

IMPERIUM ROMANUM: EMPIRE AND THE LANGUAGE OF POWER*

By J. S. RICHARDSON

The vocabulary of empire, as it has developed in European contexts since the period of the Roman empire, reveals clearly enough the significance of the inheritance of Rome for the regimes which have followed it. From Charlemagne to the Tsars, from British imperialism to Italian Fascism, the language and symbols of the Roman republic and the Roman emperors have been essential elements in the self-expression of imperial powers. Such communality of language, by creating a sense of familiarity in the mind of a modern observer of the Roman empire, may hinder a proper understanding of antiquity, because the importance of the after-life of these words and symbols tends to obscure the nature of the contexts from which they originated. An obvious parallel instance can be seen in the case of the word 'democracy', where the adoption of the Athenian term to describe a series of political developments in the modern world which claim some connection with the Greek notion of *demokratia* has tended to make more difficult the modern understanding of what happened at Athens in the fifth and fourth centuries B.C.¹

To establish and illustrate this point, the best term to examine is the crucial one, from which indeed the basic vocabulary of empire and imperialism has been developed, the word *imperium*. During the period of the growth and establishment of the Roman empire, from the third century B.C. to the early decades of the first century A.D., the meaning of the word seems to have undergone a shift, or more precisely an extension, of meaning. The earlier significance, the right of command within the Roman state, vested in the magistrates and pro-magistrates who were responsible for the official activity of the Roman people, was never lost, but in addition the meaning 'empire', in an increasingly concrete, territorial sense came to be a normal usage, so that, at least from the second half of the first century A.D., *imperium Romanum* is used as we would use 'Roman empire'.² Given the concurrent use of these two significances of the word, and assuming at least a continuum of meaning (which is probable if the second, as will be suggested below,³ develops chronologically after the first is firmly established), it should be possible to discover more about each concept by examining ways in which the two relate to one another. It would be interesting to attempt to account for the change, even if it were no more than a movement in linguistic usage; but the importance of the concept of *imperium* in its original significance for the understanding of the political ideas of the Romans and the importance of the process which produced the *imperium Romanum* in its extended sense suggest that a fresh look at *imperium* may help to clarify the nature of Roman imperialism.

I

The secular activity of the Roman state (as a modern constitutional analyst might describe it) in the period of the republic may be summarized in two words: war and law. In the ancient world, of course, the distinction between sacred and secular did not divide the activity of the state in this fashion: the relations of a community with the gods was, as Aristotle observed in the case of the Greek *polis*, the prerequisite for all the others.⁴ It is also true, of course, that Romans of all classes were interested in matters other than the military and the legal: all were involved in some fashion or other with activity which we would call economic, and a few were interested in matters of literature and art; but these were not areas which concerned the

* Earlier versions of this paper were read to meetings of the Classical Association of Scotland and the Leicester/Nottingham Seminar on War and Society. I take this opportunity to thank those who discussed this topic with me then, and also many other colleagues who have done so since, especially Michael Crawford, John North, and Andrew Wallace-Hadrill.

¹ For the use of Roman imperial imagery in late antiquity and the early middle ages, see M. McCormick, *Eternal Victory* (1986); for the Renaissance period, F. A. Yates, *Astraea* (1975); and in modern times, D. Mack

Smith, *Mussolini's Roman Empire* (1976). On ancient and modern democracy, see for instance M. I. Finley, *Democracy, Ancient and Modern* (1973), esp. ch. 1.

² Thus, for instance, Pliny, *NH* vi.26.120: 'durant, ut fuere, Thebata et, ductu Pompei Magni terminus Romani imperi, Oruros, a Zeugmate L.CC.'; Tac., *Germ.* 29.1: '(Batavi) Chattorum quondam populus et seditione domestica in eas sedes transgressus in quibus pars Romani imperii fierent.'

³ See below, III.

⁴ Aristotle, *Politics* 1382b 11-13.

Roman state as such. To put the point in terms which might have meant something to Romans of the period of the republic, these were not in the public domain, not part of the *res publica*, the business of the *populus Romanus*.⁵ The work of the officials of the city of Rome and of its senate and popular assemblies was taken up with legislation and jurisdiction (that is to say, with *leges* or their equivalent, and with *iura*); or with the declaration, prosecution and ending of wars, and the various processes which led up to war or its avoidance, in other words, what we now call foreign policy.

Central to all this activity was, of course, the *imperium* of the magistrates and pro-magistrates. Only magistrates proposed *leges* and were responsible for jurisdiction;⁶ only magistrates and pro-magistrates were able, through their *imperium*, to command. The very word implies such command: *imperium* is to *imperare* as *desiderium* is to *desiderare*.⁷ The nature of *imperium* is controversial and mysterious, and it may well be that any attempt to import exactitude into a discussion of its origins and development before the third century B.C. is fruitless and wrong-headed;⁸ but the reports which later authors give of those origins are certainly an important indicator of the attitudes of the time at which they wrote. Even in the period of the late republic and early empire, with which this article is concerned, at least a certain element of the mysterious is to be expected: in part *imperium* belongs not to the precise complexities of constitutional law but to the proper obscurities of religion.⁹ Although closely associated with the elected magistrates, it was not election by the *comitia centuriata* which gave the consul or the praetor his *imperium*. Election had to be followed by the curious formality of the *lex curiata*, passed in the late republic by a vestigial assembly consisting of thirty lictors, as a result of which the magistrate was given the right to take the auspices.¹⁰ Once he had been voted the *lex curiata*, the magistrate elect proceeded to take the auspices to confirm the acceptance by Jupiter of his holding of the *imperium*.¹¹ It was not only the people who decided, but also the god. This is particularly clear in the case of the dictator, who was not of course elected, but who, having been nominated by the consul, was appointed by the rite of the auspices — ‘is ave sinistra dictus populi magister esto’, as Cicero describes the process in his ideal constitution in the *de legibus*.¹² For the tenure of the *imperium*, election could be avoided, but the acquisition of the *auspicia* and the *lex curiata* could not.

By the late republic, the precise significance of the detail of the *auspicia* had to a considerable degree been lost, and both Cicero and Dionysius of Halicarnassus lament the tendency to ignore the proper ritual connected with the *imperium* and the magistracies.¹³ The basis of the earlier understanding had, however, left its mark on the practice of the state. According to Dionysius, the magistrates down to his own time went through the ceremony early in the morning of the day of their entry to office, and a favourable omen was announced, even if none was seen.¹⁴ Although Ap. Claudius Pulcher as consul in 54 argued that he did not need a *lex curiata* to hold *imperium* in his *provincia* of Cilicia, nonetheless he attempted to provide himself with one, even though this involved bribing the augurs.¹⁵ Similarly the importance of Jupiter and the particular relationship of the god to the holder of *imperium* remained a fundamental aspect of the celebration of the triumph by a successful *imperator* on his return to Rome.

⁵ On the meaning of *res publica* as *res populi*, see Cic., *de rep.* 1.25.39, 27.43, 32.48; P. A. Brunt, *The Fall of the Roman Republic* (1988), 2 and 299.

⁶ Though, as Kunkel has pointed out, others who were not magistrates were also involved in jurisdiction (W. Kunkel, ‘Magistratische Gewalt und Senatsherrschaft’, *ANRW* 1.2 (1972), 3–23, at 12–13).

⁷ U. Coli, ‘Sur la notion d’imperium en droit public romain’, *RIDA* 7 (1960), 361–87, at 361.

⁸ On problems of interpretation of *imperium*, see the comments of H. S. Versnel, *Triumphus* (1970), 313–19; and most recently, A. Drummond, *CAH* vii.22 (1989), 188–9.

⁹ *contra* A. Heuss, ‘Gedanken und Vermutungen zur frühen römischen Regierungsgewalt’, *Nachr. Akad. Wiss. Göttingen. Phil.-Hist. Kl.* (1982), 377–454, at 433, who argues, correctly, that this notion is at the root of Mommsen’s understanding of *imperium*, though not explicitly stated; A. Giovannini, ‘Magistratur und Volk: ein Beitrag zur Entstehungsgeschichte des Staatsrechts’, in W. Eder (ed.), *Staat und Staatlichkeit in der frühen*

römischen Republik (1990), 406–36, at 428f. See the commentary on the latter by E. Badian, *ibid.* 462–75, esp. 468–9.

¹⁰ Cic., *de leg. agr.* II.10.27, II.12.31.

¹¹ Dion. Hal. II.5–6; cf. Mommsen, *StR* I³.81 and 609, A. Magdelain, *Recherches sur l’imperium* (1968), 36–40. Versnel, *op. cit.* (n. 8), 313–55 gives a useful account of various views on the *lex curiata* as well as his own, but he had not read Magdelain. For the importance of Jupiter in connection with *imperium* and *auspicia*, see J. R. Fears, ‘Jupiter and Roman imperial ideology’, *ANRW* 2.17.1 (1981), 3–141, at 9–55.

¹² *de leg.* III.3.9; cf. Magdelain, *op. cit.* (n. 11), 28–9.

¹³ Cic., *ND* II.3.9, *de div.* II.36.76; Dion. Hal. II.6; cf. Magdelain, *op. cit.* (n. 11), 16.

¹⁴ Dion. Hal. II.6. J. Linderski, ‘The augural law’, *ANRW* 2.16.3 (1986), 2146–312, at 2293–4, suggests that assistance may have been given to the god by the use of caged birds.

¹⁵ Cic., *ad Att.* IV.18.4; *ad fam.* I.9.25; *ad Q.f.* III.2.3.

This multi-strandedness of the power of the Roman magistrate, by which the magistracy itself and the *imperium/auspicium* complex are seen as, at least in principle, separable, provided great strength and flexibility when it became necessary to adapt the institution to meet new needs. The obvious case, of course, is that of non-magistrates (i.e. private citizens¹⁶) with the *imperium* of magistrates *pro consule* or *pro praetore*, created either by prorogation of an already existing command; or (as in the case of the men sent to Spain in the last years of the third and first years of the second century B.C.) by vote of one or other of the popular assemblies; or, and perhaps most remarkably, by means of the creation of *imperium* holders by the *praetor urbanus* on the order of the senate.¹⁷ None of these held a magistracy, but each held the *imperium* and used it outside the city, that is to say held *imperium militiae* as opposed to *domi*. This distinction between the two areas in which *imperium* could be exercised, *domi* and *militiae*, also seems to have originated in the localization of the auspices,¹⁸ and thus to have become linked to the different activities, military and judicial, which took place both inside and outside the city. If this is correct, it suggests that the growth of the notion of a multiplicity of *imperium* holders, operating outside the city, and not restricted numerically by the number of magistracies, developed from an understanding of the power and position of the *imperium* holder in which the *auspicia* were of significance.

The distinction between *domi* and *militiae* continues to be found in the late republic, particularly in contexts in which the operation of *imperium* is linked to the possession of the *auspicia*.¹⁹ It was not true by the late republic that Romans lived only within the *pomerium* (the original definition of *domi*) nor even within one mile of the walls of Rome (the definition which replaced it for many purposes during the republic);²⁰ and by the time of Cicero, of course, a proconsul, who had *ex hypothesi* no possibility of exercising his *imperium* in Rome, was able to hear cases under the *ius civile*.²¹ The mere fact that the *domi/militiae* distinction continues to be found widely in descriptions of *imperium* shows the continuing importance of the link with *auspicia*.²²

This understanding of what *imperium* was helps to clarify the attitudes of the ruling élite to the growth of empire, and the relationship between individual careers and the activity of the *res publica*. First, given that the passages in which the *domi/militiae* distinction is used appear to include all uses of *imperium* under this double description, all the activity of a holder of *imperium* outside the category of actions *domi* belongs to the category of actions *militiae*: that is to say, whatever is not part of the 'domestic' activity of the holders of consular and praetorian *imperium* in Rome is part of their military activity.

Second, as already mentioned, the whole activity of the Roman state was divisible into the two categories of war and law, which find their parallel in the two fields of exercise of the *imperium*. This suggests that the activity of Rome *qua* state was carried out by these men. It should be noted further that the power that they exercised in order to carry out this role was given to each of them as individuals following (normally) their election, but by means of the *lex curiata* and the auspices. The people might choose which individual was to hold the *imperium*, but it was the individual who, through the use of the auspices, received it from, or at least with the active connivance of, the god. However much one might wish to play down Mommsen's belief that the *imperium* of the magistrates was in principle absolute,²³ and emphasize instead the power of the oligarchy (after the manner of Syme or Kunkel²⁴) or even of the people (following Fergus Millar, and, in modified fashion, John North²⁵), it remains the case that the executive of the Roman state was a group of magistrates, susceptible to influence and to advice which, when it came from the senate, could rarely be ignored, and who were in power for only brief periods; but nonetheless not capable of being stopped within their own sphere of action except by the intervention of another magistrate (an event which occurred

¹⁶ On the status of pro-magistrates during the republic as *privati*, see Livy xxxviii.42.10; Mommsen, *StR* 1³.642.

¹⁷ Livy xxiii.34, xxviii.46, xxxv.23, xlii.35; cf. Mommsen, *StR* 1³.681 n. 6.

¹⁸ E. Meyer, *Römischer Staat und Staatsgedanke*² (1961), 119–21; Magdelain, op. cit. (n. 11), 72–3; contra A. Giovannini, *Consulare imperium* (1983), 9–15. The most telling evidence for this is the significance of the auspices which the *imperium* holder takes before leaving the *pomerium* (Magdelain, op. cit. (n. 11), 40–5).

¹⁹ Cic., *de leg.* II.12.3; *de div.* I.2.3.

²⁰ Mommsen, *StR* 1³.61–70.

²¹ Mommsen, *StR* 2³.102–3.

²² Thus esp. Cic., *de div.* I.2.3; Sallust, *Cat.* 29.2–3, 53.2; Livy 1.36.6.

²³ So Heuss (n. 9).

²⁴ Kunkel, op. cit. (n. 6), 3–22.

²⁵ Fergus Millar, 'The political character of the classical Roman republic', *JRS* 74 (1984), 1–19; John North, 'Democratic politics in Republican Rome', *Past & Present* 126 (February 1990), 3–21.

with great rarity).²⁶ The magistrates were indeed members of the senatorial élite and were elected to their magistracies by the people, but the *imperium* which gave them power was a gift from Jupiter. Each individual member of the élite class depends directly on the people to gain election to the magistracies of the city, and thus to the *imperium* which provides him with the power to act on behalf of the city and thus to advance his own standing.

The position is beautifully presented in a quotation preserved from a speech of Scipio Aemilianus: 'ex innocentia nascitur dignitas, ex dignitate honor, ex honore imperium, ex imperio libertas.'²⁷ Here personal virtue (*innocentia*), once recognized (*dignitas*), leads, by way of the magistracy voted to the individual by the people (*honor*), to the acquisition of power in the state by the individual (*imperium*); and thus to the culmination of the list with the freedom which guarantees not only the position of the state with regard to other states, but also the position of the individual within it. The crucial link in the ascending sequence is that between the individual and the state, and that is represented by *honor* and *imperium*, magistracy and power. For the purposes of the present investigation, it is important to note that the two are not identical, for, as we have seen, *imperium* is separable from the magistracies (as the very designation *pro consule* indicates), and hence occupy two steps on the ascending ladder of Scipio's sentence;²⁸ and that whereas the magistracy was essentially collegial, and, as deriving from the people, was part of the corporate nature of the *res publica*, the *imperium*, at least as the Romans of the late republic and early principate saw it, was handed on directly from the kings, and always contained within itself the possibility of tyrannical power.²⁹

II

What then of the promised link between Roman notions of power and the nature of the Roman empire? In the context of this article, it should be noticed that, in contrast to many more recent empires, the Roman empire was from the beginning organized by the political executive of the city of Rome. In this respect Rome, like all other empires before the early modern period, did not develop mercantile structures which undertook the process of imperialist expansion, as did, for example, the British and the Dutch in the sixteenth and seventeenth centuries.³⁰ This observation has recently been confirmed by analyses, inspired by the work of Immanuel Wallerstein, of the structures of 'world-systems', both political and economic.³¹ Even in terms of the primarily economic analysis adopted by such approaches, it is clear that in empires such as that of Rome, economic interests, though always significant, were secondary to political and military interests. Under such circumstances, the way in which the military and political executive of such a state regarded itself is likely to have important consequences for the empire which emerged from their activities. In many cases the empires of the pre-early modern period reflect directly the aspirations of the emperors who created them.

In the Roman case, there does not appear to have been an economic drive, of the sort which was to lead to the British and Dutch territorial empires. This is not to say that the Romans were not keen to profit from the growth of Roman power and influence throughout the Mediterranean, nor even (a far more debatable proposition) that such desires may not have contributed to the development of imperialism; but certainly the agencies which were used to produce the empire, as we see it in the late first century B.C. and early first century A.D., were not commercial. Under these circumstances it is highly significant that military power, *imperium*, was entrusted to individual members of the Roman élite in the way it was. The *imperium* of the Roman magistrate and pro-magistrate was not a distributed portion of the

²⁶ Mommsen, *StR* 3.1088, n.3 records only three cases: M. Furius Crassipes, *praet.* 187 in Gaul (Livy xxxix.3.1-3); M. Aemilius Lepidus, *procos.* 136 in Nearer Spain (App., *Ib.* 83.358); and L. Hortensius, *praet.* 170 during the war against Perseus (Livy xliii.4.8).

²⁷ *Isid.*, *etym.* II.21.4 = *ORF* I².21 fr. 32.

²⁸ *Isidore* in fact cites this sentence as an instance of a *climax*.

²⁹ Cic., *de rep.* II.32.56; Livy II.1.7. See Brunt, *op. cit.* (n. 5), 15-17 and 331.

³⁰ See C. R. Boxer, *The Dutch Seaborne Empire* (1965); B. Gardner, *The East India Company* (1971); Jean Sutton, *Lords of the East: the East India Company and its Ships* (1981); for a comparison of the two, see C. D. Cowan, *New Cambridge Modern History* 5 (1961), 417-29, esp. 419-20.

³¹ cf. G. Woolf, 'World-systems analysis and the Roman empire', *JRA* 3 (1990), 44-58.

total power of the Roman state, issued from a finite pool (so to speak), but could be multiplied through the issuing, with the co-operation of the god, of identical *imperia* to a potentially infinite number of persons. On occasion, indeed, those who had already held such power could be recommissioned *en bloc* to fulfil the needs of the state. In 211, when Hannibal was camped outside the city and there was fear of disruption within, the senate decreed that all those who had been dictators, consuls or censors in the past should be *cum imperio* until such time as the enemy departed from the walls.³² Even in less abnormal times, it was possible to create additional individuals with the *imperium* required. Moreover, because what they were given was *imperium*, they were in principle capable of undertaking any of the tasks for which *imperium* was necessary. It is remarkable, for instance, that, when in the third century B.C. additional commanders were needed, firstly in the context of the First Punic War, and then in 227 to command in Sicily and Sardinia, the men to be sent were not designated as consuls, but as praetors, a magistracy apparently devised (or perhaps revived) in 366 for judicial not military purposes (that is for service *domi* not *militiae*). The ancient sources make no comment on this surprising change of direction in the magistracy. This is surely because what mattered about these people was not that they had been elected by the people to a particular magistracy, but that they had been given their allocation of that strange but essential substance, *imperium*.

III

If the *imperium* by which the members of the senatorial élite in Rome waged war on behalf of the state was a power, almost a substance, affirmed by the gods to particular individuals, the question remains as to how this affected the way in which warfare itself was seen, and also that ultimate outcome of warfare, the Roman control of the world, the *imperium Romanum*. In part, as suggested above,³³ this is a question of linguistic usage: why did the expression *imperium Romanum* come to be used to express 'empire' rather than the power of a magistrate or pro-magistrate? It is worth noticing at this point that this second meaning is different in two important respects from what has been discussed hitherto: it is about only one of the two spheres of application of the *imperium* of a magistrate, *militiae* but not *domi*; and it is not individual but corporate, relating to the power/empire of the *populus Romanus* rather than of any particular Roman. It was, of course, always true that in some sense the power of the magistrate was that of the *populus Romanus*, in that wherever the *imperium* holder was, there the power of the *populus Romanus* was to be found. In the case of the *imperium Romanum*, in the sense of 'empire', however, the identification with the *res publica* is much stronger and the central importance of the *imperium* holder seems to have disappeared almost entirely.

This second point can be seen clearly even in those rare passages in the literature of the late republic and early empire in which *imperium populi Romani*, used in a wider sense than simply 'power of the magistrate', includes the notion of *domi* as well as that of *militiae*. For instance, Livy can make the tribune C. Canuleius ask, when contending with patrician opponents about his bill on *conubium*, 'denique utrum tandem populi Romani an vestrum summum imperium est? regibus exactis utrum vobis dominatio an omnibus aequa libertas parta est?'³⁴ In this context, the form of *imperium*, in so far as it is relevant to the argument Livy is presenting, is both *domi* and *militiae*, since Canuleius suggests the consul will call up the army to threaten the *plebs* and their tribune. Yet even in this deliberately heightened and paradoxical passage (Mommsen described it as 'politische Speculation, nicht technische Rede'³⁵), the question at issue is precisely who it was that held the *imperium*, whether it was to the magistrates or to the people that the army owed its allegiance.

When we come to examine the use of the word used in this larger sense and in a *militiae* context, it is immediately apparent that there is a whole gamut of meanings from the most abstract (that is 'power' with little or no territorial implication) to the most concrete ('empire'

³² Livy xxvi.10.9.

³³ Above p. 1.

³⁴ Livy iv.5.1; 'And finally, is the highest *imperium* yours or the Roman people's? What was gained by the

expulsion of the kings — domination by you or equal liberty for all?'

³⁵ Mommsen, *StR* 1³.22 n. 2.

in the sense of a sharply delimited area). When the author of *ad Herennium* uses the phrase 'imperium orbis terrae',³⁶ his context suggests he is describing something abstract rather than concrete: he states that this *imperium* is something to which 'omnes gentes, reges, nationes, partim vi partim voluntate consensuerunt'. Similarly, when subject peoples even under the republic are described in official documents as being *sub imperio* (as in the *foedus Callatinum*³⁷), it is probable that here the meaning is abstract rather than concrete. When Horace talks of 'adiectis Britannis imperio',³⁸ or Augustus asserts 'Aegyptum imperio populi Romani adieci',³⁹ the *imperium* in question could be taken as either 'power' or 'empire'. At the other end of the scale, St Augustine, in reviewing the disasters which afflicted the world before the coming of Christ, delimits the area with which he proposes to deal in the following words: 'quod ad Romam pertinet Romanumque imperium tantum loquar, id est, ad ipsam proprie civitatem, et quaecumque illi terrarum, vel societate coniunctae, vel condicione subiectae sunt, quae sint perpessae ante adventum Christi, cum iam ad eius quasi corpus rei publicae pertinerent.'⁴⁰ This is clearly an *imperium* which comprises a territorial area (and, incidentally, does not include the whole of the *orbis terrae*). It is apparent that we are not dealing with two alternative and incompatible meanings, but with the co-existence of a pair of meanings, of which in any particular case one is likely to be more dominant than the other.

A systematic investigation of the word *imperium* confirms that, of course, its use to refer to something more wide-ranging than the power of the Roman magistrate does not begin with the late republic or early empire.⁴¹ A fragment of the tragedian Accius, from the mid-second century B.C., refers to the 'Argivum imperium', meaning the kingdom of Argos;⁴² and Cicero frequently associates *imperium* with *urbs*, *civitas*, and *res publica* in contexts which suggest that it is almost a synonym for these words;⁴³ while Varro describes the socio-political arrangements of the bees as being like those in human *civitates*, having a *rex*, *imperium*, and *societates*.⁴⁴ For Cicero *imperium* in this sense can also have abstract qualities, such as *dignitas*, *gloria*, and *nomen*,⁴⁵ but can also be treated almost as an abstract, listed along with *dignitas* and the others as an attribute of the state.⁴⁶ It also has a temporal extension (though admittedly the time-span is usually external),⁴⁷ and a spatial extension (often, though not invariably, world-wide).⁴⁸

Thus far it might appear that there is good reason to assume that there was already in the last century of the republic a use of the word *imperium* which coincides with the English 'empire'. A comparison with the usage of the early imperial period, however, suggests that, although the territorial connotations of *imperium* were undoubtedly present at an early stage, the full development had not taken place. First, and most obviously, the use of the phrase *imperium Romanum* does not occur until after Cicero's death. The first occurrence is in Sallust, who, in a retrospective passage in the *Catiline*, describes Carthage as having been 'aemula imperi Romani'.⁴⁹ This new usage coincides with a more territorial notion of the *imperium Romanum*. Although Livy refers to boundaries of *imperium*, he is describing situations in the past, in which even Cicero was prepared to allow that there had been limits;⁵⁰

³⁶ *ad Her.* IV.13.

³⁷ *ILLRP* 516, line 12; though not, interestingly, in the *lex repetundarum*, *FIRA* 1².7, line 1. The usage *sub imperio* continues in the texts of the jurists (cf. Paulus D. xxxvi.1.27; Gaius I.53).

³⁸ Hor., *carm.* III.5.4.

³⁹ *RG* 27.1.

⁴⁰ Augustine, *de civ. Dei* 3.1.

⁴¹ For this purpose, a data-base was constructed containing the passages listed in the *Thesaurus Linguae Latinae*, VII.1, 578–81 s.v. 'imperium' IIIA ('metonymice, ad quod potestas pertinet'); supplemented by a search of the *PHI* disk, using the Ibycus system.

⁴² Accius, 231–2 (Ribbeck).

⁴³ Cic., *Rosc. Am.* 18.50; *div. in Caec.* 69, 2 *Verr.* II.34.85, *Rab. perd.* 12.33, *Cat.* I.13.33, II.9.19, III.8.19–20, *Arch.* 10.28, *Sest.* 8.19, 9.20, 24.53, *Vatin.* 6.14, *Balb.* 8.22, *de orat.* 1.46.201; cf. Caes., *BG* 1.33.2.

⁴⁴ Varro, *RR* III.16.6.

⁴⁵ Cic., 2 *Verr.* IV.11.25, *Manil.* 4.11.

⁴⁶ Cic., *Phil.* III.5.13, *de orat.* 1.44.196.

⁴⁷ Cic., *Rab. perd.* 12.33.

⁴⁸ World-wide: Cic., *Cat.* III.11.26, *Sest.* 31.67; slightly less so: Cic., *Balb.* 17.39, and, of an earlier period, *prov. cons.*, 12.31. On the more modest side, cf. Caes., *BG* IV.16.4. On conceptions of empire in the Ciceronian period, see P. A. Brunt, 'Laus imperii', in P. D. A. Garnsey and C. R. Whittaker (eds), *Imperialism in the Ancient World* (1978), 159–91 = *Roman Imperial Themes* (1990), 288–323 (with further discussion at *ibid.* 433–80).

⁴⁹ Sall., *Cat.* 10.1. The only other possible case of such a use before this is a quotation by Valerius Maximus of Scipio Nasica Serapio, complaining in 133 B.C. about the consul of that year, P. Mucius Scaevola, that 'dum iuris ordinem sequitur, id agit ut cum omnibus legibus imperium Romanum corruiat' (Val. Max. III.2.17 = *ORF* 1².38 fr.4). Given Valerius Maximus' tendency not to quote accurately (there is, after all, no reason why he should) and the interval of ninety years before the next occurrence, it is probably safe to assume that this was not precisely what Serapio said.

⁵⁰ Livy XXI.2.7, XXVII.8.17, XXXVII.35.5, XXXVII.54.23; cf. Cic., *prov. cons.* 12.31.

and Vergil could still describe Caesar's *imperium* as bounded only by Oceanus.⁵¹ It is more significant that the new *imperium* has not only extension but parts, so that Velleius can write of events 'in hac parte imperii',⁵² and Tacitus of Agricola's desire to make Ireland 'valentissimam imperii partem'.⁵³ Cicero's only use of such an expression was to express his disgust when Verres yielded the control of his naval squadron to the Syracusan Cleomenes.⁵⁴ Here Cicero surely means 'a part of our power', not 'a section of our empire'. Another instance of the same phenomenon, and an explanation of it, has recently been given by Dietmar Kienast,⁵⁵ who observes that when Cicero stated that after Sulla a change had come about in the nature of Roman control of the world, so that what had previously been virtually a *patrocinium orbis terrae* was now in reality *imperium*, he was referring to mastery of the world rather than an empire;⁵⁶ and that the notion of the empire as a coherent unit, expressed by the phrase *corpus imperii*, first appears in Ovid, and thereafter becomes an imperial cliché.

The sense of 'empire' as a territorial entity which these changes suggest indicates that when Cicero, his contemporaries, and predecessors used *imperium* to describe a national or political structure, they had in mind something less well-defined. A similar usage might be found in the English word 'power', which since the eighteenth century has also had the meaning, 'a state or nation from the point of view of its having international authority or influence'.⁵⁷ It is not, of course, possible to be precise about the exact significance of so wide-ranging and elusive a word, but the pattern of usage to which I have drawn attention supports the view of Lewis and Short that the transferred, concrete meaning 'dominion', 'realm', 'empire' becomes especially frequent during and after the Augustan period.⁵⁸ If this is correct, the reasons for the shift are not hard to surmise. The already existing senses of *imperium* meaning a 'power' as well as the power of the magistrate, combined with the concentration of *imperium* in the hands of a single individual, will have made the use of *imperium* to describe the corporate power of the Roman state increasingly natural. It was, after all, in this period that those areas of the world which were defined as under the *imperium* of the emperor were seen to coincide in effect with the extent of the influence of Rome as a world 'power'. The shift thereafter to such expressions as those of Tacitus, who describes the Egyptian towns of Elephantine and Syene as 'claustra olim Romani imperii', or the empire as a whole as 'immensum imperii corpus' then becomes almost inevitable.⁵⁹

IV

This brief examination of the nature and the semantics of the Roman *imperium* suggests a number of conclusions. First, there does appear to be a shift in the usages of the word *imperium* in its wider sense of the empire of the Roman people, from a concept which, in the period after Sulla, already included some notion of concrete shape and size, to one referring to a more precisely determined physical entity. This extension of meaning coincides with the first appearances of the term *imperium Romanum*, and with the emergence of those supremely powerful holders of *imperium*, Julius Caesar and then Augustus.

Second, the area of activity covered by the description *militiae*, which if it does not exactly mean 'war' certainly relates to matters military rather than civilian, was far larger than the practice of warfare as such. In the earlier stages of the growth of Roman power in the Mediterranean region, it will have applied to all the activity of a holder of *imperium* outside the boundaries of the city itself, and thus all that work which we normally call 'provincial

⁵¹ Verg., *Aen.* 1.286–7.

⁵² Vell. Pat. 11.97.1.

⁵³ Tac., *Agr.* 24.

⁵⁴ Cic., 2 *Verr.* v.32.85: 'iis tu nostri imperii partem dedidisti'.

⁵⁵ D. Kienast, 'Corpus imperii', in G. Wirth *et al.* (eds), *Romanitas-Christianitas (Festschr. J. Straub)* (1982), 1–17.

⁵⁶ Cic., *de off.* 11.8.27; Kienast, *op. cit.* (n. 55), 3.

⁵⁷ *The Shorter Oxford English Dictionary* (revised ed., 1973), s.v. power II(b).

⁵⁸ Lewis and Short s.v. *imperium* IIB(1)b; cf. also Rosenberg, *RE* IX.2 (1916), 1210–11. The word *provincia* shows a similar development through the first centuries B.C. and A.D., during which period the dominant meaning shifts from 'task assigned to an *imperium*-holder' to 'area under Roman administration'. See A. W. Lintott, 'What was the *imperium Romanum*', *Greece & Rome* 28 (1981), 53–67; J. S. Richardson, *Hispaniae* (1986), 1–10; contra J.-M. Bertrand, 'A propos du mot *provincia*', *Journal des Savants* (1989), 191–215.

⁵⁹ Tac., *Ann.* 11.61; *Hist.* 1.16.

administration'. War, that is to say, was the context not only of the acquisition but also of the establishment of what became the Roman territorial empire.

Third, the *imperium* itself, the power through which the Roman state waged war, and from which the empire came, was distributed in a way which shows that, both in the theory and practice of the middle and late republic, it was separable from the magistracies and the responsibility of particular individuals, normally chosen by the people, hence making possible the multiplication of the number of *imperium* holders. Indeed I would suggest that it was the nature of that power — the *libertas* which depended on *imperium* in the formulation of Scipio Aemilianus — which gave room for the motivation of the long series of military commanders, culminating in the *principes* of the late republic, and which led to the emergence of the territorial empire.

It might at first sight seem odd that it was on *imperium* that this individual liberty of action depended. After all, Cicero believed, as he expounds at length in the second book of the *de republica*, that the *imperium* originated with the kings, and attributed to Numa the first use of the *lex curiata de imperio*.⁶⁰ He was probably wrong,⁶¹ but that is not the point. The oddity lies in the link between *libertas* and *imperium*, when the latter was believed to originate in a period when, inasmuch as they were ruled by a king, the Roman people did not possess the former.⁶² The problem is, of course, unreal, for it is not primarily the *libertas* of the people of which Scipio Aemilianus was speaking.⁶³ Under a monarchy the one person who has *libertas* is the king, who is the only person (so Cicero and his contemporaries believed) to possess *imperium*. It is then no wonder that the holder of *imperium* under the republic was in a position to conduct himself with an almost regal independence.

Augustus in turn was well-placed to take every advantage of the inheritance provided for him by the republican understanding of *imperium* as a power fit for a king. He is said to have considered taking the name Romulus, which might have been appropriate for someone who, as a new founder of Rome, could be said, like his predecessor, to have been marked out for his task by Jupiter, but in the end to have preferred a name which was less reminiscent of kingship.⁶⁴ There were, however, other ways to express predominance. Among them was inevitably the question of the *imperium* of the *princeps*. Although much remains debatable about this important topic, two matters which concern this paper may be noted. First, Augustus' *imperium*, as formulated after his illness in 23 B.C., was superior to that of the other magistrates and pro-magistrates, and was primarily seen as *militiae* rather than *domi*. This emerges from Dio Cassius' account of the new proposals of 23, in which he not only specifically states the superiority of Augustus' power, but also mentions that a special ruling was given that this power, unlike all other cases of *imperium militiae*, would not lapse when the holder crossed the *pomerium* and entered the city.⁶⁵ Second, though this is less clear, he seems to have concentrated into his own hands the *auspicia militiae*. This seems the most obvious explanation for the means he used to ensure that M. Licinius Crassus was prevented from claiming the right to deposit in the temple of Jupiter Feretrius the *spolia opima* as a result of killing in battle Deldo, the chieftain of the Bastarnae, while proconsul in Macedonia in 29.⁶⁶ The same explanation probably applies to the cessation of triumphs celebrated by those who were not members of the imperial family after 19 B.C. Although Crassus was allowed, by whatever means, to celebrate a triumph in July 27,⁶⁷ which would have required recognition in some sense of the validity of his *auspicia*, it may be that for Crassus, as for members of the emperor's family later, the holder of the *auspicia* was able to allow a delegation of his authority.⁶⁸

⁶⁰ Cic., *de rep.* II.13.25.

⁶¹ So Magdelain, *op. cit.* (n. 11), 30–2, *contra* Mommsen, *StR* I³.609 n. 3.

⁶² cf. Cic., *de rep.* I.32.48; Ch. Wirszubski, *Libertas as a Political Idea at Rome during the Late Republic and Early Principate* (1950), 7–30. On the concept of *libertas*, see now P. A. Brunt, 'Libertas in the Republic', in *The Fall of the Roman Republic* (1988), ch. 6.

⁶³ See the comment of Brunt on Scipio's aphorism: 'In other words a man was most free when he had the fullest right to enforce his own will' (*op. cit.* (n. 62), 312).

⁶⁴ Suet., *Aug.* 7.2; Dio Cassius LIII.16.7. On Julius Caesar's use of the Romulus motif, see St. Weinstock, *Divus Julius* (1971), 175–99.

⁶⁵ Dio Cassius LIII.32.5.

⁶⁶ Dio Cassius LI.24.4 says this was because Crassus

was not *αὐτοκράτωρ*, which has usually been taken to mean that he did not have full *imperium* (e.g. R. Syme, 'Livy and Augustus', *HSCP* 64 (1959), 27–87, at 43–6 = *Roman Papers* I (1979), 400–54, at 417–21). However Livy's note about the *spolia opima* of A. Cornelius Cossus, which was, on Livy's account, a matter of interest to the emperor, makes the question of whose *auspicium* was involved central to the argument (*contra* R. Combès, *Imperator* (1966), 162–5).

⁶⁷ *Inscr. It.* 13. 87 and 571.

⁶⁸ cf. P. Catalano, *Contributi allo studio del diritto augurale* I (1960), 442–3; compare also the case of Q. Valerius Falto in 241 (Val. Max. II.8.2; J. S. Richardson, 'The triumph, the praetor and the senate in the early second century B.C.', *JRS* 65 (1975), 50–63, at 51–2).

The particular effect of Augustus' settlement of 23 upon the empire was to put into formal terms what had already been his position before that date, and indeed that of Julius Caesar before him. Although in strict legal terms there were of course other holders of *imperium* besides the *princeps*, in practice he had concentrated the power into his own hands. The *imperium* was effectively unified in a way that it had not been, as Cicero's contemporaries would have seen it, since the age of the kings. It is not surprising, then, that at this same time the notion of the empire, the *imperium Romanum*, as a unified *corpus* also emerged.⁶⁹

The message was present clearly enough in the decoration of the Forum of Augustus. There stood, on the left of the temple of Mars Ultor, which formed the focal point of the end of the forum, the statues of Aeneas, his son Iulus and the members of the Julian *gens*, arranged in the niches of the portico which made up the left-hand side of the forum; and, on the other side, the statue of Romulus and the most important men of the republic, those who, in Suetonius' words, had made 'imperium populi Romani ex minimo maximum', wearing triumphal dress.⁷⁰ The *gens Iulia* and the *triumphatores* of the republic formed a continuum, which had its origins in the founder of the Julii and in the king, son of the god Mars, who had first held *imperium* and (according to the Augustan *Fasti Triumphales*) first celebrated a triumph on the first day of the first year of the foundation of the city.⁷¹ In the midst of the forum stood a triumphal chariot, honouring Augustus himself, voted, as he tells us in the final section of the *Res Gestae*, by the senate, and below which was placed the tablet recording the award to him of the title Pater Patriae.⁷² This was to be the setting in which the senate would consider the award of triumphs, from here those who went with *imperium* to the provinces would set forth, and it was here that, if they were successful, they would come to be rewarded with *ornamenta triumphalia*.⁷³ In such a context the commanders of the forces of the Roman people could not fail to realize that it was *imperium militiae*, passed down from the kings through the great individuals of the republic, that had made the *imperium Romanum*; nor indeed amid such surroundings did it need to be stated explicitly that it was from the exercise of *imperium* throughout the known world that monarchy had made its return to Rome.

University of Edinburgh

⁶⁹ Compare the conclusions of C. Nicolet, *L'Inventaire du monde* (1988) that the Augustan period saw the appearance of a new spatial understanding of the Roman world, though N. Purcell (*JRS* 80 (1990), 178–82) believes that this development had begun during the last century B.C. Purcell's suggestion that Roman conceptual geography was linear rather than spatial coincides with the view presented here of *imperium* being essentially seen as the power held by particular magistrates and promagistrates, since in geographical terms this would appear as a network of lines of movement of *imperium*-holders, spreading out from Rome. If, as I suspect, Nicolet is right to see a more spatial view developing in the Augustan

period, this would in turn coincide with the shift in the dominant meaning of the word *imperium* towards a delimited area.

⁷⁰ Suet., *Aug.* 31.5; Ovid, *Fasti* v.563–6; Vell. 11.89.4; Pliny, *NH* xxii.6.13; Gellius, *NA* ix.11.10; F. Coarelli, *Guida archeologica di Roma* (1974), 107–11; P. Zanker, *Augustus und die Macht der Bilder* (1987), 213–17 (= *The Power of Images in the Age of Augustus* (1988), 210–15).

⁷¹ *Inscr. It.* 13.1.64–5 and 534: 'Romulus Martis f. rex ann. [I] / de Caeninensibus k. Mar[t.].'

⁷² *RG* 35.1.

⁷³ Suet., *Aug.* 29.2; Dio Cassius lv.10.3–5.