

OCTAVIAN IN THE YEAR 32 BC:
THE *S.C. DE APHRODISIENSIBUS*
AND THE *GENERA MILITIAE*

The *S.C. de Aphrodisiensibus*, issued during the triumviral period in 39 BC and preserved on stone in the city of Aphrodisias in Asia Minor, opens up new avenues for examining the effect of that volatile period in the East¹. The relevance of this and of re-

1) J. Reynolds, *Aphrodisias and Rome*, London 1982, 38–41, 54–91; see also 92–96.

lated documents found at Aphrodisias to political events and processes in the capital is also of interest, particularly insofar as they throw light upon the technical difference between a Roman *miles* and an *evocatus*, a matter of some importance for understanding events in Rome during the year 32 BC². This distinction is important because of the uncertainty surrounding Octavian's position in relation to the Roman State and to the troops he led against Antonius at the battle of Actium in 31³.

The end of the Second Triumvirate

The facade of political co-operation between Antonius and Octavian began to fade drastically during 33 BC⁴, yet the triumviral compact was maintained in law until the second five-year period had run its full course on 31 December 33 BC⁵. The triumvirate was not renewed but Antonius continued to use the triumviral title while exercising his *imperium* for the command in the East⁶. No evidence exists for Octavian continuing to call himself *triumvir* however⁷. His triumviral position had made him ex-

2) J. Linderski, Rome, Aphrodisias and the Res Gestae: The genera militiae and the Status of Octavian, *JRS* 74, 1984, 77–79.

3) Cf. R. Syme, *The Roman Revolution*, Oxford 1939, 283–85; Linderski (n. 2) 79 with K. Girardet, *Der Rechtsstatus Oktavians im Jahre 32 n. Chr.*, *RhM* 133, 1990, 340.

4) For the propaganda war between Antonius and Octavian in 33–32 BC: K. Scott, *The Political Propaganda of 44–30 BC*, *MAAR* 1, 1933, 7–49; H. Volkmann, *Cleopatra. A Study in Politics and Propaganda*, Eng. trans. T. J. Cadoux, London 1958, 152–58; M. Reinhold, *From Republic to Principate*, Atlanta 1988, 222–23.

5) RG 7.1. There seems no reason to doubt the implication from RG 7.1 that the triumviral powers of Octavian and Antonius officially expired at the end of 33 BC, despite many scholarly attempts to suggest otherwise. See Girardet (n. 3) 325 with refs.

6) Antonius still used the title of *triumvir* in 32 and styled himself cos. III in 31 BC (cf. R. Newman, *A Dialogue of Power in the Coinage of Antony and Octavian [44–30 BC]*, *AJN* 2, 1990, 51).

7) C. Pelling, *The Triumviral Period*, *CAH* X, Cambridge² 1996, 52. D. Wardle, *Nothing to Do with the End of the Second Triumvirate*, *Historia* 44, 1995, 496–97 correctly refutes J. Ermatinger, *ILS* 77 and 78: *The End of the Second Triumvirate*, *Historia* 42, 1993, 109–10. F. Millar, *Triumvirate and Principate*, *JRS* 63, 1973, 59, presumes that Dio's comments in 50.2.5 mean he was still exercising triumviral privileges in 32 BC, but cf. Girardet (n. 3) 342. Both Antonius and Octavian had been slated for the consulship in 31 BC (Dio 50.10.1 with *ibid.*, 48.35), however Antonius' consulship was stripped from him during the course 32 (Dio 50.4.3–4).

tremely unpopular in Italy after Philippi⁸. This ill-will towards him had increased after the resumption of hostilities between Sextus and Octavian in 39 as Italy again suffered greatly from Pompeius' raids along the coast of Campania and Etruria and the extra taxes levied by Octavian to support his campaigns⁹. Although public reaction to Octavian's Sicilian victory in 36 BC was very positive initially, nevertheless the massive expenditure on his own and Agrippa's part during 33 towards improving the city's facilities shows a consciousness of the need to establish this improved relationship with the people of Rome on an even firmer footing¹⁰. In addition, Antonius' offer prior to the triumvirate's conclusion to resign if Octavian would also, and the repetitious allegations that Octavian was obstructing a return to normality by not stepping down, is likely to have forced him to demonstrate his good faith in that respect once the triumvirate had run its legal course. For these reasons, continued exercise of the triumviral title or its powers by Octavian would have been counterproductive for him.

After he had returned to Rome in 33 Octavian sought political ascendancy by verbally undermining Antonius' position as a Roman commander¹¹. But the Roman people's hatred of civil war was an obstacle to seeking a permanent outcome by military means and therefore, at the end of 33 and beginning of 32, Octavian turned to a different method of attack. From that time he directed his invective more against Cleopatra than against Antonius¹².

Octavian's political strategy in 32 BC as he manoeuvred for an attack on Antonius has long been clear¹³. Now, thanks to the recent discussion of Klaus Girardet, Octavian's official standing as the possessor of *imperium consulare* by virtue of his *provincia* has also become clear¹⁴. Yet there still remains the need to further

8) App. BC 5.12–14; Suet. Aug. 27–28; Dio 49.41.6.

9) Dio 48.45.4; 48.46.1–2; 48.49.1; 48.52–53.6; 49.15.1; App. BC 5.15,18. There had already been great pressure exerted on Octavian and Antonius by the Roman people to be reconciled with Sextus Pompeius in 39 BC (Dio 48.31.1–6; 36.1–37.2).

10) Dio 49.43.1–5; 49.43.8.

11) Dio 50.1–2.2.

12) Plut. Ant. 60.1. Dio's account of Octavian's speech before Actium (50.24–31) no doubt reflects contemporary propaganda against Cleopatra (cf. Reinhold [n. 4] 84). Clear echoes of this propaganda are also found in the words of Hor. Epod. 9 (ll.11–15).

13) See, eg., Volkmann (n. 4) 157–58.

14) Girardet (n. 3) 338–44; cf. Pelling (n. 7) 53.

define the mechanisms by which Octavian became leader of the home forces at Actium and the intent of his later description of those events which is found in RG 25.2–3¹⁵.

*Tribunician support for Octavian in early 32*¹⁶

The dependence of Octavian on a tribune's veto for political survival at the beginning of 32, a fact preserved only in Dio's account, is of importance not only in clarifying the nature of Octavian's *imperium* but also in demonstrating the nature of his support at that crucial time. Recognising his impending vulnerability as the triumvirate neared completion and the two Antonian supporters, Domitius and Sosius, prepared to take up the consulship of 32, Octavian must have prepared his plan of action well in advance. The veto of Nonius Balbus in opposition to a motion directed against Octavian by Sosius was no doubt at Octavian's own behest¹⁷. Disappointingly, Dio's account of the occasion does not include the terms in which Sosius' attack on Octavian was couched¹⁸. It is most probable, however, that Sosius was seeking to terminate Octavian's command as the first step to rendering him vulnerable to a full-scale political attack¹⁹.

After the two consuls for 32 fled to Antonius, the balance of power altered in Octavian's favour. Although Dio does not men-

15) Girardet's chief concern is the legal definition of Octavian's *imperium* but he touches on these issues (cf. *ibid.*, 345–50 including especially n. 145).

16) The chronology of events in 32 is problematical because of a lack of detail in Dio (see Reinhold [n. 4] 88–89).

17) Dio (50.2.4) notes Octavian was not at the meeting of the Senate and as he does not allude to any support for Octavian among the more senior members of the Senate, Nonius Balbus (cf. T. R. S. Broughton, *The Magistrates of the Roman Republic*, vol. II, 418) probably represented Octavian's first line of defence at that time. Nonius' subsequent history is unknown but see P. Zanker, *Zur Bildnisrepräsentation führender Männer in Mittelitalischen und Campanischen Städten zur Zeit der Späten Republik und der Julisch-Claudischen Kaiser*, *Les "Bourgeoisie" Municipales italiennes aux II^e et I^e Siècles av. J. C.*, Paris/Naples 1983, 260–66 and n. 20 below. Pelling's hypothesis ([n. 7] 49) that Sosius may have organised the veto by Balbus in case there was insufficient support for the motion against Octavian seems unlikely.

18) Dio 50.2.3–4; his silence on constitutional details is frequent (cf. Reinhold [n. 4] 89).

19) Girardet (n. 3) 340–41. Cf. the actions of the tribunes Scribonius Curio, Marcus Antonius and Quintus Cassius on Caesar's behalf in 49 BC (App. BC 2.30–33).

tion Nonius Balbus by name again, nor any tribunician action on Octavian's behalf, Balbus' continued willingness to act for Octavian, for example, in convening the Senate outside the *pomerium* is entirely feasible²⁰. In addition, Octavian would presumably at least have had compliance, if not outright support, from the suffect consuls²¹. And, finally, Octavian's wishes in all matters were no doubt given added force by the fact that, like Pompeius in earlier years, his legions were with him in Italy²².

The Declaration of War

It is usually assumed that a personal oath in favour of himself was the device used by Octavian to legitimise his leadership of Rome in 32 BC²³. But Dio's comment that the alliances each side made with the two leaders were confirmed by oaths of allegiance indicates that this is not the correct interpretation of events. The oaths came after, rather than before, the declaration of war²⁴. In any case, reliance purely on an unconstitutional device of such a kind with its attendant overtones of illegality would in no way have assisted Octavian's ultimate aim to be sole leader of the Roman State²⁵. For this, Octavian needed the endorsement of the Senate and people for both the war itself and for himself as leader. In his pursuit of this Octavian was most certainly assisted by Antonius' divorce of Octavia and his adherence to Cleopatra against the advice of his supporters²⁶.

20) Girardet (n.3) 342 n.111 for possible locations of the three meetings which are recorded as taking place after Domitius and Sosius departed; the temple of Bellona where the fetial ceremony was conducted also lay outside the *pomerium*. For good relations between Octavian and Nonii both before and after 32 see, eg., App. BC 5.16; Dio 51.20.5, cf. Syme (n.3) 289 n.2, 302 n.5; Suet. Aug. 56, cf. Syme, *ibid.*, 424 n.2.

21) Cf. Syme (n.3) 279.

22) Pompeius: Plut. Pomp. 17 (77 BC); Caesar BC 1.2 (49 BC). Octavian's legions in Italy: implied by Dio 50.11.4–12.1, despite H. W. Benario, Octavian's Status in 32 B.C., *Chiron* 5, 1975, 308 (cf. Girardet, *ibid.*, 337); for members of Octavian's praetorian guard in the Senate: Girardet, *ibid.*, 342.

23) Syme (n.3) 284; J. M. Carter, *The Battle of Actium: The Rise and Triumph of Augustus Caesar*, London 1970, 195–96. See further discussion in Girardet (n.3) 345–46.

24) Dio 50.6.1–6.

25) Dio 50.1.1.

26) Dio 50.3–4.2; cf. Volkmann (n.4) 166.

But, even after Octavian read out excerpts from Antonius' will at a meeting of the Senate and in the assembly, thereby publicising Antonius' request for his body to be buried in Alexandria beside Cleopatra rather than in Rome²⁷, the senators were only prepared to act against Antonius by stripping him of his *imperium* and nullifying his impending consulship. They did not declare him a public enemy because, according to Dio, they did not wish to involve his supporters in the conflict. On the contrary, even while penalising Antonius, the Senate offered to welcome his supporters back if they would desert him²⁸. Behind these decisions of the Senate with respect to Antonius and his Roman companions surely lies the directing hand of Octavian²⁹. In this way he sought to guard against accusations that he was seeking to revive the terrors of civil war³⁰. But no such restraint was exercised with respect to Cleopatra and once Antonius had been relegated to the status of *privatus* her alliance with him laid her open to the charge of failing to fulfil her obligations as a client monarch of the Roman State³¹. Dio's account reveals how Octavian successfully capitalised on the Romans' hatred of Cleopatra³². Moreover, knowing how devoted Antonius was to her, Octavian could urge that the war be declared against Cleopatra with the confident expectation of fighting against Antonius also.

Immediately following these proceedings in the Senate, Dio describes the senators as putting on their military cloaks and going to the temple of Bellona³³. There Octavian again played a leading role, this time as *fetialis*³⁴.

27) Dio 50.3.4. This seems the most likely time for Octavian to have begun construction of his mausoleum on the Campus Martius (K. Kraft, *Der Sinn des Mausoleums des Augustus*, *Historia* 16, 1967, 189–206; cf. P. Zanker, *The Power of Images in the Age of Augustus*, Ann Arbor 1988, 72–73).

28) Dio 50.4.3–4.

29) Dio 50.26.2–3.

30) Cf. Dio 50.6.1 which appears to preserve Octavian's strategy and his condemnation of Antonius as a result of its success.

31) M. Reinhold, *The Declaration of War Against Cleopatra*, *CJ* 77, 1981/82, 97–102.

32) Yet Octavian's action in seizing and making known Antonius' will was a risky move (cf. *Plut. Ant.* 58.2–4).

33) Dio 50.4.5.

34) Dio's veracity is confirmed by Augustus' acknowledgement of the fetial office in *RG* 7.3.

Octavian as fetialis

Dio's bland narrative of this sequel to the senatorial decision to wage war on Cleopatra conceals the fetial ceremony's significance for the career of Octavian. The Senate's formal declaration against Cleopatra was vital to him for ensuring the war was seen as more than a personal feud between the triumvirs³⁵; the characterisation of the campaign as a Just War, the only war which was waged with honour according to Roman tradition³⁶, required the sanction of the fetials³⁷. With the war endorsed by their sacred ritual as well as the Roman Senate, Octavian's leadership in 32 would be unchallengeable by his enemies, present or future, for the impact of the fetial ceremony went beyond the constitutional framework of government to the deeply-rooted Roman belief that a Just War was a war waged for the protection of the citizens and their property³⁸. It is this concept which enabled Octavian to identify his leadership in 32 with the fortunes of the Roman State as a whole. As *fetialis*, Octavian gained religious and moral authority which in part explains why the victory at Actium became a pivotal point in his public career³⁹.

The character of the fetial ceremony at the Temple of Bellona, combined with Octavian's central role in it, has lent weight to the view that not only did Octavian plan and organise it, just as he did

35) In 50.4.5 Dio shows his understanding of the war as a contest between the two men, forgetting for the moment that Cleopatra alone was the designated enemy.

36) Cf. Cic. Leg. 2.8.19–9.22; Cic. Rep. 2.17.31; Dion. Hal. 2.72.5–9. See the discussion in S. Weinstock, *Divus Julius*, Oxford 1971, 243–44; E. S. Ramage, *The Nature and Purpose of Augustus' "Res Gestae"*, Stuttgart 1987, 88–89.

37) On their origin and functions in the history of Rome: J. Rüpke, *Domus Militiae. Die religiöse Konstruktion des Krieges in Rom*, Stuttgart 1990, especially 97–124; A. Watson, *International War in Archaic Rome: War and Religion*, Baltimore/London 1993.

38) The fetials also ensured that a war would not be against the divine will (Livy 1.32.9–10; Dion. Hal. 2.72.9). Virgil's description of the battle of Actium where Augustus is said to go into battle not only accompanied by the Senate and people but also (*cum*) *Penatibus et magnis dis* (Aen. 8.679) may be a direct allusion to the fetial authority of Octavian. Cf. also Dio 50.27.7.

39) Its importance for Octavian's propaganda purposes is stressed by Rüpke (n. 37) 116–17 but it is frequently underestimated elsewhere; cf. the accounts of 32 BC by Carter (n. 23) 186–99 and Benario (n. 22) 309. Neither D. Kienast, *Augustus. Prinzeps und Monarch*, Darmstadt 1982, 185 nor R. A. Gurval, *Actium and Augustus*, Ann Arbor 1995, 112–13 includes the fact that Augustus was *fetialis* when discussing his priestly offices, and Gurval does not take it into account either in his assessment of the Actium tradition (*ibid.*, s. v. Index).

the declaration of war itself, he actually revived the archaic tradition from its existing obscurity for that occasion and introduced certain modifications to it⁴⁰. The most striking modification appears to have been the incorporation of a spear-throwing ceremony⁴¹. The origin of the spear-throwing ceremony to institute a foreign war lay not within Roman ritual but in the Macedonian sphere, having been created by Alexander and practised thereafter by his successors⁴². Thus, Octavian's inclusion of it in the context of the declaration of war against Cleopatra appears as one further contrivance on his part, this time to impart an artificial importance to the war in the minds of those present in Rome⁴³. The implied link with Alexander's campaigns was intended to create the image of a campaign which extended beyond a localised conflict with a single client monarch to world conquest⁴⁴. In the political context of 32 the conquest of Asia would have had special significance since Asia was the power-base of Antonius.

The tactics used by Octavian in gaining the backing of the senators for the declaration of war against Cleopatra reveal how carefully planned and executed his campaign for gaining sole authority in the State was⁴⁵. At the same time as acknowledging his

40) Octavian's innovation: T. Wiedemann, *The fetiales: A Reconsideration*, CQ 36, 1986, 483; C. Saulnier, *Le rôle des prêtres fétiaux et l'application du "ius fetiale" à Rome*, *Revue historique de droit français et étranger* 58, 1980, 193. Although Reynolds, ([n. 1] 89–90) points out that the *S. C. de Aphrodisiensibus* may reveal this was not the first occasion on which the fetial procedure was used in the triumviral period, the conjectural nature of the translation makes certainty impossible. The fetial ceremony conducted by Octavian occurred after rather than before the declaration of war by the Senate, the reverse of the order which is indicated to be usual by, eg., Livy (4.30.12–16) and Dion. Hal. (2.72.9).

41) Rüpke (n. 37) 106–7; Wiedemann (n. 40) 482; Zanker (n. 27) 103–4.

42) R. Billows, *Kings and Colonists*, Leiden 1995, 48–55. Wiedemann (n. 40) 478–83 argues convincingly against earlier views that Octavian's spear-throwing ceremony on the Campus Martius was part of the ancient fetial rite.

43) The fashion for royal images among the Late Republican aristocracy is illustrated by the paintings from Room H in the Villa Boscoreale, one panel of which appears to represent Alexander planting his spear in Asia (R. R. Smith, *Spear-won land at Boscoreale: on the royal paintings of a Roman villa*, JRA 7, 1994, 100–28).

44) Although there were aspects of Alexander-imitatio which had proved unhelpful to or were avoided by Roman leaders, association with Alexander's image as world conqueror remained attractive (cf. P. Green, *Caesar and Alexander: aemulatio, imitatio, comparatio*, AJAH 3, 1978, 1–26, esp. 15; Gurval [n. 39] 70–72).

45) The well-planned strategy of Octavian is overlooked by Pelling (n. 7) 53–54 since his discussion is based on a different sequence of events than that recounted by Dio.

calculating and frequently dominating behaviour during 32, however, it must be emphasized that, at no time, did Octavian act illegally⁴⁶. The conclusion that he desired to fight as the representative of the State rather than as a factional leader, as had been the case in 44 BC, is inescapable⁴⁷.

Securing the command against Cleopatra

With war declared against Cleopatra, a military commander was needed by Rome. Since all Octavian's efforts had been directed to achieving a state of war there can be little doubt that he also desired to secure the command. The method by which he did this is not described in the extant sources but it has already been suggested that a plebiscite may have provided the enabling power⁴⁸. A comparison between the main points of Cicero's speech in favour of Pompeius' *extra ordinem* command against Mithridates and the situation in which Octavian stood in 32 BC well illustrates the parallel nature of these two political and military situations⁴⁹.

Despite the parallels that make a plebiscite a possible source for Octavian's *imperium* in theory⁵⁰, however the likelihood of mass support among the civilian population is reduced by the heavy taxation Octavian imposed during 32 in order to raise money for the campaign against Antonius⁵¹. His major source of support in an assembly at this time was, perhaps, provided by the large number of troops who had fought with him in Illyricum and who were camped in the vicinity of Rome. Many of the equestrian members of the legions, men who have already been identified as

46) Cf. Girardet (n. 3) 345, 348; contra Carter (n. 23) 186.

47) *iustitia* as a personal virtue was cultivated by Iulius Caesar and continued to be important under Augustus (Weinstock [n. 36] 245–48). On the *iustitia* of Augustus in the *Res Gestae* see Ramage (n. 36) 89–91.

48) Girardet (n. 3) 347; Rüpke (n. 37) 123–4. Cf. P. A. Brunt, C. Fabricius Iustus and an Augustan Dilectus, *ZPE* 113, 1974, 165–66 on the possibility that the grants of extraordinary commands to Pompeius provided precedents for the powers conferred on Augustus in 27 BC also.

49) Eg., Cic. *De Imp. Cn. Pomp.* 5–6, 49–50, 69 with Dio 50.2.3–6.6, 11.4–5.

50) Cf. Ramage (n. 36) 42–43 who also identifies the parallels between the political situations of Pompeius in 66 and Octavian in 32 but, despite the resulting extraordinary command for Pompeius, believes the political impact for Octavian was only popular recognition of his *auctoritas*.

51) Dio 10.4–5.

the key men for concerted political action by troops⁵², would have been inhabitants of the Italian towns which had supplied supporters for Octavian in the past⁵³.

The passing of the *Lex Manilia* in 66 BC demonstrated the power of a popular assembly to appoint a military leader even in opposition to the wishes of the Senate⁵⁴. But, if Octavian was appointed *dux belli* by an overwhelming vote in the assembly, he appears not to have been satisfied to be the people's choice only. He sought the overt support of the other orders of the State also by requesting senators and equites to gather at Brundisium before he set out to do battle with Antonius in 31⁵⁵. Therefore, the possibility of a senatorial decree as the source of Octavian's *imperium* as well as of the declaration of war should not be ruled out⁵⁶.

From the hypothetical scenarios presented above which, though supplementing Dio in no way violates the information he does provide, it might be concluded that Octavian was legally endorsed as commander of the forces from the West by the time the battle at Actium was fought⁵⁷. In that case his position would be one for which he owed no apology nor needed any concealment. Yet it is Sect. 25.2–3 of the *Res Gestae*, where Augustus himself refers to the year 32, which has determined the conclusion of so many scholars that Octavian was only the commander at Actium because he was thrust into the leadership illegally⁵⁸. It is necessary, therefore, to test this hypothesis against Augustus' own description of events.

52) Cf. L. de Blois, Roman officers and politics. The manipulation of the military cadre in the period 44–36 B.C., *Lavarna* 3, 1992, 105–11, 121.

53) Cf. Cic. Att. 16.11.6. Octavian devoted the largest amount of his attention and money to the troops in Italy (Dio 50.7.3, 9.6).

54) Cic. De Imp. Cn. Pomp. 63–64.

55) Dio 50.11.5.

56) The Senate could have acted alone to redirect the *imperium* Octavian held for his *provincia* towards the war against Antonius (cf. Brunt [n. 48] 164, 170 and the Senate's actions in support of Pompeius in 49 [Caesar, BC 1.3–6]). Conscriptio of troops might be held outside the *pomerium* (Brunt, *ibid.*, 167), hence Octavian's *imperium* need not have been vitiated.

57) Cf. Girardet (n. 3) 347–50. See also the earlier discussion of Benario (n. 22) 304–8.

58) Ramage (n. 36) 42–43.

RG 25.2–3 and Octavian's position in 32

The image of Octavian as a revolutionary in the year 32 has been almost universally endorsed by modern scholarship on the basis that the words Augustus uses in RG 25.2–3 were chosen as a cloak for the illegality of his position. Commentators have looked in vain for the technical terminology of Roman leadership and public life in RG 25.2 and finding it absent have, by and large, concluded that it was because Octavian was not in a position to use it⁵⁹. When the vocabulary of RG 25.2 is considered in the broader context of Roman political life in the late Republic, however, it becomes clear that this is by no means the only possible interpretation of the historical process to which it refers.

Octavian's support-base is described by him as *tota Italia*. The phrase has been dismissed as one with little political meaning of its own by commentators on the *Res Gestae*⁶⁰. Yet it was used by Cicero with specific political meaning to designate both the broadness and the soundness of his political support on several occasions during his public career⁶¹. For example, he used *tota Italia* in apposition with the Senate in order to demonstrate that his good standing was acknowledged across the whole spectrum of Rome's respectable political community⁶². Elsewhere, when describing the events which overtook Rome in 56, Cicero is prepared to identify the moral position of *tota Italia* as the authoritative benchmark against which the violence in the city should be condemned⁶³.

During the fifties BC, therefore, Cicero had endowed the phrase *tota Italia* with a political character useful for anyone who claimed to defend the interests of the *boni* during a time of crisis⁶⁴. Thus, Octavian's appropriation of it would have identified him too with the interests of the senatorial class as well as with the Roman

59) Eg. Carter (n. 23) 196; Ramage (n. 36) 43. But cf. n. 57 above.

60) Eg. W. Eder, Augustus and the Power of Tradition: The Augustan Principate as Binding Link between Republic and Empire, in K. A. Raaflaub – M. Toher (edd.), *Between Republic and Empire*, 1990, 99–101.

61) QFr. 1.2.16.

62) Dom. 90.

63) Sest. 35.

64) Cf. the discussion of the phrase by Syme (n. 3) 284–87 which fails to refer to the Ciceronian usage, the very model which would have been most pertinent for Octavian.

people at large⁶⁵. Cicero's rhetorical influence has long since been identified elsewhere in his *Res Gestae*⁶⁶. It was surely not accidental that Octavian used *tota Italia* in the context of the crisis of 32 when the West, with Italy at its centre, symbolised all that was Roman rather than Greek or Egyptian⁶⁷. Its use in RG 25.2 would also have denigrated Octavian's unnamed opponent, Antonius, by the implicit analogy with figures like Clodius and Catiline. Although *tota Italia* is not the language of government, it states equally effectively where Octavian stood on the political spectrum and the nature of his support. It is inconceivable that after Cicero had established such a political profile for *tota Italia* any man claiming to have this same support would be thought of as a leader without the backing of the State⁶⁸. *Tota Italia* is a description of the nature of Octavian's support in 32 BC not of the means by which he gained the command. Its use in RG 25.2, therefore, in no way precludes a formal appointment.

It is as *dux* not as *imperator* that Augustus described himself in RG 25.2. The pejorative sense in which the use of *dux* there is generally interpreted depends very much upon an existing conception that Octavian's exercise of leadership in 32 was on an illegal basis⁶⁹. Yet *dux* could be used to describe men of vastly differing character and intention. Thus, Cicero says regarding the demolition of his house in 57 BC, that by such a punishment he will seem to be not the suppressor of conspiracy and crime but its *dux et auctor*⁷⁰. But when Calpurnius Piso, the consul of 58 who cooperated with Clodius in his action against Cicero, is said to have deceived the Senate into thinking he was respectable by describing himself as *auctor et dux bonis*, the intended meaning is clearly

65) Like Cicero, much of Octavian's political support came from the Italian *municipia*. See n. 53 above.

66) Syme (n. 3) Ch. 20. See G. Alföldy, *Augustus und die Inschriften: Tradition und Innovation*, *Gymnasium* 98, 1991, 306–7 for links between Cicero's rhetoric and epigraphic monuments of the triumviral period as well.

67) The atmosphere of crisis which the conflict between Antonius and Octavian engendered is also apparent in the calendar of the Arval Brethren for the commemoration of Octavian's victory in Alexandria on 1 August 30 BC (see V. Ehrenberg & A. H. M. Jones, *Documents Illustrating the Reigns of Augustus and Tiberius*, Oxford 1955, 49).

68) See E. S. Ramage, *The date of Augustus' Res Gestae*, *Chiron* 18, 1988, 71–82.

69) Much of the tenor of the debate in this area was set by the publication of Syme's 'The Roman Revolution' (above n. 3); see further, Eder (n. 60) 76–78.

70) Dom. 101.

quite the reverse⁷¹. Similarly, in seeking support for the election of Milo as consul in 53 BC, Cicero describes the type of man needed for the job as *dux . . . et auctor*⁷²; a few years earlier he had applied the term to himself when consul and, earlier still, to Pompeius as commander against the Cilician pirates⁷³. Such usage was still applicable during the triumviral period. In the 40s, Cicero again used *dux* to describe himself when alluding to his consulship and the suppression of the Catiline conspiracy⁷⁴, and he described Octavian, to whom he was lending his strongest political support, in the same terms⁷⁵. As is obvious from the above, in Cicero's usage, *dux* was applicable to bearers of *imperium* as well as to those without it⁷⁶. Not only did Cicero describe himself when consul as *dux* during the triumviral period, but Octavian's contemporary, Asinius Pollio, was greeted as *dux* at the time of his consulship by Virgil⁷⁷.

RG 25.2–3 is indisputably intended by Augustus as an accolade to his victory in the political contest of 32–31 BC. With the advantage of hindsight Augustus (like another contemporary, Velleius Paterculus⁷⁸) could see that the battle in which East and West were arrayed against each other represented a significant point in deciding the leadership of the Roman world. As that leadership was decided in favour of the West by a military solution, the probability is that Augustus intended *dux* to denote himself in a very positive sense as the commander who saved the State in a time of crisis. Confirmation of such an interpretation is provided by Suetonius. He appears to be quoting from an edict of the *princeps* himself when describing Roman leaders honoured in the *Forum Augustum* for their service to Rome as *duces*⁷⁹.

Even if a positive force for the terms *tota Italia* and *dux* in RG 25.2 is conceded, how is Octavian's position as commander of

71) Sest. 20–21.

72) Fam. 2.6.4.

73) Sest. 38; De Imp. Cn. Pomp. 34.

74) Phil. 2.17.

75) Phil. 5.46.

76) This reflects the range of meanings found generally among Roman writers, see J. Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la république*, rev. ed. Paris 1972, 324–26.

77) Ecl. 4.

78) 2.86.1.

79) Aug. 31.5. Cf. *dux* in RG 29.1 and 31.1 also where, clearly, no pejorative sense is intended by Augustus.

Roman legions at Actium to be understood in constitutional terms? Had he been given the authority to levy troops for that campaign, or did the soldiers simply rally to his cause as in 44 BC⁸⁰? The latter is frequently presumed to be the case on the basis, once again, of the wording of RG 25.2⁸¹.

The consular *imperium* Octavian possessed by virtue of his *provincia* still operated with respect to the troops who had served in Illyricum even after their return to Italy⁸². During 32 – early 31 extra troops were recruited but, as already observed, Dio provides no information about the authority by which this was done. He does, nevertheless, make it clear that Octavian's army was not simply dismissed after the battle of Actium⁸³. This suggests that the men fighting with Octavian should not be considered as *evocati* since it was characteristic for such men to be enlisted only for a particular war or campaign rather than for an unspecified length of service⁸⁴.

However, the value of Dio's information at this point is weakened by the fact that there were many irregularities with respect to the enlistment of troops during the triumviral period⁸⁵, and also by the fact that Octavian had already become consul for the third time in 31 BC, thus making it possible that his relationship altered in nature between the time when the force was formed and when part of it was disbanded after the battle.

RG 25.2, likewise, does not permit a definitive conclusion to be reached on the nature of Octavian's command either, but it does allow for the possibility that Octavian's troops were regularly recruited and that their commitment to Octavian was defined by the *sacramentum* rather than by a *coniuratio*⁸⁶. The phrase *iurare in verba*, used twice by Augustus RG 25.2 to describe his relationship to those who were his supporters, is also used by Livy on occasions when it is clear he was speaking of the military oath, the *sacramentum*⁸⁷. It may be presumed that Livy was reflecting the contemporary meaning of *iurare in verba* when he did this. As

80) App. BC 3.11–12.

81) Cf. Syme (n. 3) 288; J. H. Oliver, Octavian's Inscription at Nicopolis, *AJPh* 90, 1969, 181.

82) Cf. Brunt (n. 48) 165–66 n. 14.

83) Dio 51.3.1–4.

84) See Linderski (n. 2) 78–79.

85) App. BC 5.17. Troops enrolled irregularly in 32 might have sworn the *sacramentum* subsequently after Octavian became consul (cf. Linderski [n. 2] 79).

86) Linderski (n. 2) 77 on the differences between the two.

87) Livy 2.32.1.

a result no reliable case can be made against Octavian commanding his troops from a legal position merely from the fact that Augustus uses *sacramentum* with respect to his troops in RG 3.3 and *iurare in verba* in RG 25.2⁸⁸.

The importance of context in assessing the meaning of each of the three terms from RG 25.2 discussed above is clear. This context is supplied by Dio. Augustus' desire, Dio records⁸⁹, was to convince people of the justness of his cause by the size and nature of the support for his leadership by the Roman people and those in the western provinces. Arguably, then, RG 25.2 should be viewed as part of Augustus' program for justifying his leadership in 32. Augustus did not use the language and vocabulary of Roman government in RG 25.2 because he took it for granted that people knew he had *imperium*. The more important task was to ensure posterity believed the extent of his backing was overwhelming. It is only Dio who reveals the true picture, of a population divided in its loyalties between the two leaders⁹⁰.

The Battle of Actium as a Just War in the Augustan tradition

According to Plutarch⁹¹, Octavian had kept a file of the insulting letters he received from Antonius and of his own responses and he read these to his companions in Egypt immediately after Antonius' death, all the while commenting on the letters' contents by way of self-justification. That this collection could be referred to by Ovid⁹², and was still available over a century later to Suetonius and Tacitus⁹³, shows how greatly Augustus desired his part in the conflict to be seen in a favourable light. Moreover, his use of the fetial ceremony, even before battle was joined, shows

88) Cf. Linderski (n.2) 79. He concludes with respect to RG 25.2 that Octavian did not have *imperium* but bases his conclusion on the difference in wording only, without considering the wider range of evidence relating to Octavian's status.

89) 50.11.5–6 with 50.6.3. Cf. Girardet (n.3) 348–49. *Iurare in verba* was used in both military and non-military contexts by Livy (Linderski [n.2] 79 n.31); see also P. A. Brunt – J. M. Moore (edd.), *Res Gestae Divi Augusti*, Oxford 1967, 67.

90) Dio 50.7.3, 9.4, 10.4–5, 11.5.

91) Ant. 78.2.

92) Ovid, *Ex Pont.* 1.1.23–24.

93) Suet. *Aug.* 7, 69, 70; Tac. *Ann.* 4.34.

that it was Octavian's strategy from the very beginning to ensure his actions in 32 would be understood by his contemporaries and by later generations as honorable and as having been taken in defence of the Roman people⁹⁴. It is a reflection of the success of this strategy that he did not need to make an exception of the war against Cleopatra when he claimed in section 26.3 of his *Res Gestae* that all his wars had been Just ones⁹⁵. Moreover, the *Res Gestae*'s emphasis on his *iustitia* makes it extremely unlikely that Augustus himself would have written 25.2–3 in such a way as to allow the very reconstruction of history which he wished to refute.

Cynical as Augustus' attempt to anticipate posterity's verdict on his career may have been, neither this nor his ruthless determination to succeed in gaining the position of leadership in 32 BC should distract the historian from a sober reading of Dio, the only existing narrative of the crucial events. Dio's use of the plural pronoun throughout the account of the declaration of war reveals that Octavian had the formal backing of the Roman Senate⁹⁶. The fetial rite, however its performance was contrived by Octavian, still needed to be complemented by a decision of the Senate to engage in war⁹⁷. Therefore, Octavian did not act alone against Antonius and Cleopatra in 32 BC and the process by which he brought about the annihilation of his opponents was far from being a coup d'état⁹⁸. In his final years Augustus attempted to anticipate posterity's understanding of his principate by the writing of his *Res Gestae*⁹⁹; when still a young man in 32 BC, he just as deliberately attempted to control the process of Roman political life.

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94) Zanker (n. 27) 95.

95) His success in embedding the desired image in the Roman mind is confirmed by Suetonius (Aug. 21).

96) Dio 50.4.5. Cf. Dio 50.6.1, 22.1, 26.4 and Plut. Ant. 60.1 for decrees passed against Cleopatra.

97) Livy 1.32.11–13; 4.30.12–16; Dion. Hal. 2.72.4–9; Rüpke (n. 37) 123.

98) For the text inscribed on the victory monument of Octavian at Actium, see Oliver (n. 81) 180–81 with J. M. Carter, A New Fragment of Octavian's Inscription at Nicopolis, *ZPE* 24, 1977, 227–30. The words which appear there, *pro republica se esse facturos*, were part of the *sacramentum* (Linderski [n. 2] 79) and surely reflect the *imperium* of Octavian for that occasion. By erecting the monument at the site of his camp and not in Nicopolis (cf. Suet. Aug. 18) Octavian may well have intended to underline the justness of the cause by recalling the symbolism of the spear-throwing ceremony and the fetial endorsement of the war.

99) Brunt – Moore (n. 89) 3–5.