



## The Senate

Asked, in writing, by the emperor Tiberius to extend the *tribunicia potestas* to his son, the younger Drusus, the Roman Senate responded eagerly, decreeing statues of Tiberius and Drusus, altars of the gods, temples, an arch, and “other customary honors” (Tacitus *Ann.* 3.56–57, 3.59.2; A.D. 22). One senator, M. Silanus, proposed dating all public and private monuments by the names of holders of the *tribunicia potestas* instead of the names of consuls. Another, Q. Haterius, proposed inscribing the decrees in the Senate house in gold letters. In the end, the Senate’s honors were modified by Tiberius, who singled out gold lettering as abhorrent.

This vivid example of Tiberius effectively designating his heir and the Senate’s response to the imperial succession raises some questions about the imperial Senate as a working assembly. The first concerns the imperial family’s position and the significance of the *tribunicia potestas*, which has generally been seen as a popular power. Tacitus writes that Augustus had assumed the *tribunicia potestas* “to protect the plebs” (*Ann.* 1.2.1). The 23 B.C. settlement, it is said, inaugurated a popular turn in the Principate: Augustus resigned the consulate and a “republican” replaced him; the emperor took over grain distribution; in 18 B.C., he used the *tribunicia potestas* to pass moral legislation placing new obligations and restrictions on the Roman upper classes. But if the *tribunicia potestas* was a popular power, why did Tiberius propose extending it before the Senate, not before the plebs?

The second question concerns the Senate’s role and activities during the Principate. A noticeable part of the transition from Republic to Principate was that the Senate began regularly decreeing honors to individuals. As P. A. Brunt and A. Wallace-Hadrill have pointed out, honorific senatorial decrees

only became normal during the Principate.<sup>1</sup> During the Republic, the Senate did on occasion honor individuals, but only exceptionally. Republican generals had to erect their own honorary arches; the imperial Senate, seconded by the *populus Romanus*, erected arches for imperial generals. Honorific decrees embody overt loyalism—and what else? Why did they do this? What did the Senate achieve by honoring the imperial house?

Recently, scholars have begun studying the Roman Senate as a working assembly and looking at the Senate's role in the Roman state, and they have come up with some important results. This chapter is designed as a contribution to the emerging new view of the Senate that sees that the imperial Senate was more active, was more visible, and had broader competence than the republican Senate. The notion that the republican Senate was a governing parliament is untenable; the notion that its role was merely advisory is equally unhelpful.<sup>2</sup> The republican Senate was the senior public council of Rome, an Areopagus of ranking magistrates and former magistrates and a debating society that discussed whatever it wished, whatever concerned the welfare of Rome. The republican Senate conducted foreign relations up to the point of making a treaty and declaring war (the people's prerogatives); discharged administrative and judicial tasks, such as arbitrating collective conflicts and conducting inquiries; and controlled the *aerarium*, the state's revenues and expenditures. The *populus Romanus* was sovereign, but the Senate did exercise executive powers. Under the Principate, though ultimate power passed to the *princeps*, he and his male progeny, themselves senators, commonly worked through the Senate.<sup>3</sup> The imperial Senate gained where the *populus Romanus* and the Roman plebs lost. It judged its own members where the popular courts had formerly done so; in the post-Augustan era, it selected magistrates whom the comitia of the people merely ratified; it legislated—that is, its decrees were cited as law—while *leges* stopped being cited; and it was freed from harassment by tribunes of the plebs. Power rested with the *princeps*: the Senate rendered verdicts directed by him, chose magistrates approved or commended by him, and saw its decrees become normative only because they reflected his will. The Senate served as an

1. P. A. Brunt, "The Role of the Senate in the Augustan Regime," *CQ* n.s. 34 (1984): 423–44; A. Wallace-Hadrill, "Roman Arches and Greek Honours: The Language of Power at Rome," *PCPhS* 36 (1990): 143–81, at 146–47.

2. See especially C. Nicolet, *Rome et la conquête du monde méditerranéen*, vol. 1, *Les structures de l'Italie romaine*, 2d ed. (Paris: Presses universitaires de France, 1979), 357–92; F. Millar, "The Political Character of the Classical Roman Republic, 200–151 B.C.," *JRS* 74 (1984): 1–19; M. Bonnefond-Coudry, *Le sénat de la république romain* (Rome: Ecole française de Rome, 1989). All build on Polybius 6.13.1–3.

3. See Brunt, "Role of the Senate," 423–44; R. J. A. Talbert, *The Senate of Imperial Rome* (Princeton: Princeton University Press, 1984).

imperial mouthpiece. Still, paradoxically, the Senate achieved many of the judicial, electoral, and legislative powers that its republican champions, men like Cicero, had aspired to, at the price of *libertas*.

The issues are ideological as well as constitutional. All modern conceptions of the Senate, especially the imperial Senate, owe something to R. Syme, who showed its intrinsic interest as the group whose members individually and collectively produced the postmortem for the Republic and the apologia for the Principate.<sup>4</sup> The Tiberian dossier of funeral honors for Germanicus and the younger Drusus and proceedings against Piso spectacularly confirm and extend Syme's vision.

This chapter advances two theses. The first is that the imperial *tribunicia potestas* had little or nothing to do with the plebs and popular policies and everything to do with the Senate. The *tribunicia potestas* was an improvised power eventually adapted to allow the emperor to champion and control the Senate. The second thesis is that in producing and publishing honorific decrees in particular, the Senate moved toward usurping a legislative function, taking a bite out of the people's power. These two theses do more than clarify the conferral of the *tribunicia potestas* on the younger Drusus. The first says something about how the emperor and the princes came to dominate the Senate generally. The second shows how overt loyalism allowed the imperial Senate greater prominence. Together, by examining how the Senate actually functioned under monarchy, the theses go some way toward explaining how the Senate survived. But this chapter should not be taken as arguing either that the imperial position can be meaningfully defined in constitutional terms alone or that the imperial Senate exercised any important independent power. Constitutionalism was one of the characteristic registers of Roman political discourse: it helps to explain how power was exercised.

In addition, this chapter tries to do something Syme conspicuously declined to do: to see the Augustan and Tiberian Senate through the eyes of one of its members, Velleius Paterculus. It is a shame not to have a critical contemporary perspective, such as would have been provided by the senator Cremutius Cordus, who told how he and his peers were only admitted to Augustus's presence individually after their togas had been searched (Suetonius *Aug.* 35). But Velleius, as the son of an *eques*, *tribunus militum* in the Balkans under P. Vinicius and L. Silius (2 B.C.) and in the East under Gaius Caesar (1 B.C.), *praefectus equitum* in Germany under Tiberius (A.D. 4), quaestor and thus senator in A.D. 7, and praetor in A.D. 15 by the commendations of

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4. R. Syme, "A Roman Post-mortem: An Inquest on the Fall of the Roman Republic" (1950), reprinted in *Roman Papers*, vol. 1 (Oxford: Clarendon, 1979), 205–17; *The Augustan Aristocracy* (Oxford: Clarendon, 1986), chap. 30, "The Apologia for the Principate."

both Augustus and Tiberius, was the very incarnation of Syme's Roman revolution.<sup>5</sup> Better, what Syme correctly condemned as Velleius's weakness as a historian is also his strength as a historical source: precisely because Velleius did not scruple to pass on lies and half-truths, he is a uniquely reliable gauge of official opinion.<sup>6</sup> The similarities between Velleius's *Historia Romana* and the Tiberian dossier are striking. The literary history and the epigraphic dossier share an effusive, superlative-filled, highly rhetorical prose style. They share an emphasis on individual achievements of the imperial family, and a general great-men view of history—as opposed to a view emphasizing the achievements of the nation (*populus Romanus*) or the state (*res publica*). Velleius went out of his way to apportion praise and blame: “If anyone says that I have gone out of my way to mention these men, his criticism will meet no denial. In the sight of honest men, fair-minded candor without misrepresentation is no crime.”<sup>7</sup> Velleius's *Historia* and the Tiberian dossier employ the same vague and ideological language of loyalism, to describe the Principate and the succession: “the tranquillity of the present situation of the state, than which no better can be hoped for” (*s.c. de Pisone*); “at that time shone the assured hope . . . of health for all men, of calm, of peace, of tranquillity, such that no more could be hoped for nor hope more propitious fulfill” (Velleius).<sup>8</sup> So this chapter follows Velleius as he observes and participates in the development of the imperial Senate.<sup>9</sup>

Before turning to the *tribunicia potestas* and honorific decrees, it will be useful to review the formal senatorial positions held by the young men of the imperial house from 29 B.C. to A.D. 41. The magistracies, commands, and priest-hoods the young men held and the honors they received distinguished them from other senators. An ordinary *cursus honorum* began with two subsenatorial posts.

5. See G. V. Sumner, “The Truth about Velleius Paterculus: Prolegomena,” *HSCP* 74 (1970): 257–97; S. Demougin, *Prosopographie des chevaliers romains julio-claudiens* (Rome: Ecole française de Rome, 1992), no. 108.

6. R. Syme, “Mendacity in Velleius” [1978], in *Roman Papers*, vol. 3 (Oxford: Clarendon, 1984), 1090; *Augustan Aristocracy*, chap. 29, “Nobiles in Velleius.”

7. Velleius 2.116.5: “horum virorum mentioni si quis quaesisse me dicet locum, fatentem arguet; neque enim iustus sine mendacio candor apud bonos crimini est.”

8. *S.c. de Pisone* lines 13–14: “tranquillitatem praesentis status r(ei) p(ublicae): quo melior optari non potest”; Velleius 2.103.5: “tum refulsit certa spes . . . omnibus hominibus salutis, quietis, pacis, tranquillitatis, adeo ut nec plus sperari potuerit nec spei responderi felicius.” Cf. also Valerius Maximus 8.13.*praef.*: “tranquillitatem saeculi nostri, qua nulla umquam beator fuit.”

9. Cf. Velleius 2.129.3, recording how the emperor ennobled the Senate by helping out with its census.

*vigintivir*: only Nero, son of Germanicus

*tribunus militum*: only Tiberius and probably Marcellus, who also had special aedilician powers to produce spectacles in the legionary camp; Caligula insulted Tiberius Gemellus by naming him *tribunus militum*

At this stage, the Senate granted all except Agrippa Postumus, Claudius, Caligula, and Tiberius Gemellus permission to seek office early, specifically allowing Gaius and Lucius to omit both the quaestorship and the praetorship and to advance directly to the consulate. Germanicus and the younger Drusus omitted the quaestorship.

quaestor in a public province or in Rome: Tiberius, the elder Drusus, Germanicus, the younger Drusus, Caligula

aedile, tribune of the plebs: only Marcellus was aedile

praetor: Tiberius, first in Rome, then with Augustus in Gaul; the elder Drusus, first replacing Tiberius, then as *praetor urbanus*

*praefectus frumenti dandi*, *curator viae*: none

proconsul of a public province other than Africa or Asia: none

*legatus* of a legion or an imperial province with one legion: none

consul: Tiberius (I, 13 B.C.; II, 7 B.C.); the elder Drusus (9 B.C.); Gaius (A.D.

1); Lucius, consul designate (A.D. 4); Germanicus (I, A.D. 12; II, A.D. 18);

the younger Drusus (I, A.D. 15; II, A.D. 21); Claudius, *suffectus* (A.D. 37)

*legatus Augusti pro praetore*: Tiberius, the elder Drusus, Germanicus, the younger Drusus (all before their consulships)

*curator aquarum*: none

proconsul of Africa or Asia: none

*praefectus urbi*: Drusus, son of Germanicus, mooted for Claudius

Two points stand out. First, the young men's cursus followed a pattern. Established with Tiberius and the elder Drusus, the pattern was accelerated for Gaius and Lucius, slowed down again with Germanicus and the younger Drusus, and dissolved after A.D. 23: the careers of Nero and Drusus, sons of Germanicus, were cut short, and those of Caligula and Tiberius Gemellus had not really got started before the one became emperor and murdered the other. The pattern marks Agrippa Postumus and Claudius as outcasts, though of different sorts. Second, this was not a typical senatorial career, as is especially evident in the matter of provincial commands. The young men held no regular governorships. Their commands were generally multiyear and always multi-legion, they were *legati* over several legions before being consuls, they were never submitted to the lot, and they had no superiors except the emperor and

no peers except each other.<sup>10</sup> The young men also held offices and powers no other senator then aspired to: multiple consulships, *ensoria potestas* (Tiberius), *tribunicia potestas* (Tiberius, the younger Drusus).

The same holds for priesthoods.<sup>11</sup> All except Agrippa Postumus and Tiberius Gemellus were either pontifices or augurs, while Tiberius, the younger Drusus, and maybe Caligula were both. Only the younger Drusus is attested as *quindecimvir* or *septemvir*, and he was both. Traditions fell away to admit the young men. The augural college broke its rule against members from the same gens to admit Lucius alongside Augustus (see chap. 3). In elective and co-optive colleges, imperial places evolved, the funeral honors for Germanicus formally stipulating that his flamine of Divus Augustus and augurship be reserved for members of the gens *Iulia* (Tacitus *Ann.* 2.83.1). Unfortunately, what the young men actually did as priests is now mostly irretrievable.<sup>12</sup>

The young men stood apart in the Curia, too. The Senate began bestowing curial privileges the moment the princes entered public life, allowing them to speak out of normal order, after consuls and before praetors (vetoed by Tiberius for Claudius). The Curia was the setting for debate about various issues concerning the princes: military honors (triumphs and lesser honors), charges against all those in different ways removed from the imperial house (Agrippa Postumus, A.D. 8; Drusus, son of Germanicus, A.D. 25; Nero, son of Germanicus, A.D. 29; Tiberius Gemellus, A.D. 37; and also the elder Julia, 2 B.C.; the younger Julia, A.D. 8; and Seianus, A.D. 31), and funeral honors (until the younger Drusus). Similarly, in A.D. 3, Augustus announced to the Senate the decision of the mortally wounded Gaius to retire from public life. The Curia was one of the principal settings where the public image of the young men took shape.

The origins of the imperial *tribunicia potestas* are murky. The sources are mostly late and uniformly imperfect. They are mutually and internally contradictory—as to legal instruments (*lex* or *senatus consultum*), as to whether Imp. Caesar was made tribune or invested with the *tribunicia potestas*, and as to what powers the *tribunicia potestas* entailed.

10. Tiberius, who had inferior imperium to Gaius from 1 B.C. to A.D. 2 and equal imperium to Augustus from A.D. 13, is the sole exception.

11. See M. W. Hoffman Lewis, *The Official Priests of Rome under the Julio-Claudians*, Papers and Monographs of the American Academy in Rome 16 (Rome: n.p., 1955).

12. Except for the Fratres Arvales, among whom numbered at least Tiberius; Germanicus; the younger Drusus; Nero, son of Germanicus; and Tiberius Gemellus. For the definitive account of their activities see J. Scheid, *Romulus et ses frères* (Rome: Ecole française de Rome, 1990), esp. 285ff.

- 36 B.C.: “by acclamation the people elected Caesar tribune forever” (Appian *B Civ.* 5.132/548); “the people voted that Caesar should not be assaulted in deed or word; those who did such a thing would pay the same fine as was established for a tribune, for indeed Caesar received the right to sit together with the tribunes on the same benches” (Dio 49.15.5–6); “the Senate decreed that Caesar should have the *tribunicia potestas* forever” (Orosius 6.18.34).
- 35 B.C.: “Caesar deferred the triumph that had been voted to him [by the Senate?], but he granted to Octavia and Livia statues, the right to administer their own affairs without a guardian, and the same security and inviolability as the tribunes enjoyed” (Dio 49.38.1).
- 30 B.C.: “it was voted [as law or decree?] that Caesar should have the power of the tribunes for life and that he should aid those who called on him for help both within the Pomerium and outside up to the eighth half-stade (one Roman mile), a right none of the tribunes possessed” (Dio 51.19).
- 23 B.C.: Caesar resigned consulship;<sup>13</sup> “the Senate decreed that Augustus should be tribune for life and granted him the right to bring a matter before the Senate whenever he wished at each meeting, even if he was not consul; it was in consequence of this that he and the emperors who followed him exercised the tribunician power as by legal right along with the other powers; neither Augustus nor any other emperor assumed the actual title of tribune” (Dio 53.32.5–6).
- no date: “that I be sacrosanct forever, and so long as I live have the *tribunicia potestas*, was sanctioned by law.”<sup>14</sup>

By scholarly convention—and no more—these items are interpreted to say that the *tribunicia potestas* was conferred piecemeal, with sacrosanctity conferred first (36 B.C.), then *ius auxilii* (30 B.C.), then full tribunician power (23 B.C.). H. M. Last gave this convention the currency it enjoys today.<sup>15</sup> There is no evidence to say that conferral was accompanied by fanfare or that this wholly imperial innovation was conceived or presented as republican.

There is a preliminary, technical answer to the question of why Tiberius proposed extending the *tribunicia potestas* to Drusus before the Senate. The *tribunicia potestas* was first conferred to the emperor by lex (*tributa?*) and could then be extended to the emperor’s chosen *collega* by *senatus consultum*

13. See *F.Cap.*: “consu]latu se abdicavit, tri[b. pot.” (esp. 36); *F.Lat.*: “Ca]esar co(n)s(ulatu) abdicavit” (esp. 36).

14. Augustus *Res gestae* 10.1: “sacrosan[ctu]s in perp[etuum] ut essem et quoa[d] viverem tribunicia potestas mihi esset per legem sanctum est.”

15. H. M. Last, “On the *Tribunicia Potestas* of Augustus,” *Rend. Ist. Lomb.* 84 (1951).

alone. Augustus received sacrosanctity and lifelong *tribunicia potestas* by *lex (Res gestae 10.1)*. Arval sacrifices to the Capitoline triad and other deities to mark the comitial votes for Nero, Otho, Vitellius, and Domitian prove that the assemblies functioned throughout the period (“comitia trib. pot.”).<sup>16</sup> The comitial vote provided the popular component of imperial investiture, a component that paralleled recognition in the Senate and by the armies. Augustus spoke of extensions to colleagues by decree in his funeral speech for Agrippa (“for the *tribunicia potestas* was given to you for five years by senatorial decree when the Lentuli were consuls [18 B.C.],” *P. Köln 6.249*) and in the *Res gestae* (6.2), contexts where he emphasized universal consensus and would have acknowledged a popular vote, had there been one.

What happened when a colleague, like Tiberius, became *princeps*? According to the Roman model of collegiality as elucidated by Mommsen, in a college, each member had the right to act independently, while in an assembly, the majority ruled.<sup>17</sup> Was Tiberius’s *tribunicia potestas* ever confirmed by a vote of the people? There is no evidence to say so. There is a note from Tacitus that in the month following Augustus’s death, Tiberius had been “toying with the *patres* and the *plebs*” (*Ann.* 1.46.1). Was there a statute conferring Tiberius’s powers? The confirmation would be the *lex de imperio Vespasiani* of A.D. 69, but that does not mention the *tribunicia potestas*. It does include provisions for Vespasian to convene the Senate, refer matters in person or in writing, and seek resolutions “perinde ac si e lege” [just as if according to law] (*RS 39*).<sup>18</sup> As for the Senate, Tacitus mentions a motion of the consuls (*Ann.* 1.13.4). Surely this did not confer the *tribunicia potestas*, for it was exactly this that a senator pointed out he might have vetoed. Tacitus does not say whether it was approved. Something of its phraseology can be gleaned from Velleius Paterculus, who was probably present.<sup>19</sup>

But it is hopeless to try, on the basis of the inadequate evidence, to understand the imperial *tribunicia potestas* from what is said about its origins, definition, and conferral. The *tribunicia potestas* must be studied pragmatically, in terms of when it was invoked and applied by the emperor.

What was the *tribunicia potestas*? What was accomplished with it? That it

16. See J. Scheid, “L’investiture impériale d’après les commentaires des arvaes,” *CCG* 3 (1992): 221–37.

17. T. Mommsen, *Römisches Staatsrecht*, 3d ed., vol. 1 (Leipzig: S. Hirzel, 1887), 30–31.

18. See P. A. Brunt, “*Lex de imperio Vespasiani*,” *JRS* 67 (1977): 95–116.

19. “The Senate and *populus Romanus* were struggling with Caesar to get him to succeed to the *statio paterna* [ut stationi succederet]” (Velleius 2.124.2). For this interpretation, now all but confirmed by the reference to *paterna statio* in the *s.c. de Pisone*, see B. M. Levick, *Tiberius the Politician* (London: Thames and Hudson, 1976), 78–79.

could be extended by *senatus consultum* alone raises questions about the extent to which it can be called popular. A closer look at occasions when the *tribunicia potestas* was invoked and used confirms that they were virtually all confined to the Senate. There is very little to connect it with the *plebs urbana* or the *populus Romanus* and its *comitia*. It is easiest to treat the matter chronologically.

From 36 to 23 B.C., there are no recorded exercises. But in the first years in which he was publicly described as holder of the *tribunicia potestas* (23–19 B.C.), Augustus made a number of benefactions. The logic of his *Res gestae* 5–6 seems to suggest that by assuming the *tribunicia potestas*, Augustus was acceding to popular wishes. He declined offers to become dictator, perpetual consul, and *curator legum et morum* and employed his *tribunicia potestas*. But there are problems with linking popular policies to the *tribunicia potestas*. First, benefactions were in Roman terms aedilician, not tribunician.<sup>20</sup> Second, the order of the *Res gestae* is misleading. By the dates Augustus supplies, the offers of the dictatorship, and so forth, all came after he had assumed the *tribunicia potestas*. Third, as Jones remarked, the years after 23 B.C. were marked by civic unrest, not the welcome of a protector of the plebs.<sup>21</sup> Fourth, Augustus was absent from Rome for most of the time between 23 and 19 B.C. Lastly, there is no evidence of his having exercised the *tribunicia potestas* during the period. There is nothing to suggest that the *tribunicia potestas* was conceived as part of a new popular program.<sup>22</sup>

Augustus probably employed the *tribunicia potestas* to introduce the *lex Iulia de maritandis ordinibus* and *lex Iulia de adulteriis* in 18 B.C. He held no magistracy at the time, and no scholar had suggested that his *consulare imperium* allowed him to propose legislation. No evidence explicitly says that Augustus used the *tribunicia potestas*, but it is known that Augustus proposed the legislation in person (Seneca *Ben.* 6.32.1 reports that the adultery law “forum ipsum ac rostrum, ex quibus pater legem de adulteriis tulerat”) and that his *tribunicia potestas* was explicitly extended to authorize *relationes*. Scholars have therefore searched for a popular element in this legislation. The search is misguided. For what Augustus explicitly says (admittedly a generation later) about the *tribunicia potestas* is that he used it on behalf of the Senate, to accomplish what the Senate wished.

20. Consider the example of M. Agrippa in 33 B.C. (Dio 49.43.1–5): he could have been tribune (like Fulvius Flaccus, cos. 125 B.C., tribune of the plebs 122 B.C.) but chose the unprecedented course of a postconsular aedilate to provide his memorable benefactions.

21. A. H. M. Jones, *Studies in Roman Government and Law* (Oxford: B. Blackwell, 1960), 12.

22. Cp., e.g., Z. Yavetz, *Plebs and Princeps* (Oxford: Clarendon, 1969), chap. 5, “The Tribunician Power in Shaping the Image of the Principate.”

Then the things the Senate wished to be administered by me, I, having the *tribunicia potestas*, accomplished.<sup>23</sup>

The evidence is insufficient to say precisely what this means: if it does refer to statutes, does it mean that the Julian *leges* were first drafted as senatorial decrees? In any case, the progression of thought is clear. The cited passage contrasts with the previous sentence, where Augustus has said that the Senate and *populus Romanus* urged him to be *curator legum et morum*, and flows into the following sentence, where he says that he sought and received quinquennial renewal of the *tribunicia potestas* from the Senate. In Augustus's presentation, there is nothing popular about his exercise of the *tribunicia potestas*.

The *Monumentum Ephesianum*, a Greek translation of the Latin censorial *lex* for Asian import and export duties into Asia, apparently comprises the initial *lex* of 75 B.C. and subsequent additions down to A.D. 62. The first addition by the consuls of 17 B.C. concerns immunity from taxation and a garrison, lists places granted exceptions, and specifies four means by which exceptions were added: “by law, by plebiscite, by decree of the Senate, or thanks to the *tribunicia potestas* of Imp. Caesar Augustus.”<sup>24</sup> It is unclear what “thanks to” means, what processes are indicated. Did the *tribunicia potestas* allow the emperor to propose *leges*? Did it sanction his judicial competence? Did it sanction his extending *auxilium* to peregrines as well as citizens? *Prima facie*, this reference looks like imperial fiat.

In fact, the only explicit references to actual exercises of the *tribunicia potestas* concern the Julio-Claudian Senate—convening it or intervening in its debate.<sup>25</sup> There are examples for Augustus, Tiberius, and Nero. They are recognizable because the technical term *intercedere* is employed.<sup>26</sup>

23. *Res gestae* 6.2 (the Latin text of the *Res gestae* is defective at this point): ἃ δὲ τότε δι' ἐμοῦ ἢ σύνκλητος οὐκονομεῖσθαι ἐβούλετο, τῆς δημαρχικῆς ἐξουσίας ὧν ἐτέλεσα. Cf. W. K. Lacey, “*Summi Fastigii Vocabulum: The Story of a Title*,” *JRS* 69 (1979): 28–34, at 29: “In *Res gestae* Augustus claimed that the laws he then passed [in 18 B.C.] by his *trib. pot.* were in response to public demand . . . Here perhaps is a glimpse of the people's protector.”

24. H. Engelmann and D. Knibbe, *EA* 14 (1989) (*SEG* 39.1180; *AE* 1989, 681) §39: τούτων τῶν διοικήσεων πόλεις, ἔθνη, δῆμοι νόμοι ἢ δῆμου κυρώσει ἢ συγκλήτου δόγματι ἢ χάριν Αὐτοκράτορος Καίσαρος Σεβαστοῦ δημαρχ[ικῆς ἐξουσι]ας.

25. At Suetonius *Tib.* 11.3, it is best to take the reference to Tiberius's exercising the *tribunicia potestas* on Rhodes as an error in which the reference should be to *imperium*. In the last sentence of this passage, “sensim itaque regressus domum repente cum apparitoribus prodiit citatumque pro tribunali voce praeconis convictatorem rapi iussit in carcerem,” the *tribunicia potestas* would not allow its holder to give justice from a tribunal or to convict a peregrine; *imperium* would. For the interpretation see Levick, *Tiberius*, 237–38 n. 24.

26. *TLL*, s.v. *intercedo*.

- A.D. 6: “some senators expressed the opinion that Tiberius should be named Pannonicus, others, Invictus, and still others, Pius, but Augustus interposed his veto regarding the cognomen.”<sup>27</sup>
- A.D. 14: Mamercus Scaurus remarked that Tiberius had not used the tribunician veto against the motion of the consuls.<sup>28</sup>
- A.D. 22: Tiberius refused to allow L. Ennius to be tried before the Senate.<sup>29</sup>
- A.D. 24: Tiberius intervened against opinions that Vibius Serenus be executed.<sup>30</sup>
- A.D. 58: when, after the trial of P. Suillius Rufus, accusers rounded on his son Nerullinus, Tiberius blocked them.<sup>31</sup>
- A.D. 65: Nero intervened to prevent the bodies of L. Antistius Vetus and his family being cast from the city.<sup>32</sup>

Famously, Tiberius also used the *tribunicia potestas* to summon the Senate after Augustus’s death.

- A.D. 14: “he published the edict by which he called the senators to the Curia under the heading of the *tribunicia potestas*, which he had received under Augustus”; “by right of the *tribunicia potestas*, he convened the Senate.”<sup>33</sup>

Several points should be made. The veto seems to have been used in the course of debates, not after decrees had been passed.<sup>34</sup> The emperor did not control Senate proceedings only through the *tribunicia potestas*. He could, for example, accept or refuse honors for himself and others without referring to the *tribunicia potestas*. He could exert informal influence and control proceedings under tacit threat of a veto, as perhaps actually occurred in some of the cases just listed. So the proceedings against Piso bear the mark of an intervention from Tiberius on behalf of Piso’s son, but there is nothing to suggest that

27. Suetonius *Tib.* 17.2: “sed de cognomine intercessit Augustus.”

28. Tacitus *Ann.* 1.13.4: “quod relationi consulum iure tribuniciae potestatis non intercessisset.”

29. Tacitus *Ann.* 2.70.2–4: “vetuit . . . perstititque intercedere.”

30. Tacitus *Ann.* 4.30.1: “dictis dein sententiis . . . intercessit.”

31. Tacitus *Ann.* 13.43.5: “intercessit princeps.”

32. Tacitus *Ann.* 16.11.6: “intercessit.”

33. Tacitus *Ann.* 1.7: “ne edictum quidem, quo patres in curiam vocabat, nisi tribuniciae potestatis praescriptione posuit sub Augusto acceptae”; “iure autem tribuniciae potestatis coacto senatu.”

34. See F. Jacques and J. Scheid, *Rome et l’intégration de l’empire (44 av. J.-C.–260 ap. J.-C.)*, vol. 1, *Les structures de l’empire romain* (Paris: Presses universitaires de France, 1990), 34; C. Nicolet, “La *Tabula Siarenis*, la *lex de imperio Vespasiani*, et le *ius relationis* de l’empereur au sénat,” *MEFRA* 100 (1986): 827–66, at 852.

he had to resort to the *tribunicia potestas*.<sup>35</sup> It was a potential power, used infrequently. But it had been in senators' minds that Tiberius might have employed it since the beginning of his reign. There is nothing obviously popular in any of these gestures.

In addition to its practical application in the Senate, the *tribunicia potestas* served various symbolic purposes. Part of the function of the *tribunicia potestas* was to distinguish the emperor and designate his partner, equal, and heir. The *tribunicia potestas* was a title the emperor and his heir designate alone possessed. The various transactions are faithfully recorded by Velleius, who recognized the colleague in the *tribunicia potestas* as the emperor's partner and equal: "soon friendship raised him to a share in the *tribunicia potestas*" (Agrippa, 18 B.C.); "as partner in the *tribunicia potestas*, Tiberius was made Augustus's equal" (6 B.C.); "he laid down that Tiberius be partner in the *tribunicia potestas*" (A.D. 4).<sup>36</sup> Velleius never mentions the Senate's role.

The *tribunicia potestas* was a component of the emperor's public image. As W. K. Lacey has shown, during Augustus's reign, it provided a virtual regnal dating system in the Greek East, and it was so used in Italian municipal *fasti* long before the Senate discussed the idea in A.D. 22.<sup>37</sup>

For the symbolic meaning of the *tribunicia potestas* under the second emperor, it is worth looking at the three Tiberian inscriptions that carry the emperor's name and the qualification *tribunicia potestas* alone, with no further title or qualification. The first comes from the very beginning of his reign. It is a milestone from North Africa engraved after Augustus's death on 19 August A.D. 14 but before the news had come of his deification on 17 September.

Imperator Caesar, son of Augustus, Augustus, holding the tribunician power for the sixteenth time. Asprenas, consul, proconsul, *septemvir epolunum*, oversaw the laying of this road from the winter quarters of Tacape. Legion III Augusta, milestone 101. . . .<sup>38</sup>

This document is an important reflection of the expectations that had been formed through the years of Augustus's reign—of how a high-ranking person, a consular governor, thought he should behave in an unprecedented

35. See *s.c. de Pisone* lines 100–101: "humanitati et moderationi principis sui adsensus"; cf. line 8.

36. Velleius 2.90.1; 2.99.1: "tribuniciae potestatis consortione aequatus Augusto"; 2.103.3: "ut et tribuniciae potestatis consortionem Neroni constitueret."

37. Lacey, "Summi fastigii vocabulum"; Lacey, *Augustus and the Principate: The Evolution of the System* (Liverpool: F. Cairns, 1996).

38. *ILS* 151: "Imp. Caes. Augusti f. Augustus tri(bunicia) pot(estate) XVI. Asprenas co(n)s(ul), pr(o)co(n)s(ule), VIIvir epul[o]num, viam ex cast(ris) hibernis Tacapes muniendum curavit. leg(io) III Aug(usta) CI . . ."

situation. While the armies revolted in Europe, life went on in North Africa, where the Roman army laid roads and set up milestones. And though, in Rome, Tiberius was soon to profess to have doubts about his own role, in North Africa, his name signified continuity and the maintenance of the status quo. His succession was presumed. The mistakes made in Tiberius's nomenclature—he is reported to have initially refused both *Imperator* and *Augustus*, though in time he seems to have resigned himself to the second—are therefore significant mistakes. They reflect the lingering ambiguities of Augustus's *tria nomina*: Was it a name or a title? What kind of title was it? What was the man who succeeded to Augustus's position to be called? At just this time, some more circumspect Cypriots decided not to include the word *Autokrator* (*Imperator*) in their inscribed oath to Tiberius, but they left two blank spaces for it in case the emperor took the name.<sup>39</sup> They had further doubts. In one place, they left the space before Tiberius's name; in the other, after it: again, was *Autokrator* a name or a title? Confusion is still apparent today, in editors' hesitation over whether or not to capitalize *Imperator* and *Autokrator*. In contrast, the North African document is marked by confidence, the same confidence that a centurion in Italy had when he dedicated a shrine to Gaius and Lucius Caesar, who he thought would one day assume the "Augusti nomen" (*ILS* 137). In North Africa, the power on which confidence rested was the *tribunicia potestas*.

The second inscription to carry Tiberius's name and *tribunicia potestas* alone is the *s.c. de Pisone*, in Tiberius's own autograph subscription (lines 174–76).

I, Tiberius Caesar Augustus, holding the tribunician power for the twenty-second time, wrote this with my own hand: I would wish that the decree of the Senate that was passed on the fourth day before the ides of December in the consulship of Cotta and Messalla, on the basis of my motion, copied by the hand of Aulus, my quaestor, in fourteen tablets, should be placed in the public archives.

In the decree, the Senate used either his full titulature, his name and *princeps noster*, or *princeps noster* alone. But the *tribunicia potestas* was the authority Tiberius wished to represent himself as possessing in the Senate, perhaps to the Roman citizens in Rome, Italy, and abroad to whom the inscription was published.

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39. See T. B. Mitford, "A Cypriot Oath of Allegiance to Tiberius," *JRS* 50 (1960): 75–79 (EJ 105\*).

The third inscription comes from Rome and has not been published yet. It is dated, by the iterated *tribunicia potestas*, to the last year of Tiberius's reign.

From the foundation of the city [NN] years . . . Tiberius Caesar, son of Divus Augustus, grandson of Divus Julius, Augustus, holding the tribunician power for the thirty-eighth time, Drusus Caesar, son of Tiberius Caesar Augustus, grandson of Divus Augustus, great-grandson of Divus Julius, holding the tribunician power . . . Germanicus . . . Marcus Ofillius.<sup>40</sup>

The phrase “from the foundation of the city,” the large lettering, and the imperial names in the nominative suggest an important monument, probably an imperial dedication, of which the emperor himself is likely to have been aware. The implicit “message” of the text is dynastic. The third individual named may well be Caligula. The inscription looks back to Julius Caesar and Augustus and forward to Caligula. As in Augustus's *laudatio* for Agrippa, *tribunicia potestas* marks out the emperor and his partner in power. M. Ofillius may well be kin to C. Ofillius Proculus, an Ephesian benefactor who flourished under the first two Caesars, dedicating in A.D. 4–14, together with his wife and son, a bridge and basilica to Diana of Ephesus, Augustus, Tiberius, and the community of the Ephesians (*PIR*<sup>2</sup> O 89). Marcus may even have been his son; if so, the Ephesian father and son honoring the imperial father and son would provide a typical example of personal piggybacking on monarchy.

The foregoing is a revisionist interpretation of the *tribunicia potestas*. It argues that the *tribunicia potestas* was, in practice, a power for controlling Senate proceedings; so it was taken of necessity by Augustus, and so it was used, whatever its traditional political connotations.<sup>41</sup> It came to symbolize monarchy, providing a means of regnal dating and designating successors. In other words, it was an imperial power, not at all republican. But this interpretation cannot stand alone, since it is at odds with what tribunes are commonly thought of as doing. It must be set in two contexts. The first is what imperial tribunes were actually doing. The popular tribune entirely disappeared; the office became a lean year in a senator's career, more a title than a task (“sine honore nomen,” Pliny *Ep.* 1.23). The second context is a surprising imperial

40. A text of the inscription was kindly provided by Dr. A. Claridge: “[a]b urbe cond[ita] / [T]i(berius) Caesar, Divi Aug(usti) f(ilius) / [D]ivi Iulii n(epos): Augustus, / [trib]unic(ia) potest(ate) xxxviii, / Drusus [Caesar, Ti(berii)] Aug(usti) f(ilius): / Di[vi] Aug(usti) n(epos): Di[vi] Iulii / pr[on]epos: tr[ib]unicia potest(ate) / [---] / [Ger]m[an]ic[us] [---] (*vacat*) M(arc-) Ofi[llius].”

41. Of course, the historic popular associations of the *tribunicia potestas* cannot be denied. Appeal to the emperor's *tribunicia potestas* probably replaced the republican *provocatio*, an appeal to a citizens' assembly against a magistrate's actions, though no precise instance can be cited.

vision of what republican tribunes had done, which extolled the memory of a tribune who did not work in the behalf of the plebs at all. All this goes to show how different the political world of the Principate was from that of the Republic. Understanding this helps to explain the emperor's place in it.

Two tribunes from A.D. 66 are emblematic of the imperial office. At the close of the Senate trial of Thrasea Paetus, the tribune Iunius Rusticus Arulenus offered to interpose his veto against the decree, but Thrasea counseled him that the veto would not help the defendant and would be fatal to the vetoer (Tacitus *Ann.* 16.26.4–5). Meanwhile, Arulenus's colleague Iulius Agricola “passed his tribunate quietly in retirement, knowing that during Nero's reign, inaction stood for wisdom” (Tacitus *Agr.* 6.3). The experiences of Arulenus and Agricola show that the tribune had not formally lost his powers but that exercising those powers was out of place in the political culture of the Principate. Tribunes were chosen by Senate and emperor and effectively lost all connection with the plebs, whose interests they were supposed to represent. Stripped of their traditional responsibilities, they found some new fields of activity. The adversarial, popular tribune—the tribune in the mold of the Gracchi and Clodius—was extinct under the Principate. The tribunate changed as political life changed; there was no formal development. The tribune's powers remained, but he was selected by emperor and Senate, and he exercised his powers on behalf of emperor and Senate.

The tribunate became a stepping-stone in a senator's career, in particular the path that an *equus* took on his way into the Senate, a sort of low road into the chamber, compared with the high road of the quaestorship. Literary evidence establishes that under Augustus, *equites* ran for the tribunate and were adlected to the Senate afterward if they chose.

29–28 B.C.: during the revision of the Senate rolls, a Q. Statilius was removed from the tribunate to which he had been designated against his will (Dio 52.42.3).

16–13 B.C.: in a measure voted during Augustus's absence, “since no one was any longer ready to seek the tribunate, some of the former quaestors who were not yet forty years old were to be appointed to the office by lot” (Dio 54.26.1).

12 B.C.: “since there were very few candidates for the tribunate, because it had lost its importance, Augustus ordained that each of the magistrates should nominate one of the *equites* who possessed not less than one million sesterces and that from these, the plebs should choose men to fill the vacant places; after their year of office, those who wished would become senators, but those who did not would be able to resume equestrian rank” (Dio 54.30.2); “and since the *comitia*

*tribunicia* lacked senatorial candidates, Augustus made them from *equites Romani*, so that, once they had completed the *potestas*, they could remain in whichever *ordo* they wished” (Suetonius *Aug.* 40.1).

A.D. 12: “he [Augustus] now allowed knights to become candidates for the tribunate” (Dio 56.27.1).

Five Julio-Claudian men are known to have followed the scheme.<sup>42</sup> By the successive ad hoc measures, men were put in office by imperial recommendation or approval, senatorial selection, and popular ratification, and the link between the tribunes and the plebs were severed. Several points can be made.<sup>43</sup> First, the whole development was predicated on the office having already become meaningless. Second, the development was complex, a matter of choice rather than compulsion, in which different schemes were tried before the reform of A.D. 14, when elections were transferred from the tribes to the Senate, which appears as a culmination. Third, the significance of the development is that it broke the link between the tribune and the plebs. Fourth, the development was visible to contemporaries, who now saw the tribunate as an imperial, rather than a popular, benefaction and as little more than an entry-level post. Velleius, who systemically treated priesthoods and magistracies as imperial gifts (2.124.3–4, 2.127.1, 2.130.3), also recognized the tribunate as a stepping-stone in a senator’s career. Velleius said that as quaestor designate (A.D. 6), he ranked on a par with tribunes designate: “Having completed my equestrian rank military service, I was designated quaestor—though not yet as a senator, I was on a par with senators and even with those designated tribunes of the plebs.”<sup>44</sup>

Tribunes’ powers remained. It became a personal choice whether to exercise them, and most tribunes chose to keep their heads down. When tribunes did act, they did so less for the plebs or the *populus* than for the Senate and emperor. The last known piece of tribunician legislation was a *lex Pacuvia* (8 B.C.) ratifying the Senate’s decision to rename the eighth month of the year “Augustus” (Macrobius 1.12.35). In the Senate, tribunes occasionally exercised their veto. In A.D. 16, Tiberius sought to enforce an existing ban on astrologers, exiling citizens from Rome. Piso moved to acquit the citizens but was blocked by a tribune’s veto, in what Dio called “an especially good illustration

42. See S. Demougin, “*Uterque ordo*: Les rapports entre l’ordre senatorial et l’ordre équestre sous les Julio-Claudiens,” *Tituli* 4 (1982): 73–104, at 94.

43. For clear descriptions of imperial elections see B. M. Levick, “Imperial Control of Elections under the Early Principate,” *Historia* 16 (1967): 207–30; F. Millar, *The Emperor in the Roman World*, 2d ed. (London: Duckworth, 1992), 290–313.

44. Velleius 2.111.3: “*finita equestri militia designatus quaestor necdum senator aequatus senatoribus, etiam designatis tribunis plebei.*”

of the democratic type of government” (Tacitus *Ann.* 2.32.5; Suetonius *Tib.* 36; Dio 56.15.7–9). In A.D. 32, a tribune introduced a successful motion to include a book in the Sibylline corpus. Tiberius objected, and the issue was turned over to the *quindecimviri* (Tacitus *Ann.* 6.12). This is the closest recorded event to overturning a tribune’s act. Contrary to what is often said, there is no direct evidence that the emperor’s *tribunicia potestas* constitutionally outweighed that of tribunes, though if a clash came, there was no doubt who would win: for the most part, tribunes did not dare. Another tribunician power was convening the Senate. In A.D. 42, tribunes summoned the Senate, but only so that the Senate could replace one of their number, and that was unfavorably noticed (Dio 60.16.8). Under Caligula and Vespasian, tribunes refused to summon the Senate and blocked discussion in the emperor’s absence (Dio 59.24.1–2; Tacitus *Hist.* 4.9).

As for representing the plebs, a sole case is known. In 2 B.C., the plebs dispatched tribunes as ambassadors to demand promised cash and grain, and Augustus addressed the assembly (Dio 55.9.10, 55.10.1; Suetonius *Aug.* 42.1–2). Afterward, tribunes are only known to have been ambassadors of the Senate, to Seianus in A.D. 29 and to Claudius in A.D. 41 (Dio 58.2.8; Josephus *AJ* 19.229ff.).

So tribunes, cut off from the plebs, disappeared into the Senate, which chose them, in which they upheld the emperor’s will, and as whose ambassadors they served. Their traditional adversarial role gone, tribunes sought or were given new roles more in keeping with the Principate. From 7 B.C., tribunes, aediles, and praetors were assigned by lot to have control of the fourteen regions of Rome (Dio 55.8.7). Related to this may be an imperial sepulchral inscription recording that the tribunes had given their permission for some corpses to be moved (*ILS* 8389). In this capacity, from the Flavians onward, individual tribunes permitted *magistri vicorum* to restore Compital shrines (*ILS* 3617–18, 3620). But the tribunate, not being a proper magistracy, was a poor office in the world of the Principate. Tribunes had no insignia and no distinctive part in public life, not even in the pageants of consensus that constituted imperial funerals. So after Augustus’s funeral and the transfer of elections, tribunes looked for a new role, petitioning the Senate for permission to hold Augustalia. Approving, the Senate voted funds from the *aerarium* and gave tribunes the right to wear triumphal robes in the Circus during the festival, while strictly prohibiting them from riding in chariots, as both Tacitus and Dio note (Tacitus *Ann.* 1.15; Dio 56.46.4–5). Once established, though, the festival was soon transferred to the control of praetors. It seems symbolic of the changes of the tribunate—both the tribunate becoming a senatorial office and the tribunes playing a minor role in public life—that the last time imperial tribunes are actually recorded doing anything is in the A.D. 177 decree

on gladiator prices, which instructs gladiators to announce if they intend to fight to a tribune of the plebs, who is called a *c(larissimus) v(ir)*—or “senator” (*ILS* 5613; *Hesperia* 24 (1955): 320–49, line 62). It is noticeable that tribunes of the plebs play no part in narrative history from the Flavians onward.

One reason why the emperor was not expected to pursue a popular line as holder of the *tribunicia potestas* is that no one, neither emperor nor tribunes, did. The *tribunicia potestas* and the tribunate belong in a chapter on the Senate rather than a chapter on the plebs. Another reason was that the tribunician tradition was seen differently under Tiberius.

The memory survived of a tribune who was seen not as a *popularis* but as champion of the Senate: M. Livius Drusus, tribune in 91 B.C. Drusus’s father, M. Livius Drusus, tribune in 123–22 B.C., had successfully outflanked C. Gracchus by making extravagant and empty promises to the plebs in an effort to undermine his support. Drusus himself proposed grain laws, land laws, and laws to restore the jury panels to the Senate, but at the price of admitting three hundred knights into the Senate. He promised to extend citizenship to the Italian allies. His legislation was blocked on various grounds, he was implicated in a plot to kill the consuls, and he was fatally stabbed while still in office.

What matters, of course, is how Drusus and his diverse activities were represented, particularly in Tiberius’s own time.<sup>45</sup> Drusus was the emperor’s great-grandfather. Drusus’s adoption of a Claudius Pulcher made Tiberius Claudian on both sides and connected him to what was seen as the more distinguished of the Claudian lines. The emperor was reportedly proud of his ancestry, and Suetonius named both Livii Drusi, father and son, in his capsule family history (*Tib.* 3). In the twenties B.C., Tiberius gave separate gladiatorial games in memory of two of his forebears, his father and grandfather, paying fighters to come out of retirement (Suetonius *Tib.* 7.1). A Roman *elogium* for Livius Drusus seen and copied in the Renaissance but now missing honored Drusus as a martyr.

M. Livius, son of Marcus, grandson of Gaius, Drusus, pontifex, tribune of the soldiers, decemvir for judging disputes, tribune of the plebs, decemvir for giving and allotting lands by his own statute, and in the same year quinquevir for giving and allotting lands by the Saufeian statute, was killed in office.<sup>46</sup>

45. For a sensible evaluation of Drusus’s tribunate see P. A. Brunt, *Social Conflicts in the Roman Republic* (London: Chatto and Windus, 1971): 100–102.

46. *Inscr. Ital.* 13<sup>3</sup>, p. 74: “M. Livius M. f. C. n. Drusus, pontifex, tr(ibunus) mil(itum), Xvir stlit(ibus) iudic(andis), tr(ibunus) p(lebis), Xvir a(gris) d(andis) a(dsignandis) lege sua et eodem anno, Vvir a(gris) d(andis) a(dsignandis) lege Saufe[i]a, in magistratu occisus est.”

The monument was almost certainly imperial and was perhaps the only imperial monument for a republican tribune of the plebs.

Only an explicit invocation could prove that Livius Drusus was a conscious model for Tiberius's or another emperor's exercise of the *tribunicia potestas*. This is lacking, but there is the next best thing. Velleius Paterculus's extended portrait of Drusus (2.13–14), conspicuous by its length alone, is uniformly panegyric.

Then, after a few years, M. Livius Drusus entered the tribunate, a man most noble, most eloquent, most blessed, whose talent and spirit were in all respects greater than his fortune. He sought to restore to the Senate its ancient dignity and to transfer jurisdiction from the knights to the Senate—the power the Gracchan laws had given to the knights, who had used them to destroy many outstanding and innocent men . . . But on the very matters in which he worked in favor of the Senate, he had the Senate as his adversary, because it did not understand that if he made some proposals favorable to the plebs, it was for the sake of enticing and seducing the mob to accept small gains and allow large losses . . . Struck down in the atrium of his house, Drusus's dying words were, "And when, family and friends, will the *res publica* see another citizen like me?"

The Senate's lack of appreciation for its champion mirrors the drama played out in the first hexad of Tacitus's *Annals*. It is clear and significant that this approved figure was regarded here and elsewhere as the Senate's champion, despite being tribune of the plebs: distinguished by his and his father's opposition to the Gracchan reforms, he represented an alternative tradition. One should never hope to demonstrate that Tiberius actually identified himself with Livius Drusus: the argument is that Tiberius's exercise of the *tribunicia potestas* might have been made intelligible to himself or to a contemporary by reference to Drusus and that it might therefore become intelligible today in the same manner.

The *tribunicia potestas* was part of how the imperial dynasty carried itself with respect to the Senate; honorific decrees were part of how the Senate carried itself with respect to the dynasty. The *tribunicia potestas* and honors mediated the relationship between the two, giving their contacts characteristic forms. Both were essentially imperial innovations and are therefore vital for the themes of this study, as parts of the new political culture that came with the Principate. Honorific decrees represent a significant deformation of political culture in that they were a new institution and advertised slavish loyalty.

Honors also represented part of how the Senate extended its competence while diminishing the competence of the legislative comitia.

There is a second link between the *tribunicia potestas* and honorific decrees. Both defined the imperial image not only between emperor and Senate but among constituencies everywhere. As the most used item of imperial titulature, the *tribunicia potestas* had different meanings for different audiences. To the Senate, it signified imperial mastery. To the plebs, it seems to have meant surprisingly little. To all constituencies, however, even those for whom it had no functional meaning, it reflected the years of an emperor's reign and indicated whom he had designated as his successor. Honorific decrees embodied a more complex contribution to the imperial image. First, in the tradition of ancient encomium—represented, for example, by Cicero's *Pro Marcello* or Pliny's *Panegyric*—praise had a persuasive or hortatory side. The canon emphasized imperial virtues of wisdom and passivity rather than, say, infallibility and omnipotence. The second aspect of the decrees' complexity is rarely recognized: the decrees are polyvocal. One hears in them not only the Senate's voice but also those of other constituencies, such as the plebs and the *equester ordo*. The Senate records the honors rendered by other constituencies and plays them back to them. This pattern amounts to a second way in which the Senate, in negotiating its relation with the imperial house, altered Roman political culture. Honorific decrees can thus be seen to embody an essentially new political structure, a network of public acts and communications, a politics of consensus that replaced the model centered on the *res publica*. It is not possible to render more than a sketch of this new network. By its very nature, it was informal and changeable, though it crystallized quickly. But it is possible, given the evidence, to take a second perspective on it. The following pages look at it from the point of view of the Senate. Chapter 4, on Pisae and other citizen communities, presents the perspective of groups contributing to the consensus. That one can and must take two perspectives is significant in itself, for the new scheme made initiative multiple and displaced initiative from Rome—the pattern dictating the plan of this study.

A close look at the funeral honors for Germanicus and the younger Drusus reveals a neglected element of their logic: the greater part is taken up with cataloging honors already rendered; in its own honors, the Senate is concerned to rest on precedent or to follow the emperor. This is the logic of loyalism, always looking at what the other fellow is doing and following suit, and especially trying to divine the emperor's intentions (doubly tricky when the emperor was Tiberius and the honorand was Germanicus, and of course allowing the Senate some room to try to shape the emperor's intentions). More importantly, it places the Senate in an intermediary role, as a clearing-house of honors, producing an official version of Germanicus's memorial.

The Senate was passive before the imperial house and also before the *ordines* of imperial society. Much of the funeral honors is simply a catalog of honors already performed by others.<sup>47</sup> These honors are set out on the bronzes in separate paragraphs, most visible in the proceedings against Piso.<sup>48</sup> It would not be misleading to translate the words *studium* and *industria*, often repeated in these passages, as “initiative.” The Senate goes out of its way to recognize initiative on the part of different constituencies of the Roman world. This is part of the function of the decrees. On the basis of concrete acts already performed and recorded, the senate could cite universal consensus, publishing its decree “in order that the devotion of all orders to the *domus Augusta* and the collective agreement of all citizens in honoring the memory of Germanicus Caesar be the more easily apparent” (*T.Siar.* fr. ii, col. b, lines 22–23). This is as concrete as the publicity clause at the close of the proceedings against Piso: “in order that the whole sequence of proceedings shall be the more easily transmitted to the memory of future generations” (*s.c. de Pisone* lines 165–66).<sup>49</sup>

In offerings its own honors, the Senate was careful to follow precedent. This is most obviously true in the proposal to add voting centuries in the names of Germanicus and the younger Drusus as had been done earlier for Gaius and Lucius. But the tendency to follow precedent runs deeper. The Senate placed its monuments, for example, beside monuments already standing. The first *ianus* for Germanicus would go up in the Circus Flaminius at that place in which C. Norbanus Flaccus had already erected statues to Divus Augustus and the *domus Augusta* (*T.Siar.* fr. ii, col. a, lines 9–11). The third *ianus* would go up where the army had, with Augustus’s permission, erected a tumulus for the elder Drusus (lines 26–28). A *cippus aeneus* bearing the Senate’s decree would be posted where earlier honorific decrees for Gaius and Lucius already stood, on pillars before the Mausoleum (fr. ii, col. b, lines 5–7). Statues of Germanicus in triumphal garb would go up “in the public areas in which Divus Augustus . . . set up” memorials to the elder Drusus (lines 8–10). Tondos depicting Germanicus, the elder Drusus, “who was also abounding in talent,” and Tiberius would be placed over the capitals of the columns supporting the roof over the

47. See *T.Siar.* fr. ii, col. b, for “studijum probare” of the *plebs urbana* (line 5), a text read by Tiberius (line 11), and a *libellus* read in Senate by the younger Drusus (line 17). See *RS* 38, fr. b, for honors performed by the *equester ordo* (lines 5–12) and the plebs (lines 15ff.)

48. *S.c. de Pisone* lines 123ff. (*domus*), 151ff. (*equester ordo*), 155ff. (*plebs*), 159ff. (loyal soldiers).

49. For this reason, it is preferable to see, at *T.Siar.* fr. ii, col. b, lines 6–11, an act of the plebs preceding an act of the Senate (see C. Nicolet, *MEFRA* 100 [1988]: 867–89), rather than an act of the Senate preceding an act of the plebs (see W. D. Lebek, “Schwierige Stellen der Tabula Siarensis.” *ZPE* 66 [1986]: 31–48, at 37–38).

image of Apollo (*T.Heb.* lines 2–4).<sup>50</sup> The Senate was concerned to follow someone else's lead not only in the placement of monuments but in the content of monumental texts: the Senate decreed that a text that Tiberius had read “should be inscribed in bronze and be put up in a public place”; it decreed the same for a text that the younger Drusus had read (*T.Siar.* fr. ii, col. b, lines 10–13, 18–19).

When a precedent was lacking, the Senate was careful to seek the emperor's advice and approval. The *libellus* of Drusus would be inscribed “eoque loco figeretur quo patri eius ipsique placuisset” (fr. ii, col. b, lines 18–19). An equestrian statue of the younger Drusus and another memorial would be placed where Tiberius wished (*RS* 38, fr. b–c, col. i, lines 8–9). The same is true of the single *ianus* for which there was no preexisting monument to sidle up to. The second *ianus* for Germanicus was to go up on the ridge of Mt. Amanus “or in another more apt place” (*T.Siar.* fr. ii, col. a, line 23). The senate strenuously avoided taking any initiative without seeking imperial approval. As if to double-check, the Senate also submitted the whole of its honors to the imperial family, for the family to “choose the ones they judged sufficiently appropriate to be adopted” (lines 4–8).<sup>51</sup>

The implications of this passivity are profound. Not only did the Senate serve as a clearinghouse, invoking concrete precedent, but its instructions for the whole to be passed into law—writing legislation in the Senate—are not as bold as they would otherwise seem.

The resulting document can be compared with Velleius's *Historia Romana*. The official version and the private version were parallel and mutually influential. The early Principate was characterized by its production of great-men history both in private literary texts, such as the histories of Livy and Velleius, and in public monuments and inscriptions, such as the *Fasti Capitolini* and the Forum Augustum, with its niches for Rome's *summi viri*.<sup>52</sup> The internal logic of private and official was identical; only the presentation differed. This was not the only way Romans could conceive of their national story. In his *Origines*, Cato presented Roman history as the deeds of the *populus Romanus*; he left out general's names and only their official titles as servants of the sovereign people. The countervailing trend grew out of the late republican fad for legendary genealogies, such as those supplied by Varro and

50. See M. Corbier, “De la maison d'Hortensius à la curia sur le Palatin,” *MEFRA* 104 (1989): 871–96.

51. Cf. Tacitus *Ann.* 5.2.1 (A.D. 29), on Tiberius modifying the senatorial decree of funeral honors for Livia “per litteras.”

52. See T. J. Luce, “Livy, Augustus, and the Forum Augustum,” in *Between Republic and Empire: Interpretations of Augustus and His Principate*, ed. K. Raaflaub and M. Toher (Berkeley: University of California Press, 1990), 123–38.

Atticus.<sup>53</sup> The Augustan development was that the family history of the Julii and the *domus Augusta* became a national history. Details differed in the various versions. There was no single canon, but there evolved a shared perspective and broad consensus.<sup>54</sup>

So the funeral honors managed to weave monuments, speeches, and demonstrations together into a negative of Catonian history, in which Roman military achievements became Germanicus's personal *res gestae*. The result was a document of imperial propaganda in which the prince Germanicus appeared as a hero, the general as beneficiary to the people rather than the other way round.<sup>55</sup> It is worth quoting in extenso the *res gestae* that were to appear on the commemorative arches (*T.Siar.* fr. ii, col. a, 9–18).

. . . to the memory of Germanicus Caesar, since he, having defeated the Germans in war, having repulsed from Gaul . . . having recovered the military standards, having avenged a treacherous defeat of an army of the Roman people, having put the status of the Gauls in order, as proconsul sent to the overseas provinces to organize them and the kingdoms of the region in accordance with the instructions of Tiberius Caesar Augustus . . . king of Armenia, sparing himself no effort until by decree of the senate . . . was granted to him, he died serving the *res publica*.

Velleius produced similar propaganda. In his important digression on overseas conquest from Sicily in the First Punic War to Cappadocia in A.D. 17. Velleius presented Rome's military achievements as the deeds of its generals, "under whose leadership [*cuiusque ductu*] peoples and nations were reduced to the status of province and became tributaries of Rome" (2.38.3–39). Velleius's version differed from the funeral honors: he neglected Germanicus's part in provincializing Cappadocia (2.39.3). But like the Senate, Velleius explicitly took his cue from monuments he saw in Rome, a fact that has not been sufficiently appreciated. The monuments of the Forum Augustum, for example, appear to have been Velleius's principal source for the Augustan conquests. Divus Augustus reduced Spain "and other peoples whose inscriptions decorate his Forum," Velleius writes (2.39.2). Velleius also acknowledged the

53. See T. P. Wiseman, "Legendary Genealogies in Late-Republican Rome" (1974), reprinted in *Roman Studies: Literary and Historical* (Liverpool: F. Cairns, 1987), 207–18.

54. See A. J. Woodman, *Velleius Paterculus: The Tiberian Narrative* (Cambridge: Cambridge University Press, 1977), 28–56; the remarks of A. Dihle in his uniformly excellent *Greek and Latin Literature of the Roman Empire*, English ed. (London: Routledge, 1994), 136–38.

55. Cf. F. Millar, "Imperial Ideology in the *Tabula Siarensis*," in *Estudios sobre la T. S.*, ed. J. González and J. Arces (1988): 11–19.

divine ancestry of the Julii that was advertised there (2.41.4). He retailed a sanitized version of C. Caesar's actions after the ides of March with a visual aid: "The Senate honored him with an equestrian statue placed on the Rostra, which still to this day indicates his age in its inscription" (2.61.3). Velleius notes that the grandfather of the dedicatee of his history was decreed triumphal ornamenta with a "speciosissima inscriptio" (2.104.2). In this way, Velleius's *Historia* and honors decreed by the Senate reinforced each other.

But by publishing (inscribing, distributing) the decree of funeral honors in advance of its passage into law, the Senate usurped a legislative function. In the municipal *fasti* and related documents, there is concrete evidence for the Senate's decrees being received and acted on in Italy.

The paradox is that through servility, the Senate extended its visibility and authority. It took steps toward usurping a legislative function. The last scholar to treat the subject of *senatus consulta* coming to be cited as sources of law, R. J. A. Talbert, excluded honorific decrees from his consideration.<sup>56</sup> In doing so, he may have looked in the wrong direction. Senatorial legislation is a misleading formulation. The Senate produced decrees that could be cited as sources of law, that "had the force of a statute," as the second-century jurist Gaius put it ("*senatusconsultum . . . legis vicem optinet*," *Inst.* 1.4). The Senate could then be referred to as a law-making body, as it is by the jurists often and as early as 17 B.C., in the customs law from Ephesus discussed earlier in this chapter. It is also something of a false problem, since the Senate could act authoritatively as long as it was expressing the emperor's will, which it always did.

Still, there is a question of how exactly this came about. The funeral honors for Germanicus are of undoubted interest for our discussion of the problem, since they were drafted and decreed by the Senate, then passed as a *lex* by the comitia of the *populus Romanus*. Half the text contains the text in decree form (*T.Siar.*), half in statute form (*T.Heb.*), while the decree half contains provisions for passage as a statute (*T.Siar.* fr. ii, col. b, lines 27–31). The practice of drafting statutes as decrees can be backdated at least to the funeral honors of Gaius, in A.D. 4, from which both a decree and a statute are known. Though relevant, the practice does not directly illuminate the question of how decrees themselves gained authority. Passing funeral honors as law was not in itself presumptuous, since the honors were largely a register of honors already performed. But the Senate did more than initiate ratification into law. The honors for Germanicus contain precious information about this, as does not seem to have been recognized before. The funeral honors provide for the publication of the honorific decree qua decree. Four paths of

56. Talbert, *Senate*, chap. 15.

publication are described. Before the vote, the Senate also engraved its decree, as a decree, in Rome, and distributed copies of its decree, as a decree, to citizen embassies. The decree was to be inscribed twice in the city of Rome, once on a bronze tablet placed near the tumulus, or Mausoleum, of Augustus (*T.Siar.* fr. ii, col. b, lines 5–6), and once in the portico by the Temple of Apollo where the Senate met (lines 19–21). The Senate also asked the consuls to publish the decree beneath their own edict outside the city. The consuls were to “order the magistrates and *legati* of the *municipia* and *coloniae* to send a written copy to the *municipia* and *coloniae* of Italy and to the *coloniae* in the provinces” (lines 23–26). Lastly, the Senate said that those who are in charge of the provinces will be acting rightly and properly if they take care to see that the present decree of the Senate is posted in as frequented a place as possible (lines 26–27).

The engraving of senatorial decrees was also seen in connection with the younger Drusus’s *tribunicia potestas* (discussed earlier in this chapter). In this way, the Senate publicized contents of legislation before the assemblies had the chance to approve them. Publicity of such decrees may have been unobjectionable—who would object to imperial honors?—but it was not neutral. Publicity was a way of entrenching *senatus consulta*. Publicity made eventual passage into law a secondary, irrelevant formality.

There is some evidence to suggest the efficacy of such publicity. By the time of the death of the younger Drusus, embassies from around the empire could be expected to show up to offer condolences. There is evidence of one Italian local council reacting to the Senate’s measures by augmenting its honors (*ILS* 139; see chap. 4). There is also evidence for the general reception of the content of decrees in Italian towns. This evidence is the municipal *fasti*, which contain records of some twenty-nine different senatorial decrees between 45 B.C. and A.D. 22 (*Inscr. Ital.* 13<sup>3</sup>, pp. 559–60). An entry in the *fasti* of Amiternum, for example, is essentially a summary of a decree regarding Libo Drusus that must have closely resembled the proceedings against Piso.

Holiday by senatorial decree, because on this day, the wicked schemes concerning the well-being of Tiberius, his children, and other leading men of the state and concerning the *res publica* that were put in motion by M. Libo were defeated in the Senate.<sup>57</sup>

57. *Inscr. Ital.* 13<sup>3</sup>, p. 193: “fer(iae) ex s(enatus)c(onsulto): q(uod) e(o) d(ie) / nefaria con/silia, quae de / salute Ti. Caes(aris) liberorumq(ue) eius et / aliorum principum civi/tatis deq(ue) r(e) p(ublica) / inita ab / M. Libone erant / in senatu convicta / sunt.” Cf. Tacitus *Ann.* 2.32: “utque iduum Septembrium dies, quo se Libo interfecerat, dies festus, L. Piso et Gallius Asinius et Papius Mutilus et L. Apronius decrevere” [that 13 September, when Libo killed himself, should be a holiday].”

This entry contains two certain and two likely traces of a senatorial decree. Libo was tried and convicted in the Senate. The day was made a holiday by decree of the Senate. Libo had harbored *nefaria consilia*, an expression that would reappear in the senatorial decree containing Piso (*s.c. de Pisone* line 13). He had threatened the imperial family, the *res publica*, and “other leading citizens”—the last looks like a quaint reference by senators to themselves. This is not the whole story of the development of senatorial legislation, but it is a big part of it.

The Senate took a prime role in transmitting the imperial ideology, especially imperial family transitions. In doing so, it attained new visibility in Italy. The growth in the Senate’s competence and visibility is inseparable from the Principate. The imperial *tribunicia potestas* provided an example for loyal tribunes to follow. Decrees gained normative force because no one doubted that the Senate was loyally expressing the emperor’s will. In fact, the period when decrees were cited as sources of law was brief and marks only an early phase in the emperor’s word becoming law; eventually jurists would cite only the imperial *oratio* that prompted the decree.

The methods and aims of this chapter will reappear throughout this study. This chapter has tried to step back from personalities and politics and to use contemporary documents and literary sources to reconstruct a dynamic picture of Julio-Claudian public life and political culture, a map of the complex patterns of communication and initiative behind public responses to the imperial succession. All society contributed to the imperial image, and loyalism redounded to the glory of the loyalist. This chapter has shown how Rome functioned as a hub where ceremonies were performed and where others came to register what was being done. Chapter 2 turns to the other component of Roman aristocracy, the *equester ordo*, which, unlike the Senate, was distinguished precisely by its lack of a corporate assembly.