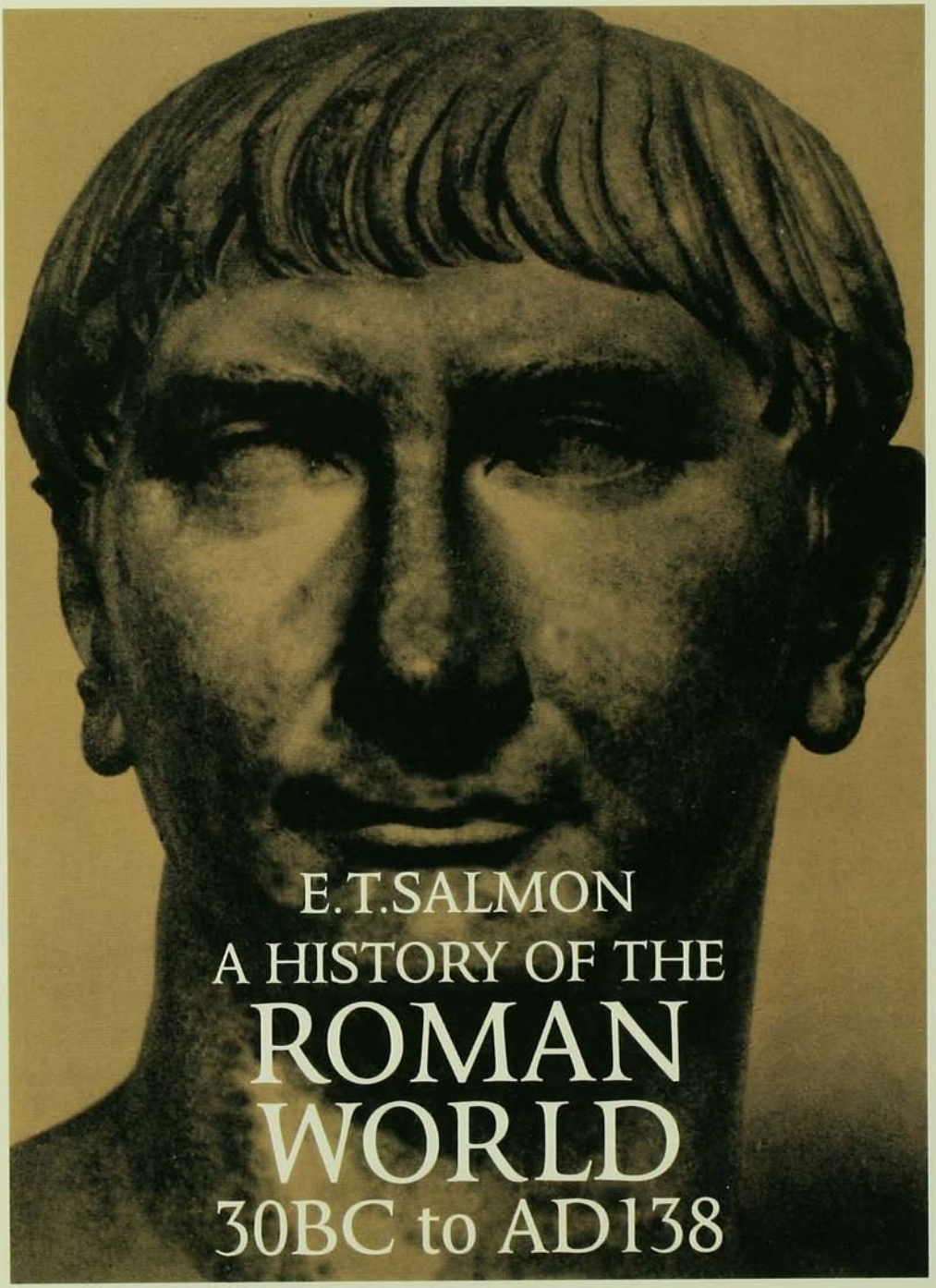


E.T.SALMON

A HISTORY OF THE ROMAN WORLD

30BC to AD138

A HISTORY OF THE ROMAN WORLD FROM 30 B.C. TO A.D. 138

A HISTORY OF THE ROMAN WORLD

FROM 30 B.C. TO A.D. 138

BY

EDWARD T. SALMON

M.A., Ph.D., D.Litt., F.R.S.C., F.R.Hist.S.

MESSECAR PROFESSOR OF HISTORY,
McMASTER UNIVERSITY, HAMILTON, ONTARIO

Routledge
Taylor & Francis Group
LONDON AND NEW YORK

First published 30 November 1944
Second Edition 1950
Third Edition 1957
Reprinted 1959
Fourth Edition 1963
Fifth Edition 1966
Sixth Edition 1968
Reprinted 1970
Reprinted 1972
I.S.B.N. 0 415 04504 5

First published as a University Paperback 1968
Reprinted 1970
Reprinted 1972
Reprinted twice 1974
I.S.B.N. 0 415 04504 5

Reprinted 2004
By Routledge
11 New Fetter Lane, London, EC4P 4EE

Transferred to Digital Printing 2004

Routledge is an imprint of the Taylor & Francis Group

Printed and bound in Great Britain by
Selwood Printing Ltd, West Sussex

This title is available as both a hardbound and paperback edition. The paperback edition is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form of binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

Printed and bound by Antony Rowe Ltd, Eastbourne

PREFACE TO THE THIRD EDITION

TO discover that yet another reprinting of his work has become necessary is indeed a flattering experience for an author even when, as in the present instance, he knows full well that it is due to the fascination of the subject matter and not to any particular merits of his own. Besides affording gratification, however, it also imposes the obligation to introduce improvements wherever possible; and in the case of a reprinting as distinct from an entirely new edition this was bound to present some difficulties. For reasons of economy it was decided to reprint the present edition from plates cast from the text of the previous one, and this inevitably meant that any textual changes had to be contained within the pagination and indeed the lineation of the earlier edition. This, of course, imposed a limitation on the amount of alteration possible and necessarily involved rigorous compression and careful manipulation of language. I can only hope that in the process lucidity has not suffered, that an unjustified and certainly unintended dogmatism has not emerged and that the modifications of the text do not seem too awkward or too grotesque. For modifications there are, and the publishers have uncomplainingly and generously allowed them to be quite numerous. The attempt has been made not only to correct earlier mistakes and slips but also to bring the volume up to date with post-war work on the period with which it deals. The chapters on Augustus' reorganization of the State, in particular, have been extensively revised; Appendix IV has been completely rewritten, and so has the Bibliography. I hope that, as a result, the work will be found more useful, although I do not expect to escape the reproach that my account of the various aspects of life in the first century and a half of the Roman Empire is rather thin. This is a single, not very large volume on a very large subject; and the constitutional and political, the social and economic, the military and the art historian will all no doubt find the treatment summary. I myself, for instance, greatly regret that the scale of the work does not permit a fuller account of the responsibility of the great families for the shaping and continuity of imperial policies. But in a book of modest size, which does not pretend to be anything more than an introduction to the history of the

Early Empire, the temptation to go exhaustively into one topic at the expense of others had to be resisted as far as possible.

In general, the ancient names have been used except in cases where the modern name has become so familiar that to use any other would convey an impression of pedantry or might even confuse the reader. Thus, for Roman Britain the nomenclature adopted is the one most familiar to speakers of English.

Documentation has been reduced to a minimum in order to save space. It should not be taken to imply any reluctance on the author's part to acknowledge his obligations to his fellow-workers in the field. This book, in fact, makes no claim to originality: it merely seeks to provide a reasonably up-to-date synthesis of the history of the Early Empire. The bibliography will appear similarly sketchy: for it consists almost exclusively of books which have appeared recently, are likely to be available in most libraries, and are themselves well documented. From them the student desirous of consulting earlier works, and especially works in foreign languages, will be able to obtain all the information he requires.

Nowadays it is often fashionable to decry historical works in which individual personalities seem to be given undue attention; and some readers may regret that the framework of the present volume is the traditional one of the lives of the various Emperors. The following pages, however, will make it clear that the author's choice of this method is not due to any lack of interest in the life of the Roman world as a whole. The study of the Roman Empire has always exercised a marked fascination for citizens of its modern British analogue. This is particularly true in the case of one who received his early instruction in the subject at the great Australian University of Sydney, continued his studies at Cambridge, and is now a member of a Canadian University.

E. T. SALMON,
HAMILTON, ONTARIO

Summer 1956

PREFACE TO SIXTH EDITION

Recent work on the Roman Empire has dictated that a number of changes be made for this latest reprinting, which can accordingly be regarded as a new edition. The list of bibliographical items that has been added does not pretend to be complete. It does, however, direct attention to books where the interested student will find mention of most recent work of consequence.

June 1968

E. T. SALMON

CONTENTS

PART I

THE FOUNDING OF THE PRINCIPATE

Chapter I

AUGUSTUS PRINCEPS

SECTION		PAGE
1.	The Restoration of Peace	1
2.	The "Restoration of the Republic," 27 B.C.	8
3.	The Settlement of 23 B.C.	12
4.	Consolidation	17
5.	The Legislation of 18 B.C.	19
6.	The Secular Games; Caesar-worship	26
7.	The Augustan Building Programme	29
8.	Imperial Powers and Titles	30
9.	Ensuring the Succession	33

Chapter II

ITALY

1.	The Senate and its Powers	39
2.	The Senatorial Career	40
3.	The Consulship under the Principate	44
4.	Imperial Control of the Senate	48
5.	The Equestrian Order	52
6.	The Plebs	57
7.	The Freedmen	64
8.	The Slaves	70
9.	The Garrison of Italy	78

Chapter III

THE PROVINCES

1.	The Division of the Provinces	74
2.	The Senatorial Provinces	76
3.	The Imperial Provinces	77
4.	Improvement in Provincial Administration	79
5.	The Cities of the Empire	82
6.	Provincial Taxation	89
7.	Egypt	93

Chapter IV

THE FRONTIERS AND BEYOND

SECTION		PAGE
1.	The Legions	95
2.	The Auxilia	99
3.	The Imperial Roman Navy	100
4.	The Eastern Frontier	102
5.	Egypt and Africa	105
6.	Spain	107
7.	The Alpine Areas	107
8.	The Danube	108
9.	The Rhine; the Varian Disaster	111
10.	The Distribution of the Legions	112

Chapter V

THE LITERATURE OF THE AUGUSTAN AGE

1.	The Golden Age	114
2.	Vergil	115
3.	Horace	117
4.	Tibullus and Propertius	118
5.	Ovid	119
6.	Livy	121

PART II

THE JULIO-CLAUDIAN EMPERORS

Chapter I

TIBERIUS

1.	The Succession of Tiberius	123
2.	Murder and Mutiny	125
3.	Tiberius' Frontier Policy	128
4.	Treason Trials	131
5.	Germanicus and Piso	134
6.	The Rise of Sejanus	137
7.	The Fall of Sejanus	140
8.	Government from Capreae	142
9.	Tiberius and the Succession	144
10.	Appraisal of the Reign	145

Chapter II

GAIUS

SECTION PAGE
1. The Beginning of the Reign 147
2. The Divinity of Gaius 149
3. The Expedition to the North 150
4. Tyranny 152
5. Gaius' Provincial Policies 153
6. Gaius and the Jews 154
7. The Murder of Gaius 155

Chapter III

CLAUDIUS

1. A Shaky Beginning 157
2. The Conquest of Britain 159
3. Frontier Policy 162
4. Romanization and Assimilation 163
5. Centralization; the Civil Service 165
6. Claudius and the Senate 170
7. The Fall of Messalina 170
8. Agrippina 171

Chapter IV

NERO

1. A Youthful Princeps 175
2. Quinquennium Neronis 176
3. Matricide 178
4. Capriciousness Enthroned 179
5. The Fire and the Christians 181
6. Extravagance; Currency Depreciation 182
7. The Conspiracy of Piso 183
8. The Trip to Greece 186
9. The Revolt of Vindex and Galba 187
10. The Provinces under Nero 190
11. Boudicca's Rising 191
12. The Northern Frontier 192
13. Corbulo's Parthian Campaigns 192
14. The Jewish Revolt 194

PART III

THE ITALIAN EMPERORS

CHAPTER I

ANARCHY

SECTION PAGE
1. GALBA 198
2. OTHO 201
3. THE BATTLE OF BEDRIACUM 202
4. VITELLIUS 205
5. THE BATTLE OF CREMONA 207
6. THE FLAVIAN TRIUMPH 209

CHAPTER II

VESPASIAN

1. DISCIPLINE RESTORED 211
2. THE NEW NOBILITY 213
3. VESPASIAN AND THE CENSORSHIP 214
4. VESPASIAN'S ADMINISTRATION 216
5. TITUS CO-REGENT 217
6. VESPASIAN AND THE FINANCES 217
7. THE OPPOSITION TO VESPASIAN 219

CHAPTER III

TITUS

1. HIS POPULARITY 222
2. ERUPTION AND FIRE 222
3. THE DEATH OF TITUS 223

CHAPTER IV

DOMITIAN

1. THE CHARACTER OF DOMITIAN 225
2. INCREASE IN AUTOCRACY 227
3. DOMITIAN AND THE FINANCES 229
4. THE REBELLION OF SATURNINUS 231
5. THE TERROR 234

Chapter V

FLAVIAN FRONTIERS

SECTION PAGE
1. The General Flavian Policy 237
2. The Revolt of Civilis 238
3. Consolidation of the Rhine Frontier . . . 240
4. Petilius, Frontinus and Agricola in Britain . . 245
5. The Dacian Wars 246
6. The Eastern Frontier 250

Chapter VI

THE ECONOMIC LIFE OF THE EMPIRE

1. The Growth of Trade 253
2. Communications 254
3. Primary Producers 255
4. Industrial Development 256
5. Decline in the Economic Importance of Italy . . 258
6. Economic Activity throughout the Empire . . 261

Chapter VII

LITERATURE BETWEEN A.D. 50 AND 100

1. Prose: Seneca 263
2. Poetry: Lucan, Valerius Flaccus, Silius Italicus, Statius 264
3. Satire: Petronius, Martial 266
4. Technical Writers: Elder Pliny, Frontinus . . 267

PART IV

THE NON-ITALIAN EMPERORS

Chapter I

NERVA

1. The Senatorial Nominee 268
2. The Alimenta 269
3. Conciliation 270
4. The Adoption of Trajan 271

Chapter II

TRAJAN

SECTION		PAGE
1.	A Warrior Emperor	274
2.	The First Dacian War	274
3.	The Second Dacian War	277
4.	Annexation of Arabia Petraea	278
5.	Building Programme in Rome	279
6.	Domestic Policy	280
7.	The Curatores	281
8.	Trajan and the Finances	284
9.	The Parthian War; Revolt	285
10.	The "Adoption" of Hadrian	290
11.	Optimus Princeps	291

Chapter III

HADRIAN

1.	The Succession of Hadrian	295
2.	The Execution of the Four Consulars	296
3.	Frontier Policy	297
4.	Hadrian's Travels	301
5.	Fixed Frontier Defences	302
6.	Hadrian's Interest in the Provinces	304
7.	The Jewish Revolt	307
8.	Domestic Policy	308
9.	Codification of the Law	310
10.	The Equites and the Civil Service	311
11.	Hadrian and the Senate	313
12.	The Search for a Successor	314
13.	The End of the Reign	316

Chapter IV

THE RISE OF CHRISTIANITY

1.	The Roman Attitude towards Religion	319
2.	The Beginnings of Christianity	320
3.	The Earliest Persecutions	321
4.	The Spread of Christianity	324

Chapter V

LITERATURE AND ART IN THE EARLY SECOND CENTURY

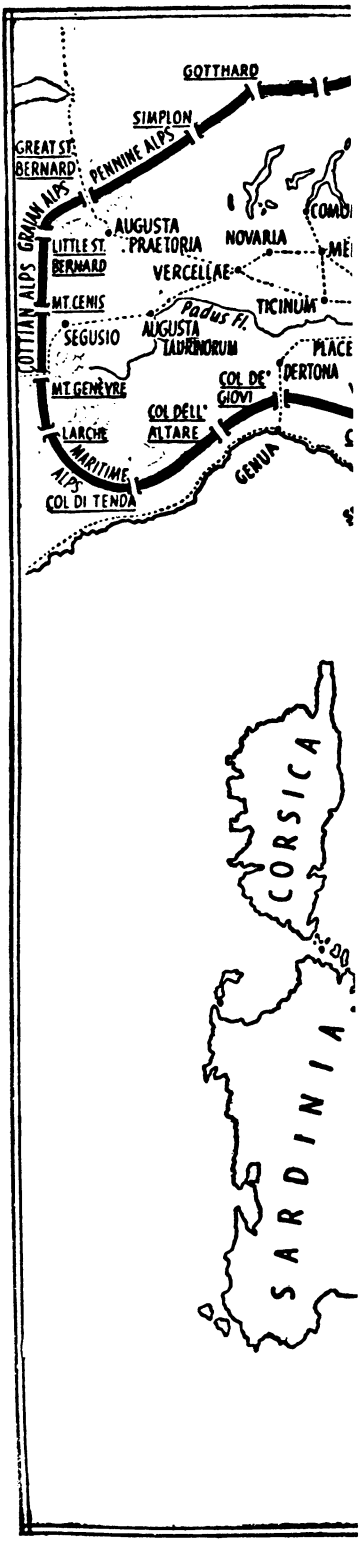
SECTION		PAGE
1.	Greek Writers	326
2.	Younger Pliny	326
3.	Tacitus	327
4.	Juvenal	328
5.	Suetonius; Florus	328
6.	Art Before the Reign of Hadrian	329
7.	Art and Architecture under Hadrian	330

APPENDICES

		PAGE
I.	The Official Names and the Dates of the Emperors	333
II.	The Sources	334
III.	A Note on the Imperium Consulare	339
IV.	Genealogical Tree of the Julio-Claudian Emperors	342
Bibliography		343
Index		351

MAPS

	PAGE
Italy	xiv–xv
Roman Britain	161
The Northern Frontier	243
The Eastern Frontier	251
The Roman World, A.D. 116	299


GOTTHARD
SIMPLON
PENNINE ALPS
GREAT ST. BERNARD
GRAIAN ALPS
LITTLE ST. BERNARD
COTTIAN ALPS
MT. CENIS
SEGUSIO
AUGUSTA PRAETORIA
NOVARIA
VERCELLAE
TICINUM
Padus Fl.
AUGUSTA LAURENORUM
MT. GENÈVRE
COL DE GIOVI
DERTONA
COL DELL' ALTARE
LARCHE
MARITIME ALPS
COL DI TENDA
GENUA
CORSICA
SARDINIA

ITALY
Names of Modern Towns underlined
Scales
0 20 40 60 80
Roman Miles
0 20 40 60 80
English Miles
Roman Roads
BRENNER
MONTE CROCE
CARNIC ALPS
TARVISIO
PREDIL
PIEDICOLLE
JULIAN ALPS
BIRNBAUM
TRIDENTUM
Via Claudia Augusta
AQUILEIA
VICETIA
ALTINUM
VERONA
MANTUA
PATAVIUM
HOSTILIA
Padus Fl.
BONONIA
RAVENNA
Rubicon Fl.
Via Aemilia
ARIMINUM
PISAURUM
FANUM FORTUNAE
APENNINES
ANCONA
ARRETIUM
ASISIUM
Via Cassia
FULGINIUM
MEVANIA
SPOLETUM
INTERAMNA
CASTRUM TRUENTINUM
Via Salaria
ASCULUM
SATURNIA
Aurelia
Via Clodia
OCRICULUM
NARNIA
REATE
HADRIA
ATERNUM
Tiber Fl.
Fucine Lake
Via Valeria
CORFINIUM
SULMO
FIDENAE
TIBUR
Via Claudia
Anio Fl.
CAERE
ROMA
OSTIA
TUSCULUM
PRAENESTE
ARPINUM
ATINA
ALBUNEA
AESERNIA
Via Latina
Via Appia
ANTIUM
VENAFRUM
AEQUUM TUTICUM
LUCERIA
AECAE
CALES
Via Traiana
Aufidus Fl.
CANUSIUM
TARRACINA
SINUESSA
BARIUM
Volturnus Fl.
CAPUA
BENEVENTUM
RUBI
VENUSIA
CUMAE
MISENUM
Pandateria
POMPEII
Via Appia
BRUNDISIUM
POTEOLI
NEAPOLIS
HERCULANEUM
Lagnus
SALERNUM
TARENTUM
Via Popilia
Sila Mountains
RHEGIUM
MARE ADRIATICUM
MARE TYRRHENUM
SICILIA

PART I

THE FOUNDING OF THE PRINCIPATE

CHAPTER I

AUGUSTUS PRINCEPS

§ 1. THE RESTORATION OF PEACE

THE previous volume has described how the Roman Republic failed. A period of confusion, unrest, civil strife and violence of all kinds had finally culminated in the emergence of one man as the supreme arbiter of the destinies of the Roman world. Octavian [1] was now in a position to impose his will as he saw fit. The day of the Republic is done; the rule of the Caesars begins.

This failure of the Roman Republic was caused very largely by the reluctance of the Romans to change their methods of government and their political institutions generally. Conservatism and tenacity are no doubt valuable traits in a nation's character; but conservatism may degenerate into mere obstinacy, and frequently obstinacy can be cured only by bloodshed.

The malady of the Roman Republic was caused by its attempt to govern a large Mediterranean empire with the political and administrative machinery of a city state. By means of various makeshifts and legal fictions the city on the banks of the Tiber did for a long time manage to administer the Empire with this inadequate political machinery. But ultimately the system broke down, and in the resulting anarchy Octavian fought his way to pre-eminence. His problem now was to settle the affairs of the Roman world and to place the Roman state once again on a stable basis.

One thing was, or should have been, clear; a genuine restoration of the Republic, a return to the *status quo ante*, was out of the question. The advice, which the third-century historian Cassius Dio makes Maecenas give to Octavian, is a neat and correct appraisal of the problem with which the young man was faced: "The cause of our troubles is the multitude of our population and the magnitude of the business of our

[1] To use the name commonly given him before 27 B.C.; he, however, called himself Caesar, not Octavian.

government; for the population embraces men of every kind, in respect both of race and endowment, and both their tempers and their desires are manifold; and the business of the State has become so vast that it can be administered only with the greatest difficulty." [1]

A reversion to the previous state of affairs being out of the question, Octavian had to seek for some other and better solution.

Antony and Cleopatra died in August of 30 B.C. in the city of Alexandria whither Octavian had followed them. After their death he did not return to Italy immediately. He was content to let his deputy, Maecenas, govern in the west, while he busied himself with the task of restoring order in the east. It was not until August of 29 that he reached Rome to celebrate a magnificent triple "triumph" for his victories in Illyricum, Actium and Egypt, without any allusion being made, however, to the fact that his victories had been gained, in part at least, at the expense of Roman citizens. Octavian throughout his life showed that he well understood the value and uses of propaganda. So now in 29 Antony was officially ignored and Octavian was represented, not as the party leader (*dux*) who had managed to snatch victory for his own clique, but as the man who had saved the civilization of the west. His court poets were soon assiduously spreading the tale that Cleopatra's victory would have infallibly meant the orientalization of Europe.

The long list of extravagant honours which had been accorded the youthful conqueror by Senate and People before he reached the city need not be given here; as Dio says,[2] it would be quite superfluous to mention the prayers, the images, the front-seat privilege and similar distinctions. Such flattering attentions did not turn his head or divert him from his object; and by August of 29 this far-sighted and prudent man surely realized that his object ought to be to regularize his own position in the State, if possible. At that moment he occupied a position that was quite extraordinary and had all the marks of a makeshift. His task was to terminate the temporary aspect of his extraordinary position, while at the same time ensuring that matters did not relapse once again into anarchy. The return from an abnormal to an ordered government is never easy.

But, although the problem was pressing, he could not address himself to it immediately. Before he could give much thought

[1] Cassius Dio, LII, 15. [2] *Ibid.*, LI, 19, 3.

or attention to his own future position in the State, he had to restore a semblance of order and an atmosphere of confidence throughout the shattered Roman world. This task engrossed him for two years, and he discharged it brilliantly.

Lavish games and doles of grain were a traditional method for diverting public attention from public uncertainties. By a liberal dose of *panis et circenses* Octavian kept the public from brooding on recent calamities. A vast programme of spectacular public works—temples, basilicas, roads—also helped to create the impression that stability had returned. By paying his own debts, by overlooking the debts of others to the State and by rehabilitating impoverished senators, he restored financial confidence; interest dropped to one-third of the usual rate. Simultaneously he removed the prevailing military atmosphere. The temple of Janus was ceremoniously closed. It was his desire to convince men that normal, civilian life had returned: this was going to be no period of proscriptions. Antony's former supporters with relief heard him declare that all incriminating correspondence had been burnt. Obtaining land for his veterans either by purchase or by mulcting communities which had supported Antony, Octavian began a large-scale demobilization. In the year 30 he found himself at the head of a huge army numbering some sixty legions. Within a few years these had been reduced to twenty-eight. Over 100,000 of his veterans were paid their gratuities in full and then disbanded. For the most part they were sent to old and new colonies either in Italy or in the provinces.[1] In Italy alone Octavian founded twenty-eight colonies, while in the provinces we find his veterans in such places as Acci Gemella (Spain), Carthage (Africa), Parium (Mysia) and Berytus (Syria). As a result of these various measures confidence gradually returned. The world began to breathe more easily. No doubt it was only lavish spending that enabled Octavian to carry out these measures. The spoils of war, above all the treasure of Egypt, defrayed the bill. But he must at least be given full credit for taking the time and the trouble to do the job thoroughly.

He was now free to give serious study to the question of his own personal position in the State. By temperament he was circumspect and prudent; and the fate of Julius had strengthened his natural tendency to caution. Therefore he was unlikely at this stage to impose upon the Roman world the final form which his constitution was to assume, even if indeed he already

[1] His new foundations were almost exclusively in the west.

had a full mental image of the changes he proposed to make. Throughout his life Octavian was content to make haste very slowly. He preferred the tentative method of moving with the inevitability of gradualness from one precedent to another. Ultimately a new constitution did emerge. But it was the result of a long process of trial and error. Octavian felt his way very cautiously, preferring to let arrangements grow out of experience.

As early as 36 B.C. he had been careful to be formally granted the personal inviolability of a plebeian tribune. He had diligently noted all the political lessons of the preceding three-quarters of a century, and on more than one occasion during that period military leaders with political ambitions had found it most expedient to have a tribune closely associated with themselves. Sulla's reforms had demonstrated that in any proposed constitutional changes the tribunes could not be overlooked. Octavian, however, was technically debarred from becoming a plebeian tribune, since he was officially patrician. No doubt he could, like Clodius, have had himself adopted into a plebeian family, but he preferred not to follow this example. His action in 30 B.C. in getting a Lex Saenia passed to empower him to create new patrician families shows that for him the patrician stock had a definite value. The Roman instinct was towards an hierarchical system of society, and Octavian's natural inclination was always either to share in, or to adapt his behaviour to, Roman prejudices and preferences. At one time he apparently flirted with the idea of becoming tribune, but by 30 B.C. he hardly wanted the actual office with its limited tenure: the tribune's prerogatives, without the actual office, would suit him better. These were offered him now (30), but his tribunician sacrosanctity apparently sufficed for the time being.[1] The view that other powers of the tribunes now came his way cannot be proved, and as official documents from his "reign" regard 23 B.C. as the first year of his Tribunician Power, that would appear to be the time when he obtained a tribune's powers without a tribune's limitations. Nevertheless in the next year (29) we find him preventing a tribune-elect from proceeding to office.

From early in his career Octavian was called Imperator.

[1] At this time he also seems to have received the right of hearing appeals from certain judicial decisions.

Under the Republic this was a title, a *cognomen* borne by a pro-magistrate who had been hailed *imperator* by his troops after a victory but had not yet re-entered Rome. Under the Empire *imperator* continued to be thus used as a *cognomen* (see below, p. 33); but it was used also as a *praenomen* and ultimately developed into the title Emperor. The change began with Octavian. In 38 he replaced his *praenomen* Gaius with Imperator, indicating that he was *imperator* supreme, defender of Rome against all threats: after 30, when his military position was unassailable, he de-emphasized but did not discard this *praenomen*.[1] Indeed, during military campaigns outside Italy, he wore the purple robe—which was more red than purple—of an *imperator*; and soon the Emperor became the only person entitled to wear such a garment.

Here clearly there was a standing reminder to all men of his pre-eminence. Pre-eminent he certainly was; as he himself put it later, the State was in his hand. But the Ides of March warned him that he must not be autocratic as well as pre-eminent. Roman republican sentiments had to be respected. He probably desired to respect them; almost certainly he shared his countrymen's conservatism. At any rate he was particularly careful to interest himself in activities where conservative forces normally have most scope. The various priesthoods excited his lively attention.

Technically Lepidus, the ex-triumvir, and not Octavian, was Chief Pontiff and therefore head of the state religion; and Octavian scrupulously refrained from depriving Lepidus of the office, contenting himself with the office of augur. But *de facto* he became head of the various priestly colleges. When the Senate empowered him to fill the numerous gaps which proscriptions and civil wars had made in them, Octavian was granted the right to add as many members to them as he chose. He addressed himself to the task seriously and by thus establishing the religious rites and ceremonies upon which public well-being depended he obtained a reputation for constitutional correctness. In the process he also gained some extraordinary distinctions. The Salii henceforth included his name in their litany; the Senate enacted that libations should be poured to him at all banquets and that priests and People should offer prayers for

[1] But with him the *Praenomen Imperatoris* was not an official title. Octavian's three immediate successors (Tiberius, Gaius and Claudius) did not adopt it officially. It became a regular part of the imperial titulary after A.D. 69.

the saviour of the State;[1] the consul for 29, Valerius Potitus, actually offered public sacrifices and vows on his behalf.

Although such distinctions inevitably contributed to his personal prestige (*auctoritas*), thereby sharply differentiating him from other men, they contained nothing in them to excite republican qualms. On the contrary, Octavian carefully avoided shocking the old republican traditions. When he became consul for the sixth time in 28, with the tried and trusted Agrippa as his colleague, men noted that normalcy appeared to have returned: the *comitia* were restored, the consuls were ceremoniously placed on terms of strict equality with one another, and at last after twenty years consuls passed their full twelve months in Rome. There they proceeded to conduct a census of the People and to revise the list of senators.

For these actions they might expect to win approval. For the last previous census of the whole people had been taken as long ago as 70 B.C., and the Senate was popularly believed to stand in need of purging. Ever since Julius had appointed a flock of senators, the suspicion was nursed, whether justifiably or not, that the Senate's numbers were swollen by unworthy members; Julius' senators were a subject for popular jokes. Octavian's action in striking some two hundred names from the senatorial list probably did not evoke resentment. Even after his action the Senate still had some eight hundred members, enough for it to discharge its duties properly and efficiently, provided that senators took those duties seriously; and since a senatorial decree of 29 virtually enforced attendance at Senate meetings by forbidding members to leave Italy without Octavian's permission, the senators obviously were expected to take their duties seriously. Octavian himself was appointed Princeps Senatus in this year (28 B.C.).

To carry out this census Octavian and Agrippa did not take the office of censor. The duties of the censor in the early days of the Republic had been discharged by the chief executives of the State; it was not until 443 B.C. that the censorship became a separate office from the consulship.[2] In 28 the two friends revived the ancient practice and wielded their *censoria potestas* as consuls. This must not be imputed to mere antiquarianism on their part. Octavian was positively eager to

[1] In 29 Senate and People dedicated a monument to him in the Forum, *re publica conservata.*

[2] Livy IV, 8.

avoid the office of censor, since through the centuries the censors had come to be regarded as holding a whip-hand over the Senate. It was they who kept the list of senators, and it was in their power to eject quite arbitrarily any members of whom they disapproved. Octavian now, as later, was anxious to avoid the appearance of constraining people, especially senators, against their will.[1] As censor he would have exposed himself to the charge of dragooning the Senate; as consul wielding censorial powers he might hope to convey the impression that the Senate readily collaborated in the proceedings.

By thus somewhat ostentatiously avoiding the show of power while retaining the reality, Octavian hoped so to increase his prestige (*auctoritas*) that men would acquiesce willingly in his proposed constitutional changes. Actually his prestige was so high that his desires were not likely to be openly disputed. All of his actions so far had been officially confirmed by a senatorial decree of January 1, 29; and to render his future actions acceptable he now passed a kind of amnesty act. It is described by Dio: "Since Octavian had given many illegal and unjust orders during the strife of the Civil Wars, and especially during the triumvirate with Antony and Lepidus, he annulled all these in one edict, fixing his sixth consulship (28 B.C.) as the limit of their validity."[2] This may not have been a complete act of amnesty, but it is safe to assume that it put an end to injustices such as the disabilities under which the children of the proscribed still laboured. The act met with general approbation. The legend *libertatis populi Romani vindex* on coins of 28 refers, however, not to this act of amnesty, but to the abolition of abnormal consulships.

Octavian's popularity was also heightened by the undeniable fact that the Roman world was passing weary of recurring disorders. Civil wars and proscriptions, in addition to removing many elements of opposition, had had the effect of making most men long for the return of an era of stability and peace. Anyone who gave promise of ushering in such a period was sure of a following; and Octavian's propagandists had been assuring the Roman world ever since 40 B.C. that the Golden Age was soon to return.[3] Now was the time for Octavian not only to fulfil his promise and restore constitutional government, but

[1] Cassius Dio (LIV, 13, 1) makes it clear that this was Octavian's motive in always declining the office of censor.

[2] *Ibid.*, LIII, 2, 5.

[3] See Vergil, *Eclogue* iv.

also to create the best constitution. Accordingly when he entered on his seventh consulship in 27 B.C., with Agrippa once again as his colleague, he proceeded to the attempt to define his future position in the state.

§ 2. THE "RESTORATION OF THE REPUBLIC," 27 B.C.

On January 13, 27 B.C., Octavian announced to the Senate that he planned to lay down his supreme power. His own particular partisans, who had presumably been warned beforehand, greeted the announcement with cries of protest. The result was that the subsequent settlement altogether lacked an appearance of coercion.

Bowing to the cries of protest Octavian consented to accept the commission from the Senate to administer in a proconsular capacity a certain, definite group of those provinces which his lieutenants were then governing and all of which he had placed at the free disposal of the Senate and People. It is uncertain whether the People provided his exceptional position with a legal basis by meeting in an Assembly and ratifying the Senate's action. Thus Octavian received the special commission of a promagistrate. There was nothing unprecedented about this. Pompey's position under the Gabinian Law is an obvious analogy. Nor was it a novel idea for this vast proconsular power to be conferred upon him for a period of years (ten actually). After the Conference of Luca in 56 Pompey, Crassus and Caesar had each of them received similar extended commands, and Pompey had exercised his through his own personal lieutenants. The fact that Octavian obtained this proconsular power while also holding the consulship at Rome, was, it is true, rather more unusual.[1] But for this one could conveniently cite the position of Pompey in 52 as a precedent.

Octavian's Imperium Proconsulare,[2] as we shall henceforth call it, concentrated great power in his hands, since the provinces which he was "invited" to administer were precisely those that contained large standing armies. A corollary to this was that he had to have the power of making war or peace, and hence the right to make treaties with whomsoever he chose. In effect Octavian obtained the command of so much of the armed

[1] Some scholars indeed deny that this cumulation of *imperia* could ever have occurred. See Appendix IV.

[2] The term is not used of the settlement of 27; but the fact, in the present writer's view, is indisputable. See Appendix IV.

strength of the Empire that the military destinies of the State were in his hand. The justification for this was that the Senate during the preceding century had repeatedly shown itself incapable of controlling the soldiers, so that it was necessary to place them under the firm hand of a member of the Julian family, which had already demonstrated its ability to manage them. But though the arrangement might be a safeguard against the renewed outbreak of civil war, it was also a permanent obstacle to any genuine independence of decision or judgment by Senate or People. In the last analysis the wishes of the man who controls the soldiery must always be respected; and if Octavian later became occasionally impatient at the Senate's unwillingness to take a strong line of its own on questions of policy, then his huge *provincia* with its vast armed establishment was really responsible.

Normally the *imperium* of a promagistrate did labour under one disadvantage: it could not be exercised inside Rome itself, for only the *imperium* of the urban magistrates was valid within the *pomerium*. But in the case of Octavian even this restriction did not apply, for so long as he held a consulship he actually was one of the urban magistrates.

Although his Imperium Proconsulare thus made him really the supreme arbiter of the State, it was technically a special commission deriving from the Senate and Roman People. Moreover consular elections had been normalized. Hence he claimed to have restored the Republic from his own authority to the free disposal of the Senate and Roman People.

This claim superficially seemed not unjust. For the settlement of January 13, 27 contained nothing for which republican precedents could not be adduced: as Octavian himself later expressed it, he assumed no office inconsistent with ancestral custom. Nor did the extraordinary honours, which were gratefully voted him by the Senate three days later on the motion of the ex-consul L. Munatius Plancus, contain anything specifically unrepublican. The posts and lintel of his door were respectively decked with laurel and oak-leaves, and a golden shield lauding his virtues was set up in the Senate-house. But such honorific compliments had been paid to successful commanders at least as early as the third century B.C.

The name "Augustus" was one of the honours bestowed on him on this occasion, and as a further mark of respect, it was also given to the month Sextilis. The name immediately won

wide currency: indeed from that time on he has always been known as Augustus. But we must not think that, simply because the name has become so celebrated, its assumption by Octavian was a startling innovation. The word was actually an adjective, and for Octavian to be called Augustus might seem to be no more extraordinary than for Sulla to be labelled Felix or for Pompey to be styled Magnus. The name "Augustus" did indeed contain mystical and religious connotations; inevitably it would remind Romans of that other augur, Romulus, who had founded the city *augusto augurio*. But simply because the epithet was carefully and astutely selected it was not therefore a radical departure from former practice. It was after all only a name, not an official title.

In 27 B.C. Augustus prudently avoided any title that might imply that he held some exceptional office. He was content to rely on his personal prestige rather than on any official position:[1] indeed he himself cites the alleged fact that his magisterial colleagues had equal executive authority with himself as proof that he had in very truth restored the Republic.

There have been historians, modern as well as ancient, who regard his statement as the simple truth; but it is difficult to agree with them. To the average Roman, restoration of the Republic would mean only one thing: the surrender of the reins of government and the direction of affairs to the senatorial group. Under Augustus' constitutional arrangements, the Senate did undoubtedly obtain very great honours and prerogatives. But Augustus was careful to retain the military, that is the ultimate, power in his own hand. As Machiavelli points out, a prince is liable to deceive himself in the estimate of his strength unless he has an armed force of his own; subjects will continue to show loyalty and goodwill, and will continue to remain faithful, only to princes capable of defending them. Octavian was determined not to be without an army devoted to himself. Under such circumstances, if there were any eventual clash of wills, that of Augustus would inevitably prevail. In other words, the Senate was not a sovereign body; even its power of discussion was circumscribed after 27, when Augustus instituted a kind of Privy Council, which acted as a standing committee for the Senate and decided what business should be brought before it. This Senate Committee consisted of the consuls, one member from each of the other

[1] See M. Grant, *From "Imperium" to "Auctoritas"* (1946), *passim*: Grant exaggerates the constitutional aspects of Augustus' prestige (*auctoritas*).

boards of magistrates, and fifteen senators chosen by lot; it served for six months.[1]

Presumably the consuls of 27–23, 5 and 2 B.C. were the magisterial colleagues who were supposedly on equal terms with him, since the consulship was the only actual magistracy he ever held henceforth. But it was not the consulship that made him powerful. Nor can other holders of *imperium*, the governors of senatorial provinces for example, be regarded as his real equals after 27 B.C.: for his *imperium*, even though probably not specifically defined as superior (*maius*) to theirs in 27, undoubtedly transcended theirs in actual practice.

Augustus' claim to have restored the Republic must therefore be regarded as a piece of propaganda, whose object was to convince men that he was no more than what he represented himself as being, viz., the first citizen of a free community. To describe his position he assumed no special title; he was shrewd enough to call himself merely *princeps*, the leading man, a term which in the plural had been familiar to Roman ears for centuries and in the singular to Roman ears for the closing years of the Republic. They had heard it applied to Pompey and to Caesar;[2] its adoption by Augustus would not come as a surprise or shock. The appellation was strictly unofficial; it was not a shortened form of the title *princeps senatus* (which position, however, Augustus undoubtedly held). It carried with it the suggestion of personal pre-eminence in civil affairs, just as the name Augustus contained a mystical connotation of religious awe.

It was his anxiety to avoid the hated titles of Rex or Dictator that led Augustus to adopt this term. As a result the system of government which he organized is called the Principate. At exactly what year it is legitimate to refer to it as an Empire (that is, as something ruled by an Emperor) is a matter of some dispute. Actually from 27 B.C. onwards the title Empire is justified; although it was not until four years later that Augustus candidly admitted that his position in the State was quite apart and virtually possessed the formal continuity of a legitimate monarchy.

The Princeps at once proceeded to demonstrate that his great powers would be employed to assure the well-being of Italy by repairing the great arterial highways. He himself took care of the Via Flaminia while various henchmen looked after the other roads.

[1] The *semenstria consilia* of Suet., *Aug.* 35; cf. Cass. Dio, LIII, 21, 4.
[2] Cic., *De Domo Sua* 66; Suet., *Iul.* 29.

Shortly thereafter, however, he imitated Solon of Athens and left the city. He felt that his presence was needed in the western provinces, and he seems to have taken with him his nephew Marcellus and his stepson Tiberius, both of them striplings of about fifteen years of age. During the latter half of 27 he was in Gaul. He passed 26 and 25 in Spain and did not arrive back in Rome until the spring of 24.

§ 3. THE SETTLEMENT OF 23 B.C.

On his return he found that the settlement of 27 had not been successful in winning over the constitutionalists. The sage Augustus knew that, if stability was ever to return, national unity must be achieved. So far as the army, the moneyed equestrian class and the proletariat were concerned, he could unite them in support of himself; the difficulty was to conciliate the senatorial oligarchy. Yet it was sound common sense to prevent what had formerly been the governing class from becoming permanently disgruntled, for they were the guardians of the Roman tradition which Augustus valued so highly, and besides this he could make good use of their abilities. A world-wide empire cannot be ruled indefinitely by martial law; Augustus needed men to help him in the work of administration, and the only men with the necessary experience belonged to the senatorial families. But his alleged restoration of the Republic had at the most elicited only a very grudging co-operation from them. They were unconvinced that there had been any return to truly constitutional government.

As early as 26 they showed themselves unresponsive. In that year M. Valerius Messalla Corvinus was appointed Prefect of the City (*praefectus urbi*). The title, but not the actual office, was ancient. In the days of the monarchy an official with this title used to be appointed to preside in the courts and deal with emergencies whenever the king himself was absent. After 367 B.C. the Urban Praetor took over these functions, so that the need for an official like the City Prefect disappeared.[1] In appointing Messalla, Augustus was seeking to honour a known republican, but the intended rôle of this new City Prefect, to maintain public order, not to conduct the Latin Festival, made his action unpopular. The senatorial nobles regarded the appointment as unrepublican, and Messalla resigned after a few days.

Certain distinctions accorded August between 27 and 23 were also distinctly unrepublican. In 26 when Cornelius Gallus,

[1] Except when all the magistrates were absent for the *Feriae Latinae*.

the first Prefect of Egypt, committed suicide, his estate was awarded him and thanksgiving sacrifices were made; in 25 he was actually exempted from certain specific enactments.[1] These honours were actually voted by the Senate itself, either because it felt constrained to pay them to the master of the armed services or perhaps because it maliciously sought to make his ascendancy conspicuous.

Senatorial resentment certainly existed. Augustus suspected conspiracy as well and c. 23 the republican Fannius Caepio and Varro Murena (consul, according to some) were executed. Their guilt cannot be proved. Nevertheless here was a clear warning that some changes would have to be made. What especially rankled was his perpetual consulship. Under the Empire the consulship was to decline in importance; but its ultimate fate should not blind us to its importance in the twenties B.C. and even much later. In Augustus' day, the consulship represented the goal of men's ambitions. It was the office to which the senatorial class especially aspired, and to them its permanent monopolization by Augustus was an affront. Augustus presumably did not retain the consulship from 31 to 23 merely for reasons of vanity. Perhaps he was feeling his way: he may have been seeking a method for exercising the consul's authority without holding the consul's office. Or possibly he was attempting to create an enduring tradition of his own personal preeminence. Once assured that he could wield a consul's powers without actually being consul, he resigned the office, and arranged for notorious republicans to be consuls for what remained of 23. Herein he was hardly following the advice of Maecenas, since the latter was no longer participating in public life.[2] Henceforth Augustus regularly avoided the consulship (see below, p. 124).

Thereby he did more than just remove a source of senatorial chagrin. He also made available an extra post to qualify men for administrative appointments; and the desire to obtain trained and experienced administrators surely influenced Augustus to relinquish the consulship.

Augustus may also have had another reason for revising the settlement of 27. It seems certain that he desired not only to retain his power himself but also to perpetuate it. For this he

[1] Cassius Dio, LIII, 28, 2 wrongly says that he was placed above the law in general.

[2] By now Augustus and Maecenas had become estranged. The conspiratorial Murena was Maecenas' brother-in-law, according to Dio (LIV, 3).

would need a successor of Julian blood: the various armies were unlikely to be reconciled to anyone else. If he himself died soon, the experienced Agrippa would necessarily have to take charge;[1] but the eventual succession of the Julian stock must be unmistakable. Now his young nephew Marcellus, although technically a Claudian, did have Julian blood: he accordingly in 23 was marked out for the succession. The steps which under the Republic were normally taken to assure a man's political future had already been taken for Marcellus. In 25 he had been married to the fourteen-year-old Julia, Augustus' only child, and in 24 by special dispensation of the Senate he was granted the right to hold magistracies at an earlier age than normal. Now he became aedile without having first held the quaetorship, and he was permitted to stand for the consulship ten years before the usual age.

These measures ensured Marcellus' rapid political preferment, but they did not render his succession inevitable. Augustus himself technically only held a special commission: how could this be bequeathed to someone else? Augustus was already facing the recurring problem of the Principate, that of the succession. In 23 this was brought home to him very vividly. He had already had a serious illness in 25; in early 23 he fell desperately sick. As he expected to die, he doubtless wanted to establish the succession firmly; yet he could not do so without making a mockery of his claim to have restored the Republic. To have associated the youthful Marcellus with him in the Imperium Proconsulare, that is, to have instituted a "secondary proconsular *imperium*"[2] of the type that later was not uncommon, would have directed attention to the arbitrary powers which he in fact possessed; and Augustus was not anxious to remind men that his position enabled him to exercise such wide and sweeping unconstitutional powers. Accordingly, the most he could do in 23 was to reflect that Marcellus was at any rate his son-in-law.

When Augustus recovered from his illness he proceeded to modify the settlement of 27. He resigned the consulship on July 1 and was replaced by a well-known republican, L. Sestius Quirinalis. The other consul, Piso, was also a republican: both men had fought against the triumvirs at Philippi. It cost Augustus little to make this gesture of conciliation to the republican elements; it involved no real diminution of his

[1] As in 30 he handed his signet ring to Agrippa, thereby authorizing the latter to act in his name.

[2] The expression is Mommsen's. (*Röm. Staatsr.* II, p. 1145 f.)

military power, since he still retained his Imperium Proconsulare; indeed it was now officially recognized as superior (*maius*).[1] He did not even lose such consular powers as he wanted; for these were soon granted to him by special decree. The consulship, unlike the proconsulship, carried with it the right to exercise the *imperium* inside Rome; accordingly when Augustus resigned the consulship, it was enacted that his Imperium Proconsulare should not lapse when he entered the city. The consul also had the right to call the Senate together and to place the first item of business before it (*ius primae relationis*). Both rights were conferred upon Augustus, although not simultaneously. It was not until 22 that he obtained the right to convene the Senate: to have re-acquired many consular powers at once would have stultified his gesture in resigning the consul's office. Augustus was even slower in obtaining some of the consul's outward privileges: it was not until 19 that he obtained the right to sit between the consuls in the Senate and to be attended by twelve lictors.

If Augustus occupied what republican elements would regard as an unconstitutional position, it was actually because of his unfettered Imperium Proconsulare:[2] it had a time limit but virtually no other restriction. By virtue of it he could constrain anyone to obey his slightest wish. He was not, however, eager to parade this fact: his plan was not to dragoon, but to win willing co-operation; consequently the more this power was disguised the better. Accordingly he now set out to convince men that his exceptional position, which was obvious to all, was to be attributed not to his Imperium Proconsulare but to something else, and could be given a legal, constitutional appearance.

Since 36 he had enjoyed some of a plebeian tribune's privileges. He now in 23 obtained the Tribunician Power (*tribunicia potestas*), which comprised all a tribune's ordinary, and some quite extraordinary, prerogatives. Conferred upon him for life, it both revealed and legalized his position as unique.[3] In 27, he could speciously argue, his position was republican; in 23 it was not. His new office, lacking both time-limit and colleague (unless he co-opted one), differed immensely from the consulship. Yet this revolutionary innovation might not provoke

[1] On *imperium maius* see H. Last in *Journ. Rom. Stud.*, XXXVII (1947), pp. 157–64.

[2] See R. Syme in *Journ. Rom. Stud.*, XXXVI (1946), p. 149. Dio (LIII, 32, 5) styles Augustus' *imperium* perpetual: by which he means that henceforth Augustus held it until his death.

[3] This legal admission that one individual was now in an extraordinary position meant that the Republic had now formally become an Empire. Actually, of course, it had become such years earlier.

bitter opposition; for, since tribunes traditionally safeguarded citizens against the caprice of *imperium*-holding magistrates, Augustus could represent his new, unrepublican position as deriving from powers that were popularly associated with the protection, not the repression, of citizens. Moreover the Tribunician Power enabled him to transact business with Senate or People, since a tribune possessed *ius agendi cum populo et cum senatu*: hence, his power to legislate. To emphasize the way it made his position exceptional,[1] he commenced a new epoch with it. The day he obtained it (26 June apparently) officially began his "reign": henceforth public documents are dated by the years of the Tribunician Power. (Later Emperors made the day they assumed Imperium Proconsulare their *dies imperii*: below, p. 206. After 98 *tribunicia potestas* was apparently renewed annually on December 10, the plebeian tribunes' "New Year," not on the anniversary of its original conferment.)

These stratagems achieved Augustus' purpose. The Tribunician Power did come to be regarded as the basis of the Princeps' power. Henceforth the length of an Emperor's reign is determined by the number of years he holds the Tribunician Power. Velleius gives the official view: according to him the *imperium*, even a *maius imperium*, was inferior to the Tribunician Power.[2]

Besides serving to disguise the military basis of his position, Augustus' Tribunician Power might also render the nomination of a successor more feasible. The problem of the succession arose from the fact that the Principate originated as a special commission which theoretically could scarcely outlive the one appointed to discharge it. Conferment of the Tribunician Power upon an individual would designate him as the successor much more definitely than certain marriage arrangements or premature magisterial appointments would do. Actually Augustus did not take such a colleague in the Tribunician Power until 18 B.C.; but once he did so, the colleague would be regarded as the Emperor's equal: for him to succeed to the Emperor would not only be easy, it would seem perfectly natural, if not indeed *de rigueur*.

To make the Tribunician Power thoroughly respectable

[1] Tacitus (*Ann.*, III, 56, 1) makes it clear that Augustus sponsored the view that the Tribunician Power, "the phrase for the supreme dignity" (*summi fastigii vocabulum*), was pre-eminent over the *imperium*.

[2] Velleius Paterculus, II, 99, 1.

Augustus apparently caused the Senate to confer it and the People to ratify it in a special Assembly (*comitia tribuniciae potestatis*). Consequently, although it may be very obvious to us that the real basis of Augustus' power was military, to contemporaries it was ostensibly legal.

Later on we find that the various powers and prerogatives of the Emperor were consolidated and conferred by a single comprehensive piece of legislation, the so-called *Lex de Imperio*.[1] The earliest known specimen of such an enactment belongs to A.D. 69; Dio however implies that a similar act of legislation, no doubt very much less comprehensive, was also passed on behalf of Augustus in 23.[2]

§ 4. CONSOLIDATION

Augustus hoped that the ship of state would henceforth be sailing in less stormy seas. In this hope he was not disappointed, although certain of his more personal expectations did prove vain. Late in the year 23 Marcellus died, and Augustus had to renew the search for a successor. A person of Julian ancestry still seemed to be indicated, but none was available. Augustus therefore was obliged to select a regent who, in case of necessity, should hold the reins of power until some Julian appeared. Needless to say the regent chosen was the trusted Agrippa. In 23 Augustus had sent Agrippa to the provinces beyond the Ionian Sea (the so-called *transmarinae provinciae*), a move which was later alleged to be a device to eliminate any possibility of friction between him and Marcellus. Actually Agrippa was in the east as the Emperor's deputy invested with *imperium*: possibly he was engaged on some secret diplomatic mission to the Parthians; or more probably Augustus wanted him there because trouble seemed imminent.[3] When Agrippa returned to Rome in 21, he was straightway married to Marcellus' widow, Julia. Augustus' hope presumably was that the union would produce a male offspring who would be his grandson and inherit Julian blood; Agrippa would act as regent until the boy grew up. Agrippa's intended rôle was indicated clearly in this year 21, when, Augustus being absent from Rome, Agrippa was in charge there. Apparently Agrippa held no official position on

[1] Dessau, *Inscriptiones Latinae Selectae*, 244.

[2] LIII, 32, 5.

[3] Josephus, *Antiquitates Judaicae*, XV, 10, 2 (§ 250): XVI, 3, 3 (§ 86).

this occasion: yet his authority was not questioned, since he was the Princeps' mouthpiece. Incidentally this demonstrates how effective was Augustus' control of the machinery of government.

Nevertheless Augustus was discreet enough not to advertise his supremacy. On various occasions during the remaining years of his principate he obtained additional powers, privileges and prerogatives. As a matter of fact there was nothing to stop him from simply taking them, yet he always preferred to have them conferred upon him with formal correctness. Indeed he sometimes refused the proffered additional powers—he could never be induced to hold the dictatorship, the censorship, or "an annual and perpetual consulship"—while he accepted others only with considerable reluctance. In this he was not always necessarily insincere. There were undoubtedly many things which he could quite safely leave to the competence of others. In fact he was prepared and indeed eager to have the Senate bear its full burden of administrative duties; and the Senate was probably flattered at the prospect. Certainly at first the senatorial nobility displayed political enthusiasm: the riots at consular elections in the late twenties B.C., while deplorable, are indicative of genuine political exuberance.

But in the last analysis the Senate could not make any decision independently of Augustus. The senators must have been always conscious that the Emperor's ratification was needed for everything. Moreover the Senate had to rely almost exclusively on persuasion in order to get its policies carried out; if more than persuasion were needed, then the Emperor had to be called in, for only he had an adequate backing of armed force, and the policy thus carried into effect ceased to be senatorial. The Senate might possess great moral influence; it did not possess final authority, and this being so, its administration was bound to suffer. A body that is not sovereign will have the greatest difficulty in obtaining efficiency: lacking the power to be really efficient, it will soon lack the incentive. This was especially true of the Senate, which for administrative purposes depended on the urban magistrates, men who were changed annually (if indeed not more frequently), and were usually very inexperienced.

Consequently it is not surprising that popular demand in Rome asked Augustus to assume control of certain services where efficiency was urgently required. If these were services

that touched his own position closely he never hesitated; his usual practice was to appoint *curatores* to supervise the services concerned. Thus in 22 B.C., at the request of the people, he assumed responsibility for maintaining the grain supply (*cura annonae*), the immediate cause being a serious grain shortage. As usual there was a republican precedent: Pompey had been put in charge of the grain supply in 57. Henceforth the maintenance of an adequate supply devolved upon the Princeps, who C. A.D. 8 instituted an equestrian prefecture for this service. (But ex-praetors supervised the actual grain doles: see p. 56, n. 4.) Similarly before his reign ended Augustus assumed the *cura* of roads and of the water supply.

Nor did Augustus always wait to be invited to take charge; he might take the initiative himself. In 21, when the aedile M. Egnatius Rufus gained great popularity by organizing his slaves into a fire-brigade, Augustus moved swiftly to suppress what might easily develop into a private army. He had Rufus executed in 19 and formed a public fire brigade (*vigiles*), consisting initially of six hundred public slaves. This corps was placed under his direct administration. It is characteristic of Augustus, however, that in this matter too he felt his way gradually. The organization of the fire-brigade was not regularized until twenty-five years later (A.D. 6), when seven cohorts of Vigiles, each one thousand men strong, replaced the previous inadequate corps of six hundred. Each cohort looked after the safety of two of the fourteen "regions" into which the city had been divided in 7 B.C. Incidentally the formation of this semi-military body provided some outlet for the military energies of freedmen, who were admitted to it but rigorously excluded from the army. The corps was commanded by an equestrian Prefect.

Thus even matters that concerned only the city of Rome came more and more to be supervised by the Princeps. Perhaps that is why Augustus, despite his previous rebuff by Messalla, definitely instituted the office of City Prefect, whose duty was to safeguard public order during his own absence from the capital.

§ 5. THE LEGISLATION OF 18 B.C.

In the year 18 B.C. Augustus for the first time specifically named a successor by making Agrippa his colleague in the Tribunician Power. The Imperium Proconsulare probably explains why Augustus waited until this year to make the gesture.

Always anxious to appear constitutionally correct and never desirous of attracting attention to his possession of this supreme *imperium*, Augustus had never hitherto shared it with a colleague, for it would have been constitutionally dubious procedure for him to delegate to an individual the sovereign power which was supposed to be conferred only by the People. Moreover if he nevetheless did so, he would openly advertise that though he paraded the Tribunician Power, what he really valued was the Imperium Proconsulare. Yet his successor, if he was called to the office suddenly, would urgently need the *imperium*; the Tribunician Power by itself, without its backing of armed force, was not enough. Augustus therefore waited until his own tenure of the Imperium Proconsulare expired in 18. It was conferred afresh, of course, in the same year (as he knew that it inevitably would be); but this time it was almost certainly conferred upon Agrippa as well for a period of five years. This measure was put through quietly and inconspicuously, so inconspicuously indeed that the ancient sources do not explicitly mention it: [1] the ostentation was reserved for Agrippa's assumption of the Tribunician Power. Fundamentally, however, Agrippa's Imperium Proconsulare was the more important, and it was primarily to get him invested with it that Augustus had any constitutional arrangements at all made in the year 18.

Augustus had characteristically felt his way forward to this step. Agrippa's *imperium* in 23, while not a secondary Imperium Proconsulare, nevertheless had probably made him the superior of the governors of imperial provinces (and possibly certain senatorial ones), and had thus prepared him for the higher *imperium*.

Thus in 18 B.C. Agrippa became a co-regent with Augustus. If the latter were suddenly to die, Agrippa would automatically become Princeps. But the Principate did not now become a dual one with two equal rulers. Of the co-regents Augustus clearly enjoyed priority, for although Agrippa's Tribunician Power, like Augustus', was annually numbered, it had a five-year limit: Augustus' was annual and perpetual.

Concurrently with these succession arrangements in 18 B.C.

[1] Dio (LIV, 12, 4) merely says that Augustus conferred upon Agrippa "other privileges almost equal to his own, including the Tribunician Power." But in 17 B.C. Agrippa was exercising powers over both imperial and senatorial provinces: in other words he possessed *imperium maius*. (For a contrary view, see M. Grant, *From "Imperium" to "Auctoritas,"* p. 428.)

Augustus seized the occasion for a general reorganization of the State. He conducted another revision of the Senate, with the intention of reducing its membership to three hundred. In republican times this would have been a task for the censors. But Augustus was no more eager now than earlier to assume this office; on the contrary he seems to have tried to discredit it; at any rate, the office had been temporarily revived in 23 and entrusted to a pair of worthless nonentities. Augustus himself did at various times perform the functions normally discharged by the censors,—the general supervision of public morals, the solemn purification of the State, the revision of the lists of senators, knights and citizens generally, and the letting of public contracts. He actually discharged some of these duties at five-year intervals, the traditional period between censorships, although the more prominent of the censor's duties were reserved for the years in which his Imperium Proconsulare came up for renewal.

In 18 B.C., to avoid the appearance of bringing constraint to bear on the Senate, he proposed an ingenious scheme to revise its list of members: he would select thirty senators who in their turn would proceed by various stages of co-optation to select the others. This scheme actually proved unworkable, and ultimately Augustus was obliged to make that personal selection which he feared would appear autocratic. Perhaps to render it more palatable, he named six hundred senators instead of the three hundred originally intended.[1]

Augustus also discharged other censorial functions in 18 B.C. He refused to become *curator morum*, but he did exercise a general supervision of public morals and conduct, and promulgated the Julian Laws. In effect these laws constituted a new code, for they made provision for criminal law and legal procedure as well as for moral reform.

When the constitution of a state is altered, a revision of its legal code becomes inevitable. At the very least the law of treason will require reshaping. The crime of treason (*maiestas*) was not easy to define. According to Cicero treason was committed when one detracted in any way from the dignity, great-

[1] On the occasion of a later revision of the Senate in A.D. 4 Augustus tried a different scheme. He nominated ten men from whom three were chosen by lot as the commissioners to revise the senatorial roll (*tresviri legendi senatus*). This scheme also proved unsatisfactory and was never repeated.

ness or power of the People or of those to whom the People had given power. Under the Empire treason came to be interpreted as any offence or insult offered to the Princeps in deed, writing or speech. This interpretation was for the most part established by precedents in the reign of Augustus' successor, but the legal authority for the interpretation seems to derive from the Julian Laws of 18. The law on what the Romans called *vis*, that is arbitrary conduct either by a public official or by a private individual, likewise came to be related closely to the person of the Emperor.

The Emperor in fact became a High Court. This development was natural since, in theory at least, any Roman magistrate could take judicial cognizance of an alleged crime, although from very early times the citizen's right of appeal to the People had limited his power to inflict punishment. This clumsy procedure had been modified beginning in the second century B.C., when the People commissioned magistrates (praetors usually) to try more important cases in permanently established jury-courts.[1] Their verdicts were inappellable; under the late Republic appeal, properly speaking, had not existed. As Augustus possessed the highest *imperium* of all—by his proconsular *imperium* he exercised, even in Rome, a jurisdiction similar to that of a governor in his province—a High Court was naturally entrusted to his competence. And he could hear appeals in it. Possibly in 30 B.C. he had obtained some form of appellate jurisdiction. The appeal procedure was regularized *c.* 18 B.C. As Augustus possessed the ultimate authority in certain provinces, the actual governors of which were technically only his deputies, he logically had to allow appeals to himself from their judgments. Ultimately Roman citizens everywhere obtained the right to appeal to Caesar.

His High Court steadily encroached on the public jury-courts. To help him in legal decisions the Princeps imitated the republican magistrates and called in as assessors a group of experts who constituted his *consilium*.[2] This *consilium*, however, was quite unofficial until Hadrian organized it formally in the second century.

[1] Sulla (see Volume V, p. 132) established a number of such permanent jury-courts (*quaestiones perpetuae*), where charges of maladministration, treason, bribery and corruption, and the like were investigated.

[2] This judicial *consilium* must be sharply distinguished from the *semenstre consilium*, or Senate Committee (for which see above, p. 10).

Under the Empire the Senate also sat as a High Court. This too was probably a development from the fact that a magistrate could take judicial cognizance of a crime. The investigating magistrate would gather round him for assistance and advice a *consilium*—a group of assessors virtually equivalent to our jury. The High Court of the Senate in origin would seem to have been the court of the consuls who had used the Senate as their *consilium*. At the time of the Catilinarian conspiracy, for instance, it seems to have functioned in this way. When the Senate was first formally constituted as a High Court is not quite certain. It first became prominent in this way during Tiberius' reign, but it may have sat as a court in 40 B.C. and from 4 B.C. senatorial commissions tried cases of provincial extortion.

The *iudicia publica*, the normal type of jury-court under the Late Republic, did not disappear under the Empire: their jurors were henceforth drawn from the Equestrian Order only. To preside over them and thus to make the civil law function smoothly was in fact one of the praetor's principal duties. However, the *iudicia publica* did not try the more notorious cases. *Causes célèbres* invariably were heard in the court of the Emperor or of the Senate. Accordingly the activities of the *iudicia publica* under the Principate have been rather neglected, despite the Younger Pliny's descriptions of what happened in them.

The Julian Laws of 18 were concerned with public morality as well as with the criminal code and jurisdiction; and it was a much more difficult thing to restore public morale than to prescribe rules and regulations governing legal procedure. There was something rotten in the State, and Augustus proposed to set it right.

The inevitable aftermath of the prolonged period of civil wars had been a relaxation of morals and a growth of cynicism. Anarchy and lack of responsibility in public life usually find their counterparts in private life: traditional standards of conduct tend to lose their value and meaning, they are despised and consequently disappear. If they are not quickly replaced by fresh rules for the behaviour of society, there ensues a period of emotional and spiritual confusion, marked by a general lack of principles and by an uncertainty as to what constitutes right and truth. Sallust, Vergil, Horace, Livy and other writers make it abundantly clear that in the second half of the last century B.C. Rome was living in a moral vacuum. One cer-

tainly should not make a sweeping generalization and assert that every section of the population throughout all Italy was similarly affected. The masses throughout the peninsula were basically sound and were still living as they had lived for centuries, by observance of their traditional rules of life. But the governing class at Rome had lost its spiritual bearings, and this class, though small, was very important; ultimately it set the tone of life in Rome, and the habits and customs, that came to prevail in the capital, were as a rule finally adopted in the municipalities of Italy. Therefore the spiritual dry-rot of the governing class in Rome could be expected gradually to spread throughout the peninsula; and the pace would accelerate when the younger generation, a generation that had grown up in the moral vacuum and had not inherited a sound political experience, reached the years when it would have to take its part in state affairs. Augustus realized that his great power entailed correspondingly great responsibility. Unlike the famous French monarch, he was not prepared to let the deluge follow him; he felt it his duty to promote some kind of moral and spiritual regeneration.

He had already made some attempt to re-establish the spiritual basis of the State, for ever since 28 B.C. he had been trying to rehabilitate the traditional cults of Italy. He himself relates how he dedicated new temples, or rebuilt old ones, or in other ways fostered a religious revival. He even contemplated the restoration of the Etruscan sacred league. There is no reliable evidence, however, that he introduced moral legislation in 28: that was reserved for 18.

The re-establishment of family life seemed to him the best way to rescue the coming generations. The decay of family life, especially among the small governing class, was no doubt caused by a number of factors. The rather haphazard methods for entering on the conjugal state were not in themselves very conducive to respect for the marriage tie; nor should the effects of the influx of wealth be forgotten. As a result of the Punic Wars money had poured into a Rome that had not even used it until a few years previously.[1] It accumulated in the hands of the governing classes; and before they had learnt to invest and apply it sensibly the period of civil disorder and confusion had begun. The consequent economic insecurity produced a frantic search for excessive liquidity and a tendency

[1] Salmon, *Samnium and the Samnites*, p. 277.