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Empire on Trial:

The Rise and Fall of Republican Resistance in Early Augustan Rome

by

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Honors Thesis

Submitted to:

History Department

University of Richmond

Richmond, VA

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### Abstract:

The ancient historian Cassius Dio recounts that in the year 23 BC, an unprecedented trial occurred within the ancient Roman State. On the defendant's stand was Marcus Primus, facing the charge of treason against Rome. Primus, during a previous tenure as governor of Macedonia, waged a war on Odrussian Thrace without the order of the Senate. Primus's defense counsel, Licinius Varro Murena, gives a shocking argument: Augustus Caesar, the leading political figure of Rome, had ordered the war, despite lacking the constitutional authority to do so. Proceedings transpired in such a way that Augustus himself would personally attend the trial. He even got into a verbal argument with Murena, despite him not even being called as a witness. A split jury rejected Murena's claims and Primus was convicted. Within a year Murena himself would be dead – executed without due process under the pretense that he was plotting against Augustus.

Over the last eight decades, every detail of this trial – from the date, to Murena's argument, to Augustus's interference, to the identities of Primus and Murena themselves – has been hotly debated by Augustan historians. What is often lost in these arguments of chronology and minute detail is the broader context of the 30 BC – 19 BC time period within the Roman state. The Roman Republic, which had existed for almost five centuries, would finally be extinguished and be replaced by the Principate – an autocratic system which would remain in place for another three centuries. This enormous change in government did not happen overnight. Within the 30 BC – 19 BC period, Augustus – whom later historians would call Rome's first Emperor – created, spent, and consolidated political capital as he negotiated his position as Rome's premiere executive to a skeptical Senate. As the Marcus Primus trial of 23 BC indicates, Augustus's position in these first years of his "reign" were far more tenuous than past historical narratives would like to admit.

In this thesis I aim to recontextualize these overlooked early years of Augustus, viewing them especially through the lens of the Primus trial, Varro Murena, and the Republican Senate. I argue that the latter was still deeply influential to Roman political life even as their independent authority began to evaporate. Augustus and his relationship with the Senate would reshape the Roman constitution in 27 BC and 23 BC, writing and rewriting laws which would be followed until the fall of Rome centuries later. More broadly speaking, the death of the Roman Republic as a haunting warning which resonates even today. It was not struck down by past dictators like Sulla or Julius Caesar – rather, it suffocated as Augustus quietly sat at the center of the Senate – eventually becoming a monarch who called himself consul. Living in a liberal democracies, a degree of comfort has been taken by past historical narratives when reading about the death of the Republic; Augustus was just *that* brilliant of a political mastermind, and he had all the cards in his hand for total power after defeating his military rivals in 30 BC. The truth is far more uncomfortable: the 30 BC – 19 BC time period, the Primus trial, and Varro Murena reveal Augustus as a vulnerable authoritarian who was often fearful for his life and had to contend with difficult bouts of deep unpopularity. His ultimate success can be credited to a Senate which failed – which tugged at the strings of constitutional norms and stoked the embers of authoritarianism for short-term political gain. As this thesis will show, Augustus never formally “killed” the Roman Republic: he merely outlived it.

## Introduction

On a spring morning in 23 BC, a crowd gathers in the Forum for a most unusual trial. Sitting at the defendant's bench is Marcus Primus, a thoroughly unremarkable man both in achievement and lineage. Just months prior, Primus had served as the Governor of Macedonia, one of Rome's wealthiest provinces. Now he faces charges of high treason and war crimes – accused of throwing the soldiers under his command into conflict against a neighboring ally for his own personal profit and gain. However, after days of testimony and hours of evidence presented, there are some in the audience saying he may be declared innocent. More tellingly, there are some in the crowd who *believe* him to be innocent.

Sitting next to and quietly conversing with Primus is a man altogether his complete opposite: the loud, boisterous, and confident Varro Murena. He is a descendent of two of the most noble Roman houses, brother of the recently deceased war hero Terentius Varro. Through his talents, he has pried open Primus's open-and-shut case, revealing critical new information. A dangerous counter-allegation has been lobbed at the ruling party of Rome: Augustus Caesar the ruling executive of Rome ordered the invasion, violating his constitutional protocol by not alerting the Senate.

Just as the trial proceedings begin for the day, a raucous is heard from the back of the observing crowd. Hushed, questioning voices gradually shifted to the dull roar of realization: Augustus himself and his entourage were making their way to the outdoor court. Some observers, especially those near the arriving group, loudly cheered: "Hail Augustus! Son of the Divine Julius Caesar! Restorer of the Republic!" Further away, in the more unseen parts of the crowd, a steady, skeptical murmur by those swayed by Murena's passionate arguments persists.

Augustus made his way to the court – no one would dare stand in his way. Caesar stood face to face with a man accusing him of destroying a constitution he helped create. After the noise of the crowd was finally brought down to an acceptable pitch, Murena directly called down to the invading executive, “What are you doing here? Who sent for you?” Small gasps could be heard from the crowd. No one had spoken directly to the great Augustus Caesar in such a tone in decades.

Augustus only smiled back. With theatrical gusto to match Murena’s unabashed aggression, he shouted back in response, “The public interest!” This answer was met with a roar of approval from the crowd behind him. Augustus’s argument against Murena would be straightforward: he was a man of the people, getting dragged down by a Senator trying to play mudslinging politics as usual. After all, how could Caesar be subverting the law? He was the one who had *restored* the Roman Republic seven years prior, after two decades of destructive civil war. How could a man who has brought back peace and the rule of law be accused of destroying both?

Varro Murena stayed at his post, even as some in the crowd jeered. Having spent years closely entwined in the Augustan regime and the new constitutional system, he had the burden of knowing the truth. The Republic Murena had spent his youth growing up in was gone forever, replaced with promises of reform and change which, if Primus’s allegations are true, had been broken just as soon as they were made. Whether or not Augustus was subject to the rule of law he helped implement and execute would be decided in court that day in 23 BC. The verdict the jury would come to would not only reshape constitutional law in Rome but finalize a transition three centuries in the making. The Republic would finally become the Roman Empire.

This story of Caesar Augustus's rise and consolidation of power is not about his autocratic success, but his republican failure. A later Roman historian, Tacitus, begins his *Annals* with the ascension of Tiberius, adopted son of Augustus Caesar. An autocrat succeeds an autocrat, and any vestiges of the once proud Roman Republic, which had endured for over five hundred years, were long gone. If this exchange of power was, as one later historian would put it, the "funeral for the Roman Government," when did the time of death occur? Tacitus seems rather certain. "(Augustus) concentrated in himself the functions of the Senate, the magistrates, and the laws," he writes. "He was wholly unopposed, for the boldest spirits had fallen in battle, or in the proscription, while the remaining nobles, the readier they were to be slaves, were raised the higher by wealth and promotion...<sup>1</sup>"

Cassius Dio, a historian writing almost two centuries after Tacitus, presents an equally gloomy assessment. He places the date even earlier: when Mark Antony and Augustus – then known as Octavian – engaged in their final civil war for dominance, "the people were actually reduced to slavery."<sup>2</sup> In both Tacitus and Cassius Dio's eyes, Republican Rome was dead when Mark Antony's fleet was defeated at Actium. The last remaining warlord proclaimed himself "Caesar Augustus" and his autocracy was greeted with open arms. All the brave souls that could have opposed him had been proscribed during the past decades of civil war.

It's a charming, even comforting narrative. The Roman Republic, after generations of being exhausted by evil demagogues and wannabe autocrats, finally fell to Caesar Augustus, a warlord whose political talents could only be matched by a lust for total control. The Constitutional Republic fell to a bad man of great skill who only had the worst intentions for it,

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<sup>1</sup> Tacitus, *Annals*, 1.2 trans. Alfred John Church and William Jackson Brodrigg

<sup>2</sup> Cassius Dio, Dio, *The Roman History: The Reign of Augustus*. 50.1.2 Ian Scott-Kilvert



and after his death a cycle of autocracy would begin which would be left unbroken until the Fall of Rome. This narrative, like most clear-cut lessons taught from history, is not true. There was a time, after he took total control of Roman governance, that Caesar Augustus competed with the conservative Senate for legal legitimacy. Augustus's reforms, today dismissed as just a façade, seemed to introduce a well-oiled, balanced state with political bodies to check and balance each other out. The Roman Senate for its part participated in this reform, being granted and asserting power it had not had in decades. Despite seemingly decent intentions of its actors, the Roman state failed anyway, and a cycle of autocratic control would begin. This period would be wiped from the history books, making the attempted constitutional reform indistinguishable from the autocracy that came after. The Roman Empire would truly be born.

In terms of scholarship of Augustus's reign, Ronald Syme and his masterpiece *The Roman Revolution* laid the groundwork for what a nuanced view of the Augustan regime. He accepted that the Republic's slide into autocracy was not inevitable and that the principate was a product of careful political circumstances and a cult of personality developed from Augustus. From Syme we also get a strong cause-and-effect chronology of the first decade of Augustus's reign, which heavily relies on the account of Cassius Dio. All future historians would have to dispute or adhere to the following course of events: Early in Augustus's reign (27 BC), Augustus modified the Roman constitution, limiting his previously dictatorial powers and proclaiming a restoration to the Republic. A couple years later, in 23 BC, a Roman governor named Marcus Primus was placed on trial for invading a neighboring country without the permission of the Senate. In his testimony, Primus implicated Augustus by suggesting the Emperor was the one who ordered him to invade the country. Augustus's constitutional authority to do so was exceptionally dubious under the 27 BC amendment. Augustus personally went to the trial even

though he was not called and was verbally challenged by Primus's defense counsel, a Roman politician named Lucius Licinius Varro Murena. Primus lost the trial via a split jury. Varro Murena was subsequently implicated in an assassination plot against Augustus and executed without a fair trial<sup>3</sup>. At around this same time<sup>4</sup>, the Roman Constitution was revised again under what Syme called the Second Constitutional Settlement. This Settlement modified many of the constitutional powers which were brought into question by the Primus trial and solidified Augustus as total executive of the state.

This chronology has largely stood the test of time, although as can be expected from any work more than eighty years old, plenty of Syme's evidence and arguments are outdated. To begin, Varro Murena, the Roman politician who opposed Augustus, is depicted as a naïve mark out of step with the total political power Augustus held and is crushed with minimal resistance. As I will soon prove every part of this view, from Murena's naiveté to Caesar's control over the situation, is fundamentally incorrect. There were also factual errors in his piece. Perhaps the most infamous example is Syme's proposal that Varro Murena, whose full name was likely Lucius Licinius Varro Murena, is the "Aulus Terentius Varro Murena" listed on the *Fasti Capitolini* list as consul for 23 BC.<sup>5</sup> This theory connecting Murena to the consulship was rightly challenged by Sarah Atkinson in 1960, who pointed out the discrepancy in naming conventions. However, many of the conclusions she came to, such as placing the Primus trial *and* the treason trial which sealed Murena's fate in 22 BC, were chronologically problematic. Over the ensuing decades, a bitter scholarly struggle over the identity of Varro Murena and what it suggests about the chronology of the two respective treason trials ensued. Scholarly opinion oscillated from

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<sup>3</sup> Cassius Dio, 54.3

<sup>4</sup> Syme, Ronald. 1939. *Roman Revolution*, 333

<sup>5</sup> *Revolution*, 325-326

Varro Murena serving as consul in 23 BC only to be brutally purged in a coverup to Murena and the trial being a meaningless sideshow to early imperial politics.<sup>6</sup> This thesis accepts the current scholarly consensus on this debate: the Marcus Primus trial occurred in 23 BC before the Second Constitutional Settlement<sup>7</sup> and that Lucius Licinius Varro Murena and Aulus Terentius Varro Murena are two separate people – most likely brothers<sup>8</sup>.

Ultimately, this thesis takes minimal interest in the specific identity and rank of Lucius Licinius Varro Murena. In the larger scheme of constitutional change in the age of Augustus, this question of identity is deeply insignificant. Much of his character and rank in life can be figured out through his name and contemporary accounts of him, and further inference is largely fruitless conjecture. In the end the Murena “Enigma,” as historian Jerome S. Arckenberg puts it, should not distract from the larger and far more important question on the table. How did the Marcus Primus trial influence Roman constitutional change, and what does it mean for Rome’s transition from republic to autocracy?

This thesis aims to rectify two mischaracterizations common in most historical narratives of the 30 BC – 19 BC time period. First, Caesar Augustus’s autocratic leanings and ambitious intentions were tangible, evident, and unstoppable at this time. Although the true personality and character of Augustus is impossible to ascertain, our primary sources paint a picture of a vulnerable and concerned executive within the Roman state who frequently dealt with political failings. He went through great lengths to keep his physical distance from the city of Rome, the seat of power which he had “won” through civil war. It is only *after* multiple abortive attempts at

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<sup>6</sup> For a comprehensive history of this debate, see, Arckenberg, Jerome S. "Licinii Murenar Terentii Varrones, and Varrones Murenar: II. The Enigma of Varro Murena." 472-483. 1993.

<sup>7</sup> Arckenberg, 490

<sup>8</sup> Arckenberg, 488

reforming the republican constitution that Augustus falls back on his accumulated political capital and *auctoritas* to rule the state via a carefully crafted cult of personality. The earlier attempts of tangible constitutional reform are crucial to this thesis as they go against the suggestion that Augustus was moving towards a monarchical dynasty within the first ten years of his reign. Evidence to support the idea of a dynasty this early into Augustus's reign, such as the role of Marcellus as "Emperor heir apparent," is easily refutable.

The second mischaracterization is that the Roman Senate, after years of Republican resistance and proscriptions, was immediately cowed into submission as yes-men to Caesar Augustus – happily trading away their political freedom and rights for a chance to serve beneath their new overlord. The theory of the "servile" Senate was strongly advocated first by Syme<sup>9</sup>, and is even more problematic than the previous mischaracterization. The illusion of total autocracy in these early years of Augustus's reign are built on the cynical assumptions of Cassius Dio, Tacitus, and Suetonius, who wrote decades later and lived to see the ultimate imperial domination that manifested in the late Julio-Claudian age. The fact of the matter was that within this first decade, Senatorial power was higher than at any point since the assassination of Julius Caesar in 44 BC. The Senate's power over the judiciary especially reached heights not seen since the age of Sulla. So confident were they in their authority that in 23 BC Augustus's constitutional authority was challenged in open court via the Marcus Primus trial. Most critically, complicity within the Augustan regime was made under the judgement that such moves would ultimately *weaken* Augustus's legal standing as just "first citizen" and roadblock his attempts at legitimacy through constitutional settlement. There was a belief that ill Augustus would go the way of Marius and Sulla – peacefully expire and have his reforms carefully undone by those who

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<sup>9</sup> *Revolution*, 322-325

outlived him. In truth Augustus would outlive all of the Senators of this time and the narrative of this first decade would be rewritten with an air of imperial triumph and presumption.

This thesis does not intend to be any sort of judgement or assessment on Augustus's intentions or the Augustan regime within this 30 BC to 19 BC time frame. Historians operate under the assumption that our ancient sources are biased and can be scarce on critical constitutional information. What remains are the physical actions of Augustus at this time, archaeological evidence, and rich poetry from exactly this time period which, when all placed together, paint a startlingly coherent picture of challenged but encroaching authoritarianism. This evidence points to an effort on Augustus's side to rectify Rome's broken constitution, and a skeptical Senate which carefully but conservatively shifted its own political weight independent of Caesar's total control. Both elements would be gone by the 10's BC. Losing faith in the quasi-independent Senate after it pushed back against him during the Primus trial, Augustus would move from constitutional reform to finally grooming a successor to take his place as Rome's executive. The Senate would settle into its meaningful albeit nonthreatening role as consultation and judiciary for the Emperor, only falling into total powerlessness and obscurity centuries later.

To help argue against earlier mischaracterizations of Augustus and the constitutional settlement, further key arguments will be made. The first is that throughout the decade, Augustus made two multi-year provincial tours which served to help him to avoid political conflict with the Senate in Rome and re-accumulate his own political capital. Secondly, the Second Constitutional Settlement, first popularized by Syme, is more appropriately defined as a broad time period of legal reform from 23 BC to approximately 19 BC rather than some singular day of

total reform in 23 BC, as has been previously suggested.<sup>10</sup> This gradualist approach to the Second Settlement fixes the chronological difficulties between it and the Marcus Primus trial. Therefore it leads to the logical conclusion that the trial directly influenced the Second Constitutional Settlement Era. Finally, this thesis will also argue that neither Marcellus *nor* Agrippa were viewed as “plausible” successors to Augustus in this time period.

Thus, past scholarship relying on the cynicism of Tacitus and the assumptions of Cassius Dio speaks of the formative decade of the Augustan era with an air of inevitability. The orthodox narrative which has therefore been created, ironically, has become overly simplistic and counterintuitive. Although Augustus’s political vulnerability has been touched on relating to the events of 23 BC and the Second Constitutional Settlement, conversation of the political situation of this time has been limited both in time and scope. Conservative opposition and dissent to Augustus had existed since the age of Cicero two decades prior. It did not disappear after Cicero and others were purged in 43 BC. It did not disappear with the final defeat of the Antonians in 31 BC. Gauging Roman political and constitutional change between 30 BC to 19 BC is a daunting task: the end of the Republic and the subsequent decades of Julio-Claudian rule submerged open political dialogue and replaced it with rumor and implication. This fact is as obvious to contemporary historians as it was to ancient sources.<sup>11</sup> This thesis will show through often fragmentary archaeological, literary, geographic and economic evidence that this decade was characterized by the fracturing of power between a struggling warlord turned pseudolegal executive and a waning conservative Senate reconfiguring the Roman Republic one constitutional settlement after another. As the trial of Marcus Primus will clearly show, the

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<sup>10</sup> Syme, *Revolution*, 336-337 and Atkinson, *Constitutional and Legal Aspects*, 441 among many others.

<sup>11</sup> Cassius Dio, 52

politician Varro Murena challenges this arrangement and by extension Augustus's authority through legal action, putting his carefully constructed empire "on trial."

Before analyzing this climactic trial, this thesis will begin with a thorough, contextual look at Augustus first decade in power. On this contextual level, special interest will be taken in Augustus's use of foreign policy as the cornerstone of his constitutional reform and the accumulation of his own personal political capital at this time. The trial of Marcus Primus and the political downfall of Varro Murena will be used as a lens to help explore how the Roman constitution changed, and why the fates of Murena and Primus were so similar when their crimes and positions in life were completely different. These intriguing trials and their fallout offer us a rare look past the veneer and pomp of the rising Augustan regime. We are ultimately left with the following outcome: Although many elements of bureaucratic reform allowed for the long-term successes of the created Augustan state, the decline into despotic autocrats reveal its many failures. Augustus's arrogance does not come from the belief that he was integral to Roman administration, but that he was talented enough to create a system of good governance – with a balanced executive and senate sharing power – which could survive without him. The fact is that he failed to institute shared governance and the ramifications of this failure still resonate two millennia later.

#### Part I: The Rise of Augustus and the Stability of the Republican Senate

In the early 20's BC the relationship between the warlord Augustus Caesar and the Republican Senate was symbiotic. Caesar had monopolized military power through successive civil wars while the Senate, an institution which had presided over Rome for over five hundred years, maintained political legitimacy that the former lacked. Through careful negotiation of the legal status quo, both parties would maneuver to attain both power *and* legitimacy in a Roman

State exhausted from decades of civil war. Despite many tangible reforms undertaken in what would be known as the First Constitutional Settlement, significant legal questions surrounding executive checks and balances would begin to grow. Augustus Caesar's inability – or unwillingness – to answer these specific legal questions would foreshadow future political conflict with a Senate desperate to maintain authority.

### Augustus – All the Power in the World if He Could Keep It

With the self-inflicted bite of a venomous snake, the legendary Pharaoh of Egypt Cleopatra killed herself. With her death in 30 BC the kingdom of Egypt, the last opposing world power on the Mediterranean Sea, was annexed by Rome. Octavian Caesar,<sup>12</sup> the adopted son of Julius Caesar and the statesman who had led the war against Egypt, was in Alexandria to negotiate with the Pharaoh when he heard the news. It must have been disappointing for him, as he had been planning to display the fallen Queen in his Triumphal parade back in Rome.<sup>13</sup> He had plenty of consolation, however: he lost his Pharaoh, but he would keep her kingdom, and that kingdom would help him remake a country so large and so unfathomably prosperous that it formed the model for the Western understanding of what “imperialism” was and could be.

Octavian had begun the 30's BC decade in a three-man dictatorship known as the Triumvirate with two other ambitious warlords. One of the men, Marcus Lepidus, was politically outmaneuvered by Octavian and sent into exile. The other warlord, Mark Antony, allied himself with the ingenious Cleopatra and maintained an uneasy peace with Octavian. The two finally

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<sup>12</sup> Naming conventions around Octavian, soon-to-be Emperor Augustus Caesar changed over his lifetime. He was born Gaius Octavius, but after his posthumous adoption by Julius Caesar he was referred to officially as “Gaius Julius Caesar.” “Octavianus” (literally a denotation in Latin that his name *used to be* Octavius) was used very rarely to differentiate between the son and his adopted father. His name changed again to “Caesar Augustus” by proclamation of the Senate in 27 BC. In keeping with the historical tradition, he will be referred to as the anglicized “Octavian” within this thesis when speaking of events before the 27 BC change.

<sup>13</sup> Cassius Dio, 51.13



came to blows in 32 BC and Octavian emerged victorious at the sea Battle of Actium, thanks to the strategic prowess of his right hand man Agrippa. The Triumvirate dictatorship was technically the law of the land, and would continue to be so even as three became one. This age of authoritarianism was a dark one for the Roman constitution and the rule of law. Extrajudicial killings and purges were often encouraged by the triumvir warlords, who held an increasing majority of military power in the Empire. The most egregious of these killings was that of Cicero, who was at one time an ally of Octavian. Velleius Paterculus, a notoriously partisan Caesarian historian, goes to great lengths to admonish this killing by the Triumvirate. He suggested, though, that Octavian was advocating for Cicero and was outvoted by the other two.<sup>14</sup> Needless to say, the tyranny of the Triumvirate was deeply unpopular, and if Augustus ever wanted to be seen as anything aside from a military strongman, imperial law needed to be changed. In fact, if his speeches and propaganda were to be believed, he intended to completely restore republican law<sup>15</sup>. This “new leaf” for the Roman warlord was evident even as the city of Alexandria was still smoldering. Accusations of being a spendthrift and over-luxurious had followed Caesar to the Egyptian city, not helped by the fact that he had thrown an opulent party in Rome during a grain shortage. Rumors were even abound that during the dark days of the Triumvirate’s proscription, Octavian executed men specifically so he could acquire their Corinthian vases. To combat such charges, Octavian made a show to only take a single agate cup from the Palace of the Ptolemies. If the ancient historian Suetonius can be trusted in his account, this modest gesture was positively received by the Roman citizenry.<sup>16</sup>

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<sup>14</sup> Paterculus, Velleius. 1924. *Compendium of Roman History*. Translated by Frederick W. Shipley. 2.62

<sup>15</sup> See Figure 1

<sup>16</sup> Suetonius, *Divi Augustus*, 70-71. In terms of positive reception, note on 71.1 the contrast Suetonius draws between Caesar’s successful rebuttal of charges of wastefulness to his unsuccessful rebuttal for charges against lustfulness with his division of sentences: “...usus conflaverit omnia. Circa libidines haesit...”

Octavian's conquest of Egypt was not only a political triumph, but an economic one as well. With the wealth of Egypt sufficiently in Roman hands, Octavian cancelled all debts owed to the state treasury before the Battle of Actium<sup>17</sup>. Evidence of an enormous economic boom in the late first century BC is well attested by scientific sources. Analysis of icecaps in Greenland has found a spike in lead pollution stemming from this time period (Fig.1). According to historian Andrew Wilson, lead pollution is indicative of increased silver production. Even more

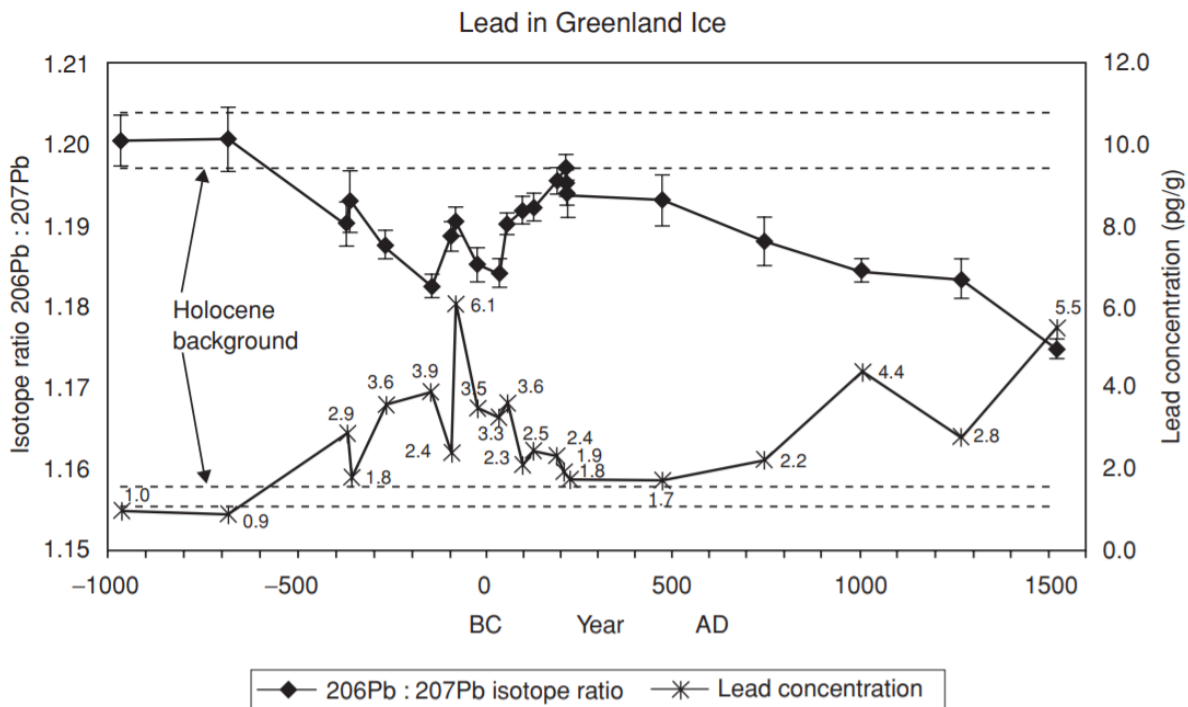


Figure 1: Variation over time of lead within ice samples found in Summit, Central Greenland. Note the spike in lead concentration right before 0 BC, indicative of strong silver production.

Source: A. Wilson, "Machines, power and the ancient economy"

<sup>17</sup> Cassius Dio, 53.2

telling is the atmospheric pollution indicative of copper smelting of this time (Fig. 3), which is revealing of both the further mining work *and* a higher production of coin. In the late first

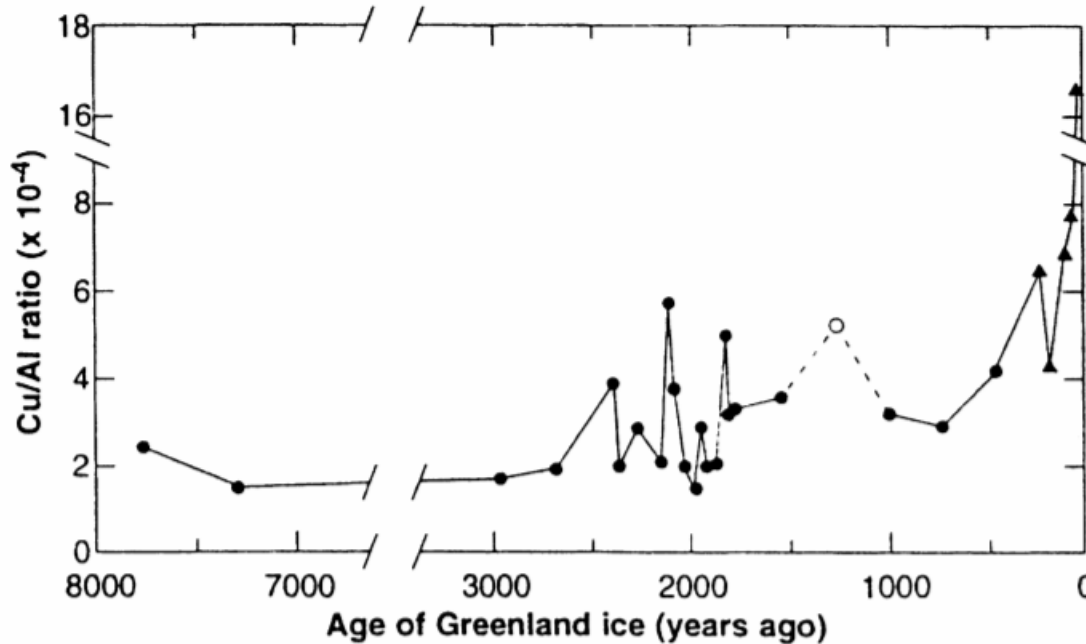


Figure 2: Changes to the Copper / Aluminum Ratio found in ice samples from Summit, Central Greenland. According to Hong, Candelone, Patterson and Boutron's research, copper production peaked in the age of Augustus, and would not be surpassed for more than a millenia.

Source: A. Wilson, "Machines, power and the ancient economy"

century BC, just as Augustus consolidated his power, more coinage from silver production reached new heights and caused lead pollution which would not be matched for another 1,000 years. Copper smelting created copper pollution which would not be surpassed until the *Industrial Revolution*.<sup>18</sup> With the Mediterranean world politically united for the first time in history, Octavian was poised to seize the benefits of peace: skyrocketing production and trade, which comes indicative with the mining and production of more coin.

<sup>18</sup> Wilson, Andrew, *Machines, Power, and the Ancient Economy*, 26-27, (S. Hong, J.-P. Candelone, C. C. Patterson and C. F. Boutron, 'History of ancient copper smelting pollution during Roman and medieval times recorded in Greenland ice', *Science* 272 (i 996)

Following the successful conquest of Egypt, Octavian went on his first Eastern tour, traveling to Syria, Bithynia, Asia Minor (modern day Turkey), and Greece before finally returning to Rome. This side trip through the eastern provinces were necessary for Octavian as they were formerly Mark Antony's domain, and many were still ruled by kings who had sworn their allegiance to the fallen general. Caesar went to work passing judgement on these client kings, dismissing some while allowing others to retain their domains. While out east, the Roman warlord peacefully resolved a diplomatic parlay between the neighboring Parthian (modern day Iran) King and a would-be usurper.<sup>19</sup> These exertions of diplomatic authority would be a lesson to Octavian, as working with foreign leaders away from Rome would prove far more useful than haggling with them on the floor of the Senate. Octavian would return to Rome and have three triumphs for his military victories so spectacular that the historian Paterculus completely gives up trying to describe them.<sup>20</sup> Following the festivities, Octavian went to work: he had grand plans to reform the Senate, and then the Roman state itself.

#### The Strength of Senate Going Into the First Constitutional Settlement

Before analyzing the details of what would become the First Constitutional Settlement, it is important to discuss the strength of the Senate going into these negotiations. Many nobles had previously supported Mark Antony and Octavian was eager to not have them turn hostile against him. There was so much fear of open revolt against Caesar's rule that the warlord made a noisy proclamation that the letters found in Mark Antony's strong boxes were burned.<sup>21</sup> The warlord's overall attitude was evident: the Senate was dealing with a very different Octavian Caesar than the one who had purged their halls more than a decade prior. In the day-to-day interactions

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<sup>19</sup> Cassius Dio, 51.18

<sup>20</sup> Paterculus, 1924. 2.84

<sup>21</sup> Cassius Dio 52.42

between Caesar and the Senate within the physical buildings themselves during the early years, Octavian's mood would shift from uncomfortable to actively fearing for his life. Throughout his tenure as Rome's top lawmaker, first as Octavian and then as Augustus, this adopted son of the first Julius Caesar would actively get jeered and heckled on the Senate floor. More than once these insults would become so intense that Augustus would evacuate the Senate building entirely, openly furious.<sup>22</sup> Those who spoke out against Caesar were never punished, a fact which most historians have traditionally attributed to the Emperor's prudence. This fear and chilly agitation between Octavian and the Senate would be on full display during the latter's first major reform of the Roman state: the revision of the Senate. In revising the Senate, Augustus openly feared assassination, doubling the pay to his bodyguard,<sup>23</sup> wearing armor under his toga and not allowing any but his most trusted senatorial friends approach him.<sup>24</sup> Critically, the two explicit times we know that the Senate acted against the legal wishes of Augustus occurred during this 30 BC-19 BC time period.<sup>25</sup>

An important but often underdiscussed feature of this First Constitutional Settlement is Octavian Caesar's name change to Augustus Caesar, dictated by decree of the Senate.<sup>26</sup> "Augustus" was not just an extraordinarily distinguished name with no previous precedent,<sup>27</sup> but on a cerebral level it helped Romans create a clean break from the dictatorial tyrant of Octavian and distinguish him from the new benevolent restorer of the Republic Augustus. The best

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<sup>22</sup> Suetonius, *Divi Augustus*, 54

<sup>23</sup> Cassius Dio, 53.11

<sup>24</sup> Suetonius, *Divi Augustus*, 35

<sup>25</sup> Talbert, p. 172. The first is mentioned in Suetonius, *Divi Augustus*, 37 which banned Augustus from having three consuls serve while he was consul (under the apparent pretext that yet another consul was not worthy) and is likely to have occurred in the 27 BC – 23 BC stretch of consulships. The second would be a refusal to read out Augustus's will verbally in 23 BC to prove he had no heir to his "empire".

<sup>26</sup> Suetonius, *Divi Augustus*, 7

<sup>27</sup> "Augustus" roughly translates to "Illustrious One" in English

example of what this distinguishment meant comes from a comical passage by Suetonius. He shares a rumor about how Octavian tore the eyes out of a Roman praetor, fearing treachery. *Immediately* after this grisly account, Suetonius speaks of how the kindly Augustus was given tribunician power for life and given the ability to regulate the morals and virtues of the Roman state.<sup>28</sup> The divide between the ingenious, Machiavellian Octavian and the old, benevolent Augustus survives to contemporary times in pop culture. If one were to watch the twisted Octavian portrayed by Simon Woods in HBO's *Rome* next to the befuddled Augustus portrayed by Brian Blessed in *I, Claudius* they would be shocked to learn that they are historically the same person. Augustus's general moderation in rule after a bloody rise to power can be hard to square for even trained writers and historians. In his account of the time period, author Tom Holland would call Augustus's benign reign as merely "The Exhaustion of Cruelty."<sup>29</sup> As always, the truth is more complicated. Whether as Octavian or Augustus, Caesar would always be Caesar – a genius, arrogant, self-justifying narcissist whose talent and legitimate earnestness to change the governmental system he had conquered nearly matched his own ballooning ego and ambition. He believed what was a benefit to him was often a benefit to the Roman people, a view that the ensuing peace and economic boom of the 20's BC would help justify.

Another feature of the constitutional settlement, as previously mentioned, is that the Senate's membership was revised. Like in most of his political dealings, Octavian forced certain Senators to resign through private meetings and coaxing, offering the resignation as a possible choice for them. Although this can be rightly described as a political purge, one must be careful to understand what *kind* of purge this specifically was. Octavian did not remove his traditional

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<sup>28</sup> Suetonius, *Divi Augustus*, 27. Augustus being granted tribunician powers would occur in 23 BC,

<sup>29</sup> Holland, Tom. "Dynasty: The Rise and Fall of the House of Caesar," 99

political enemies – neither Suetonius’s<sup>30</sup> nor Cassius Dio’s<sup>31</sup> accounts explicitly mention that these were the men to be targeted. On the contrary, the former describes those Senators under threat of purge as “sad and ill-sorted rabble<sup>32</sup>” who had achieved their position following Julius Caesar’s assassination. That is to say, these were Senators who had owed their entire political ascension to Octavian Caesar’s own rise. These were the men, deemed “beneath” the Senate, who were removed by Octavian, not powerful Republicans from privileged families like Calpurnius Piso and Valerius Messalla. These men would go on to retain powerful offices in Rome. Therefore, although it would be foolish not to assume there were strong political benefits for Octavian in this revision of the Senate role, it would be equally foolish to think that this was the only, or even primary, reason for this purge. If this Caesar were going to fashion himself as a restorer of the Republic, he would want to see to the expulsion of corrupt scoundrels of low birth. In doing so, this political body would be restored to the same size and nobility it had before the decades of civil war. Following the conclusion of this revision, the laws of the Triumvirate – with its extrajudicial killings, unilateral passage of laws, and open authoritarianism – were repealed by Caesar through a single decree.<sup>33</sup>

Real talks of the First Constitutional Settlement would then begin: how would the new state actually be administered and what exactly would Augustus’s role be? These talks came at around the same time as Octavian was renamed Augustus in the beginning of 27 BC. After giving up his dictatorial triumvirate powers, Octavian would be granted the western provinces of Gaul (modern day France and Belgium) and Hispania (modern day Spain and Portugal) as well

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<sup>30</sup> *Divi Augustus*, 35

<sup>31</sup> 53.11

<sup>32</sup> Translation via Robert Graves

<sup>33</sup> Cassius Dio, 53.2

as the provinces of Syria (modern day Syria and southeast Turkey) and Egypt in the east to personally govern. The reasoning Caesar gave to retain these provinces was sound: each was either newly conquered or on the very frontier of the Roman state.<sup>38</sup> These provinces therefore maintained the vast majority of Rome's armies, so there was logic in governing them more so like military-occupied nations as opposed to integrated, core states to Rome. "Interior" provinces would be given back to the Senate and governed by Senators chosen by lot. These governors would be called "proconsuls" like in the old Republican days. The qualification to be selected for a proconsul was lowered to the candidate just having previously been a praetor, a minor and very attainable political office, as opposed to consul. The common sense implications of the change is evident: many politicians had bankrupted themselves attempting to achieve the consulship and would then try to recoup their losses by pillaging their governed provinces as proconsul. Such corruption would be combatted under Augustus's new Constitutional Republic. Egypt was a special case, in many ways. It was arranged that Senators could not govern there, and therefore lesser nobles known as *equites* would administer the province on Augustus's behalf. A diehard Augustan partisan named Cornelius Gallus would be placed in charge of the newly conquered territory.

An exceptionally important note to make about the separation of Senatorial and Imperial provinces, or more specifically Augustus's special mandate to govern multiple provinces at once, is that it was *not* unheard of in Roman Republican history. Special command of multiple Roman provinces in the name of safety and protection of the state was advocated for by Cicero who proclaimed that such acts "Jupiter himself has sanctioned."<sup>39</sup> The administration of these regions

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<sup>38</sup> Cassius Dio, 53.12 and Syme, 313-314

<sup>39</sup> Translation by C.D. Yonge Syme, *Revolution*, 315. Cicero, *Phil* 11.17 and 11.28



was also sound and logical – consistent with the idea of a necessary military occupation of hostile territory as opposed to a political power grab. Compared to the traditional proconsuls, who were elected via lot, Imperial provinces were assigned *legati*,<sup>40</sup> hand-picked by Augustus, to administer the territory in his name. *Legati* would serve for three years in their provinces as opposed to the traditional one of proconsular governors.<sup>41</sup> Subordinate to the executive, *legati* could be held with far more direct accountability than their Senatorial counterparts, who time after time had plundered their assigned provinces to recoup their financial debts. Like any politician with years of service, *Legati* ingrained in their provinces year after year could become more efficient.

There were certainly drawbacks to this new system of longer terms in Imperial Provinces. A glaring issue for the Senate is that due to the fact they governed more “peaceful” provinces, they had a significantly smaller portion of the military under their control compared to Augustus.<sup>42</sup> Caesar’s control over the military was real and meaningful, but its importance in the grand scheme of the constitutional settlement should not be overstated. Military revolt against Augustus is never discussed in our ancient sources the same way precautions the *princeps* took against assassination is. If Augustus were to be violently removed from office, assassination was the clear and obvious choice for the Senators, especially when Augustus had no designated heir to his constitutional powers. For every one governor serving in one imperial province for three years, three Senators could have held that position, satisfying themselves with the status that the office provided. Opportunities for Senators to govern provinces (and possibly enrich themselves through taxation as they had done in past decades) was decisively limited. This limitation

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<sup>40</sup> Legates were traditionally a military office.

<sup>41</sup> Talbert, *The Senate*, 392

<sup>42</sup> Millar calculates (insert legion calcs here)

extended to the consulship, which was overhauled in the First Constitutional Settlement as well. Since the age of Julius Caesar two decades prior and throughout the Triumvirate years, the yearly consulship was divided and split over the course of the term. A senator would start his term as consul, resign, and then be replaced by a “suffect consul” who would serve for a couple months and then resign himself. Instead of two consuls a year, there could be four, six, or even eight. Although this allowed more senators to get a piece of the consular pie, such distillation of the highest elected office in Rome would not be tolerated by the Augustan constitution.<sup>43</sup> Starting in 28 BC and continuing to 27 BC and beyond, Rome would have only two consuls.

A final controversial reform of the First Constitutional Settlement can be noted here. As the year 28 BC rolled into 27 BC, it is clear that Augustus would be reelected as consul – an unorthodox practice as the consulship was traditionally a one-and-done term. When the elections for 26 BC were held, Augustus stood as a candidate once more and won. Then he won year after that, and the year after that. Thanks to Augustus’s high popularity in Rome and his extensive clientele network the *princeps* would be able to hold the consulship for however long he wanted. This presented two massive issues to the senatorial class. Firstly, their chance of achieving the consulship themselves had diminished from eight with the suffect system, to two under Augustus’s new precedent, to *one* with Augustus himself holding one of the consulships. Upward mobility to the highest elected office in the land was a fraction of what it was just a couple years prior. Secondly, if Augustus holding the consulship concurrently with his mandate to govern Gaul, Hispania, and Syria opened a litany of constitutional questions about where his constitutional powers began and ended as Rome’s de facto chief executive. If Caesar held the Senate’s highest office, did this mean that he still had authority over the entire state? Since his

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<sup>43</sup> Philips, Daryl A. “*The Conspiracy of Egnatius Rufus and the Election of Suffect Consuls under Augustus*”

mandate to govern “imperial” provinces was given by the Senate, did that technically make the *princeps* subordinate to the Senate? Augustus’s retention of both Senatorial and special mandated power was likely an attempt to avoid this latter uncomfortable question.

As we will see, Augustus focused the entirety of his efforts on his designated, mandated, “imperial” provinces as opposed to the “senatorial” provinces he may have happened to have control in. Given how this arrangement would fall apart years later, it is a safe assumption to make that if Augustus wanted to do some form of administration in the senatorial provinces through his office as consul it was expected he do it with the consultation and approval of the Senate as a whole. To act without the Senate’s consent and approval would defeat the purpose of having Senatorial provinces in the first place, after all. It would be a politically and constitutionally poor decision, but would Augustus giving direct orders to provinces without consulting the Senate be illegal? The answer to this question was dreadfully unclear in the First Constitutional Settlement, and it meant the difference between what was a meaningful constitutional reform rebalancing legal powers and autocracy merely calling itself constitutional.

It is impossible to know what Augustus personally thought of himself and his unparalleled position. Ancient sources, while often proclaiming that Augustus was clear-eyed about his authoritarianism<sup>44</sup> these accusations are rarely based on hard evidence. In fact, these historians can even provide evidence to the contrary. Suetonius records that Augustus would angrily react any time someone would call him “dominus<sup>45</sup>” even when it was said sarcastically by relatives. When a crowd addressed him as dominus and gave him a standing ovation at event,

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<sup>44</sup> Cassius Dio Book 52, most famously.

<sup>45</sup> Roughly translating to “Lord,” suggesting the addresser is in complete subservience to the addressee. This term would be used by Emperors in future centuries once their grip on power was transparently total to all.

Caesar proceeded to have all the individuals censured by the Senate the next day.<sup>46</sup> These emotional reactions from the traditionally collected Augustus may have been elaborate theater, but it is plausible to consider that these instances were Augustus psychologically blocking the authoritarian nature of his control and buying into the Republican image he had constructed himself. He truly *was* a law-abiding executive who had saved the Republic – succeeded where Julius Caesar, Sulla, and Gaius Marius had all failed. Any suggestion that wounded this image both wounded his ego and was unpatriotic. After all, Augustus Caesar had just liberated his fellow Roman citizens from the tyranny of civil war and Mark Antony, and their way of repaying him was to throw themselves back down at him with words of subservience and submission? That would be a grievous insult indeed.

As Caesar's constitutional powers were finalized, there were elements of the Augustan regime which the Senate worked to curtail. Starting in 31 BC public works and coinage since assimilated Augustus with deities. Although "*Divi filius*" would be a title Augustus would proudly retain, outright suggestion that Augustus was a god was quietly discontinued around 27 BC.<sup>47</sup> As his name "Augustus" would suggest, Caesar would remain pious, but not divine. Not yet. In 28 BC, going hand in hand with the religious revival nature that preceded and included the First Constitutional Settlement, Augustus tells us he restored eighty two temples under Senatorial decree.<sup>48</sup> The crowning achievement of this building project would be the Temple of Mars Ultor, or Mars the Avenger. As the name would suggest, Caesar had dedicated construction of the temple in 42 BC to the vengeance he had wrought on his father Julius Caesar's assassins.<sup>49</sup>

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<sup>46</sup> Suetonius, 55

<sup>47</sup> Galinsky, *Augustan Culture*, 314

<sup>48</sup> *Res Gestae*, 20.4

<sup>49</sup> Ovid, *Fasti* 5.569-78 and Galinsky, 199

The extraordinary building would take another three decades to fully complete, although the partially finished structure would be used in the interim for diplomatic ceremony.<sup>50</sup> However magnificent, the incomplete temple was beginning to become a time capsule for a bygone era: Instead of fighting Senators, Augustus was seeking their support to cement his own legitimization.

## Part II: Negotiating Power

With the First Constitutional Settlement struck, an uneasy peace between Augustus and the conservative faction of the Senate would ensue. Augustus's absence on a tour of the western provinces assigned to him would allow him to physically be away from any political conflict. From this period of peace following 27 BC, troubling signs would ensure future issues upon Augustus's return. A prominent former consul would argue for a greater military honor than any that Augustus had achieved. The governor of Egypt, a lifelong Augustan supporter, would be removed from office with the heavy involvement of the Senate. Laws and proclamations would be passed in the Senate which loudly proclaim and praise Augustus – while the contents of said laws actually undermined Caesar's political positions and designs. Perhaps most tellingly of all, though, a politician from two of Rome's most illustrious families would move to openly challenge Augustus's authority in court – and the ancient world would take notice.

### Augustus's Western Tour

Now facing the test of time, the First Constitutional Settlement seemed to hold. As suggested by Dio,<sup>51</sup> the Senate continued its business unmolested within the 20's BC. With his

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<sup>50</sup> JW Rich, "Augustus's Parthian Honours"

<sup>51</sup> 53.28

assigned administration responsibilities primarily in the western provinces, Augustus leaves Italy very soon after the First Constitutional Settlement in late 27 BC. He first travels to Gaul. Details on this leg of his tour are scarce, however Cassius Dio does tell us that there was contemplation on Augustus's part to invade Britain. These plans were soon aborted, though due to continued unrest within Gaul itself. This information, combined with the fact that he conducted a census of Gallic inhabitants, suggest Augustus spent many months in the province.<sup>52</sup> The Salassi, a tribe in the modern day French alps, were brutally subjugated by an Augustan subordinate by the name of Terentius Varro. This tribe had raided Roman armies since the age of Julius Caesar's campaigns,<sup>53</sup> and their elimination safely connected Italy with Gaul. Although the victory was undoubtedly that of Terentius Varro,<sup>54</sup> Augustus's mandate from the First Constitutional Settlement made him the sole commander and chief in the area. Thus, any victory of his subordinates would be a victory for him. This is evidenced by a statue of Augustus dedicated in the re-founded and Romanized town of Salassi commemorating *Caesar's* victory there. Nevertheless, Terentius Varro's subordination had its perks, as he would be elected Consul and scheduled to serve with Augustus in 23 BC.

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<sup>52</sup> Cassius Dio, 53.22

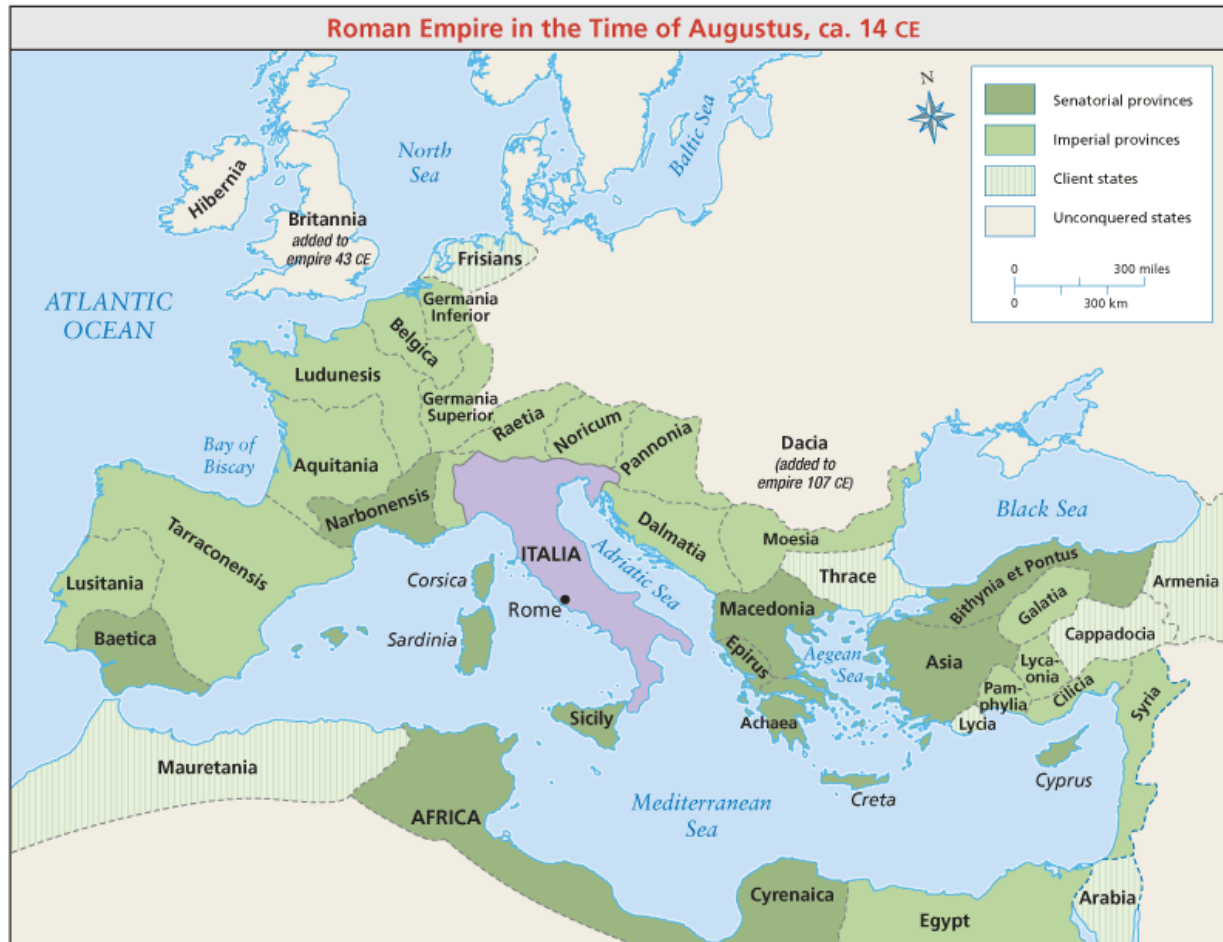
<sup>53</sup> Suetonius, Divi Julius

<sup>54</sup> Augustus was in Hispania by the time of total victory in 25 BC.



*Figure 3* Inscription dates from 23 BC. Originally paired with a statue, the inscription is dedicated to Caesar from "the Salassi who had joined the colony from the beginning."

With Terentius Varro dispatched, British invasion aborted, and a Gallic census underway, Augustus departed for Hispania. Although Romans had occupied territory in the peninsula for two centuries, the region had never been fully conquered by the Romans. Instead, a miserable guerilla war had continued off and on in the northern part of the province. The lengthy, grueling sieges of mountain tribes had frustrated many past generations of Romans. Augustus, however, steps into Hispania with a constitutional mandate from the Roman people to govern the province effectively. His opponents in this expedition would be a tribe of northern Celtic Iberians known as the Cantabri and Astures.



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Figure 4 Imperial and Senatorial Provinces as they existed at the time of Augustus's death in 14 AD. Although ownership shifted for some provinces since the 20's BC, the mentality remained the same: safe, inner provinces with the Senate, border provinces for Caesar.

Source: Infobase publishing

Throughout 26 BC and early 25 BC Augustus campaigned, setting a base of operations in the Roman colony of Segisama.<sup>55</sup> He did little to innovate on the previous Roman tactic of the region – that is to say engage in costly and tedious mountain sieges. After a year largely uneventful outside of military maneuvers, Augustus wintered in Tarraco (modern day Tarragona) in late 25 BC.<sup>56</sup> Like with Terentius Varro in Gaul, Augustus delegated authority over this Cantabrian War to his subordinates, firstly by his close friend and advisor Marcus Agrippa.

<sup>55</sup> Florus, 2.33.48

<sup>56</sup> Florus, 2.33.51



Suetonius mentions that Augustus's health around this time was dreadful,<sup>57</sup> therefore it has been inferred that Augustus's departure back east was driven by his illness. There are multiple practical reasons for this withdrawal as well, however. Like with Terentius Varro, Augustus would earn top credit for his subordinate's future military victories, although notably he would turn down the Senate's offer for another Triumph.<sup>58</sup> In 25 BC there may have been interest as well on Augustus's side to operate closer to Rome itself. Campaigning in northern Hispania may have been necessary given the terms of the First Constitutional Settlement, but slow sieges on the edge of the world are grueling and dangerous – especially when one could have a subordinate fight and reap all the credit. The isolation of rural Hispania also made it hard to keep in touch with the Senate.

A final note to make on this period is that Augustus's now-lost autobiography, the creatively titled “De Vita Sua,<sup>59</sup>” would finish its account at the time of the Cantabrian War.<sup>60</sup> Considering Augustus was stationary and fighting illness around this time, it is logical to theorize that the autobiography was written in this time period. Although lost, this autobiography may hold enormous historiographical significance. After the Cantabrian War in 25 BC the dates, movements, and legal policies of Augustus become significantly murkier. All ancient sources give similar to almost identical accounts of the previous years described, while details of Augustus post 25 BC can often be less confident or speculative. This pre-and-post 25 BC divide may be reflected in modern historiography as well. For instance, the circumstances surrounding the First Constitutional Settlement are relatively clean-cut: it occurred in 27 BC and largely

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<sup>57</sup> Suetonius, *Divi Augustus*, 81

<sup>58</sup> Florus, 2.33.53

<sup>59</sup> Literally translated to “About My Life”

<sup>60</sup> Suetonius, *Divi Augustus* 85

centered around Augustus being given jurisdiction over specific provinces. The *Second Constitutional Settlement* is the one with serious confusion and argumentation: some argue it occurred in 23 BC,<sup>61</sup> some in 22 BC,<sup>62</sup> and by some that it did not exist at all.<sup>63</sup>

Whether it be due to his autobiography's completion or just inactivity, little is known about Augustus's 24 BC. We know that he finally made his way back into Rome, although this arrival was delayed by illness. As he approached city, Augustus extended an olive branch of sorts to the Senate he had left years prior: a gift of four hundred sesterces each be given to the Roman people, only *after* approval from the Senate. In response, the Senate voted not to confirm the payments, but that Augustus was released from his obligation to the law – therefore he could do whatever he wished with the payments.<sup>64</sup> It was a bizarre move – both overwhelmingly flattering towards Augustus while also ignoring his direct wishes and request. What was their intention? Could the Senate have just been *that* submissive to Augustus? Was something else afoot?

#### Lucius Licinius Varro Murena – The Senate Navigates Unknown Promises

In the year 63 BC, when the one who would become Augustus Caesar was only an infant, the famous orator and Republican Tullius Cicero was defending a steadfast ally of his, Lucius Licinius Murena, against charges of *ambitus* from that year's consular election. A modern equivalent to the charge of *ambitus* would be electoral bribery. This was the second most serious charge facing a rising politician after *maiestas*, which meant outright treason against the Roman people. Despite their severity, both *ambitus* and *maiestas* charges were alarmingly common. In

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<sup>61</sup> Syme, 336

<sup>62</sup> Source here, there's a couple.

<sup>63</sup> Another here.

<sup>64</sup> Cassius Dio, 53.28

an age of factional debate and increasingly untethered governmental norms, the only surefire way to derail an opponent's career was with these serious criminal charges, and Roman senators did not hesitate to use them.<sup>65</sup>

These charges were so common, in fact, that Cicero relied on an extraordinarily cynical defense to have them removed. Instead of directly disputing the charges (which many historians now believe Murena was actually guilty of<sup>66</sup>) Cicero focused on the fact that Murena's former electoral opponent for the consulship, Sulpicius Rufus, was the one bringing the charges against him. Rufus and his prosecution team had also thrown around dreadful ad hominem arguments against Murena, such as him being a dancer at parties.<sup>67</sup> Seizing on the concept of character, Cicero spends little time defending Murena on the material charges against him, and more so on the necessity of Murena's ascension to the consulship. Murena's trial was occurring right in the middle of the Cataline conspiracy: Lucius Catalina was leading an armed revolt against the city of Rome. Could the state properly defend itself if it was missing an elected consul due to criminal charges? As Cicero declares:

Si L. Catalina cum suo consilio nefariorum hominum quos secum eduxit hac de re posset iudicare, condemnaret L. Murenam, si interficere posset, occideret.

If Lucius Catalina and his council of criminals whom he marched out with him could decide this case, he would condemn Lucius Murena; if he could cut him short, he would kill him.<sup>68</sup>

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<sup>65</sup> Gruen, Erich S. "The Last Generation of the Roman Republic," 212-224, 276-278

<sup>66</sup> Gruen, 273

<sup>67</sup> Such a charge was deeply embarrassing for a distinguished Senator and common in the time period.

<sup>68</sup> Cicero, *Pro Murena*, 83. Translation by C. Macdonald

With this equivalence between Catalina and the opponents of Cicero at the trial produced, the consul-designate Murena probably<sup>69</sup> won his case. Although he was consul for the year 63 BC, Cicero was still a “new man” in Roman society – the first in his family to hold public office. To advance his career, he needed ancient, noble families as allies. Lucius Murena’s family, the Licinii, fit the bill. Among their rank were some of the most acclaimed and powerful generals and politicians of the Republican era. Tethering oneself to just *one* family did not suffice for Cicero however, as his wife belonged to the equally prestigious Terentia *gens*, or family. With the collapsing social order of the last days of the Republic, the ancient families needed talented new minds such as Cicero’s to survive as Cicero needed them. Around this time a relative of Cicero’s wife, Aulus Terentius Varro Murena, would have two sons and a daughter. The daughter, who simply went by “Terentia” as was custom at the time, and one of the sons, who would unfortunately also be named Aulus Terentius Varro Murena, remained in their father’s family. The second son would be adopted by Cicero’s ally Lucius Licinius Murena. Such adoptions were very common in the time period<sup>70</sup> in the name of political advancement. Thus following Roman naming conventions the second son, whom years later would challenge Augustus in court, likely went by the name Lucius Licinius Varro Murena.

This family tree is not definitive. For example, Jerome S. Arckenberg speculates that the father and son Aulus Terentius Varro Murena may very well have been the same person.<sup>71</sup> More infamously, debate has raged if the two brothers were in fact the same people – as many including the great classicists such as Ronald Syme<sup>72</sup> have argued. The specific context of brother or father

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<sup>69</sup> The actual outcome of the case is uncertain. Considering Murena served as consul for 62 according to all existing consular lists, the charges were very likely dismissed.

<sup>70</sup> Arckenberg, 485.

<sup>71</sup> Arckenberg, 487

<sup>72</sup> Syme, 326

is intriguing but ultimately superfluous – the family name of Lucius Licinius Varro Murena is what is pertinent, and its prestige alone is important to take into account. A descendent of the Terentia adopted by the Licinii would carry an unmatched lineage in the ancient Roman world.

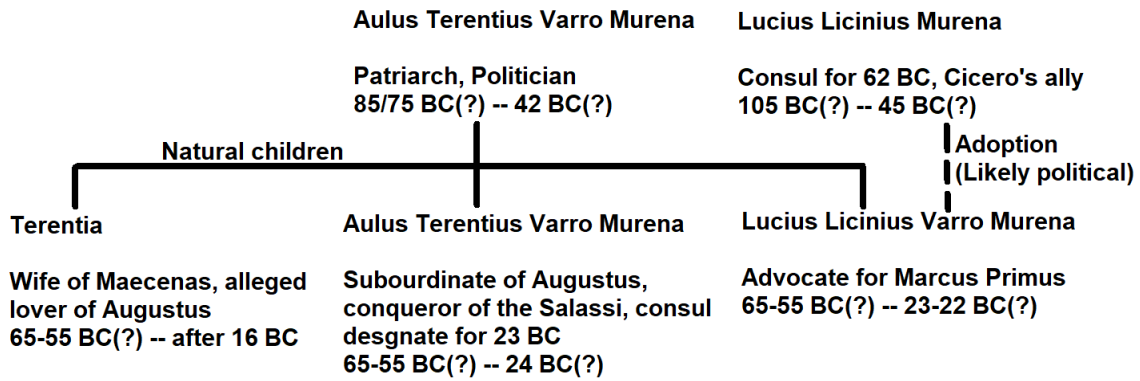


Figure 5: A simplified family tree, following Arckenberg's school of thought.

Source: Spencer Yacos

The three children of Terentia, Terentius Varro, and Licinius Varro Murena clearly put their lineage and status to good use in the time of the dying Republic. As mentioned previously, Terentius Varro Murena served as a high-ranking general under Augustus as he governed his allotted western provinces. He would triumph over the Salassi and be elected consul for the year 23 BC. Licinius Varro Murena, ever the historical enigma, has a more difficult political history to follow at this time. A very popular guess though is that he served as the legate named “Varro” mentioned by Josephus who governed the province of Syria around this time.<sup>73</sup> It is an entertaining notion: one Murena brother fought in Caesar’s western provinces, the other governed in the East. Furthermore, once Murena’s political fortunes would go south, he would flee in the company of Athenaeus of Cicilia – a philosopher from the Roman province of Syria.<sup>74</sup>

<sup>73</sup> Josephus, *Of the War*, 20.4. Connection suggested by Syme, 330, Arckenberg 476, among others.

<sup>74</sup> Strabo, *Geographica*, 17.13.25

Terentia, despite her status as a woman in ancient Rome, would exceed both her brothers in influence and notoriety. She would marry Maecenas, a friend of Augustus second only to Agrippa. Maecenas's administrative influence was significant – he personally administered all of Italy for a time.<sup>75</sup> Today, he is often remembered as the patron of Horace and Virgil, the famous poets who ushered in a Golden Age of Latin poetry. Terentia's beauty and talent are attested to in Horace's poetry. In Book 2, Poem 12 of his famous Odes, Horace compares her beautiful singing to a legendary slave queen named Lycimnia. This beauty and grace of the muse is starkly contrasted with a brutal siege during the Numantine War from a hundred years in the past.<sup>76</sup> With the Numantine War occurring in northern Hispania, the parallels to Augustus's contemporary efforts are clear. Horace's message is light and concise: why talk about bloody sieges and conquests when beautiful women could be praised instead? Just one poem in the *Odes* separates Terentia from her brother Lucius Licinius Varro Murena, who is directly addressed in Book 2, Poem 10.

Horace's contemporary was also hard at work on his most famous Epic, the Aeneid. With the poet passing away in the year 19 BC and the Aeneid discussing contemporary topics such as the death of Augustus's nephew Marcellus, which occurred in 23 BC, it is easy to assume that much work on the Aeneid occurred in the late 20's BC. Augustus Caesar famously served as the inspiration for the protagonist Aeneas. The contemporary inspiration does not stop there: Dido is closely compared with another African Queen, Cleopatra.<sup>77</sup> Lucius Licinius Varro Murena may very well have served as the inspiration for Aeneas final opponent: King Turnus of the Rutuli.

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<sup>75</sup> Cassius Dio, 51.3

<sup>76</sup> Horace, 2.12, "Nolis longa ferae bella Numantiae..."

<sup>77</sup> Aeneid, 4.173

Both are described as having abrasive personalities.<sup>78</sup> Both would be warned of their imminent deaths by their more-powerful sisters; in Murena's case it would Terentia<sup>79</sup>, in Turnus's case the river god Juturna.<sup>80</sup> The killing of Turnus has also become a morally ambiguous action debated by historians to this day.<sup>81</sup> This ambiguity can be seen in Augustus's slaying of Murena as well.<sup>82</sup> Although a connection between Turnus and Murena cannot be decisively proven, such similarities are hard to ignore. If this connection is real, it points to the strong significance Varro Murena had in Imperial Roman culture in the late 20s BC – so much so that he went toe to toe with a divine incarnation of Augustus in the Emperor's favorite poem.

#### Issues within the Senate – Crassus and the Fall of Gallus

Tension within the Senate existed between Augustus and the Senate before The First Constitutional Settlement was written – and the seeds of discord which were planted would continue even after pen was put to paper. Marcus Licinius Crassus, grandson of the infamous Roman powerbroker of the same name, rose to the consulship in the year 30 BC. With Augustus's Second Triumvirate dictatorial powers still in effect then, Crassus was installed to the office by Augustus instead of elected. Like many Senators of the time, Crassus's loyalty had oscillated over the years and between civil wars – first to Sextus Pompey, then to Antony, then finally to Octavian.<sup>83</sup> While the latter was slowly returning home from the east after the successful conquest of Egypt, Crassus campaigned vigorously in Thrace. These campaigns, recorded in great detail by Cassius Dio, include Crassus killing a Thracian king named Deldo

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<sup>78</sup> See G.E. Duckworth analysis in "Turnus as a Tragic Character"

<sup>79</sup> Suetonius, *Divi Augustus*, 66

<sup>80</sup> Aeneid XII, 468

<sup>81</sup> Source here

<sup>82</sup> Cassius Dio, 54.3.6-7

<sup>83</sup> Syme, 308

one on one in combat. This rare and spectacular feat would give Crassus a claim to *spolia opima* – the highest award possible in Rome. However, he would not receive such an award.<sup>84</sup> Our sources are confused as to why. As the campaign was in 29 BC and 28 BC, Crassus was likely serving as proconsul. Cassius Dio argues therefore that due to Crassus not being of “supreme command” of the campaign, he was disqualified from the honor. However, Aulus Cornelius Cossus, the second person to achieve *spolia opima*, was only a tribune at the time he killed the enemy commander personally – not a high enough position if Cassius Dio’s criteria is to be believed.

The plot thickens, however, with Livy’s account of Cossus, which was written approximately in 27 BC. In it, Augustus personally fines a cuirass owned by Cossus himself during a temple renovation. On the armor is written, “A. Cornelius Cossus, Consul.”<sup>85</sup> Thus to justify his “supreme commander” rule and therefore disqualify Crassus from an honor that is greater than anything he himself had achieved, Augustus “found” a lost relic relating to a consulship never before recorded in Roman history. Crassus did not push publicly for his legendary reward. Instead, he satisfied himself with a proclamation as imperator<sup>86</sup> and a triumph in 28 BC. The fact that Augustus left for his western tour before the triumph occurred could point to some tension.

When Augustus departed to the provinces he gave himself jurisdiction over in 26 BC, the Senate wasted no time with their powers and authority in the new “republican” world order.

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<sup>84</sup> Cassius Dio, 51.24

<sup>85</sup> Levick, *Primus, Murena, and 'Fides,'* 157-158

<sup>86</sup> The title would be strictly used by Augustus shortly after this incident. Because of this, Syme disputes that Crassus was ever proclaimed imperator (309). This charge is disputed by modern scholarship, given that an inscription in Athens at this time explicitly proclaims Crassus as “imperator” (ILS 8810).



Charges were drawn up against Cornelius Gallus, one of Augustus's most steadfast allies.<sup>87</sup> As one of the rare partisans who had remained by Caesar's side throughout the tumultuous civil wars and Triumvirate, this humble equestrian<sup>88</sup> was assigned to govern a very wealthy Egypt which no Senator was allowed to enter. Based on the testimony of one Valerius Largus, Gallus had been erecting statues of himself in Egypt, as well as spreading malicious lies about Augustus himself. With Augustus far away in Spain, the Senate drew up charges against Gallus via unanimous vote. Gallus would kill himself before any such conviction would arise.<sup>89</sup> Augustus's role in his friend Gallus's fall is murky, but it is a safe assumption to make that he played a smaller part in it than the Senate, and carried with him a degree of reluctance. After hearing of Gallus's death, "Augustus yet shed tears and bewailed his lot, because he alone could not set what limits he chose to his anger with his friends."<sup>90</sup>

This episode is a continuation of the Roman Senate *subverting* Augustus's authority through excessive flattery to Augustus himself. Gallus's crime is certainly a strange one: erecting statues – an honor implied in the passage to be exclusive to Augustus. Through this prosecution, the Senate was able to extend their authority into Egypt itself, a land which they were not supposed to step foot in, and see to the conviction and death of one of Augustus's closest allies. In the passage by Suetonius, Augustus's anger is obvious from the loss of his friend, but his tears may also indicate a frustration with being outmaneuvered by the Senate. With Italy closer to Egypt than Spain, he probably heard of Gallus's "crimes" after the Senate had coordinated a response. Contextually speaking, there was little Augustus could have independently done

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<sup>87</sup> Syme, 334

<sup>88</sup> A lesser noble family

<sup>89</sup> Cassius Dio, 53.23-24

<sup>90</sup> Suetonius, *Divi Augusti* 66

beyond allow the charges to push forward. He could not risk snubbing the Senate, whom he was still actively courting as a partner in his government, nor justify Gallus seemingly elevating to the same status of Augustus, which the Senate had unanimously disapproved of. If Augustus was able to act before the Senate – for instance, if he was in the east or Egypt – perhaps the situation could have been quietly and peacefully defused, as was the case with Crassus. Alas, the Senate was the one who was moving first, and they were out for blood.

Critically, all recorded works of legislation which passed the Senate *against* Augustus's approval came from this 20's BC time period and are flattering on their surface to Augustus.<sup>91</sup> In one piece of legislation, Augustus suggested adding a third consulship office. This could be seen as Augustus trying to defuse the issue of only one real consulship offered per year – there were no suffect consuls, and the other was occupied by himself. The Senate shot down the proposal, crying out “that it was a sufficient detraction from his supreme dignity to acknowledge even a single colleague.”<sup>92</sup> Such words were deep flattery, but they also rejected Augustus's will, exacerbated the open consulship issue, and painted Augustus as anything but a constitutional civilian. Should Augustus be removed from office, it would have therefore been easy to paint him as nothing more than a special anomaly: no precedent, and certainly no successor.

#### No Possible Heir to Augustus

What would become the imperial royal family maintained a somewhat lower profile than Augustus. In this 20s BC historians discuss Augustus's close family: Augustus's wife Livia, stepson Tiberius, and daughter Julia. Julia married Augustus's nephew and her cousin Marcellus in the mid-20s BC. Marcellus and Tiberius, both born in the year 42 BC, were a natural pairing

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<sup>91</sup> Talbert, 172

<sup>92</sup> Suetonius, *Divi Augustus*, 67. Translation by Robert Graves.

for their respective careers. In 25 BC Tiberius and Marcellus accompanied Augustus to Hispania during the Cantabrian War, serving as Aediles. The next year, Marcellus was granted the ability to stand for the consulship ten years ahead of time, while Tiberius was granted the ability to stand for any office five years ahead of time. The very next year, when Augustus would fall ill, Marcellus's own health would decline not soon after, and he would die late in the year.<sup>93</sup>

Ancient historians, including Paterculus<sup>94</sup> and Cassius Dio, would speculate that Marcellus was the "heir designate" for Augustus at this time. Considering that Marcellus was married to his only child and Tiberius would ultimately become Augustus's successor, this guess is not out of the blue. The ability to stand for the consulship ten years ahead of time and Marcellus's role in the ensuing Marcus Primus trial point to Augustus grooming Marcellus for a bright political future before his untimely death. The possibility of Marcellus as heir designate has been rightly dismissed by more recent historiography.<sup>95</sup> Marcellus was not only too young (18 or 19 at the time of his death) but there is also no hard or significant evidence to indicate the nephew to be anything beyond a groomed favorite. Standing for consul ten years ahead of time may have been shocking by the norms of the Republic, but Augustus himself first stood for the office at the age of 19. To be consistent with his policy of re-establishing Republican norms, Augustus may have been retroactively making his ascension as a young Caesarian relative to the consulship appear normal and regular within the Roman state.

A large point of contention surrounding Marcellus and the question of him being a successor to Augustus stems from a rumor of his supposed rivalry with Agrippa. Paterculus, an ancient source who also suggests the Marcellus was considered to be a successor, also contends

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<sup>93</sup> Cassius Dio, 53.26, 28, 30

<sup>94</sup> Paterculus, 2.93

<sup>95</sup> Simpson, Christopher J. "Official Imperial Seal?" 2005

that Agrippa departed for the east in a fit of jealousy due to Augustus's favor of Marcellus – creating a sort of self-exile.<sup>96</sup> In Cassius Dio's narrative, when Augustus falls ill in 23 BC, he hands Agrippa his ring, evidently indicating him as his choice for successor over Marcellus.<sup>97</sup> This compelling story has multiple issues, including the fact that rings being used to indicate political authority and succession was anachronistic for the Augustan time period.<sup>98</sup> Although Agrippa as successor would become a more plausible scenario in 19 BC with his own marriage to Julia and establishment of his own proconsular powers in 18 BC, it is still difficult to fully accept beyond ancient historians' say-so.

Furthermore, Paterculus may have had his own incentives to paint Agrippa as the legitimate successor to Augustus all the way back in 23 BC. This historian, writing in the age of Tiberius, is deeply complimentary of the succeeding Emperor. Showing that imperial succession had always existed since the beginning of Augustus's rule would help cement Tiberius's own legitimacy. Furthermore, the strange self-exile Agrippa engages in – ostensibly out of jealousy towards a far less accomplished teenager, makes much more sense when comparing it to Tiberius's own personal history. In 6 BC Tiberius would go into self-exile himself to Rhodes, allegedly to allow for Julia and Agrippa's sons Gaius and Lucius to become the undisputed heirs to Augustus.<sup>99</sup> This is just as Agrippa had allegedly exiled himself for Marcellus. The strongest argument against an heir existing in the 20s BC is that there was very little to be a successor *too*. Could one inherit the mandate to govern Gaul, Spain, Syria, and Egypt? Even if Augustus died and this transition of power went to Marcellus or (more likely) Agrippa, one would be hard

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<sup>96</sup> Paterculus, 2.93

<sup>97</sup> Cassius Dio, 51.30

<sup>98</sup> Simpson, 2005

<sup>99</sup> Suetonius, Life of Tiberius, 11

pressed to call such administration out and out monarchy. Thus the necessary conclusion needs to be made: there was no monarchy in Rome in 23 BC - not yet. Horace, writing in 23 BC, even comments on the competitiveness of elections at the time.<sup>100</sup> The peace created in the First Constitutional Settlement would ultimately shatter, however, in the wake of the Marcus Primus trial, and Roman governance would forever be changed.

### The Last Republican Treason Trial

The *maiestas* trial of Marcus Primus, which strained Augustus's political authority to its very limits and nearly brought down his new government order, initially had nothing to do with Augustus. Primus was an exceptionally obscure Roman governor: we do not even know his full name.<sup>101</sup> We know that he likely rose from an *equites* family,<sup>102</sup> was appointed administer the province of Macedonia by the Senate, and sometime during his term he engaged in an offensive war against the Odrysae, who occupied the lands north to him known as Thrace. As noted by the extensive campaigning by Marcus Licinius Crassus in 29 BC,<sup>103</sup> Thrace was on the very outskirts of Roman civilization. This is where the iron grip of the encroaching Empire was frequently clawed against by formerly independent tribes and tightened by opportunistic governors. Crassus's intervention half a decade prior had defeated the Thracian Bessi tribe and awarded their lands to the Odrysae. This transfer of authority would be perceived as the Odrysae becoming a subservient client Kingdom of Rome – a detail which helps further explain the

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<sup>100</sup> Odes 3.2, 17-20. See Galinsky, 256

<sup>101</sup> "Marcus Primus" directly translates in English to mean "Marcus the First" or "Mark I." Marcus is his praenomen, while Primus was his cognomen. His family name is missing. It is unknown why Cassius Dio overlooked including his family name.

<sup>102</sup> Arckenberg

<sup>103</sup> Dio 51.23-27

criminality of Primus's action. It also grossly complicates the constitutional situation of the crime.

A serious issue was that, although foreign envoys travelled to Rome and would meet the Senate for years to come,<sup>104</sup> foreign clients and dignitaries answered directly to Augustus as opposed to the Senate. This was a diplomatic arrangement that had remained unchanged since before the First Constitutional Settlement.<sup>105</sup> It was a holdover from the warlord era of the previous decade: all Roman client kings in the Eastern regions answered to Mark Antony before changing sides to Octavian or being deposed.<sup>106</sup> Mastery of diplomacy was exceptionally powerful and it could be perceived as strange that the Senate avoided this topic within negotiations for the First Constitutional Settlement. Augustus's mastery over foreign relations, however, is perfectly consistent with the mindset which went into the First Constitutional Settlement: just as the executive enjoyed sweeping unilateral power over Rome's most problematic regions, it would seem only natural that he be the one to negotiate with the even more difficult border kings and tribes. In a similar vein, it should be strongly noted that there was nothing bizarre at the *maiestas* criminal charge against Primus himself. Roman politicians had been accused of warmongering crimes in the past, explicitly under the charge of *maiestas*.<sup>107</sup> These wars were especially frequent in the waning years of the Republic, where proconsular governors were desperate to recoup the losses of funding a successful political career and did not

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<sup>104</sup> Cassius Dio 53.26

<sup>105</sup> Florus, Epitome, II, 34 details emissaries sent to Octavian in 29 BC, perhaps while he was still in the midst of his eastern tour. There is no indication from any of our annalistic sources that this diplomatic authority to receive or negotiate with foreign powers was modified in any of the Settlements. A dispute between Parthian royals in Dio 53.26 shows Augustus's authority in diplomacy while the Senate maintained autonomy in the judiciary proceedings which followed.

<sup>106</sup> Cassius Dio 51.16

<sup>107</sup> See the *maiestas* trial of M. Lucullus in Gruen, 266

fear the decaying authority of Rome's central government.<sup>108</sup> Post-Settlement, however, the dangerous hypothetical was created in which a self-aggrandizing governor of a Senate province assaulted a client king who answered to the authority of Augustus. This uncomfortable predicament was what began Marcus Primus's trial, and as proceedings continued it would prove to only be the tip of the iceberg.

Although legal teams of the time could have three advocates,<sup>109</sup> there is no indication that anyone beyond Lucius Licinius Varro Murena was defending Primus. The Roman Governor was tried in a *quaestio*, an inquisition made up of a small court of Roman Senators. *Quaestio* trials were among the most politically meaningful hearings the Senate would conduct at this time, and they were also exceptionally time consuming.<sup>110</sup> Although equites were occasionally in the ranks of juries in the first century BC, Primus's *maiestas* trial would have been made up exclusively of senators.<sup>111</sup>

The charges against Primus were straightforward enough. He had waged an offensive war against a Roman-friendly king in a volatile region, presumably for personal gain. The fact that some sort of conflict had occurred was never in dispute – there would be countless soldiers and eyewitnesses able to bring their testimony to Rome. The point of contention Murena argued was that Primus himself was acting only on the orders of Caesar Augustus, and more salaciously, accused Augustus's nephew Marcellus<sup>112</sup> of giving orders of his own. Although it is hard to

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<sup>108</sup> Gruen, "The Last Generation of the Roman Republic," 276-277

<sup>109</sup> See *Pro Murena*, for instance

<sup>110</sup> Talbert, 460-462

<sup>111</sup> Talbert, 43

<sup>112</sup> Historian Kathleen Atkinson famously disputed the participation of the younger Marcellus in 1960 – instead suggesting the "Marcellus" who gave the order to be Marcus Marcellus, consul for 22 BC. This theory has long been proven to be logistically impossible; for Primus to be receiving orders from the 22 BC consul, he would have logically been charged in 21 BC at the earliest. See Arckenberg 478-480

interpret – our only source for the trial, Cassius Dio, is vague with the details – it appears both Marcellus and Augustus are equally complicit in giving orders to Primus. With Augustus traveling back from Spain in 24 BC when Primus was likely serving as governor, the possibility exists that it would be the nephew Marcellus, whose location was unknown at the time, within the area of Macedonia and Thrace to give Primus his orders.

An unlikely connection plucks this theory out of the realm of total speculation and connects Murena, Marcellus, and Thrace together. Athenaeus of Seleucia is a philosopher who is presumably a friend of Murena, as he would be present when the politician is apprehended and executed months later, and would need to lobby for his freedom to Augustus.<sup>113</sup> Athenaeus would be known for just one published work: “On Machines.” “On Machines” was dedicated to none other than *Marcellus*, nephew of Augustus, and specifically deals with a historical siege of the *Thracian* town of Byzantion. Could Athenaeus’s dedication of a book about warfare in Thrace to Marcellus indicate Marcellus’s own presence or participation in a Thracian war he helped order? Did Murena’s friendship with Athenaeus allow him to become aware of this Marcellus-Thrace connection, guiding his advocacy and defense of Primus? We do not know for sure. The very specific circumstances, however, must be accounted for when looking into this trial.

Another connection to be discussed is Lucius Licinius Varro Murena’s connection with the Senate as a whole. This thesis postulates that the trial as a whole was a coordinated effort by the Senate, with Murena having *some* backing from the Senatorial aristocracy. The strongest evidence for this theory is the fact that a sizable part of the Senatorial jury voted on Murena’s

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<sup>113</sup> Strabo, Geographica, 17.13.25



side to acquit Primus.<sup>114</sup> A more tenuous but intriguing connection has been strongly advocated by classical historian Barbara Levick. Citing the fact that both Murena and Marcus Licinius Crassus were relatives through the Licinii family, she suggests that the Marcus Primus trial had Crassus's backing. Furthermore, both the Primus affair and Crassus's woes had to do with Augustus's authority in Macedonia and Thrace.<sup>115</sup> Augustus's spat with Crassus did not happen in a vacuum, after all. There would have been politicians – perhaps Licinii relatives like Murena – which wanted a firm answer on Augustus's jurisdiction within Macedonia.

There has been significant historiographical debate about what Varro Murena – and by extension, the conservative faction of the Senate – was trying to accomplish with its accusations against Caesar Augustus.<sup>116</sup> It is important to remember that Augustus was never in any immediate legal danger due to the Primus trial. He was, after all, the sitting consul for the year, and as consul Augustus could have argued he was acting as a representative of the Senate within a Senatorial province – even if the physical Senate itself was not aware of these plans. Like the old treason trials of generations past, the intention of Varro Murena's charges against Augustus were not to handicap him through imprisonment or heavy fines but to wound Caesar's authority and character as restorer of the Republic. Most critically, he sought to finally define and limit Augustus's seemingly limitless Constitutional authority. Claiming that Augustus was in legal bounds through his Consular powers would resolve the last glaring flaw of the First Constitutional Settlement. Augustus *would* have authority in Senate provinces, but only through powers given to him by a temporary Senate office he happened to hold. If Augustus were to resign from his position or not run for another term as consul, he would have *no* constitutional

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<sup>114</sup> Cassius Dio, 54.3.4

<sup>115</sup> Levick, Barbara, "Primus, Murena, and 'Fides'" 1975

<sup>116</sup> See Atkinson, Arckenberg, Daly

authority in Senate provinces. Caesar's militaristic grip over Gaul, Spain, and Syria – the so-called Imperial provinces – would naturally be maintained, but that mandate was set to expire in 17 BC.<sup>117</sup> If the Senate's argument held in court, Augustus's tremendous extralegal powers, which he had consistently held since the age of eighteen, would finally be given an expiration date.

Thus, the Primus trial was a careful prodding by the Senate as to what the First Constitutional Settlement *actually* meant. Whether or not Augustus or Marcellus actually ordered Primus to meddle in the Odrussian Kingdom was irrelevant. The important point is the mere accusation on Primus's part which mandated a response from the Augustan regime. Confirming Primus's claim, or at the very least not explicitly denying it, would not have been an overwhelmingly bad choice for Augustus. There was a nuclear option Augustus could have: that Primus obeyed Caesar's orders due to his *auctoritas*<sup>118</sup> and mandate from the First Constitutional Settlement. The legality of this claim would be far muddier than claiming consular authority, but possible considering foreign kings like in Thrace were technically not part of the settlement and therefore *may* have still been the business of the *princeps*. A proconsul obeying the *princeps* (who just so happened to be consul as well) exclusively over the senate would be a very strong display of Augustus's control and authority compared to that of the Senate. Although dynastic ambitions such as a designated heir remained under the radar, Augustus clearly had *some* future in mind for Marcellus, as indicated by his elevation to aedile and fast-track to the consulship. Having the proconsul of one of Rome's most significant provinces listen to the young aedile in regards to a campaign for war would serve as a testament to Marcellus's own *auctoritas*. The

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<sup>117</sup> Cassius Dio 53.13

<sup>118</sup> The special authority in Roman culture which powerful men held and could argue was legally binding. See Galinsky 10-24 for an expanded analysis of this dynamic.

integrity of the First Constitutional Settlement may have been at stake, but through his Gallic administration, participation in the Cantabrian War, and the subjugation of the Salassi, Augustus had been dutifully abiding by the arrangement on his end for the last three years. Perhaps it could even be argued that a proconsul ignoring the Senate was an indictment on the *Senate's* ability to hold its end of the settlement.

The Augustan Regime's response to Murena's unorthodox court performance was consistent with how Augustus preferred to handle political conflicts at this time: understated but paternalistically threatening. Horace, the pre-eminent Latin poet of the time and the ever-dutiful Augustan partisan, composed "To Licinius" for his patron's brother-in-law. Arckenberg has suggested that the poem is actually about Marcus Licinius Crassus,<sup>119</sup> Murena's relative who disputed with Augustus on Macedonia. Most historians, including Syme, insist on Murena. Considering the poem's publication in 23 BC (long after Crassus's fall into obscurity and the zenith of Murena's rise) and Murena's personal connection to Horace through Maecenas, Licinius Murena is the accepted subject of this poem.

As the poem states:

*Rectius uiues, Licini, neque altum  
semper urgendo neque, dum procellas  
cautus horrescis, nimium premendo  
litus iniquom.*

Better to live, Licinius, not always  
urging the high sea, nor, when too much  
wariness of storms presses you  
against uneven shores.

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<sup>119</sup> Arckenberg, 488

The use of “Rectius” in the first line is tricky to properly translate, as in its purely literal sense it is used as a nautical metaphor – to adjust one’s sails for the oncoming wind – but the word itself means far more than that. “Rectus” means morally uprightness in the ancient Roman world – honesty, properness, and goodness. In this stanza Murena is a metaphorical sailor attempting to find safe passage between the deadly uncertainty of the ocean on one side and the more certain but equally dangerous shore on the other. The sailing metaphor is potent because it suggests to us that forces may be pushing along and against our intrepid seaman which may not be in his control. Truly, being the star advocate in a controversial trial like Primus’s helps the stanza really come into focus: Murena may have felt his options were only either tighten his sail and brave the storm or let go. Like many of Horace’s poems, “To Licinius” is framed with Horace gently instructing Murena through a morally difficult conundrum, offering the friendly advice of moderation. A few lines later, however, this suggestion for the golden mean<sup>120</sup> turns into a demand to stand down:

*saepius ventis agitur ingens  
pinus et celsae graviore casu  
decidunt turre feriuntque summos  
fulgura montis*

Trees snap  
in the wind.

The highest tower falls hardest,  
when it is built a floor too high.  
It is always the greatest mountain  
which attracts the glowing  
lightning

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<sup>120</sup> Auream mediocritatem, as Horace puts it on line 5

Horace's sympathy from the inaugural stanza shifts to an open threat: don't be too ambitious, lest allow your own destruction. Such a mentality was not uncommon for the Augustan regime: Murena's brother, after all, had allowed Augustus to seize the honors of his conquest of the Salassi and was rewarded for his subordination by the promise of a consulship. Crassus quietly dropped his bid for *spolia opima* and faced no direct punishment from Augustus's party. Hundreds of Antonian and Republican Senators remained in Rome and carried political weight. Murena's threat was more direct and dire, but there is nothing to indicate that all could not be forgiven. Murena was well-connected through his family, and if the intensely Caesarian Paterculus's assessment of his character<sup>121</sup> is not an anomaly, he was well-liked even within the Augustan party.

Ultimately, no one stood down. When Augustus dramatically arrived at Primus's trial, he chose to neither claim consular authority nor power through his *auctoritas* and constitutional mandate. He chose instead to deny every word which came out of Primus's mouth. This evasion once again kicked the constitutional can down the road and muddied further what exactly was *going on* with this "restoration of the Republic." Augustus could have specified that he did not have the *power* to order Primus to invade Thrace in the first place, but he did not. He merely said that he did not give any orders to invade Thrace. No comment is even recorded on the topic of Marcellus. One final note should be made on Augustus's arrival and intervention within this trial: he argued to Murena that he was called to the stand by "the public interest" of the people. This response was very well received by the public, according to Cassius Dio.<sup>122</sup> Public opinion in this narrative is very scant – all we have to go off of is this description, the Senate's final vote, the Senate's votes in Murena's own trial, and a public backlash against Augustus after he

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<sup>121</sup> Paterculus, 2.91-93

<sup>122</sup> Cassius Dio, 54.3.3

attempted to offer celebratory sacrifices after Murena's death. It is likely that during the Primus trial itself Augustus was seen as the populist figure.<sup>123</sup> Murena, in turn, could have been seen as just playing politics – bogging down Rome's top executive for actions which occurred in some far-off, backwater territory like Thrace.

Whatever the feelings of the public were, the Senate's were deeply mixed: an uncomfortably sizable faction<sup>124</sup> of jury members voted for Primus's acquittal, although he was ultimately convicted.<sup>125</sup> The split vote swats down one final theory about the trial as a whole which historians argue for: that Murena was actually a royalist advocating for *more* power to be given to Augustus. The allegations leveled by Murena during the Primus trial – and subsequently the verbal abuse he gives the *Princeps* himself when he intervenes in the trial – is too outwardly hostile towards Augustus to paint Murena as anything but an opponent of the ruling regime. Most importantly a royalist argument from Murena also does not explain the split jury of the Senate. If all that was at stake was Murena and Primus and their relationship with the Augustan regime, and Augustus himself comes into conflict with Murena in the court, there is no incentive whatsoever for any senator to come to Primus's (and Murena's) aid.

Although Primus's guilt and ultimate fate is unknown, a note should be made that Augustan interest around the province of Macedonia would continue on for decades. No senatorial officials are recorded to have governed the area in this time – as a matter of fact, the only governing figures in the area were Augustan generals, Publius Vinicius and Publius Silius.

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<sup>123</sup> Cassius Dio 54.1.1-3 relates public demands for Augustus to assume further powers in this era during times of crisis.

<sup>124</sup> Cassius Dio, 54.3.4

<sup>125</sup> CW Chilton in "The Roman Law of Treason Under the Early Principate" actually argues that Primus was actually acquitted. Considering the events which came after the trial and Cassius Dio's phrasing of the vote, acquittal appears to be contextually unlikely.

Although Macedonia would remain a senatorial province for many more years, in the first decade BC the Roman *armies* stationed in Macedonia would be transferred to the northern imperial province of Moesia, around where the Odrysae were conquered and pacified.<sup>126</sup>

### Part III: Autocracy as Political Happenstance

The careful political calculations of Augustus and the Senate, including the First Constitutional Settlement and the Marcus Primus trial, would begin to unwind following Primus's conviction. Faced with a sudden bout of unpopularity, conservative Republicans as consuls in the Senate, and a life-threatening illness, sheer luck and happenstance would shift to Augustus's side. The fledgling executive would be granted new, stronger constitutional powers by a Senate certain he was about to die, miraculously live, and survive two different conspiracies against his life to reaccumulate political capital. The conspiracies – warning for the palace intrigue which would consume Rome's monarchical government in the coming years – would not only strengthen Augustus but eliminate Varro Murena. The first conspiracy would take his life while the second would wipe away his legacy, relegating a politically strong actor to become merely a footnote in a political history he helped shape.

#### Fallout from the Primus Trial and The Second Constitutional Settlement

Although the chronology surrounding the events in the years 23 BC and 22 BC are exceptionally murky, it is contextually evident that the Primus trial occurred before July 1<sup>st</sup>, 23 BC. It is on that day Augustus, overwhelmed with illness and certain he was to die, resigned from the consulship he had held consecutively since 30 BC. He did not indicate any sort of successor – rather, he discussed public policy with a group of chosen senators and gave military and financial

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<sup>126</sup> Syme, 400, 394

records to his co-consul for the year, the noted Republican Calpurnius Piso. Augustus's own vacancy would be succeeded by another noted Republican, Lucius Sestius. Sestius is a strange figure for the time – he openly supported, prayed and eulogized Brutus, the assassin of Augustus's father Julius Caesar. Furthermore, with Augustus's resignation one of the key reforms of the Second Constitutional Settlement was repealed. Suffect consuls would be reintroduced, allowing even more Senators to serve in the highest office of the Roman Republic, just as it had been in the 30s and 40s BC.

While Augustus stepped away from the consulship and the political spotlight, the Senate would vote him to receive the powers and authority of tribune for life.<sup>127</sup> Compared to his previous consular authority and administration of Gaul, Egypt, Spain, and Syria, the powers of a tribune were small and borderline symbolic. The potent legal power of tribunes, the ability to veto any bill brought up for assembly, is left unmentioned by our ancient sources. This is likely due to the fact that no such anti-Augustan bills were brought up in the first place. Of all his power, that of tribune was the most favored of Augustus, and it was frequently brought up alongside his consulships.<sup>128</sup> It is easy to understand why – unlike other offices, the tribune was created for the protection of the people. If Augustus's intervention for “public interest” in the Primus trial is any indication, he wanted to embrace his more populist powers.

According to Suetonius Augustus would also be granted the powers of censor – controlling the “supervision of morals” at the time.<sup>129</sup> It is unknown when exactly these powers were granted, but a good guess would be 22 BC when the office as a whole was revived and two

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<sup>127</sup> Cassius Dio, 53.32 and Suetonius, *Divi Augustus* 27. Cassius Dio incorrectly states that Augustus would hold the office of tribune, wherein actuality he held only the powers.

<sup>128</sup> See *Res Gestae*, 4

<sup>129</sup> Suetonius, *Divi Augustus*, 27.



censors were appointed.<sup>130</sup> It is also unknown if such a transfer of powers actually occurred, as it appears to be disputed by Augustus himself in his *Res Gestae* testimonial.<sup>131</sup> Much more consequently and controversially, Cassius Dio would report in a singular sentence that Augustus would have proconsular imperium – power over all the provinces as if he were their regional governor, both inside and outside the city of Rome. This great power, which would completely invalidate the split between senatorial and imperial provinces, has been met with strong skepticism by imperial historian Richard J.A. Talbert. He rightly points out that such overwhelming proconsular powers would be contradicted by Augustus requiring senatorial authorization for deploying his representatives to eastern provinces in the future.<sup>132</sup> Ronald Syme, on the other hand, advocates for a more orthodox position that Cassius Dio *wasn't* mistaken in the distribution of supreme proconsular powers, although he does confess to strong skepticism due to minimal primary sources.<sup>133</sup>

A safe “middle ground” to this confusing and contentious issue is that when Cassius Dio was speaking of proconsular authority, he meant that *when* such powers were bestowed upon him (perhaps in a situation similar to his mandate over Gaul, Syria, Egypt, and Hispania), he would simply not have to give up such powers when entering the city of Rome itself, as proconsuls traditionally have to do. A consular power, the ability to convene the Senate whenever Augustus wished, also seems plausible and likely to be bestowed. Beyond this judgement, this thesis takes the side of Talbert in arguing that archaeological evidence<sup>134</sup> of Augustus and his successors asking for authorization from the Senate for actions within

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<sup>130</sup> Cassius Dio, 54.2

<sup>131</sup> *Res Gestae*, 5

<sup>132</sup> Talbert, 404

<sup>133</sup> Syme, 336-337

<sup>134</sup> See Talbert's interpretation of Augustus's behavior around Cyprus, 397

senatorial provinces is too extensive to accept the existence of supreme proconsular powers of the time.

Such were the conditions which began the Second Constitutional Settlement Era. Unlike the First Constitutional Settlement, which can concisely be put into a single period, there is no such indication that the legal reforms which began with Augustus's resignation in mid-23 BC *all* came together at this time. On the contrary, we know that some constitutional reforms, such as Agrippa receiving the powers of tribune alongside Augustus, happened in a time well *after* the development of Augustus receiving his own tribunician powers.<sup>135</sup>

With the granting of tribune, censor, and possibly *some* proconsular powers, The actions of the conservative Senate in and around the Second Settlement period have been dismissed by Syme as opportunistic cronyism towards Augustus.<sup>136</sup> After all, allowing former Republicans like Sestius and Piso to attain the consulships aided Augustus in the long run to maintain the veneer of his restored Republic, with minimal long-term benefits for the conservatives. This viewpoint, however, overlooks the contentious political context of 23 BC. The conservative Senator of this time – who while not openly aggressive, was no ally of the Augustan regime – may have been intensely pleased with the cards they were dealt. Augustus was on the verge of death – no one, not even himself, expected him to recover – let alone live for another three and a half decades. For the first time in seven years, Augustus acquiesced the consulship, and was succeeded, no less, by the Republican Sestius. As indicated earlier there is no convincing evidence that Augustus had a designated heir at this time and, more importantly, no evidence that the Senate would accept the notion of a successor. Agrippa was unconnected to the Caesarian

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<sup>135</sup> Tacitus, 3.56

<sup>136</sup> Syme, 334-335

family and too lowborn.<sup>137</sup> Marcellus' youth was disqualifying in its own right, but paired with his role in the looming Marcus Primus scandal he had become both a political liability and far too close to the public eye. In return for giving up his unprecedented control over the highest office in the Roman state, Augustus would receive only the vaguely defined powers. The only one he would openly discuss and advertise being tribunician authority. The executive lay on what everyone thought would be his death bed. Sestius, a man who owned a statue of and openly eulogized Julius Caesar's assassin Brutus, took the power of Augustus's Consulship. He and Piso, another Republican who had fought against the triumvirate in the past then presided over the Senate in the *Curia Julia*. This was right next to the incomplete Temple of Mars Ultor – a building Augustus had dedicated to vengeance against Caesar's killers. With this image in mind, conservative triumph may have appeared imminent; the Republic outliving yet another tyrant, as it had before with Marius, Sulla, and Caesar.

#### Augustus's Comeback Tour – Collapse of Republican Reforms and Reversion Back to Autocracy

Augustus's survival from life-threatening illness would surprise his political allies, adversaries, and himself. Thanks to a treatment of “cold baths and cold potions” from his physician Antonius Musa Rome's top executive would pull through.<sup>138</sup> The illness of 23 BC gives way to a peculiar but unmistakable duality: on one hand, it is easily the closest Augustus's newborn authoritarian regime came to collapsing. On the other, the certainty of the *princeps's*

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<sup>137</sup> The Senatorial nobility notoriously did not like Marcus Agrippa, and would not attend his funerary games when he passed. See Syme, 344

<sup>138</sup> Cassius Dio, 53.30

imminent death from illness may have blunted more sinister machinations to remove him from office. After all, it made little logical sense to move against what was thought to be a dying man.

From this development, two critical events emerge from late 23 BC:<sup>139</sup> the death of Marcellus and the prosecution and execution of Lucius Licinius Varro Murena for treason. Marcellus's death is implied to be from the same pandemic which almost killed Augustus, as Cassius Dio mentions both within the same breath. The prosecution of Murena is the most well-recorded aspect of his life, with the event being mentioned or alluded to by Suetonius, Cassius Dio, Strabo, and even Tacitus, whose surviving historiography only covers the very end of Augustus's reign.

According to the narrative these sources provide, a figure named Castricius informed Augustus that a plot was forming against him from prominent Senators.<sup>140</sup> The motivation for such a plot is contextually evident enough: Augustus had just received great powers from the Senate and was not going to fall to illness. Therefore, violent removal may have appeared necessary. Just who the ring-leader of this plot is a matter of debate: Suetonius calls the endeavor Murena's conspiracy., Cassius Dio lists the top culprit to be Fannius Caepio and suggests that Murena may have been innocent and was only implicated due to his brashness and loud mouth.<sup>141</sup> Paterculus lists the conspiracy as a joint endeavor between the two of them. Fannius Caepio is a more obscure figure than Murena, with the only significant details of his life being that he came from a prestigious Roman family and that, according to Paterculus, he was about as

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<sup>139</sup> Paterculus, 2.93 places these events approximately on top of each other. Like the Primus trial, the prosecution of Murena has been subject to scholarly debate, with some arguing that it occurred in 22 BC. Unlike the Primus trial, however, the strict chronology of the prosecution is insignificant.

<sup>140</sup> Suetonius, *Divi Augustus*, 56

<sup>141</sup> Cassius Dio, 54.3.4

hated as Murena was well-liked.<sup>142</sup> Such unpopularity may have cancelled out Murena's previous prominence with the Primus trial. Suetonius and Paterculus, in their description of events, mention the two in the same breath.

Action against the alleged conspiracy was decisive and legally ambiguous. The conspirators likely were not in Rome when the charges came to light, as Augustus brought to the Senate a law to charge them *in absentia*, arguing that such men intended to escape. The trial against the conspirators proved to be murky and contentious. A young Tiberius, eager to advance his own political career as Marcellus had tried before him, argued explicitly against the unpopular Caepio.<sup>143</sup> It is unknown who prosecuted Murena, but it is telling that the figure who condemned the more popular politician is obscured from history. Like the Primus trial before, the jury was split on conviction. This vote perturbed Augustus, who moved to create another new law wherein those tried *in absentia* could only be convicted through a unanimous vote. The caveat to this would be that the jury ballots would *not* be secret. A clearly suspicious Cassius Dio assures his readers that Augustus gave "decisive proof" that these laws were acted "not out of anger, but for the common good."<sup>144</sup>

The conviction of Murena and Caepio for treason – as it was officially known at the time, *maiestas* – against the Roman state marks a serious shift from the previous high profile treason trial of Primus. On a tangible legal level, Augustus moved to stop having these treason trials be done in special *quaestio* senatorial committees and have them instead before the entirety of the Senate, where he himself could always personally attend.<sup>145</sup> On a larger level, however, the

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<sup>142</sup> Paterculus, 2.93

<sup>143</sup> Suetonius, *Tiberius* 6

<sup>144</sup> Cassius Dio, 54.3.6, Translation by Ian Scott-Kilvert

<sup>145</sup> Talbert, 464

Primus trial would be the last “Republican” treason trial – wherein a crime of the state, which may have had nothing to do with Augustus outside of Murena’s defense – was discussed and deliberated. These trials, alongside the *ambitu*, or bribery, trials, were the hallmark of the Ciceronian political mudslinging era. A Roman politician would be charged with *maiestas* to end his political advancement. Starting with Murena and Caepio’s trial, *maiestas* would take on a whole new meaning. If one was to be charged with treason, it is because they were going against the Emperor and needed to be executed. Such treason trials would continue through the Augustan era<sup>146</sup> to his successor Tiberius,<sup>147</sup> and beyond.

Murena and Caepio would each be apprehended and killed. The fallout for such prosecution cannot be understated. Maecenas could not save Murena from his fate. In fact, the rumor would be that Maecenas, the third most powerful man in Rome, would let slip to his wife Terentia that her brother Murena would be condemned to die. Terentia would then inform Murena in a vain attempt to help him. This small episode evidently led to a falling out between Augustus and Maecenas, leading to the stagnation of the latter’s political career.<sup>148</sup> According to Cassius Dio, Augustus faced pushback from the public when he offered sacrifices after their execution, celebrating their deaths as if it were a victory. Such a change in the discourse makes it evident that Murena was no Cleopatra or even Antony: discussion of his death could not be advertised and celebrated.

In the wake of very public criticism, Augustus would revert back to the strategy which had served him well in 27 BC: get out of Rome and wait for things to cool down. In the Fall of 22 BC, Augustus would keep his distance in Sicily, occasionally stopping to check in on things

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<sup>146</sup> See Rufus’s conspiracy in 19 BC

<sup>147</sup> See the prosecution of Sejanus, among many others

<sup>148</sup> Suetonius, *Divi Augustus*, 66

in Rome.<sup>149</sup> When in transit, discretion was key: Augustus typically traveled in and out of the city quietly at night.<sup>150</sup> During this time period, the first serious lucky break to Augustus's political reputation would occur: the Tiber would flood. This exacerbated the famine and plague which had been striking the Roman State from the year before. As is often the case, the newly reinstated consulship system was blamed, and Italians implored Augustus to take up the dictatorship. The urban dwellers of Rome became so unruly that they threatened to burn down the Senate building itself unless Augustus accepted the post. Nevertheless, Augustus would only accept a position within the grain commission, resolving the famine issue with a bailout from his own funds.<sup>151</sup> Whether the protests and refusing the dictatorship were the earnest actions of Augustus or just some clever political theater on his part are lost to time. Within his *Res Gestae* Augustus would proudly discuss turning down the dictatorship. His frequent transit between Rome and Sicily would also be alluded to as he discussed being offered the dictatorship both "in my absence and later when present."

#### Foreign Diplomacy Contributes to Augustus's Political Capital

In 21 BC, Augustus would depart from Sicily to go on yet another Eastern Tour. His western tour had paid dividends for him in the early 20's BC to avoid confrontation with the Senate. Now he sought to use the strategy of distance once again – depart where his political enemies could not land a political (or physical) killing blow. He would first stop in Greece before wintering on the Aegean Island of Samos. From this court he would host Amanirenas, Queen of Kush<sup>152</sup> who was engaging in a border conflict in the recently conquered territory of

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<sup>149</sup> Cassius Dio, 54.6

<sup>150</sup> Suetonius, *Divi Augustus*, 53

<sup>151</sup> Cassius Dio 54.1. *Res Gestae* 5

<sup>152</sup> A Nubian kingdom below Egypt

Egypt.<sup>153</sup> The fact that Augustus was engaging in unilateral diplomacy with foreign powers at his own personal estate far away from Rome marks a clear shift away from past diplomatic policy. Egypt may have been Imperial, but Samos was in a Senatorial province, and diplomatic envoys traditionally came directly to Rome for such negotiations.<sup>154</sup> The disregard for this on Augustus's side, paired with a lack of pushback from the distant Senate in Rome indicates a changing of the political tides, with Augustus growing weary of Republican revitalization. Instead, Augustus would attempt to court the Senate's favor personally through patronage of the exclusive "Fratres Arvales," "Brothers of the Cultivated Field." This aristocratic religious cult would include members like the notorious Republican Valerius Messalla Corvinus, and allowed Senators to feel included outside of Republican tradition and procedure.<sup>155</sup>

The greatest boon to Augustus's imperial career would come from his retaking of the captured Roman Eagles from Parthia in 20 BC. Once again acting unilaterally through diplomacy, he would receive the standards which had been lost by Marcus Licinius Crassus (the elder) and his old rival Mark Antony, eventually donating them to his great Temple to Mars the Avenger. The reconquest of the Roman Eagle standards through diplomacy proved to be a massive boon to Augustus, and would be featured both in poetry and art for years to come.<sup>156</sup>

By 19 BC the Second Constitutional settlement would be winding down and the political adjustments Augustus made would endure for hundreds of years. For starters, Marcus Agrippa would marry his daughter Julia. Although the concept of Agrippa being an "heir" to Augustus was flawed, the marriage still marked a shift away from amicable alliances between politicians to

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<sup>153</sup> Cassius Dio, 54.5

<sup>154</sup> Talbert, 412

<sup>155</sup> Galinsky, 292

<sup>156</sup> Galinsky, 155-156



familial political dynasties. A strange miscommunication occurred in 19 BC, when the consul for that year, a man named Saturninus, expected Augustus to become his co-consul for that year as he returned in triumph from his eastern tour. Augustus would not take up the position, however, and the consulship would officially have only one occupant for that year. In addition to further evidence of Augustus's resurging popularity, this strange mishap with the empty consulship is a prudent reminder of how slowly news traveled from corners of the empire. The slow travel of news is important for events like the fall of Gallus years prior and the execution of Murena and Caepio as they evidently fled from Italy.

As Augustus Caesar returned from Rome with renewed popularity, he was evidently granted one final, befuddling constitutional power – that of consul for life. Like with his gifted proconsular authority, the details of what powers this position granted him are deeply murky, and only reported from Cassius Dio in a singular line.<sup>157</sup> The line itself is also problematic as it suggests that Augustus was given censorship powers – a charge he explicitly denies in the *Res Gestae*.<sup>158</sup> As such, it is best to stay on the conservative side when considering the briefly mentioned, “Cassius Dio-exclusive” constitutional powers we have on record. In his passage, Cassius Dio discusses his consular authority “to the extent that he even gained the right to be attended by twelve lictors at all times and places, and to sit at the curule chair between the two men who were serving as consuls.”<sup>159</sup> A safe postulation would be to assume Augustus received consular honors – the lictors and the curule chair – in addition to the honor of convening the Senate which he received in 23 BC. Further, more material powers such as direct administrative influence in Senatorial provinces appears minimal and would likely be frowned upon. The

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<sup>157</sup> Cassius Dio, 54.10

<sup>158</sup> *Res Gestae* 6

<sup>159</sup> Cassius Dio, 10

separation of senatorial and imperial provinces, therefore senatorial and imperial powers, would continue for another century, into the reign of Nero.<sup>160</sup> However, the honors and changes surrounding the Second Constitutional Settlement make it clear that if a “Primus incident” were to happen post-19 BC, it would have been a non-issue. Augustus’s foreign policy ventures with Kush and Parthia are enough evidence for this. It is unlikely Thrace would have been considered any different. If the Senate wanted an answer to what their true power relative to Augustus was, the 23 BC-19 BC time period made the answer exceptionally clear: autonomy was allowed and tolerated in their Senatorial provinces, but interference in the Imperial provinces or with Rome’s many international neighbors would not be tolerated. In 18 BC, Augustus’s mandate over his imperial provinces was renewed for another ten years.<sup>161</sup> It would never expire.

#### Egnatius Rufus, a Coda

Augustus may have ended Varro Murena’s life but it would be Egnatius Rufus, a tactless Senator of minimal repute, who would obliterate his legacy. In 19 BC, the same year of the consulship miscommunication, Rufus riled up his own supporters and argued that he should be able to stand for the office of consul. Due to a scuffle involving who founded Rome’s fire department<sup>162</sup> he made an enemy of Augustus, who in turn ensured that Rufus’s name would not make it on the consulship ballot. Rufus would throw a fit and whip up his supporters, including a band of gladiators to hunt down and kill Augustus. His conspiracy would quickly be found out and this boorish man would be arrested and executed.<sup>163</sup> While the political ramifications of this

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<sup>160</sup> Talbert, 394 is our best advocate for this stance.

<sup>161</sup> Cassius Dio, 54.12

<sup>162</sup> See Cassius Dio 53.23. In summary, Rufus believed that he came up with the idea of a fire watch within the city of Rome and that Augustus, when he implemented a similar service, had stolen his idea.

<sup>163</sup> Paterculus, 2.91

strange revolt would appear to be minimal, its long term historiographical effects can best be exemplified by Tacitus's discussion about the Augustan age:

“there had been undoubtedly peace, but peace with bloodshed ... the execution at Rome of a Varro, an Egnatius, an Iullus.”<sup>164</sup>

Lucius Licinius Varro Murena, the man who challenged Augustus and nearly brought down his regime in open court, is paired with Rufus Egnatius Rufus, a politician who whipped up a bunch of gladiators to find and kill Augustus. Murena is tied with Rufus the same way he is tied to the unpopular Caepio: his exceptionality and bold challenge diluted by the mediocrity and barbarity of autocratic conspiracy which became all too prevalent as the imperial age progressed. As Murena's impact is diluted as he is stuck between violent conspirators, Augustus's Republican reforms in the 20's BC are diluted by his ultimate failure and reversion to dynastic grooming and autocracy. His grandson Gaius would hold the consulship at the age of 19 in 1 AD. Finally, the Senate itself would be diluted by history and their ultimate failure to change the autocratic status quo which Augustus would gradually institute. Their political machinations in the 20's BC, especially within the Primus trial, are buried under cynical assumptions of cronyism and subservience which have only recently become challenged and properly evaluated. The uncomfortable truth is that *Emperor* Augustus Caesar was never inevitable, and only due to specific actions and politicking by those working in the Senate was his autocracy solidified.

### Conclusion

Just as Rome would serve as a model for all future Western empires, Augustus Caesar would serve as a specter over all future absolute rulers, from Louis XIV<sup>165</sup> to Benito

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<sup>164</sup> Tacitus, *Annals*, 1.10. Iullus Antonius, another conspirator, would be executed in 2 BC.

<sup>165</sup> Weinbrot, Howard D. "History, Horace, and Augustus Caesar: Some Implications for Eighteenth-Century Satire." *Eighteenth-Century Studies*, vol. 7, no. 4, 1974, pp. 391–414.

Mussolini.<sup>166</sup> He is the divider between a hundred years of Republican civil war before him and two hundred years of autocratic peace after. A successful authoritarian is a danger to all republics, as both tyranny and an improved wellbeing for the citizenry can exist under the hand of a singular executive. Ironically, the Marcus Primus trial and its fallout show that Augustus was at his weakest when he was at his most authoritarian. He earned the distrust of the Senate and, for a brief time after the execution of Murena and Caepio, disillusionment from the public. Further still Augustus's delegation and subdivision of authority under the First Constitutional Settlement, an underrated but enduring achievement, would be one of his *least* authoritarian acts. Unification of the military and administrative reform of the governors was desperately needed, and such issues were solved through Augustus and his negotiations with the Senate.

Of course the plan to allocate authority between executive and Senate never fully materialized. It would be weakened through the political intrigue of 23 BC, and politically dead by Augustus's triumphant return from the east in 19 BC. There can be endless debate on Augustus's intentions throughout the constitutional negotiation process, but it is all too easy to ponder Roman governance beyond the half-baked autocracy that Caesar settled for. Perhaps at that critical moment of Murena's questioning at the Primus trial, Augustus could have reiterated Senatorial control over their provinces. With further administrative delegation to the Senate, a far more mixed form of government may have survived Augustus's age with a balance between executive and senatorial authority. In light of Augustus's failures as a Republican and survival as an autocrat, however, hypotheticals on how Roman governance could have averted the doomsday of full monarchy remain just that.

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<sup>166</sup> Nelis, Jan. "Constructing Fascist Identity: Benito Mussolini and the Myth of 'Romanità.'"

Above all else, Augustus's reign between 30 BC and 19 BC serves as a direct warning to governments in today's time: when an executive in power can no longer be checked, the future of the state lives and dies by his or her adherence to norms and personal ambitions. In 30 BC the Roman Senate still had power next to Augustus, although it would be worn away through political miscalculation. The brevity of this independent political power contributed to Augustus's own mythos: Caesar was just that powerful, and the Senate was destined to collapse into subservience. Marcus Licinius Crassus, Marcus Primus, Lucius Sestius, and Varro Murena are each potent reminders of how flawed this sentiment is. The resistance and fates of these men should not be overlooked for the expediency of a historical narrative, nor should the lessons from their failures be forgotten in our modern day governance.

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