THE PRIVATE SOURCES OF FORCE
IN ROMAN POLITICS

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The Scipionic era was an age of military triumph for Rome. Rome's place in the world was transformed by two generations of expansion, from the defeat of Hannibal to the final destruction of Carthage. But Scipio Aemilianus was one of those who dreaded the perils of success. His Greek mentor, Polybius, had taught him that the fortunes of states, once their constitutional balance is disturbed, turn through a fated cycle to the worse; at the destruction of Carthage he wept — for Rome, and quoted doom from Homer; for himself, Polybius tells us, Aemilianus doubted that he could sustain the glory of the Scipionic house into whose failing succession he had been adopted.

During the decade after the fall of Carthage, Roman strength was sapped by repeated campaigns in Spain; annual defeats corrupted the morale of the soldiers and the integrity of their generals. Under the consul Mancinus a whole army was trapped before Numantia. But thanks to the fact that the Numantines trusted his quaestor, terms of surrender could be arranged and the men's lives saved. The quaestor was Tiberius Sempronius Gracchus, son of the great consul and censor of the same name. It was the father's reputation for fair dealing in Spain that earned the son his credit with the Numantines. For his part, it was a political triumph. Like the Scipios, with whom they were interlocked by marriage, the Gracchi faced an uncertain future. Now the heir emerges as the man of the hour, eclipsing his commander.

But in Rome next year the surrender terms were repudiated — at the instigation of the Scipios. This was a sinister blow to Gracchus, and not only to his pride. For under the law of the fetial priesthood, which safeguarded Rome's integrity in all disputes with foreign nations, a treaty could only be repudiated if the guilt could be transferred from the Roman people. Those who had sworn on Rome's behalf were themselves ritually declared enemies, deprived of citizenship, stripped naked, bound and delivered over to the foreign power to whom they now belonged. As they went it now fell to them as enemies to strike the fetial priest a hostile blow, thus providing the act of aggression which freed Rome from the guilt of breaking the peace herself. The enemy could then do as they chose with the victims. By clear precedent,

* A slightly adapted version of the John Thompson Lecture, given in the University of Queensland in 1971, entitled 'Attitudes to War and Violence in Rome.'
drawn from the Caudine Forks surrender two centuries before, all the officers concerned were themselves expected to volunteer for this sacrifice. The consul Mancinus rose to the occasion. But Gracchus refused, or at any rate acquiesced in a decision to require only the consul to give up his life for Rome. When opportunity offered he had been ready to take credit ahead of his superior: but when the price was to be paid, he held back.

The psychological legacy of Numantia bore with ever increasing intensity upon Gracchus' sensitive mind. He was consumed by hatred for the men – his close relatives – who had turned his treaty into a scandal, and consumed by dread for himself – for he fell under the taint of religious guilt in that he had not shared the honourable fate of Mancinus. It was such passions, the Roman sources insist, that drove him into his famous tribuneship and dictated its extraordinary impetus. He must, by a feat of leadership that would be conspicuously his own, shake off the fatal incubus of Numantia. Everything conspired to sharpen his fears. Mancinus himself actually survived the ordeal, spurned by the Numantines, who refused to kill him to expiate Rome's guilt, and restored by special law to his Roman citizenship. He commemorated the vindication of his good faith by erecting at Rome a statue of himself, dressed as for the Numantines.

Gracchus also found himself outstripped by one Spurius Postumius, and took it deeply to heart. The reason has been lost to sight, because we know nothing of the politics of this man. But the name alone is enough: he was the descendant and namesake of that consul who, at the Caudine Forks, had done what Mancinus was to do, and Gracchus himself to fail to do. His very name was a goad to Gracchus' conscience, and we may safely guess that, like Mancinus, Postumius did not omit to sharpen the point in public.

In the meantime Aemilianus, his cousin, brother-in-law and rival, had reopened the Numantine campaign, and was making elaborate preparations to ensure that the blot on Rome's honour that Gracchus had incurred was obliterated by a total victory. It may not be without significance that the land reform Gracchus took up as tribune was a project Aemilianus had abandoned and that events moved to their climax at Rome concurrently with those in Spain. The spirit of revenge had been first aroused on both sides by causes that now escape us. But we do know that the marriage of Gracchus' sister to Aemilianus was a source of recrimination within the family and that Gracchus had himself married into the rival family of the Claudii. With their powerful support he had no reason to fear defeat in his land program. But his private necessity to secure exclusive credit to himself, and the pressure of events in Spain, meant that compromise or delay was impossible.
When one of his tribunician colleagues, Octavius, unexpectedly turned against him (due, we are told, to the growing rift in the family), he was trapped. The tribunician veto could not be challenged. It did not rest upon law, but upon an arbitrary pledge by the plebeians to count the persons of their tribunes as sacrosanct. Thus the tribune could interpose himself in any lawful process and suspend it. For to touch the tribune would invite the plebeians to vindicate him by the direct use of force. When Octavius would yield to no kind of persuasion, Gracchus fell back upon what must have begun as an unguarded threat. He convened the tribes and asked them to depose him. Only after this was done did he realise its fearful consequences. The deposition itself could be construed by his enemies as an assault on the sacrosanctity of Octavius.

For Gracchus the implications were disastrous, and tragic. It was not merely from any personal failure of courage that he had defaulted in his obligation of honour after Numantia. The survival of his house was at stake. Yet that evasion itself had threatened to blight his career, and now in attempting to compensate for it, he had made himself liable to a fate fully as horrible. For the man who touched a sacrosanct tribune was to be thrown from the Tarpeian rock. There was one possible hope. So long as he was himself a tribune he too could not be touched. But he had only six months to run. Gracchus determined to stand at once for re-election, contrary to all precedent. An explosive crisis developed. He would not appear in public unless surrounded by two or three thousand followers. Such pressures alarmed and alienated noblemen who would otherwise have been uncommitted.

The senators appealed to the consul, Scaevola, to use his imperium to protect the commonwealth by force of arms. Though possessing the power, Scaevola refused to use force. Then the chief priest, Scipio Nasica, the cousin of Gracchus, is said to have spoken the following words. ‘Since the consul, by sticking to the letter of the law, is doing his best to destroy the Roman empire with all its laws, I put myself at your disposal, in my private capacity, as leader: if you want to save the commonwealth, follow me.’ He then drew his toga over his head. Not, as has been suggested, because this was the gesture of a sacrificing priest (the necessary solemnities of sacrifice are far removed from this riotous scene, and Romans did not normally offer human sacrifice), but instinctively seeking to avert the eye of heaven from the assault on the sacrosanct tribune. In the riot which followed, Gracchus and 300 others perished. It was the first such bloodshed in Roman politics for 400 years.
When the news reached Numantia, Aemilianus delivered himself of another line of Homer. 'So perish any other who dares such a deed.' The force of its original context would not have escaped the philhellenic circle of hearers. It was the cry of Orestes over the death of Aegisthus, the interloper who had destroyed his family. So for the first time at Rome was asserted the right of the family to pursue its private vendetta by public appeal and in the name of the commonwealth. Just over a century later the process had gone so far that the commonwealth itself was to be permanently submerged in the family organisation of the Caesars.

The Roman reputation for law rests upon the achievements of a later epoch altogether, and indeed upon the desire of Europeans in medieval and early modern times to preserve the standards of the empire that they believed had once embraced all civilised people in a just rule. In the era of the Scipios and the Caesars the law was still only of limited effect. As J.M. Kelly has shown, it was only readily available for redressing the grievances of the powerful, and the use of force was closely connected with the processes of law. The key term vindication comes to mean punishment only because that was based essentially upon the private assertion of force.¹

Two powerful institutions stood in the way of the development of a full system of legal redress, or substituted themselves for it: the pater familias and the magistracy itself. In contrast to Greek states and to modern ones, the Roman state had never asserted its priority over the family. Within its own domain, the pater familias ruled without challenge, even to the extent of the life and death of his dependants. The family was an institution capable of indefinite extension. Basically the household unit, combining family (in our sense) and servants, it might easily number hundreds in the case of a well to do man; but beyond that it was supplemented through patronage by as many clients as one's wealth or power could protect, perhaps even some thousands in number. The bonds and obligations between patron and client also stood above the law in important respects. For the vast majority of Romans the deficiencies of the legal system were probably of little consequence; their security lay with their patron.

The magistracy was similarly an age-old institution that not only resisted civil development but aggrandised itself at the cost of individual freedom. Essential to it was the notion of supremacy. Its very name expresses this. Magistracy is opposed to ministry, as the greater is to the lesser, magis to minus. The Roman magistrate was no servant of the people, but their master. His imperium conferred upon him absolute and total powers in every field.

¹ Kelly (1996) ch. I. ‘The underlying sanctions of Roman litigation’.
However qualified this may have been by the plurality of magistrates, by their limited tenure, and by conventional restraints, the imperium itself always remained intact. In very many circumstances it could achieve more readily what might otherwise have been done by law. But magistrates were not everywhere at once, nor could they be concerned with everything. They had moreover no obligation to protect the interests of private individuals. The law grew up not so much as an arm of the magistracy, but as a public and systematic method for the private redress of grievances.

A.W. Lintott has collected the evidence for the continued familiarity of Romans during our period with the age-old procedures of direct action from which the law itself had slowly emerged. The demonstrations and violence which have marked the retreat from lawful process in our own day had their close counterpart in Cicero’s time. It was accepted that popular indignation might show itself in pelting an opponent with the missiles that came readiest to hand. In Rome this was usually a matter of stones and could easily lead to death. We are fortunate that our streets don’t come to pieces so readily, and that beer cans are not usually fatal. But the debate amongst us over the proper limits of the right to demonstrate shows how easily and perhaps inevitably such procedures become ritualised in a community where people are not satisfied with more formal means of action or redress. Tiberius Gracchus was clubbed to death with the legs broken off the senators’ stools. Unprecedented and outrageous though this particular episode was, the sense of there still being accepted limits and taboos appears in the fact, carefully noted in the tradition, that no weapon of iron was used.

The organised chanting of abuse was another form of direct action practised by Romans. As with us it was by no means merely a matter of words, however. It typically issued in the ritual burning down of the opponents’ doors – we smash their windows. An especially offensive and effective form of protest was to change into one’s oldest clothes and parade in front of one’s opponents dirty and dishevelled. You grew your hair long to add to the atrocity of the protest. Your oppressor was thereby tacitly denounced before the eyes of all as a brutal man to have driven you to such distress. It was in this spirit that Tiberius Gracchus appeared at the last dressed in mourning. He was giving public notice that his life was at stake and appealing to the people for help.

One procedure well established at Rome that we could usefully encourage was quiritation, the victim’s appeal for help to his fellow-citizens. Given that

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there was no police force at all at Rome, the peace and safety of the streets depended greatly upon the public's willingness to stand by the man in trouble.

The tribunician sacrosanctity was a method of providing for such help to be generally available in a routine form. The *ius auxilii* which the tribunes claimed is simply a formalisation of the appeal to one's neighbours or the bystanders for help. In the last resort, should it be defied, the sanction was presumably the same – direct action en masse by those who were willing to respond to the appeal. On the larger scale still, the whole community might have to be called out to face a mass uprising or assault upon it. This was the precedent for Nasica's appeal to the senators against Tiberius Gracchus, which clearly has para-military overtones.

In this lecture I am deliberately treating some of the most familiar episodes of Roman history. Those who know them well may be more interested in the finer points of interpretation which are insinuated into the discussion. For those who do not, I mean to provide a glimpse of how another society handled problems which may seem in some respects not unfamiliar to us. The historian, of course, comes to his studies alert to the questions of his own day. These provide the constantly renewed vantage point that keeps every great historical question open. But it is not the historian's job to suggest the parallels (and I have done it myself only in a flippant sense), let alone enforce them. Other students of society may think it legitimate to reduce human affairs to a systematic order for purposes of study. But the historian will always wish in the last resort to stress the singularity and variety of men and of societies.

For those who are caught in the problems of judgement in our own society he can offer some valuable advantages which may enlarge perception. He offers a range of case studies, set out not in any theoretical sequence, but in their genetic order as they actually happened. Their very detachment from the present offers relief from the blinding light of commitment. The historian presents man not as a type but as he is, in all the variety of individual experience: his field of study is the whole of life. Above all he offers a flexible technique for the examination of man's behaviour in society through the sifting of specific historical evidence.

The fifty years that followed the death of Tiberius Gracchus saw a progressively worsening crisis in Roman public life. The several positions taken up in that affair were pressed to extremes. Packing the streets with demonstrators became a regular technique of political action, while the
ritualised threat of force represented by the tribunician power was often exploited. The invitation that Scaevola had declined, to give full play to his *imperium* as consul in the direct use of force, was readily taken up by others. In particular Gracchus’ younger brother Gaius and his followers lost their lives when the consul Opimius responded to the senate’s appeal that he see to it that the commonwealth suffer no harm. This so-called final decree of the senate was henceforth held to justify direct action both by consuls and any other appropriate holders of the *imperium*. Most drastic of all, however, was the sequel to Nasica’s initiative. The arbitrary assumption of a right to quasi-military intervention is the forerunner to the use of the legions themselves in civil disputes. The army is politicised and converted into a weapon of factionalism. This is clearly shown by the oaths of personal loyalty to the commander that are placed on the soldiers from the Social War onwards. Such an oath was the basis of Sulla’s invasion of Italy.

Thirty-three years later again Julius Caesar was to venture upon a similar outrage at the crossing of the Rubicon. His famous remark after his victory on the battlefield of Pharsalus defines the issues with perfect clarity. ‘It was their choice. After all my achievements I Gaius Caesar would have been found guilty if I had not turned to my army for help.’ An interminable modern debate has raged over the crossing of the Rubicon. What were the rights and wrongs of it? No one can doubt that legally Caesar was in the wrong. He had been outmanoeuvred by his opponents in the long struggle for the formal advantage in law. He had sought the prolongation of his Gallic command so that it would overlap his election to a second consulship, and thus he would escape prosecution for offences of the past. When he was finally left with no way of retaining the command, he worked for the suspension of all provincial appointments through the tribunician veto. It was too drastic a solution, however, that could not be kept up for long enough without some kind of breakdown. He therefore encouraged the claim that the sacrosanctity of the tribunes was threatened, and when they fled to him, crossed the Rubicon in their defence.

Almost certainly he expected his opponents to concede his terms at once. The compromises of which Caesar makes so much in the *Civil War* were his last-ditch efforts to keep open the possibility of securing his goal by simple intimidation short of a full-scale war. But the bargain he proposed still expected them to sacrifice more than he would, and was in any case offered under the duress of invasion. They chose to expose him as a usurper by evacuating Italy and taking the government with them.
It was a move long premeditated, and militarily sound, based upon the superior resources of the East, and the prospect of a successful return to Italy such as Sulla had staged. So persuasive was that example that, in spite of the failure of Pompeius, it was to be followed on two subsequent occasions yet, by Brutus and Cassius, and finally by Antonius. Caesar had no option but to accept both the military and the political realities. He faced the latter as decisively as he did the former. He had himself named dictator in order to conduct his own election as consul, and in order to seize the treasury brushed aside the veto of a sacrosanct tribune.

Constitutional propriety was for Caesar never more than window-dressing, to be arranged as suited him. He does not, in fact, base his apology for himself upon legal grounds at all, and it is significant that though the other Roman commentators are generally not unsympathetic to him, they tend to imply that he was in the wrong: I refer, for example, to Cicero, Sallust, Vergil and Lucan.

What then are we to make of Caesar’s verdict at Pharsalus: ‘It was their choice’. Modern commentators readily agree. Whatever the rights and wrongs of the constitutional issue, they say, the onus lay upon Caesar’s opponents to give way to him. Two reasons are usually advanced for this. Caesar was a genius, it is said, and the mark of a healthy state is that it knows how to use its geniuses properly. One might have thought it was the mark of a genius that he knows how to persuade his opponents without plunging his country into civil war and sacrificing thousands of lives to achieve his ends. Certainly that would be a fair test of being a statesman, another label beloved of admirers of Caesarism.

The second reason why his opponents should have given way is that Caesar had the solution to Rome’s problems and would have worked it out if they had given him time. If you ask for a token of this, there is always the one reply – the Julian calendar. But the Julian calendar is a good illustration of the reason why they got rid of him. Caesar had no plan for Rome’s major problems, only an impatient urge to tidy up administrative complexities by sweeping them aside with a stroke of the pen. Cicero complains that he had actually received letters from kings at the ends of the earth thanking him for moving decrees of the senate acknowledging their titles, when not only had he moved no such decrees, but he had never even heard that such kings existed. Caesar’s solution to Rome’s problems was simple enough: if people would not collaborate, he would do it all himself, as he is on record as saying. They killed him, of course, simply because he insisted on perpetuating his own power at the cost of the aspirations of the other noblemen. The Ides of
March was not the work of any crazed assassin, but of a group of leaders close to him in his own government. Caesar knew well enough the feeling against him: his only answer was disinterest – or contempt.

But to return to his verdict at Pharsalus, Caesar does not appeal to either of the modern pleas of genius or the benefits he could give to Rome – both notions were quite foreign to the ideals of the Roman nobility. His claim simply is that his status entitled him to immunity at law. ‘After all my achievements, I Gaius Caesar would have been condemned...’ Dignity, he was to state in his Civil War, was always his first consideration, and dearer than life itself. The fault with his opponents was that they wished to take away his privilege and put him in second place. He would rather be last, he said. Anticipating his death, he was to remark, ‘I have lived long enough to satisfy the needs both of nature and of glory.’

It was a stance both natural to Roman noblemen and welcome to popular sentiment at Rome. The trouble with it is simply that it exhibits Caesar’s basic weakness in the very act of asserting his supremacy. He would have been found guilty. There is an admission here, not of guilt (though Caesar has no interest in denying that either), but of incapacity to prevent the verdict. It was the indignity he feared, not any penalty. It is in any case wrong to suggest that Caesar’s life was at stake, as Graves’s translation makes him claim. There was no capital punishment for men in Caesar’s position, and the penalty in effect would have been exile. This was a hazard faced and surmounted not uncommonly by Roman politicians. Why could Caesar not face it, and why was he resigned to the verdict going against him? Suetonius records the comment of Pompeius. Caesar crossed the Rubicon, he says, because he did not possess the funds to fulfil the expectations he had aroused. It is an acute observation, not to be discarded simply because of its source. It fits the known facts of Caesar’s prodigal spending in the years before the Rubicon and the disappointment of his soldiers after it. It also points the way to the explanation of his fear of losing the verdict. He did not have the finance to ensure his acquittal. In other words, Caesar, in the very act of asserting the supremacy of his dignity, lets slip the unreality of his claim.

Be that as it may, his own conclusion is the most important point. He would have been found guilty, if he had not looked to his army for help. Here is the time-honoured appeal to fellow citizens for aid. The very term auxilium carries the implication that he was the injured party and had a right to support. For most contemporaries, it appears, this was justification enough. As always, Caesar appealed directly to the political sentiments most familiar to the Roman community, and not to any more abstract theory or ideal such
as his admirers since have invented on his behalf. Cicero appreciated the force of his plea, but could not accept that it could justify such extreme measures. After a long agony of indecision Cicero had sailed for the East to join Pompeius. And even after his reconciliation with Caesar, he was unable to tolerate Caesar’s insensitivity to the claims of the other nobles in turn to their dignity.

Yet within a year of Caesar’s death it was to be Cicero himself who was to spell out and acclaim the theoretical consequences of Caesar’s attachment of the army to his personal cause. When the news first came that Caesar’s nephew and heir (Octavian) was enlisting the veterans without authority, Cicero was acutely embarrassed. He had committed himself late in life to an active bid for leadership of the commonwealth against the consul, Antonius. Now circumstances were thrusting him into a partnership with Octavian, for the young man was successfully using Caesar’s name to swing the troops against Antonius. As had happened forty years before in the struggles between Sulla and the Marian government, the legions displayed a mind of their own, and commanders found themselves at their mercy. There followed an extraordinary series of speeches, the Philippics, in which Cicero seems to stand many of his life-long principles on their heads. Antony may think he is consul, but if the troops reject him he is really the enemy of Rome. Faced with the cheering crowds, Cicero develops the specious doctrine that this consensus confers a higher legitimacy than law, and that the demonstrators who respond to his oratory are vindicating the liberty of the Roman people. The coupling of liberty with consensus was the disastrous legacy to Rome of the man who loved the republic more than any other; for consensus is, in fact, the enemy of liberty.

The full force of Cicero’s doctrine was revealed fifty-seven years later on the death of Augustus, as the young Octavian he had once promoted against Antonius had long since come to be known. Along with his will, a statement of public accounts, a white paper on the proper management of the government, and instructions for his funeral, there was delivered to the senate the manifesto we now know as the Res Gestae. It was designed to be engraved upon the bronze-plated columns in front of his mausoleum. It would be read mainly by gaping tourists and Romans with nothing better to do. Nevertheless it had to give an absolutely watertight definition of his record on all contentious matters, for its object was to fix the tradition about himself once and for all in the precise form in which his propaganda had shaped it over his long life. The Res Gestae therefore contains no lies. But it also reveals no secrets, nor does it say anything at all of a personal nature about Augustus himself. It is altogether different in this respect from
memoirs, which accounts for the intense annoyance it excites in modern readers. We feel frustrated at its impenetrability, as it was intended we should do. It was designed in particular to forestall the critics, long submerged, who had kept alive in their families the memory of what had actually happened. Its approach to them is cool and masterly. Instead of avoiding the most contentious points, Augustus confronts them directly so as to disarm opposition from the start and establish his own version of events.

The opening words reach back to the tumultuous months of Cicero’s assault on Antonius. Cicero, like every other Roman leader, is not named. If it is necessary to allude to a rival, that is done anonymously and by damning circumlocution. Antonius, the consul, becomes a faction, suppressing the liberty of the commonwealth. But the converse does not apply, and this is the key to the document’s technique. Augustus states his own position, with deliberate emphasis, for precisely what it was – a private (and therefore extra-constitutional) assumption of military leadership by a youth who was in any case too young for command. The points of potential weakness are actually thrown to the forefront, their true character asserted and approval assumed. The opening words declare his nineteen years, and the following phrase, by its conscious repetition of the term privatus, flaunts the very point his critics must have been hoping themselves to resurrect. ‘At the age of nineteen years, by my private decision and at private expense, I raised the army through which I asserted the liberty of the commonwealth against the domination of the faction which had suppressed it.’ The justification lies in the spirit of vindicatio, the right to assert one’s claim by force that Roman law itself took for granted. The precedent for it at a public level goes back to Nasica and his appeal for mass action under private leadership against Tiberius Gracchus.

Having thus taken the wind out of everyone’s sails, Augustus deftly turns to the opposite tack. He proceeds to a relatively long and precisely itemised list of the various stages of formal recognition by which his initiative was given legal effect. The language of the opening phrases was politically loaded to the highest degree; the sequel is expressed in the flat technical terms of the public acts and senatorial decrees themselves. His enemies would have wanted to turn the opening formulae inside out; the sequel uses terms that no one could have any option but accept as stating the strict facts of the matter.

The second section of the Res Gestae deals with the defeat of Brutus and Cassius at Philippi. ‘Those who slaughtered my father’, he says, ‘I drove into exile’. Notice the dehumanising force of the technique of anonymous circumlocution. The treatment is the same for friends and enemies alike.
People more eminent by far than he at the time are smudged out as individuals and reduced to mere role-bearers in relation to himself. Depersonalisation remains a favourite technique of politicians – and of all social engineers: it removes the real people from the scene and replaces them with types, more amenable to manipulation.

Augustus proceeds: ‘Those who slaughtered my father I drove into exile, avenging their crime in courts set up for the purpose, and when they subsequently made war upon the commonwealth I twice defeated them in battle.’ Notice how he arrogates to his side the title of the commonwealth as easily as he had denied it earlier to Antonius. But especially notice the easy assumption that it is the function of the courts to act as avengers of his personal injuries. But the trouble with vengeance is that it cuts both ways. At Philippi he had vowed a temple to Mars Ultor, Mars the Avenger, should he be given the victory. It is intriguing that forty years were allowed to pass before he fulfilled the vow, and that though the building of the temple is mentioned in the Res Gestae its connection with Philippi is not. During the great decade of rebuilding after Actium there had been ample time and funds for honouring the vow.

During the same decade Vergil was known to be working on the Aeneid. He was finally persuaded to read parts of it before Augustus and his family. He chose to read Books II, IV and VI. At the end came the catalogue of the great leaders of Rome, exhibited to Aeneas in the underworld by his father Anchises. Augustus was there, next after Romulus, and at the end came Marcellus, his nephew and expected heir who had died that very year. Vergil’s pathetic tribute to him closed the reading with an unexpected touch of drama – Octavia swooned away. But there had been more than emotion for Marcellus’ loss to tear at the heart of the distinguished audience. When Vergil treats of Caesar and Pompeius he pleads with them to lay down their fratricidal arms – but Caesar is to throw his down first. It is an open repudiation of the Rubicon, the deed to which ultimately Augustus himself must look back as the source of his power.

But more striking still, since we know that Augustus could tolerate the playing down of Caesar, is the tribute to Brutus. Not the assassin of Caesar, certainly, but the assassin of Tarquin. Yet the one surely stood for the other, as he did on the Ides of March. Vergil hails him as ‘Brutus, the avenger’. It is the very title under which Augustus had vowed to honour Mars for the avenging of Caesar on the younger Brutus. Augustus must have felt it as a stab at the heart. Or had he himself perhaps played down the vow, and did Vergil claim the title for the other side with assurance of Augustus’ approval?
Whichever it was we may glimpse the reason why the vow was not fulfilled until the generation that had known Philippi had passed away. Only then could Augustus, that tenacious survivor of friend and foe alike, at last afford to deck out the occasion for posterity in its proper colours.

Another critical point that called for studied presentation was Actium, the final victory over Antonius. The defeat of Sextus Pompeius is easily dismissed by a reference to the suppression of piracy and the restoration of runaway slaves to their owners. Pompeius is anonymously debased to a mere social problem. Only one phrase so much as hints that it was, in fact, a civil war. But Actium, like the first usurpation of power, was too close to the heart of the matter not to be squarely faced. Augustus refers specifically to the war which he won at Actium, a more specific evocation of past reality than in the case of any other of the great crises. More startling still is the complete avoidance of the traditional claim to stand for the commonwealth against the usurper. He deliberately leaves himself on the same level as is implicit for Antonius, the private leader in a private war. The justification lies elsewhere than in law, and is fundamental for our study. ‘The whole of Italy spontaneously swore an oath of loyalty to me and demanded that I be their leader in the war which I won at Actium.’

Here is Sulla’s personal oath again, the device by which public legions can be converted to private use. Here again is the consensus of all Italy supervening over the law. The terminology leaves us in no doubt. ‘The whole of Italy’ cannot allude to any official act of Rome. The name of that state was ‘the senate and people of Rome’; ‘the whole of Italy’ invokes instead the idea of the nation, a radically different source of authority. Moreover the title of ‘leader’ which they ‘demanded’ Augustus assume is not the name of any magistracy of the Roman people, but the label for a political leader in the general sense; it is no looseness on the part of Augustus – he is in fact deliberately excluding from consideration the possibility that he continued in any official post (the triumvirate in particular) in that year. The word ‘spontaneously’ is added to drive the point home. It was no kind of official allegiance. Augustus could hardly have meant to claim that it was a willing one, however. We know that when his oath commissioners came to Bononia, they excused its citizens from swearing loyalty to Augustus. One does not have to be excused from a free contract. But Augustus must mean only that it was not an obligation at law.

The reason given for the excusing of the Bononians vividly illuminates the point. It was because they were traditionally clients of the Antonii. But would not Augustus’ first interest have been to break such a bond? On the contrary,
his first interest was precisely to sustain the validity of private contracts in a civil conflict, so he upheld them even when they favoured his opponent. Needless to say his second interest was to break the link, and he did this by refounding Bononia so that its citizens became his clients instead.

The oath was to become a regular device for establishing and reinforcing the Caesarian ascendancy. We possess the text of one sworn twenty years later in Paphlagonia. It is taken by all inhabitants alike, whether Roman citizens or non-Romans. It pledges personal loyalty in perpetuity to Augustus and his descendants. It promises the direct use of force in any matter that affects the Caesarian interest. The highlighting of such an oath constitutes an assertion that the personal bond between the Caesarian family and all other persons under Roman control is now the fundamental basis of power: the family has swallowed up the commonwealth.

But since Antonius was also busy prior to Actium pledging Romans to his support, the question of legitimacy between him and Octavian comes down to one of the scale of their rival affiliations. Which way does the consensus really go? ‘The whole of Italy’ is by no means the major part of the Roman world. In the next sentence Augustus throws in a string of provinces which swore the same oath. But they are only the western provinces, probably inferior in strength and numbers to the better developed ones of the East which lay under Antonius’ control. Augustus’ candour is double-edged.

To escape it he brings the argument on to the question of support amongst the ruling nobility – the senators, who counted most. Seven hundred of them served beneath his standards, he claims – an impressive figure to the casual reader at the time of his death, when the senate had long since been fixed at six hundred. But the senate at the time of Actium had over one thousand members through being stacked with supporters of the triumvirs. To those who were aware of this the impressive point must rather have been that over three hundred should have abandoned their stake in Italy to join Antonius in the East. Not all senators count alike. Where were the really important ones?

Augustus can meet that point too. What really counted was consular rank within the senate. Since there were two consuls a year, and the post was traditionally taken in one’s early forties, we may envisage a senate led by about forty consuls. Augustus coolly stated that the number of consuls on his side was eighty-three. But he has changed the method of counting – he explicitly includes those in the senate at that time who were yet to become consuls. A moment’s thought would reveal to the observer that all these must of necessity be Augustan supporters, since they take their consulships after
his victory. Yet eighty-three must still have seemed more than a comprehensive tally of the leading men – unless one knew that in many of the relevant years, through the excessive use of suffection, the number of consuls had been doubled or trebled. Augustus may after all have been able to command the support of only two-thirds of the leading men, even though he occupied their homeland.

But surely no one could ask for more, given that it was a civil war and the world divided? The key to all this counting lies between the lines. Augustus is tallying his strength to distract attention from his weakness. Yet with morbid fascination he has drawn his casual reader in ever narrowing circles ever closer to the searing flame of the truth. In the last resort it was neither numbers nor eminence that counted for full legitimacy. It was not the consuls of previous or future years whose voice was decisive, but that of the two consuls of the year itself. The plain fact was, as anyone could discover who cared to enquire, that at the beginning of their term both consuls of the year had abandoned Rome and gone to join Antonius. At one blow they knocked the bottom out of Augustus’ position. His propaganda put it out, lamely, that he had invited them to go. But the truth was that his position in strict law was weaker than it had ever been. He was not now the man of the moment suddenly offering his private aid in the crisis of the commonwealth. He was not even in the attractive and dramatic position of Caesar, stepping in with his army to vindicate his dignity. He had been for years in full control of Italy, and now had to face the most deliberate and public repudiation of his position by both heads of the state at once. That is why he determined, for posterity, to define his claim entirely in private terms.

The *Res Gestae* as a whole stresses both the fully traditional limits within which his formal powers were contained and the overwhelming ascendency that his wealth and success had given him. When the temple of Mars Ultor was finally built it was set in a new forum flanked by a double parade of statues. Our written sources allude to them simply as a procession of *triumphatores*, the leaders who had made Rome great from its small beginnings, and the temple of Mars Ultor was to be for the future the focal point of military ceremonial at Rome. In an edict Augustus invited the public to judge his leadership by the standards set by the past leaders, and to demand the same of leaders to come. He is thus asserting his conception of Roman history as a continuous succession of ages each with its leader of the same stamp. It was certainly not a history of two eras, with himself at the turning point. Rather is he to be seen as the current link in the ongoing chain of leadership.
But the actual remains of the forum draw out two features not otherwise clear from the literary tradition. The statues were not just of triumphatores, but equally of members of his own family. On the one side were the Julians led by Aeneas, on the other Romulus with all other Romans in succession to him. The same double descent was built into Augustus' funeral, which he had designed long in advance and practised on those members of the family who predeceased him. How the descendants of the many noble houses whose ancient fame easily outstripped that of the Julians could have tolerated their collective coupling to the Julians is hard to imagine. But it is not irrelevant that it was when the forum of Augustus was opened that he was named father of his country, the title to which he was to give pride of place in the Res Gestae. For reasons all too good Augustus found the question of his standing in law and government a treacherous one, but he clearly felt completely secure in stressing the domestic character of his power over the commonwealth itself. Patria potestas was after all the basic right of Roman society.

A second unexpected feature of the forum is revealed by the surviving fragments of the inscriptions which were set beneath the statues. The great leaders of the past are not all triumphant generals, and in the case of the great majority who are, it is not their generalship which is principally celebrated in the inscriptions. These typically consist of four elements: a brief catalogue of magistracies, a record of triumphs, and at the end a note of any distinctive monuments, tributes or emblems by which the man is to be most readily remembered. All this is stated succinctly in the extreme. But the remaining element, usually third in order, is in each case not a list of anything, but a simple incident, delineated in brief but expressive detail. Because of their complete individuality, these incidents must be the element which qualifies the men for inclusion in the parade, and thus together constitute the model of leadership by which Augustus wishes himself to be judged. The picture of the leader which emerges is not of a military man as such, but of a man who in some crisis of Roman history can rise above the ordinary expectations, and especially above the failures of his colleagues, and, by some quite unexpected act of personal mastery, save the day for Rome. This, then, must be Augustus' picture of himself.

Applying the model to the Res Gestae, we may hope by its aid to detect and appreciate the way in which Augustus ultimately defined his own claims to leadership. The sifting process in my opinion is not difficult. By various firm guidelines of structure we are led to the passage towards the end of the text where he says this. 'In my sixth and seventh consulships, after I had extinguished the civil wars, having been by a universal consensus placed in
full control, I transferred the commonwealth from my power to the discretion of the senate and people of Rome.’

When he wished to extract credit from having launched civil wars, he called them the usurpations of a faction and himself the vindicator of liberty. When the memories were too deep-seated for that, he had contented himself with invoking the public demand that he fight the unnamed enemy. But now that civil wars are disposed of he can call them by their true name and enjoy the credit – not of course for victory – but for ‘extinguishing’ them. The ‘universal consensus’ he now appeals to was not the oath that led to Actium. Its true identity is revealed by the double dating, ‘in my sixth and seventh consulships’. The sixth consulship dates the consensus, the seventh the transfer of the commonwealth from his control. An unnamed crisis lies beneath the surface. It must have been the sensational claim of Crassus to the spolia opima. Crassus came of a nobler line, and his feat ranked him with Romulus. To head off a fresh outbreak of civil war, it is conjectured, Octavian once more arrogated total control to himself until it was clear that Crassus would climb down.

The position was by no means as irregular as in the other crises we have studied. Octavian himself was consul in both years. The senatus consultum ultimum would in earlier times have sufficed to free him from the conventional restraint of the consul’s imperium. But the scale of Rome’s disasters had created remedies more exaggerated. The convenient and flexible doctrine of consensus is once more summoned up (no doubt with good reason now called ‘universal’ since there was no spirit of resistance left), until it is safe to allow the resumption of normal government. In the schematism of the Res Gestae it now performs its last function, as it emerges on the other side of the normalisation, transformed into the permanent possession of supreme auctoritas. Augustus is thus able to assert, with technical exactitude, that his formal powers were no greater than those of his colleagues in the consulship, but that he nevertheless wields an ascendancy based on esteem. The proofs of it are the tributes paid to him, which he lists. The reality (detailed elsewhere in the Res Gestae) was the massive fortune (partly the fruits of victory) by which he swamped the Roman people with endowments, suffocating every possibility of rivalry.

The sentiments of ordinary men of this epoch may be gauged from private documents, but above all from the poets, such as Horace and Vergil. They shrank from the human disaster of the civil wars, and neither had any personal appetite at all for the military life. Yet both were drawn to military

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3 Badian (1982) has since challenged this on chronological as well as general grounds.
themes. Horace by the end was openly demanding fresh conquest and the
resuscitation of military valour. Vergil meanwhile had dedicated his talent to
the glorification of Rome’s destiny in an epic that announces a military theme
and ends with a scene of appalling brutality. If even such men could to some
degree (and the precise degree is much in doubt) entertain imperial dreams
for Rome, it is intriguing indeed that Augustus, the man of ruthless past and
continuing involvement in Rome’s military enterprise, should have deliberately set out to scale it down. Not only did he (as in the forum) draw
out of the military annals of the past an alternative ideal of civil mastery and
magnanimity as the touchstone of leadership, but in handling his own
military record in the Res Gestae he conspicuously plays down the element of
war itself.

This is not mere duplicity. There is no doubt that he is here pulling in part
against public opinion, for he does throw in an occasional concession to
jingoism, where it could do little harm. But the overwhelming emphasis is on
peace and security. I know that in the hands of a master publicist these may
be no more than alternative words for war and disaster; and it is true that
Augustus had recently suffered in Germany one of the bitterest defeats in
Roman history. But the overall record and trend of Caesarism is clear: having
exploited the Roman tradition of private violence to impose itself on law and
liberty by force of arms, it did consistently work to curb Roman militarism.
The triumph of one family likewise tended to limit the family domination of
society, and it was to be the Caesars, who had ridden roughshod over the law,
who were to promote law’s full-scale development. Autocracy even embraced
the ideal, foreign to the republic, of the ruler ruled by law. An interest in self-
perpetuation may to the cynical sufficiently explain it all. But it has been the
experience of many other societies that the secure life has been better
promoted by some system of authority. The classic problem remains for all
societies: how to maintain in one order both peace and freedom.

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introduction and corrections.
