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MAKING THE EMERGENCY PERMANENT :
AUCTORITAS, POTESTAS AND THE EVOLUTION
OF THE PRINCIPATE OF AUGUSTUS

The problem : Augustus' un-republican Principate

Cuncta discordiis ciuilibus fessa nomine principis sub imperium accepit.

He accepted everything, exhausted by civil dissensions, under his rule, with the name of leading citizen.

Thus Tacitus, in the opening sentence of the *Annals* (1.1.1), encapsulates the paradox of Augustus' regime. His power was monarchical, but he sought to give it a republican guise, epitomized in the title *princeps*¹.

Having won supremacy over the Roman world by his victory over Antony and Cleopatra, Augustus devoted the rest of his long life to securing his power and assuring its continuance under his preferred successor. Later writers were in no doubt that Augustus had established monarchy : Tacitus, for example, gave the point lapidary expression in the early chapters of the *Annals*, while Cassius Dio devoted the greater part of Books 51-53 of his history to an extended demonstration of how the monarchy acquired at Actium was confirmed by the settlement carried through in 27 BC. His contemporaries also readily acknowledged Augustus as their ruler, as Millar demonstrated in classic papers². Instances of such recognition can be found not only in the utterances of poets and provincials, but also in the preface to Vitruvius' *De architectura*, a work probably pub-

¹ Contrast *Ann.* 1.9.4, where, reporting the view of those favourable to Augustus, Tacitus alludes merely to the semblance : 'it was not as a kingdom or dictatorship, but with the name of *princeps* that the republic was ordered' (*non regno tamen neque dictatura, sed principis nomine constitutam rem publicam*).

² Millar 1973, 1984, 2000. Note, however, the response of Brunt 1982.

lished soon after 27 : Vitruvius' opening address to the emperor declares that his 'divine mind and power' had gained 'the empire of the world', all peoples were observing his bidding, the senate and people were being governed by his thoughts and counsels, and the *imperium* formerly held by his father Caesar had now passed to his power³.

Later gossip alleged that Augustus sometimes considered giving up power, but thought better of it. Thus Suetonius (*Aug.* 28.1) reported that Augustus contemplated giving back the republic twice (*de reddenda re p. bis cogitavit*), immediately after the overthrow of Antony and later at a time of protracted illness, and this tradition provided the pretext for Dio to compose his fictional debate between Agrippa and Maecenas (52.1-41)⁴. We can be sure that there is no substance in these tales and that in reality Augustus never considered giving up the power which he had striven so hard to attain.

Augustus did, however, make sure to avoid overt autocracy. The dictator Caesar's acceptance of such a position had led to his assassination, and Augustus took care not to repeat his adoptive father's error. He would not allow men to address him as master (*dominus*) and promoted the term *princeps* as his preferred designation for his position⁵. In his *Res Gestae* he declared that in his sixth and seventh consulships (28-27 BC) he had transferred the *res publica* to the control of the Roman senate and people (34.1), and that he had subsequently refused to accept the dictatorship, perpetual consulship or any magistracy conferred contrary to ancestral custom (5.1-6.1). The

³ Vitr. 1. praef. 1-2 : *cum diuina tua mens et numen, Imperator Caesar, imperio potiretur orbis terrarum inuictaque uirtute cunctis hostibus stratis triumpho uictoriaque tua ciues gloriarentur et gentes omnes subactae tuum spectarent nutum populusque Romanus et senatus liberatus timore amplissimis tuis cogitationibus consiliisque gubernaretur cum autem concilium caelestium in sedibus immortalitatibus eum [sc. Julius Caesar] dedicauisset et imperium parentis in tuam potestatem transtulisset* Vitruvius' publication date : Wallace-Hadrill 2008, p. 147, with further bibliography.

⁴ Protracted illness : Suetonius' statement that Augustus summoned the magistrates and senate to his house and handed over a *rationarium imperii* dates the episode to 23 BC (cf. Dio 53.30.1-2). Pretext for Dio's fictional debate : see Millar 1964, p. 105-6; Reinhold 1988, p. 166-7; Rich 1989, p. 98-9.

⁵ Rejected address as *dominus* : Suet. *Aug.* 53.1. For Augustus and the title *princeps* see besides Tacitus (cited above), *RG* 13, 30.1, 32.3; Hor. *Carm.* 1.2.50, 21.14, *Epist.* 2.1.256; Prop. 4.6.46; Ovid, *Fasti* 2.142; Wagenvoort 1936; Béranger 1953, p. 31 ff.; Wickert 1954, especially p. 2057 ff.; Cooley 2009, p. 160-1. As Pelham long ago demonstrated (1911, 49-60), the title is not to be confused with the position of *princeps senatus* to which he was appointed for life in 29 or 28 BC (*RG* 7.2; Dio 53.1.3; Rich 1990, p. 132; Scheid 2007, p. 38).

arrangements which Augustus made about his own powers must form part of what the loyal Velleius had in mind when he asserted that, after the civil wars were ended, 'that pristine and ancient form of the republic was brought back' (2.89.4 : *prisca illa et antiqua rei publicae forma reuocata*).

There was thus a tension between, on the one hand, the realities of power and his contemporaries' ready acknowledgement of and acquiescence in those realities, and, on the other, Augustus' claims that his position was republican in character and his preference for the designation *princeps*, 'leading citizen'. But the paradox goes deeper : Augustus' position was highly unrepublican in terms not only of the political realities, but also of the powers formally conferred on him. He acquired a wholly unrepublican accumulation of distinctions, some traditional in character, like the office of *pontifex maximus*, others novelties like the perpetual tribunician power. *Imperium*, which in the republican system individuals enjoyed just for a few years, as magistrates or while prorogued as promagistrates, he held without remission from his first assumption of the *fasces* on 7 January 43 BC until his death on 19 August AD 14. Although he ceased to hold a regular magistracy after his resignation of the consulship in 23 BC, enactments made then ensured that he could exercise his *imperium* throughout the empire and from 19 BC also in Rome itself. Under the arrangements agreed in 27 BC he held a substantial portion of the provinces, and from c. 11 BC all but one of the legions were stationed in his provinces.

The tension between the realities of power and Augustus' republican claims is acutely evident in chapter 34 of his *Res Gestae*, which, along with the following chapter reporting his designation as *pater patriae*, constitutes the culmination of the whole work. In view of its importance for our theme, the chapter must be quoted in full :

(1) *in consulatu sexto et septimo, postquam bell[la ciuili]a exstinxeram, per consensum uniuersorum [potens re[rum] om[n]ium rem publicam ex mea potestate in senat[us] populique R[om]ani [ar]bitrium transtuli. (2) quo pro merito meo senat[us] consulto August[us] appellatus sum et laureis postes aedium mearum u[estiti] publice coronaq[ue] ciuica super ianuam meam fixa est, [et] clu[peus] [aureus] in [c]uria Iulia positus, quem mihi senatum pop[uluma]ue Rom[anu]m dare uirtutis clement[iaequ]e iustitiae et pietat[is] causa testatu[m] est pe[r] eius clupei [inscription]em. (3) post id tem[por]is auctoritate [omnibus] praestiti, potestatis autem nihil amplius habui quam ceteri, qui mihi quoque in magistratu conlegae fuerunt.*

(1) In my sixth and seventh consulships, after I had extinguished the civil wars, having power over everything by the consent of all, I transferred the republic from my power to the control of the Roman senate and people. (2) In return for this service of mine by decree of

the senate I was called Augustus, and the door-posts of my house were publicly clothed with laurels, and a civic crown was fixed above my door and a golden shield was placed in the Curia Iulia, which the Roman senate and people gave to me because of my courage, clemency, justice and piety, as is attested by the inscription on that shield. (3) After that time I excelled all in authority, but I had no more power than the others who were my colleagues in each magistracy.

Augustus here describes in careful detail the honours conferred (as calendar sources show) in January 27 BC. However, his statements on the political settlement which they commemorated and on his subsequent position are terse and evasive, and have accordingly provoked interminable scholarly discussion. Fragments recovered from the copy of the *Res Gestae* inscribed at Pisidian Antioch have clarified the text at two crucial points : the reading *auctoritas* at 34.3 was confirmed when this inscription was first published in 1924 and *potens* at 34.1 in a fragment published as recently as 2003⁶.

Augustus assures us that, after he had transferred the republic to the control of the senate and people in 28-27 BC, he was supreme only in 'authority' (*auctoritas*). As is well known, this claim is linked to his preference for the title *princeps*. *Auctoritas* was the quality which had been enjoyed particularly by the *principes ciuitatis*, the leading citizens, normally the ex-consuls. It denoted the prestige they possessed as a result of their rank and services to the republic and the weight their views carried with the senate and people (both individually and collectively) in consequence of that prestige. The greater a man's distinction, the greater influence he would enjoy and the more he should take the lead in the counsels of state. Now Augustus' services to the state and consequent prestige were deemed far to surpass those of all others. He was thus, as Horace put it, 'the greatest of the *principes*' (*Carm.* 4.14.6 : *maxime principum*), and so, simply, the *princeps*. Accordingly, the Romans would look to him for leadership in their deliberations and his views would carry such weight that they would invariably prevail⁷.

Now Augustus' vast prestige and respect were certainly an important element in his position, but they were by no means the only

⁶ Here, as elsewhere in the *RG*, the Greek translation allows lacunae in the Latin original to be supplemented with confidence at all but a few points. The reading *auctoritas* was first published by Premerstein 1924 and *potens* by Botteri 2003. Previously, Mommsen's supplements *dignitas* and *potitus* had been generally accepted. The now redundant controversy on the interpretation of *potitus* is summarized by Scheid 2007, p. 83-6.

⁷ On the much discussed topic of Augustus' *auctoritas* see now especially Galinsky 1996, p. 10-41. The essentials were already stated by Heinze 1925. For the Republican usage of the term see especially Hellegouarc'h 1972, p. 295-337.

aspect even of his informal power. However, it is his claim to have no more *potestas* than his colleagues in each magistracy which is completely at odds with the realities. Which colleagues are meant has been disputed. Some scholars take the reference to include his colleagues in the *tribunicia potestas*, namely Agrippa and Tiberius, and some ancient readers may perhaps have interpreted it in this way. However, Augustus' tribunician power was not a magistracy. The only magistracy which he held in and after 27 BC was the consulship, and the strict reference must therefore be just to his colleagues in that office⁸. The claim is thus true only in the narrow, technical sense that in his dealings with his fellow consuls Augustus respected collegial parity. He had made a pointed demonstration of such respect in his sixth consulship, held in 28 with Agrippa, when he revived the practice whereby in Rome the consuls took turns to be accompanied by the lictors carrying the *fasces* for a month at a time, and no doubt he continued this observance in his remaining consulships⁹. However, from 27 he in reality enjoyed greater *potestas* than his fellow consuls, since he also held his provinces. Moreover, after his resignation of the consulship in 23, he only held the office again for brief periods in 5 and 2 BC, primarily in order to introduce his adopted sons Gaius and Lucius into public life. His claim to have respected collegial parity thus has no real meaning for the period from 23 BC until his death, when he normally held no magistracy, but enjoyed a sweeping range of powers.

How can Augustus' vast powers be reconciled with his republican claims, and, in particular, how can we account for his strangely inapposite statement at *RG* 34.3? Despite the huge scholarly effort expended on the discussion of Augustus' powers, it does not seem to me that satisfactory answers have yet been propounded to these questions. This paper constitutes a fresh attempt.

Discussion has tended to focus on the nature of Augustus' powers, and, after the 27 settlement itself, stress has been placed particularly on the modifications to those powers carried out in 23 and 19 BC¹⁰. I shall be concentrating instead on a relatively

⁸ So rightly Ridley 2003, p. 222-7, with earlier bibliography and well exposing the unreality of the claim. Agrippa and Tiberius included: so recently Hurlet 1997, p. 354-6; Scheid 2007, p. 92; Cooley 2009, p. 272. As is now generally recognized, *quoque* must be adjectival (*quōque*, 'in each'), agreeing with *magistratu*, not adverbial (*quōque*, 'also'): see especially Adcock 1952.

⁹ Dio 53.1.1-2 (cited n. 41 below) with Rich 1990, p. 132; see also Simpson 2005, Vervaeke 2010.

¹⁰ The best treatment of Augustus' powers is now Ferrary 2001 (abridged English version, Ferrary 2009). Other recent discussions include Lacey 1996; Girardet 2000a; Cotton and Yakobson 2002; Ferrary 2003; Roddaz 2003; Gruen

neglected aspect of the powers conferred in 27 BC, namely their presentation as a temporary expedient with a specific justification, and I will be arguing that the subsequent renewals of those powers, usually accompanied by a protestation of reluctance on Augustus' part, have greater significance than has generally been recognized¹¹. Augustus claimed in 27 to be accepting the provisions made then merely as a short-time solution necessitated by a continuing emergency. Over the course of his long reign, these emergency arrangements became permanent and were established as central and enduring elements in the architecture of the principate.

Further conclusions will follow. In the first place, continuity in this regard can be observed from triumvirate to principate : as Carsten Lange has recently made clear, the triumvirate itself was justified as an emergency arrangement to fulfil specific purposes, and the provisions made in 27 were thus in effect a continuation of this conception¹². Secondly, the 27 arrangements were justified in particular as to enable Augustus to secure peace throughout the empire, and there was thus a close interrelationship between his internal and external policies; accordingly, as I argued in an earlier paper (Rich 2003), these policies need to be examined in conjunction, rather than in isolation, as is customary. Thirdly, the question will also arise whether the provisions made in 27 BC were always intended to be permanent, as they eventually became. In other areas of government Augustus showed notable flexibility and willingness to try alternative solutions. It would not be surprising if, both in 27 BC and for some time afterwards, he retained an open mind as to whether repeated renewals of the arrangements made then would continue to be necessary or alternative solutions might in time be found which would permit him to retain the reality of monarchy while continuing to claim observance of republican forms¹³.

2005. For recent overviews of the political history of Augustus' reign see Crook 1996; Kienast 1999, p. 78-150; Eck 2007, p. 46 ff.; Levick 2010, p. 63-112. For reviews of recent work see Hurllet 2007, 2008.

¹¹ The importance of the renewals has, however, been noted recently by Ferrary 2001, p. 141-4 (= 2009, p. 121-5), and Cotton and Yakobson 2002, p. 193-5, and in earlier discussions particularly by Pelham 1911, p. 60-5, Piganiol 1937, Grenade 1961, p. 182-220, Brunt 1982, p. 239, and Eder 1990, p. 78, 109.

¹² Lange 2009, especially p. 18 ff., 181 ff. I am much indebted to Lange's treatment for this part of my argument.

¹³ I did not take sufficient account of this possibility at Rich 2003, p. 347 ff. (= 2009, p. 154 ff.).

The Triumvirate

The *Lex Titia*, passed on 27 November 43 BC, appointed Antony, Octavian and Lepidus triumvirs with wide-ranging powers including consular *imperium*, the right to nominate the magistrates, and the division between them of the provinces, with the right to appoint their governors¹⁴. In its conception the triumvirate drew both on the (recently abolished) dictatorship and on the extraordinary commands of the Late Republic. However, its establishment was accompanied by a claimed justification. The office was for a limited term, five years, and for a purpose spelt out in its title : its holders were, as inscriptions and coins confirm, *IIIviri rei publicae constituendae*, a three-man board 'to settle the republic'. Here, as with their proscriptions, the triumvirs were modelling themselves on Sulla, whose dictatorship appears to have had the same designated function¹⁵. However, Sulla's remit had been to settle the republic after civil war. The triumvirs first had to fight their civil war, against the surviving assassins of Caesar, and, as Appian's evidence shows, this was their declared task. When reporting the establishment of the triumvirate he describes it as 'a new office for the resolution of the civil wars' (*BCiv.* 4.2.6 : καινήν δὲ ἀρχὴν ἐξ διόρθωσιν τῶν ἐμφυλίων), and a few chapters later, citing what he represents as the text of the proscription edict, he makes the triumvirs say that their one outstanding task was to campaign against the murderers of Caesar who were across the sea (*B.Civ.* 4.9.37). Thus, in its initial form, what Lange has termed 'the triumviral assignment' comprised the ending of the civil war and the carrying out of the ensuing settlement¹⁶.

The civil war was ended by the defeat of Brutus and Cassius at Philippi in October 42. Antony then remained in the East to raise funds and establish triumviral control, while Octavian returned to Italy to complete the settlement there, and in particular the contentious matter of rewarding veterans with confiscated land. There

¹⁴ The primary sources on the triumvirs' powers are App. *B.Civ.* 4.2.6-7 and Dio 46.55.3-4. On these powers and on the workings of government in the triumviral period see Fadinger 1969, p. 31-83; Millar 1973, p. 50-61; Bringmann 1988; Girardet 1990a, p. 95-100; Bleicken 1990, p. 11-65; Laffi 1993; Crifò 2006. The evidence for jurisdiction in this period has been collected by Balbo 2009.

¹⁵ App. *B.Civ.* 1.99.462 : Sulla appointed dictator 'to enact laws ... and to settle the state' (ἐπι θέσει νόμων ... καὶ καταστάσει τῆς πολιτείας). The formal titlature of Sulla's dictatorship is disputed : see now Vervaeke 2004, 41; Baroni 2007; Hinard 2008, 49-55. An inscription from Tarentum may show that Caesar was *dictator rei publicae constituendae* (Gasperini 1965, 1971), but its interpretation is disputed : see now Sordi 2003.

¹⁶ See further Lange 2009, p. 18-26. On Appian's citation of the proscription edict see Osgood 2006, p. 63-4, with further bibliography.

he faced opposition from Antony's brother Lucius, one of the consuls of 41. In his justification, Lucius deployed the argument that, with the civil war over, the triumvirs had lost their legitimacy and should resign¹⁷.

Following L. Antonius' defeat at Perusia, Antony and Octavian met at Brundisium in September 40, and, after tense negotiations, opted to continue their collaboration, cemented by Antony's marriage to Octavian's sister Octavia. The division of the provinces, already revised after Philippi, was further adjusted : Antony retained the eastern and Octavian the western provinces, with the division now fixed at Scodra, while the insignificant Lepidus continued in Africa. A necessary part of the agreement was the extension of the triumviral assignment by the addition of new tasks. As Appian reports it, 'Octavian was to make war against (Sextus) Pompeius unless they should come to some arrangement, and Antony was to make war against the Parthians to avenge their treachery towards Crassus'¹⁸. Both tasks followed naturally from recent events, since Sextus Pompeius had established himself as a formidable power in Sicily and at sea, and the Parthians, whom Caesar had been on the point of attacking when he was killed, had taken the initiative themselves in 40, invading Syria and Asia in association with the renegade Labienus. However, while resolving the conflict with Sextus was a continuation of the original triumviral assignment of ending civil war, the war against the Parthians marked a significant extension of the triumviral remit beyond civil war.

The new tasks would take time, and so could provide a justification for an extension of the triumviral term, no doubt already envisaged at the time of the Brundisium agreement. Accordingly, the triumvirs in due course took a second five-year term, though not until the summer of 37, after the original term had expired¹⁹.

Dealing with Sextus Pompeius proved by no means easy, but in 36, also the year of Antony's invasion of Parthia, Octavian finally accomplished the task through the decisive victory of Naulochus, won by his admiral Agrippa. Shortly afterwards, he stripped Lepidus of his position. On his return to Rome in November 36, Octavian was again able to proclaim the ending of civil war, and the honours he received included a rostral column with an inscription declaring

¹⁷ App. *B.Civ.* 5.43.179. For L. Antonius' attacks on the triumvirate's legitimacy see also App. *B.Civ.* 5.19.74, 30.118, 39.159-61.

¹⁸ App. *B.Civ.* 5.65.275 : πολεμῆν δὲ Πομπηίῳ μὲν Καίσαρα, εἰ μὴ τι συμβαίνοι, Παρθυαίοις δὲ Ἀντόνιον, ἀμυνόμενον τῆς ἐξ Κράσσου παρασπονδῆσεως.

¹⁹ The renewal : App. *B.Civ.* 5.95.398; Dio 48.54.6. That the triumvirs' first term expired on 31 December 38 is shown by the *Fasti Colotiani* (Degrassi 1947, p. 273-4).

that 'Peace, long disrupted by civil discord, he restored on land and sea'²⁰. He also gave a commitment that, on Antony's return, they would both lay down their powers : as Appian puts it, 'he said that he would hand back the government entirely when Antony should return from the Parthian campaign, for he was persuaded that Antony, too, would be willing to lay down his office, the civil wars being at an end'²¹. Antony, however, was not able to carry out his part of the extended triumviral assignment : in winter 36/35, his Parthian expedition ended in costly and ignominious withdrawal.

We should not assume that the breakdown of Octavian's association with Antony was inevitable. If it had not been for Antony's entanglement with Cleopatra, his marriage to Octavia and with it the alliance with her brother might well have endured. In that case, they would have had to face together the problem of what should follow the triumvirate and would presumably have devised a solution which could have been represented as returning power to the senate and people.

In the event, however, relations between Antony and Octavian broke down by 32, and each partner then prepared for war. The extended diplomatic preliminaries included attempts by each to claim credit for planning to resign their extraordinary powers and restore power to the senate and people and to represent their opponent as obstructing that outcome. According to Dio, Antony declared in a letter to the senate that he wished to give up his office and return everything to the senate and people (ὅτι τῆς τε ἀρχῆς παύσασθαι καὶ ἐπ' ἐκείνῃ τῷ τε δήμῳ πάντα τὰ πράγματα ποιήσασθαι ἐθέλει), and, immediately before the battle of Actium, he promised his troops that within two months of victory he would give up his office and return all its power to the senate and people (τὴν τε ἀρχὴν ... ἀφήσειν καὶ τὸ πᾶν αὐτῆς κράτος τῇ τε γερουσίᾳ καὶ τῷ δήμῳ ἀποδώσειν), but was persuaded to extend the deadline to the sixth

²⁰ App. *B.Civ.* 5.130.541-2 (τὴν εἰρήνην ἐστασιασμένην ἐκ πολλοῦ συνέστησε κατὰ τε γῆν καὶ θάλασσαν). The rostral column was commemorated in a coin issue (*RIC* 1², p. 60, no. 271). The honours then voted to Octavian (not all accepted) are also reported by Dio 49.15.1. For the Hellenistic origins of the concept of rule over or peace on land and sea see Momigliano 1942; Schuler 2007.

²¹ App., *B.Civ.* 5.132.548 : τὴν ἐντελῆ πολιτείαν ἔλεγεν ἀποδώσειν, εἰ παραγένοιτο ἐκ Παρθυαίων Ἀντώνιος· πείθεσθαι γὰρ κάκεινον ἐθέλειν ἀποθέσθαι τὴν ἀρχήν, τῶν ἐμφυλίων καταπεπαισμένων. Appian reports an earlier anticipation of the surrender of triumviral powers in 39 : the advance designation of consuls made then ended with third consulships by Antony and Octavian to be held in 31, and 'it was expected that they would then hand back the government to the people' (App. *BCiv.* 5.73.313 : ἐλπίζομένους τότε καὶ ἀποδώσειν τῷ δήμῳ τὴν πολιτείαν).

month to give him time to enact the settlement²². The Livian epitomator includes among Octavian's grounds for war the allegation that Antony was unwilling to come to Rome or to lay down his power on the expiry of the triumvirate²³. Suetonius, as we have seen, alleges that Octavian contemplated giving back the republic immediately after the overthrow of Antony, and he offers as explanation that Octavian was 'mindful that Antony had often alleged that he was responsible for its not having been given back'²⁴.

When and how the triumvirate ended remains controversial. Despite the late renewal, the second term was probably deemed to have started on 1 January 37 and so to expire on the last day of the year 33. This is the implication both of Augustus' claim to have held the office for ten continuous years (*RG* 7.1; cf. Suet. *Aug.* 27.1) and of the listing of the triumvirs before the consuls in the *Fasti Capitolini* for 37 but not for 36 (Degrassi 1947, p. 58-59; the entries for the subsequent years do not survive). Appian's statement at *Ill.* 28.80 that at the start of 33 the second term still had two years to run is followed by some writers, but is probably an error²⁵.

Some scholars hold that after the expiry of the second five-year term the triumvirs had no legal power, others that they retained their power in their provinces, but not in the city of Rome²⁶. It is more likely, however, that the triumvirate had been instituted in such a way that it did not lapse when the term expired, but only when its holders resigned the office²⁷. This explains several otherwise puzzling phenomena: the triumvirs' willingness to delay renewal in 37, Octavian's convening the senate and seating himself between the consuls in 32 (Dio 50.2.5-7), and the implication that the office remained theirs to resign conveyed in the allegations by

²² Dio 49.41.6, 50.7.1-2.

²³ Livy, *Per.* 132: *cum M. Antonius ... neque in urbem uenire uellet neque finito IIIviratus tempore imperium deponere*

²⁴ Suet. *Aug.* 28.1: *memor obiectum sibi ab eo saepius, quasi per ipsum staret ne redderetur.*

²⁵ For the second term as ending in 33 see e.g. Girardet 1995; Pelling 1996, p. 67-8; Lange 2009, p. 54-5. In favour of 32 as the terminal date see e.g. Gabba 1970; Ridley 2003, p. 172-7; Vervaet 2009, 2010; Levick 2010, p. 51-3.

²⁶ No legal power (and Octavian staging a coup d'état in early 32): Kromayer 1888, p. 2-21; Syme 1939, p. 270-1, 277-8; Gray 1975. Power retained in the provinces: Bleicken 1990, p. 65-82; Girardet 1990b; Lewis 1991.

²⁷ So Mommsen 1887-8, vol. 1, p. 696-7, vol. 2, p. 718-20; Grenade 1961, p. 13-42; Brunt-Moore 1967, p. 48-9; Fadinger 1969, p. 143-7; Roddaz 1992, p. 198-204, and 2003, p. 405-10; Levick 2010, p. 52-3; and the authors cited in the next note. Cf. also Pelling 1996, p. 26-7, 48. Mommsen held that lapsing only at resignation was characteristic of special magistracies established to enact constitutional reform ('die ausserordentlichen constituierenden Gewalten'); against this conception see Bringmann 1988.

Antony and Octavian noted above. It may be, as Coli and Vervaeet have argued, that all non-annual Roman magistracies were deemed to continue until their holders resigned²⁸.

Antony continued to use the title of triumvir, but from 32 Octavian ceased to do so²⁹. From 31 he held the consulship in successive years, remaining in post each time for the full year. The continued use of the triumviral title would have been an embarrassment for him, not only because of the expiry of the term but also since he was now, from his perspective, the only legitimate holder of the office. The senate had stripped Antony of his powers in 32 (Dio 50.4.3), and all the powers of the triumvirs thereby devolved to Octavian alone. His victories at Actium and Alexandria confirmed this in reality. However, he preferred to evade the question of his constitutional status at this time, as in the *Res Gestae* where he acknowledged that, once the civil wars were over, he had absolute power, but ascribed it to universal consent (34.1 : *per consensum uniuersorum potens rerum omnium*). The oaths of loyalty taken in 32 by the inhabitants of Italy and the western provinces (*RG* 25.2) were just one of the ways in which this claimed consent had been expressed.

Octavian and his supporters represented the war against Cleopatra and Antony as both a foreign and a civil war : a foreign queen, they claimed, had made war on the fatherland, but she had been abetted by citizen traitors³⁰. They could thus proclaim the ending of the civil wars, already announced after Philippi and Naulochus, as finally achieved by the victories at Actium and Alexandria. Once again, the establishment of peace 'on land and sea' was celebrated, at Octavian's Victory Monument at Nicopolis, whose inscription proclaims its dedication *pace parta terra marique*, and at Rome, through the closure of the shrine of Janus, decreed by the senate 'when peace had been achieved by victories on land and sea throughout the empire of the Roman people' (*cum per totum imperium populi Romani terra marique esset parta uictoriis pax*)³¹. Octa-

²⁸ Coli 1953; Vervaeet 2009, 2010. Cf. also Hurlet 2008, p. 228-30; Lange 2009, p. 53-60.

²⁹ Antony : *RRC* p. 539-42, nos. 544-5. For Octavian's avoidance of the title see now Vervaeet 2010, p. 130-1.

³⁰ Lange 2009, p. 79-90, refutes the common view that the Augustan regime represented the conflict as merely a foreign war, showing that it was portrayed rather as both a foreign and a civil war.

³¹ The Nicopolis monument and its inscription : Murray and Petsas 1989; Zachos 2003; Lange 2009, p. 106-23. Janus : *RG* 13; cf. Livy 1.19.3, Suet. *Aug.* 22.1.

vian had thus at last completed the original triumviral assignment : the civil wars were finally over. He next had to make good the promises to hand back power which both he and Antony had repeatedly made.

The settlement of 28-27 BC

Octavian returned to Rome in August 29 and remained there until summer 27 BC. During that period he established his rule on a new basis and strove to make it appear that republican forms had been restored³². We should not suppose, as some scholars do, that he took these measures under pressure from opposition forces. The conspiracy of Lepidus' son in 31/0 shows that there was some residual hostility, but there can have been little support for any renewal of conflict : at Rome, as in the provinces, most will have acquiesced in Octavian's victory as the price of peace, and many welcomed it enthusiastically³³. Octavian did, nonetheless, need to take account of elite sensitivities and to honour the commitments he had given to enact restoration.

Octavian's stay in Rome was a time of pageantry and munificence, funded by the booty of Egypt. His triple triumph on 13-15 August 29 was followed on 18 August by the dedication of the temple of Divus Julius, which was then celebrated by lavish games. The altar of Victory in the restored Curia was dedicated on 28 August 29, and the temple of Apollo Palatinus on 9 October 28, and the year 28 also saw the first celebration of the quadriennial games decreed after Actium. Both the Roman *plebs* and the veterans received a money distribution from Octavian's spoils³⁴.

Measures were put through which purported to reverse recent failings and restore old republican ways. In 29-28, by a special grant of censorial power, Octavian and Agrippa held a census, the first

³² For what follows see also Rich-Williams 1999, p. 188 ff.

³³ Hostility to the regime is judiciously minimized by Raaflaub-Samons 1990. Recent treatments which stress this aspect include Dettenhofer 2000, p. 60 ff.; Kearsley 2009; Levick 2010, p. 74 ff., 164 ff. M. Licinius Crassus, who triumphed from Macedonia on 4 July 27, but did not dedicate *spolia opima* for his killing of an enemy commander, is sometimes seen as a focus of disaffection, but see Rich 1996; on this much discussed topic see also now Flower 2000, Tarpin 2003.

³⁴ For the spectacles, dedications and benefactions see especially RG 15.1-3; Dio 51.21-2, 53.1.3-2.3; Degrossi 1963, p. 497, 503-4, 518-9. The quadriennial games were in fulfilment of a four-year vow for the *salus* of Octavian/Augustus : the first celebration in 28 was thus held early, perhaps in order to permit Octavian's personal participation (Dio 51.19.2 must be right that they were decreed after Actium, *pace* Scheid 2003).

since 70, and revised the senate's membership, removing those deemed socially undesirable³⁵. In 28 the city's temples were comprehensively refurbished, a potent symbol of traditional piety at a time when the civil wars were widely seen as punishment for neglect of the gods³⁶. How the regime wished such aspects of the post-war settlement to be perceived appears vividly from the effusion of the loyal Velleius, in a passage marked by both chronological vagueness and studied avoidance of any specific reference to Augustus' own powers :

The civil wars were ended after twenty years, foreign wars suppressed, peace recalled, the frenzy of arms everywhere lulled to rest; validity was restored to the laws, authority to the courts, and majesty to the senate; the power of the magistrates was reduced to its former limit, with the sole exception that two were added to the eight existing praetors; that pristine and ancient form of the republic was brought back. Cultivation returned to the fields, respect to religious rites, security to mankind, and to each individual assured possession of his property. Laws were revised for the better, and new laws passed to the general advantage. The membership of the senate was reviewed without harshness, but not without strictness³⁷.

According to Augustus' celebrated claim in the *Res Gestae* (34.1-2), in his sixth and seventh consulships, held in 28 and 27 BC with Agrippa as his colleague, he transferred the *res publica* from his power to the control of the Roman senate and people (*in consulatu sexto et septimo ... rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli*), and he was then rewarded with the laurels beside and the civic crown above his door, the gold shield commemorating his virtues in the senate-house, and the name Augustus. The honours are widely commemorated in literature, coinage and art. The Praeneste Fasti date the award of the civic crown to 13 January 27, and various sources give dates ranging from 13 to 17 January for the name Augustus, for which 16 January is usually accepted³⁸. The political settlement is much more thinly

³⁵ *RG* 8.2; Suet. *Aug.* 27.5, 35.1; Dio 52.42.1-4, 53.1.3; Degraasi 1947, p. 254-5.

³⁶ *RG* 20.4; Livy 4.20.7; Suet. *Aug.* 30.2; Dio 53.2.4; cf. Hor. *Carm.* 3.6.1-8.

³⁷ Vell. 2.89.3-4 : *finita uicesimo anno bella ciuilia, sepulta externa, reuocata pax, sopitus ubique armorum furor; restituta uis legibus, iudiciis auctoritas, senatui maiestas; imperium magistratuum ad pristinum redactum modum (tantummodo octo praetoribus adiecti duo); prisca illa et antiqua rei publicae forma reuocata. rediit cultus agris, sacris honos, securitas hominibus, certa cuique rerum suarum possessio; leges emendatae utiliter, latae salubriter; senatus sine asperitate nec sine seueritate lectus*. The passage is excellently discussed by Woodman 1983, p. 250-6.

³⁸ For the dating of the honours see Degraasi 1963, p. 396-400; Simpson

attested. Velleius, Tacitus and Suetonius make no direct reference to it. All that survives of Livy's account is his epitomator's statement that 'when Gaius Caesar had established order and organized all the provinces on a definite pattern, he was also given the name Augustus' and the slightly fuller summary of Cassiodorus that 'Caesar proposed laws, made arrangements for jurors and dispositions for the provinces, and was therefore given the name Augustus'³⁹. Ovid's statement that on 13 January 'every province was returned to our people' (*Fasti* 1.589 : *redditaque est omnis populo prouincia nostro*) shows that it was on that date in 27 that the transfer process was completed.

Our only detailed source for the settlement is the narrative of Cassius Dio⁴⁰. His account of the year 28 BC is a brief report of discrete events, arranged not chronologically but by theme. Some items of constitutional significance are included. Dio opens his account of the year with the information that 'besides acting in other respects in accordance with very ancient tradition, Caesar handed over the *fasces* to his colleague Agrippa, as was his duty, himself using the others, and, when his term of office was up, he took the oath in accordance with ancestral custom'. We have already noted the exchange of the *fasces*; other evidence shows that on leaving office consuls swore that they had done nothing contrary to the laws⁴¹. Dio's year-narrative closes with the statement that 'since he

1994; Rich-Williams 1999, p. 191, 203-4; Scheid 2007, p. 88-91; Todisco 2007a, p. 441-2; Cooley 2009, p. 261-71. Dates for the conferment of the name Augustus : 13 January (Ovid, *Fasti* 1.590); 15 or 16 January (Cumae Feriale, with disputed reading); 16 January (Praeneste Fasti); 17 January (Censorinus, *de die natali* 21.8). Dio 53.16.4-6 implies that the civic crown and laurels were conferred when Octavian resigned his powers and the name Augustus at a later session. Presumably the laurels were conferred on 13 January, like the civic crown. In view of *RG* 34.2, the gold shield was surely decreed like the other honours in immediate response to the 'transfer of the republic', and the dating to Augustus' eighth consulship on the Arles copy (EJ no. 22), which has been followed by some scholars, must be either an error or the date of its erection at Arles.

³⁹ Livy *Per.* 134 : *C. Caesar rebus compositis et omnibus prouinciis in certam formam redactis Augustus quoque cognominatus est*; Cassiodorus, *Chron.* (under 27 BC) : *Caesar leges protulit, iudices ordinauit, prouincias disposuit, et ideo Augustus cognominatus est* (Mommsen 1894, p. 135). Cassiodorus' source in this part of his chronicle was Livy, probably via an intermediary chronicle (Mommsen 1894, p. 112). Although he inserts the notice under 27, the reference to laws and judiciary reform could apply to 28 BC as well (there is chronological confusion in some of his neighbouring notices, as on Octavian's intervention in Parthian affairs, which took place in 30/29 [Dio 51.18], but is dated by Cassiodorus to 28).

⁴⁰ On Dio's account see further Rich 1990, p. 132-53; Rich-Williams 1999, p. 193-204.

⁴¹ Dio 53.1.1 : *καὶ τὰ τε ἄλλα κατὰ τὸ νομιζόμενον ἀπὸ τοῦ πάνυ ἀρχαίου*

had put into effect many illegal and unjust measures during the period of civil strife and wars, especially in his joint rule with Antony and Lepidus, he now annulled them all by a single edict, fixing his sixth consulship as the limit'. This annulment measure is also mentioned by Tacitus in his survey of the development of Roman laws : 'in his sixth consulship, Caesar Augustus, secure in his power, cancelled the orders he had issued in his triumvirate and gave the laws which we were to use under peace and the *princeps*'. Dio's formulation is to be preferred to Tacitus' : the edict covered not all of Octavian's ordinances, but such of them as were deemed illegal and unjust⁴². Since Dio's account of the year 28 is not ordered chronologically, we cannot say at what point during the year the edict was promulgated.

Dio gives a very full account of the year 27 BC, most of which is devoted to the constitutional settlement and associated excursuses (53.2.6-22.5). He presents the settlement as establishing the monarchical system under which he himself was living, two centuries later, and is at pains throughout to stress the contrast between Octavian's pretences and the realities of power. He opens the account by telling us that, having been praised for the annulment edict, Octavian 'conceived a desire to make another magnanimous gesture, so that he might win further honour by his conduct, and to get men to confirm his monarchy apparently of their own free will, so that it might not seem to have been forced upon them against their wishes'⁴³. Accordingly, having primed his associates, he entered the

ἐποίησε, καὶ τοὺς φακέλους τῶν ῥάβδων τῷ Ἀγρίππᾳ συνάρχοντί οἱ κατὰ τὸ ἐπιβάλλον παρέδωκεν, αὐτὸς τε ταῖς ἐτέραις ἐχρήσατο, καὶ διάρξας τὸν ὄρκον κατὰ τὰ πάτρια ἐπήγαγε. *Fasces* : above, n. 9. The oath : Pliny, *Paneg.* 65.2; Mommsen 1887-8, vol. 1, p. 625.

⁴² Dio 53.2.5 : ἐπειδὴ τε πολλὰ πάνυ κατὰ τε τὰς στάσεις κἄν τοῖς πολέμοις, ἄλλως τε καὶ ἐν τῇ τοῦ Ἀντωνίου τοῦ τε Λεπίδου συναρχίᾳ, καὶ ἀνόμως καὶ ἀδίκως ἐτετάχει, πάντα αὐτὰ δι' ἑνὸς προγράμματος κατέλυσε ὄρον τὴν ἕκτην αὐτοῦ ὑπατεῖαν προθεῖς. Tac. *Ann.* 3.28.2 : *sexto demum consulatu Caesar Augustus, potentiae securus, quae triumviratu iusserat abolevit deditque iura quis pace et principe uteremur*. Velleius' claim that 'validity was restored to the laws' alludes to the annulment edict. On the edict see Rich-Williams 1999, p. 197; Mantovani 2008, p. 36-41. Mantovani holds that the measures abrogated under the edict were primarily fiscal exactions, adducing as instances the taxes on slaves and inheritances introduced in 40 (Ap. *BCiv.* 5.67.282; Dio 55.25.6) and the law relating to marriage alluded to by Prop. 2.7.1-3. However, in view of their unpopularity (their introduction had caused a riot), it seems unlikely that the slave and inheritance taxes had been left in force until 28; if not abolished before, they were probably among the exactions cancelled by Octavian in 36 after Naulochus (Dio 49.15.3; cf. Ap. *BCiv.* 5.130.540). On the marriage law see below at n. 52.

⁴³ Dio 53.2.6 : εὐδοκίμων τε οὖν ἐπὶ τούτοις καὶ ἐπαινούμενος ἐπεθύμησε καὶ ἕτερον τινὰ μεγαλοψυχίαν διαδείξασθαι, ὅπως καὶ ἐκ τοῦ τοιοῦτου μᾶλλον τιμηθεῖη,

senate in his seventh consulship and read a speech of resignation (53.2.7). Dio supplies a speech of his own free composition, a splendid piece of sustained ironic writing (53.3-10). In the course of the speech he makes Octavian repeatedly state that he is handing back the armies, provinces, revenues and laws, and that he will thereby become a private citizen and hopes to be left to enjoy his leisure⁴⁴. Dio then gives an elaborately wrought account of the senators' reactions : for a variety of motives, all protested and begged Octavian to accept monarchy, as he had intended (53.11.1-4). Eventually, pretending to do so under compulsion, he accepted autocratic power (53.11.4-5). Subsequently Dio refines this crude statement : in order to appear republican, Octavian accepted 'the overall care and leadership of the public business' and the command of the stronger provinces, initially for ten years, although in reality he was absolute ruler and through regular renewals retained the monarchy for life (53.12.1-3, 13.1, 16.1-3). Dio's account goes on to discuss the division of the provinces and their administration under Augustus and his successors (53.12.4-9, 13.2-15.6), the honours conferred on Octavian/Augustus in connection with the settlement (16.4-8), and the monarchical system which the settlement inaugurated (17-19), before passing on to the remainder of the year 27 BC and an overview of Augustus' government during the rest of his reign (53.20-22).

Dio's account of the settlement is a vivid and perceptive piece of historical interpretation, but it in some respects distorts the events to fit his preconceptions, and in particular his wish to throw into sharp relief the contrast between Octavian's claims and the political realities. He presents the settlement as an elaborately staged charade carried out just in the year 27 BC : Octavian's surrender of his powers is portrayed as a single comprehensive act, carried out in his resignation speech, and is immediately revoked in response to the senate's protests. This presentation conflicts with Augustus' own statement in the *Res Gestae* (34.1), which portrays the transfer of the *res publica* as an extended process taking place over his sixth and seventh consulships. Augustus' account is to be preferred. The constitutional matters which Dio included in his account of the year 28 BC – Octavian's alternation of the *fascēs*, his claim under oath to

καὶ παρ' ἐκόντων δὴ τῶν ἀνθρώπων τὴν μοναρχίαν βεβαιώσασθαι τοῦ μὴ δοκεῖν ἄκοντας αὐτοὺς βεβιάσθαι.

⁴⁴ The items handed back : 53.4.3 (τὰ ὄπλα τοὺς νόμους τὰ ἔθνη), 5.4 (καὶ τὰ ὄπλα καὶ τὰ ἔθνη τὰ ὑπήκοα), 9.6 (καὶ τὰ ὄπλα καὶ τὰ ἔθνη τὰς τε προσόδους καὶ τοὺς νόμους); cf. 52.13.1, 56.39.4. Octavian to become a private citizen (ιδιωτεύσαι) : 53.6.3, 8.7, 9.3; 56.39.5. His wish to be allowed to enjoy leisure : 53.9.1 (ἐν ἡσυχίᾳ ἤδη ποτὲ καταβιῶναι).

have observed the laws during the year, and his edict annulling his past unlawful acts – must have been not mere preliminaries, as Dio presents them, but part of the transfer process itself, along, in all probability, with other items not included by Dio.

The chronological inaccuracy of Dio's portrayal of the settlement has been brought out by a recently discovered aureus of Octavian, dated by its obverse legend to 28 BC (Rich-Williams 1999). Recent controversy on the coin and its significance is discussed in Appendix 1 below. Much must remain uncertain, but it is agreed that the reverse type, with its legend *LEGES ET IVRA P R RESTITVIT*, must refer to the annulment edict and celebrate it as the restoration of the laws. However the legend's references to restoration and to the Roman people are to be interpreted, it must, in my view, follow that the laws were one element of the *res publica* which Octavian/Augustus deemed himself to have transferred in 28 BC. Dio was therefore wrong to include the laws among the elements which he made Octavian claim to surrender along with the rest of his powers in his resignation speech of 27 BC⁴⁵.

Certain other changes can also be identified which probably took place in 28 BC and were counted by Octavian as part of the transfer of the *res publica*⁴⁶. It was most likely then that free elections were resumed for the lower magistracies, since it would have been flagrantly unrepublican for him to continue nominating them (the re-election of Octavian and Agrippa to the consulate for 27 was evidently secured without a contest : it may have been arranged that the senate and people should request them to remain in office to superintend the continuing process of reform). Various measures relating to the treasury enacted in 28 (Dio 53.2.1, 3) were probably envisaged as constituting its return to senatorial control. Related legislation was probably also passed, for example a new *lex annalis* regulating the ages when magistracies could be held.

Thus a large part of the transfer process took place in 28, probably covering everything relating to domestic administration. In that year Octavian restored collegial parity by alternating the *fasces* with his fellow consul, observed the laws and annulled his past illegal acts, and restored free elections and senatorial control of the treasury. What remained was the armies and the provinces, and it was these which he surrendered in the senate meeting on 13 January 27. To what extent Octavian had already during 28 spoken of himself as engaged in an ongoing transfer process we cannot say, but there is no reason to doubt that, in the speech to the senate on 13

⁴⁵ The laws included : 53.4.3, 9.6 (cited n. 44).

⁴⁶ See further Rich-Williams 1999, p. 199-202.

January 27 in which he resigned the armies and provinces, he represented this action in language comparable to that he was later to use in *RG* 34.1, namely as the culminating stage in a process of returning the *res publica* to the control of the senate and people which he had initiated the previous year⁴⁷. The honours followed, with the civic crown being conferred by the senate on the same day, the name Augustus at a later session on or around 16 January. In addition, a compromise was agreed, either at the 13 January meeting or at the later session, under which the provinces were divided between Augustus and the Roman people. Following on from this agreement, laws must have been passed confirming the grant of provinces to Augustus and establishing procedures for the selection by sortition of proconsuls for the public provinces⁴⁸.

The transfer process of 28/27 thus entailed legislation, at least in respect of magistracies and provinces. We can be sure that then, as later, Octavian/Augustus was scrupulous to consult the senate about his legislative proposals, all the more so since these measures affected the senators themselves so directly. It may have been in 28 BC that Octavian/Augustus established his senatorial *consilium*, with its initial task being to assist in the drafting of this complex legislation⁴⁹. Other legislation in these years will also have contributed to the overall goal of setting the republic to rights. At some point in 28 or 27 a law will have been passed reforming the composition of juries, eliminating the jurors of below equestrian status who had been admitted by Antony, just as socially disreputable senators had been removed in the revision of the senate list⁵⁰. The legislation relating to the tenure of magistracies and proconsulships included rewards for those with children⁵¹. Octavian/Augustus may also during 28/27 have promulgated a separate marriage law, but withdrawn it following opposition: this is perhaps the best interpretation of Propertius' reference to his mistress Cynthia's delight that a

⁴⁷ On this point see further Appendix 1.

⁴⁸ Timings and laws: above, n. 38: Rich-Williams 1999, p. 203-4. For the legislation see also Ferrary 2001, p. 108-13 (= 2009, p. 92-7). For the procedures for selection of proconsuls under the Principate and their relationship to the emperor see now the excellent treatment of Hurlet 2006.

⁴⁹ Rich-Williams 1999, p. 202.

⁵⁰ Cassiodorus, n. 39 (*iudices ordinavit*); Vell. 2.89.3 (*restituta ... iudiciis auctoritas*); Ramsey 2005 (Ramsey's conjecture that such a law was passed c. 28 is confirmed by the notice in Cassiodorus). Jurors of below equestrian status were admitted again under Augustus' second judiciary law, passed in 17 BC: Suet. *Aug.* 32.3; Dio 54.18.2-3; Riccobono 1945, p. 142-51.

⁵¹ Dio 53.12.2; Rich-Williams 1999, p. 201 n. 96; Moreau 2003, p. 467-8; Hurlet 2006, p. 30-2.

law, formerly 'proclaimed' (*edicta*), which threatened to part them by obliging him to marry, had been 'lifted' (*sublata*)⁵².

The changes in domestic administration carried through in 28 returned a significant degree of control to the republican organs of government. As Millar and others have emphasized (above, n. 14), those bodies had continued to function under the triumvirate, but the 'restoration of the laws' and the other changes made at the same time marked a reversion to a less arbitrary form of rule. In particular, the return from nomination to free election for the appointment of magistrates was a notable change, although Augustus made it his practice to indicate his support for some candidates on the specious ground that he was exercising the right enjoyed by every citizen and for the time being continued to accept annual election as consul⁵³.

Although important, these changes did not threaten Augustus' grip on power. The provinces and armies were a different matter. Since the establishment of the triumvirate, he and his colleagues had divided the provinces between them, appointing the governors, who, in the military provinces, were also the army commanders. If at this juncture, with the civil wars so recently over, he had allowed all the provinces to revert to the people and their governors to be selected by the lot in the traditional way, he would have risked losing the reality of power, and renewed civil war might have been the outcome. If, on the other hand, he had retained all the provinces and armies, his claim to have returned the *res publica* to the senate and people would have been nullified. The solution was the brilliantly ingenious compromise which Augustus crafted and the senate meeting was no doubt stage-managed to deliver: he announced the return of all the provinces and armies, but in response to the senate's protests agreed that, while the rest of the provinces would revert to the Roman people and be governed by proconsuls selected from ex-magistrates by the lot, he would retain, and appoint the gov-

⁵² Prop. 2.7.1-3: *gauisa est certe sublata Cynthia legem, / qua quondam edicta flemus uterque diu, / ni nos diuideret*; see especially Badian 1985; Moreau 2003, p. 462-9; Mantovani 2008, p. 39-40. Badian, followed by Mantovani, interprets the law as a triumviral measure abrogated under the annulment edict of 28 BC. However, Moreau shows that the view that it was a bill proposed by Octavian but withdrawn after protests is compatible with Propertius' language, and, since a long-established law would not have constituted a new threat to the lovers, this alternative seems preferable.

⁵³ For this assessment of the changes see further Rich-Williams 1999, p. 205-8.

ernors of, four provinces, Spain, Gaul, Syria (with Cilicia and Cyprus) and Egypt, in which most of the legions were stationed (probably at least twenty of the total of 27 or 28). Only three of the proconsular provinces retained legions, namely Macedonia, Illyricum and Africa. The agreement entailed a consequence which further strengthened Augustus' position. Under the triumvirate, the provincial governors, although the triumvirs' appointees, had generally had the status of proconsuls and so been eligible to triumph. For Augustus to retain the power to appoint proconsuls would have been incompatible with the restoration of republican forms, and so instead the governors of Augustus' provinces (like those appointed by Pompey during his tenure of Spain from 54 BC) held *imperium* merely by delegation from him, as his *legati* (or in Egypt as equestrian prefects), and as such they were ineligible to triumph.

The grant of this huge provincial command to Augustus was justified by presenting it as merely a temporary expedient and as responding to a specific need. As Dio tells us, Augustus professed to accept his provinces for a maximum of ten years, insisting that he was doing so in order to pacify them :

He would not rule all the provinces and, for those that he did rule, would not do so permanently. He gave back the weaker provinces on the grounds that they were peaceful and free from war, and retained the stronger ones on the grounds that they were insecure and dangerous and either had enemies on their borders or were capable of launching a serious rebellion on their own...

The provinces were divided in this way, but, wishing even so to convince them that he had no monarchical intentions, Caesar accepted the government of the provinces assigned to him for only ten years. He promised that he would reduce them to order in that time and boastfully claimed that, if they were pacified sooner, he would hand them back sooner⁵⁴.

⁵⁴ Dio 53.12.1-2 : οὔτε δὲ πάντων αὐτὸς τῶν ἐθνῶν ἄρξειν, οὔθ' ὅσων ἂν ἄρξει, διὰ παντὸς τοῦτο ποιήσειν ἔφη, ἀλλὰ τὰ μὲν ἀσθενέστερα ὡς καὶ εἰρηναῖα καὶ ἀπόλεμα ἀπέδωκε τὰ δ' ἰσχυρότερα ὡς καὶ σφαλερὰ καὶ ἐπικίνδυνα καὶ ἤτοι πολεμίους τινὰς προσοίκους ἔχοντα ἢ καὶ αὐτὰ καθ' ἑαυτὰ μέγα τι νεωτερίσαι δυνάμενα κατέσχε. 53.13.1 : τὰ μὲν οὖν ἔθνη οὕτω διηρέθη, βουλευθεῖς δὲ δὴ καὶ ὡς ὁ Καῖσαρ πόρρω σφᾶς ἀπαγαγεῖν τοῦ τι μοναρχικὸν φρονεῖν δοκεῖν, ἐς δέκα ἔτη τὴν ἀρχὴν τῶν δοθέντων οἱ ὑπέστη· τοσοῦτ' τε γὰρ χρόνῳ καταστήσειν αὐτὰ ὑπέσχετο, καὶ προσεναενιεύσατο εἰπὼν ὅτι, ἂν καὶ θάπτον ἡμερωθῇ, θάπτον αὐτοῖς καὶ ἐκεῖνα ἀποδώσει. For the division of the provinces see also Dio 56.40.2; Strabo 17.3.25 (840); Suet. *Aug.* 47. Only Dio refers to the pacification promise : Strabo and Suetonius treat the division as the permanency which it eventually became. All three writers speak of Augustus as holding all the military provinces : this anticipates later developments and overlooks the fact that proconsuls were initially in command of legions in Macedonia, Illyricum and Africa (see further Hurlet 2006, p. 131-60).

In the event, the division of the provinces was repeatedly renewed up to his death, and so became part of the permanent architecture of the Principate. However, contemporaries will not at first have been clear that this would happen, and, as will be argued below, Augustus himself may not initially have firmly intended this outcome.

This allocation of provinces to Augustus is in some respects comparable to the extraordinary commands of the Late Republic, but the extent of the territories assigned to him was far greater⁵⁵. It in effect amounted to a continuation of a substantial portion of the provincial allocation made to the triumvirs. As with the triumvirate, what was represented as the republic's emergency needs provided the justification for the grant, for a limited period, of extraordinary and unrepublican powers. The triumviral powers had been taken on the pretext that they were needed for ending the civil wars and carrying through the ensuing settlement, and the triumvirs had repeatedly promised to return them when those tasks had been accomplished. The process of transferring the *res publica* to the control of the senate and people which Augustus claimed to have initiated in 28 and completed on 13 January 27 constituted his fulfilment of those promises. However, he then accepted his huge provincial command, which, although less sweeping a power than those held by the triumvirs, was nonetheless wholly incompatible with a full return to republican forms. In justification it was argued that new emergency needs required to be met before that full restoration could be safely accomplished. Moreover, Augustus accepted, to carry out this assignment, not the five-year term which had been customary in the Late Republican commands and had been accorded (and then renewed) for the triumvirs, but an initial ten-year command.

The programme of pacification which provided the justification for the division of the provinces was an imaginative development from the triumviral assignment. The primary triumviral task had been the ending of civil war, and its accomplishment had been celebrated, on the rostral column of 36, by the closure of Janus in 29, and on the Nicopolis monument, as establishing peace everywhere,

⁵⁵ The parallel with the Late Republican commands has sometimes led to the undue minimizing of the unrepublican character of the division of the provinces : e.g. Syme 1939, p. 315, 'special commands were no novelty, no scandal'. On the similarity between the provincial commands of the Late Republic and of Augustus see especially Ferrary 2001, p. 109-11 (= 2009, p. 94-5).

on land and sea. However, although civil strife had been ended, external conflicts remained, and Augustus now set himself the even more ambitious goal of establishing peace against external foes throughout the empire⁵⁶. The most prominent of these enemies were the Parthians, and here Augustus was undertaking to complete the task which Antony had taken on when the triumviral assignment was extended at Brundisium in 40, but had failed to accomplish. Unlike Antony, however, he planned to resolve this issue through diplomacy.

The pacification programme should not be dismissed as a mere pretext. If Augustus had done nothing to carry it out, he would have lost his justification for accepting his vast share of the provinces. He was thus committed to implementing the programme, and in any case it served his purpose well in other respects : it required him to be absent from Rome for extended periods, a prudent device to allow the new arrangements to bed down, and it enabled him to respond to public expectations of wars of conquest, for which contemporary poets provide ample evidence. Augustus' external policies should in fact be interpreted as fulfilling his undertaking of pacification, as I have argued elsewhere (Rich 2003) and briefly outline in the next section.

The selection of provinces for Augustus' share could readily be justified in terms of the pacification programme. Syria bordered the Parthians. Egypt was a new acquisition and still disturbed. There had been recent warfare in northern Spain, and the north-west had never been brought under Roman control. Caesar's conquests in Gaul had still not been fully organized and the region had seen recent warfare; moreover, between Gaul and Italy, the Alps had never been pacified. The reasons for the omission of Illyricum and Macedonia from the *princeps'* share are also clear enough : in view of the successful recent campaigning by Augustus himself in Illyricum and by the proconsul M. Licinius Crassus beyond the northern boundary of Macedonia, it would have been implausible to claim that these provinces were in urgent need of pacification.

Apart from accepting a ten-year share of the provinces with a view to pacifying them, what further indications of his future role in the *res publica* did Octavian/Augustus give in the senate meeting of

⁵⁶ On Augustus' pacification programme and its relation both to earlier Roman attitudes to peace and its establishment and to the constitutional settlement, see Rich 2003, especially p. 345-7 (= 2009, p. 152-5). On continuity with the triumviral assignment see Lange 2009, p. 188.

13 January 27 and the following discussions to which it gave rise? Answers to this question must necessarily be speculative, but the attempt may nonetheless prove worthwhile.

As we saw above (n. 44), Dio makes Octavian declare in his resignation speech that, having given up his powers, he would become a private citizen and hoped to be left to enjoy his leisure. Such language should imply an intention to resign the consulship and retire altogether from public life. It is most unlikely that he in fact spoke in these terms. The resignation of 13 January applied only to his extraordinary powers. He may well have taken the opportunity to reassure the senate that he would continue to play his due part in the republic's counsels, both when holding magistracies and, at other times, as a senator, for this was of course every senator's duty. Naturally, it would be understood that his unique services to the republic would make him by far the first among the senators in prestige and in the weight which his views would carry.

In the sequel he accepted not only the ten-year provincial command, but also the life-long honours of the civic crown, laurels, gold shield and the name Augustus. Those honours rewarded him for saving the fatherland from the menace of Cleopatra and restoring the *res publica* to the control of the senate and people. They were also symbolic markers of the unique position which he would hold in the state for the rest of his days⁵⁷.

The term which came to designate this position was of course *princeps*, 'leading citizen'. It is a reasonable conjecture that about this time Augustus indicated his desire to be known henceforth by that title, either by stating it himself in the senate or by more indirect means. It is true that the term *princeps* would inevitably have been applied to him in token of his preeminence, just as Cicero had repeatedly used it of Pompey. However, its adoption as the accepted and regular designation for Augustus' position could hardly have come about without an official initiative, and the 27 settlement is the most likely point for such direction to have been given⁵⁸.

⁵⁷ On the significance of the honours conferred in January 27 and their deployment in coinage and art see especially Alföldi 1973; Zanker 1988, p. 92-7, 276-7; Cooley 2009, p. 261-71. On the name Augustus see now Todisco 2007a.

⁵⁸ For a similar view of how the title came into use see now Levick 2010, 74 ('it looks as if Augustus' subjects took the hint of his own usage or a wish informally expressed'). An alternative possibility is that Octavian/Augustus' designation as *princeps senatus* in 29/28 (above, n. 5) may have been the starting-point for his being regularly spoken of as *princeps* in the wider, informal sense; however, the two usages are quite distinct, and some official direction should still be inferred for the establishment of the informal title. Once the title *princeps* came into regular use, it was naturally used to refer to Augustus' position not just from 28/27, but also earlier, as at RG 13, 30.2. Spannagel 2009 argues that

The earliest surviving use of the title *princeps* for Octavian/Augustus occurs in Horace, *Carm.* 1.2 and may perhaps allude to a recent announcement establishing it as his accepted designation. The poem may well date to January 27 or soon after: the allusion to a Tiber flood in lines 1-20 probably refers to the flood which took place on the night after the conferment of the name Augustus (Dio 53.20.1), the only attested Tiber flood between 54 and 23 BC.⁵⁹ The poem closes (lines 50-52) with the wish that 'here you may delight to be called father and *princeps*, and may not permit the Medes to ride unpunished while you are leader, Caesar' (*hic ames dici pater atque princeps, / neu sinas Medos equitare inultos / te duce, Caesar*). These lines may allude both to Augustus' indication that he now wished to be known as *princeps* and to the commitment which he had now given to resolve the Parthian issue. However, if the poem takes note of an official stance, Horace is by no means its spokesman: in coupling the title *princeps* with *pater* he draws on a usage which Augustus did not formally authorize until much later, with his acceptance of the title *pater patriae* in 2 BC⁶⁰; he expects the Parthians to be defeated in war; and, disregarding the leader's constitutional scruples, unabashedly celebrates him as a god come to earth to be saviour of the Roman people⁶¹.

During the discussions of January 27 Augustus may also have deployed the formula to define his position which is so familiar to us from *RG* 34.3, promising that he would henceforth excel all in *auctoritas*, but have no more *potestas* than the others who were his colleagues in each magistracy. As we saw above, this formulation fits poorly with his situation in the later years of his reign. This may indicate that Augustus first devised it for a different context for which it was more apposite. It matched his circumstances in 27 better than it did after 23, when he had ceased to hold the consulship. Nonetheless, although he carefully observed collegial parity

Augustus traced his *principatus* back to 44/43; however, although he established himself then as one of the *principes ciuitatis* at an unprecedentedly young age, he could not claim to have been the preeminent *princeps* so early.

⁵⁹ For this dating of the poem see Gallavotti 1949; MacKay 1962; Nisbet and Hubbard 1970, p. 16-19, 39. Other scholars (e.g. Fraenkel 1957, p. 246 n. 4) hold that the poem must date before 27 (or alternatively to 23: Mazzarino 1966) on the grounds that its tone is inappropriate to the immediate aftermath of the 27 settlement, but this objection is not cogent.

⁶⁰ For *pater patriae* used of Augustus before 2 BC see Dio 55.10.10; *ILS* 96, 6755; cf. Hor. *Carm.* 3.24.47; *RIC* 1² p. 48, nos. 96-101.

⁶¹ Similarly, in his next use of the term, Horace couples the *princeps* with the Roman people, according him the pairing normally held by the senate (*Carm.* 1.21.14: *a populo et principe Caesare*; Nisbet and Hubbard 1970, p. 261: '[Horace's] disregard for the senate seems a constitutional enormity').

with his fellow consul at Rome, symbolized by the alternation of the *fasces*, even in 27 and the immediately following years he had much greater *potestas* than his consular colleague by virtue of his provincial command. The formulation would, however, have fitted admirably as a statement of what Augustus' position would be after he had completed his assigned task of pacification and laid down his provincial command. When such a time came, he would indeed be able to claim fairly that his pre-eminence in the state rested on his *auctoritas* and that, if and when he were appointed to magistracies, he would have no more official power than his colleagues in those posts. Thus I surmise that Augustus first produced this formulation in the discussions of January 27, and used it not so much to elucidate his current position, but as a promise for the future when, as he pledged, he would give up the provincial command which he had just accepted.

Once again a possible contemporary allusion may be discerned, this time in the opening chapters of Livy's history. Livy inserts his account of Evander's encounter with Hercules and the establishment of his cult not in its chronological place, but later, à propos of Romulus' institution of cults in his new city and acceptance of the existing cult of Hercules at the site. Evander is introduced as ruling 'by authority rather than command' (1.7.8 : *auctoritate magis quam imperio regebat*), a detail not required by the narrative or attested elsewhere. In the next sentence, Hercules' appearance is described as 'somewhat grander and more august than a man's' (1.7.9 : *formam ... aliquantum ampliolem augustioremque humana*). Shortly afterwards (1.8.2), having reverted to Romulus, Livy reports his giving the laws by which alone his crowd of settlers could form a single people, and, to secure respect for his laws, taking lictors and in other respects making his appearance 'more august' (*cetero habitu se augustiorem, tum maxime lictoribus duodecim sumptis fecit*). Unless (as many scholars suppose) it is a later insertion, the reference to Augustus' first closure of Janus at 1.19.3 indicates that Livy's first book was composed between the grant of the name Augustus in 27 and the second closure of Janus in 25⁶². In that case, it is a plausible

⁶² The common view (e.g. Luce 1965, Burton 2000) that Livy 1.19.3 is a later insertion and so that Book 1 was composed before 27 BC rests primarily on the claim that the statement on Cossus' dedication of *spolia opima* at 4.20.5-11, which appears to conflict with the surrounding narrative, must be such an insertion. I accepted this conclusion at Rich 1996, p. 117-121, but the close similarity in Livy's references to Licinius Macer's use of the 'linen books' there and elsewhere in the same book (4.7.11, 13.7, 23.1-2) now seems to me a decisive objection. Scheidel 2009 offers a new approach to the composition of Livy's history, dating his commencement c. 27.

surmise that, in these references at the start of his work, Livy contrived a delicate compliment to the *princeps*, alluding to the new name which he had accepted (rather than the alternative possibility, Romulus), and also to his restoration of laws and promise of a primacy merely in *auctoritas*⁶³. Augustus, whom Livy was later to praise as the ‘founder and restorer of all temples’ (4.20.7), was thus brought into association with the founders of Rome’s earliest cults. The implied comparison with Romulus was to his advantage : whereas Romulus needed supports like lictors to make himself seem *augustior*, Augustus, like Hercules, was so by his own nature, and, while, for the present, like Romulus, he held *imperium* and used it to give laws, he would in time, like Evander, govern just by *auctoritas*⁶⁴.

We must now consider whether under the compromise agreed in 27 Augustus took special responsibility not just for his provinces, but for the republic as a whole. That is what Dio seems to imply when, before reporting the division of the provinces, he states that Augustus ‘accepted the overall care and leadership of the public business as needing some attention’⁶⁵. Moreover, when he refers to Augustus’ subsequent renewals of his powers, he speaks of them as extending not his tenure of the provinces, but his leadership (προστασία or ἡγεμονία)⁶⁶. Dio, as we have seen, is a flawed authority, but he is supported here by a contemporary witness, Strabo, who introduces his account of Augustus’ division of the provinces with the statement that ‘when the fatherland entrusted him with the leadership of the empire and made him master of war and peace for life, he divided all the territory into two parts and assigned one portion

⁶³ Allusions to Augustus in either Livy’s description of Evander’s style of government or his use of *augustior* in these chapters or both are detected by Taylor 1918; Hirst 1926; Stübler 1941, p. 9-15; Ogilvie 1965, p. 60; Poucet 1985, p. 263; Delcourt 2001, p. 843, 862; Mineo 2006, p. 156-7, 2009, p. 297; *contra*, Erckell 1952, p. 9-25. Livy had already observed in his preface that ‘this allowance is made to antiquity that by mixing human matters with divine it makes the origins of cities more august’ (7 : *datur haec uenia antiquitati ut miscendo humana diuinis primordia urbium augustiora faciat*). Romulus considered as an alternative name : Suet. *Aug.* 7.2.

⁶⁴ Cf. the explicit comparison between Augustus and Romulus (the purported addressee) at Ovid, *Fasti* 2.133-44, especially 141-2 : *uis tibi grata fuit, florent sub Caesare leges./ tu domini nomen, principis ille tenet*.

⁶⁵ Dio 53.12.1 : τὴν μὲν φροντίδα τὴν τε προστασίαν τῶν κοινῶν πᾶσαν ὡς καὶ ἐπιμελείας τινὸς δεομένων ὑπεδέξατο.

⁶⁶ Dio 54.12.4-5 (τῆς προστασίας ... τῆς αὐτοκράτορος ἡγεμονίας); 55.6.1 (τὴν τε ἡγεμονίαν); 55.12.3 (τὴν ἡγεμονίαν); 56.28.1 (τὴν τε προστασίαν τῶν κοινῶν); 56.39.6 (Tiberius’ speech to the people at Augustus’ funeral, ἠναγκάσατε χρόνον γέ τινα ὑμῶν προστεῖναι. ... ἐξεβιάσασθε αὐτὸν ἐν τῇ τῶν κοινῶν διαχειρίσει ἐμμεῖναι).

to himself and the other to the people'⁶⁷. Strabo, writing soon after Augustus' death, speaks of the arrangements as the permanency they became, passing over the limited terms and renewals of the provincial command, which will have applied also to Augustus' control of war and peace, since that must have been granted him in conjunction with the provincial command⁶⁸. Dio's initial statement seems to envisage the 'overall care and leadership' as a permanent grant, by contrast with the limited term of the provincial command, but his later statements imply that the overall leadership too was subject to the limited terms and renewals.

Premmerstein inferred from these statements that Augustus received a position of care and guardianship of the state with formal, constitutional powers. This view has rightly been generally rejected⁶⁹. However, both Liebeschuetz and I have argued that Augustus accepted an informal responsibility for the care and leadership of the republic, and that this was acknowledged by the senate, probably in the preamble of the decree providing for the division of the provinces⁷⁰. This view has been criticized by Ferrary, who regards Dio's and Strabo's statements as merely reflecting their interpretation of the division of the provinces as establishing Augustus' autocracy⁷¹. However, both Dio and Strabo speak of the overall leadership as distinct from the provincial allocation and the agreement in their language is too strong to be disregarded or dismissed as coincidence. It seems most likely that this informal acceptance of overall care and leadership was, as Dio implies in his renewal statements, envisaged as for the same limited term as the provincial command and that the two were always renewed together. Thus I conclude that the agreement reached between Augustus and the senate in 27 BC, and subsequently repeatedly renewed, acknowledged that the emergency needs of the state were not confined to the insecure provinces and the whole republic needed some further setting to rights. In accepting his special re-

⁶⁷ Strabo 17.3.25 (840) : ἐπειδὴ γὰρ ἡ πατρίς ἐπέτρεψεν αὐτῷ τὴν προστασίαν τῆς ἡγεμονίας καὶ πολέμου καὶ εἰρήνης κατέστη κύριος διὰ βίου, δίχα διεῖλε πᾶσαν τὴν χώραν καὶ τὴν μὲν ἀπέδειξεν ἑαυτῷ τὴν δὲ τῷ δήμῳ.

⁶⁸ The right to declare war and conclude treaties had been included in the special commands of the Late Republic, and is confirmed for Augustus and his successors by the *Lex de Imperio Vespasiani* (Crawford 1996, no. 39) and Dio 53.17.5. See Brunt 1977, p. 103; Rich 1990, 150.

⁶⁹ Premmerstein 1937, p. 117-33. For criticisms of Premmerstein see the works cited by Ferrary 2001, p. 113 n. 52 (= 2009, p. 97 n. 23).

⁷⁰ Liebeschuetz 1986; Rich 1990, p. 139-40; Rich-Williams 1999, p. 211-2.

⁷¹ Ferrary 2001, p. 113-5 (= 2009, p. 98-9); cf. Levick 2010, p. 77, 107-8.

sponsibilities for, initially, a ten-year term, Augustus undertook both to complete the process of setting the republic to rights and to pacify the whole empire. However, while the pacification required the grant of a special power, namely the provincial command, he did not need to take additional powers to carry out the rest of his care for the republic. For this his current office, the consulship, and his pre-eminent *auctoritas* would suffice.

This wide interpretation of the remit accorded to Augustus in 27 as extending to setting the whole republic to rights may derive some support from the undated edict quoted by Suetonius in which he uttered a solemn vow as follows :

May I so set the republic safe and sound on its rightful base and reap the benefit of that achievement (which is my aim) that I may be called the author of the finest state of affairs and that I may carry with me, whenever I die, the hope that the foundations of the republic which I shall have laid will remain in their place⁷².

As Wardle has recently argued, the most likely context for the edict is the settlement of January 27⁷³. The laying of the republic's foundations (*fundamenta rei publicae*) is spoken of in a future tense, so presenting it as an ongoing project, not yet completed. In Wardle's words (2005, p. 200-1), 'the edict proclaims Augustus' ... vision of a continuing role for himself in Roman political life' and he is thereby 'committing himself (...) to a mission of on-going salvation of the state. (...) Augustus looks forward to the ultimate fulfilment of his former triumviral role to have put the state on a firm footing.' As Wardle notes, the agreement of January 27 presents a particularly attractive context if Augustus under that settlement 'was offered and also assumed general oversight of the *res publica*'. It might be objected that the edict counts against Augustus' accepting an obligation to complete the setting of the republic to rights within a limited term, since it looks forward to his death and, as Wardle shows, Suetonius takes it as illustrating his motivation in retaining control of the republic. However, the edict's terms are not in fact incompatible with a limited-term project for establishing 'the finest state of affairs', and indeed Augustus is unlikely to have meant that it would take him the whole of his remaining life to lay the foundations. Rather, he is praying for success in laying the foundations

⁷² Suet. *Aug.* 28.2 : *ita mihi saluam ac sospitem rem p. sistere in sua sede liceat atque eius rei fructum percipere, quem peto, ut optimi status auctor dicar et moriens ut feram mecum spem, mansura in uestigio suo fundamenta rei p. quae iecero.* Translation : Wardle 2005, p. 194, adapted.

⁷³ Wardle 2005, especially p. 195-201. For another view see Girardet 2000b, with the criticisms of Wardle 2005, p. 199-200.

and, once that has been accomplished, that his work should endure for the rest of his life and beyond, an aspiration to which he will of course have envisaged contributing as first citizen as long as he lived⁷⁴.

Modern writers have often supposed that Augustus claimed that by his ending the civil wars and the ensuing settlement in 28-27 BC the republic had been restored (*res publica restituta*). However, as several scholars have observed and is discussed further in Appendix 2, there is no secure attestation for such a claim being made by him or his regime. If the argument developed above is correct, he may have avoided making such a claim in 27 : setting the republic fully to rights remained an ongoing project.

Augustus will have given his own account of the settlement made in 28-27 BC in his memoirs⁷⁵. As Suetonius tells us (*Aug.* 85.1), this thirteen-book work terminated with the Cantabrian War. Augustus evidently chose this stopping point because this campaign, in 26-25 BC, was the last in which he took part in person. The memoirs' account of domestic events thus probably closed with the settlement of 28-27. It is indeed not unlikely that the work was issued in instalments, with the Cantabrian War being treated in a final book published after the rest, and in that case the account of the 28-27 settlement will probably have been published very soon after the event. Hohl's suggestion is attractive that the memoirs included the promise to be pre-eminent only in *auctoritas* and have no more *potestas* than fellow magistrates⁷⁶.

The conclusions of this examination of the settlement of 28-27 BC may be summed up as follows. Over the year 28 and January 27 Octavian enacted a series of measures which he represented as transferring control of the various elements of the *res publica* to the senate and people, and so as fulfilling the promises which he and his fellow triumvirs had given. The various aspects of domestic government, including the laws, elections and treasury, were handed back in 28, and the process was completed by the return of the armies and provinces on 13 January 27. Octavian/Augustus then promised that henceforth he would be pre-eminent just in *auctoritas*

⁷⁴ Another possible contemporary acknowledgement of Augustus assuming an overall responsibility in 27 for setting the republic to rights might be discerned in Vitruvius' reference to his 'care for the common life of all and settling of the republic' (1 *praef.* 2 : *de uita communi omnium curam publicaetque rei constitutionem*).

⁷⁵ For the view of the memoirs taken here see further Rich 2009, p. 157-61.

⁷⁶ So Hohl 1947, p. 111-2; cf. Levick 2010, p. 234.

and would have no more *potestas* than his colleagues in such magistracies as he should hold, and indicated that the most appropriate title for his position in the state would be *princeps*. He also accepted life-long honours which served both as rewards for his services and as symbolic markers for his future position in the state, namely the civic crown and the laurels as adornments for his house, the gold shield in the senate house and the name Augustus. However, in response to the senators' protests, he acknowledged that the republic had not yet been fully set to rights. He accordingly undertook for a period of ten years both the overall responsibility for completing that process of setting the republic to rights and also a particular obligation to establish peace throughout the empire, and for this latter task he accepted a ten-year command over the provinces of Spain, Gaul, Syria and Egypt. These arrangements were justified as necessary to meet the continuing emergency, and Augustus expressed his confidence that the assigned ten years (or less) would suffice to resolve the emergency needs. Thus once again, as with the triumvirate, what were represented as emergency requirements were used to justify the grant, for a limited period, of a wholly un-republican power.

By these arrangements, as Dio saw so clearly, Augustus ensured the continuance of his monarchical power while cloaking it in a republican guise. However, he was only able to do so by presenting the division of the provinces and (if the argument presented here is correct) his overall responsibility for the republic as conferred for a limited term and to meet emergency needs. In the event, these arrangements were regularly renewed throughout his reign and so became permanent features of the principate. But was this always Augustus' intention? We can be sure that he was determined always to retain the reality of power and to pass it on in due course to one or more successors. In 27, with the civil wars so recently over, Augustus could only keep his power secure by retaining most of the military provinces with the right to appoint their commanders. However, he may well have felt then that in due course (though not necessarily within the promised ten years) his position might become so secure that he could cede the command of the military provinces to proconsuls appointed by the lot and base his primacy on *auctoritas* alone, directing affairs merely through informal power without holding office or retaining *imperium*. At any rate, he may in 27 have retained something of an open mind about how his power could best be secured over time. We should not take it for granted that the assurances Augustus gave in 27 that the emergency arrangements he made then were only to last for ten years were simply cynical and that he always intended that they should become a permanency.

Subsequent developments

During his initial tenure of his provincial command, Augustus made great progress with the programme of pacification to which he had committed himself⁷⁷. He spent the period from summer 27 to 24 BC in Gaul and Spain, and in 26 and 25 a campaign of conquest was conducted against the Cantabri and Astures of north-west Spain, in order to bring them at last under Roman control. The campaigns were more successful than is sometimes allowed, and, although resistance continued after Augustus' departure, it was finally crushed by Agrippa in 19⁷⁸. Meanwhile, in Egypt successive prefects brought the province under control and campaigned beyond the borders. After a period in Rome in 24-22, Augustus was away for another extended period from 22 to 19, this time in the East and with the primary purpose of achieving the Parthian settlement. Public opinion, as the poets' evidence shows, expected a war of conquest against Parthia, but Augustus was wisely determined not to take this risk, and his diplomacy came to fruition in 20 BC when the Parthian king returned the captured Roman standards and soldiers in return for Roman friendship. In the same year Augustus was also able to instal a friendly ruler in Armenia. Thus by 19 Augustus had made substantial progress towards completing his programme of pacification in and on the frontiers of three of his four provinces, namely Spain, Egypt and Syria. However, the work was not yet complete, and in particular little attention had as yet been paid to Gaul.

In 22 Augustus took the first, small step towards the promised return of his provinces to the Roman people, transferring Cyprus and Gallia Narbonensis to proconsular command. However, when the client kingdom of Galatia was made a province in 25, it was assigned to the emperor's share, a precedent which was to be followed with all subsequent provincial annexations.

Down to 23 Augustus accepted annual election to the consulship, no doubt invariably professing reluctance. For this to continue would have been manifestly unrepublican, as well as provoking resentment from those kept out of a consular place. Augustus needed to resolve this issue during his stay in Rome, and accordingly in June or July 23, during his absence from Rome at the Latin Festival, he resigned the consulship, enabling consequent adjust-

⁷⁷ On Augustus' external policies and the implementation of his pacification programme, see further Rich 2003, with further bibliography. For overviews of his conduct of external affairs see Gruen 1996; Kienast 1999, p. 332-77; Eck 2007, p. 123-36.

⁷⁸ On Augustus' Spanish war see Rich 2009, p. 145-56, with further bibliography.

ments to his powers to be put in place before his return to the city. There is no reason to suppose that he took this step under pressure from senatorial opponents, as many scholars have conjectured⁷⁹.

Augustus retained his *imperium* on his resignation from the consulship, holding it *pro consule*. An edict issued at Narbo in 15 and recently discovered on a bronze plaque at El Bierzo in Spain shows that, like later emperors, Augustus sometimes used the title *pro consule* when in the provinces⁸⁰. Dio (53.32.5) reports two modifications made to his *imperium* following his resignation of the consulship. It was to be greater than that of all those who governed a province, a much-discussed provision probably enacted particularly with a view to Augustus' forthcoming visit to the East, where he was to spend a good deal of time in proconsular provinces. In addition, he was to hold 'the proconsular power in perpetuity once for all so that he should not lay it down when crossing the *pomerium* and subsequently renew it' (τήν τε ἀρχήν τὴν ἀνθύπατον ἐσαεὶ καθάπαξ ἔχειν ὥστε μήτε ἐν τῇ ἐσόδῳ τῇ εἴσω τοῦ πωμηρίου κατατίθεσθαι αὐτὴν μήτ' αἰθις ἀνανεοῦσθαι). This provision enabled him to enter the city of Rome by exempting him from the rule that proconsuls' *imperium* lapsed when they crossed the *pomerium*, but did not entitle him to exercise his *imperium* or use its insignia within the city⁸¹. Dio's wording is, however, misleading in two respects. In the first place, it

⁷⁹ Dio 53.32.3-6 for the resignation and consequent adjustments. The resignation is reported by the Fasti of the Latin Festival (Degrassi 1963, p. 151), but a lacuna leaves the date open in the period 14 June to 14 July (there is no warrant for the common view that Augustus assumed the tribunician power on 26 June, the day on which he adopted Tiberius in AD 4). On the adjustments to Augustus' powers see now especially Ferrary 2001, p. 115-21, 130-41 (= 2009, p. 99-103, 110-21). Interpretations of Augustus' resignation of the consulship as resulting from opposition pressure (so most recently Levick 2010, p. 80-4, 100-3) generally depend on dating the conspiracy of Caepio and Murena to 23 BC, but there is no good reason to doubt Dio's dating of the conspiracy to 22, and Augustus himself will have recognized that he could not continue to hold the consulship indefinitely: see Badian 1982; Rich 1990, p. 168-9, 174-5. Levick (2010, p. 83) objects that opposition pressure is required to explain Augustus' decision to resign mid-term rather than merely refuse re-election, but he may have regarded resignation while out of Rome at the Latin Festival as a better way of expediting the replacement provisions.

⁸⁰ For the edict see especially Alföldy 2000; Costabile and Licandro 2000. Despite some scholars' doubts, it seems certainly genuine.

⁸¹ There is no need to suppose, with Jones 1951, p. 115 ff. (= 1960, p. 9 ff.) and Cotton and Yakobson 2002, p. 195 ff., that the arrangements made in 23 left Augustus unable to exercise his *imperium* in Italy outside Rome. The restrictions on proconsuls' use of their *imperium* outside their province hardly applied to Augustus.

is probable that his reference to the 'proconsular power' is anachronistic, and Augustus' *imperium* continued at this time to be spoken of as *consulare*: this was how the *imperium* of proconsuls had been styled under the Republic, and the term *imperium proconsulare*, attested from the reign of Tiberius on, is best seen as a later development⁸². Secondly, the measure did not grant Augustus *imperium* 'in perpetuity'⁸³. It is true that proconsuls' *imperium* normally terminated when they crossed the *pomerium*, and so the provision enabling Augustus to retain his *imperium* within the *pomerium* meant that it could only be ended through abrogation by a law. However, this should not be seen as undermining Augustus' commitment to hold his provincial command just for a limited term. If at the expiry of the term, it had been decided not to renew his allocation of provinces, an abrogation measure could readily have been enacted to enable him to revert to the status of a private citizen.

Augustus could hardly have comported himself as a mere senator within Rome while remaining a proconsul outside the *pomerium*. His need for a new status within Rome which would avoid this anomaly was met by the grant of the *tribunicia potestas* for as long as he should live (that is, with annual tenure but automatic renewal)⁸⁴. In accepting this unique distinction he took not only yet another exceptional honour, but also, for the first time, a lifelong power. However, his tenure of the tribunes' power for life could be presented as not conflicting with, but actually enhancing his promise of a primacy based just on *auctoritas*. This power (with the further enhancements in respect of the senate accorded in 23 and 22) enabled him to bring business directly to the senate and assembly

⁸² So Pelham 1911, p. 65 ff.; Jones 1951, p. 118 (= 1960, p. 15); Girardet 1990a, p. 107 ff., 2000a, p. 195 ff.; Ferrary 2001, p. 115-6 (= 2009, p. 99-100). The view that Augustus' *imperium* became *proconsulare* in 23 requires an implausible cumulation of *imperia* from 19 (so e.g. Rich 1990, p. 170, 187).

⁸³ So rightly Ferrary 2001, p. 120-1.

⁸⁴ The tribunician power granted 'for as I long as I should live' (*quoad uiuerem*): *RG* 10.1; Scheid 2007, p. 43-45. The dating of the years of his tribunician power from 23 confirms that Augustus received it then. He had already received the tribunes' sacrosanctity and the right to sit on their benches in 36, as stated by Dio 49.15.5-6; the statements of *Ap. B. Civ.* 5.132.548-9 and Oros. 6.18.34 that he was given the tribunician power then must be erroneous (see further Pelling 1996, 68-9). He may have been offered tribunician power in 30 (Dio 51.19.6), but, if so, must have declined (*contra* Lacey 1996, p. 100-116). Hinard 2006 argues that grants of tribunician power were accepted by Octavian in 36 and 30 but cancelled by the annulment edict of 28, but that edict applied only to Octavian's own ordinances, not to the decisions of the senate or assembly (so rightly Mantovani 2008, p. 35 n. 93).

rather than through magistrates as intermediaries, and so would facilitate his carrying through the initiatory role in the public counsels which the *princeps* could be expected to play by virtue of his supreme *auctoritas*⁸⁵. Moreover, in accepting the powers of their tribunes, Augustus may have sought to portray himself as assuming a special care for the Roman *plebs*, and corroboration that he did make such a claim may be provided by Tacitus' statement that he declared himself 'content with the tribunician power for protecting the *plebs*'⁸⁶. In the event, although Augustus deployed his tribunician power to pass laws for social reform in 18-17 BC, he seems to have made little use of it thereafter, relying for example on the consuls for later legislation. Its importance became primarily symbolic, as the *princeps*' tenure of the power came to serve as a new form of year-dating and its conferment, for five or ten year terms, on Agrippa (in 18 and 13 BC) and on Tiberius (in 6 BC and AD 4 and 13) to mark them out as his partners led to its becoming, as Tacitus put it, the 'title of supreme eminence'⁸⁷.

The symbolism of the changes following Augustus' resignation of the consulship will have been highly visible : within the city, he will no longer have been accompanied by lictors, and in the senate, as on the Rostra and other tribunals, he will have taken his seat on the tribunes' bench. Many were troubled by the new arrangements, and this contributed to the instability of the immediately following years. In the corn crisis of 22 the people and senate begged Augustus to accept the dictatorship, and he was also offered a consulship which, like his tribunician power, would be 'annual and perpetual'⁸⁸. After his departure for the East, he was elected to the consulship for 21 and again for 19 and, following his refusal, it was only after protracted delays that the vacant place could be filled⁸⁹. These anxieties appear to have been resolved by the new arrangements made on Augustus' return in October 19. Among the honorific measures passed in celebration of his return was a modification to his *im-*

⁸⁵ Enhanced rights for convening the senate and bringing *relationes* : Dio 53.32.5, 54.3.3; Ferrary 2001, p. 117-9 (= 2009, p. 101-2). On *auctoritas* and policy initiation see especially Wagenvoort 1936.

⁸⁶ Tac. *Ann.* 1.2.1 : ... *se ferens ... ad tuendam plebem tribunicio iure contentum*.

⁸⁷ Tac. *Ann.* 3.56.2 : *summi fastigii uocabulum*. On the developing significance of the tribunician power see especially Lacey 1996, p. 154-68; Hurlet 1997, p. 321-42; Rowe 2002, p. 46-66.

⁸⁸ Dictatorship : *RG* 5.1; Suet. *Aug.* 52; Vell. 2.89.5; Dio 54.1.2-5. Consulship : *RG* 5.3.

⁸⁹ Dio 54.6.1-3, 10.1-2.

perium which Dio, our only source, reports as follows : ‘he received the power of the consuls for life, so that he was able to use the twelve *fascēs* at all times and places and to sit between the consuls of the day on a curule chair’⁹⁰. Dio’s formulation is problematic, and the passage has been much discussed. The most probable solution is that the measure permitted Augustus to exercise his *imperium consulare* and to use its insignia within the *pomerium*, as he had not been able to do since his resignation of the consulship in 23. Accordingly, as Dio states, he was henceforth entitled, when he chose, to be accompanied by lictors within the city and to sit between the consuls on a curule chair at senate meetings and on other tribunals. It has often been held that the enactment related merely to the use of the insignia, but this cannot be correct, for it is only as a consequence of this measure that we can explain how Augustus was subsequently able to exercise his *imperium* within the city, in particular in holding censuses in 8 BC and AD 14 ‘by consular *imperium*’ (RG 8.3-4), and in his frequent jurisdiction. He did not, however, carry out functions which pertained to the office of consul itself, such as presiding over elections or convening the assembly as consul. As for Dio’s statement that the enactment conferred consular *imperium* ‘for life’, this must be erroneous, just like his claim that in 23 Augustus was permitted to hold ‘proconsular *imperium* in perpetuity’. The measure carried in 19 merely concerned Augustus’ right to exercise his (consular) *imperium*, and did not modify its tenure : as before, this was liable for renewal with his provinces⁹¹.

Under the year 18 BC, Dio reports the renewal of the arrangements which had been made in 27 BC and associates it with grants to Agrippa :

⁹⁰ Dio 54.10.5 : τὴν δὲ τῶν ὑπάτων (sc. ἐξουσίαν) διὰ βίου ἔλαβεν, ὥστε καὶ ταῖς δώδεκα ῥάβδοις αἰεὶ καὶ πανταχοῦ χρῆσθαι, καὶ ἐν μέσφ τῶν αἰεὶ ὑπατευόντων ἐπὶ τοῦ ἀρχικοῦ δίφρου καθίξεσθαι.

⁹¹ The view taken here is close to that of Brunt 1962; Brunt-Moore 1967, p. 12-14; Girardet 1990a, p. 120; Cotton and Yakobson 2002, p. 195-203. Brunt makes the distinction between Augustus’ exercise of his *imperium* and the functions pertaining to the office of consul. Girardet, and Cotton and Yakobson (p. 198), rightly stress that his *imperium* remained liable for renewal with his provinces. Similar, but slightly divergent views are expressed by Jones 1951, p. 117-8 (= 1960, p. 13-15); Ferrary 2002, p. 121-30 (= 2009, p. 103-10); Levick 2010, p. 90 : Jones and Levick hold that the measure passed in 19 made Augustus’ *imperium* equal to that of the consuls, Ferrary that it explicitly permitted him to use the insignia of *imperium*, and that thereafter he exercised his *imperium* for particular functions within the city either by the senate’s express permission (the censuses) or by virtue of his *auctoritas* (jurisdiction). Brunt was surely wrong to allow as an alternative possibility that Augustus may have retained the right to exercise his *imperium* within the city from 23, losing only the use of the insignia.

Since public affairs needed careful attention and Augustus was afraid that, as often tends to happen in such situations, there might be a conspiracy against him, ... he first took the leadership for a further five-year term, since his ten-year term was now about to expire, ... and then gave Agrippa various powers almost equal to his own, including the tribunician power for the same period. He said then that this number of years would be enough for them, but not long afterwards he took the other five years of the autocratic primacy, so that the total became ten again⁹².

The first ten-year term was not due to expire until 17, and so Augustus had opted to renew a year early; on this occasion, he presumably sought the extension, claiming that it was needed to complete his assignment, rather than, as for later renewals, making a show of reluctance. Dio's explanation in terms of conspiracy fears will be his own conjecture, but he is probably right to link Augustus' renewal with his taking Agrippa as his colleague in the tribunician power. Agrippa also received a grant of *imperium*, and this may have renewed a five-year grant conferred in 23 BC⁹³. If so, the need to renew this grant for Agrippa may have been a factor in bringing forward the renewal of Augustus' own *imperium* and provincial command, as Hurlet has suggested⁹⁴. However, the early renewal was probably primarily in response to the state's perceived needs, at home and abroad. In 27 Augustus had accepted a ten-year responsibility to set the republic to rights and establish peace throughout the empire, stressing that he would complete the task within the ten

⁹² Dio 54.12.3-5 : ὁ γὰρ Αὐγουστος, ὡς τὰ τε κοινὰ θεραπείας ἀκριβοῦς ἐδεῖτο, καὶ ἐδεδίει μὴ, οἷα ἐν τοῖς τοιούτοις φιλεῖ συμβαίνειν, ἐπιβουλευῆ, ... πρῶτον μὲν αὐτὸς πέντε τῆς προστασίας ἔτη, ἐπειδὴ περ ὁ δεκέτης χρόνος ἐξήκων ἦν, προσέθετο..., ἔπειτα δὲ καὶ τῷ Ἀγρίππᾳ ἄλλα τε ἐξ ἴσου πῆ ἑαυτῷ καὶ τὴν ἐξουσίαν τὴν δημαρχικὴν ἐς τὸν αὐτὸν χρόνον ἔδωκε. τοσαῦτα γὰρ σφισιν ἔτη τότε ἐπαρκέσειν ἔφη· ὕστερον γὰρ οὐ πολλῶ καὶ τὰ ἄλλα πέντε τῆς αὐτοκράτορος ἡγεμονίας προσέλαβεν, ὥστε αὐτὰ δέκα αὐθις γενέσθαι.

⁹³ The main evidence on Agrippa's powers is *RG* 6.2; Dio 54.12.4, 28.1; Tac. *Ann.* 3.56.2; and the papyrus fragment of Augustus' funeral *laudatio* for Agrippa (*P. Köln* VI no. 249). For discussions see e.g. Rich 1990, p. 168, 189; Ameling 1994; Hurlet 1997, p. 38-52, 63-5, 71-4, 290-4, 309; Girardet 2000, 216-9; Ferrary 2001, p. 135-43 (= 2009, p. 114-24).

⁹⁴ Hurlet 1997, p. 309. It seems unlikely that the enactment of 23 BC making Augustus' *imperium* superior to that of the proconsuls had been limited to five years, and so necessitated the bringing forward of the renewal, as suggested by Ferrary 2001, p. 142-4 (= 2009, p. 123-5). Piganiol 1937, p. 151, suggested that here and subsequently Dio reported renewals which were due to take effect at the start of the following year, but, as Ferrary notes, this hardly fits with his placing of this notice at the beginning of his account of the events of 18 BC. Grenade 1961, p. 144-220, must be wrong to infer from the renewal in 18 that the provincial command had originally been conferred in 28, not 27, contrary to all our evidence.

years at the outside. In the event, this had proved optimistic : both assignments remained to be completed. At home, following the recent instability, the senate and people had called on Augustus to take special responsibility for laws and morals (*RG* 6.1). In the provinces, further organizational work was needed in Gaul and Spain, and Augustus planned the conquest of the Alpine region, which despite its closeness to the heart of the empire had always eluded the Roman people's control.

If, as scholars have tended to assume, the renewal of Augustus' powers was throughout just a routine charade, he would surely have taken a ten-year extension at this first renewal, as he was to do later. The fact that he took just a five-year extension, and did so a year early, demonstrates the care which he at this stage felt it necessary to take over the justification of his powers and the completion of his promised assignments. It may also indicate the fluidity of his plans. Augustus will have recognized that, when the five years ran out, new arrangements would be necessary : either a further renewal, for which new justifications would be required, or, alternatively, modifications to his position in the state. His opting in 18 for an early and limited extension suggests that he was then seriously envisaging the possibility that, when the renewed five-year term expired, he might take this second option, perhaps reducing significantly his share of the provinces or even giving up altogether his provincial command and with it his *imperium*. If all went well, he might have thought, his position within the state at the end of the five years might be sufficiently assured for him to fulfil his promise that his provincial command would only be temporary, and thereafter to rely for maintaining his supremacy just on his *auctoritas* and its expression through his *tribunicia potestas*. His partnership with Agrippa provided strong support. The return of his provinces to proconsuls need not then be such a threat as it would have been in the immediate aftermath of the civil war. His own days of direct military command were over, and special limited-term commands, like those of the Late Republic, could be created for the members of his family for the conduct of future major wars, so enhancing their prestige and developing them as potential successors to his own position.

Declining to take any additional powers for the purpose, Augustus carried out domestic reform by passing marriage laws and other social legislation in 18-17 BC through his tribunician power and by holding a second review of the senate's membership, probably by virtue of his consular *imperium*⁹⁵. In 17 BC the Secular

⁹⁵ Laws passed through his *tribunicia potestas* : *RG* 6.2. Most of the legislation was passed in 18 BC, but at least the judiciary law seems to have been passed

Games were celebrated. It could be then be claimed that Augustus had fulfilled the undertakings he had given in the edict cited by Suetonius (*Aug.* 28.2), discussed above, to lay 'the foundations of the republic' and 'set the republic safe and sound on its rightful base'. Such is certainly the impression conveyed by Horace in the hymn he composed for the Secular Games and in poems written in the following years⁹⁶. In 16 BC the quadriennial votive games for Augustus' safety instituted after Actium fell due once again, and a denarius commemorating the games issued by the moneyer L. Mescinius Rufus informs us, presumably citing the senate's decree, that they were held 'because through him the republic is in a more ample and more tranquil state'⁹⁷. Augustus' achievement is graphically represented on an aureus issued in or around 12 BC by the moneyer Cossus Cornelius Lentulus (known only from a single specimen) : the reverse shows a togate standing figure extending his right hand to a female kneeling figure, and legends identify the figures as respectively Augustus and the *Res Publica*⁹⁸.

Augustus left Rome in 16 BC and did not return until 13⁹⁹. He spent most of this period in Gaul, but also visited Spain. He occupied himself with consolidation and administrative reform in these regions : it may have been then that new provincial divisions were introduced in both Gaul and Spain and Baetica was transferred to proconsular command. He also saw to the foundation of veteran colonies in both regions, probably to accommodate troops who had been enrolled at the time of the Actium war and were now due for discharge, and on his return to Rome he announced new arrangements for soldiers' terms of service and discharge rewards.

Although not participating in person, Augustus was able from Gaul to oversee the conquest of the Alps, by armies launched both from Gaul and from northern Italy. The conquest may have been

in 17 BC (Dio 54.18.2-3; Ramsey 2005, p. 35). The *lectio senatus* probably conducted by consular *imperium* : Ferrary 2001, p. 127 (= 2009, p. 106-7). In view of the contradiction with *RG* 6.1, Suet. *Aug.* 27.5 and Dio 54.10.5, 30.1 must be in error in stating that Augustus accepted special powers in relation to laws and morals (Rich 1990, p. 187; Scheid 2007, p. 36).

⁹⁶ Hor. *Carm. Saec.* 17-60; *Carm.* 4.5.17-32, 15.4-24.

⁹⁷ *RIC* 1², p. 68, no. 358 (obv.) : *quod per eu(m) r(es) p(ublica) in amp(liore) atq(ue) tra(nquilliore) s(tatu) e(st)*. Another obverse type of the same moneyer (nos. 356-7) commemorates the games as held *ob r(em) p(ublicam) cum salut(e) imp. Caesar(is) August(i) cons(eruatam)*. See above, n. 34; Scheid 2003; Suspène 2009, p. 149-52.

⁹⁸ *RIC* 1², p. 73, no. 413. Illustrated at Zanker 1988, p. 91, fig. 74; Rich-Williams 1999, fig. 11.

⁹⁹ On Augustus' activity in this period see especially Dio 54.19-25, with Rich 1990 *ad locc.*

projected from as early as 25 BC, when Terentius Varro had crushed the Salassi, and planning and the foundation of forward bases may have been under way for some years before the campaigns. Operations by legates extended over 16-14, but the main thrust was the co-ordinated advance into Raetia in 15 by Drusus (from northern Italy) and Tiberius (from Gaul). Included in Tiberius' force was legion XIX from its base at Dangstetten on the north bank of the upper Rhine, commanded (as has recently been shown) by its legate P. Quinctilius Varus. The conquest of the whole region was later commemorated by the famous trophy erected in 7/6 BC at La Turbie, above Monaco. As a result of the conquest, Raetia became an imperial province, and the neighbouring kingdom of Noricum may also have been made a province about the same time (though its annexation does not certainly belong to Augustus' reign)¹⁰⁰.

Thus by 13 BC it could have been claimed that Augustus had completed the undertakings which he had embarked on in 27 and renewed in 18 : he had set the republic to rights, and he had brought peace to all the provinces assigned to him. It was surely in recognition of the latter accomplishment that the altar which the senate decreed to him in celebration of his return was dedicated to Augustan Peace. However, any plans Augustus may have entertained for giving up his provincial command once the five-year extension expired had by then been overtaken by events. As Dio tells us in the passage cited above (54.12.5), not long after accepting the five-year extension, he took a further five years, so extending the assigned period down to 8 BC. This must have been a genuine change of plan on Augustus' part, since otherwise he would surely have argued that ten years were needed at the outset. Some new development must have occurred which both prompted him to change his mind and provided him with a justification.

The event which led to this change of plan must surely have been the invasion of Gaul by the Sugambri, Usipetes and Tencteri in 16 BC. Augustus left early for Gaul in response to the news, but by the time he arrived the invaders had withdrawn east of the Rhine¹⁰¹. However, the decision will now have been reached that to ensure the

¹⁰⁰ On the conquest of the Alps see Dietz 1995; Zanier 1999. Roth-Rubi 2002, 2004, infers from the pottery evidence that Dangstetten was founded some years before 15 BC in preparation for the advance into the Alps; *contra*, Fischer 2005. Varus at Dangstetten : Nuber 2008, interpreting a lead disc. On the establishment of the provinces of Raetia and Noricum see now Sommer 2008, Weber 2008.

¹⁰¹ Sources for the invasion : Dio 54.20.4-6; Vell. 2.97.1; Tac. *Ann.* 1.10.3; Suet. *Aug.* 23.1; Obsequens 71. In view of the agreement of Dio and Velleius, we should accept that the invasion precipitated Augustus' departure and so occurred in summer 16 BC, rather than in 17 as stated by Obsequens.

security of Gaul, preparations should be made for the invasion of Germany. There were disturbances about the same time also in the Balkans, and so an advance there too was planned in response to this unrest¹⁰². Thus a major extension to the programme of pacification was decided on, for which more time would be needed, and Augustus accordingly sought and obtained the additional five years. He is likely to have made the request to the senate in person, and so before his departure for Gaul in 16.

Many scholars have argued that Augustus had decided on a great expansion in central Europe well before the Sugambri invaded Gaul and perhaps already in the 20s, and that the conquest of the Alps was envisaged as just the first stage in this grand design¹⁰³. However, the arguments advanced in favour of this doctrine are not compelling. The conquest of the Alps can be sufficiently explained as a pacification project in its own right, making a significant contribution to Augustus' overall commitment to establish peace across the empire. If Augustus had already resolved on the great advance into central Europe by 18 BC, it is hard to see why he did not take a ten-year renewal of his provincial command at that point. His initial insistence that five years would suffice to complete the pacification programme surely indicates that in 18 he was planning just the conquest of the Alps, and that the advance into Germany was decided on only later, following the incursion by the Sugambri and their allies.

Preparations for the advance into Germany must have begun soon after the incursion of the Sugambri : legions were redeployed to bases on the Rhine, and a fleet and a canal from the Rhine to IJsselmeer were constructed. In 12 BC campaigning got under way in both Germany and the Balkans, and it then continued every year until 8 BC. On each front Roman aims may have become more extensive as the fighting dragged on. The command in the Balkans was initially taken by Agrippa (whose tribunician power and *imperium* had been renewed in 13), but, following his death in 12, Tiberius took over, leaving Drusus in command in Germany. Drusus himself died in 9, leaving Tiberius to complete the war in Germany. Augustus himself did not stay away from Rome for as long as in his earlier absences, but kept in touch with the campaigns by making journeys to Gaul or northern Italy¹⁰⁴.

¹⁰² Unrest in Dalmatia and Pannonia : Dio 54.20.2-3, 24.3, 28.1.

¹⁰³ So e.g. Kraft 1957, p. 90-1; Wells 1972, p. 44-6; Kienast 1999, p. 359-63; Eck 2004a, p. 2-3, 2004b, p. 63-6, 2007, p. 127-9, 2008, p. 165-6. For a critique see Christ 1977.

¹⁰⁴ Halfmann 1986, p. 159, for Augustus' movements.

On the Balkan front, by 8 BC Roman control had been extended up to the Danube over the whole of its lower and middle course. Illyricum had now been transferred to Augustus' provinces, and the legions were stationed there and in the new imperial province of Moesia, relieving the proconsuls of Macedonia of military command and leaving Africa as the only public province whose proconsul still commanded a legion. In Germany, Drusus' campaigns reached as far as the Elbe, and in 8 BC Tiberius induced all the peoples up to the Elbe to make the acts of submission which were in Roman eyes the essential requirement for pacification. Scholars have often minimized the Roman achievement in Germany, but archaeological discoveries increasingly confirm that the Roman presence east of the Rhine was real enough, including not just fortresses but an urban centre at Waldgirmes : Germania, it is now clear, was regarded as a new province¹⁰⁵.

The extensions to Augustus' extraordinary powers granted in 18 and (as argued above) 16 BC expired in 8 BC, and Augustus then took a ten-year extension, expressing reluctance. As Dio puts it, 'although he kept saying that he wished to give it up, he accepted the leadership again, now that his second ten-year term had expired, pretending to do so unwillingly'. The same happened when this ten-year period expired, in AD 3, and again in AD 13, the year before Augustus' death : each time, he accepted another ten-year extension, professing to do so under compulsion¹⁰⁶.

Augustus' insistence that he wished to be released from his responsibilities will have been no novelty : he will have made such claims repeatedly, both when his powers were renewed and at other times. Seneca asserts that 'all his conversation constantly reverted to his hope of leisure' and cites a letter to the senate in which Augustus 'promised that his rest would not be devoid of dignity or inconsistent with his former glory' and which included the following : 'That can be brought about more clearly by actions than promises; but my desire for this most longed-for time has led me, since the realization of my happiness is still postponed, to take some pleasure in advance from the sweetness of words.' The

¹⁰⁵ Germania a province : Eck 2004a, 2004b, p. 69-102, 2007, p. 130-2, 2008; see also Rich 2003, p. 354-5 (= 2009, p. 161-2). As Eck stresses, the appointment of a Cheruscan as priest of the cult of Rome and Augustus at Cologne (Tac. *Ann.* 1.57.2) shows that it was intended as a focus of loyalty for German peoples up to the Elbe, just as the Lyons cult was for the Gauls. On Waldgirmes see especially Schnurbein 2003.

¹⁰⁶ Renewal in 8 BC : Dio 55.6.1 (μετὰ δὲ δὴ ταῦτα τὴν τε ἡγεμονίαν, καίπερ ἀφιείς, ὡς ἔλεγεν, ἐπειδὴ τὰ δέκα ἔτη τὰ δεύτερα ἐξεληλύθει, ἄκων δῆθεν αὐθις ὑπέστη). Subsequent renewals : Dio 55.12.3, 56.28.1; cf. 53.16.2, 56.39.6.

date of this letter is not stated, but it is perhaps most likely to have been sent during one of Augustus' extended absences from Italy in the period 27-13 BC¹⁰⁷.

Although Augustus kept up protesting his reluctance to continue throughout his reign, the renewal of his powers in 8 BC was in fact a crucial turning point in the evolution of his principate. In 27 BC he had committed himself to resolving immediate, emergency needs, namely to set the republic to rights and establish peace throughout the empire, and he had accepted for the latter purpose the command of a large share of the provinces, but in doing so he had insisted that these were temporary arrangements and that he would fulfil the undertakings within ten years. In 18 BC he acknowledged that a further five years were needed and accepted an extension for that time, and in 16 BC he accepted an additional five years on the grounds that the work of pacification had to be extended to Germany and the Balkans, but the claim was still maintained that these additional periods would suffice to complete the emergency requirements, and so that the division of the provinces could then be terminated. By contrast, with the subsequent renewals from 8 BC on, the emergency effectively became permanent. For each ten-year period, Augustus renewed his commitments to the well-being of the republic and the securing of peace and with them his *imperium* and his provincial command. He continued to observe the form of renewing the arrangements just for ten years and to profess his reluctance to continue, but there was no longer any programme for completing the commitments and terminating the provincial division. At each renewal well-primed senators doubtless argued that the continuance of the existing arrangements was essential to ensure the welfare of the republic and the peace of the empire. The renewals had thus become a formality in which the senators were happy to acquiesce, and the arrangements which had been introduced in 27 as a temporary expedient to meet an immediate emergency had become in effect part of the permanent machinery of government.

As we have seen, the earlier renewals had been co-ordinated with specific initiatives in the pacification programme; new

¹⁰⁷ Sen. *Brev. vit.* 4.2-3 : *omnis eius sermo ad hoc semper reuolutus est, ut speraret otium. ...in quadam ad senatum missa epistula, cum requiem suam non uacuum fore dignitatis nec a priore gloria discrepantem pollicitus esset, haec uerba inueni : 'sed ista fieri speciosius quam promitti possunt. me tamen cupido temporis optatissimi mihi prouexit, ut quoniam rerum laetitia moratur adhuc, praeciperem aliquid uoluptatis ex uerborum dulcedine.'* On this passage see now Levick 2010, p. 304.

campaigns, diplomatic *démarches* and provincial reorganizations. By contrast, from 8 BC on, the renewals of the provincial division merely reflected continuing, and in effect permanent, security requirements. The great conquests which had been made in central Europe by the advances of 12-8 BC did indeed provide a ready justification. Throughout the rest of Augustus' reign and beyond, the new conquests remained insecure, and the full extent of that insecurity was made dramatically clear in AD 6-9, when the great revolt in Pannonia was crushed only with difficulty and immediately afterwards Varus' disaster terminated control east of the Rhine. In the East too the Parthian and Armenian settlements had proved chronically unstable. Thus it could throughout be plausibly argued that it was only by retaining his provinces under the emperor's supervision that peace could be secured.

A related change took place in Augustus' own movements. From 27 to 8 BC he had spent long periods in the provinces, and, although he had only participated personally in the first campaign, in Cantabria, all his journeys had been designed to enable him to give personal supervision to the various military, diplomatic and organizational initiatives of the pacification programme. After 8 BC such journeys ceased, and he spent all his time in Rome or his Italian villas.

Changes in Augustus' own personal intentions and in the dynamics of the court may also have contributed to the shift. It has been suggested above that in 27 Augustus may have retained an open mind about the future of the provincial division and may not have excluded the possibility that he might at some point be able to return all the provinces to proconsular government, and that, when he took a five-year extension in 18, he may have been seriously contemplating the possibility of making such a change when the five years expired. Yet by 8 BC he had clearly abandoned any such thoughts: from then on he evidently intended to retain the provincial division indefinitely and pass it on to his successors, while continuing to observe the formalities of renewal and to profess his reluctance. Such a change of heart, if it occurred, may have been the consequence not just of his thinking about imperial policies, but also of developments within the court. The death of Agrippa in 12 had deprived the regime of a strong support, and so may have made Augustus less willing to risk any reduction in his direct power. Agrippa may also perhaps have been an advocate of ending the provincial division. So too perhaps was Drusus, and, if there is any substance in the rumours that Drusus favoured the restoration of *libertas*, it may perhaps be that he wished to see the *princeps* give up his *imperium* and provincial command and remain supreme in

auctoritas alone¹⁰⁸. Tiberius at this time too may not have been averse to such a course. However, by 8 BC, with Agrippa and Drusus both dead, Augustus was concerned to shore up his position and the succession and in particular to promote the rapid advancement of his grandsons and adopted sons, Gaius and Lucius Caesar, despite the tensions to which this led in his relationship with Tiberius and which erupted in Tiberius' withdrawal to Rhodes in 6 BC. The deaths of Lucius and Gaius in AD 2 and 4 obliged Augustus to turn to Tiberius, and his concern then became the securing of his achievements through Tiberius' succession. By then, the division of the provinces, though still subject to formal renewal, was in reality an established permanency.

Augustus explicitly anticipated the succession of Gaius and Lucius in a letter written to Gaius on his 63rd birthday in AD 1, in which he prayed to the gods that 'I may be allowed to pass whatever time remains to me in good health and with the republic in the most happy state, while you and your brother show your worth and succeed to my post (*statio*)'¹⁰⁹. A metaphor from military guard-duty which had become current in Stoic philosophy, *statio* hints at Augustus' obligation to care for the state, but without breach of the formal proprieties : Augustus merely anticipates the young Caesars following him in his role as *princeps*, without necessarily implying the continuance of the provincial division. The useful term entered public discourse : thus the senate in its decree of AD 20 condemning Cn. Piso expresses its concern for Tiberius' son Drusus since, with Germanicus dead, 'all hope for the future for the post (*statio*) which his father holds to the benefit of the republic rests in one person alone'¹¹⁰. Velleius tells us that after Augustus' death the senate and people pressed Tiberius 'to succeed to his father's post' (*ut stationi paternae succederet*), and Levick may well be right to surmise that this phrase stood in the *relatio* put before the senate at its debate on his accession¹¹¹.

Our sources, particularly the subtly evasive Tacitus, leave the outcome of the accession debate obscure¹¹². Like Augustus in 27 BC

¹⁰⁸ The rumours : Tac. *Ann.* 1.33.2, 2.82.2; Suet. *Tib.* 50.1, *Claud.* 1.4.

¹⁰⁹ Gell. 15.7.3 : *deos autem oro, ut mihi quantumcumque superest temporis, id saluis nobis traducere liceat in statu rei publicae felicissimo, ἀνδραγαθοῦντων ὑμῶν καὶ διαδεχομένων stationem meam.*

¹¹⁰ Eck, Caballos and Fernández 1996, p. 46, lines 129-30 : *omnem spem futuram paternae pro r(e) p(ublica) stationis in uno repos[i]ta<m>*.

¹¹¹ Vell. 2.124.2; Levick 1976, p. 78-9; Griffin 1997, p. 257. On the use of the term *statio* for the position of the *princeps* see Koestermann 1932; Béranger 1953, p. 184-6; Woodman 1977, p. 222.

¹¹² The main sources on the senate's debate on Tiberius' accession are Vell.

and at the later renewals from 8 BC on, Tiberius displayed reluctance, but, whether feigned or not, his show was both more protracted and less skilful than his predecessor's. Most probably, the debate on 17 September AD 14 ended with Tiberius grudgingly acquiescing to be *princeps* and to assume Augustus' responsibilities and powers, and adjustments were then made to his existing powers to match those held by Augustus. Various supplementary powers, such as the rights in respect of convening and bringing business to the senate which Augustus had acquired in 23 and 22 BC, may now have been granted to Tiberius for the first time. The ten-year tribunician power conferred on him in AD 4 had been renewed in AD 13 (Dio 56.28.1); that grant may perhaps have been for life, but, if not, his tenure will have been made life-long at his accession. Tiberius had held *imperium* since AD 4, and the senate and people had recently granted him (probably in AD 13, and perhaps at the same time as the renewal of his tribunician power and of Augustus' provincial command) 'equal right with Augustus in all the provinces and armies', that is, sharing in Augustus' command over the imperial provinces and *imperium* greater than that of the governors of the proconsular provinces¹¹³. He must also have been able to retain his *imperium* within the *pomerium* and perhaps had also been permitted to exercise it and use the insignia there. Thus no adjustments may have been needed to Tiberius' *imperium* at his accession, and Ferrary (n. 112) has maintained that the provincial command too continued uninterrupted as a result of the earlier grant of equal right with Augustus. However, it is more likely that, although Tiberius continued to hold *imperium*, Augustus' provincial command was envisaged as having been conferred on him as an individual and so as lapsing with his death, and it was therefore conferred at his accession on Tiberius, who will have accepted with it the obligation to care for the security of the empire and the welfare of the republic¹¹⁴.

Both in AD 14 and subsequently Tiberius expressed the hope

2.124.2; Tac. *Ann.* 1.11-13; Suet. *Tib.* 24; Dio 57.2.4-3.1, 7.1. On the difficulties of Tacitus' account see especially Woodman 1998, p. 40-69. Discussions of Tiberius' accession and the powers accruing to him include Syme 1958, 410-1; Timpe 1962, 27-56; Goodyear 1972, p. 169-76; Seager 1972, p. 52-7 (= 2005, p. 43-7); Levick 1976, p. 74-81; Brunt 1977, p. 97-8; Woodman 1977, p. 222-3; Liebeschuetz 1986, p. 354-7; Griffin 1995, p. 37-41; Hurler 1997, p. 156-62; Kienast 1999, p. 149-50; Ferrary 2001, p. 144-50 (= 2009, p. 125-9).

¹¹³ Vell. 2.121.1 (*aequum ... ius in omnibus prouinciis exercitibusque ... quam erat ipsi*, reported before the triumph of AD 12); Suet. *Tib.* 21.1 (*ut prouincias cum Augusto communiter administraret*, dated after the triumph).

¹¹⁴ *Imperium* continuing, but the provincial command conferred: Seager 1972, p. 54 (= 2005, p. 44, 218).

that he might in due course be permitted to give up his powers¹¹⁵. Under the year AD 24 Dio reports that ‘when the ten years of his rule had expired, he did not ask for a vote for its renewal, for he did not wish to hold it piecemeal, as Augustus had done’, but a ten-year festival was held then, and again in AD 34¹¹⁶. This evidence may show that in AD 14 Tiberius accepted the provincial command without restriction of time. That would have been a radical departure from Augustus’ precedent, and may possibly have been sanctioned by Augustus’ posthumous instructions, like the other notable innovation at the time of Tiberius’ accession, the transference of the effective right to elect magistrates from the popular assembly to the senate¹¹⁷. However, it is perhaps preferable to suppose, with Ferrary, that in AD 14 Tiberius accepted the provincial command just for ten years, on the Augustan model, but then omitted to have its renewal voted when the term expired¹¹⁸. Such neglect would not have had any practical effect, since his *imperium* could not lapse unless expressly abrogated, and, as with the triumvirate, the measure conferring the provincial command may have been worded in such a way that it would only lapse when expressly terminated. Thus it may not have been until the accession of Tiberius’ successor Caligula in AD 37 that the command of the imperial provinces was first explicitly conferred, along with the other powers and honours of the *princeps*, for the ruler’s life.

The meeting on 17 September AD 14 which deliberated on Tiberius’ accession was the senate’s second after Augustus’ death. At the first meeting various documents were read out which Augustus had deposited with the Vestals, one of which was the account of his achievements now commonly known as his *Res Gestae*. That work opens with what he represents as his first service for the republic, the raising of a private army to free it from ‘the domination of a faction’, and the consequent honours he received. It closes with his culminating services and consequent honours : in 28 and 27 BC, ‘I

¹¹⁵ Suet. *Tib.* 24.2; Tac. *Ann.* 4.9.1.

¹¹⁶ Dio 57.24.1 : διελοθόντων δὲ τῶν δέκα ἐτῶν τῆς ἀρχῆς αὐτοῦ ψηφίσματος μὲν ἐς τὴν ἀνάληψιν αὐτῆς οὐδενὸς ἐδεήθη (οὐδὲ γὰρ ἐδεῖτο κατατέμνων αὐτήν, ὡσπερ ὁ Αὐγούστος, ἀρχειν), ἢ μέντοι πανήγυρις ἢ δεκαετηρίς ἐποιήθη. 58.24.1 : the second ten-year festival celebrated in AD 34.

¹¹⁷ For the suggestion that Augustus posthumously recommended tenure of the provincial command without time limit for his successor see Kienast 1999, p. 150. Elections : Tac. *Ann.* 1.15.1; Vell. 2.124.3-4.

¹¹⁸ Ferrary 2001, p. 148-9 (= 2009, p. 128), who holds that the command was due for renewal in AD 23, ten years after Augustus took his last extension and Tiberius received equal right in the provinces with Augustus.

transferred the *res publica* from my power to the control of the Roman senate and people' (34.1) and thereafter 'I excelled all in *auctoritas*, but I had no more *potestas* than the others who were my colleagues in each magistracy' (34.3). As we noted at the outset of this study, the latter claim is acutely at odds with the political realities: *auctoritas* was only one of the foundations on which Augustus' monarchical position was based; since his resignation of the consulship in 23 BC, he had held no magistracy except for his brief tenures of the consulship in 5 and 2 BC; and he held a vast accumulation of powers including the consular *imperium* and the command of a substantial share of the provinces and most of the legions.

It has often been remarked that Augustus' statement about *potestas* appears to fit somewhat better with his circumstances before he resigned the consulship in 23 BC, and some scholars have surmised that it is a survival from an early draft composed before that resignation¹¹⁹. Now, although Augustus' statements in the *Res Gestae* that he was in the 37th year of his tribunician power and in his 76th year of age (4.4, 35.2) show that the work as we have it dates from the last months of his life, it is likely enough that this final version was a revision of one or more earlier drafts¹²⁰. However, it seems improbable that the process of composition began as early as 23 BC or that material would have survived unamended from such an early stage despite the changed circumstances. In any case, his claim is an imperfect statement of his situation even before his resignation of the consulship, since it takes no account of his provincial command.

Although the puzzle of *RG* 34.3 is not to be resolved by a hypothesis about the stages of the work's composition, the claim Augustus makes there may indeed have originated early in his reign. It was suggested above that Augustus first produced this formulation during the discussions of January 27 and then repeated it subsequently, for example in his autobiography, as a definition of the lifelong position which he would henceforth hold within the republic: as its *princeps*, he would excel all in *auctoritas*, but would

¹¹⁹ E.g. Kornemann 1933, p. 219; Brunt-Moore 1967, p. 6, 79.

¹²⁰ Ramage 1988 and Cooley, 2009, p. 42-3, refute the common view that Augustus' final version was deposited with the Vestals along with his will on 3 April, AD 13, and subsequently updated by Tiberius: as they show, Suetonius' language at *Aug.* 101.1 gives no warrant for this doctrine. However, it does not follow, as they suppose, that the work must have been composed from scratch in the last months of Augustus' life, rather than by revision of earlier drafts. The attempts of Kornemann and others to identify layers of composition are futile: see the excellent survey by Scheid 2007, p. XXII-XXVI.

have no more *potestas* than his colleagues in the consulship when he submitted to holding the office. To deal with the republic's immediate needs, he also accepted a provincial command, but that was an emergency measure, to last for ten years at the most. In such a context, the claim to a primacy in *auctoritas* alone would have had validity, not so much as a statement of the current reality, but as a pledge for the time when the promise to give up the provincial command had been honoured.

Long afterwards, when he came to compile and revise his posthumous record of his achievements, Augustus accorded pride of place to the settlement of 28-27 BC, but could do no better than repeat the old claim about the nature of his primacy. By then, like so many other assertions in his *Res Gestae*, it was an outrageous distortion, for his *imperium* and provincial command had become effectively lifelong. As with those other claims, there was still an element of fact to which he could have pointed as warrant: when he held the consulship, he observed the forms of collegial parity, and, although the tribunician power was not a magistracy, some readers might take his assertion that he had no more *potestas* than his colleagues as applying also to the tribunes and to those with whom he shared the tribunician power. However, these were slim justifications indeed, and Augustus will have revived the old formulation simply because there was no other way to give expression to his republican claims.

Conclusion

This paper has explored Augustus' attempt to resolve the tension between his republican claims and the political realities of his monarchy by representing his powers as a temporary expedient adopted to meet emergency needs.

By the settlement of 28 and 27 BC Augustus claimed to have transferred the *res publica* to the control of the senate and people, so fulfilling the pledges which he and his colleagues had made during the triumvirate and avoiding the risks of overt monarchy. In 28 he dealt with aspects relating to domestic government, including the restoration of the laws and free elections and the return of the treasury to senatorial control. In January 27 he returned the provinces and armies, but then agreed to retain the command of a substantial portion of the provinces and most of the legions. He made this arrangement in order to maintain his control of the armies and the appointment of their commanders, but he could only reconcile it with his claim to have handed the *res publica* back to senatorial and popular control by insisting that it was a temporary expedient to meet an urgent need. He accordingly accepted the command for

what he claimed was a maximum of ten years and for the declared purpose of pacifying his provinces and neighbours who threatened them. There was continuity in this solution with the triumvirate itself. That office had been established for a term of five years, subsequently renewed for a further five, and as in order to settle the republic, and the triumvirs' principal assignment had been to end the civil wars. Now, with the civil wars over, Augustus retained some of the provinces with an extended mission of pacification, against not citizen opponents, but external foes.

In the early years Augustus was at pains to fulfil the mission of pacification which he had undertaken, and his external policies were shaped accordingly. Thus in his first tenure of his provincial command (27-18 BC), he spent two long periods in the provinces and substantial progress was made in the work of pacification in Spain, Syria and Egypt. One year early, he took a five-year extension, to 13 BC, which enabled him to complete the organization of Gaul and Spain and, through his commanders, to conquer the Alps. Thus pacification had been successfully completed in all his provinces, celebrated in 13 BC by the decision to found an altar to Pax Augusta. However, in view of the invasion of Gaul by the Sugambri and others in 16 BC and contemporary disturbances in the Balkans, it was held necessary to extend the programme of pacification with advances in central Europe. Accordingly a further five-year extension, to 8 BC, was decreed in 16, and the conquest of Germany up to the Elbe and the advance up to the Danube followed in 12-8 BC. Thereafter, the need to assure the new conquests, and security concerns elsewhere, especially over Parthia and Armenia, provided the continuing justification for further ten-year renewals, which followed routinely in 8 BC, 3 and 13 AD, with Augustus on each occasion expressing token reluctance. Thus what had initially been presented as a temporary arrangement to meet emergency needs became from 8 BC effectively permanent. The division of the provinces thus became part of the permanent architecture of the imperial regime, and under Augustus' successors (though perhaps not until the accession of Caligula) the command of the imperial provinces was conferred for life, along with the other powers of the *princeps*. The securing of peace throughout the empire, first assumed by Augustus as a limited-term mission, became the emperor's permanent responsibility.

It is possible that Augustus always intended this outcome and that his promises that in time he would return his provinces to the people were always hypocritical. However, this conclusion should not be taken for granted. In this respect as in so many other areas of government, his approach may have been flexible and pragmatic. He will always have been determined to retain the reality of power

and to pass it on to chosen successors. However, while in 27, with the civil wars so recently over, he could not safely have returned the command of all the provinces to proconsuls appointed by the lot, he may well then have felt that another means of securing his power might in time become preferable, and even that it might one day suffice for him to retain an informal primacy based on *auctoritas*, using extraordinary commands like those of the late Republic to prepare members of his family to succeed to his position. The fact that in 18 BC he took only a five-year extension does suggest that he was then seriously contemplating the possibility that, when that term expired, alternative arrangements might be put in place. In the event, however, matters turned out differently, and from 8 BC, when renewals became routine, Augustus had evidently come to regard the division of the provinces as a permanency. This may reflect not only the course of external policy from the time of the Sugambri's invasion of Gaul on, but also dynastic developments such as the deaths of Agrippa and Drusus and Augustus' focus on ensuring the succession of Gaius and Lucius, and, after their deaths, Tiberius.

It has been argued above, from the evidence of Dio and Strabo, that, when in 27 Augustus accepted his provincial command, he not only undertook to pacify his provinces and their borders, but also accepted an overall responsibility for setting the republic to rights, although not taking additional powers for this purpose. If this is correct, this undertaking too will have evolved from a limited-term commitment to meet immediate needs to an ongoing and lasting responsibility for the welfare of the republic. Augustus sought particularly to address such concerns following his first renewal, in the social legislation carried in 18-17 BC. However, care for the city and the republic, and for its laws and morals, comes to figure prominently in our sources among the permanent obligations of the *princeps*, often in close association with his responsibility for securing peace against external enemies¹²¹.

In January 27 Augustus took his provincial command for ten years, but he accepted for life honours rewarding him for saving the fatherland from the threat of Cleopatra and restoring the *res publica* to the control of the senate and people : the civic crown, the laurels, the gold shield, and the name Augustus. These honours were to serve as symbolic markers of the unique position which he would hold in the state for the rest of his days. Augustus is likely in 27 to have given further indications of the nature of that position : he probably then intimated his preference for the term *princeps* as its des-

¹²¹ Thus Hor. *Ep.* 2.1.1-4; Ovid, *Metam.* 15.832-7, *Tr.* 2.225-36; see further Béranger 1953, p. 186-217.

ignation, and let it be known that, as such, he would be supreme in *auctoritas*, but would have no more *potestas* than his fellow magistrates, when he held office. Such would be his lifelong position, but for the time being he held his great provincial command, to establish peace across the empire.

The various arrangements made following his resignation of his consulship in 23 did not conflict with Augustus' assurances that his provincial command and the associated commitments would only be temporary. The tribunician power was indeed lifelong, but it did not confer *imperium*, and could be presented as not conflicting with, but actually enhancing the promise of a primacy based on *auctoritas*. The adjustments to his *imperium* made in 23 and 19 ensured that he could retain his *imperium* within the *pomerium* and could exercise it there and across the empire, but his *imperium* was subject to renewal along with his provincial command.

From 8 BC the renewals of Augustus' *imperium* and provincial command became routine and his protests mere formalities, and so his tenure of both became effectively lifelong. That one man should hold *imperium*, the command of many provinces and almost all the legions for life was patently unrepblican and incompatible with Augustus' claim to have returned the *res publica* to the control of the senate and people. He had justified those powers in 27 as temporary and to deal with emergency needs, but the emergency and the accompanying powers had both become permanent. When in his *Res Gestae* he still presumed to proclaim at the culminating point of the work that he had transferred the *res publica* to senatorial and popular control, he was obliged merely to repeat his old claim that his subsequent primacy rested only on *auctoritas*, although now it could be justified only on the most narrow and perverse interpretation.

When he established his rule, Augustus showed the most careful consideration for elite sensibilities, and the dispositions adopted in 27 BC, with his provincial command justified as a temporary expedient, reflect this concern. However, as his long reign advanced, his power became ever more pervasive and its expressions more overt, and the elite were readily complicit in this process. As Tacitus put it, 'along with the changed state of the community, nowhere did any aspect of old-time convention remain untouched : with equality cast aside, all looked to the orders of the *princeps*'¹²². A central feature in

¹²² Tac. *Ann.* 1.4.1 : *igitur uerso ciuitatis statu nihil usquam prisca et integri moris : omnes exuta aequalitate iussa principis aspectare* (trans. A.J. Woodman). Tacitus correctly judged the gradual extension of Augustus' control at *Ann.* 1.2.1 (*insurgere paulatim, munia senatus magistratuum legum in se trahere, nullo aduersante ...*).

this evolution of his principate over the course of Augustus' reign was the transformation of his provincial command, and its associated commitments to the maintenance of peace and care for the republic, from a limited-term emergency provision to a permanent and central feature of the structure of his regime.

John RICH

APPENDIX 1

LEGES ET IURA P. R. RESTITUIT. THE NEW AUREUS OF OCTAVIAN IN RECENT DEBATE

Brief reference was made at p. 53 above to the important aureus of Octavian issued in 28 BC and its implications for the settlement of 28-27. This topic has been the subject of recent controversy, and discussion has accordingly been reserved for this appendix.

The coin first came to light in 1992 and was subsequently acquired by the British Museum. In 1999 I published the first substantial discussion of the coin and its implications with Dr J.H.C. Williams (Rich-Williams 1999). Our interpretation has been widely followed, but some objections were expressed in a brief note by Zehnacker (2003), and Mantovani has recently published a detailed and vigorous critique (Mantovani 2008)¹. In what follows I respond to the criticisms of Zehnacker and Mantovani, and propose some qualifications to our earlier treatment. It now seems to me that in one respect we were in error (namely the translation of *iura* in the reverse legend) and on some other points no decision can be reached with certainty between the interpretation we proposed and possible alternatives. However, Mantovani, in my view, is too confident in some of his interpretations and fails to give adequate consideration to the relation of the coin to the constitutional settlement.

The coin's authenticity (defended by Rich-Williams 1999, p. 170) has been put beyond doubt by the discovery of a second specimen held at Blackburn Museum (Abdy-Harling 2005, p. 175-6). Close similarities with the obverse type and legend of cistophori issued in

¹ Other discussions of the coin include : Lacey 1996, p. 85; Girardet 2000b, p. 242; Millar 2000, p. 5-6; Ferrary 2001, p. 108 (modified at 2009, p. 92), and 2003, p. 419-20; Bringmann 2002, p. 119-20, 2007, p. 118-9; Bringmann-Schäfer 2002, 188; Cooley 2003, p. 185-6 (H18); Roddaz 2003, p. 399; Fanizza 2004, p. 92-6; Eder 2005, p. 23-4; Hinard 2006, p. 833-4; Eck 2007, p. 50; Todisco 2007b, 45-6; Lobur 2008, p. 22-3; Levick 2010, p. 68-9. The coin is considered by several contributors to Hurllet-Mineo eds 2009, mostly accepting Mantovani's interpretation : see p. 14-15 (Hurllet and Mineo), 67-8 (Vervaeet), 77-8 (Hurllet), 145-7 (Suspène), 248 (Citroni), 344-5 (Ferrary).

the province of Asia in 28 BC (*RIC* 1² p. 80, no. 476) show that the aureus must have been produced at the same mint, probably Ephesus².

The coin is illustrated at fig. 1. The obverse type is a laureate head of Octavian, facing right, with the legend *IMP CAESAR DIVI F COS VI*, which thus dates the coin to 28 BC. On the reverse Octavian is portrayed facing left, wearing a toga and seated on a curule chair. In his right hand he holds out a scroll, and there is a *scrinium* (document container) on the ground by his chair. Octavian's body is shown in three-quarter view, but he is looking towards his right and so his face is shown in profile. The reverse legend reads *LEGES ET IVRA P R RESTITUIT*.

The issues in debate concern both the interpretation of the reverse legend and type and their significance. It is agreed that the reverse refers to the edict of 28 BC by which Octavian annulled such of his triumviral ordinances as were illegal and unjust, reported by Tacitus (*Ann.* 3.28.1-2) and Dio (53.2.5) and discussed at p. 50-51 above. However, it is disputed whether the coin may also allude to other actions carried out by Octavian in 28 BC in addition to the annulment edict, and how it relates, if at all, to the transference of the *res publica* from his *potestas* to the control of the senate and people which Augustus claimed at *RG* 34.1 to have accomplished over this and the following year.



Fig. 1 – Aureus of Octavian, 28 BC. British Museum accession no. CM 1995,4-1.1.

² Rich-Williams 1999, p. 173-6; accepted by Mantovani 2008, p. 7. Note, however, the reservations of Suspène 2009, p. 145-6.

(i) *The reverse legend.* In French the word 'droit' has a comparable range of meanings to the Latin *ius*, and so the phrase *leges et iura* in the reverse legend can be satisfactorily rendered as 'les lois et les droits'. English has no corresponding word, and translating the phrase into English is thus problematic. In our paper we adopted the translation 'laws and rights', but with cautionary qualifications³.

As we noted (Rich-Williams 1999, p. 181-2), the words *leges* and *iura* appear quite often in combination, in this or the reverse order, linked in various ways, and either as a pairing or as part of a longer list. These usages have been studied in greater detail by Mantovani (2008, p. 13-22). His analysis shows that, where the two words are paired, the word *iura* is generally used in what he terms its 'objective' sense, 'norms', and not in its 'subjective' sense, of 'rights' or 'powers'. It follows that on the aureus *iura* has a sense closely similar to *leges* and our translation of the word by 'rights' was misleading. The least unsatisfactory English translation of the phrase *leges et iura* on the legend may perhaps be 'statutes and laws'⁴.

Thus the reverse legend commemorates Octavian's restoration of the laws, but in what sense were they restored, and how are we to interpret the abbreviated reference to the Roman people, which could be expanded as either genitive (*populi Romani*) or dative (*populo Romano*)?

The word *restituo* is a compound of *statuo* and its root meaning is to 'set up again' or 're-erect', of buildings and the like (*OLD*, sense 1). By extension, it was used of institutions, communities and persons, with meanings like 're-establish', 'set back in place', or 'revive' (*OLD*, senses 2-4). It is in this sense that Zehnacker and Mantovani interpret *restituit* on the aureus reverse. Mantovani argues that P R should probably be expanded as genitive, P(OPULI) R(OMANI)⁵. In that case the legend should be interpreted: 'he restored (i.e. re-established) the statutes and laws of the Roman

³ Rich-Williams 1999, p. 181: 'Sometimes *iura* can be a virtual synonym for *leges*: sometimes it is closer to "justice", sometimes to "rights". In what follows the phrase *leges et iura* will be translated "laws and rights", but the elasticity of the concept of *iura* must be borne in mind.' Cf. p. 199: 'the term *iura* in the legend is ambiguous: it may simply be a virtual synonym for *leges*, but alternatively it may extend to include other rights ...'

⁴ Cf. Eck 2007, p. 50. Sometimes *iura* is used of the genus of which the *leges* are one of the divisions (e.g. Gaius, *Inst.* 1.2; Serv. *Aen.*1.507), but there is no reason to think that the words carry this sense here.

⁵ In favour of the genitive expansion, Mantovani (2008, p. 24) draws attention to attested uses of the phrases *leges populi Romani* (7 instances) and *iura populi Romani* (3 instances). However, he can cite no parallel for the full form *leges et iura populi Romani*.

people'. Mantovani leaves open the possibility that the dative form should be restored, but maintains that, if so, it should be interpreted as a dative of advantage, as Zehnacker had already argued. The legend should then be interpreted: 'he restored (i.e. re-established) the statutes and laws for (the benefit of) the Roman people'⁶.

Restituo is, however, also used with a dative as indirect object, with the meaning to 'give back' or 'return' something intact to a person or persons (*OLD*, sense 8). It is in this sense that we interpreted *restituit* on the aureus, expanding P R AS P(OPULO) R(OMANO). If this were correct, the reverse legend should be interpreted: 'he restored (i.e. gave back) the statutes and laws to the Roman people'. We acknowledged the possibility that P R should be completed as genitive, but held that the dative, with this interpretation, was the more likely alternative⁷. Mantovani, however, insists that this interpretation is untenable on the grounds that it would imply that Octavian had been the conqueror of the Roman people⁸.

Romans often used the phrase 'to give back their laws' (*leges reddere*, or, less commonly, *restituere*) in connection with settlements made for communities which had come into the power (*dicio*, *potestas*, or *arbitrium*) of the Roman people, usually by an act of surrender (*deditio*)⁹. Many such communities were reinstated as free and autonomous, often by the commander on the spot, and by such settlements they were said to recover their lands and other property and the use of their laws. This usage was so well-established that, if the coin legend described Octavian as having given back their laws to the Roman people, it would inevitably, as Mantovani observes, have evoked comparison with a conqueror restoring autonomy to a defeated community. However, it does not follow, as he supposes, that the legend cannot be interpreted in this way, for Augustus himself uses closely similar language in the *Res Gestae*. At *RG* 34.1 he says that, after ending the civil wars, by universal consent he had

⁶ Zehnacker 2003, p. 3; Mantovani 2008, p. 22-7.

⁷ Rich-Williams 1999, p. 182 ff. At p. 182 and n. 49, we did not sufficiently distinguish the senses of *restituo* or the possible alternative interpretations of the dative.

⁸ Mantovani 2008, p. 29-30. The argument is judged decisive by Suspène 2009, p. 147.

⁹ *Leges restituere*: Livy 29.21.7 (*iis libertatem legesque suas populum Romanum senatumque restituere dixit*), 37.32.14 (*urbem agrosque et suas leges iis restituit*). *Leges reddere*: e.g. AE 1984, 495 (*[liberos] esse iussit agros et aedificia leges cetera omnia] ...eis red(d)idit*); Cic. *Verr.* 2.2.90 (*senatusque et populus Romanus Thermitanis ... urbem agros legesque suas reddidisset*); Caes. *BG* 7.76.1 (*ciuitatem eius immunem esse iusserat, iura legesque reddiderat*); Livy 9.43.23, 33.34.6 (*suae leges redditae*). On *deditio* and subsequent restitution see Dahlheim 1968, p. 5 ff., 69 ff. (esp. 77-8); Nörr 1989, esp. p. 51-6.

power over everything (*potens rerum omnium*) and that the *res publica* was in his power (*potestas*) until, over 28 and 27 BC, he transferred it to the control (*arbitrium*) of the senate and people. Such language does indeed imply that, after his victory in the civil war, he had had the same power over the Roman state as a conqueror over a surrendered community and performed an act of restitution comparable to a commander's when restoring the defeated to autonomy. There is no reason to doubt that Octavian/Augustus spoke in similar terms when completing the settlement in January 27. If so, he and others may have used comparable language the previous year in respect of his restoration of the laws.

Thus the parallel with *RG* 34.1 shows that the coin legend may signify that Octavian gave back the laws to the Roman people, but it does not follow that this must be the correct interpretation. The alternative interpretation that he re-established the laws of, or for, the Roman people is also tenable. This would give the legend much the same purport as Velleius' claim that, after the civil wars were ended, 'validity was restored to the laws'¹⁰. It should be noted, however, that Mantovani can cite only one very late instance of *restituo* being used in the sense 're-establish' with *leges* or *iura*, namely Rutilius Namatianus' reference to the restoration of laws and bringing back of liberty following the suppression of a revolt in Brittany in the early 5th century AD¹¹.

No certain choice can be made on linguistic grounds between these interpretations of *restituit* and expansions of the abbreviated *p R*, and the most prudent course is to leave the various alternatives open. The reverse legend may thus mean any of the following: (a) 'he restored (i.e. re-established) the statutes and laws of the Roman people'; (b) 'he restored (i.e. re-established) the statutes and laws for the Roman people'; (c) 'he restored (i.e. gave back) the statutes and laws to the Roman people'¹². We shall see below that the iconography may give some support for alternative (c).

¹⁰ Vell. 2.89.3 : *restituta uis legibus* (full citation above at n. 37). Velleius here uses the word *restituo* in the sense 'give back' (cf. Mantovani 2008, p. 23 n. 59).

¹¹ Rut. Namat. 1.215 : *leges restituit libertatemque reducit*; Mantovani 2008, p. 23.

¹² I am inclined to think alternative (b) less likely on the grounds that it would have been natural to interpret *restituere* with a personal dative as 'give back' unless the context indicated otherwise. In a building inscription like *CIL* 9.5681 (cited by Mantovani 2008, p. 26) the context makes the sense 're-erect' clear, while at Cic. *Cat.* 3.1 (*rem publicam ... atque ... urbem ... uobis conseruatam ac restitutam uidetis*) the pairing with *conseruatam* makes *uobis* dative of advantage. In attested occurrences of *populo Romano restituere* the verb has the sense 'give back': Livy 26.2.11, 31.13.8, Vell. 2.37.5, Front. *Strat.* 2.10.2, Pliny, *NH* 7.98 (territory or rule); Cic. 2 *Verr.* 5.175 (tribunes); Cic. *Sest.* 2 (Cicero's voice); Front.

One matter to which Mantovani devotes little attention is the source of the coin legend. The coinage of Augustus frequently alludes to publicly conferred honours, and we accordingly suggested that the legend on the aureus reverse, and also the title *libertatis populi Romani uindex* on the obverse of the *pax cistophori*, derive from a decree or decrees of the senate in his honour passed in 28 BC¹³. This is surely more plausible than to attribute these formulations, with their unusually explicit political content, to the local mintmaster, as Mantovani prefers (2008, p. 21 n. 53).

(ii) *The reverse type*. The aureus does Octavian exalted honour : it is the first Roman coin issue to show a living man on both sides. However, his portrayal on the reverse as togate, seated on a curule chair and with a scroll and *scrinium*, displays him as a magistrate enacting his civic role. The same iconographic language can be seen in the funerary commemoration of senators and municipal magistrates in or after the later first century BC by seated togate statues or by sculpted representations of curule chairs, sometimes accompanied by other signs of office such as *fasces* and a *scrinium*¹⁴. One of the earliest such monuments (c. 30 BC), from the Via Casilina outside Rome, provides a striking parallel with our coin : a relief on the crossbar of a sculpted curule chair commemorates the jurisdiction of the deceased as praetor by portraying him standing beside his curule chair, holding a scroll above a *scrinium*, and flanked by his six lictors, while two further togate figures, presumably litigants, stand beyond the chair¹⁵. Coins issued at the Roman mint c. 13-12 BC draw on comparable motifs to celebrate the sharing of the *tribunicia potestas* by Augustus and Agrippa : a denarius of the moneyer C. Marius shows Augustus and Agrippa togate and standing, each holding a scroll above a *scrinium*; denarii of his colleague C. Sulpicius Platorinus show them seated, togate, on a tribunician *bisellium*; and a denarius issued by L. Caninius Gallus, perhaps commemorating Agrippa's death in 12 BC, shows an empty *bisellium* surmounted by the legend TR POT¹⁶.

Aq. 118 (revenue). According to Hyginus (85 Thulin = 90 Campbell), there were stones in Cyrenaica with Vespasian's name and the inscription *occupati a priuatis fines : p. R. restituit*.

¹³ Rich-Williams 1999, p. 186-7. Accepted for the aureus by Roddaz 2003, p. 399; Zehnacker 2003, p. 2; Vervaeke 2009, p. 67.

¹⁴ This material is comprehensively treated by Schäfer 1989, p. 126 ff., with catalogue at p. 233 ff.

¹⁵ Schäfer 1989, p. 238-41, no. 2; illustrated at his pl. 22 and Rich-Williams 1999, fig. 9. *Scrinia* also appear on Schäfer's nos. 28 (from Chieti) and 29 (from Saepinum).

¹⁶ *RIC* 1², p. 72-4, nos. 397, 406-7, 417.

The reverse type of the aureus was evidently intended to represent in visual form the restoration of laws commemorated by the legend. But how does it do so? One possibility which we suggested in our article is that the type portrays Octavian's issuing of the edict annulling his unjust acts, with the scroll in his right hand containing the edict. This interpretation is accepted by Zehnacker and Mantovani, who hold that Octavian is depicted as about to read out the edict himself¹⁷. His pose, looking towards his right and holding the scroll away from his body, hardly suggests this. In any case, it should not be taken as certain that the scroll represents the annulment edict. We also suggested another interpretation, namely that the scroll and *scrinium* serve simply as a symbolic portrayal of the restored laws, and this possibility should not be excluded. The parallel with the Via Casilina relief suggests that the scene could be intended to symbolize jurisdiction, flourishing under the restored laws¹⁸. Alternatively, the scroll may simply stand for a representative law, held out by Octavian in token of its restoration.

The iconography of the aureus reverse has a striking similarity with that of a denarius in the IMP CAESAR series (*RIC* 1², p. 60, no. 270; fig. 2). There too Octavian is portrayed facing left, wearing a toga and seated on a curule chair; as on the aureus, he is shown in three-quarter view but looking towards his right, and he is holding out an object in his right hand. Here, however, the object held is not a scroll, but a statue of Victoria, facing away from Octavian, holding out a wreath and with a palm branch over her shoulder. How the correspondence between the two images should be explained remains a puzzle, particularly since the IMP CAESAR series is now generally held to have been minted not in the East, but in Italy. One possible solution was suggested in our article, namely that both types allude to statues decreed in Octavian's honour¹⁹. However this may be, the similarity between the types is too close to be coincidental, and account needs to be taken of the denarius in interpreting Octavian's gesture on the aureus.

In our article, we suggested that both coin types imply the Roman people as an unseen recipient²⁰. This hypothesis has been

¹⁷ Rich-Williams 1999, p. 183, 198; Zehnacker 2003, p. 2; Mantovani 2008, p. 11, 28-9.

¹⁸ This possibility is noted by Mantovani 2008, p. 47-8, n. 119, but he insists that the 'messagio primario' must be that the scroll held by Octavian is the annulment edict.

¹⁹ Rich-Williams 1999, p. 187-8, building on the suggestion of Kuttner 1995, p. 53-6, that the denarius type derives from a statue.

²⁰ Rich-Williams 1999, p. 180, 183. We also noted the alternative possibility

criticized by Zehnacker, followed by Mantovani, on the grounds that elsewhere on the Roman coinage recipients of gifts are always shown²¹. The instances of such depictions are hardly numerous enough to establish such a rule. The topic in any case requires further consideration in the light of the iconography of the Greek Nike and its Roman derivative Victoria²².

From archaic times Nike is commonly shown holding a wreath, and often crowning an individual. The intended recipient of the wreath is often clear even when not shown, as on the reverse of the gold staters produced for Alexander throughout (and long after) his reign, where the winged Nike holding out a wreath clearly commemorates the promise, and later achievement, of victory by Alexander.



Fig. 2 – Denarius of Octavian, c. 29/28 BC (reverse).
BMCRE 1, no. 637 (*RIC* 1², p. 60, no. 270).

that, if the scroll on the aureus represents the annulment edict, Octavian's gesture may mean that he is holding it out to an unseen *praeco* for proclamation.

²¹ Zehnacker 2003, p. 1-2; Mantovani 2008, p. 7 n. 9, 28-9.

²² Nike : *LIMC* 6.1, p. 850-94, 6.2, p. 557-606. Victoria : Weinstock 1958, 1971, p. 91-103; Hölscher 1967; *LIMC* 8.1, p. 237-69, 8.2, p. 167-94. Bellinger-Berlincourt 1962 surveys the representation of Victory on both Greek and Roman coins.

The motif of a winged Nike standing on the hand of another god was created by Phidias with his great statues of Athena Parthenos (standing) and Olympian Zeus (seated). Such statues subsequently became common, particularly for Zeus and Athena, and gods portrayed in this way received the cult epithet Nikephoros²³. The motif was first used on coinage by Seleucus I and Lysimachus following their victory at Ipsus (301 BC)²⁴. Seleucus issued silver tetradrachms on which a seated Zeus held Nike who offers him a wreath, an adaptation of Alexander's tetradrachm type, with Nike replacing Zeus's eagle²⁵. From 297 Lysimachus issued gold and silver with a new portrait of Alexander on the obverse, and on the reverse an armed Athena seated left and holding out Nike, who herself holds out a wreath. The honorand is made explicit : Nike has her back to Athena; Lysimachus' name runs down the left side of the image, and Nike places her wreath on the first letter (fig. 3)²⁶.



Fig. 3 – Tetradrachm of Lysimachus, Lampsacus (reverse).
Thompson 1968, no. 43; British Museum accession no.1885,0606.22.

²³ *RE* 17, p. 310-2, s.v. Nikephoros (gr. Kruse); *LIMC* 6.1, p. 868 ff., 895.

²⁴ On the victory coinages of Seleucus I and Lysimachus see especially Hadley 1974; Stewart 1993, p. 317 ff.

²⁵ Mørkholm 1991, p. 75 and nos. 155-6.

²⁶ Thompson 1968; Mørkholm 1991, p. 81-2, 145-7 and nos. 178-82, 490-3, 500; Stewart 1993, p. 318-22, 433-4.

Lysimachus issued this coinage in huge quantities from numerous mints in Macedonia, Thrace and western Asia Minor, and issues with these types from city mints continued long after his death²⁷. The reverse type was the evident model for the denarius on which Octavian holds Victoria, with Octavian taking Athena's place : there are clear correspondences both in the pose of the seated figures and in the representation of Nike/Victoria.

The motif of a goddess holding Victoria first appears on Roman coinage on reverses of denarii issued by moneyers in early 44 carrying the dictator Caesar's head on the obverse. The goddess is his ancestress Venus; on some of the types she is seated, but on most she stands; Victoria has her back to Venus and holds out her wreath, evidently in honour of Caesar (*RRC* nos. 480/3-5, 7-18). The motif reappears on denarii issued in 42 for the triumvirs by the moneyer C. Vibius Varus, on which Victoria is held either by Fortuna or Minerva (both standing) : Victoria faces Fortuna and offers her the wreath, but she has her back to Minerva (*RRC* nos. 494/32-3, 37).

The *IMP CAESAR* denarius on which Octavian holds Victoria makes a remarkable innovation in this tradition : for the first time the goddess of victory is held not by another divinity, but by a man. In its design this type is not related to the denarii of 44 and 42 with their mostly standing goddesses; as noted, Lysimachus' type provides the iconographic model. The denarius refers to a known event, namely Octavian's setting up of a statue of Victoria, brought from Tarentum, in the Curia (senate house), where he dedicated an altar to the goddess on 28 August, 29 BC.²⁸ The gift is also commemorated on other coins of the *CAESAR DIVI F* and *IMP CAESAR* series showing Victoria on her own, and depicting her, as no doubt the statue itself did, holding out a wreath in her right hand and carrying a palm-branch or vexillum in her left, and standing on a globe, while on yet another coin in the series she is shown on the apex of a building, which must be the Curia²⁹. Yet another commemoration

²⁷ One late derivative is the bronze coinage issued at various cities in the province of Bithynia-Pontus in 61-56 BC, where the goddess Roma replaces Athena and the Roman governor's name replaces Lysimachus' : *BMC Pontus* nos. 117, 152, 179; Weinstock 1971, p. 96, 100.

²⁸ Dio 51.22.1-2; Degraasi 1963, p. 504; Hölischer 1967, p. 6-12.

²⁹ *RIC* 1², p. 59-60, nos. 254-5 (palm branch), 268 (vexillum); 266 (on Curia apex). Other coins in the series (nos. 263-4) show Victoria standing on a prow : this motif, alluding to the naval victory at Actium, derives from the coinage of Demetrius Poliorcetes (Mørkholm 1991, nos. 162-3, 165, 171; cf. Sutherland 1951, p. 29-30), but, whereas on Demetrius' issues she holds a trumpet and mast, here as elsewhere in Octavian's series she holds wreath and palm branch. Hölischer 1967, p. 6-45, shows that the motif of Victoria on a globe must derive from the Curia statue and traces its subsequent history. The motif also appears on the

occurs on a scene on one of the Boscoreale cups, which presents a mythical version of the composition of the statue, with Venus in the act of placing Victoria on the globe held by Augustus³⁰.

The erection of a statue of Victoria on a globe in the senate house was in evident celebration of Octavian's victories and the world-wide peace which they had achieved. Formally, however, the victory and resulting world rule will have been represented as the Roman people's, as is confirmed by later references to the statue as *Victoria Populi Romani* or *Victoria Romana*³¹. Thus Octavian bestowed Victoria on the Roman people : he did so in a literal sense, by establishing the cult and statue in the Curia, and this benefaction also served as symbolic commemoration of the world-wide victory he had won for them. The denarius on which he holds out Victoria draws on the iconographic tradition of Nikephoric divinities and in particular on Lysimachus' coin type to give visual expression to Octavian's benefaction. On Lysimachus' coins Athena holds out Nike for him and Nike crowns his name. On the denarius Octavian's gesture in holding out Victoria betokens his bestowal of her on the Roman people, and on this coin, as with the statue itself, it was for the Roman people that Victoria was holding out her wreath.

The close similarity between the reverse types of this denarius and the *LEGES ET IVRA aureus* makes it reasonable to infer that Octavian's right arm gesture should be interpreted in the same way on both. Each type represents him in the act of making a benefaction to the Roman people : the denarius depicts his bestowal of Victoria; on the aureus, his holding out the scroll portrays his restoration of their statutes and laws.

coinage (all with derivative types) issued by L. Pinarius Scarpus as governor of Cyrenaica (*RRC* 546/4-7), and but it does not follow, as some scholars have argued, that these issues must date to 30 BC and thus that Octavian's issues with this motif precede and so cannot refer to the dedication of the Curia statue (so Crawford 1974; Mannsperger 1991, p. 375). Though previously loyal to Antony, Scarpus refused him refuge after Actium (Dio 51.6.6). In 30 Cornelius Gallus took over Scarpus' army and advanced with it on Alexandria from the west (Dio 51.9.1). There is no reason to think that Scarpus was relieved of his post at that point, so leaving Cyrenaica without a governor; more probably, he remained as governor for some years. After going over to Octavian, he initially used the same Victoria type as for Antony (*RRC* 546/2-3 for Antony, 546/8 for Octavian). His Victoria on globe issues may thus be taken as postdating the introduction of the type by Octavian's mint in late 29 or 28. Other issues in the *CAESAR DIVI F* and *IMP CAESAR* series may be earlier, pre-dating Actium. On the Scarpus question see further Kraft 1969, p. 220-5; Trillmich 1988, p. 505-11; *RPC* 1, p. 221; *PIR*² P413.

³⁰ Kuttner 1995, esp. p. 25-6.

³¹ *Victoria P(opuli) R(omani)*, on coinage of Galba : *RIC* 1², p. 233-4, nos. 10-11, 48, 110-3, 148, 173-5, 215-7, 233-4. *Victoria Romana* : *SHA Alex. Sev.* 14.2, *Prob.* 12.7. See Hölischer 1967, p. 11.

Although it cannot be conclusive, this interpretation of the aureus type does provide a pointer for our understanding of the legend. If the type is to be understood as representing Octavian's making a benefaction to the Roman people, it accords better with the completion of the abbreviated *PR* in the legend as the dative form, *populo Romano*, and its interpretation as indirect object. Thus this indication provides some support for rendering the legend as 'he restored (i.e. gave back) their statutes and laws to the Roman people'.

(iii) *The aureus and the events of 28 BC*. It is agreed that at least the primary reference of the reverse type and legend of the aureus must be to Octavian's edict of 28 BC annulling his illegal and unjust ordinances. We argued that the reverse may allude also to other measures taken by Octavian in the same year³². This claim has been heavily criticized by Mantovani, who insists that the reference must be exclusively to the annulment edict³³. The presentation of the case in our article suffers from a flaw to which Mantovani draws attention, namely its dependence on the translation of *iura* in the legend as 'rights', which, as was acknowledged above, is misleading. The argument thus requires reformulation, but it still seems to me to be valid.

However it is to be interpreted, the reverse legend's assertion that Octavian has restored the laws makes a claim of wider scope than just the annulment of illegal ordinances, for it must imply also that the laws were now being observed and enforced. Thus if, as Mantovani holds, the legend in fact refers solely to the annulment edict, it imposes a wider interpretation on that measure than its content would strictly justify. However, we know that in fact Octavian did claim to have observed the laws as consul in 28 BC, since he swore the customary oath to that effect at the end of the year, as he had not done in earlier years (above, n. 41). Thus it seems likely that the legend refers not just to Octavian's annulling of his illegal ordinances but also to his ensuring the observance of the laws.

As indicated above, the legend probably derives from a senate decree in Octavian's honour. The most likely occasion for this decree is in response to Octavian's issuing of the annulment edict. If so, the decree may well have drawn its claim that he had restored the laws from Octavian's own language in the edict³⁴. In making such a claim Octavian is likely to have referred not just to the annulment of illegalities which was the primary business of the edict but

³² Rich-Williams 1999, p. 199-202, 205, 212.

³³ Mantovani 2008, esp. p. 11-12, 27-8, 30-1.

³⁴ Cf. Rich-Williams 1999, p. 198.

also to the care he was now taking as consul to ensure the observance of the laws by everyone, including himself.

As we saw et p. 53-55 above, various other measures were probably carried through in 28 BC, including the passage of some new laws. At least two of these reforms could have been considered as contributing to a restoration of the laws, and may have been among the senate's grounds for crediting Octavian with such a restoration.

It was probably in 28 BC that Octavian ceased nominating the magistrates, allowing the offices to be filled instead by the traditional electoral processes, and this most likely necessitated new legislation, including a *lex annalis*. This reform may have been viewed as a restoration of legality, as is perhaps implied by Suetonius' statement that Augustus 'also brought back the former *ius* of the electoral assemblies' (*Aug.* 40.2 : *comitiorum quoque pristinum ius reduxit*)³⁵.

A claim to have restored the laws could not be valid without effective courts to apply them, and the *princeps*' success in ensuring this was hailed in Velleius' reference to the restoration of *auctoritas* to the courts (2.89.3 : *restituta ...iudiciis auctoritas*). As we saw above (nn. 39, 50), he carried a law reforming the composition of the juries in 28 or 27. If it was passed in 28, it could have formed part of the justification for the aureus' claim³⁶.

(iv) *The aureus and the settlement of 28-27 BC*. The *res publica* was, as Cicero stated in his treatise on the subject, the *res populi*, the common property of the people, or commonwealth, and this was indeed the word's original meaning. He went on to define a *populus* as 'an assemblage of some size associated with one another through agreement on law and community of interest'³⁷. Law was indeed essential to the Roman conception of a *res publica*, and *leges* and

³⁵ The passage is rightly cited in the *OLD* entry on *ius* under sense 3 ('a particular provision of the legal code, a law, rule or ordinance'). Rich-Williams 1999, p. 200, wrongly translate *ius* here as 'right'. There is no reason to suppose that *leges et iura* in the aureus legend applies only to private and criminal law, excluding public law, as Mantovani appears to suggest (2008, p. 17, 22).

³⁶ Cf. Mantovani 2008, p. 47-8, n. 119.

³⁷ *Cic. Rep.* 1.39 (the speaker is Scipio) : *est ... res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus* (trans. J. E. G. Zetzel); cf. 1.41, 48, 3.43-6. On the meaning and evolution of the term *res publica* see especially Stark 1937; Suerbaum 1977, p. 1-37, 72-89; Judge 1974, p. 280-5; Brunt 1982.

iura feature regularly in texts in which key components of the commonwealth are listed³⁸.

Augustus' statement at *RG* 34.1 that he transferred the *res publica* from his power to the control of the senate and people over his sixth and seventh consulships implies, as we have seen, a staged transfer of the various elements making up the commonwealth. Given their centrality to the Roman conception of the *res publica*, the laws must have been one of the components included in the transfer process. The measures relating to the laws of which we know, principally the annulment edict and the consular oath to have observed the laws, took place in 28 BC. It must follow that the laws were one of the elements of the *res publica* which Augustus deemed himself to have transferred in 28.

We may reasonably assume that in his speech to the senate on 13 January 27 he spoke of himself as having handed over the *res publica*, just as he later did in the *Res Gestae*. Thus in that speech he will have announced his return of the armies and provinces and proclaimed that this completed the transfer process which he had initiated with the laws (and other elements) during the previous year. Dio's version of Octavian's speech is therefore misleading, as we saw at p. 52-53 above. Dio represents Octavian as claiming, through this single speech, to be transferring all the elements of the *res publica* simultaneously, including the laws. This must be a misrepresentation, since it is incompatible with the staged process implied by *RG* 34.1. Moreover, it would have been absurd for Octavian to claim that the laws remained in his *potestas* until January 27, despite the annulment edict and the consular oath of the previous year: it can only have been by his actions of 28 BC that he conceived of himself as having handed back the laws³⁹.

Whether Octavian's actions in respect of the laws were already spoken of in 28 as a handing over is less certain. As argued above, one possible interpretation of the aureus legend is: 'he restored (i.e. gave back) their statutes and laws to the Roman people'. If this interpretation is correct, the legend represents him as handing over the *leges et iura* in essentially the same terms as *RG* 34.1 later speaks of his overall transfer of the *res publica*. If, however, the alternative interpretation of the legend is correct, it conveys a different concep-

³⁸ E.g. Cic. *Red. Sen.* 34, *Off.* 1.53, *Rep.* 1.48; Sall. *Jug.* 31.20, *Or. Lepidi* 4; and see the further passages cited by Rich-Williams 1999, p. 182 n. 46, 186 n. 57.

³⁹ Mantovani 2008, p. 8 n. 14, argues that Dio should not be criticized for undervaluing the constitutional importance of the year 28 BC since he did mention the annulment edict. This overlooks the fact that Dio mentions the edict only as a preliminary to what he represents as a comprehensive purported surrender of power in 27, which includes the return of the laws (Dio 53.4.3, 9.6).

tion from *RG* 34.1, portraying his action as re-establishing the statutes and laws of, or for, the Roman people. Octavian/Augustus would certainly have endorsed such a claim, just as Velleius later asserted that he had restored their *uis* to the laws. It is indeed possible that it was just in this way that his actions in respect of the laws were commemorated in 28, and it was only in January 27 that they came to be spoken of as a stage in the transfer of the *res publica*. However, in 27, as later, he must have conceived of the annulment edict of 28 and his observance of the laws from that year as key elements in his return of the *res publica* to the control of the senate and people.

Mantovani's discussion does not address these issues. He insists on the semantic differences between the aureus legend and *RG* 34.1 which follow from his view that *restituit* in the legend must have the sense of re-establishing, not giving back (Mantovani 2008, p. 31-2). Nowhere, however, does he consider the question how the annulment edict relates to the transfer process which Augustus claimed to have accomplished. In fact, whether or not this is the meaning conveyed by the aureus legend, Augustus must have held that by the annulment edict of 28 BC and other conduct in that year he had given the Roman people back their statutes and laws.

(v) *Libertatis p(opuli) R(omani) uindex : the Pax cistophori*. As was noted above, there are close similarities between the 28 BC aureus and cistophori of the same year which show that they must have been issued by the same mint. One of these common features is that on each issue the legends include an unusually explicit political reference. On the cistophori this occurs in the obverse legend. This names Octavian as IMP CAESAR DIVI F COS VI, exactly as on the aureus, but then adds the title LIBERTATIS P R VINDEIX.

The primary reference of the cistophori types must be to Octavian's victory over Cleopatra and Antony : the reverse commemorates Peace, and the obverse legend celebrates him as having successfully championed the liberty of the Roman people against the domination which, it is implied, would have followed if his opponents had won. The claim to champion the people's liberty had become a commonplace of Roman political discourse from the late Republic, and is here deployed in respect of a threat from both external and civil enemies.

Does the obverse legend also convey an allusion to Octavian's domestic conduct? In our article we argued that it may do so, and, despite Mantovani's criticisms, this still seems to me correct⁴⁰.

Octavian's claims to have defended the people's liberty against

⁴⁰ Rich-Williams 1999, p. 183-7; Mantovani 2008, p. 33-6.

others' domination could only be made good if he could be represented as giving up his extraordinary powers. If he did not, he would have saved them from others only to impose his own domination. Liberty and the laws were closely aligned in the Roman conception⁴¹. Thus by restoring the laws in 28 BC (however that claim is to be understood) Octavian had made an important step in validating his claim to be the defender of the people's liberty.

Elsewhere on the coinage of Octavian/Augustus his titulature is always made up of offices and titles which had been officially conferred on him. The title *libertatis p(opuli) R(omani) uindex* on the cistophorus is thus more likely to derive from an official grant rather than the mintmaster's invention. The fact that the title appears only on a coin issued in 28 BC suggests that it was conferred, presumably by the senate, in that year. If so, its conferment cannot have been simply in response to the defeat of Antony and Cleopatra, which had been amply celebrated in honours decreed by the senate in 31-29 BC. The annulment edict of 28 provides an appropriate context: if the title was conferred then, it would have commemorated both the preservation of the Roman people from their external enemies and the securing of their liberty through the restoration of their laws. The decoration of Augustus' house with the civic crown in January 27 served a similar double function, honouring both his saving of citizens and his return of the *res publica* to the control of the senate and people (see further Appendix 2).

(vi) *Conclusion*. The conclusions argued for in this appendix may be summarized as follows.

The reverse of the aureus commemorates Octavian's restoration of the laws during his sixth consulship, in 28 BC. The word *iura* is used in the legend in a sense closely similar to *leges*, and the phrase *leges et iura* may best be rendered into English as 'statutes and laws'. The sense in which the *leges et iura* are said to be restored and the case and interpretation of the reference to the Roman people must remain uncertain. The meaning of the legend may be *either* (a) that Octavian re-established the statutes and laws of the Roman people *or* (b) that he re-established the statutes and laws for the Roman people *or* (c) that he gave back the statutes and laws to the Roman people.

The reverse type of the aureus provides a visual representation of Octavian's restoration of the laws, but precisely how it should be interpreted cannot be established with certainty. The scroll which Octavian holds may represent the annulment edict, but this should

⁴¹ See Brunt 1988, p. 296, 318, 334 ff.; Rich-Williams 1999, p. 185-6.

not be regarded as certain. As with the denarius on which Octavian holds out Victoria, his gesture may indicate that he is making a benefaction to the Roman people, and this is a pointer in favour of interpretation (c) for the legend.

The basis for the claim that Octavian restored the laws in 28 BC was the edict he issued in that year annulling his illegal ordinances and also his ensuring of the observance of the laws during the year, confirmed at the year end by his taking the consular oath. Other measures which may have occurred during the year and may have been regarded as contributing to the restoration of the laws are the resumption of free elections and a reform of jury membership.

Both the reverse legend of the aureus and the title *libertatis p(opuli) R(omani) uindex* on the obverse of the contemporary cistophori may derive from a decree in Octavian's honour passed in response to the annulment edict.

Because of the uncertainty over the interpretation of the reverse legend of the aureus, we cannot say whether in 28 BC Octavian was spoken of as having given back the laws to the Roman people. However, when in January 27 and subsequently Octavian/Augustus declared that during his sixth and seventh consulships he had transferred the *res publica* to the control of the senate and people, he envisaged the laws as one of the elements of the *res publica* which he had transferred in 28, by virtue of his annulment edict and the other acts which had then been celebrated as the restoration of the laws.

APPENDIX 2

RES PUBLICA RESTITUTA?

Modern writers have often supposed that Augustus claimed that by his ending of the civil wars and the ensuing settlement the republic had been restored (*res publica restituta*). The notion has been problematized in recent scholarship, as to both the meaning of the claim and whether it was made: as Millar (1968; 1973, p. 63-7) and Judge (1974) have pointed out, there is no secure attestation for such a claim on the part of Augustus himself or his regime.¹

As Brunt put it, the term *res publica* 'originally denoted the property, affairs, interests of the whole community', and also came to mean 'the community itself as a political organization'. Cicero's assertion that to qualify as a *res publica* a people must be 'associated with one another through agreement on law and community of interest' (*iuris consensu et utilitatis communione sociatus*) would have been generally accepted at Rome². Where powerful individuals were dominant or the rule of law seemed under threat, Cicero was wont to lament that the *res publica* was afflicted, lost or non-existent.³ When such threats were averted, he might proclaim that the *res publica* had been restored, as when he told the Roman people after the arrest of the Catilinarian conspirators that, through his efforts, they could see the *res publica*, along with their property, families and city, preserved and restored (*restituta*) for them⁴. Livy is retrojecting the language of first century BC conservatives to earlier times when he tells us that in 460, after a consul's speech attacking the tribunes' dominance had impressed the *plebs*, the delighted patricians 'believed that the *res publica* had been restored (*resti-*

¹ See also Brunt 1982; Rich-Williams 1999, p. 208-11; Ferrary 2003, p. 419-22; Todisco 2007b; Hurllet-Mineo 2009, p. 11-20; Levick 2010, p. 75-6. In general on Augustus and *res publica restituta* see especially Mackie 1986, and the papers in Hurllet-Mineo 2009.

² Cic. *Rep.* 1.39; Brunt 1982, p. 238; above, Appendix 1, n. 37.

³ See Meier 1966, 1-3, with references.

⁴ Cic. *Cat.* 3.1, cited above Appendix 1, n. 12. Cicero uses *rem publicam restituere* in this sense also at *Sen.* 20; *Red. sen.* 36; *Red. pop.* 14; *Dom.* 145-6; cf. *Phil.* 13.9.

tuta)⁵. *Restituere* is used in such passages in its sense ‘re-establish’ (see Appendix 1).

One contemporary source speaks of the *res publica* as having been restored in this sense, i.e. ‘re-established’, through Octavian/Augustus’s ending of civil war. In the so-called *Laudatio Turiae*, an epitaph composed by an unknown man for his deceased wife, the author introduces his account of their improved circumstances after the civil wars with the words *pacato orbe terrarum, res[stitut]a re publica* (Col. 2, lines 25-6 : ‘the world having been made more peaceful, the *res publica* having been restored’)⁶. The phrase here clearly conveys a general reference to the return of stability and good order. This passage is the only ancient source which certainly speaks of Octavian/Augustus as having restored the *res publica*.

Official sources do speak of Octavian/Augustus as having preserved the *res publica* by his defeat of Cleopatra and Antony. Thus when the senate learnt that Alexandria had fallen to him, they decreed that 1 August, the day of its capture, should be a festival because on that day he ‘freed the *res publica* from very grave danger’ (*rem publicam tristissimo periculo liberauit*), and an inscription of 29 BC from a monument in the Forum (probably his arch) set up by the senate and people in his honour gives as the reason for its conferment ‘the *res publica* having been preserved’ (*re publica conseruata*)⁷.

Another reference to Augustus as having restored the *res publica* has been detected in an entry in the *Fasti* of Praeneste for 13 January recording the conferment, in 27 BC, of the oak, or civic, crown above his door. The entry occupied three lines, but only the left side of the stone survives, as follows :

CORONA QUERC[---
AUGUSTI PONER[---
P R REST[---]V[---

The usually accepted restoration of the entry, first proposed by Mommsen, is as follows : *corona querc[ea, uti super ianuam domus Imp. Caesaris] Augusti poner[etur, senatus decreuit, quod rem*

⁵ Livy 3.20.1 *erecti patres restitutam credebant rem publicam* (following on from the consul’s earlier claim at 3.19.4 that the tribunes *non ut in re publica populi Romani ... sed in perdita domo ... regnarent*). This is the only passage where Livy uses the phrase *rem publicam restituere*.

⁶ For the *Laudatio Turiae* see *ILS* 8393 = *CIL* 6.1527 = 41062; Flach 1991; Lindsay 2009.

⁷ Degrassi 1963, p. 489; *ILS* 81 = *CIL* 6.875 = 31190. Augustus’ preserving the *res publica* is also commemorated on denarii of Mescinius, 16 BC : above, n. 97.

*publicam] p(opulo) R(omano) rest[it]u[it]*⁸. Doubts about this restoration have, however, been raised by Millar, Judge, and Todisco (2007b). It is clear that some form of *restituere* must be restored, but this need not necessarily be *restituit*; the case of the reference to the *populus Romanus* is uncertain; and the restoration of a reference to the *res publica* is conjectural.

As Augustus states at *RG* 34.2, the decoration of his house with a civic crown decreed on 13 January 27 rewarded him for the transfer of the *res publica* to the control of the senate and people which he completed on that day, like the other honours conferred then and over the following days. There is no reason to doubt this claim: the timing of the honours shows that they were conferred in response to the transfer. However, this particular award also honoured his saving of citizens: a civic crown was traditionally bestowed on a soldier who had saved a fellow citizen in combat, and both coins and literary evidence show that the crown over Augustus' door carried the inscription *ob ciues seruatos*, 'for saving citizens'⁹. The implication was evidently that the citizen body had been saved through his removal of the threat from Cleopatra and Antony; a reference may also have been implied to the clemency he claimed to have shown to citizens on the defeated side. The entry relating to the crown in the *Fasti Praenestini* may thus have included a reference to Augustus' saving of citizens, as in the restorations proposed by Judge (1974) and Todisco (2007b). Alternatively, it may have omitted this aspect, as in Mommsen's restoration.

Mommsen interpreted *restituere* in the calendar entry in its sense 'give back', with an indirect object. His restoration accordingly yields the following translation: 'The senate decreed that an oak crown should be set above the door of the house of Emperor Caesar Augustus, because he restored the *res publica* to the Roman people'. Completed and interpreted in this way, the entry is close in sense to Augustus' statement at *RG* 34.1. Each formulation describes the process of handing over the *res publica*, that is the common property of the Roman people, to its proper holders. In the *Res Gestae* Augustus speaks of a transfer of control (*in arbitrium ... transtuli*), while in the *Fasti*, with Mommsen's restoration, the

⁸ *CIL* 1, p. 312, 384 = 1², p. 231; see also Mommsen 1883, p. 146 ff., and on Mommsen's views Judge 1974, p. 307. Mommsen's restoration was accepted by Degraffi 1963, p. 113.

⁹ The inscription: Ovid, *Trist.* 3.147-8; Val. Max. 2.8.7; *RIC*² 1, p. 43-4, 47, 65, 74, 86.

process is described simply as restitution (*restituit*), but the meaning is essentially the same. The *Res Gestae* names both the senate and people as recipients; the Fasti entry as restored by Mommsen refers only to the people, but the senate too could have been named in the lacuna. In my view this reconstruction and interpretation of the Fasti entry remains a strong possibility, and the objections which have been made to it lack cogency. It is true that *rem publicam restituere* is not attested elsewhere with the sense 'give back', but this is hardly a difficulty : the restitution of 27 BC was a unique event, and Augustus' own formulation at *RG* 34.1 is similarly unparalleled. The case for this interpretation would be strengthened if the legend of the 28 aureus were correctly interpreted as 'he restored the statutes and laws to the Roman people'¹⁰. However, as was shown in Appendix 1, this is only one of three possible interpretations of the legend.

An alternative possibility is that the calendar entry credited Augustus with restoring the *res publica* with *restituere* used in the sense 're-establish'. As Todisco and Mantovani have observed, Mommsen's restoration can be interpreted in this way, either by expanding *p R* as genitive, *p(opuli) R(omani)* ('... because he restored the *res publica* of the Roman people'), or by retaining the dative expansion and interpreting it as dative of advantage ('... because he restored the *res publica* for the Roman people')¹¹. Todisco also offers an alternative restoration of the lacuna incorporating this usage¹².

Little or no weight can therefore be placed on this notice in the Fasti Praenestini : it is uncertain whether the entry included a reference to the *res publica* at all, and, if it did, how it is to be interpreted. One conjecture can, however, be excluded. Millar suggested that the statement of the senate's reason for conferring the oak crown might be completed in the same terms as the aureus legend : [...*quod leges et iura*] *p. R. rest[it]u[it]*¹³. This proposal disregards the chronology : the grant of the civic crown was prompted by the completion of the transfer process on 13 January 27, of which the restoration of laws in 28 was only an initial stage¹⁴.

No doubt others besides the author of the *Laudatio Turiae* spoke

¹⁰ So Rich-Williams 1999, p. 210.

¹¹ Todisco 2007b, p. 343-8; Mantovani 2008, p. 32-3.

¹² Todisco 2007b, p. 353 : *corona querc[ea a senatu, uti super ianuam Imp. Caesaris] Augusti poner[etur, decreta quod ciues seruauit, re publica] p(opuli) R(omani) rest[it]u[it]a*.

¹³ Millar 2000, p. 6-7; favoured by Scheid 2007, p. 89, and Cooley 2009, p. 265.

¹⁴ Rightly noted by Hurlet-Mineo 2009, p. 12 n. 10.

of Augustus' establishment of order and stability after the civil wars as a restoration of the *res publica*¹⁵. Such is indeed the tenor of Velleius' paean to his achievements, although he does not use the phrase (2.89.3-4, cited n. 37). Similar messages are conveyed by L. Mescinius Rufus' denarius of 16 BC, with its claim that 'through him the *res publica* is in a more ample and more tranquil state', and Cossus Cornelius Lentulus' aureus of 12 BC showing Augustus extending his hand to the kneeling *Res Publica* (nn. 97-8).

It may, however, be no accident that Augustus himself is not attested as claiming that by his settlement after the civil wars he had restored the *res publica*, for he seems rather to have presented setting it to rights as an ongoing project. In the edict cited by Suetonius (*Aug.* 28.2, cited n. 72) and perhaps issued in 27 BC, he spoke of the laying of the foundations of the republic (*fundamenta rei publicae*) as a task still to be accomplished. If the argument presented above is correct, he undertook responsibility for completing this work in January 27 as part of the agreement reached following his transfer of the *res publica*.

After Augustus the word *res publica* continued to be used in its established senses, of the public interest and of the political community or commonwealth, and emperors continued to acknowledge their obligation to care for the *res publica*. In time of civil war, resort was once again made to the language of restoration: thus the coinage of Galba and Vespasian proclaimed *libertas restituta*, *Roma restituta* and *Roma resurge(n)s*, and hailed Vespasian as *adsertor libertatis publicae*¹⁶. It was not, however, until the reign of Septimius Severus that the phrase *res publica restituta* is first attested in official discourse, in the most prominent possible location: the inscription on his arch in the Roman Forum, erected in AD 203, proclaims that it has been set up for Severus and his sons by the senate and people 'on account of the restoration of the republic and the extension of the empire of the Roman people by their outstanding virtues at home and abroad'¹⁷.

Historians like Suetonius and Tacitus betray no illusion about the political realities. Tacitus sometimes speaks of the *res publica* as

¹⁵ An echo of contemporary discourse from the Augustan period may perhaps be preserved in [Sall.] *Ad Caes. sen.* 13.4-6, if the work was in fact composed then. Purporting to be addressing Caesar c. 49, the writer urges him 'to restore overthrown liberty' (*utei libertatem restituas*) and promises him matchless glory, 'the *res publica* having been restored' (*re publica restituta*).

¹⁶ On these themes on the coinage see now Rosso 2009.

¹⁷ *ILS* 425 = *CIL* 6.1033 = 31230 = 36881: ... *ob rem publicam restitutam imperiumque populi Romani propagatum insignibus uirtutibus eorum domi forisque*

in the past, a time of which by Augustus' death there was no living memory.¹⁸ Suetonius reports that Augustus thought of giving back the republic (*de reddenda re publica*) but thought better of it, and Tacitus derides Tiberius' frequent remarks on the subject as 'vain and ludicrous'¹⁹.

The above discussion has confirmed that there is scant attestation of the phrase *res publica restituta* and its cognates in connexion with Augustus and no ground for supposing that he himself deployed it as a slogan. Scholars would be best advised to avoid it when writing of Augustus' principate²⁰.

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¹⁸ Tac. *Ann.* 1.3.7, *Hist.* 1.1.1; cf. *Ann.* 4.19.3, 13.28.1.

¹⁹ Suet. *Aug.* 28.1; Tac. *Ann.* 4.9.1.

²⁰ I am very grateful to the audience at the École Française de Rome, and especially Werner Eck, Frédéric Hurlet and Frederik Vervaeke, for their comments on an earlier draft of this paper; to Ian Leins and Jonathan Williams of the British Museum for help with the illustrations and Appendix 1; and to Tony Woodman for linguistic advice.

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