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A. R. BIRLEY

Q. Lucretius Vespillo (cos. ord. 19)*

I. *The consuls of 19*

The year 19 opened with only one consul, C. Sentius Saturninus: the people had left a place open for Augustus, but he declined to serve. Sentius' sole tenure of the *fascēs* lasted for well over six months,¹ until, as Dio records (54,10,2), he eventually acquired a colleague, Q. Lucretius Vespillo, a man who had survived the proscription. Sentius and Lucretius can only have served together for a short time. Sentius resigned at latest by the end of September and was replaced by a suffect, M. Vinicius. Both Sentius and Vinicius were relatively young, both were, or were to become, well known, both registered a series of notable achievements after 19 and both left descendants. Sentius was linked with Scribonia, former wife of Augustus; but it seems probable that he had already some personal achievements under his belt before he was elected.² This was certainly the case with Vinicius, who had won a victory against some

* All dates are BC unless otherwise stated. The following works are cited by author's name only: BADIAN = E. BADIAN, «Crisis theories» and the beginning of the principate, in: *Romanitas – Christianitas. Untersuchungen zur Geschichte und Literatur der römischen Kaiserzeit*. Festschrift J. Straub, ed. G. WIRTH, Berlin – New York 1982, 18–41; DETTENHOFER = M. H. DETTENHOFER, *Herrschaft und Widerstand im Augusteischen Principat. Konkurrenz zwischen res publica und domus Augusta*, Stuttgart 2000; KIENAST = D. KIENAST, *Augustus. Prinzeps und Monarch*, Darmstadt ³1999; LACEY = W. K. LACEY, *Augustus and the Principate. The Evolution of the System*, Leeds 1996; RICH = J. W. RICH, *Cassius Dio: The Augustan Settlement*, Warminster 1990; SATTLER = P. SATTLER, *Augustus und der Senat. Untersuchungen zur römischen Innenpolitik zwischen 30 und 17 v. Chr.*, Göttingen 1960; SYME, AA = R. SYME, *The Augustan Aristocracy*, Oxford 1986; SYME, RR = R. SYME, *The Roman Revolution*, Oxford 1939; WOODMAN = A. J. WOODMAN, *Velleius Paterculus. The Caesarian and Augustan Narrative (2.41–93)*, Cambridge 1983.

¹ He is attested as consul without a colleague at Rome in June by two tesserae, CIL I² 742–743, and on 1 August at Corduba, CIL II 2255 = ILS 8007 = CIL II²/7,397.

² R. SYME, *The Provincial at Rome and Rome and the Balkans 80 BC–AD 14*, *Exeter* 1999, 202 and n. 33 (in a paper written c. 1944), conjectured that he might have been praetorian proconsul of Macedonia, citing military men at Stobi called «C. Sentius Saturninus», *AE* 1934, 128. Sentius' great-grandfather, C. Sentius (pr. 94), had governed Macedonia for many years, 93–87, *MRR* II 12,15; III 191.

Germans in 25 (Dio 53,26,4);³ besides, his kinsman L. Vinicius had been *cos. suff.* in 33.⁴ No such considerations apply to Lucretius. He was already an old man when he became consul and he disappears from view after October 19; and no progeny or kin is on record, apart from his wife Turia – for, since the identification of the consul of 19 with the sorrowing widower of the so called *Laudatio Turiae* has been abandoned, the autobiographical details in that remarkable inscription have no relevance to him.⁵ At the very least then, it seems puzzling why this man was chosen to fill the vacant consulship.⁶

The standard view of Lucretius' previous career may be summarised. He was presumably born at the very latest in 81, when his homonymous father fell victim to Sulla's proscription (Appian, BC 4, 44) or at any rate – if he was a posthumous son – some months after his father's death. The odds are that his birth fell at least a few years earlier: his father after all lived long enough to be known as an orator *in privatis causis . . . et acutus et iuris peritus* (Cic. Brutus 178).⁷ He might well be the Lucretius named in passing by Cicero, without *praenomen* or *cognomen*, as prosecutor of (M. Livius) Drusus (Claudianus) – the father of

³ According to Dio Vinicius' success gained Augustus his eighth imperial acclamation. A mistake, surely: the acclamation was for Augustus' own Spanish victory, T. D. BARNES, *The victories of Augustus*, JRS 64, 1974, 21. SYME (n. 2), loc. cit., drew attention to the tribe named after Vinicius at Corinth, AE 1919, 2, and suggested that this might go back to a praetorian proconsulship of Macedonia (with Achaia) held by Vinicius in the 20s.

⁴ Sentius: E. GROAG, RE 2A.2, 1923, 1511–1526; R. SYME, *The stemma of the Sentii Saturnini*, Historia 13, 1964, 156–166, repr. in: Id., *Roman Papers II*, Oxford 1979, 605–616 (praising GROAG's «full and exemplary discussion» of the Sentii of the imperial period). Vinicius: R. SYME, M. Vinicius (cos. 19 BC), CQ 27, 1933, 142–148, repr. with Addendum in: Id., *Danubian Papers*, Bucharest 1970, 26–39.

⁵ See e.g. F. MILTNER, RE 13.2, 1927, 1691–1692; PIR² L 412; and, emphatically against identification with the widower of the *Laudatio*, D. FLACH, *Die sogenannte Laudatio Turiae. Einleitung, Text, Überlieferung und Kommentar*, Darmstadt 1991, 1ff. For Lucretius' father and grandfather and another possible kinsman, see below.

⁶ SATTLER 86 suggested that Lucretius «als ehemaliger Feind der neuen Gewalten Gesinnungsgenossen in das Lager des Augustus hinüberzog und dessen Anhängerschaft stärkte.» But he offers nothing to support this view. The suggestion is rejected e.g. by RICH 186; but is repeated in similar terms (not citing SATTLER) by DETTENHOFER 122 n. 51.

⁷ G. V. SUMNER, *The Orators in Cicero's Brutus: Prosopography and Chronology*, Toronto 1973, 106, who takes him to be «almost certainly» son of the aedile of 133 (MRR I 493), favours «a birth-date in the general vicinity of 130–127 (suggested by his proximity here [sc. in Brutus 177–8] to Caesar Strabo and Cethegus)»; evidently accepted by F. HINARD, *Les proscriptions de la Rome républicaine*, Rome 1985, 368, dating the death of the elder Q. Lucretius Vespillo to 81. This would make the consul's father well over forty at the time of his death. But of course the consul could have been a late born son (perhaps from a second marriage).

Livia – in 54 BC (Cic. Att. 4, 16, 5), so most believe.⁸ Not very successful participation by a Q. Lucretius on the Pompeian side in 49 is registered. On 11 February 49, shortly after the outbreak of civil war, Cicero reported to Atticus a gloomy letter of «Lucretius» (no *praenomen* or *cognomen*) to Cassius, calling him Cassius' *familiaris* (Att. 7,24, also briefly in 25, the same day or 12 February). On 23 February Cicero told Atticus that «Q. Lucretius» had escaped from Sulmo, which had opened its gates to Antonius (Att. 8,4,3). Caesar recounts how the people of Sulmo had at first been prevented from supporting him: *a Q. Lucretio senatore et Attio Paeligno probiberi, qui id oppidum VII cohortium praesidio tenebant*. The arrival of Antonius with five cohorts of *legio XIII* gave the Sulmonenses the courage to open their gates. Lucretius and Attius jumped from the town-wall. Attius was captured, sent to Caesar and set free (BC 1,18,1–4); Lucretius presumably escaped. Almost a year later, as Caesar records, on his landing in Epirus (5 January 48), among the opposing naval forces *erant Orici Lucretius Vespillo et Minucius Rufus cum Asiaticis navibus XVIII, quibus iussu D. Laeli praeerant*; they offered him no resistance (BC 3,7,1). Appian adds more detail: «Lucretius and Minucius, who were on the other side of Oricum with eighteen warships guarding cornships for Pompeius, sunk the latter to prevent them falling into Caesar's hands and fled to Dyrrachium» (BC 2,54).

Cassius' friend Lucretius, no doubt the same man as the Pompeian officer at Sulmo Q. Lucretius, has generally been identified with the Pompeian fleet-commander at Oricum Lucretius Vespillo – and with the future victim of the proscription of 43 and consul of 19.⁹ BROUGHTON, however, was on second thoughts hesitant: «Caesar's use of two forms of the name may indicate two different persons.»¹⁰ These doubts were swept aside by SHACKLETON BAILEY: «such variations are common in Caesar, as in Cicero.»¹¹ More important than the variant nomenclature is the objection raised by HINARD: the unsuccessful defender of Sulmo is explicitly labelled a senator by Caesar. Hence he cannot be Q. Lucretius Vespillo, who, as son of a man proscribed by Sulla, would have been debarred from a political career. The ban was not lifted until 49 – by Caesar. There are no known grounds for supposing that Lucretius Vespillo could have circumvented it – as was possible, evidently, for M. Brutus through the adoption which turned him into Q. (Servilius) Caepio Brutus.¹² The senator

⁸ E.g. F. MÜNZER, RE 13.2, 1927, 1656; D. R. SHACKLETON BAILEY, *Onomasticon to Cicero's Letters*, Stuttgart – Leipzig 1995, 64f. Drusus, for whom see MÜNZER, RE 13.1, 1926, 881ff., was defended by Cicero and was acquitted (Cic. Att. 4,15,9; 17,5; QF 2,15,3).

⁹ E.g. MILTNER (as n. 5) 1691; MRR II 270f., 283; not disputed in PIR² L 412.

¹⁰ MRR III (1986) 130.

¹¹ SHACKLETON-BAILEY (as n. 8) 64f.

¹² HINARD (n. 7) 87–100, on «Le statut des *liberi proscriptorum*», and, drawing the consequences for Vespillo, 368f., n. 4, 491 and n. 3; on Brutus, 185f., 438.

Q. Lucretius who failed to defend Sulmo might have been a kinsman of Lucretius Vespillo. Perhaps he was son of another of Sulla's victims, who was not one of the proscribed: Q. Lucretius Ofella. After deserting the Marian side, Ofella gained a command from Sulla and captured Praeneste in 82 – but then offended by standing for the consulship without permission and was simply done to death on the dictator's orders.¹³

After Pharsalus, or at some point between 48 and 44, Q. Lucretius Vespillo might have been allowed to make a belated start to a senatorial career, as was the case, thanks to Caesar's reversal of Sulla's ban in 49, with L. Cornelius Cinna, brother of Caesar's first wife, who had become praetor by 44, and other sons of Sulla's victims.¹⁴ Caesar, after all, increased the size of the senate and doubled the numbers of praetors and quaestors, which must have made things easier, in spite of competition from Caesar's own supporters.¹⁵ However this may be, Lucretius was proscribed by the Triumvirs in 43. His proscription and his wife Turia's help in concealing him are registered by Valerius Maximus (6,7,2) and by Appian (BC 4,44). The latter also supplies the information that Lucretius' father had been proscribed by Sulla, further, that Lucretius stayed in hiding «until certain people got him removed from the list of the proscribed» and that «later, in peacetime, he was consul». Dio, whose index for Book 54 gives Lucretius' filiation, Q. f., registers about his past only the bare fact that he had been proscribed; but adds something on the circumstances of his choice as consul (see below). Finally, in the *Res Gestae* Augustus names Lucretius as consul no less than three times (RG 6,1; 11; 12,1), more mentions than any other consul apart from himself; and in one (RG 12,1) Lucretius is referred to as more than a mere date. An apparent discrepancy between RG 12,1 and Dio was taken by MOMMSEN to be an example of Augustus being economical with the truth, an interpretation often rejected but still current. These matters will require discussion presently.

First, something needs to be said about the immediate background to Lucretius' elevation to the *fasces*. After Augustus ceased to monopolise one of the consular places, as he had done for nine years, 31–23, serious problems arose.¹⁶ The status of the Princes, though he retained and enhanced his *imperium* and acquired – or activated – the *tribunicia potestas*, evidently seemed before long to the people of Rome to be inadequate. To be sure, no difficulty is recorded over the election of the consuls for 22, M. Marcellus Aeserninus and

¹³ MÜNZER, RE 13.2, 1927, 1686f.; MRR II 72. On this man (and his *cognomen*) see further below and n. 122.

¹⁴ MÜNZER, RE 4.1, 1900, 1287f.; MRR II 320f. Another example is C. Norbanus Flaccus (*cos. ord.* 38), who became praetor in 43: MRR II 338f.; III 150; PIR² N 166.

¹⁵ R. SYME, *Caesar, the senate and Italy*, PBSR 14, 1938, 9ff., repr. in: Id., *Roman Papers I*, Oxford 1979, 96ff.

¹⁶ The «settlements» of 27 and 23 are discussed below, part II.

L. Arruntius. Once they were in office there were chaotic scenes – and indeed more than chaotic scenes, if the conspiracy of Murena and Caepio belongs to this year, in which Dio places it (54,3,4–8). These included attempts to instal Augustus as dictator. When it came to the consular elections for 21, by which time Augustus had left Rome again, further trouble flared up: «One of the consulships was being reserved for Augustus and because of this at the beginning of the year Marcus Lollius held office alone.» Augustus, absent in Sicily, refused to accept election. A new contest had to begin, during which the candidates, Q. Lepidus and L. Silvanus [or: Silanus],¹⁷ «created such disturbances that Augustus was called on to come back by the sensible people». He refused, whereupon the candidates came to him. He told them to stay away from Rome until the vote had been held; after further disturbances it eventually resulted in the election of Lepidus (Dio 54,6,2–3).

Agrippa was summoned by Augustus, compelled to divorce his wife, Augustus' niece Marcella, and to marry Julia;¹⁸ he was despatched from Sicily to Rome to conclude the marriage and to administer the city (Dio 54,6,4–5). He did his best to restore order (54,6,6), «dealing with what required urgent attention» (54,11,1). For one thing, although this is not mentioned by Dio, Agrippa was perhaps able to ensure that two consuls were elected for 20, M. Appuleius and P. Silius Nerva.¹⁹ His mission accomplished, Agrippa left for Gaul and Spain (Dio 54,11,1–7), not to return until some time in 19. Augustus had by then gone from Sicily to the east: first to Greece, to Samos for the winter of 21–20, and in the spring of 20 to Asia and Bithynia, then to Syria. While he remained there, a demonstration of force by Tiberius in Armenia brought about the return of the lost standards and prisoners of war by the Parthians, a diplomatic triumph of which much was made. Augustus wintered on Samos again, and various arrangements were made for eastern kingdoms and principalities; then he proceeded to Athens (Dio 54,7,1–8; Vell. 2,91,1, out of chronological order; 94,4).²⁰

¹⁷ This may be one of many names in Dio transmitted in corrupt form. Cf. RICH 179 and p. 741 f. below, on «Marcus Primus». Most assume that this man was L. Junius Silanus, a known person, PIR² I 827, rather than an otherwise unknown L. ?Plautius Silvanus – not registered in PIR² P, cf. stemma opposite p. 480.

¹⁸ Allegedly, Dio says, on the advice of Maecenas, that Augustus must either make Agrippa his son-in-law or have him killed. According to Suetonius (D. Aug. 63,1), Augustus had to persuade Octavia, the mother of Marcellus and of Marcella, to release her son-in-law so that he could become son-in-law of Augustus, *Juliam . . . M. Agrippae nuptum dedit exorata sorore ut sibi genero cederet*. Plutarch, on the other hand (Ant. 87,2–3), attributes the initiative to the selfless Octavia. Marcella was promptly assigned a new husband: Iullus Antonius, her stepbrother. Cf. SYME, AA 143, 399.

¹⁹ Thus e.g. RICH 186: «Agrippa's presence presumably ensured that the elections for 20 ran smoothly.»

²⁰ Cf. H. HALFMANN, *Itinera Principum. Geschichte und Typologie der Kaiserreisen im Römischen Reich*, Stuttgart 1986, 158.

At Rome meanwhile a situation had arisen similar to that in 22–21. This time both Augustus and Agrippa were too far away to intervene. «But when it was necessary for a colleague for [Sentius] to be elected – for Augustus on this occasion also did not accept the office which was kept for him – strife broke out again and murders took place, so that the senators voted that Sentius should have a bodyguard», Dio records. «But since Sentius was unwilling to use the bodyguard, the senators sent envoys, each with two lictors, to Augustus [presumably to Athens] . . . Realising that there would be no end to the bad situation, he did not deal with them as he had before [i.e., presumably, in the way he had dealt with the rival candidates to be colleague of Lollius in 21], but appointed one of the envoys themselves, Quintus Lucretius, as consul, although this man had been listed among the proscribed; and he himself hastened to Rome» (Dio 54,10,1–2).

Velleius has a more detailed account of Sentius' consulship, although he says nothing of the senatorial embassy, let alone mentioning the man who eventually became Sentius' colleague. Having given a glowing account of what followed the victorious young Caesar's return to Italy in 29 (2,89,1–6), summed up in the pregnant phrase *prisca illa et antiqua rei publicae forma revocata* (2,89,4), he turns to the military and foreign achievements which followed the «burial of the civil wars» (2,90,1–91,1) – in Dalmatia, the Alps and Spain (at length), and then the return of the standards – only to interrupt this with the curiously misplaced explanation, almost like a footnote, that «the *cognomen* Augustus had been deservedly conferred on the motion of Plancus by the consensus of the entire senate and people of Rome» (2,91,1). An excursus follows (2,91,2–93,2), before the narrative of external successes is resumed with the first deeds of the young Tiberius (2,94,1 ff., with Tiberius' role in the return of the standards, 2,94,4, marking the resumption of what had been described at 2,91,1).

The excursus begins with the observation that there were some «who hated this most fortunate state of affairs», *erant qui hunc felicissimum statum odissent* (2,91,2). The assassination plot of L. Murena and Fannius Caepio and their just deserts, comes first, very briefly. This was followed not long after, he says, *neque multo post*, by the affair of Egnatius Rufus, recounted in considerable detail (2,91,3–92,5). Egnatius had gained enormous popularity in his aedileship by effective use of a fire-brigade formed from his own slave-household, *in tantum quidem, ut ei praeturam continuaret*. Soon the fellow dared to seek even the consulship, but was «sunk by the general awareness of his shameless deeds and crimes, and the state of his personal property became no better than his character». (Does this mean that Egnatius had spent so much on his electoral campaign that he was bankrupt?) Finally, in desperation, «collecting a gang of men just like himself, he determined to kill Caesar», *adgregatis simillimis sibi interimere Caesarem statuit*. He was found out and imprisoned with his fellow-conspirators; and met the death he deserved. That it was Sentius who had blocked Egnatius'

attempt to become consul is only revealed in the next chapter. Velleius does not actually say that it was Sentius who detected the conspiracy and arrested Egnatius and his gang.

Quite what the dating of Egnatius' career up till 19 was or when he formed his conspiracy is not readily apparent. It is hardly to be supposed that he planned to go east to assassinate the absent Augustus, who did not return to Rome until 12 October. The plot and its detection may perhaps best be put in 18: according to Dio, after the revision of the senatorial membership in that year, «many immediately and many later were accused of plotting against both [Augustus] and Agrippa», after which «Augustus executed a few men».²¹ Dio does not mention Egnatius in this context. By mishap he had already reported the man's rise and fall in his account of 26: under that year (his account of which starts at 53,23,1) he describes, similarly to Velleius, the successful aedileship, followed irregularly by election to the praetorship. Nothing is said by Dio about Egnatius' attempt to become consul. He simply reports that Egnatius' success went to his head, and that «he was so contemptuous of Augustus that he published a statement [it is not clear whether this was at the end of his praetorship or of his aedileship]²² that he had handed over the city intact to his successor. This aroused the indignation of the leading men, especially of Augustus, who not long afterwards was to teach him a lesson, not to exalt himself above the many.» Apart from this, Augustus ordered the aediles to carry out their fire-prevention and firefighting duties (53,24,4–6). Unquestionably, Dio has got the date wrong, since Velleius, in his panegyric on the excellent Sentius, *circa ea tempora consulis* (2,92,1–5), makes it certain that Egnatius' career was ended by Sentius in 19. This should mean that Egnatius had been praetor in 20; but it seems more probable that he was been aedile in 22 rather than in 21, since Dio's report under 22 that Augustus supplied 600 slaves for the aediles to use in fire-fighting looks like a reaction to Egnatius' success, even though he does not mention Egnatius here (54,2,4).²³

²¹ Thus RICH 191: «The reference is probably to the conspiracy of Egnatius Rufus, the only one known at this period . . . This is often supposed to have occurred in 19 shortly after the blocking of Egnatius' consular candidature, but 18, Dio's date, is also possible.» Note that Velleius does not actually say that it was Sentius who arrested Egnatius.

²² GROAG, RE 5.2, 1905, 1999f. (cf. briefly Id., PIR² E 32), assumes the latter and infers that Egnatius had been *praetor urbanus*. But Augustus' instructions to the aediles suggest that Egnatius' boast that he had kept the city intact, to which these were his reaction, referred to Egnatius' own measures as aedile. Cf. next note for further literature on Egnatius.

²³ Dio's error has often been discussed: e.g. by H. ANDERSEN, *Cassius Dio und die Begründung des Principates*, Berlin 1938, 29 n. 74; F. MILLAR, *A Study of Cassius Dio*, Oxford 1964, 87f.; P. BADOT, *À propos de la conspiration de M. Egnatius Rufus*, *Latomus* 32, 1973, 606–615 (with some implausible theories of his own); B. MANUWALD,

«The outstanding deed of an excellent man, Gaius Sentius Saturninus, consul at that time, must not be cheated of commemoration», Velleius' account continues (2,92,1). «Caesar was absent, regulating the affairs of Asia and the east, distributing to the whole world by his presence the benefits of his peace. At this time Sentius, who happened to be consul both on his own and in the absence of Caesar», had adopted a rigorously old-fashioned policy in general, clamping down on fraud by the *publicani* and restoring funds to the treasury. In particular, he played the part of a consul in his conduct of elections, firmly rejecting unworthy candidates for the quaestorship and threatening punishment if they persisted in turning up in the Campus Martius for the poll. He also forbade Egnatius to be a candidate for election to the consulship. The man was very popular and was hoping to «add the consulship on to the praetorship just as he had added on the praetorship to the aedileship». But the ban did not work: Egnatius must have nonetheless put his name forward. Sentius then «swore an oath that, even if Egnatius were to be elected by the votes of the people, he would refuse to announce him [as consul].»²⁴

It may be suggested that Egnatius was aedile in 22 and praetor in 21. He may have stood for the consulship in 20 without the necessary interval and then again, after only Sentius had been elected, in 19, when Sentius announced a new election to find himself a colleague.²⁵ Sentius' rejection of his candidacy, accompanied by an oath, is presumably part of what is referred to by Dio: «when it became necessary to elect a colleague for [Sentius] . . . strife broke out again at Rome and murders occurred, so that the senators voted a body-guard for Sentius» (54,10,1). There is hardly enough in Dio or Velleius to be sure that the *senatus consultum ultimum* was passed (as held by MOMMSEN; still sometimes stated in subsequent literature).²⁶ The despatch of a senatorial delegation to Augustus, each member equipped with two lictors, followed. Augustus «appointed» one of the envoys, Q. Lucretius Vespillo, to the vacant place;

Cassius Dio und Augustus, Wiesbaden 1979, 111–115; RICH 159, 174, 191. The problem with Dio is not dealt with as such by in two recent studies: D. A. PHILLIPS, The conspiracy of Egnatius Rufus and the election of suffect consuls under Augustus, *Historia* 46, 1997, 103–112; DETTENHOFER 121–123.

²⁴ The constitutional issue is discussed briefly by PHILLIPS (n. 23).

²⁵ It must be inferred that Egnatius had been seeking to become the colleague of Sentius, rather than to be elected consul for the next year, as mistakenly assumed by BADOT (n. 23) 611 f. and again favoured by J. A. CROOK, *Cambridge Ancient History* X², 1996, 89 n. 98; for 19, PHILLIPS (n. 23) 110 n. 19.

²⁶ TH. MOMMSEN, *Staatsrecht* I³ 691; rejected by BOISSEVAIN in his edition of Dio ad loc.; but cf. e.g. A. H. M. JONES, *Studies in Roman Government and Law*, Oxford 1960, 12: «in the summer of 19 BC the Senate passed the *SC ultimum*.» Similarly CROOK (n. 25) 89: «The consul refused Egnatius' candidature, and when a popular uprising occurred it was suppressed, in accordance with a *senatus consultum ultimum*, and the aspiring popular leader executed.» Neither cite any evidence.

and hurried back to Rome. There is no need to assume that Augustus usurped the powers of the *comitia* on this occasion. Rather, on the return of the envoys, Sentius will have gone through the proper procedures, accepted the candidacy of Lucretius, held a vote and declared him duly elected.²⁷

When Augustus at last returned to Italy – with Virgil, who died shortly after landing, at Brundisium on 21 September²⁸ – «the senate passed a decree that some of the praetors and tribunes of the plebs, with the consul Q. Lucretius and other leading men should be sent to meet [him] in Campania, an honour which up to that time had never been decreed for anyone except [Augustus].» Thus the Princeps himself (RG 12,1). MOMMSEN, in his edition of the *Res Gestae*, smelt a rat. Taking this embassy to Campania to be the same as that recorded by Dio, he concluded that «no one not lacking experience in Roman affairs will hesitate in this place at least to prefer Dio's narration to the Augustan one: without doubt the Princeps, writing that the envoy Lucretius came to him as consul, although in fact he came to him as a *privatus* and returned to the city as consul, craftily covered up the truth, not to increase the honour (for that would be beneath him), but so as not to admit that after he had restored the *res publica* there had been any civil disturbances.» Augustus likewise failed to mention disturbances in 23 and 22, MOMMSEN continued, and, although he was covering up the truth about the embassy in 19, he gave away the true situation by the order in which he listed the envoys – had Lucretius already been consul when he arrived in Campania, he would have been mentioned first.²⁹

This interpretation has often enough been rejected, for example by HARDY, somewhat hesitantly,³⁰ emphatically by RICE HOLMES,³¹ and recently by LACEY.³² SYME, on the other hand, adopted the position of MOMMSEN: «In the autumn the ruler on his return journey met in Campania a senatorial delegation and appointed one of its number as consul, Q. Lucretius Vespillo; and M. Vinicius took the place of the excellent Sentius.»³³ Similarly CROOK: «The magistrates and Senate proceeded to Campania to meet the returning ruler, a

²⁷ Thus surely correctly PHILLIPS (n. 23) 111 n. 24; and cf. further below.

²⁸ PIR¹ V 279.

²⁹ TH. MOMMSEN, *Res Gestae divi Augusti*, Berlin² 1883, 48 (in Latin).

³⁰ E. G. HARDY, *The Monumentum Ancyranum*, Oxford 1923, 68f.

³¹ T. RICE HOLMES, *The Architect of the Roman Empire* (II), Oxford 1931, 147–149.

³² LACEY 149. In a note, he adds, on the embassy of Athens, «Two men, each with two lictors, not to be confused with the embassy to Campania of R.g. 12, so Dio 54.10.2, not as CAH X² 90f.» Likewise RICH 186f., who points out that Dio 54,10,4 may refer to the second (Campanian) delegation («the magistrates and the rest had made preparations to meet him»), even though apparently supposing that Augustus avoided contact with it; he also notes that the envoys in Dio 54,10,2 had two lictors each, whereas the praetors who went to Campania would have had six apiece.

³³ SYME, AA 42 (not citing evidence or discussions).

gesture that became a precedent; and he appointed, *proprio motu*, a second consul for the vacant place, thus both resolutely declining to change course but also cutting a Gordian knot by pure *auctoritas*: it was not, apparently, challenged.»³⁴ FREI-STOLBA, who does not discuss when or where Lucretius was «appointed», comes out fairly confidently for Augustus having overridden the *comitia* on this occasion.³⁵ The position summed up by RICH seems more convincing: «Lucretius still had to be elected by the assembly, but Augustus' indication of his wishes will have ensured that no one else stood. Dio, as usual, disregards the formalities.»³⁶ Indeed, MOMMSEN himself and some who have followed MOMMSEN in taking the account in the *Res Gestae* to be disingenuous nonetheless take it that the formalities of an election were gone through.³⁷ It may or may not have been done strictly according to the rules, with observance of the customary interval between proclamation of the coming election and the actual *comitia*.³⁸ At any rate, if Sentius announced, for example by reading out a letter from Augustus, that Lucretius – no doubt the only candidate – had the support of the Princes, the business would have been swiftly and smoothly concluded.

Not long after presiding this election, Sentius evidently resigned. He probably needed and deserved a rest. The election of M. Vinicius as suffect for Sentius was presumably conducted by Lucretius³⁹ and had at any rate taken

³⁴ CROOK (n. 25) 90 (not citing evidence or discussions). Similarly MILTNER (n. 5) 1692 and PIR² L 412. By mishap, M. DURRY, *Éloge funèbre d'une matrone romaine (éloge dit de Turia)*, Paris 1950, LXII, makes the consulship of 19 Lucretius' second: «Il a été deux fois consul, la deuxième fois en 19, année où il eut l'honneur d'accueillir Auguste à son retour d'Orient.» (Quite impossible – presumably a misunderstanding of Appian's brief reference to Lucretius being consul «in peacetime»?)

³⁵ R. FREI-STOLBA, *Untersuchungen zu den Wahlen in der römischen Kaiserzeit*, Zürich 1967, 105: «Obwohl die Quellen darüber nicht erschöpfend Auskunft geben . . ., kann man doch auf Grund der ersten Lage vermuten, daß Augustus diesmal den Konsul direkt ernannt und damit die Comitien übergangen habe; denn die andere Möglichkeit, Empfehlung und Wahlbündnis, würde doch wohl eher in ruhigen Zeiten angewandt. So scheint ein Rückgriff auf die Praxis der Triumvirn während eines Staatsnotstandes nicht unmöglich gewesen zu sein.»

³⁶ RICH 1986; similarly PHILLIPS (n. 23) 111 and n. 24.

³⁷ MOMMSEN, *Staatsrecht* II³ 2, 923 n. 1; SATTLER 86; P. A. BRUNT – J. M. MOORE, *Res Gestae Divi Augusti. The Achievements of the Divine Augustus*, Oxford² 1973, 53 (but SYME, *RR* 371 ff., there cited, does not actually comment on the election of Lucretius).

³⁸ MOMMSEN, *Staatsrecht* I³ 502 ff., 580 ff.; III 1376 f. On the *trinundinum*, of which the exact length is not clear, cf. A. K. MICHELS, *The Calendar of the Roman Republic*, Princeton 1967, 191 ff. (opting for 25 days).

³⁹ PHILLIPS (n. 23) 111 f. has Sentius presiding over the election of Vinicius as well as of Lucretius. Should one not suppose that Sentius resigned after Lucretius had been elected and that the latter conducted the election for the new vacancy? Cf. the entry in the *Fasti Capitolini* for 23: [*imp.*] *Caesar divi f. C. f. Augustus XI abd. in eius loc. factus est*

place before Augustus reached Rome on 12 October. Augustus lays great stress in the *Res Gestae* on the exceptional honour shown to him by the embassy led by the consul Lucretius.⁴⁰ Dio's account of what followed underlines the significance of Augustus' return to Rome in that year. «Many honours of all kinds were voted him, none of which he accepted other than the altar to *Fortuna Redux* . . . and the establishment of the *Augustalia*» (54,10,3). But on the day after, he gave Tiberius and Drusus privileges in the senatorial career. Then (whether or not on the same day is not clear) «since there was nothing in common between their behaviour when he was away, when they engaged in strife, and what they did when he was present, being afraid, he was nominated and elected supervisor of morals for five years and received the power of the censors for the same period and the power of the consuls for life, so that he was able to use the twelve *fasces* at all times and to sit between the consuls of the day on a curule chair. Having voted him these powers, they asked him to set everything in order and to enact whatever laws he wished» (54,10,4–6).

As far as the *cura morum et legum* and *ensoria potestas*, are concerned, one must surely accept what is said in the *Res Gestae* (6,1), where Augustus categorically denies «having accepted any office contrary to ancestral custom» on three occasions, in 19, 18 and 11, when «senate and people agreed that I should be supervisor of laws and morals without a colleague and with supreme power, and the measures that the senate wished to be carried out by myself I completed as holder of tribunician power.» Even if he does not mention censorial power here, there is no reason to believe that he actually took it.⁴¹ As for the «power of the consuls for life», *imperium consulare*, although JONES revived the idea that Dio has to be accepted at face value, many still decline to believe that Augustus received more than the outward and visible signs, the consular *fasces* and a curule chair between the two consuls in the senate-house, which Dio specifically registers (54,10,5).⁴² Equally, many have come out in favour of the

[L. Sestius P. f. L. n.] *Quirin(alis)* [*Alban(ianus)*]. In other words, the suffect was elected after the serving consul had abdicated, presumably in an election conducted by Cn. Piso. (For Sestius' second *cognomen* *Albanianus*, see D. R. SHACKLETON BAILEY, *Two Studies in Roman Nomenclature*, New York 1991, 88). Once *suffecti* became a regular institution, procedures changed. Cf. R. J. A. TALBERT, *The Senate of Imperial Rome*, Princeton 1984, 202ff.

⁴⁰ RG 11: «The senate consecrated the Altar of *Fortuna Redux* . . . in honour of my return, ordered annual sacrifices to be made . . . on the day on which, the consuls being Q. Lucretius and M. Vinicius, I returned to the city from Syria and called the day *Augustalia* from our *cognomen*.» Cf. Dio 54,10,3. The day is given by the *Fasti Amiterni*.

⁴¹ Thus RICH 187.

⁴² Thus, against JONES (n. 26) 1–17 (first published as an article, *The imperium of Augustus*, *JRS* 41, 1951, 112–119 – characteristically, JONES' fifty-one footnotes do not refer to a single modern discussion), e.g. P. A. BRUNT, *Roman constitutional problems*, *CR* 12, 1962, 70–73; L. WICKERT, *RE* 22,2, 1954, 2282f.; R. SYME, *Tacitus*, Oxford

JONES interpretation.⁴³ A more refined and rather convincing interpretation is that of GIRARDET. First, Augustus, having had *imperium consulare* continuously as consul from 31 until he resigned the consulship in 23, retained it thereafter, but exercised *pro consule*, for a period due to terminate at the end of 18, with the modifications that, although no longer consul, he did not surrender *imperium* when he entered the city and was empowered to intervene in provinces other than those assigned to him in January 27. Then, «so dürften jetzt noch Ende 19 oder dann im Jahre 18 v. Chr. die sozusagen noch fehlenden Komponenten des allumfassenden *imperium consulare* als persönliches Privileg hinzugekommen sein.» Further, when his *imperium* was renewed, before the end of 18, for a further five years (Dio 54,12,4), and on subsequent renewals, the whole package of powers was conferred on each occasion. It was following Augustus' return in 19, GIRARDET concludes, that, perhaps in conjunction with the thoroughgoing *lectio* of the senate in 18, the *imperium militiae* of the consulship was finally abolished. From now on the consuls would have a purely civil function and only the Princeps, who was no longer a consul, could exercise *imperium consulare* in its full and original form.⁴⁴

For the present this constitutional issue need not be pursued. It is enough to stress that Augustus' return to Rome in October 19 marked a new stage in his career. There is much to be said for LACEY's conclusion: «The Principate began when it was recognized as such. On the date this occurred opinions will differ, but the Senate collectively recognized it in 19.»⁴⁵ Dio's account makes clear that the senators now accepted that they could not do without him. The fact that he was asked «to set everything in order and to enact whatever laws he wished» (Dio 54,10,6) sums this up. Augustus' own emphasis on the events of 19 in the *Res Gestae* (6,1–2,11–12,1) confirms that he himself saw this moment as especially significant. The election (conducted by Lucretius or Vinicius) as consuls for 18 of two Lentuli, one patrician and one plebeian, nicely symbolised a return to traditional conditions. In marked contrast to the previous three decades, from 18 onwards *novi homines* scarcely feature in the consular *Fasti* for a good while to come.⁴⁶ The other side of the coin was the

1958, 409; CROOK (n. 25) 91f.; LACEY 151; DETTENHOFER 125f. BADIAN 37 is only slightly hesitant.

⁴³ E.g. RICH 187; KIENAST 113.

⁴⁴ K. M. GIRARDET, *Die Entmachtung des Konsulates im Übergang von der Republik zur Monarchie und die Rechtsgrundlagen des augusteischen Prinzipats*, in: W. GÖRLER – S. KOSTER (edd.), *Pratum Saraviense. Festgabe P. Steinmetz*, Stuttgart 1990, 116f., 120f. Apparently rejected by DETTENHOFER 125f., but without detailed discussion.

⁴⁵ LACEY 153; cf. also 44ff., 142f., 148ff.

⁴⁶ Taking *novus homo* in the restricted sense, meaning first member of a family to enter the senate, i.e. of equestrian origin, as e.g. P. A. BRUNT, *Nobilitas and novitas*, JRS

thoroughgoing *lectio* of the senate in 18 and the *leges Iuliae*, neither of which were greeted with rapture by the senate, as Dio records (54,12–17). Naturally, opposition did not melt away.⁴⁷ Egnatius Rufus' conspiracy and execution may belong to the winter of 19–18 (see above); and Augustus still wore a breast-plate under his toga, even in the senate-house, although recognising that this would only give him limited protection (Dio 54,12,3).

All the same, the celebration of the long-awaited *Ludi Saeculares* could now go ahead. They seem to have been planned originally for 23 or 22. As SYME commented on Domitian's adoption of AD 88 for his *Ludi*, supposedly following the Augustan calculation, «[t]he cycle of recurrence for the Secular Games had already been revised more than once. The calculation that suited Domitian [a *saeculum* of 110 years from 23, not from 17] was not the weakest in the series. There is no sign that it was impugned by Cornelius Tacitus.»⁴⁸ Tacitus

72, 1982, 1–17, rather than as referring to any senator without consular or equivalent ancestry, i.e. to all non-*nobiles*, as *nobiles* were defined by M. GELZER, *Die Nobilität der römischen Republik*, Leipzig – Berlin 1912, repr. in: Id., *Kleine Schriften I*, Wiesbaden 1962, 17–135 (Eng. tr. by R. SEAGER, *The Roman Nobility*, Oxford 1969). SYME regularly applied the term *novus homo* to all non-*nobiles*. For a convenient list of the consuls in the years 19–4 see e.g. A. DEGRASSI, *I Fasti consolari dell' impero romano*, Rome 1952, 4f.; SYME, AA 457, cf. his discussion of the years 16–7, 54ff., of 5–4, 86f. On the less stringent criterion, only L. Tarius Rufus (*cos. suff.* 16), *infima natalium humilitate* (Pliny, NH 18,37), P. Sulpicius Quirinius (*cos. ord.* 12) (Tac. Ann. 3,48) and L. Passienus Rufus (*cos. ord.* 4), son of an equestrian *rbetor* (PIR² P 145), count as *novi*. C. Valgius Rufus (*cos. suff.* 12) and C. Caelius (Rufus?) (*cos. suff.* 4) are a little uncertain, cf. SYME, AA 52f., 55f., 87f. All the same, the first three are enough to invalidate the statement by DETTENHOFER 144: «In den Jahren 19 bis 4 v. Chr. erscheinen in den Consularfasten keine *homines novi* mehr.» She cites for this statement «KIENAST Augustus 96 [not modified in the edition of 1999, 114] . . . ; auch SYME, *The crisis of 2 BC* [Sitzb. München 1974, Heft 7, repr. in Id., *Roman Papers III*, Oxford 1984, 912–936, at] 6f. [= 915].» KIENAST, it is true, writes in similar, if more guarded terms: «In den Jahren 19–4 v. Chr. erscheinen in den Consularfasten fast nur *nobiles* und keine *homines novi*!» SYME duly registers exceptions, especially Quirinius. It would have been better to write «In den Jahren 18 [not 19]–4 v. Chr. erscheinen fast nur *nobiles*», and leave it at that.

⁴⁷ As stressed by DETTENHOFER 128ff.

⁴⁸ SYME (n. 42) 65, with appeal to O. HIRSCHFELD, *Das Neujahr des tribunicischen Kaiserjahres*, WS 3, 1881, 102f., repr. in: Id., *Kleine Schriften*, Berlin 1913, 443ff.; not accepted by M. P. NILSSON, RE 1A.2, 1920, 1710ff.; but HIRSCHFELD coupled this idea (based on a suggestion by BERGK) with a complicated theory about the starting-point of Augustus' tribunician power. Cf. SYME, op. cit. 65f., n. 2: «The stated 110 years take one back from AD 88 to 23 BC; and, according to Zosimus (II.4) [and Suet. Dom. 4,3, cited here below], Domitian followed the Augustan computation. Various reasons suggest that Augustus originally intended to hold the *Ludi Saeculares* in 23 or 22 BC [citing HIRSCHFELD and NILSSON]. When, however, Augustus decided to postpone and needed justification for 17 BC, a series of earlier *Ludi* (at the proper intervals) was duly produced from the *commentarii* of the *XV viri* (Censorinus, *De die natali* XVII.8; 10f.)» Note also SYME, RR 339, favouring games planned for 22, and citing in support

was himself *XVvir* at the time (Ann. 11,11,1) and probably participated in the preparatory research, the *computatio*. Suetonius, indeed, expressly states that Domitian *fecit et ludos saeculares computata ratione temporum ad annum . . . quo olim Augustus ediderat* (Dom. 4,3). He probably got the information from Tacitus' Histories (and may have garbled it by abbreviation). Even if Augustus had not made any detailed plans for a celebration as early as 23, there can be no doubt that expectations had been aroused. A new *saeculum* was due to begin, whether one went back to a series of 100 or 110 years. The very fact that Livy and Virgil were composing works dealing with Rome's remote or legendary past is sufficient sign of what was in the air.⁴⁹

II. The «crises» and «settlements» of 27 and 23

It has become fashionable to deny the notion that the various modifications in Augustus' position were the product of successive crises.⁵⁰ There is certainly no good reason to overemphasise, as was once the case, the embarrassment created by M. Crassus' claim to the *spolia opima* in 28 as the precipitating factor which impelled the victor of Actium to «renounce his powers» in January 27.⁵¹ Whatever his exact motivation – one can only speculate – he must have known that some change was expected once the civil wars were over, some revision or clarification of his position, above all a return to proper constitutional forms after the period which Tacitus would describe as *per viginti annos discordia: non mos non ius* (Ann. 3,28,1). In 28 he began to revert to pre-Triumviral practices, first, it seems (presumably on 1 February), resuming the rotation of the consular *fascēs* (Dio 53,1,1). There were no suffect consuls either (until 23). He abolished «illegal and unjust measures» of the Triumvirate (53,2,5; *sexto demum consulatu Caesar Augustus, potentiae securus, quae triumviratu iusserat abolevit*,

H. MATTINGLY, Virgil's Golden Age, sixth Aeneid and fourth Eclogue, CR 48, 1934, 161–165. Accepted by LACEY 68. It is true that some arguments in favour of a celebration planned for 23 or 22, but then postponed because of political or «dynastic» problems, have been too fanciful, e.g. L. HERRMANN, À propos du «Chant séculaire» d'Horace, REL 15, 1937, 308–315, dismissed by P. BRIND'AMOUR, L'origine des jeux séculaires, ANRW II.16.2, 1978, 1362ff. But he does not discuss SYME's comments; and his suggestion (at 1367) that Domitian simply chose a date halfway between 100 and 110 years from 17 BC seems highly implausible.

⁴⁹ See e.g. S. WEINSTOCK, Divus Julius, Oxford 1971, 191–197, «*Saeculum Iulium*», esp. 196: «But when Vergil wrote the first and sixth books of the Aeneid, that is, c. 23 BC, there must have been a plan to celebrate a new *saeculum*.»

⁵⁰ BADIAN led the way. It is the position in the new edition of a standard work: CROOK (n. 25) 73ff., esp. 81, 84.

⁵¹ As SYME, RR 308ff., following the lead by GROAG, RE 13.1, 1924, 283f. Disputed by BADIAN 19, 24ff. and, at length, by J. W. RICH, Augustus and the *spolia opima*, Chiron 26, 1996, 85–127.

Tac. Ann. 3,28,2). The first census for forty-two years (RG 8,2) and the rebuilding of eighty-two temples (20,4) are other measures pointing in the same direction. All this combines to explain why he claimed that it was in his sixth as well as in his seventh consulship, in 28 and in 27, that *rem publicam ex mea potestate in senat[us populique Rom]ani [a]rbitrium transtuli* (34,1). In January 27 it may be that after his handing back of power, and its rejection, what actually followed was simply the defining of his *provincia* as consul, for a ten year period.⁵² There was to it than that, of course, in terms of symbolism, not least the name Augustus.

Whatever the exact details (we cannot know them all), the measures of 28–27 are surely what led Velleius to describe the happy outcome of the end of twenty years of civil war as *prisca illa et antiqua rei publicae forma revocata* (2,89,4). The comment comes directly after the account of Actium (84–86), the death of Antonius and Cleopatra (87), the conspiracy of the younger Lepidus (88) and the victor's return to Rome and triumphs (89,1). According to WOODMAN, the phrase «refers simply to the dissolution of the triumvirate . . . and the consequent return to the earlier form of administration».⁵³ That seems rather weak. Rather, what Velleius meant was surely a return to the «good old days» when the *res publica* functioned smoothly: the years immediately preceding the Triumvirate were no model. One does not need to call what happened in 28–27 «the Restoration of the Republic».⁵⁴ But what was being propagated in 28–27 was at the very least a return to «the original and ancient form of the *res publica*», just as Velleius put it.⁵⁵ It is not difficult to discover from what

⁵² As argued by LACEY 77 ff. (a revised version of his article, Octavian in the senate, January 27, JRS 64, 1974, 176–184). GIRARDET (n. 44) takes a fundamentally similar position, with some refinements. KIENAST 78 ff. still believes that Augustus acquired *imperium proconsulare* in spite of retaining the consulship (see esp. 87). GIRARDET's arguments seem to me to make this implausible: a consul's *imperium* was surely *consulare*. KIENAST cites in support R. SYME, reviewing H. SIBER, *Das Führeramt des Augustus*, JRS 36, 1946, 149–158, repr. in: Id., *Roman Papers I*, Oxford 1979, 181–196 (in the German translation, in: W. SCHMITTHENNER [ed.], *Augustus*, Darmstadt 1969, 153–175). Yet SYME does not in fact support this case, see esp. SYME 152 = 186. Cf. now CROOK (n. 25) 76 ff.; DETTENHOFER 73 ff.

⁵³ WOODMAN 254.

⁵⁴ A notion sternly dismissed e.g. by F. MILLAR, *Triumvirate and Principate*, JRS 63, 1973, 63 ff. Cf. the judicious remarks by KIENAST 88 ff.

⁵⁵ SYME, RR 324, plays down the significance: «The words have a venerable and antiquarian ring. That is all; and that is enough to show them up.» But antiquarianism was an integral part of the programme, cf. Suet. D. Aug. 31,2, the calendar, *rursus ad pristinam rationem redegit*; 35,1, the senate, *ad modum pristinum et splendorem redegit*; 40,2, the assemblies, *comitiorum quoque pristinum ius reduxit*; 40,5, the national dress, *etiam habitum vestitumque pristinum reducere studuit*. Properly emphasised by A. WALLACE-HADRILL, *Suetonius. The Scholar and his Caesars*, London 1983, 139 f. And SYME, himself, RR 440 ff. (ch. XXIX. The National Programme), offers plenty of evidence for restoration of past

survives of his History the point at which he thought the *res publica* had gone wrong. Like Sallust (Jug. 41), Velleius ascribed the headlong decline from the path of virtue to the disappearance of the *Carthaginis metus* (2,1,1), and what followed: disasters in Spain culminating in the shame of Numantia, which aroused *inmanem . . . dissensionem* (2,2,1); and then *Ti. Gracchus summa imis miscuit et in praeruptum atque anceps periculum adduxit rem publicam*. Velleius calls the death of the turbulent tribune *hoc initium in urbe Roma civilis sanguinis gladiatorumque impunitatis. inde ius vi obrutum potentiorque habitus prior, discordiaeque civium antea condicionibus sanari solitae ferro diiudicatae bellaque non causis imita, sed prout eorum merces fuit* (2,3,3). As for Gaius Gracchus, he was even worse: *nihil immotum, nihil tranquilum, nihil denique in eodem statu relinquebat* (2,6,3). Here of course Velleius diverged sharply from Sallust, who made the opponents of the Gracchi responsible for all the troubles (Jug. 42).

A similar view to Velleius', blaming it all on the Gracchi, is found in a Greek contemporary of Augustus. Dionysius of Halicarnassus (2,11,2f.) affirms that «so secure was the Romans' harmony (which they owed to the regulations of Romulus) that they never in the course of six hundred and thirty years proceeded to bloodshed and mutual slaughter, although many great controversies arose. Instead, by persuading and informing one another . . . they settled their disputes in a manner befitting fellow citizens. But from the time that Gaius Gracchus, while holding the tribunician power, destroyed the harmony of the government, they have been perpetually killing one another and refraining from no irreparable acts in order to gain the upper hand.» Diodorus, another Greek contemporary, likewise condemns the Gracchi: «The destruction of Carthage led to dangerous demagoguery, redistribution of land, great revolts among the allies, prolonged and dreadful civil wars and all the other things predicted by [Scipio Nasica]. It was his son who as an old man and leader of the senate killed with his own hands Tiberius Gracchus after the latter had attempted to gain absolute power» (34/35,33,6). Again, for Diodorus it was Gaius Gracchus who, «by disrupting the existing harmony of senate and knights» and other pernicious actions, «introduced disobedience and anarchy into the body politic» (34/35,25,1).

Velleius' contemporary Valerius Maximus repeatedly expresses the same hostile view of the Gracchi and praise of their opponents. He even alleges that Ti. Gracchus was only killed because of his openly expressed intention that the senate should be liquidated and everything should be run through the plebs:

traditions being the watchword. Cf. SYME, AA 447, slightly less sceptical on Velleius: «The old order resumed [in 28], enhanced by forms and ceremonies and by the revival of ancient rituals. As Velleius duly proclaims . . . The only novelty he registers is the addition of two praetors» – the change from the statutory eight to ten, is registered by Dio under 23 (53,32,2) – who calls it a reduction.

cum Ti. Gracchus in tribunatu profusissimis largitionibus favore populi occupato rem publicam oppressam teneret palamque dicitaret interempto senatu omnia per plebem agi debere. Scipio Nasica killed him to save the state (3,2,17). Apart from the repeated idealising of Nasica (cf. 5,3,2e, placing Nasica's refusal to allow the *res publica* to be strangled by the *pestifera Ti. Gracchi manu* on a par with the military achievements of the two Scipiones Africani), one may instance the idealised portrayal of the aged *princeps senatus* P. Lentulus (cos. 162), wounded in his vigorous onslaught on Gaius Gracchus in 121 and unjustifiably obliged to depart for Sicily (5,3,2f.).

Velleius' use of the word *forma* suggests that he is echoing Cicero (compare his fervent tribute, 2,66,3–5). De republica 5,1,1 (in the standard arrangement) is headed by Ennius' line, *moribus antiquis res stat Romana virisque*. This and what follows may have come from Cicero's preface to Book 5, not from the dialogue, according to Augustine (De civ. dei 2,21): *ante nostram memoriam* – that is, either before Cicero's time if Augustine was right or before the time of Scipio Aemilianus and the other interlocutors – *veterem morem ac maiorum instituta retinebant excellentes viri. nostra vero aetas cum rem publicam picturam accepisset egregiam, sed iam evanescente vetustate, non modo eam coloribus eisdem, quibus fuerat, renovare neglexit, sed ne id quidem curavit, ut formam saltem eius et extrema tamquam liniamenta servaret. quid enim manet ex antiquis moribus, quibus ille dixit rem stare Romanam?* (5,1,1–2). Is not Velleius claiming that with the ending of civil war and the establishment of the principate this *pictura egregia*, the *prisca et antiqua forma* based on the *antiquis moribus*, had been restored? Cicero went on, of course to discuss the duties of the *moderator* or *rector rei publicae*, of the *princeps civitatis*.⁵⁶

Cicero had claimed in 57 that at Rome the consuls before Piso and Gabinius had all obeyed the senate: *omnes ante vos consules senatui paruerunt* (Post reditum in sen. 7,17). In 56 he insisted that the only proper path was *nosse discriptionem civitatis a maioribus nostris sapientissime constitutam, qui cum regum potestatem non tulissent, ita magistratus annuos creaverunt, ut consilium senatus rei publicae praeponebant sempiternum . . . huius ordinis auctoritate uti magistratus et quasi ministros gravissimi consili esse voluerunt* (Pro Sestio 65,137). It was, of course, an idealising notion, that the magistrates should be the servants of the senate (it certainly did not apply to some of the immediate predecessors of Piso and Gabinius). But the idea reap-

⁵⁶ One does not need to go as far as E. MEYER, *Caesars Monarchie und das Principat des Pompejus*, Stuttgart – Berlin ³1922, 174ff., in supposing that «[Cicero's] whole conception of the Roman State triumphed after his death, receiving form and shape in the New Republic of Caesar Augustus», as SYME, RR 318, summarises MEYER'S position, only to reject it as an anachronism. At all events, there were plenty of people around in the 20s who had known Cicero very well; Augustus had been very close to Atticus (Nepos, Att. 19,2 and 20,1–3); and Agrippa was Atticus' son-in-law (ib. 12,1–2, 19,4, etc.). The choice of Cicero's son as a consular colleague in 30 and Augustus' tribute to Cicero's patriotism, Plut. Cic. 49,3–4, must also be registered.

pears: Livy, writing during the years when Augustus was still monopolising the consulship, expresses the philosophy of the *prisca et antiqua rei publicae forma* in a speech assigned to the consul of 338, L. Furius Camillus: *nostrum* (sc. the consuls) *fuit efficere ut omnium rerum vobis* (sc. the senators) *ad consulendum potestas esset; vestrum est decernere quod optimum vobis rei publicae sit* (8,13,18). The consuls are to be the executive, implementing what the senate decreed to be best for the *res publica*.

The arrangements of January 27 clearly worked well for a time in some respects. It may be that Augustus had to be «persuaded» to agree to his continuous tenure of the consulship.⁵⁷ This situation and his vast conglomerate province assigned for ten years, could be justified by the need for emergency action both in the west, to which he went in person, and in the east, where he was hoping to strike a decisive blow against Parthia.⁵⁸ The nobility may not have warmed to his colleagues in 26 and 25, Agrippa for the third and Taurus for the second time, two *novi homines* with no experience of their own or from their family traditions of the Free State (they were also the last *consules iterum* under Augustus apart from Tiberius in 7). The election of M. Silanus for 25 and C. Norbanus Flaccus for 24 may have gone down better. Augustus was to be away for about three years, from some time after 2 May 27 until the first half of 24.⁵⁹ In his absence, he evidently thought it wise at some point to take special steps to counter disturbances in the city. According to Tacitus (Ann. 6,11,2), at any rate, Augustus *mox rerum potitus ob magnitudinem populi ac tarda legum auxilia sumpsit e consularibus qui coerceret servitia et quod civium audacia turbidum*. To begin with, no doubt, the successive consular colleagues who remained in Rome in 27 and 26, Agrippa and Taurus, could themselves cope with troublesome slaves and disorderly plebs. It may have been the election in 26 of M. Silanus as consul for the following year and anxiety about what might happen when he took over from Taurus that prompted the constitutional experiment of a *praefectus urbi*.⁶⁰ It was a failure: the appointee, M. Messalla Corvi-

⁵⁷ WOODMAN 257 ff. plausibly emends Vell. 2,89,5 as *consulatus tantummodo usque ad undecimum ut continuaret Caesar, cum saepe obnitens repugna(turus e)sset, impetrari potuit: nam dictaturam quam pertinaciter ei deferebat populus, tam constanter repulit*, which he translates as follows: «Only in the case of the consulship was there a successful request that he hold it uninterruptedly up to the eleventh one (23 BC), although (later) he was to refuse it strenuously; for the dictatorship he rejected as consistently as the people stubbornly offered it to him.»

⁵⁸ On the latter, see CHR. MAREK, Die Expedition des Aelius Gallus nach Arabien im Jahre 25 v. Chr., Chiron 23, 1993, 121–156, discussed further below.

⁵⁹ HALFMANN (n. 20) 157.

⁶⁰ No doubt presented as a return to a practice of the ancient past. Note Tac. Ann. 6,11,1, citing *praefecti urbi* of the regal period, Denter Romulius, Numa Marcius and Sp. Lucretius, adding *dein consules mandabant*, and noting the survival, a *simulacrum*, of the prefecture held during the *feriae Latinae*. SYME, AA 212, discusses possible sources

nus, resigned after a few days, *quasi nescius exercendi* (Ann. 6,11,3). Jerome dates the appointment to 26 and says that Messalla resigned after five days on the grounds that his office was an *incivilis potestas* (Chron. p. 164 HELM).⁶¹

There are signs that the senators as a whole did not fully understand what Augustus' status was supposed to be. When he entered his tenth consulship, again *in absentia*, in January 24, «the senate confirmed his acts by taking oaths» (Dio 53,28,1) – as it had not done since 1 January 29 (51,20,1). Dio reports no such oaths for the year 28–25 inclusive. This behaviour was hardly in the spirit of the *prisca res publica*. It was not the senate but the newly installed consul that should have been swearing an oath, to uphold the laws: *magistratum autem plus quinque dies, nisi qui iurasset in leges, non licebat gerere*, as Livy reports on aediles elected *in absentia* in 200; anyone prevented by absence from swearing in person was allowed to do so by proxy, a procedure approved by the assembly (31,50,7). After the return of «normal government» in 28–27, something of the sort should have happened with Augustus in 26, 25 and 24. Perhaps these niceties had been forgotten. Be this as it may, Dio has nothing more on events at Rome in early 24, but goes straight to the news of Augustus' imminent arrival, delayed by illness: «Augustus promised to give the people 400 sesterces each, although he forbade the posting of the edict concerning the donation until the senate should give its approval.» Augustus was thus emphasising his «republican» role as consul subservient to the senate. The senate's reaction was probably to assume that he was worried about breaking the *ambitus* laws – for he was going to stand for election yet again.⁶² Dio, who had already asserted (anachronistically) under 27 that the Princeps was *legibus solutus* (53,18,1), evidently took the senate to have conferred this blanket exemption from the laws in 24: «they freed him from all compulsion of the laws, in order

of this antiquarian lore. It is not unlikely that the discovery of these names and of the tradition that the consuls used to appoint prefects goes back to the early 20s BC.

⁶¹ Seneca pithily rephrased Messalla's statement of resignation as *pudet imperii* (Ludus 10 – although *pudet* may be a corrupt reading). For varying interpretations: SATTLER 59f. (rather far-fetched); W. SCHMITTHENNER, Augustus' spanischer Feldzug und der Kampf um den Prinzipat, *Historia* 11, 1962, 29–85, repr. in: Id. (ed.), Augustus, Darmstadt 1969, 471ff., 482ff., plausibly stressing that doubts about the capacity of M. Silanus to hold the fort, as Agrippa and Taurus had done, were probably a major factor; SYME, AA 211f.

⁶² If the consular elections were held in July, as was supposed to happen, the presiding consul (Norbanus) could well have been due to announce the date, at least 25 days before the poll, at the time that Augustus' letter arrived. Cf. n. 38 above on the *trinundinum*. RICH 164 comments that «Dio has mistaken for a general dispensation a specific dispensation from the law on electoral corruption (*ambitus*), which prohibited gifts of money to the plebs as a whole.» On the *ambitus* laws, cf. now P. NADIG, *Ardet ambitus. Untersuchungen zum Phänomen der Wahlbestechungen in der römischen Republik*, Frankfurt 1997.

that, as I have stated, he might be in reality independent and supreme over both himself and the laws and so might do everything he wished and refrain from doing anything he did not wish» (53,28,2–3).⁶³

Augustus was ill when he returned. He had contracted what sounds like hepatitis in Spain: *graves et periculosas valitudines per omnem vitam aliquot expertus est; praecipue Cantabria domita, cum etiam destillationibus iocinere vitiato ad desperationem redactus contrariam et ancipitem rationem medendi necessario subiit* (Suet. D. Aug. 81, 1). Illness had prevented him returning in 25 to conduct the marriage of Marcellus and Julia (Dio 53,27,5). He apparently spent some time at a spa in the Pyrenees (Crinagoras, Anth. Pal. 9,419) and after his return to Rome was not well enough to attend the *feriae Latinae* on 13 June 24: [*imp.*] *Caesar valetud. [impedit. fuit]*.⁶⁴ His return route to Italy was perhaps via what was to become his colony Augusta Praetoria. It was for 3000 veterans of his Guard, which had doubtless been with him in Spain; the new town was sited where Varro, the general who had crushed the Salassi, had had his camp (Strabo 4,6,7, p. 206), and was already in existence in or soon after 23.⁶⁵ Dio reports the campaign, after first mentioning that a revolt of this Alpine people, as well as the war in Spain, had prevented Augustus from conducting an expedition to Britain (surely a mistaken interpretation of Augustus' plans, but presumably chronologically correct).⁶⁶ «Augustus, who was now consul for the ninth time, with Marcus Silanus [25], sent Terentius Varro against the Salassi.» Varro compelled them to submit and sold those of military age into slavery and «the best of their land was given to some of the praetorians and acquired the city called Augusta of the Praetorians» (Dio 53,25,1–5). HALFMANN makes the attractive suggestion that Augustus may have supervised the foundation in person on his way back from Spain at the end of 25 or the beginning of 24.⁶⁷ Why not suppose,

⁶³ See e.g. RICH 151, 164.

⁶⁴ Inscr. It. 13.1, p. 151. See BADIEN 31 n. 31, criticising the theory of S. JAMESON, 22 or 23, *Historia* 18, 1969, 204–229, that Augustus' serious illness in 23 might have been psychosomatic, «a suggestion popular among doctors for diseases they cannot diagnose». Noting the evidence for Augustus' illness in 25 and 24, he concludes that «the series most obviously suggests a chronic hepatitis, either picked up in Spain or (if we ascribe some of his earlier bouts of illness to it) perhaps going back even further.»

⁶⁵ ILS 6753, found at Aosta, dedicated to Augustus as patron, *cos. XI imp. VI[II] tribunic. pot.*, by the *Salassi incol. qui initio se in col. con[t.]*. For what is known of the foundation, see L. J. F. KEEPIE, *Colonisation and Veteran Settlement in Italy 47–14 BC*, London 1983, 205ff. Cf. on the date, between the second half of 23 and 20, LACEY 160.

⁶⁶ Not many take seriously Dio's statements, under the years 34 (49,38,2), 27 (53,22,5) and 26 (53,25,2), that Augustus repeatedly planned a British expedition. Thus e.g. R. SYME, *History in Ovid*, Oxford 1978, 50ff.; SYME, AA 203f., 382f. («Most improbable. The ruler would not risk being bottled up in a distant island,» 383 n. 6). Cf. also SCHMITTHENNER (n. 61) 427f.; KIENAST 354f.; RICH 156f.

⁶⁷ HALFMANN (n. 20) 160.

further, that the successful general was still there, and that his achievement was recognised by Augustus' support for his consular candidacy?⁶⁸ At all events, there is not much doubt that the Terentius Varro who crushed the Salassi is the same man as A. T[erentius] . f. . n. Var[ro] Murena who is registered on the *Fasti Capitolini* – but nowhere else – as Augustus' consular colleague for the year 23. All other epigraphic and literary sources register the second consul of this year as Cn. Calpurnius Cn. f. Cn. n. Piso, as if he had opened the year with Augustus. The *Fasti Capitolini* themselves add after Murena's name the following: []*est in e(ius) l(ocum) f(actus) e(st) [Cn. Calpurn]ius Cn. f. Cn. n. Pis[us]*.

It was long believed – and is still in some quarters – that the original consular colleague of Augustus in 23 was removed from office, tried and executed, on the assumption that he was the same man as the Murena or Varro Murena who conspired with Fannius Caepio against Augustus. This conspiracy, although recounted by Dio under the year 22 (54,3) is supposed to have been misdated, by an historian certainly capable of such errors, and has been assigned instead to the first half of 23. Further, it has been inferred that the conspiracy precipitated Augustus' resignation of the consulship and adoption of the tribunician power as his new special status.⁶⁹ Dissent cropped up sporadically from 1960 onwards; it was firmly voiced in 1982 by BADIAN. As he stressed, the possibility that the consul of 23 was the same as the conspirator had already been effectively ruled out: SWAN showed in 1966, from a study of the *Fasti Capitolini*, that the consul Varro Murena must have died before entering office.⁷⁰ Hence – unless the conspiracy be put back to 24, which can hardly be ser-

⁶⁸ He may have been enrolled as an augur at the same time, if he is the same as the man for whom Horace offers a toast, *da, puer, auguris Murenæ*, Odes 3,19,10f. Why not? Unfortunately arguments for the dating of the «publication» of Odes 1–3, generally assigned to 23, are contaminated by assumptions about persons named in them, not least the augur Murena and, mostly held to be the same man, Licinius in 2,10 (cf. also below and n. 110). In fact, one could perfectly well argue that Horace did not «publish» these books until several years after 23.

⁶⁹ The idea goes back at least to PIR¹ T 74 (1898); it was propagated in the RE articles by K. FITZLER and O. SEECK on Augustus, 10.1, 1917, 346ff. and by M. FLUSS, on the consul of 23, 5A.1, 1934, 706ff. The classic statement was by SYME, RR 333ff. The whole business is reviewed with fairly comprehensive bibliography (omitting e.g. SYME, AA 387ff.) by J. S. ARKENBERG, *Licini Murenæ, Terentii Varrones, and Varrones Murenæ*. I. A prosopographical study of three Roman families; II. The enigma of Varro Murena, *Historia* 42, 1993, 326–351; 471–491. It is proper to register some recent adherents of the 23 BC dating and the consequent effects on Augustus: H. BRANDT, *Marcellus «successioni prae paratus»? Augustus, Marcellus und die Jahre 29–23 v. Chr.*, *Chiron* 25, 1995, 12, appealing simply to SYME, RR 333f. and KIENAST, Augustus 86f. – unchanged in KIENAST 101 ff. – but conceding, n. 59, that «manche Argumente dafür sprechen, von zwei verschiedenen, jedoch miteinander verwandten Personen auszugehen»; DETTENHOFER 96ff; and cf. next note.

⁷⁰ The lead was taken by K. M. T. ATKINSON, *Constitutional and legal aspects of the trials of Marcus Primus and Varro Murena*, *Historia* 9, 1960, 440–473 (whose multipli-

iously entertained – the consul cannot be the same as the conspirator, who, in any case, is called «L. Murena» by Velleius (2,91,2). Velleius is the earliest surviving writer to mention him, apart from Strabo, who just calls him «Murena» (14,5,4, p. 670); the consul was «Aulus». ⁷¹ Velleius' own dating indications are not entirely helpful. He puts the death of Marcellus *ante triennium fere, quam Egnatianum scelus erumperet, circa Murenæ Caepionisque coniurationis tempus, abhinc annos L* (2,93,1). Marcellus died in the year he was aedile, ⁷² which was 23 (Pliny, NH 19,24; Dio 53,30,4–6, cf. 31,2–32,1); and he was still alive on 1 August that year. ⁷³ «Fifty years ago», i.e. the year 21, fifty years before AD 30, will not do for his death: hence the figure has been emended to *LII*. ⁷⁴ But «about three years before the outbreak of the Egnatian crime» ought to mean the year 22. Combined with the evidence for Marcellus living at least until August and probably until September 23, ⁷⁵ one might reach an acceptable moment for the conspiracy, early 22, with the court case, the trial of «Marcus Primus» that preceded it, falling in the last months of 23.

If this dating is accepted, the conspiracy of Murena and Caepio followed at earliest some months after Augustus' laying down of the consular *fasces* and taking – or reactivating – the tribunician power. Conceivably, then, the conspi-

cation of Murenæ is generally regarded as too extreme); BADIAN esp. 33f.; P. M. SWAN, *The consular Fasti of 23 BC and the conspiracy of Varro Murena*, HSCP 71, 1966, 235–247. This paper is apparently not known to DETTENHOFER. SYME, AA 389, while declining to change his mind about the date of the conspiracy in the light of «the powerful and subversive contribution of E. Badian», seems prepared to accept SWAN's argument that the consul was not the same man as the conspirator.

⁷¹ To be sure, some have been happy to infer that the consul was called A. Terentius Varro (L. Licinius) Murena: thus A. STEIN, RE 5A.1, 1934, 716; SYME, RR 325f., n. 5, omitting the brackets. Polyonymy of this extreme sort did, of course, become the norm in the first century AD, see O. SALOMIES, *Adoptive and Polyonymous Nomenclature in the Roman Empire*, Helsinki 1992, esp. 32ff. The earliest example he knows is L. Livius Ocella Ser. Sulpicius Galba, the future emperor, born in 3 BC, who took the names of his stepmother some time before he was consul in AD 33. (In abbreviated forms the original *praenomen* was omitted.) Whether this practice was already current in the early Augustan period is another matter: there is at any rate no firm evidence for it.

⁷² Plut. Marc. 30,6; Serv. Aen. 6,861, etc. Other sources in PIR² C 925.

⁷³ See PIR² C 925; and cf. also below and n. 75 for the time of year that he died.

⁷⁴ WOODMAN 278f., a full and careful discussion.

⁷⁵ Like others, BADIAN 22f. takes Propertius 3,18,19f., celebrating Marcellus' games, which he calls *magnis ludis*, to be the *ludi Romani*, held in mid-September (cf. GAHEIS, RE 3.2, 1899, 2767; PIR² C 925), and comments that «[s]ince Marcellus' death in any case took place after mid-September (and, unless he died very suddenly, some time after that), a date at the very end of 23 is in any case indicated.» LACEY 44 and n. 111 suggests a date between 19 and 23 September, an inference from the date when the theatre of Marcellus was dedicated in 13: «The natural date for the dedication was the tenth anniversary of his death.» Dio 54,26,1–2 (on whom LACEY presumably relies) puts the dedication in 13 after Augustus' return from the western provinces (25,1–5)

racy was a reaction to this change, rather than its cause.⁷⁶ Before exploring this possibility further, it is necessary to consider again the situation on Augustus' return in 24. His Spanish expedition, surely undertaken not least to justify his vast extraordinary provincial command, had failed, in spite of the campaigns of 26 and 25, followed by the closing of Janus and the offer of a triumph from the senate, to achieve its aim. Hardly had he left Spain when the Cantabri and Astures rose again (Dio 53,29,1–2). Three successive legates of Hispania citerior, L. Aelius Lamia, C. Furnius (cos. ord. 17) and P. Silius Nerva (cos. ord. 20) took charge of the renewed war, together with P. Carisius, the legate of Lusitania; finally Agrippa had to finish it off in 19.⁷⁷

In the meantime another ambitious project had been in train, in the east. Augustus had been attempting to overthrow the Parthian king Phraates IV – whose overtures he had proudly rejected at the end of 30. Now Phraates was to be toppled and replaced by a pro-Roman candidate, Tiridates. The pretender invaded Parthia from the Euphrates island and had a brief success, expelling Phraates and minting coins in 26–25 with the legend «friend of the Romans». Meanwhile the prefect of Egypt, Aelius Gallus, launched his Arabian expedition, which was to support Tiridates from the south. Horace's Ode celebrating the civil war in Parthia and the enslavement of the Cantabri, *Medus infestus sibi luctuosus / dissidet armis / servit Hispaniae vetus hostis orae / Cantaber sera domitus catena* (3,8,19–22), was doubly premature. Cantabria rose again; the Arabian campaign turned into a disaster, with heavy losses; and Tiridates was driven out by Phraates in 25. The fugitive turned up at Augustus' headquarters in Spain, bringing Phraates' youngest son, whom he had kidnapped, with him. Phraates demanded the boy and «his slave Tiridates» back. Augustus invited the senate to decide the matter – in the spirit of the *priscae reipublicae forma* – but it passed it back to him. He kept Tiridates, but handed over the king's son; and now merely requested the return of the lost standards. He did not get them. MAREK, whose reconstruction is here summarised, has convincingly demonstrated that the failed Arabian expedition (the geographical location of which he was able to revise) took place simultaneously with Tiridates' invasion

and mentions the *lusus Troiae* held as part of the dedication festival, which was followed by Augustus' birthday celebrations (23 September). LACEY assumes that Marcellus died shortly after the *ludi Romani* ended (they normally lasted from 5–19 September). But Pliny, NH 8,65, surely better informed than Dio on such matters, gives the date 4 May 11 BC for the dedication. P.HERZ, Untersuchungen zum Festkalender der römischen Kaiserzeit nach datierten Weih- und Ehreninschriften, Diss. Mainz 1975, 407 n. 27, conjectures that 4 May might have been Marcellus' birthday.

⁷⁶ ARKENBERG (n. 69), concluding his lengthy examination of the Varrones and Murenæ, comments (at 491) that «while the new settlement was not caused by the conspiracy, we cannot say that the settlement did not cause the conspiracy.»

⁷⁷ SCHMITTHENNER (n. 61) 452ff; G. ALFÖLDY, *Fasti Hispanienses*, Wiesbaden 1969, 5ff., 130f.

of Parthia from Roman territory and was intended to support it. All in all, this eastern débâcle was a severe blow to Augustus' prestige.⁷⁸ The arrival at Rome, soon after his own return, of a thousand Ethiopian prisoners of war captured by the successor of Aelius Gallus in Egypt, P. Petronius, as Strabo reports (17,1,54, pp. 820–21), will hardly have compensated.⁷⁹ They were presumably intended to be displayed and perhaps were; but seem to have left no trace in other sources.

Augustus' illness would recur, or get worse – or he had caught some new infection – in 23: it was to be a very unhealthy year, and so was the next one, Dio says: «great numbers perished» (53,33,5). The illness was, in BADIAN'S view, the only «real crisis» of 23. «The settlement of 23, like the settlement of 28–27, was carefully prepared.» After the death of his future colleague A. Varro Murena, some time between election (in July, if the proper forms were being observed) and December, Augustus had chosen a known steadfast republican, Cn. Piso, who had declined to seek office after Philippi and had to be persuaded to serve: *petitione honorum abstinuit, donec ultro ambiretur delatum sibi ab Augusto consulatum accipere* (Tac. Ann. 2,43,2). Piso held office from the beginning of the year. «This also means, of course,» BADIAN argues, «that Augustus must have revealed to his intended colleague the plans he was preparing for 23 and had already set in motion and that Piso found them acceptable. It was at this point that the real and unforeseen crisis struck [the serious illness of 23].»⁸⁰ One must register doubt about this. That Augustus planned, as early as the end of 24, to abdicate from the consulship the next year and that he gained Piso's acceptance for the plan can only be a guess. What BADIAN sees

⁷⁸ MAREK (n. 58), building on but modifying the analysis by D. TIMPE, Zur augusteischen Partherpolitik zwischen 30 und 20 v. Chr., WJA, N. F. 1, 1975, 155–169. As MAREK points out, 150, the accounts in Dio (51,18,1–3 and 20,1f.; 53,33,1–2) and Justin (42,5,2–11) cannot form the basis for reconstructing these events; instead, he relies on the coins and on Isidore of Charax (FrGrHist 275 and 781). On Phraates, cf. also PIR² P 395 (published in 1998; unfortunately not referring to MAREK, hence with aberrant chronology). MAREK's assumption, 151, that Horace, Odes 3,8, belongs to 28, a standard view (because of line 18, *occidit Daci Cotisonis agmen*, often supposed to refer to the Dacian successes of M. Crassus, Dio 51,23,2ff., cf. PIR² C 1544, «fortasse»), need not be accepted. (Even if the Cantabri – and Astures and Vaccae – were already being attacked then, by Statilius Taurus, Dio 51,20,5.) This Ode could perfectly well belong to the year 25. It was at least written on 1 March, whatever the year (8,1: *Martiis caelebs quid agam Kalendis . . . ?*).

⁷⁹ For Petronius see now PIR² P 270, the *praenomen* corrected by a papyrus, SB 13849, showing that Pliny, NH 6,181, was right, Dio 54,5,4, who has «Gaius», wrong. Petronius continued operations in Ethiopia for several years: Dio, loc. cit., under the year 21, and Strabo 17,1,54, p. 821 report the despatch of envoys from the ruler, Candace, to Augustus on Samos, seeking peace.

⁸⁰ BADIAN 30ff. One must assume that the election of Piso was conducted according to the proper forms.

as advance planning includes special privileges for Marcellus and Tiberius, the distribution of 400 sesterces a head to the plebs and the twelve *frumentationes* distributed to a total of 250,000 people in 23 (RG 15,1), for the implementation of which his quaestor Tiberius was set to work (Vell. 2,94,3 and Suet. Tib. 8).⁸¹ Marcellus was elected aedile for 23, although he was only eighteen at the time of the election and had not held the quaestorship. Instead, he entered the senate at once by being adlected *inter praetorios* (as the procedure would later be called) and was given the right to stand for the consulship ten years earlier than was prescribed. Tiberius, elected quaestor, presumably before his eighteenth birthday (he was born on 16 November 42, Suet. Tib. 5), was given the lesser privilege of five years remission from the *leges annales* (Dio 53,28,3–4). These were quite exceptional favours. That for Marcellus was matched only by what Cicero had pushed through the senate for Octavian in January 43 (Phil. 5,46). But in the meantime the consular age had been lowered, from 42 to 33.⁸² Octavian, only nineteen at the start of 43, would still have had to wait thirteen years; of course, as it turned out, he only waited seven months. Marcellus, presumably a few months older than Tiberius, was therefore expected to stand for the consulship, certain of election, perhaps as early as 20.⁸³ This remarkable exception to the *leges annales* in favour of the Princeps' son-in-law is surely justification for accepting the unanimous view of the sources that Augustus looked on Marcellus as his potential successor.⁸⁴ Or, to put it another way, this was the impression he gave – and had to try to counter, when, after recovering from illness, he offered to read out his will in the senate (Dio 53,31,1–32,1). There was surely hostility to the young man's advancement.

⁸¹ BADIAN 32, referring for the last point to his own article, The quaestorship of Tiberius Nero, *Mnemosyne* 27, 1974, 160–172, but noting, n. 34, that «[i]t will be obvious that I do not now believe that Tiberius did all the other things that he is said by Suetonius (Tib. 8) to have done *inter haec* actually during his quaestorship.»

⁸² RICH 164 notes that «[t]his passage [53,28,3] and 52.20.1–2 show that the minimum age for the compulsory offices of quaestor, praetor and consul had now been fixed at 25, 30 and 33, presumably in 29–27.» In effect, these arrangements – later at any rate – meant that the ages were 24, 29 and 32 because of the principle *annus . . . vicesimus quintus coeptus pro pleno habetur*, Dig. 50,4,8, as shown e.g. by J. MORRIS, *Leges annales* under the principate. I. Legal and constitutional, LF 87, 1964, 317. It should be noted, however, that 32 (or 33) for the consulship only applied to the nobility, perhaps only to patricians, MORRIS 334f. Others had to wait until 42, more or less as in the Republic (although remissions for children were introduced by the Augustan marriage laws). Cf. TALBERT (n. 39) 17f.

⁸³ SYME, AA 387, assumes that Marcellus was to be consul in 19: «Yet distaste or alarm must have been felt when the ruler, returning from Spain, announced for Marcellus, his youthful nephew, a consulship to be held when he was twenty-two.» Marcellus was in his twentieth year when he died, Propertius 4,18,15. Cf. n. 72 above for the conjecture that he was born on 4 May, sc. in 42.

⁸⁴ Hence I find it impossible to accept the attempt by BRANDT (n. 69) to deny this.

Dio has not much to report about the first half of the year apart from Augustus' serious illness and recovery (53,30,1–4) and the fixing of the number of praetors at ten, two to take charge of the treasury (32,2). Other sources fill the gap. Augustus himself stresses the twelve *frumentationes* (RG 15,1), and Tiberius' role in their distribution is well attested (Vell. 2,94,3f.; Suet. Tib. 8). This may legitimately be described as a *popularis* programme.⁸⁵ Suetonius supplies intriguing information, without any dating: Augustus proposed, clearly to the senate, that whenever he held the consulship he should have two colleagues. His offer was unanimously and loudly rejected, on the grounds that it was already a sufficient diminution of his *maiestas* to have a colleague at all. Suetonius' rubric begins with the remark that Augustus *quoque pluresque partem administrandae rei p. caperent, nova officia excogitavit*, then the various *curae* and other innovations are listed (D. Aug. 37). By implication, then, Suetonius thought that the reason for Augustus' offer was *quoque plures . . . consulatum gererent*. This recalls what Dio gives as Augustus' sole motive for resigning the consulship in 23: «in order that as many as possible might become consuls» (53,32,3).⁸⁶

How things might have developed had Augustus not become dangerously ill cannot be known. As it was, the Princeps thought that he was going to die. The meeting of magistrates, senators and foremost knights that he summoned expected to hear that Marcellus was to be his successor. Instead, his consular colleague Piso was given his state papers and Agrippa got his signet ring. His illness continued for a time, but eventually the cold water treatment of Antonius Musa restored him to health. This is the version of Dio (53,30,1–3). Characteristically, Suetonius splits this into three separate statements, none with a date. In the fullest, after listing the various magistracies and powers that Augustus held (D. Aug. 26–27), he reports that Augustus twice contemplated *reddenda republica*, first after defeating Antonius, then during the long illness which Dio allows us to assign to 23: *de reddenda re p. bis cogitavit: primum post oppressum statim Antonium, memor obiectum sibi ab eo saepius, quasi per ipsum staret ne redderetur; ac rursus taedio diuturnae valitudinis, cum etiam magistratibus ac senatu domum accitis rationarium imperii tradidit. sed reputans et se privatim non sine periculo fore et illam plurimum arbitrio temere committi, in retinenda perseveravit, dubium eventu meliore an voluntate* (28,1). It is not clear whether the following sentence, beginning *quam volun-*

⁸⁵ LACEY 105ff. Tiberius' *purgatio of ergastula* throughout Italy (also assigned to his quaestorship by Suet. Tib. 8) was to secure the release of those improperly detained, travellers and those who had taken refuge in them for fear of an oath (*sacramentum*). LACEY argues that the operation was in the interest of debtors and debt bondsmen rather than of draft-dodgers. At all events, another *popularis* measure (LACEY 107 nn. 15–17 cites evidence, and compares Livy 2,23f. on *civitas secum ipsa discors . . . maxime propter nexos ob aes alienum*, 23,1).

⁸⁶ FITZLER and SEECK (n. 69), 347f., followed by GIRARDET (n. 44) 117f., plausibly locate this proposal in 23, before Augustus' resignation of the *fasces*.

tatem, cum prae se identidem ferret, and quoting the edict in which Augustus confirmed this *voluntas*, belongs to the period of his illness: *ita mihi salvam ac sospitem rem p. sistere in sua sede liceat atque eius rei fructum percipere, ut optimi status auctor dicar et moriens ut feram mecum spem, mansura in vestigio suo fundamenta rei p. quae iecero* (28,2). Suetonius surely thought it did: the reason he placed the quotation at this point was because Augustus referred to himself as *moriens*.⁸⁷ In two later passages he mentions the cure by Antonius Musa, in the second one specifying that the illness came after the subjugation of Cantabria and affected the liver (59 and 81,1).⁸⁸ One may indeed wonder whether Velleius' introduction of the conspiracies by Murena and Caepio and by Egnatius as the work of those *qui felicissimum statum odissent* (2,91,2) may not be an allusion to the *optimus status* which Augustus referred to in this edict, issued during his long illness in the spring of 23.⁸⁹

After Augustus had recovered, he attended the *feriae Latinae* on the Alban mountain and resigned the consulship. This may have been after the offer to have two colleagues each time he was consul had been rejected; and the resignation may have been in anger. For his resignation and its stated motive he was praised, as also for the choice of L. Sestius, once Brutus' fervent follower, as his replacement; and the senate offered him something different, the tribunician power and some enhancement of his *imperium*. Thus Dio (53,32,3–6). It would exceed the scope of this paper to discuss all this in full, in particular the nature of his *imperium* – whether it became *maius* or *aequum* – and what powers Agrippa now acquired. At any rate, the funeral *laudatio* may be interpreted to show that Agrippa did acquire *imperium* in 23; and Augustus' *imperium* was perhaps defined as *aequum* (rather than *maius*) in relation to all other *imperium*-

⁸⁷ SYME, RR 320, who does not offer a date for the edict, points out that Suetonius goes on in the next sentence to call the *optimus status* a *novus status*. C. NICOLET, in: F. MILLAR – E. SEGAL (edd.), *Caesar Augustus. Seven Aspects*, Oxford 1984, 112, calls it Augustus' famous «foundation edict» and appears to date it to January 27. G. WILLIAMS, in: K. A. RAAFLAUB – M. TOHER (edd.), *Between Republic and Empire. Interpretations of Augustus and His Principate*, Berkeley – Los Angeles – Oxford 1990, 274, calls the edict «undated» but adds, without giving reasons, that it was «not earlier than 17 BC». KIENAST 527, on the other hand, assumes that the edict was issued when Augustus really was *moriens*, i.e. nearly forty years later, on his death-bed in August AD 14. Suetonius' context at least suggests that he thought the edict was issued during the severe illness of 23, which Augustus thought would be fatal.

⁸⁸ Cf. above and n. 64 for a diagnosis. Musa's cold water cure is also registered by Pliny, NH 25,77, cf. 29,6; in 19,128 he adds that Musa prescribed Augustus a diet of purple lettuce. Cf. PIR² A 853.

⁸⁹ Augustus himself later used the version in Velleius, in the letter to Gaius Caesar written on his sixty-third birthday, 23 September AD 1, his prayer to be able to spend whatever time is left to him, before Gaius and his brother succeed to his position, *in statu reipublicae felicissimo*, A. Gellius 15,7,3.

holders.⁹⁰ Whether Augustus was actually granted the tribunician power now or whether, as LACEY has argued, he simply reactivated it, may also be waived. It is, however – against LACEY – difficult to see what could have stood on the *Fasti Capitolini* for 23, after [*posteaquam consu]latu se abdicavit*, other than *tri[b. pot. accepit]* or something very like it.⁹¹ The exact timing of this resignation of the *fasces* and assumption of tribunician power is not absolutely certain. Late June or 1 July looks probable.⁹² Dio says that Augustus chose to resign at the Alban mountain to make sure that he was not prevented from this action. Perhaps Dio was thinking of opposition by the people. In any case, the *Fasti feriarum Latinarum*, although very fragmentary, confirm that Augustus resigned *in monte*; they also register the odd fact that the Latin festival was held again that year, in October.⁹³

Are we still entitled to regard these transactions as a crisis, even if the conspiracy of Caepio and Murena still lay in the future? The failure of his Spanish expedition to pacify the country and the eastern fiasco could have been damaging. There were perhaps signs of resentment in the senate at Augustus' monopolisation of the consulship – and it was perhaps at this time, after his recovery from illness – that his proposal to have two colleagues whenever he was consul was rejected (albeit with an ostensibly flattering reason). Augustus' own supporters, notably Agrippa, may be held to have indicated disquiet over Marcellus' position.⁹⁴ This is at least enough to indicate some form of opposition from two separate quarters.

A comment by JONES on the tribunician power has not been much noticed (perhaps because the main focus of the article in which it appears is not 23 but 19 and consular *imperium*). «By making it appear that his position rested on so harmless a prerogative [Augustus] could conceal the real constitutional basis of his power. Another reason, I suspect, was that the tribunate was popular. We do not, I think, sufficiently appreciate the sentimental associations of the tribunate in the minds of the common people. In the optimate tradition, which we mainly hear, the tribunate was a baneful institution and the great tribunes

⁹⁰ For recent refinements see e.g. GIRARDET (n. 44), esp. 116ff.; W. AMELING, Augustus and Agrippa. Bemerkungen zu PKöln VI 249, *Chiron* 24, 1994, 1–28; W. ECK et al., *Das Senatus Consultum de Cn. Pisone patre*, Munich 1996, 158ff.

⁹¹ Cf. LACEY 100ff., 110ff., cf. 154ff.

⁹² Cf. e.g. FITZLER and SEECK (n. 69) 348; RICH 168; LACEY 109f.

⁹³ *Inscr. It.* 13.1, p. 157. My late teacher C. E. STEVENS drew my attention to Livy 33,23,3 and 42,21,6–7, two passages which seem to show that going to the Alban mountain – in these cases to hold an unofficial triumph, after the senate had refused to grant one – could be taken as an antisenatorial gesture.

⁹⁴ Even BRANDT (n. 69), who seeks to invalidate the evidence for Marcellus being Augustus' intended successor, accepts the «in den Quellen glaubwürdig dokumentierte Rivalität zwischen Agrippa und Marcellus», adducing Vell. 2,93,2; Suet. D. Aug. 66,3 and Tib. 10,1; Dio 53,32,1.

were villains. But contrast Cicero writing for an upper class audience, and Cicero addressing the people: in his public speeches the Gracchi are heroes; and Caesar could find no better *casus belli* to inflame his troops than the violation of the tribunes. By posing as tribune of the plebs Augustus hoped to rally this popular sentiment for himself, and to represent that he occupied his high position *ad tuendam plebem* [Tacitus, Ann. 1,2,1]. The assumption of the tribunician power was in short a gesture, and a gesture to two parties in the State. To the plebs, it was a guarantee – which as subsequent events proved they did not consider adequate – that Augustus was not abandoning them to the optimates, to the optimates a threat that Augustus might revive the popular tradition of his adoptive father if they did not play ball with him.»⁹⁵

It has been maintained by LACEY that the tribunician power «was not at first seen to be of major significance»; and it is true that it was several years before it appeared regularly on the coinage and inscriptions.⁹⁶ Equally, it is legitimate to comment, in the light of what was to happen in the years 22–19, that the plebs failed to appreciate the value of this power. Real tribunes of the plebs had faded from view since 43, the last year in which they were really active. Most people would hardly be able to remember what ambitious tribunes were capable of doing.⁹⁷ But it is worth asking what the senators thought of it. Anniversaries were much in the air in 23. Secular Games were apparently being planned or discussed.⁹⁸ Although no source draws attention to the coincidence, it is striking that Augustus' assumption of tribunician power came exactly a century after the first tribunate of C. Gracchus – or, if one wishes to stress that it was the Etruscan *saeculum* of 110 years that was at this time topical, precisely such a *saeculum* had passed since the fateful tribunate of Ti. Gracchus had set the whole sorry sequence of civil strife in motion. Appian no doubt had a Roman source which inspired him to begin his Civil Wars with the year 133. Senators in any case had longer memories than members of the plebs;

⁹⁵ JONES (n. 26) 12ff.

⁹⁶ LACEY 116, cf. 154ff.

⁹⁷ On 43, MRR II 339ff. Three names are known for 42, but no activity, ib. 359; Falcidius in 41 (none of the other nine are recorded) passed a useful piece of legislation that bore his name, ib. 372; then a gap in the evidence until a tribune of 32, who vetoed action proposed against Octavian by the consul Sosius (Dio 50,2,3), ib. 418. The obsequious «Pacuvius» or «Apudius», who offered to «devote himself to Augustus in the Spanish fashion» on or soon after 16 January 27 (Dio 53,20,2–4) may or may not have been tribune at the time, as Dio says; the evidence is confused, cf. RICH 153. C. CICHORIUS, *Römische Studien*, Leipzig – Berlin 1922, 285ff., argued that the man was M. Ampudius, known from CIL X 6082, Formiae, to have been tribune; accepted in PIR² A 569, cf. P 51. However this may be, the real point is that tribunes of the plebs had not been aggressively active for the past twenty years. Hence the plebs had as likely as not almost forgotten what they had once done.

⁹⁸ Cf. above and n. 48.

and they were literate. The hostile attitude to the Gracchi that prevailed in the Augustan and Tiberian period, as exemplified in the works of Dionysius of Halicarnassus, Diodorus, Velleius and Valerius Maximus, has already been stressed. It is fair to suppose that there were still senators around who took the same view of the tribunician power and of the Gracchi as Cicero had put in the mouth of his younger brother in the 50s: the *potestas* is labelled *pestifera*; Ti. Gracchus is said to have left the *boni viri no ius*, while as for Gaius, *nonne omnem rei publicae statum permutavit?* (De leg. 3,19 and 20).⁹⁹

III. More on «Primus», Murena and Caepio and the aftermath

It may have been towards the end of 23 that the trial took place which has been so much discussed in the modern literature. Dio, the only source, places it in 22, but it may at least be argued that this date really only applies to the conspiracy that followed it. «A certain Marcus Primus was on trial because as governor of Macedonia he made war on the Odrysaes and was claiming at one point that he had done so with the approval of Augustus, at another with the approval of Marcellus. Augustus, who came to the court without being summoned, was asked by the praetor if he had instructed him to go to war, but denied doing so. Licinius Murena, Primus' advocate, besides making some other unfitting remarks, asked him «What are you doing here, and who summoned you?» All he answered was: «The public interest» (Dio 54,3,2–3). The grounds for the prosecution were no doubt that a friendly people, the Odrysaes, had been attacked (not that the war was «outside the province»). The Odrysaes had been treated favourably by M. Crassus in 29 and granted privileges (Dio 51,21,4–5). It is at least plausible that Crassus or one of his former legates launched the prosecution, as patron of this people.¹⁰⁰ Macedonia was still a province with an army that was ruled by proconsuls. It has generally been assumed that Augustus had been allowed to intervene outside his own *provincia*; and appeal has been made to an inscription from Cyme in the province Asia. But there is no need to believe that this text reveals anything more

⁹⁹ To be sure, Cicero himself, although granting that *in ista potestate inesse quiddam mali*, insists that it is a necessary evil, a *temperamentum*, De leg. 3,23; and in what follows, 23–26, he elaborates his view that the tribunate is a useful safety valve. But, at 3,26, he has Quintus and Atticus both registering their disagreement with this moderate position.

¹⁰⁰ This is the plausible thesis of B. LEVICK, *Primus, Murena and fides*. Notes on Cassius Dio LIV.3, G & R 22, 1975, 156–163, who, however, sticks to a 23 date and identity of consul, counsel and conspirator, and supposes that Augustus actually had instructed the attack on the Odrysaes; LEVICK's interpretation (and dating) are favoured by DETTENHOFER 98. Cf. RICH 174ff., preferring to keep Dio's date but commenting (175) that the governor «was prosecuted not because he had started a war but because he had done so against a friend of Rome.»

than the consuls of 27, Augustus and Agrippa, informing Cyme of the contents of a *senatus consultum*, a normal «republican» procedure.¹⁰¹ Nonetheless, it is assumed that as consul he could rely on the *potestas maior* of a consul to intervene in the provinces of others.¹⁰² But perhaps this had not been the case, even though Dio says that the practice of the emperor giving instructions «to the procurators, proconsuls and propraetors» began in 27 (53,14,4). Other elements in his account of 27 are certainly anachronistic. It is conceivable that this situation was only altered by a new grant in 23, making his *imperium* – for the first time – at least *aequum* if not *maius* (Dio 53,32,5).¹⁰³ If Augustus' right to intervene had not been accepted or clearly defined before 23, for him to have given orders to a proconsul of Macedonia – and even the allegation was not true it must have seemed plausible to the defendant and his advocate – could well have aroused criticism. That Marcellus was alleged to have done so was much worse, and especially painful to Augustus when the young man was dead.¹⁰⁴

«Marcus Primus», it must be noted in passing, is an implausible name. Although there were exceptions, such as M. Agrippa, non-nobles – which

¹⁰¹ Thus KIENAST 87 n. 32 (as in the edition of 1982, 74 n. 32) on IKyme 17. This interpretation is reinforced by A. GIOVANNINI, Les pouvoirs d'Auguste de 27 à 23 av. J.-C. Une rélecture de l'ordonnance de Kyme de l'an 27 (IK 5 no. 17), ZPE 124, 1999, 95–106.

¹⁰² Thus e.g. JONES (n. 26) 6, citing Cicero, Phil. 4,9 (in December 44: Cisalpine Gaul had resisted Antonius, hence it could not have regarded him as a legitimate consul, since *omnes in consulis iure et imperio debent esse provinciae*); Att. 8,15,3 (in February 49, asserting that the proconsuls are entitled to cross the sea – as are the consuls, *more maiorum concessum est vel omnes adire provincias*); and, rather weaker, Fam. 13,26,3 (46, telling Ser. Sulpicius Rufus, then governor of Achaia, that he might like to use a letter from the consul M. Lepidus to strengthen his hand). BADIEN 35, citing only Phil. 4,9 («the basic statement of the legal position», which he sees as confirmed by the Cyme inscription), is confident that Augustus as consul had «this superiority» [over proconsuls]. It hardly needs to be pointed out that Cicero was using various forms of special pleading in these three instances. Cf. on the same lines e.g. GIRARDET (n. 44) 117 and n. 136; AMELING (n. 90) 16, favours the view that Augustus as consul 27–23 could rely on *maior potestas* for the «senatorial» provinces, though noting J. BLEICKEN, Zwischen Republik und Prinzipat, Göttingen 1990, 104 (and elsewhere), who argues that there was no such *maior potestas*, only de facto a *maius imperium* of a consul.

¹⁰³ See for varying interpretations e.g. GIRARDET (n. 44) 116 ff.; AMELING (n. 90) 16 ff.; KIENAST 105 ff.

¹⁰⁴ ANDERSEN (n. 23) 29 n. 74, followed by ATKINSON (n. 70) 445, suggested that «Marcellus» here means the cos. 22, M. Marcellus Aeserninus; rejected by MILLAR (n. 23) 89. BADIEN 35 f. and n. 44 cites with approval the argument by R. HANSLIK, Horaz und Varro Murena, RhM 96, 1953, 285, that the absence of any mention of Marcellus denying the claim could «only mean that he was already dead» – grounds for dating the trial at earliest to the end of 23.

someone called «Primus» at this time would surely have been¹⁰⁵ – were generally not so styled, by *praenomen* and *cognomen* only.¹⁰⁶ Hence it is *prima facie* likely that the man's name was given in Dio's source as «Marcius» and that he, or a secretary who excerpted for him, misread it. This seems to have happened with another Marcus earlier on in his History: (Q.) Marcus Crispus, a Caesarian commander whose activity in Syria is mentioned under the year 42, is called «Marcus» – and his colleague L. Staius Murcus is called «Staius» (47,27,5). In fact, not «Marc(i)us Primus» but «Marc(i)us Crispus» might be right here. C and P are often indistinguishable in Roman handwriting; and SP could likewise easily be misread as M. The governor of Macedonia defended by Licinius Murena might then be a son of the Caesarian general (who had served in the same province as legate in the early 50s).¹⁰⁷ Whatever he was called, the man was convicted. Augustus' answer to Licinius Murena's angry question «gained him praise from persons of good sense and he was even given the right to convene the senate as often as he pleased; but some of the others despised him. At any rate, not a few voted for Primus' acquittal, and others formed a plot against Augustus. Fannius Caepio was the leader of it, but others joined him as well. Even Murena was said to have been a fellow-conspirator, whether truly or slanderously, for he was unrestrained and violent in his outspokenness to all alike» (Dio 54,3,3).

This is not the place to examine all the theories about the conspirator Murena. L. Licinius Varro Murena, to give him all the names the sources supply, who had a sister called Terentia, wife of Maecenas, and whose half-brother was another influential knight and friend of Augustus, C. Proculcius, has been exhaustively investigated.¹⁰⁸ Nomenclature and relationships aside, Velleius says that but for this crime he could have been considered a good man, *sine hoc facinore potuit videri bonus* (2,91,2), which is understandably taken to mean that he

¹⁰⁵ «Primus» was exceedingly common, cf. I. KAJANTO, *The Latin Cognomina*, Helsinki 1965, 291; but he only counts ten senatorial bearers (including «Marcus Primus» and two women). Recourse to PIR² P, pp. 399f., which finds a few more than ten, shows that the only other early one apart from «Marcus Primus» is P. Alf. Primus, *leg. pr. pr.* of a proconsul of Achaia, late Republic or early Augustan, IOlymp. 235 (MRR III 14). Of course, some might like to argue that P. Alf. Primus was legate of M. (Alf.) Primus (responsible for Achaia as well as Macedonia).

¹⁰⁶ Cf. R. SYME, *Imperator Caesar: a study in nomenclature*, *Historia* 7, 1958, 186, repr. in: Id., *Roman Papers I*, Oxford 1979, 375 (after comments on Agrippa emulating the nobles): «Thus the enigmatic M. Primus, if his name has been correctly transmitted, is certainly not a *nobilis*, with such a *cognomen*.»

¹⁰⁷ MÜNZER, RE 14.2, 1930, 1555–56; MRR II 204, 347; III 138. The present conjecture about «Marcus Primus» found entry in PIR² P 946.

¹⁰⁸ Most exhaustively by ARKENBERG (n. 69). For the relationship of Murena to Terentia and Proculcius, Dio 54,3,5; cf. on the former STEIN (n. 71), on the latter PIR² P 984.

was a «Caesarian» or just «hitherto on the right side, that of Augustus». That could be inferred anyway from his relationship to Maecenas and Proculeius. He might have been governor of Syria shortly before the trial (if he is the Varro in Josephus, AJ 15,344–45; BJ 1,398);¹⁰⁹ and he might be the Licinius whom Horace advised to follow the middle path (Odes 2,10).¹¹⁰ More attention could be paid to the man actually said to have led the conspiracy, Fannius Caepio, even though little is recorded. Velleius says that he was «very bad even before this», *et ante hoc pessimus*. Hence a «republican», surely.¹¹¹ Dio registers the fact that his father was still alive and that he freed one slave who had accompanied the son on his flight but crucified the other who had betrayed him (54,3,7). Macrobius adds that the father had a villa in the *ager Laurens* and the abortive flight via this and Ostia, thence by ship, got Caepio as far as Naples (1,11,21). Finally, Caepio was prosecuted in absence by the young Tiberius (Suet. Tib. 8).¹¹²

The names «Fannius Caepio» deserve to be explored. MÜNZER long ago remarked that as the earliest bearer of the name Caepio after the man who became Q. Caepio Brutus he might have had some connection, political as well as familial, with Brutus and Brutus' mother's family, the Servilii Caepiones.¹¹³ The father, presumably called Fannius, is often identified with the man of this name proscribed by the Triumvirs (Appian, BC 4,84), who later joined Sex. Pompeius and in 35, as «the highest ranking» of Sextus' friends, fled to Antonius (ib. 5,139). Further, he is taken to be the C. Fannius who was an anti-

¹⁰⁹ For the date, «c. 25–23 BC», see now E. DABROWA, *The Governors of Roman Syria from Augustus to Septimius Severus*, Bonn 1998, 17f., 129f., not surprisingly hesitant about his identity, but commenting, 129 n. 6, that «[g]enerally it is agreed that [the conspiracy] happened in 22 BC» – an interesting assessment of the changed perception of this troublesome affair. SYME, AA 388 n. 32, could still comment that the 23 dating «has been defined as the standard theory».

¹¹⁰ Against, SYME, AA 389ff., not impressed by the argument (produced by R. G. M. NISBET and M. HUBBARD, *A Commentary on Horace: Odes Book II*, Oxford 1978, 151ff.) that the friendship between Murena and the Peripatetic philosopher Athenaeus, the leading citizen of Cilician Seleucia, who was captured together with Murena, but released (Strabo 14,5,4, p. 670), was particularly suitable for someone urged to follow *aurea mediocritas* – and even grounds to identify the conspirator as the legate of Syria.

¹¹¹ Thus e.g. KAPPELMACHER, RE 6.2, 1909, 1993 and SYME, RR 334, disputed by WOODMAN 271, but without adequate grounds.

¹¹² PIR² F 117 cites the sources. Apart from those mentioned in the text, Suet. D. Aug. 19,1, just has his names; Sen. De brev. 4,5 and De clem. 1,9,6, gives the *cognomen* only. Tacitus does not refer to him at all, only his alleged co-conspirator, in a short list: *interfectos Romae Varrones Egnatios Iullos*, Ann. 1,10,4.

¹¹³ F. MÜNZER, *Römische Adelsparteien und Adelsfamilien*, Stuttgart 1920, 373; cf. now the tr. by TH. RIDLEY, *Roman Aristocratic Parties and Families*, Baltimore – London 1999, 342.

Caesarian tribune of the plebs in 59, and praetor in 54 or 50, then governor of Sicily and Asia 49–48, whose death in 48 Cicero reported to Atticus (Att. 11,6,6) – incorrectly informed, it is supposed. This remains uncertain. The man who was proscribed may be the son of this Fannius, first cropping up himself as a legate sent to Sextus in 43 (Cic. Phil. 13,13, where he is called C. Fannius). A Fannius who was legate of Cassius during the siege of Rhodes in 42 (Appian, BC 4,72) is taken to be the future conspirator.¹¹⁴ Questions of exact identity aside, this at least establishes the Fannii of the period from 59–35 as consistently anti-Caesarian. It remains to ask if the conspirator could have got the name «Caepio» from the Servilii Caepiones. One may recall the «little daughter» left by Q. Caepio, Cato's half-brother, who died in 67 (Plut. Cato min. 11,3) and is thought to have adopted his nephew M. Brutus by testament. Nothing more is heard of her and she might have died young. Or she might have survived long enough to marry C. Fannius, tribune of the plebs in 59 and later an active Pompeian, and to be the mother of Fannius Caepio – whose only known service could be as legate of Cassius in 42.¹¹⁵

This would make the conspirator a kind of heir to M. Brutus. But the Fannii should not be neglected. The most prominent bearer of the name, C. Fannius M. f., was the consul of 122, who, after being supported in his election campaign by C. Gracchus (but probably not with great enthusiasm: the alternative was L. Opimius), turned against him and struck a decisive blow against the citizenship bill. The consul was also an historian, who wrote about his own times – and his work was summarised by Brutus, as Cicero reveals in two letters written in 45 (Att. 13,8 and 12,5b).¹¹⁶ It is legitimate to suppose that later Fannii were well informed about this man and his opposition to C. Gracchus exactly a century before the conspiracy of Fannius Caepio. He may have had various grounds: the tribunician power might have been enough. Other *popularis* tendencies, such as the twelve *frumentationes* of 23, may have contributed too. The epidemic which cost many lives in 23 was still raging in 22 (Dio 53,32,4; 54,1,1–2, also mentioning flooding of the Tiber). This led to

¹¹⁴ MÜNZER, RE 6.2, 1909, 1986f., distinguished Cassius' legate at Rhodes from the other Fannius, ib. 1991f., the report of whose death in 48 he takes to be mistaken. Cf. MRR II 189f., 222, 262, 277; and III 90, suggesting that the legate of 43 and Cassius' legate in 42 (II 365) were the same man. HINARD (n. 7) 465ff. prefers to accept that Cicero was right about C. Fannius' death in 48 and that the Fannius who went as a legate to Sextus in 43 and was later with him after being proscribed was son of the ex-praetor – but different from Cassius' legate, identified, as by KAPPELMACHER (n. 111), with the conspirator himself, cf. HINARD 272.

¹¹⁵ MÜNZER, RE 2A.2, 1923, 1775ff., esp. 1779, 1821 (on the daughter). Cf. MÜNZER (n. 113) 333ff. (= tr. RIDLEY 308ff.).

¹¹⁶ MÜNZER, RE 6.2, 1909, 1987ff. (1990f. on the history); SUMNER (n. 7) 53ff., 170ff., clearing up Cicero's confusions about C. Fannius C. f. and M. f. and defending the MSS reading *Fanniana* in Att. 13,8; cf. MRR III 89f.

a move to make Augustus dictator or something else – recounted by Dio before the conspiracy. «The people shut the senators up in the senate-house and forced them to vote in favour of this measure by threatening to burn the building down over their heads. Then they approached Augustus, begging him to consent both to being named dictator and to become commissioner of the grain supply as Pompeius had once done. He accepted the latter task, under compulsion, and ordered that two men should be chosen annually, from the ex-praetors . . . to attend to the grain distribution» (54,1,3–4). He goes on to give a description of Augustus' theatrical refusal of the dictatorship, baring his breast (which was surely to remind people that the last dictator had been murdered and as it were inviting them to kill him on the spot) and the attempt to make him censor, also refused – instead the appointment of two censors, the first for twenty years, Paullus Lepidus and Plancus (not a success, and Augustus performed many of their duties for them) (54,1,4–2, 3).

Augustus refers to these matters concisely in the RG, noting that he solved the grain shortage within a few days and (not in Dio) that he was also offered and refused an annual and perpetual consulship (5,1–3). The refusal of the dictatorship has been thoroughly discussed, notably by ALFÖLDY,¹¹⁷ and need not be dwelt on here. One might enquire only where the plebs got the *fascēs*. Perhaps, as RONALD SYME once suggested, from the shrine of Libitina (particularly busy at a time of pestilence, no doubt), where a mob had found them in 52: *illa Clodiana multitudo . . . tum fascēs ex luco Libitinae raptos attulit ad domum Scipionis et Hyspaei, deinde ad hortos Cn. Pompeii, clamitans eum modo consulem modo dictatorem* (Asconius 34).¹¹⁸ All these troubles may have played their part in leading Caepio to form his plot, seeing himself as a new tyrannicide in the tradition of Servilius of old and of Brutus and acting (in the only way that now seemed possible) against a tyrannical «tribune» as had the consul of 122. It may be that Murena was not really involved, but framed, for example by the informer Castricius (Suet. D. Aug. 56,4), perhaps a disgruntled client. Murena's hostility to Augustus at the «Primus» trial may have been his only real offence.¹¹⁹

More troubles would follow in 22, including probably the aedileship of the bumptious Egnatius, exploiting the situation to win popularity, and certainly the failure of the consuls to elect more than one successor for 21. These matters,

¹¹⁷ G. ALFÖLDY, Die Ablehnung der Diktatur durch Augustus, *Gymnasium* 79, 1972, 1–12.

¹¹⁸ SYME made this suggestion in an unpublished paper (lacking annotation), entitled «How many *fascēs*?». The typescript (with other Syme papers) is in the Syme archive, now transferred from Wolfson College to the Bodleian Library, Oxford.

¹¹⁹ See the interesting discussion of Castricius by D. L. STOCKTON, *Primus and Murena*, *Historia* 14, 1965, 21 f. (whose vigorous defence of the date 23 for the conspiracy and the identity of the consul and conspirator it will be clear I do not follow).

and what followed down to Augustus' return, including another electoral imbroglio in 20–19, have been rehearsed in the first part of this paper. It has been argued that the settlement of 27, the re-establishment of normal government by consuls, did not work and that opposition came to a head in 23, at the time of Augustus' serious illness, when his prestige was in any case diminished by failures in Spain and the east. His response, to resign the consulship and assume tribunician power, receiving enhanced *imperium*, created further problems: the former was seen as a threat by men such as Fannius Caepio, the latter was disliked by his own supporters, such as Licinius Murena. Further, the plebs, distressed by epidemic and food shortages, failed to understand his new position. The three years of serious problems at Rome, 22–19, were perhaps not unwelcome to the absent Augustus. He was able in the meanwhile to make good (through Agrippa in Spain and through his own diplomacy backed by force in the east) the failures abroad of 25, and the senate was reduced to begging him to return, on bended knee, it might be said. The senators at last realised that they could not do without him, and gave him a free hand. After the necessary changes had been made, the Golden Age could begin: *iam Fides et Pax et Honos Pudorque / priscus et neglecta redire Virtus / audet, apparetque beata pleno / Copia cornu* (Horace, *Carm. saec.* 57–60). The *XVviri* were headed by Imp. Caesar Augustus and M. Agrippa, of course; the excellent Sentius, who had managed the end of the crisis, was deputy-*magister*.¹²⁰

It is time to conclude by renewing the question, why on earth was the man chosen to fill the vacant consulship in 19 the elderly nonentity, Q. Lucretius Vespillo? The answer may lie not in his own «republican» career (indeed, he seems not have had begun one before 49), but in the more distant past. Lucretius Vespillo, if not a *novus homo* in the strict sense, was certainly no noble.¹²¹ He had presumably managed to rise to the praetorship somehow, in spite of not being able to hold office (apart from his inglorious naval command in 48) until after emerging from hiding when struck off the list of the proscribed, perhaps in 39 (unless Caesar had let him hold office after 48). Entry to the senate may not have been too difficult during the Triumvirate (cf. Dio 48,34,4–5, mass enrolments in 39; 43,2–3, sixty-seven praetors in 38; 53,1–2, magistrates holding office for a short time, sometimes only one day); or he may have waited until «normal government» returned in 28–27. He must certainly be supposed to have been praetor, with at least a full *biennium* behind him by 19, in view of the Egnatius business. The only other Q. Lucretius known to have come near the consulship was Ofella, the man that the dictator

¹²⁰ SYME, RR 382; AA 47ff. Cf. on the Ludi with copious literature, KIENAST 223ff.

¹²¹ As he is called by LACEY 149. SYME, AA 43, calls him a *novus homo*, which is only true in his narrow sense (cf. n. 46 above).

Sulla had killed in the Forum in 82 for seeking the *fascēs* when not qualified,¹²² behaviour about which Egnatius Rufus might be thought to have reminded people in 19. Augustus, by actively supporting the candidacy of another Q. Lucretius, was perhaps consciously showing senators aware of their history that he was not going to be another Sulla. But the unique *cognomen*, meaning «pall-bearer», of the consul of 19 takes one back still further. It was borne only by himself, his proscribed father the orator, and by his presumed grandfather, the aedile of 133. The aedile acquired the name because in his official capacity (which included keeping the streets clear of refuse) he threw the body of Ti. Gracchus into the Tiber: *cuius corpus Lucretii aedilis manu in Tiberim missum; unde ille Vespillo dictus* (De vir. illustr. 64,8). Whether given him as an insult or otherwise, the name was proudly passed on to son and grandson. The consul of 19 could thus be seen to proclaim an anti-Gracchan position by his name alone. Augustus' choice of Vespillo was, perhaps, just an inspired and impulsive decision. Of course, Sentius or others may have given the matter some thought and specially picked Vespillo for the embassy to Augustus, with a recommendation.¹²³ Be this as it may, the consulship of the «pall-bearer» was a symbolic burial of the ultra-*popularis* position that seemed to have been adopted in 23. The acceptance of consular insignia and powers by Augustus confirmed that the Gracchan charade (which may have been launched partly to shock die-hards) was over. Tribunician power was retained, of course, and soon came to be seen as the respectable *summi fastigii vocabulum* (Tac. Ann. 3,56,1).¹²⁴ It was not to be used in the way that had made optimates regard it as *pestifera*. The year after the consulship of Q. Lucretius Vespillo would be known as the year

¹²² Cf. above and n. 13. E. BADIEN, JRS 57, 1967, 227f., insists that the MSS reading «Afella» in Latin writers should be preferred, and has been generally followed, cf. e.g. MRR III 130. He criticises KAJANTO (n. 105) 348 for deriving the name from *offa*, without «reason or authority». Such authority was hardly necessary: cf. for *ofella*, meaning «little bit» or «morsel», Martial 10,48,15; 14,221,1; Juvenal 11,144. *Offa* itself could also mean «abortion», Juvenal 2,33. Either way, a perfectly acceptable *cognomen*, of a sort not unlike «Vespillo», perhaps reason for making Ofella e.g. a cousin of the elder Q. Lucretius Vespillo.

¹²³ It is probably going to far to suggest that anyone saw any significance in choosing someone with the same *gentilicium* as one of the first consuls of the Republic, Sp. Lucretius Tricipitinus (MRR I 2f.). The latter may have been a recent invention: cf. Livy, 2,8,4–5, noting that *apud quosdam veteres auctores non invenio Lucretium consulem*. He was an old man, who died a few days after taking office. Q. Lucretius Vespillo probably expired not very long after 19.

¹²⁴ Already so described by Augustus in his *laudatio* of Agrippa, it seems. *Summum fastigium* is a plausible translation back into Latin of the expression used of the tribunician power by Augustus in PKöln VI 249 + SB XVI 13033: M. GRONEWALD, Ein neues Fragment der Laudatio Funeris des Augustus auf Agrippa, ZPE 51, 1983, 61–62; approved by AMELING (n. 9) 2.

when two Lentuli held the *fascēs*: a quiet tribute (a few people may have thought) to the old optimiate who had fought (literally) against C. Gracchus (Val. Max. 5,3,2f).¹²⁵

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¹²⁵ At the conclusion of what has become a much longer article than was first intended, I ought to mention that an earlier version was given as a lecture at the Universities of Manchester and Nottingham in the late 1970s, of Heidelberg and Stuttgart in 1980 and of Madrid in 1985. I learned much from discussion with these audiences; and considered working the lecture up for publication. The sceptical reaction of PETER BRUNT – which may be shared by not a few readers – who kindly read a typescript in 1985 («I am rather allergic to this sort of speculation, when proof or disproof are equally beyond our reach») caused a long postponement. Since then much more on Augustus has appeared, which I have done my best to consider. Finally, I must add that some of the ideas in this paper – not least the relevance of various passages in Cicero, Diodorus, Dionysius of Halicarnassus, Livy and Valerius Maximus to perceptions of the Augustan settlements – were drawn to my attention by the late C. E. STEVENS, an inspiring teacher and an ingenious scholar.