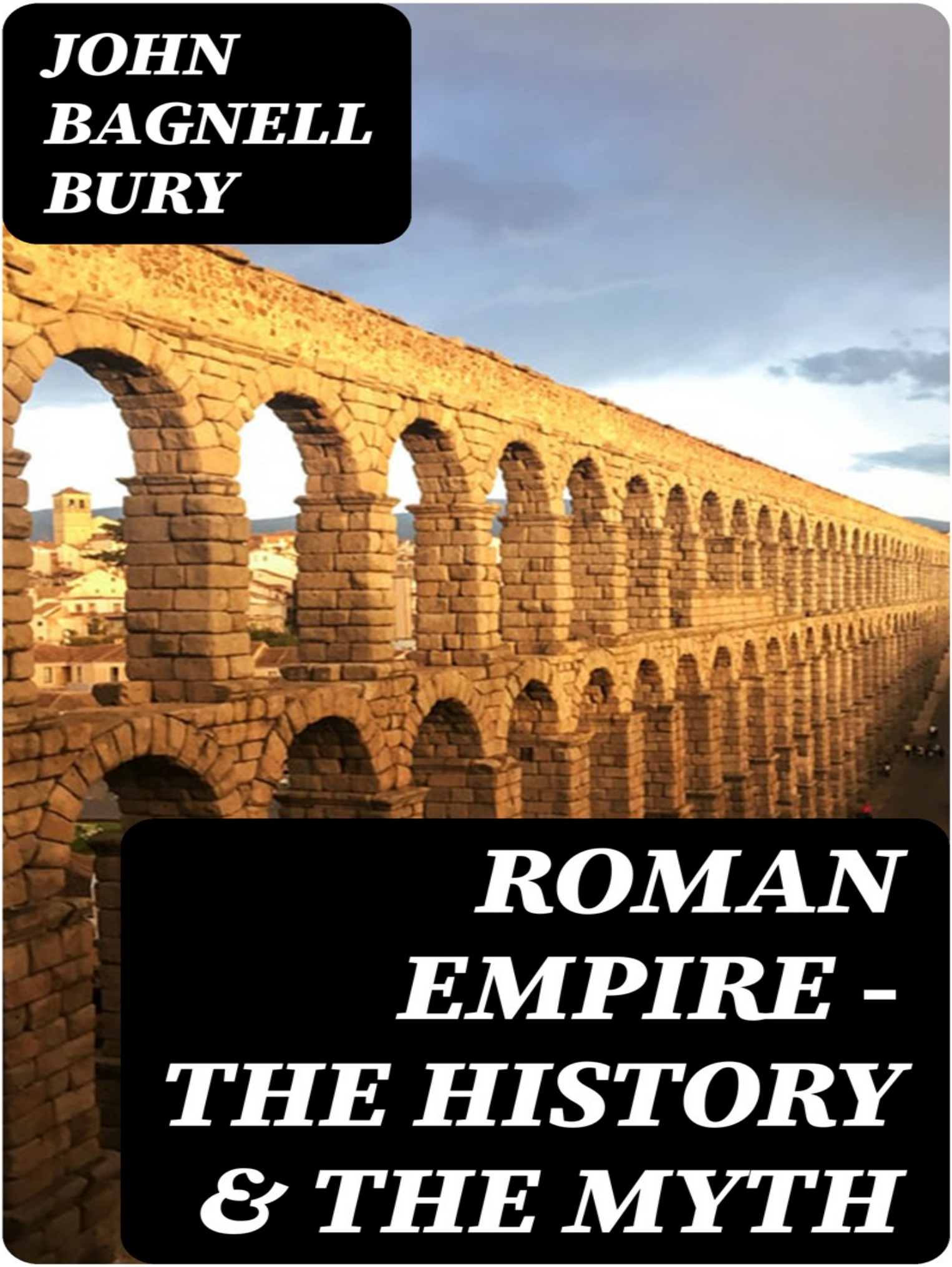
JOHN BAGNELL BURY



ROMAN EMPIRE - THE HISTORY & THE MYTH

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Chapter I.
From the Battle of Actium to the Foundation of the Principate

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C. Julius Cesar, the triumvir and the founder of the Roman Empire, was the grandnephew of C. Julius Caesar, the dictator, his adoptive father. Originally named, like his true father, C. Octavius, he entered the Julian family after the dictator's death, and, according to the usual practice of adopted sons, called himself C. Julius Caesar Octavianus. But the name Octavianus soon fell into disuse, and by his contemporaries he was commonly spoken of as Caesar, just as Scipio Aemilianus was commonly called Scipio.

The victory of Actium (Sept. 2, 31 B.C.), and the death of Marcus Antonius (Aug. 1, 30 B.C.) placed the supreme power in the hands of Caesar, for so we may best call him until he becomes Augustus. The Roman world lay at his feet and he had no rival. He was not a man of genius and his success had perhaps been chiefly due to his imperturbable self-control. He was no general; he was hardly a soldier, though not devoid of personal courage, as he had shown in his campaign in Illyricum. As a statesman he was able, but not creative or original, and he would never have succeeded informing a permanent constitution but for the example of the great dictator. In temper he was cool, without ardor or enthusiasm. His mind was logical and he aimed at precision in thought and expression. His culture was wide, if superficial; his knowledge of Greek imperfect. In literary style he affected simplicity and correctness; and he was an acute critic. Like many educated men of his time, he was not free from superstition. His habits were always simple, his food plain, and his surroundings modest. His family

affections were strong and sometimes misled him into weakness. His presence was imposing, though he was not tall, and his features were marked by symmetrical beauty; but the pallor of his complexion showed that his health was naturally delicate. It was due to his self-control and his simple manner of life that he lived to be an old man.

The successes of Caesar had not been achieved without the aid of others. Two remarkable men, devoted to his interests, stood by him faithfully throughout the civil wars, and helped him by their counsels and their labors. These were M. Vipsanius Agrippa and C. Cilnius Maecenas. As they helped him not only to win the empire, but also to wield it after he had won it, it is necessary to know what manner of men they were.

Of Agrippa we know strangely little considering the prominent position he occupied for a long and important period, and the part, he played in the history of the world. From youth up he had been the companion of Caesar, and he was always content to take the second place. His military ability stood Caesar in good stead, notably in the war with Sextus Pompeius, and on the day of Actium. He had first distinguished himself at the siege of Perugia (41 B.C.), and, subsequently, his victories over the Germans beyond the Rhine established his military fame. His success was due to his own energy, for he had no interest, and, belonging to an obscure gens, he was regarded by the nobility as an upstart. He was not, perhaps, a man of culture, but his tastes were liberal. His interest in architecture was signalized by many useful buildings; and Gaul owed him a great debt for the roads which he constructed in that country. In appearance he is said to have been stern and rugged; in temper he was reserved and proud. He was ambitious, but only for the second place; yet he was the one man who might have been a successful rival of his master.

Maecenas resembled Agrippa in his unselfish loyalty to Caesar; but his character was very different. Like Agrippa,

he did not aspire to become the peer of their common master; but while the heart of Agrippa was set on being acknowledged as second, Maecenas preferred to have no recognized position. Agrippa's excellence was in the craft of war; while Maecenas cultivated the arts of peace. Agrippa had forwarded the cause of Caesar by his generalship; Maecenas aided him by diplomacy. It will be remembered how the latter negotiated the treaties of Brindisi andMisenum. During the campaigns which demanded the presence of Caesar, Maecenas conducted the administration of affairs in Italy, and watched over the interests of the absent triumvir. Until his death, (8 B.C.) he continued to be the trusted friend and adviser, in fact, the alter ego of Caesar; and he had probably no small share in making the constitution of the Empire. But he always kept himself in the background. He was content with the real power which he enjoyed by his immense influence with Caesar; he despised offices and honors. It is characteristic of the man that he refused to pass from the equestrian into the senatorial order. He could indeed afford to look down upon many of the nobles; for he came of an illustrious Etruscan race. In his tastes and manner of life he was unlike both Agrippa and Caesar. He was neither rough nor simple. A refined voluptuary, he made an art of luxury; and it was quite consistent that ambition should have no place in his theory of life. When affairs called for energy and zeal, no one was more energetic and unresting than Maecenas; but in hours of ease he almost went beyond the effeminacy of a woman. Saturated with the best culture of his day, he took an enlightened interest in literature. Of the circle of men of letters which he formed around himself there will be an occasion to speak in a future chapter.

Such were the men who helped Caesar to win the first place in the state; and who, when he had become the ruler of the world, devoted themselves to his service without rivalry or jealousy. Agrippa became consul for the second

time in 28 B.C., with the triumvir for his colleague; and his friendship with Caesar was soon cemented by a new tie. He married Marcella, the daughter of Octavia, Caesar's sister, by her first husband, C. Marcellus.

The battle of Actium decided between Antonius and Caesar. But it also decided a still greater question. It decided between the East and the West. For the Roman world had been seriously threatened by the danger of an Oriental despotism. The policy of Antonius in the East, his connection with Cleopatra, the idea of making Alexandria a second Rome, show that if things had turned out otherwise at Actium, Egypt would have obtained an undue preponderance in the Roman State, and the empire mighthave been founded in the form of an Eastern monarchy. Caesar recognized the significance of Egypt, and took measures to prevent future danger from that quarter. It was of course out of the question to allow the dynasty of Greek kings to continue. But instead of forming a new province, Caesar treated the land as if he were, by the right of conquest, the successor of Cleopatra, and of Ptolemy Caesarion, whom he had put to death. He did not, indeed, assume the title of king, but he appointed a prefect, who was responsible to himself alone, and was in every sense a viceroy; and, as the lord of the country, he enacted that no Roman senator should visit it without his special permission. The first prefect of Egypt was C. Cornelius Gallus, with whose help Caesar had captured Alexandria. The inhabitants of Egypt were debarred from the prospect of becoming Roman citizens, and no local government was granted to the cities.

The treasures of Cleopatra enabled Caesar to discharge many pressing obligations. He was able to pay back the loans which he had incurred in the civil wars. He was able also to give large donatives to the soldiers and the populace of Rome. The abundance of money which the conquest of Egypt suddenly poured upon Western Europe helped in no

small measure to establish a new period of prosperity. After many dreary years of domestic war and financial difficulties, men now saw a prospect of peace and plenty.

But, above all, the booty of Egypt enabled Caesar to satisfy the demands of 120,000 veterans. Immediately after Actium he had discharged all the soldiers who had served their time, but without giving them the rewards which they had been led to expect. These veterans belonged both to Caesar's own army and to that of Antonius which had capitulated. Seeing that they would be of little importance after the conclusion of the civil wars, they made a stand as soon as they reached Italy, and demanded that their claims should be instantly satisfied.

Agrippa, who had returned with the troops, and Maecenas, to whom Caesar had entrusted the administration of Italy, were unable to pacify the soldiers, and it was found necessary to send for Caesar himself, who was wintering in Samos. The voyage was dangerous at that season of the year, but Caesar, after experiencing two severe storms, in which some of his ships were lost, reached Brindisi safely. He succeeded in satisfying the veterans, some with grants of land, others with money; but his funds were quite insufficient to meet the claims of all, and he had to put off many with promises. He thus gained time until the immense Egyptian booty gave him means to fulfill his obligations.

The greater number of the veterans were of Italian origin, and wished to receive land in their native country. As most of the Italians had supported the cause of Caesar, it was impossible to do on a large scale what had been done ten years before, and eject proprietors to make room for the soldiers. But the veterans of Antonius, who had on that occasion been settled in the districts of Ravenna, Bononia, Capua, &c, and sympathized with his cause, were now forcibly turned out of the holdings which they had forcibly acquired. They were, however - unlike the original

proprietors - compensated by assignments of land in the provinces, especially in the East, where the civil war had depopulated many districts. But the land thus made available was not nearly enough, and Caesar was obliged to purchase the rest. In B.C. 30 and B.C. 14, he spent no less than 600 million sesterces in buying Italian farms for his veterans. We find traces of these settlements in various parts of Italy, especially in the neighborhood of Ateste (Este). After the conquest of Egypt, the Antonian troops were transferred to the south of Gaul, and settled there in colonies possessingius Latinum, for example, in Nemausus (Nimes).

The wholesale discharge of veterans, as well as the losses sustained in the wars, rendered a reorganization of the legions necessary. The plan was adopted of uniting those legions which had been greatly reduced in number with others which had been similarly diminished, and thus forming new ‘double-legions’, as they were called by the distinguishing title of Gemina. Thus were formed the Thirteenth Gemina, the Fourteenth Gemina, &c.

The greater part of the year following the death of Cleopatra (Aug., B.C.. 30) was occupied by Caesar in ordering the affairs of the Asiatic provinces and dependent kingdoms. Herod of Judea was rewarded for his valuable services by an extension of his territory, and several changes were made in regard to the petty principalities of Asia Minor. There was probably some expectation at Rome that Caesar, in the flush of his success, would attempt to try conclusions with the Parthian Empire, and retrieve the defeat of Carrhae, before he returned to Italy. Virgil addresses him at this time in high-flown language, as if he were the arbiter of peace and war in Asia, as far as the Indies. But Caesar deferred the settlement of the Parthian question.

In the summer of 29 B.C. he returned to Italy, where he was greeted by the senate and the people with an

enthusiasm which was certainly not feigned. There was a general feeling of relief at the end of the civil wars, and men heartily welcomed Caesar as a deliverer and restorer of peace. The only note of opposition had come from a son of M. Emilius Lepidus, the triumvir. The father lived in peaceful retirement at Circeii, but the son was rash and ambitious, and formed the plan of murdering Caesar on his return. He did not take his father into the secret, but his mother Junia, a sister of Brutus, was privy to it. Maecenas discovered the conspiracy in good time, and promptly arrested Junia and her son. Young Lepidus was immediately despatched to Caesar in the East, and was there executed. But this incident was of little consequence; Caesar's position was perfectly safe. The honors which were paid to him would have been accorded with an equal show of enthusiasm to Antonius, if fortune had declared herself for him; but there is little doubt that Caesar was more acceptable. The senate decreed that his birthday should be included among the public holidays, and it was afterwards regularly celebrated by races. His name was mentioned along with the gods in the Carmen Saliare, and it is probable that, if he had really wished it, divine honors would have been decreed to him in Rome, such as were paid to him in Egypt, where he stepped into the place of the Ptolemies, and in Asia Minor, where he assumed the privileges of the Attalids. But though he had become a god in the East, Caesar wished to remain a man in Rome. He already possessed the tribunician power for life; but it was now granted again in an extended form. (The tribunician potestas was hallowed by religious sanctity‘sacro-sancta’; the tribune's person was Inviolable. As there was no means of opposing it except by the intercession of another tribune, or by an appeal(provocatio) to the comitia centuriata or tributa, it became the strongest kind of power in the constitution, and was adopted by the Caesars, both dictator and triumvir, as a support of their position). It was also decreed that every fourth anniversary

of his victory should be commemorated by games; and that the rostra and trophies of the captured ships should adorn the temple of the divine Julius. Triumphal arches were to be erected in the Roman Forum and at Brindisi, to celebrate the victor's return to Italy; and a sacrifice of thanksgiving was offered to the gods by the senate and people, and by every private person.

The triumph of Caesar lasted three days (Aug. 13, 14, 15). The soldiers who had been disbanded returned to their standards in order to take part in it, and all the troops which had shared in his victories were concentrated close to Rome. Each soldier received 1000 sesterces as a triumphal gift; and the Roman populace also received 400 sesterces a head. The triumph represented victories over the three known continents. The first days were devoted to the celebration of conquests in Europe; the subjugation of Pannonia and Dalmatia, and some successes won in Gaul over rebellious tribes by G. Carrinas during Caesar’s absence in the East. The triumph for Actium, which took place on the second day, represented a victory over the forces of Asia. The trophies were far more splendid than those won from the poor prince of Illyricum. The poet Propertius describes how he saw “the necks of kings bound with golden chains, and the fleet of Actium sailing up the Via Sacra”. Among the kings were Alexander of Emesa, whom Caesar had deposed after the battle, and Adiatorix, a Galatian prince, who before the battle had massacred all the Romans he could lay hands on. Both these captives were executed after the triumph. But the third day, which saw the triumph over Africa, was much the most brilliant. Cleopatra had, by destroying herself, avoided the shame of adorning her conqueror's triumphal car, but a statue of her was carried in her stead, and her two young children, Alexander and Cleopatra, represented the fallen house of Egyptian royalty. Images of the Nile and Egypt were also carried in the triumphal procession, and the richest spoils, with

quantities of gold and silver coins, were exhibited to the gaze of the people. The result of the great influx of money into Italy was that the rate of interest fell from 12 to 4 per cent. In one respect the order of Caesar's triumph departed from the traditional custom. His fellow-consul M. Valerius Messalla Potitus, and the other senators who took part in the triumph, instead of heading the procession and guiding the triumphator into the city, according to usage, were placed last of all. This innovation was significant of the coming monarchy.

On this occasion the buildings, which Julius Caesar had designed and begun, and which had been completed since his death, were dedicated, and his own temple was consecrated by his son with special solemnity. The game of "Troy" was represented in the Circus Maximus by boys of noble family, divided into two parties, of which one was commanded by Caesar's stepson, Tiberius Nero, the future Emperor. A statue of Victory was set up in the Senate-house. The occasion was further celebrated by games and gladiatorial combats, in which a Roman senator did not disdain to take part.

But these festivities were less significant for the inauguration of a new period than the solemn closing of the temple of Janus, which had been ordained by the senate, probably early in the same year (Jan. 11). The ceremonies instituted for such an occasion by King Numa had not been witnessed for more than two hundred years, for the last occasion on which the gates of Janus had been shut was at the conclusion of the First Punic War. Strictly speaking, peace was not yet established in every corner of the Roman realm. There were hostilities still going on against mountain tribes in northern Spain, and on the German frontier. But these were small matters, mere child's play, which shrank to complete insignificance by the side of the Civil War which had been distracting the Roman world for the last twenty years. Peace (the famous Pax Romana) had in every sense

come at length, and it was fitting that the doors of war should be closed at the beginning of an empire, of which the saying that “Empire is peace”, was preeminently true.

The powers which Caesar possessed as a triumvir were unconstitutional, and were, by their nature, intended to be only temporary. Besides the ordinaryimperium domi of a consul and an extraordinary imperium (militiae) in the provinces, the triumvir had the power of making laws and of appointing magistrates, which constitutionally belonged to the comitia of the people. When peace was restored to the world, it might be expected that Caesar would at once restore to the people the functions which had been made over to him for a time.

It was quite out of the question to restore the state of things which had existed before the elevation of Caesar, the Dictator. The rule of the senate had been proved to be corrupt and incompetent, and annual magistrates were powerless in the face of a body whose members held their seats for life. The only way out of the difficulty was to place the reins of government in the hands of one man. This had been done directly in the case of Caesar the father; and it had been the indirect result of the triumvirate in the case of Caesar the son. But the latter resolved to establish his supremacy on a constitutional basis, and harmonize his sovereignty with republican institutions. A dictatorship could be created only to meet some special crisis; and a "triumvir to constitute the state" was clearly absurd when the state had once been "constituted". Neither the office of a dictator nor the powers of the triumvirate were theoretically suitable to form the foundation of a permanent government; and the logically-minded Caesar was not likely to leave the constitutional shape of his rule undefined or to be content with an inconsistent theory.

He did not, however, at once lay down the triumviral powers which had been conferred on him by the Lex Titia (43 B.C.). For a year and a half after his triumph he seems

to have remained a triumvir—or at least in possession of the powers which belonged to him as triumvir—but it is not clear how far during that time he made use of those unconstitutional rights. He was consul for the fifth time in 29 B.C. and again in 28 B.C., and it is probable that he acted during these years by his rights as consul, as far as possible, and not by his rights as triumvir. There was, however, much to be done in Rome and in Italy, that might truly come under the name of "constituting the state". Two of the most important measures carried out in these years were the increase of the patriciate and the reform of the senate. In 30 B.C. a law (Lex Senia) was passed, enabling Caesar to replenish the exhausted patrician class by the admission of new families; and he carried out this measure in the following year. In 28 B.C. he exercised the functions of the censorship, in conjunction with Agrippa, who was his colleague in the consulship. They not only held a census, but performed a purgation of the senate, and introduced some reforms in its constitution. Caesar also caused all the measures which had been taken during the civil wars to be repealed; but the compass and the effect of this act are not quite clear (28 B.C.). In the same year he marked his intention to return to the constitutional forms of the republic by changing the consular fasces, according to custom, with his colleague Agrippa, and thus acknowledging his fellow-consul to be his equal. He also began to restore the administration of the provinces to the senate.

In 27 B.C. Caesar assumed the consulate for the seventh time, and Agrippa was again his colleague. It seems that he had already partly divested himself of his extraordinary powers, but the time had at length come to lay them down altogether, though only to receive equivalent power again in a different and more constitutional form. On January 13 he resigned in the senate his office as triumvir and his proconsular imperium, and for a moment the statement of a contemporary writer was literally true, that “the ancient

form of the republic was recalled”. And thus Caesar could be described on coins as "Vindicator of the liberty of the Roman people" (libertatis P. R. vindex). In the next chapter we shall see in what shape Caesar and his councilors, while they nominally restored the republic, really inaugurated an empire which was destined to last well-nigh fifteen hundred years.

Chapter II.
The Principate

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The task which devolved upon Caesar when he had resigned the triumvirate and the proconsular power which had been conferred on him in 43 B.C., was to restore the republic and yet place its administration in the hands of one man, to disguise the monarchy, which he already possessed, under a constitutional form, to be a second Romulus without being a king. He still held the tribunician power which had been given him for life in 36B.C.

On January 16, in the year of the city 727, three days after Caesar had laid down his extraordinary powers, the Roman Empire formally began. Munatius Plancus on that day proposed in the senate that the surname Augustus should be conferred on Cesar in recognition of his services to the state. This name did not bestow any political power, but it became perhaps the most distinctive and significant name of the Emperor. It suggested religious sanctity and surrounded the son of the deified Julius with a halo of consecration.

The actual power on which the Empire rested, the imperium proconsulare, was conferred upon, or rather renewed for, Augustus (so we may now call him) for a period of ten years, but renewable after that period. This imperium was of the same kind as that which had been given to Pompeius by the Gabinian and Manilian laws. The Imperator had an exclusive command over the armies and fleet of the republic, and his "province" included all the most important frontier provinces. But this imperium was essentially military; and Rome and Italy were excluded from its sphere. It was therefore insufficient by itself to establish a

sovereignty, which was to be practically a restoration of royalty, while it pretended to preserve the republican constitution. The idea of Augustus, from which his new constitution derived its special character, was to supplement and reinforce the imperium by one of the higher magistracies.

His first plan was to combine the proconsular imperium with the consulship. He was consul in 27 B.C., and he caused himself to be re-elected to that magistracy each year for the four following years. The consular imperium, which he thus possessed, gave him not only a locus standi in Rome and Italy, but also affected his position in the provinces. For if he only held the proconsular imperium he was merely on a level legally with other proconsular governors, although his "province" was far larger than theirs. But as consul, his imperium ranked as superior (maius) over that of the proconsuls. He found, however, that there were drawbacks to this plan. As consul he had a colleague, whose power was legally equal; and this position was clearly awkward for the head of the state. Moreover, if one consul was perpetual, the number of persons elected to the consulship must be smaller; and consequently there would be fewer men available for those offices which were only filled by men of consular rank. The consuls too were regarded as in a certain way representative of the senate; and the Emperor, the child of the democracy, might prefer to be regarded as representative of the people. His thoughts therefore turned to the tribunate, which was specially the magistracy of the people. But it would have been more awkward to found supremacy in civil affairs on the authority of one of ten tribunes than on the powers of one of two consuls. Accordingly Augustus fell back on the tribunicia potestas, which he had retained, but so far seems to have made little use of.

In 23 B.C. he gave up his first tentative plan and made thetribunicia potestas, instead of the consulship, which he

resigned on June 27, the second pillar of his power. The tribunician power was his for life, but he now made it annual as well as perpetual, and dated from this year the years of his reign. Thus in a very narrow sense the Empire might be said to have begun in 23 B.C.; in that year at least the constitution of Augustus received its final form. After this year, his eleventh consulship, Augustus held that office only twice (5 and 2 B.C.). Subsequent Emperors generally assumed it more than once; but it was rather a distinction for the colleague than an advantage for the Emperor

But the tribunicia potestas alone was not a sufficient substitute for the consulare imperium which Augustus had surrendered by resigning the consulate. Accordingly a series of privileges and rights were conferred upon him by special acts in 23 B.C. and the following years. He received the right of convening the senate when he chose, and of proposing the first motion at its meetings (ius primes relationis). His proconsular imperium was defined as “superior” (maius) to that of other proconsuls. He received the right of the twelve fasces in Rome, and of sitting between the consuls, and thus he was equalized with the consuls in external dignity (19 B.C.). He probably received too the ius edicendi, that is, the power of issuing magisterial edicts. These rights, conferred upon Augustus by separate acts, were afterwards drawn up in a single form of law, by which the senate and people conferred them on each succeeding Emperor. Thus the constitutional position of the Emperor rested on three bases : the proconsular imperium, the tribunician potestas, and a special law of investiture with certain other prerogatives.

The title imperator expressed only the proconsular and military power of the Emperor. The one word which could have expressed the sum of all his functions as head of the state,—rex—was just the title which Augustus would on no account have assumed; for by doing so he would have thrown off the republican disguise which was essential to his position. The key to the Empire, as Augustus constituted it,

is that the Emperor was a magistrate, not a monarch. But a word was wanted, which, without emphasizing any special side of the Emperor's power should indicate his supreme authority in the republic. Augustus chose the name princeps to do this informal duty. The name meant the first citizen in the state—princeps civitatis—and thus implied at once supremacy and equality, quite in accordance with the spirit of Augustus' constitution; but did not suggest any definite functions. It was purely a name of courtesy. It must be carefully distinguished from the title princeps senatus. The senator who was first on the list of the conscript fathers, and had a right to be asked his opinion first, was called princeps senatus; and that position had been assigned to Augustus in 28 B.C.. But when he or others spoke or wrote of the princeps, they did not mean “prince of the senate”, but “prince of the Roman citizens”. The Empire as constituted by Augustus is often called the Principate, as opposed to the absolute monarchy into which it developed at a later stage. The Principate is in fact a stage of the Empire; and it might be said that while Augustus founded the Principate, Julius was the true founder of the Empire.

According to constitutional theory, the state was still governed under the Principate by the senate and the people. The people delegated most of its functions to one man, so that the government was divided between the senate and the man who represented the people. In the course of time the republican forms of the constitution and the magisterial character of the Emperor gradually disappeared; but at first they were clearly marked and strictly maintained. The senate possessed some real power; assemblies of the people were held; consuls, praetors, tribunes, and the other magistrates were elected as usual. The Principate was not formally a monarchy, but rather a "dyarchy", as German writers have called it; the Princeps and the senate together ruled the State. But the fellowship was an unequal one, for the Emperor, as supreme

commander of the armies, had the actual power. The dyarchy is a transparent fiction. The chief feature of the constitutional history of the first three centuries of the Empire is the decline of the authority of the senate and the corresponding growth of the powers of the Princeps, until finally he becomes an absolute monarch. When this comes to pass, the Empire can no longer be described as the Principate.

The Princeps was a magistrate. His powers were entrusted to him by the people, and his position was based on the sovereignty of the people. Like any other citizen he was bound by the laws, and if for any purpose he needed a dispensation from any law, he had to receive such dispensation from the senate. He could not be the object of a criminal prosecution; this, however, was no special privilege, but merely an application of the general rule that no magistrate, while he is in office, can be called to account by anyone except a superior magistrate. Hence the Princeps, who held office for life and had no superior, was necessarily exempted from criminal prosecution. If, however, he abdicated or were deposed, he might be tried in the criminal courts. And as Roman Law permitted processes against the dead, it often happened that a Princeps was tried in the senate after his death, and his memory condemned to dishonor, or his acts rescinded. The heavier sentence deprived him of the honor of a public funeral and abolished the statues and monuments erected in his name; while the lighter sentence removed his name from those Emperors, to whose acts the magistrates swore when they entered on their office. When a Princeps was not condemned, and when his acts were recognized as valid, he received the honor of consecration.

The claim to consecration after death was a significant characteristic of the Principate, derived from Caesar the Dictator. He had permitted himself to be worshipped as a god during his lifetime; and though no building was set

apart for his worship, his statue was set up in the temples of the gods, and he had a flamen of his own. After his death he was numbered, by a decree of the senate and Roman people, among the gods of the Roman state, under the name of divus Julius. His adopted son did not venture to accept divine worship at Rome during his lifetime; he was content to be the son of a god, divi filius, and to receive the name Augustus, which implied a certain consecration. But like Romulus, to whom he was fond of comparing himself, he was elevated to the rank of the gods after his death. It is worth observing how Augustus softened down the bolder designs of Caesar in this as in other respects. Caesar would have restored royalty without disguise; Augustus substituted the princeps for the rex. In Rome, Caesar was a god during his lifetime; Augustus the son of a god when he lived, a god only after death.

In one important respect the Principate differed from other magistracies. There was no such thing as designation. The successor to the post could not be appointed until the post was vacant. Hence it follows that, on the death of an Emperor, the Empire ceased to exist until the election of his successor; therepublic was in the hands of the senate and the people during the interim, and the initiative devolved upon the consuls. The principle “The king is dead, long live the king”, had no application in the Roman Empire.

As a magistracy, the Principate was elective and not hereditary. It might be conferred on any citizen by the will of the sovereign people; and even women and children were not disqualified by their sex and age, as in the case of other magistracies. Two, or rather three, acts were necessary for the creation of the Princeps. He first received the proconsular imperium and along with it the name Augustus; subsequently the tribunician power; and also other rights defined by the special Law de imperio. But it must be clearly understood, that his position as Princeps really depended upon the proconsular imperium, which gave him exclusive

command of all the soldiers of the state. Once he receives it, he is Emperor; the acquisition of the tribunician power is a consequence of the acquisition of the supreme power, but is not the supreme power itself. The day on which the imperium is conferred (dies imperii) marks the beginning of a new reign.

It is important to observe how the proconsular power was conferred on the Princeps. It was, theoretically, delegated by the sovereign people, but was never bestowed or confirmed by the people meeting in the comitia. It was always conferred by the senate, which was supposed to act for the people. When the title Imperator was first conferred by the soldiers, it required the formal confirmation of the senate, and until the confirmation took place the candidate selected by the soldiers was a usurper. On the other hand the Imperator named by the senate, although legitimate, had no chance of maintaining his position unless he were also recognized by the soldiers.

The position of the new Princeps was fully established when he was acknowledged by both the senate and the army. After Augustus, the proconsular power of the Princeps was perpetual, and it was free from annuity in any form.

The tribunician power, on the other hand, was conferred by the people meeting in comitia. It properly required two separate legal acts—a special law defining the powers to be conferred, and an election of the person on whom they should be conferred. But these acts were combined in one; and a magistrate, probably one of the consuls, brought a rogation before the comitia, both defining the powers and nominating the person. The bill of course had to come before the senate first, and an interval known as the trinum nundinum elapsed between the decree of the senate and the comitia. Hence under the earlier Principate, when such forms were still observed, the assumption of the tribunician power takes place sometime after the dies imperii. The tribunician power was conferred for perpetuity, but was

formally assumed anew every year, so that the Princeps used to count the years of his reign as the years of his tribunician power.

But though the Empire was thus elective, in reality the choice of the new Princeps depended on the senate or the army only in the case of revolutions. In settled times the Emperors chose their successors, and in their own lifetime caused the objects of their choice to be invested with some of the marks or functions of imperial dignity. It was but natural that each Emperor should try to secure the continuance of the Empire in his own family. If he had a son, he was sure to choose him as successor; if only a daughter, her husband or one of her children. If he had neither son nor daughter of his own, he usually adopted a near kinsman. Thus the Empire, though always theoretically elective, practically tended to become hereditary; and it came to be recognized that near kinship to an Emperor founded a reasonable claim to the succession. This feature was present from the very outset; for the founder of the Empire himself had first assumed his place on the political stage as the son and heir of Julius, and no one was more determined or strove harder to found a dynasty than Augustus.

Augustus assumed other functions and titles (as well as the proconsular imperium and the tribunician potestas), but they had no place in the theory of the imperial constitution. He was named by the senate, the knights and the people, "pater patriae" (2 B.C.), and subsequent Emperors regularly received this title. He was elected Pontifex Maximus by the people in 12 B.C. (March 6) after the death of Lepidus, who had been allowed to retain that office when he was deprived of his triumviral power. Henceforward the Chief Pontificate was always held by the Emperors, and formed one of their standing titles. Augustus also belonged to other religious colleges. He was not only Pontifex; he was also a septemvir, a quindecimvir and an augur; he was enrolled among theFetiales, the Arvales and the Titii.

Augustus was not a censor, nor did he, as Emperor, possess the powers of the censor's office, although he sometimes temporarily assumed them. The reason why he refrained from assuming these powers permanently is obvious. It was his aim to preserve the form of a republic and to maintain the senate as an independent body. One of the chief functions of the censors was to revise the list of senators; they had the power of expunging members from that body and electing new ones. It is clear that if the Emperor possessed the rights of a censor, he would have direct control over the senate, and it would no longer be even nominally independent.

In 28 B.C., as we have seen, Augustus and Agrippa held a census as consuls, by virtue of the censorial power which originally belonged to the consular office. And on the two subsequent occasions on which Augustus held a census, once by himself (8 B.C.) and once in conjunction with Tiberius (14 A.D.), he did not assume the title of censor, but caused consular power to be conferred on him temporarily by the senate. In 22 B.C. the people proposed to bestow on Augustus the censorship for life, but he refused the offer, and caused Paulus Emilius Lepidus and Munatius Plancus to be appointed censors. This was the last occasion on which two private citizens were colleagues in that office. Three times it was proposed to Augustus to undertake as a perpetual office "the regulation of laws and manners" (morum legumque regimen), but he invariably refused. Such an institution would have been as openly subversive of republican government as royalty or the dictatorship. Nevertheless some of the functions of the censor, and especially the census equitum, seem from the very first to have fallen within the competence of the Princeps.

It should be specially observed that the Princeps did not possess consular power, as is sometimes erroneously stated. Occasionally it was decreed to him temporarily for a special purpose, but it did not belong to him as Princeps.

While the Emperor avoided the names rex and dictator, he distinguished himself from ordinary citizens by a peculiar arrangement of his personal name. (1) All the Emperors from Augustus to Hadrian, with three exceptions, dropped the name of their gens.(2) They never designated the tribe to which they belonged. (3) Most of them adopted the title Imperator as a praenomen. This designation had been first used as a constant title by Caesar the Dictator, being placed immediately after his name and preceding all other titles. Thus it might have been regarded as a second cognomen; and the younger Caesar claimed it as part of his father's name, and, to make this clear, adopted it as a praenomen instead of his own praenomen Gaius.

All the agnate descendants of the dictator bore the name Caesar, which was a cognomen of the Julian gens. But when the house of the Julian Caesars came to an end on the death of the Emperor Gaius, his successor Claudius assumed the cognomen Caesar, and this example was followed by subsequent dynasties. Thus Caesar came to be a conventional cognomen of the Emperor and his house.

Augustus was a title of honor; it did not, like imperator or consul, imply an office, and hence an Emperor's wife could receive the title Augusta. But it was not, like Caesar, hereditary; it had to be conferred by the senate or people. At the same time it was distinctly a cognomen; and it has clung specially to him who first bore it as a personal name. It was always assumed by his successors along with the actual power; and it seemed to express that, while the various parts of the Emperor's power were in their nature collegial, there could yet only be one Emperor.

In much later times Augustus and Caesar were distinguished as greater and lesser titles. The Emperor bore the name Augustus; while he whom the Emperor chose to succeed to the throne was a Caesar. Moreover, there might be more than one Augustus, and more than one Caesar.

We must carefully distinguish two different uses of Imperator in the titulary style of the Emperors. (1) As a designation of the proconsular imperium, it was placed, as we have already seen, before the name as a praenomen. (2) Imp. with a number, standing among the titles after the name, meant that he had been greeted as imperator so many times by the soldiers in consequence of victories. Yet the two uses were regarded as closely connected. For the investiture with the proconsular imperium was regarded as the first acquisition of the name Imperator, so that on the first victory after his accession the Emperor designated himself as imperator.

The order of names in the imperial style is worthy of notice. In the case of the early Emperors, Caesar comes after the name; for example, Imp. Nero Claudius Caesar Augustus. With Vespasian begins a new style, in which Caesar generally precedes the propel cognomen; thus, Imp. Caesar Vespasianus Augustus. Augustus retained its place at the end

The Princeps had the right of appearing publicly at all seasons in the purple-edged toga of a magistrate. On the occasion of solemn festivals, he used to wear the purple gold-broidered toga, which was worn by victorious generals in triumphal procession; and although in Italy he did not possess the imperium militiae, he had the right to wear the purple paludamentum (purpura) of the Imperator even in Rome, but this was a privilege of which early Emperors seldom availed themselves. The distinctive headdress of the Princeps was a laurel wreath. As Imperator he wore the sword; but the scepter only in triumphal processions. Both in the senate-house and elsewhere, he sat on a sella curulis;and he was attended by twelve lictors, like the other chief magistrates. His safety was provided for by a bodyguard, generally consisting of German soldiers; and one cohort of the praetorian guards was constantly stationed at his palace.

Under the Republic the formula of public oaths was couched in the name of Jupiter and the Penates of the Roman people. Caesar the Dictator added his own genius, and this fashion was followed under the Principate. The oath was framed in the name of Jupiter, those Emperors who had become divine after death, the genius of the reigning Emperor, and the Penates. The Princeps also had the privilege of being included in the vota or prayers for the welfare of the state, which it was customary to offer up in the first month of every year. And it was regarded as treason to encroach on either of these privileges—to swear by the genius, or offer public vows for the safety, of any other than the Emperor. After the battle of Actium, the birthday of Augustus had been elevated to a public feast; and hence it became the custom to celebrate publicly the birthday of every reigning Emperor, and also the day of his accession.

Like other men of distinction, the Princeps gave morning receptions, which, however, differed from those of private persons, in that every person who wished, provided he was of sufficiently high rank, was admitted. It was part of the policy of Augustus to treat men of his own rank as peers, and in social intercourse to behave merely as an aristocrat among fellow-aristocrats. There was formally no such thing as court etiquette, and the Emperor’s Palatium was merely a private house. But the political difference which set the Princeps above all his fellow-citizens could not fall to have its social consequences, however much Augustus wished to seem a peer among peers. Those persons, whom Augustus admitted to the honor of his friendship—and they belonged chiefly to the senatorial, in a few cases to the equestrian ranks—came to form a distinct, though not officially recognized, body under the name amici Caesaris, "friends of Caesar". From this circle he selected his comites or "companions", the retinue which accompanied him when he travelled in the provinces. The amici were expected to

attend the morning receptions, and were greeted with a kiss. They wore a ring with the image of the Emperor. They were received in some order of precedence; and gradually they came to be divided into classes, according to their intimacy with the Emperor; and admission into the circle of amici became a formal act. To lose the position of a “friend” of Caesar entailed consequences equivalent to exile. Invitations to dine with the Emperor were also probably limited to the amici. Thus at the very beginning of the Principate there were the elements of the elaborate system of court ceremonial which was developed in later centuries. The position of the comites was more definitely marked out. They received allowances, and had special quarters in the camp. They had also precedence over provincial governors. The distinction of having been a comes of Caesar is often mentioned on inscriptions among official honors.

It was not lawful under the free commonwealth to set up in any public place the image of a living man. The image of the Princeps might be set up anywhere; and there were two cases in which it was obligatory that it should appear, namely in military shrines, along with the eagle and the standards, and on coins. Sometimes it appeared on the standards themselves. In regard to coinage, Augustus held fast the royal privilege which had been accorded by the senate to Caesar (in 44 B.C.); and the right of being represented on the money of the realm was exclusively reserved for the Emperor, or those members of the imperial house on whom he might choose to confer it.

Chapter III.
The Joint Government of the Princeps and Senate

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SECT. I. — POLITICAL POSITION OF THE PRINCEPS — THE PEOPLE

In the last chapter it was shown how Augustus established the Principate, and we became acquainted with the constitutional theory of this new phase of the Roman republic, which was really a disguised monarchy. We also learned the titles and insignia which were the outward marks of the ambiguous position of the monarch who affected to be a private citizen. It remains now to examine more closely his political powers, and see how the government of the state was divided between the Princeps and the senate according to the system of Augustus.

The proconsular imperium of the Emperor differed from that of the ordinary proconsul in three ways. Firstly, the entire army stood under the direct command of the Emperor. Secondly, his Imperium was not limited (except in the case of Augustus himself) to a special period. It was given for life. And thirdly, it not only extended directly over a far larger space—the Emperor's 'province' including a multitude of important provinces—than that of an ordinary proconsul, but being maius or superior above that of all others, it could be applied in the senatorial provinces which they governed; and thus it really extended over the whole empire. As a consequence of his exclusive military command, it devolved upon the Emperor exclusively to pay the troops, to appoint officers, to release soldiers from service. The soldiers took the military oath of obedience to