Augustan period and after,⁴¹ and it is not unreasonable to think that this may have been the moment when they were told to resume responsibility for it.⁴² To Velleius, the venerable ancient pattern of the *res publica* was renewed when 'force was restored to the laws, authority to the courts, its honourable dignity to the Senate, their powers to the magistrates', and this he declared was what had happened.⁴³

The *relatio* then was perhaps *de provinciis consularibus*, and it was introduced by a consular speech on the pacification of the Empire by victories, and the need for the Senate

³⁶ Dio liii, 4, 3 and 5, 4, heavily underlined by Tiberius' speech as given in lvi, 39 (esp. 4 for the *aerarium*); but for the credentials of the latter, F. Millar, *op. cit.* (n. 1), 101. I do not believe in Dio's φροντίδα τήν τε προστασίαν τῶν κοινῶν πᾶσαν (= *cura* and *principatus* of the whole *res publica*), even in Schmitthenner's 'staatsrechtlich unverbindliche Formel' (*op. cit.* in n. 1, above, 36, q.v. n. 44 for references), but agree with Syme, *Rom. Rev.* 313.

³⁷ Strabo xvii, 840; he says the right to make war and peace was granted for life. He may be right, but where did Dio get the information (liii, 13, 1) that Octavian playfully (or boastfully, like a *υσαυλας*) added that he would give back his three provinces to the Senate if they were pacified within the period of his (10-year) proconsulate? This does not look like a historian's—or even a rhetorician's—invention. The 'frontiers and neighbours' of Syria were, of course, stretched to include the whole Eastern frontier and Egypt.

³⁸ Strabo (l.c.) says 'to the People', a clear mistake. The people did not allocate provinces, except when under the Republic they overruled the Senate or pre-empted provinces for powerful *populares*. Strabo's credit may be saved by saying he was thinking of the conferment of *imperium* formally. But I doubt it.

³⁹ Cicero, *ad. Att.* iv, 1, 6–7 'factum est s.c. . . ut cum Pompeio ageretur ut eam rem susciperet, lexque ferretur . . . Postridie . . . nihil Pompeio postulanti negarunt, ille legatos cum XV postularet . . . legem consules conscripserunt qua Pompeio . . . potestas . . . daretur.'

⁴⁰ Dio liii, 2, 1; one of the occasions referred to in *res gestae* 17, 1.

⁴¹ Most recently, Bay, *JRS* 1972, 119 ff.

⁴² The treasury (*aerarium Saturni*) had always

financed provincial government; to make the reorganization coincide was only natural. Cf. Bay, *art. cit.* 120, who points out that a reorganization of the *aerarium* preceded both Augustus' constitutional reorganizations. Nobody (then or now) would be foolish enough to suppose that this would exempt the Senate from having to finance the provinces (*ornare provincias*); that is why the *aerarium* never had any money. See Polybius vi, 13; Mommsen, *Staatsrecht* iii, 1097; *RE, Supp.* vi, 741 (O'Brien Moore, 1935), for the norm.

⁴³ Velleius ii, 89, 3; 'restituta vis legibus, iudiciis auctoritas, senatus maiestas, imperium magistratum ad pristinum redactum modum. . . ; prisca illa et antiqua rei p. forma revocata. Rediit . . .' This punctuation (Krause, Gagé) should be preferred to . . . *modum* . . . *Prisca* . . . *revocata, rediit* . . . which appears to reduce *prisca* . . . *revocata* from being the triumphant capstone to a subsidiary ablative absolute clause; but it is the reading of Halm (Teubner text) and others; some texts print the conjecture *renovata*;—*haud scio an recte* (Halm). Sattler, *op. cit.* 41, n. 95, cites parallels from Cicero for *res publica* as meaning the traditional functioning of the traditional organs of state: cf. F. Millar, *CR N.S.* 18 (1968), 263 ff. In *JRS* lxiii (1973) Millar's discussion ignores the *aerarium*; yet control of this by the Senate was the surest proof of the *maiestas senatus* in the *res publica*. The Senate cannot even have seemed to control the *aerarium* until (at least nominally) it controlled the *ornatio provinciarum* and the sending out of governors, which, as Millar agrees, was a power the Senate did not recover before 27 B.C. Dio's account (liii, 2) represents Octavian as treating the *aerarium* very much as within his own prerogative in 28 B.C.

to resume control of the direction of its customary duties—that is all we need to assume as the formula whereby the *res publica* was restored to the SPQR. What could look more republican? There was a speech of Cicero on that very topic. The alternatives are sinister, or hideous,⁴⁴ and were surely not chosen. The results of course were highly un-republican, and probably were intended to be,⁴⁵ but before the Senate gave the provinces back the façade was what mattered.⁴⁶

14th January was *nefastus*, and had been so since 30. It was Antony's birthday.⁴⁷ The Senate did not meet, but men could think, and talk. A short meeting could have been held on 15th January: it probably was.⁴⁸ Its business must have been the aftermath of the 13th, to hear which provinces the consuls would take, or to discuss honours, or both.

Octavian's detailed proposals, if announced, will not have taken long; they may perhaps have been accepted virtually without discussion. The Senate then turned to honours, which modern experience suggests will have taken much longer. A short day and a whole day could easily have been consumed in such an important (and delicate) debate, especially as there were rival proposals (see below).

In Dio's account the grant of the oak-wreath and laurels is separated from that of the name of Augustus, which is the only other honour he mentions.⁴⁹ In *res gestae* Augustus adds that the People as well as the Senate granted him the golden shield (*clupeus virtutis*).⁵⁰ But the earliest dated representation of the shield (that found at Arles) gives a text different from that of *res gestae*,⁵¹ Octavian's name as Augustus, and the date as 26 B.C. (consul VIII, there is no shadow of doubt about the third stroke). If the Arles shield is an exact copy of the shield in the Senate-House,⁵² the question of a golden shield was not debated in January 27 B.C., and a new *cognomen* for Octavian will have been the sole topic debated, and the discussion was restricted to the Senate. On the other hand, if *res gestae* is correct in associating the gift of the golden shield with 27 B.C. and the gift of the name of Augustus, the People played a part as well. Senatorial procedures might help in determining the more probable sequence of events.

In general, when the Senate proposed and the people ratified a measure, they met on successive days, though an act on the same day was not unknown; the republican examples of the Senate holding a meeting after the People had finished theirs seem to be mostly after a row.⁵³ Two alternative programmes therefore exist; one is that on 15th January the Senate proposed the gift of the golden shield, which was ratified by the People either on the same day or the next, the 16th, whereupon the Senate re-assembled to consider their own special honour for Rome's third founder; ⁵⁴ the other is that the Senate spent the whole time available on the 15th and 16th, less what was expended on the provinces, in discussing the appropriate new title for Octavian, and adjourned after ratifying the choice of 'Augustus', but the golden shield was voted by the Senate and People some time later.

The latter alternative seems better, not so much because those drawing up the *fasti* would have been less liable to miss the gift of the shield if it were granted at the same time

⁴⁴ One may speculate on these: *de re publica SPQR restituenda?* Surely not. It was a good *ex post facto* claim, but not a preparatory motion: *de potestate extraordinaria imp. Caesaris divi f. deponenda?* or *imperio triumvirali?* or *potestatibus?* each gets more blatant, and improbable.

⁴⁵ Nicolaus of Damascus, a contemporary writer, gave Dio grounds for his interpretation of Octavian's monarchical wishes—e.g. in Caesar's reasons for choosing Octavian as heir, Jacoby *FGH* ii, 416, esp. c. xxx (120); Salmon (art. cit., above, n. 2), 458. The study cited there is not available to me.

⁴⁶ Dio reports that Octavian immediately procured a grant of double pay to those who were going to be his *cohors praetoria* (liii, 11, 5). Dio's future tense suggests that on 13 January Octavian did not have such a *cohors*: this is natural, since one is appropriate to a proconsul, not to a consul; as triumvir, Octavian had had one, see Millar, *JRS* lxxiii (1973), 59 and n. 55.

⁴⁷ Dio li, 19, 3 for 30 B.C.; E/J *Docs.* p. 45; the *fasti Verulani* explicitly state the reason.

⁴⁸ Pace Syme, *Rom. Rev.* 313. The 15th, being the *Carmentalia*, was *nefastus parte*; this must warn us against supposing too much done.

⁴⁹ liii, 16, 4 for the former: ὅτι . . . τὰ περὶ τῆς τῶν ἕθνων διανομῆς . . . διελέχθη; 16,6 for the latter: ἐπει δὲ καὶ τῶ ἔργῳ αὐτὰ διετέλεσεν.

⁵⁰ 34, 2: '[et] clupeus [aureus] in [c]ur[ia] Iulia positus quem mihi senatum pop[ul]um[us] Rom[anu]m dare virtutis clement[iae]que [et] iustitiae et pietat[is] caus[is]a testatu[m] est pe[r] eius clupe[i] [inscription]em.'

⁵¹ SPQR IMP. CAES. DIVI F. AUGUSTO COS. VIII DEDIT CLUPEUM VIRTUTIS CLEMENTIAE IUSTITIAE PIETATIS ERGA DEOS PATRIAMQUE: full text in *An. Ép.* 1952, 165. It was found at Arles in 1951: Benoit, *Rév. Arch.* 6, 39 (1952), 48, for an illustration. Cf. S. Weinstock, *Divus Iulius*, Plate 18. For coins showing CL(UPEUS) V(IRTUTIS), or SPQR. CL. V, *BMCRE* i, nos. 321-3, 333-43, 352, 381, etc.

⁵² As argued by W. Seston, *CRAI* 1954, 286 ff.

⁵³ E.g. the rigged voting of 61 B.C., Cicero, *ad Att.* i, 14, 5; the riot at Milo's prosecution in 56 B.C., Cicero, *ad Q.f.* ii, 3, 2.

⁵⁴ For the description, Syme (art. cit. n. 19), 55, with the evidence.

as the other honours,⁵⁵ as because the former order of events would suggest that the *populus Romanus* was deliberately excluded from choosing and conferring the name Augustus, after having taken part in the grant of the shield. It is much more natural to think that they conferred their honour later, as the Arles version of the shield says, since it uses the name Augustus, and presumably in 26 B.C., the date on the Arles shield, which might thus commemorate the first anniversary of the gift of the name Augustus or the restoration of the *res publica* to the Senate and People.

The virtues proclaimed, which became the stock imperial virtues,⁵⁶ are *virtus*, *clementia*, *iustitia* and *pietas*. It has been argued⁵⁷ that these are all derived from Caesar, and there is some evidence for precedents. Augustus' victories, however, derived from his own *virtus*, and his *corona civica* symbolized his own *clementia*; *iustitia* might symbolize the justice of his wars, as Weinstock thinks Caesar's did, but it might also advertise the return of *ius* with the ending of the civil wars; *pietas* may proclaim the avenging of Caesar, but the great programme of religious revival and rebuilding and the fulfilment of the promise to restore the Republic⁵⁸ is more positively commemorated in the words *erga deos patriamque* of the Arles monument.⁵⁹

More certainty can be attained about the conferment of the name Augustus. Romulus was proposed,⁶⁰ even favoured by Octavian according to Dio; that is incredible.⁶¹ Augustus was proposed by the ex-Antonian Munatius Plancus, it was approved by the Senate on 16th January,⁶² and Augustus became Octavian's new *cognomen*; ⁶³ the 'painless and superficial transformation'⁶⁴ of the revolutionary leader was complete, but it probably took a lot of debating time to achieve.

The background given by Dio for what it is worth,⁶⁵ offers a picture of a systematic overhaul of the organs of the *res publica* in 29–28: the Senate was reduced from 1000 by about 200⁶⁶ in the census, and given a new *princeps senatus*; ⁶⁷ the *populus Romanus* was counted and ceremonially purified in a *lustrum*, the first for 41 years⁶⁸ (a period much longer than the civil wars); the consulship was restored as a true collegiate magistracy when the *fasces* were shared,⁶⁹ and when the consuls held office for the full 12 months (a thing Octavian had not done since 33 B.C.); the treasury was reorganized;⁷⁰ the spheres of jurisdiction of *praetor urbanus* and *praetor peregrinus* were enlarged to absorb those of the aediles, and a *praetor urbanus* was appointed;⁷¹ Octavian's own *eiuratio* at the end of 28 B.C. was a claim to have brought himself under the laws.⁷²

The State's religious life was likewise overhauled; the religions of Egypt were not to be celebrated within the *pomoerium*, and repairs to the temples of the Roman gods were

⁵⁵ In E/J *Docs.* p. 35, the omission of Octavian's second triumph on the *fasti triumphales Barberini* is a warning against over-confidence about this.

⁵⁶ M. P. Charlesworth, 'The Virtues of a Roman Emperor' (Raleigh lecture, *Proc. Br. Academy*, 23) 10 ff.

⁵⁷ S. Weinstock, *op. cit.* (n. 51), ch. xi.

⁵⁸ Dating perhaps from the pamphlets published in 36 B.C. (Appian, B.C. v, 130) or to a response to Antony's propaganda before Actium: Suetonius, *Augustus* 28; Dio I, 7; cf. Grenade, *op. cit.* 77, but pushed too far.

⁵⁹ The opening three chapters of *res gestae* also seem to have the imperial virtues in mind; Octavian's *virtus* liberated the *res publica* from a *factio* (1, 1), to spare *veniam petentibus* was an act of *clementia* (3, 1), avenging Caesar was an act of *pietas*, and pursuing the vengeance *legitimis iudiciis* one of *iustitia* (2, 1). In *res gestae*, however, the order of virtues does not correspond with those on the shield; they are therefore probably in the background only.

⁶⁰ Suetonius, *Augustus* 7.

⁶¹ Dio liii, 16, 7; Balsdon, *op. cit.* (n. 1) 394, and Syme, *op. cit.* (n. 19) 55, give reasons.

⁶² Texts in Gag e, *op. cit.* (n. 14), 145. Velleius ii, 91 says Senate and People, but *res gestae* must be preferred. The date is in the *fasti* of Cumae and Praeneste, E/J *Docs.* p. 45. Censorinus even gets the day wrong (21, 8).

⁶³ For its progress to his regular *nomen*, Syme, *Historia* vii (1958), 176 ff.

⁶⁴ Syme, *Rom. Rev.* 313.

⁶⁵ Most scholars use his background with confidence, but his speeches with great caution. Even in the background, though, there are blunders: Balsdon, *art. cit.* (n. 1).

⁶⁶ lii, 42.

⁶⁷ Octavian himself, Dio liiii, 1, 3; cf. *res gestae* 7, 2 (not wholly accurate).

⁶⁸ Dio, *loc. cit.*; *res gestae* 8, 2.

⁶⁹ Suetonius, *Augustus* 26, 3; for shared *fasces*, Dio liii, 1, 1; E. S. Staveley, *Historia* xii (1963), 458–484 (esp. 478) for the importance of this.

⁷⁰ P. 180 above; note especially: (1) the control by *praefecti* of praetorian rank, Bay, *op. cit.* 120; (2) the cancellation of the pre-Actium contracts, except for those concerned with public buildings; (3) the general cancellation of treasury-debts.

⁷¹ Innovations, but not startling ones; indeed, Dio half suggests that the aediles had usurped from the praetors; his comment on Augustus' 'frequent appointment of the *praetor urbanus*' is a comment on later practice, if it is true.

⁷² Dio (liiii, 1, 1) adds that Octavian's other acts were κατὰ τὰ νομιζόμενα; this hardly justifies Sattler's claim (*op. cit.* 34) that the *eiuratio* must mean that in the whole of 28 Octavian had made no use of extra-constitutional powers.

put in hand.⁷³ The Actian games were celebrated⁷⁴ and the temple of Palatine Apollo, which commemorated the victories at Naulochus and Actium, was dedicated on 9th October, 28 B.C.⁷⁵ The process of commemorating the past and inaugurating the future was active here too.

After the drama of 13–16 January the formulae for the choice and titles of Senatorial governors had to be established. Dio duly records them (liii, 13–14), though there are some obvious anachronisms; the choice of Asia and Africa as the consulars' provinces and the re-enactment of the *lex Pompeia* were natural corollaries, the latter being particularly instructive, since it meant that for the next five years there would be no prospect of an army command for ambitious candidates for the consulship. Dio further records the creation of the semestral *consilium*⁷⁶ and the conduct of elections, the latter a necessary part of the restoration of the *res publica*, if it meant anything at all.⁷⁷

Augustus soon demonstrated that he took his provincial governorship seriously: he repaired the Flaminian Way, the one leading to the northern provinces, and commemorated his work with a statue of himself at either end.⁷⁸ Announcing a plan to invade Britain he left for Gaul some time during 27, for he had already reached Tarraco in Spain by 1st January, 26; ⁷⁹ since he took his step-son Tiberius and his nephew Marcellus with him he clearly planned a prestige-winning campaign.⁸⁰ Agrippa his colleague remained in Rome; was he offered a *provincia*? And if so did he decline it? We do not know; if he declined one, he may have said he would prefer to continue his programme of works for the benefit of the *populus Romanus*. Certainly he pushed forward his building-programme: the *saepta Julia* were dedicated in 26, the *forum* of Neptune, the *laconicum* of his baths and the Pantheon in 25.⁸¹ He may also now have built the two imperial naval bases, at Misenum and Ravenna,⁸² a task which would have been appropriate for the greatest admiral of the day, who had been given the two unique awards of the blue pennant and the naval crown which distinguished him from all contemporaries⁸³—and this latter task might have been his *provincia*.

To sum up our tentative results: after a period of careful preparation, starting in 29 and accelerating through 28 B.C., on 13th January, 27, Octavian summoned a meeting of the Senate to discuss the *res publica*. There he read a speech which recapitulated the events of 28, and claimed that the rule of law was now restored. He added that all the provinces were peaceful too, since the Roman armies under his *auspicia* had been uniformly victorious, and then bade the Senate decide which were to be the consular provinces for the present consuls (himself and Agrippa). The senators reacted by giving them all to him, together with an award symbolic of victory, and another for saving the lives of citizens. When the Senate met again two days later Octavian said he would undertake responsibility for three provinces only, Spain, Gaul, and Syria, and the client kings and foreign peoples adjacent to their boundaries; it would be for the Senate to control the selection by lot (or *sortitio*) of the governors for the others.

At one of these meetings Octavian added that the Senate should resume control of the *aerarium*, which was now solvent again, and also resume the general management of the *res publica*; this involved, as we know (and they knew) perfectly well, the functions

⁷³ Dio liii, 2, 4: this sentence needs careful punctuation and translation: τὰ μὲν ἱερὰ τὰ Αἰγύπτια (Egyptian rites) are opposed to τῶν δὲ θεῶν ναῶν (temples of (Roman) gods), a class divided in turn into μὲν some repaired by the descendants of the original dedicators, δὲ others by Octavian himself. Cf. *res gestae* 20, 4.

⁷⁴ Dio liii, 1, 4–6: it was an elaborate show with a special (temporary) wooden stadium and contests of gladiators (prisoners).

⁷⁵ Dio liii, 1, 3; explicit evidence in the Antium *fasti*, E/J *Docs.* p. 53.

⁷⁶ J. A. Crook, *Consilium Principis* 11. Since Augustus left for Spain quite soon, it would have little chance to operate in 27 B.C.

⁷⁷ Dio liii, 21, 6; Dio's exact use of language for once — ὁ τε δῆμος . . . καὶ τὸ πλῆθος (*populus* and *plebs*) adds some confidence in a good source at this point.

⁷⁸ Dio liii, 22, 1–2.

⁷⁹ Suetonius, *Augustus* 26, 3 for the date of his departure. D. Magie, *Class. Phil.* xv (1920), 327 suggests it was not till after Messalla Corvinus' triumph on 25 September, but this seems rather late, unless he had no real intention of invading Britain. Schmittenner (op. cit. 48) suggests a personal hand-over in Gaul in the summer of 27.

⁸⁰ Dio liii, 26, 1; the poets had great expectations, Momigliano, *JRS* 40 (1950), 39. Orosius (vi, 21, 1, perhaps derived from Livy) suggests that planned aggression in Spain was his object, and that Janus' temple was opened before he departed. For this Spanish campaign, most recently, Schmitthenner, op. cit., 48 ff.

⁸¹ Dio liii, 23, 1–2 and 27, 1–2.

⁸² *RE* iii, 2635–6 (Fiebiger, 1899).

⁸³ M. Reinhold, *Marcus Agrippa* (1933), 42–3 and 60–1, with notes.

of advising the consuls, especially in the fields of legislation and important trials, and of proposing measures for the sovereign People. The People would resume its function of confirming legislation and electing magistrates.⁸⁴ And this programme was indeed put in hand. After receiving further honours, and after the enactment of one or two consequential decisions, the newly-appointed proconsul of Gaul and Spain left for his *provincia* during the year, while his colleague continued to administer the *res publica*.

How much light is shed? Not very much, perhaps; certainly nothing very startling or new for the ancient evidence, though perhaps it suggests more clearly (what reflection shows to be clear enough anyway) that *res gestae* 34–5 is not a political or constitutional statement at all, but the capstone of Augustus' achievement. It is a statement of his two most conspicuous honours, the *cognomen* Augustus conferred by the Senate in return for his transferring the management of the *res publica* to the Senate and People, and the title *Pater Patriae*, conferred by Senate, *equites* and the entire Roman People for reasons unstated. The accompanying honours, symbols, and inscriptions are described under each, and in case anyone was in doubt Augustus added two things, a denial that the name Augustus gave him any constitutional power, and a statement of his age. Adding the former was a mistake.

Upon modern accounts, perhaps, more light is shed, especially on those controversial issues about the supposed powers which Octavian had to resign in order to restore the *res publica*. We find that no resignation was necessary because, after all his careful planning, Octavian was able to use a traditional formula—that of putting the question of the consular provinces to the Senate—to make the Senate appear to have recovered its constitutional prerogatives in the *res publica*. He thus avoided having to admit that he himself was more than consul, the only title by which he is known to have styled himself since 32 B.C. And for their part the Senate also acted in a coherent way: they gave honours to Octavian of an unprecedented kind, and a *provincia* of an unprecedented magnitude, but both arose naturally out of the situation and the business put before them.⁸⁵

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⁸⁴ Suetonius, *Augustus* 40 confirms this.

⁸⁵ I wish to thank my friends Michael Crawford and Elizabeth Rawson for their advice and help:

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