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Deutsches Archäologisches Institut, Zentrale, Podbielskiallee 69–71, 14195 Berlin, Tel: +49 30 187711-0

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HERBERT W. BENARIO

Octavian's Status in 32 B. C.

I start from the basic assumption that Augustus did not lie in the *Res Gestae*. Some of the points he makes may be subject to other interpretations than those he intended, and he may not have included everything that could justifiably have found a place. But, although he may have been guilty of error by omission, he was innocent of error of commission, and when he made a statement of fact, it was what he remembered as correct. It is most unlikely that he would have prevaricated when he could easily have been checked by mindful contemporaries and men of the younger generation who were fascinated by the events of the momentous period that saw the end of the republic and the establishment of the principate. Tacitus was right when he said, *quotus quisque reliquus, qui rem publicam vidisset*;¹ but Augustus could not run the risk to his posthumous reputation of blatant falsehood.

Consequently, when he says that he was triumvir for «ten consecutive years,» I believe he means precisely that. But this statement has caused modern historians difficulty. Before I comment upon five recent discussions of the problem, I shall present here the pertinent ancient evidence.²

Appian, B. C. 5, 95: ἐπει δὲ ὁ χρόνος αὐτοῖς ἔληγε τῆς ἀρχῆς, ἢ τοῖς τρισὶν ἐψήφιστο ἀνδράσιν, ἑτέραν ἑαυτοῖς ὠρίζον πενταετίαν, οὐδὲν ἔτι τοῦ δήμου δεηθέντες (37 B. C.).

Appian, Ill. 28: δύο γὰρ ἔλειπεν ἔτη τῇ δευτέρᾳ πενταετία τῆσδε τῆς ἀρχῆς, ἦν ἐπὶ τῇ προτέρᾳ σφίσιν αὐτοῖς ἐψηφίσαντο καὶ ὁ δῆμος ἐπεκεκρωόκει (1 January 33 B. C.).

Dio 48, 54, 6: ἑαυτοῖς δὲ τὴν ἡγεμονίαν ἐς ἄλλα ἔτη πέντε, ἐπειδὴ τὰ πρότερα ἐξεληλύθει, ἐπέτρεψαν (37 B. C.).

Dio 50, 4, 3: καὶ τὴν τε ὑπατείαν αὐτόν, ἐς ἣν προεκεχειροτόνητο, καὶ τὴν ἄλλην ἐξουσίαν πᾶσαν ἀφείλοντο (32 B. C.).

Fasti Consulares Capitolini: M. *Aimilius* M. f. [Q. n. *Lepidus* II] M. *Antonius* M. f. [M. n. II] *imp. Caesar divi* [f. C. n. II *IIIviri reipubl. constit. caussa*] (1 January 37 B. C.).

¹ Ann. 1, 3, 7.

² Additional passages often drawn into discussion are presented by FADINGER (see note 19) 84 ff.

Res Gestae 7, 1: *Triumvirum rei publicae constituendae fui per continuos annos decem.*

τριῶν ἀνδρῶν ἐγερόμην δημοσίων πραγμάτων κατορθωτῆς συνεχέσιν ἔτεσιν δέκα.

Suetonius, Divus Augustus 27, 1: *Triumviratum rei p. constituendae per decem annos administravit.*

Tacitus, annales 1, 2, 1: *Postquam . . . ne Iulianis quidem partibus nisi Caesar dux reliquus, posito triumviri nomine consulem se ferens . . .*

Livy, epit. 132: *Cum M. Antonius . . . neque in urbem venire vellet neque finito triumviratus tempore imperium deponere bellumque moliretur . . . Caesar in Epirum cum exercitu traiecit (32 B. C.).*

T. RICE HOLMES recapitulated the course of scholarship in the years preceding 1928,³ and concluded that the triumvirate came to an end (a legal end, that is) on 31 December 33. This date may be considered, for the sake of convenience, *communis opinio*.⁴

Within the last decade and a half, however, the debate has been renewed. P. GRENADE, in a large and important book,⁵ arguing that Octavian remained triumvir throughout 32, says that «il s'en suit que pendant quelques mois, Octave, qui n'est pas consul, n'a pas eu d'autre soutien que la fidélité de ses soldats, la force du sentiment national et les manifestations de loyauté des populations dont le serment est la plus haute expression.»⁶ Circumstances prevented a voluntary abdication from the triumvirate, for it would have been political suicide.⁷ The triumvirs were able to continue their functions beyond the date specified for their second *quinquennium*; «juridiquement le Triumvirat durait tant qu'il n'était pas résigné par son titulaire. Les pouvoirs constituants du IIIvir fournissent la base légale sur laquelle Octave a érigé l'édifice de sa puissance jusqu'en janvier 27.»⁸ «En limitant à dix ans la durée de son triumvirat, Auguste a recouvert cette réalité d'un vernis illusoire et substitué à une évidence d'ordre juridique une vérité d'ordre politique qui découlait des thèmes de sa propagande ultérieure.»⁹

F. DE MARTINO disagrees on precisely the legal point: «La conclusione alla quale si può pervenire, allo stato attuale delle fonti, è che Ottaviano continuò ad esercitare di fatto il potere dopo il dicembre del 33 e nei primi mesi del 32, ma che legalmente tale potere era spirato nel 33. Se così non fosse stato, difficilmente Sossio avrebbe osato di proporre un senatusconsulto contro un triumviro legalmente in carica, né Ottaviano avrebbe sentito la necessità di ricercare una nuova base alla

³ The Architect of the Roman Empire, Oxford 1928, 231–45.

⁴ Accepted, *inter alios*, by W. W. TARN & M. P. CHARLESWORTH, CAH 10, 1934, 94, and P. A. BRUNT & J. M. MOORE, Res Gestae Divi Augusti, Oxford 1967, 48–9.

⁵ Essai sur les Origines du Principat, Paris 1961.

⁶ Ibid. 15.

⁷ Ibid. 28.

⁸ Ibid. 29–30.

⁹ Ibid. 41.

sua posizione costituzionale nello stato con il *iusiurandum Italiae*; s'intende, che nelle *Res Gestae*, dove si osserva rigorosamente la linea della legalità repubblicana, i mesi dell' esercizio illegale del potere triumvirale sono lasciati in ombra.»¹⁰

K.-E. PETZOLD lays heavy emphasis on the precedent of the dictatorship for the triumvirate, claiming that a dictator was appointed to perform a specific task and remained in office until he abdicated upon completion of that task, and that the Triumvirs did not, for the same reason, feel bound by the legal limitation which they had set for themselves. «Zusammenfassend läßt sich sagen, daß das Problem des titularen Endes der Triumviratszeit für die historische Bewertung des Jahres 32 irrelevant ist, Octavian demnach auf jeden Fall Inhaber der Triumviralgewalt war, und daß die Frage nach der Legalität seiner Handlungen an dem Wesen der Triumviralgewalt vorbeigeht.»¹¹ He supports this view, that Octavian's *potestas* continued to be triumviral and that it was increased after Actium by the addition of Antony's share of the triumviral *potestas*,¹² by an interpretation of RG 34, 1, *postquam bella civilia extinxeram, per consensum universorum potitus rerum omnium*, which refers *bella civilia* to the war against Antony.¹³ Augustus could consequently properly say that the *consensus universorum* was the basis for his acquisition of sole power.¹⁴

E. GABBA rightly points out the difference between the dictatorship as held by Sulla and the triumvirate: the latter had a legal terminal date. «Questa scadenza diversificava il Triumvirato dalla precedente magistratura costituente, la dittatura di Silla dell' 82 a. C., alla cui titolatura i Triumviri si richiamavano, e che, a quel che pare, doveva durare fino all'espletamento del compito: fu Silla ad abdicare spontaneamente quando ritenne di aver esaurito il suo programma.»¹⁵ Consequently, the triumvirs held office illegally during the year 37, from January 1 until the Treaty of Tarentum, which, among other agreements, renewed the *Lex Titia* and extended their powers for a second *quinquennium*.¹⁶ But GABBA believes that this second period of five years commenced with the beginning of the new year, 1 January 36, and that Octavian was therefore triumvir for the whole of 32. The *consensus universorum* gave him a popular legitimization which did not depend on triumviral *potestas*,¹⁷ and the consulate served as a surrogate for the power that expired when the legal limit of the triumvirate was reached at the end of 32.

¹⁰ Storia della Costituzione Romana IV, 1, Naples 1962, 90.

¹¹ Die Bedeutung des Jahres 32 für die Entstehung des Principats, *Historia* 18, 1969, 337-9, with the quotation from the last page.

¹² *Ibid.* 346, n. 46.

¹³ *Ibid.* 340.

¹⁴ *Ibid.* 348.

¹⁵ La data finale del secondo Triumvirato, *RFIC* 98, 1970, 7.

¹⁶ *Ibid.* 11.

¹⁷ *Ibid.* 13.

Tacitus' collocation of participial phrases is thus to be understood as very closely linked in time, with the first immediately preceding the second.¹⁸

V. FADINGER, in a detailed and wide-ranging dissertation, comes to quite different conclusions from those of PETZOLD and GABBA.¹⁹ Unlike the former, who denies any real significance to the legal ending of triumviral power for evaluation of the historical importance of the year 32, he is concerned with «der Frage der Laufzeit des zweiten Quinquenniums. Sie ist um so bedeutungsvoller, als mit ihr die Frage nach der rechtlichen Stellung Octavians im Jahre 32 v. Chr. aufs engste zusammenhängt.»²⁰ He argues, unlike GABBA, that the triumvirate ended at the end of 33.²¹ But Octavian's powers continued: «Octavian behielt nach Ablauf des Triumvirats am 31. 12. 33 die gleichen außerordentlichen *Vollmachten* bei, die er bis dahin als Inhaber des durch die Lex Titia begründeten und durch ein weiteres Gesetz Ende 37 erneuerten triumviralen Amtes unter dem Titel «III vir r. p. c. iterum» legal besessen hatte, nur übte er sie seit dem 1. 1. 32 v. Chr. ohne den dazugehörigen Titel und losgelöst von Amt aus, das nicht mehr gesetzlich weiter verlängert worden war. Diese formal illegale, aber mangels Abdikation materiell fortbestehende triumvirale potestas hat als die unmittelbare Rechtsgrundlage jener außerordentlichen Maßnahmen zu gelten, die Octavian in den Jahren 32 bis 27 v. Chr. durchführte.»²²

These, then, are the basic assumptions that are now generally maintained. Preponderance of opinion leans to the end of the year 33 for the conclusion of the legal term of the triumvirate. But, even if *de iure* the triumvirate had lapsed, Octavian continued to wield its *potestas de facto*, and it was upon this basis that he maintained himself for the first part of the year, until the *coniuratio Italiae* gave him an *auctoritas* unparalleled and a position above all law. I propose to argue that the year 33 was indeed the last of the triumvirate's duration, that Octavian was content to take his chances as a *privatus* with *imperium*,²³ and that the *imperium* was his perfectly legally, though he may have used it for purposes that might have caused some contemporaries to frown or even protest. But his *auctoritas*, which grew from his defeat of Sextus Pompey, which freed Italy from fear of famine and the danger of immediate civil war, and from his successful campaigns in Illyricum in 35 and 34, already set him apart from any rivals in Italy.

¹⁸ Ibid. 15.

¹⁹ Die Begründung des Prinzipats, Berlin 1969.

²⁰ Ibid. 98.

²¹ Ibid. 103.

²² Ibid. 143–5.

²³ He was a *privatus* rather than a promagistrate because there was no SC or law which extended his office. He could hardly have been a *protriumvir*, so to speak, since such a law would have continued the legal existence, at least in part, of an office which he was now eager to doff. A *privatus* with *imperium* was an unusual figure in Roman history; cf. TH. MOMMSEN, Römisches Staatsrecht I³, Leipzig 1887, 642.

We know from Appian, B. C. 4, 7: *καὶ δῆμαρχος Πόπλιος Τίτιος ἐνομοθέτει καινὴν ἀρχὴν ἐπὶ καταστάσει τῶν παρόντων ἐξ πενταετῆς εἶναι τριῶν ἀνδρῶν, Λεπίδου τε καὶ Ἀντωνίου καὶ Καίσαρος, ἴσον ἰσχύουσαν ὑπάτοις*, that the triumviral power was consular. But the triumvirs' power was superior to that of the successive consuls, not only by law, since the *triumviri* were charged with the task of setting the state aright, a charge which subordinated all other elements of the state to them, but by general acceptance, because the consuls were the designees of the triumvirs and because the triumviral power continued year after year and became progressively more significant in men's minds the longer it endured. In that period, a decade was *grande mortalis aevi spatium*.²⁴ Under these circumstances, Octavian was inevitably the dominant political figure in Rome, particularly after 36, and his position would not have been materially altered, in the general view, in early 32, when his triumviral *potestas* had lapsed. His *auctoritas* was too great for that.

For the triumvirate had indeed come to an end on 31 December 33. All the ancient evidence supports this view, save that of Appian, Ill. 28. But when Appian stands alone here, against the statements of Augustus himself, Suetonius, and Livy's epitomator,²⁵ we can only conclude that he is wrong, although he may well have used Augustus' autobiography as one of his sources. The emperor surely did not contradict himself when he came to compose the *Res Gestae*. To have fraudulently described his position in that crucial year when he became the acknowledged savior of Italy and the western provinces would have been to leave himself open to posthumous refutation and condemnation. He was too shrewd for that. It would have been a bad end to a drama which he had played well.²⁶

The Lex Titia ran from 27 November 43 to the end of 38, five full years beginning with the next consular year. For the first part of the year 37, until the law was renewed as part of the Treaty of Tarentum, the triumvirs wielded their powers without sanction of law; but, since they controlled all the military might of the empire, who would challenge them? The renewal, however, was made retroactive to the beginning of 37 to cloak their actions in the interim with legal authority, so that the second five year period ran from 37 through 33. In that period, Lepidus was humiliated and relegated to obscurity, and Antony succeeded in alienating the favor and support of a large part of the *populus Romanus*. As his position became less *republican* and less acceptable, Octavian grew stronger,

²⁴ Tac. Agr. 3, 2.

²⁵ The possibility exists that Suetonius used the number *decem* only as a round figure and that the epitomator of Livy represented a future perfect by his ablative absolute. If so, their testimony might be questioned, but I think that Suetonius, with such information as he had available to him, would not have used an imprecise figure without a modifying word such as *fere* or *circa*, and that the epitomator would have chosen a subordinate clause to express a future perfect, since the most immediate response to the past participle is to consider it a true past.

²⁶ Cf. Suet. Aug. 99, 1.

so that, with the year 32, he was able to cease calling himself *triumvir* (he never used the title in anything datable to later than 33). As *cos. desig. III*, he could look forward to the future with confidence, for he still held his army.

One might say that his *imperium* as army commander stemmed from his triumviral *potestas*. Though the latter had lapsed, the former continued until he was succeeded in command of the army. This *imperium* remained his until he had accomplished what he had set out to do in Illyricum (or could claim that he still intended to do) in the absence of a successor.²⁷ A special *lex curiata* was unnecessary, since he already possessed *imperium*. As long as a successor was not designated and did not appear to take over the command of the army, Octavian was secure; the tradition, embedded in the *mos maiorum*, that an army command should not be abandoned before a new commander has been appointed coincided with his own personal interest. Although Illyricum was not yet a province, the parallel with a governor's turnover of a province to a successor no doubt would have obtained;²⁸ designation of a successor, had it been seriously considered by the senate, could have been easily blocked by tribunician veto.²⁹

It was this *imperium* which set him apart from other consulars in the senate, for he alone, present in or near Rome, possessed an army command, which, as Pompey before him, he was exercising through a legate. So far his position was legal; whether he was fully justified in taking a place between the consuls is more doubtful. And if the meeting of the senate took place within the *pomerium*, which we do not know, he was legally wrong in attending. These two points weaken his legal claim, but he evidently thought the situation in early 32 was crucial enough to require that he act from strength. And he obviously thought that he could get away with these actions, as indeed he did. His own position over the previous decade, and his *auctoritas*, must have dulled any objections.

Nor should any similarity between the triumvirate and the dictatorship be pressed, in claiming that triumviral power continued after the expiration date of the law which established it. Sulla's and Caesar's dictatorships furnish no valid parallel, for Sulla was appointed *dictator legibus scribundis et rei publicae constituendae*; his title was different from that of earlier dictators, to be sure, but «the one important novelty in Sulla's case was the absence of any limit to the period for which he might retain his office.»³⁰ Caesar's position was unique, for he accu-

²⁷ Cf. J. P. V. D. BALDSON, s. v. *Imperium*, OCD², Oxford 1970, 543: «To a promagistrate or a *privatus cum imperio*, *imperium* was granted for a year at a time, or until his commission was achieved.»

²⁸ BALDSON, *Consular Provinces under the Late Republic*, JRS 29, 1939, 172-3: «Even if his *imperium* was not explicitly prorogued, a governor was justified in remaining in his province until his successor arrived. After that, by a *lex Cornelia* of Sulla, he had to leave the province within thirty days.»

²⁹ Even had a successor been appointed, Octavian would have continued to possess *imperium* until he had celebrated his triumph; cf. MOMMSEN, op. cit. (note 23), 641.

³⁰ H. LAST, CAH 9, 1932, 283.

mulated dictatorships, with little or no break (save for the first, which he resigned after eleven days), until he became *dictator perpetuus*. Certainly no termination of office existed, or, if on occasion there was a gap, it made little or no difference, since Caesar was consul at the time.³¹ But earlier dictators had been appointed for a maximum of six months; if they completed the task for which they had been chosen before that period expired they abdicated at once, but if the crisis continued for the full period of six months, they were required to resign then.³² Similarly, since the Lex Titia specified a precise limit of power, and it may be presumed that the renewal law (about which no evidence exists) did the same, the triumvirs found themselves *legally* without *triumviralis potestas* when the law expired. MOMMSEN's claim that the triumvirs continued in office beyond the termination date specified by the law if they failed to abdicate is not, in my view, compelling.³³ There is no historical evidence for such a view. But, as Antony's use of the title after that date shows, a dynast did not have to give up the accoutrements of power if there were no compulsion to do so. Octavian, however, did not choose the same course, and wished to free himself of the incubus of the triumvirate.

R. SYME writes of Octavian in 32: «He had discarded the name of Triumvir. But he possessed *auctoritas* and the armed power to back it . . . Octavianus professed to have resigned the office of Triumvir, but retained the power, as was apparent, not only to Antonius, but to other contemporaries – for Antonius, who, more honest, still employed the name, again offered to give up his powers, as he had two years before.»³⁴ But, if what we have said above is correct, his consular *imperium*, which gave him his army command, still continued after the triumvirate ended. F. MILLAR, in the course of a detailed examination of the continuance of consular prerogatives under the triumvirate, comments: «Ten years later (*sc.* 32 B. C.), as is notorious, the consuls Sosius and Domitius Ahenobarbus resolutely opposed Octavian, and refused his demands for publication of Antonius' Donations of Alexandria; Sosius would have taken direct action against Octavian but for the veto of the tribune Nonius Balbus.»³⁵ This may rather be an instance of consular initiative after the cessation of the triumvirate; could the consuls indeed have acted thus against Octavian had he still been triumvir? A bit further on, MILLAR indicates that Octavian was not, in discussion of «a document of late 32, when (perhaps) his only official position was that of *consul designatus* for the third time.»³⁶

In this year, Octavian must have been acutely sensitive to his official position and to his reputation among the people. He knew that a decisive split with Antony was inevitable and that, to appear as a champion against Antony, his public

³¹ Cf. T. R. S. BROUGHTON, *The Magistrates of the Roman Republic*, Lancaster 1952.

³² Cf. MOMMSEN, *op. cit.* (note 23), II³, 160.

³³ *Ibid.* 720.

³⁴ *The Roman Revolution*, Oxford 1939, 278–9.

³⁵ *Triumvirate and Principate*, JRS 63, 1973, 53.

³⁶ *Ibid.* 58.

persona must be different. Public psychology is always particularly important when great changes in the fabric of a state are under way. I suggest that the triumvirs had foreseen this when they allowed a year to intervene between the end of the triumvirate in 33 and the entry of Antony and Octavian into their joint third consulate in 31. It was psychologically prudent that they not appear to slide, so to speak, from one magistracy, above all one which provoked odium among many, into another without a gap. Consequently, Tacitus' words *posito triumviri nomine consulem se ferens* should not be taken to mean that the consulate followed hard upon the triumvirate; rather the sense is, I think, that these were the two official posts he held, first triumvirate, then consulate, but not necessarily without a break.

It also should not be forgotten, in consideration of Octavian's position in 32, that he had some attributes, at least, of the tribunate. Appian states that he received *tribunicia potestas* in 36,³⁷ Dio says that he became *sacrosanctus* in this year;³⁸ Appian is very likely wrong, but, at the minimum, it seems unquestionable that Octavian was sacrosanct in 32 and may have possessed the seat of a tribune.³⁹ «Such a detachment of one privilege of the tribunate from the rest would not have been strange in that age, while in view of the state of Rome in the next few years, such a privilege might not have been in itself unwelcome to the ruler.»⁴⁰ How far could Sosius have gone against Octavian under such circumstances?

Indeed, Octavian had left Rome before the end of the year 33. That in itself need have occasioned no surprise; his army was still standing in Illyricum and he might have thought of spending part of the year with it. But it appears more likely that, recognizing that he would no longer have overriding triumviral power, he preferred to absent himself from the scene to avoid a clash with the incoming consuls, adherents of Antony, and to await events at a distance from the capital. As it happened, the clash came quickly and he was compelled to return to Rome to maintain his position.

No comparison should be made between his position in the first part of 37, when he wielded the powers of the triumvirate after the law establishing it had expired, and in 32. Then he had two colleagues and there was the desperate threat of Sextus Pompey; legal niceties could receive little attention. But the victory at Naulochus and Sextus' subsequent death changed the situation dramatically; indeed, Octavian could claim to have ended the civil wars with this success.⁴¹ From this point on, his popularity grew enormously, and in 32 his position was so firm that he did

³⁷ B. C. 5, 132: ἐφ' οἷς αὐτὸν εὐφημοῦντες εἴλοντο δῆμαρχον ἐς αἰεὶ, διηνεκεῖ ἄρα ἀρχῇ προτρεπόντες τῆς προτέρας ἀποστήναι.

³⁸ 49, 15, 5: . . . ἐψηφίσαντο, καὶ τὸ μῆτε ἔργῳ μῆτε λόγῳ τι ὑβρίζεσθαι· εἰ δὲ μή, τοῖς αὐτοῖς τὸν τρίουτό τι δράσαντα ἐνέχεσθαι οἷσπερ ἐπὶ τῷ δημάρχῳ ἐτέτακτο.

³⁹ MOMMSEN, *op. cit.* (note 23), I³, 406, n. 2, based upon Dio 49, 15, 6.

⁴⁰ F. HAVERFIELD, *Four Notes on Tacitus*, JRS 2, 1912, 197.

⁴¹ App. B. C. 5, 132: τῶν ἐμφυλίων καταπεπαυμένων.

not require legal fiction or fraud.⁴² He could claim that the forthcoming war was against Cleopatra, not Antony; with the passage of time, this distinction became blurred, and the victory of Actium was considered to have finally brought civil strife to an end.⁴³

The entry in the *Fasti consulares Capitolini* will, I think, support this view. The *Fasti*, as is now recognized, were inscribed upon the second Augustan arch in the forum, which commemorated the recovery of the standards lost by Crassus and Antony from the Parthians and replaced a smaller arch of the year 29. These *Fasti* were, if not composed, at least collated in the teens of the first century B. C., in the period immediately following upon Vergil's death and when Horace and Livy were still active in composition.⁴⁴ Octavian was now Augustus; the year 32 must have seemed very long ago, and Augustus showed clearly that he wanted history to know that the triumvirate's second *quinquennium* had lasted from 37 to 33. Later in 32, the oath of Italy had removed any anomalies that may have existed in his position.⁴⁵ From that point on, his status in the state was unique, without a colleague, unless he wished to have one, but always without a rival.⁴⁶

⁴² Cf. SYME, *op. cit.* (note 34), chap. 17.

⁴³ In RG 34, 1, *postquam bella civilia exstinxeram* must refer to the aftermath of Actium; Augustus at this point considered the war against Sextus as action against *praedones* and *servi* (RG 25, 1). See also V. EHRENBERG and A. H. M. JONES, *Documents Illustrating the Reigns of Augustus and Tiberius*², Oxford 1955, 37, and *Vell. Pat.* 2, 87, 1 and 89, 3.

⁴⁴ E. NASH, *Pictorial Dictionary of Ancient Rome I*², London 1968, 92, with bibliography.

⁴⁵ RG 25, 2: *Iuravit in mea verba tota Italia sponte sua, et me belli quo vici ad Actium ducem depoposcit*. Indeed, F. DE VISSCHER, *Les pouvoirs d'Octavien en l'an 32 av. J. C.*, *BIBR.* 19, 1938, 103-24, claims that the verb *depoposcit* alludes directly to a *lex* which designated Octavian *dux* of the war against Cleopatra and granted him the necessary *imperium infinitum et maius* for the task. DE VISSCHER bases his argument upon Cicero's expression *imperatorem deposci* to represent the passage of the *lex Gabinia*, which granted Pompey an extraordinary command against the pirates (*de imp. Cn. Pompei* 5).

⁴⁶ I am grateful to Professor P. A. BRUNT and Mr. F. A. LEPPER of Oxford for their comments and suggestions. I am sure that there still remains much with which they would take issue, and they should not be charged with responsibility for any of the views here expressed.

