

The Triumvirate *rei publicae constituendae*, ἀντάρχοντες in an Inscription from Aphrodisias, and the Late Republican Promagistracy

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EN Abstract. This paper begins with an overview of some of the difficulties with modern conceptions –as formulated especially by Ugo Coli, Frederik Vervaeke, and Carsten Lange– of the Triumvirate *rei publicae constituendae* as an instance of the so-called magistracies *ad tempus incertum*. According to these scholars, the Triumvirate could be legally retained past the term stipulated by statutory provisions. In contrast to this, drawing upon the notion that the contemporaries perceived the Triumvirate as a temporary formalization of personalized informal power, which would persist and effectively control both the sphere *militiae* and the sphere *domi* even after its holders ceased to be triumvirs and formally became promagistrates, this paper puts forth a hypothesis to elucidate the use of the term ἀντάρχοντες (typically denoting promagistrates) in an Aphrodisias inscription from ca. 39/38 BCE. In this text, ἀντάρχοντες refers to those who could convene the Roman Senate. In unravelling the reasons for which the inscription attributes to the ἀντάρχοντες the authority that promagistrates never formally possessed, we must account for the possibility that the text collapses one's legal rights and statuses from distinct temporal contexts and one's capacity to take informal political initiative, into a single construction. However, this reading becomes plausible only when we take into consideration the previous experience of the Romans and provincials with some powerful promagistrates interfering with Roman city politics. **Keywords:** Roman Republic; magistracies *ad tempus incertum*; promagistrates; sphere *domi*; political culture; informal political initiative.

ES El triunvirato *rei publicae constituendae*, ἀντάρχοντες en una inscripción de Aphrodisias y la promagistratura republicana tardía

ES Resumen. Este artículo comienza con una visión general de algunas dificultades con las concepciones modernas, formuladas especialmente por Ugo Coli, Frederik Vervaeke y Carsten Lange, del Triunvirato *rei publicae constituendae* como una instancia de las llamadas magistraturas *ad tempus incertum*. Según estos académicos, el Triunvirato podría mantenerse legalmente más allá del plazo estipulado por las disposiciones legales. En contraste con esto, basándose en la noción de que los contemporáneos percibían el Triunvirato como una formalización temporal del poder informal personalizado, que persistiría y controlaría efectivamente tanto la esfera de las *militiae* como la esfera *domi* incluso después de que sus titulares dejaran de ser triunviro y se convirtieran formalmente en promagistrados, este artículo propone una hipótesis para elucidar

el uso del término ἀντάρχοντες (que denota típicamente a los promagistrados) en una inscripción de Afrodiasias fechada alrededor del 39/38 a.C. En este texto, el término ἀντάρχοντες se refiere a aquellos que podían convocar al Senado Romano. Para desentrañar las razones por las cuales la inscripción atribuye a los ἀντάρχοντες la autoridad que los promagistrados nunca poseyeron formalmente, debemos tener en cuenta la posibilidad de que el texto aúne los derechos legales y los estatus de distintos contextos temporales y la capacidad de tomar la iniciativa política informal en una construcción única. Sin embargo, esta lectura se vuelve plausible solo cuando consideramos la experiencia previa de los romanos y provinciales con algunos promagistrados poderosos interfiriendo en la política de la ciudad de Roma.

Palabras clave: República Romana; magistraturas *ad tempus incertum*; promagistrados; esfera *domi*; cultura política; iniciativa política informal.

Sumario: 1. Introduction. 2. Office without End? Some Notes on the Triumvirate as a So-Called Magistracy *ad tempus incertum*. 3. The Triumvirs as Promagistrates (ἀντάρχοντες)? 4. Anticipating Power. 5. Concluding Remarks: What about Promagistrates and the Senate? 6. Bibliography.

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1. Introduction

The fully preserved line of an inscription from Aphrodisias,¹ which contains extracts from a senatorial decree (a treaty) from ca. 39/38, reads: “to the magistrates or promagistrates of the Roman People who have the power to summon the Senate” (τοῖς ἄρχουσιν ἀντάρχουσιν δήμου Ῥωμαίων τοῖς ἐξουσίαν ἔχουσιν σύνκλητον συναγαγεῖν).² Jochen Bleicken rightly emphasized that since (regular) promagistrates could not convene the Senate, the term ἀντάρχοντες can only refer here to the triumvirs: the *triumviri r.p.c.*, as Aulus Gellius tells us, did have this right.³

In this paper, I propose to explore the way in which the scholarly idea that the Triumvirate was a formal combination of magisterial and promagisterial powers, despite being *sensu stricto* incorrect, can aid us in better understanding not so much the Triumvirate itself, but rather the development of the late republican promagistracy.

The purpose of this paper is not to once again review the numerous modern interpretations of the Triumvirate’s political role and formal status in broad terms.⁴ Although for the sake of providing the necessary context, it is impossible to proceed without digressions on several important aspects of this immense problem, my aim is more limited. I ask about the extent to which the triumviral political practices drew on the political experiences of the late republican promagistrates, and vice versa, in view of the inscription cited above.

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² Reynolds 1982, 93 (Doc. 9, ll. 12-13); <http://insaph.kcl.ac.uk/iaph2007/iAph080028.html>. Cf. Reynolds 1982, 60 (Doc. 8, ll. 80-81); <https://insaph.kcl.ac.uk/insaph/iaph2007/iAph080027.html>. Reynolds’ translation is “to the magistrates or those acting for the magistrates of the Roman people who have the power to summon the Senate” (Reynolds 1982, 93). Cf. Raggi – Buongiorno 2020, 163 (“ai magistrati, ai promagistrati del popolo romano o a quanti hanno il potere di convocare il senato”). On this text’s relation to a senatorial decree, law, or magisterial decree, see Reynolds 1982, 93-94; Raggi – Buongiorno 2020, 165-167.

³ Gell. *N.A.* 14.7.5. Bleicken 1990, 37 (or even the *ius potissimum senatus consulendi*, as Vervaeke 2020, 40 (with n.54) has plausibly suggested; see also Raggi – Buongiorno 2020, 110).

⁴ See, e.g., Millar 1973; Bringmann 1988; Laffi 1993; Roddaz 1996; Vervaeke 2020.

While we possess substantial knowledge about the period, our primary literary source concerning the formal powers of the Triumvirate, namely Appian, permits a broad array of interpretations. As Carsten Lange rightly points out, the “powers of the triumvirs are notoriously difficult to establish”.⁵ Indeed, the question arises: what exactly does Appian mean when he refers to the domination of the triumvirs as “the whole government of the Romans”?⁶ Lange suggests that this phrase might equal the *potens rerum omnium* of *RGDA* 34.1; the powers given back in the year 27.⁷ But to see in such formulations the references to any specific offices (let alone to the Triumvirate prior 32) is difficult. This is especially so since Appian makes it clear that a prerequisite for ἡ Ῥωμαίων ἀρχὴ πᾶσα to become concentrated in the hands of M. Antonius and Octavian was not only the deposition of the third triumvir M. Lepidus but also the defeat of M. Brutus, C. Cassius, and Sex. Pompeius. If ἡ Ῥωμαίων ἀρχὴ πᾶσα meant specifically the Triumvirate, then it would have been impossible to explain the reason for which only after Brutus, Cassius, and Sex. Pompeius had been defeated did the Triumviral power, as such, finally become the possession of solely Antonius and Octavian.

Lange himself underlines the peculiarity of such formulations as ἀρχὴ πᾶσα and their Latin counterparts when he notes that Octavian “prefers to speak of himself, in a non-constitutional way, as being in possession of all things through universal consent, even though *potens rerum omnium* surely derives from the triumvirate”.⁸ It does derive from it, but it is not its description. Further, as Lange points out, Octavian’s choice of the phrase *potens rerum omnium* “should be seen rather as a statement of the position established *de facto* through the victory over Antonius”.⁹ Finally, discussing Dio’s description of Octavian’s giving up certain powers in 27, Lange rightly notes (objecting to Frederik Vervaeet) that “the ‘arche’ which Octavian is giving up in Dio’s speech is surely not a magistracy but simply autocracy/monarchy”.¹⁰ I do not think that Appian’s ἡ Ῥωμαίων ἀρχὴ πᾶσα at *BC* 5.1 should be considered any different.

Thus, Appian’s evidence or Octavian’s own evaluations are not very helpful if we want to understand whether the Triumvirate was in any sense (formal or informal) a combination of magistracy and promagistracy or just drew on the political experiences of the late republican promagistracy. Luckily, we have additional evidence for such a discussion, so far underappreciated. This paper aims to examine the specific epigraphic text mentioned earlier. But, even within the limited space available here, an overview of modern theories regarding the temporal constraints of the Triumvirate must still be provided, before we can delve into the inscription.

2. Office without End? Some Notes on the Triumvirate as a So-Called Magistracy *ad tempus incertum*

An essential question that holds critical importance for the subsequent discussion of the Aphrodisian inscription is whether the ex-triumvirs could retain their *imperium* and the *provinciae* in the sphere *militiae* as promagistrates (although not their magisterial capabilities in city politics), even after the statutory defined term of (ca.) five years was over.

First, it must be emphasized that the triumvirs were able to become promagistrates not only if at some point after their Triumvirate invested with a magistracy *cum imperio*, subsequently being prorogued, or by virtue of an extraordinary grant of *imperium*, but also automatically, in case the ex-triumvirs stayed outside the city boundary and received no successors in their respective *provinciae*.¹¹ Indeed, many years ago, Pierre Willems attempted to refute Theodor Mommsen’s argument about what may be termed “automatic prorogation” and hypothesized that, in reality, the Senate each year explicitly prorogued everybody’s *imperium* until the arrival of their respective

⁵ Lange 2009, 47.

⁶ App. *BC* 5.1: ἡ Ῥωμαίων ἀρχὴ πᾶσα.

⁷ Lange 2009, 20.

⁸ Lange 2009, 59.

⁹ Lange 2009, 186.

¹⁰ Lange 2009, 54.

¹¹ See, esp., Mommsen 1887a, 639-641; 1888, 1089, n. 2; Giovannini 1983, 39-40.

successors, and that our ancient sources only report cases in which prorogation extended “beyond the ordinary period”.¹²

Frederik Vervaeet agrees with Willems and explains that “the tradition that the commanders in the provinces would continue to exercise their prerogatives beyond their officially defined term until they were informed of the Senate’s annual *s.c. de prouinciis* was the only form of ‘automatic prorogatio’”.¹³ Vervaeet’s point seems to lead to the idea that, if the annual *s.c. de prouinciis* did not mention some of the *ex-magistrates nominatim* among those whose power was prolonged and instead mentioned somebody else, the previously effective “automatic prorogatio” thereby terminated. But who disagrees? On this view, we do have an “automatic prorogation” either retroactively confirmed or eventually terminated by a special decision of the Senate. I do not see the way in which this fundamentally contradicts the “automatic prorogation” principle as formulated by Mommsen (or Giovannini). The validity of this assessment of mine seems to be confirmed by Vervaeet himself when, discussing the case of Ti. Claudius Nero in 201, whose *imperium* the Senate failed to prolong, Vervaeet points out that “it should not be called into question that Nero automatically became *pro consule* on the Ides of March 201 and that he retained his *consulare imperium* until he crossed the *pomerium*”. But, as Vervaeet explains, since the provincial command was not prolonged, Livy calls Nero a *privatus*. At the same time, Vervaeet immediately notes that it is “absurd to presume that Nero had really become a private citizen” because he still remained in command of a substantial fleet.¹⁴ One may doubt (as Vervaeet does) whether Nero’s limited task to return his fleet home can qualify as a real *provincia*, but an “automatic prorogation” pertaining to some task was certainly the case.

Despite his explicit confirmation of the existence of at least some type of “automatic prorogation”, Vervaeet persists in supporting Willems’ argument by referring to Liv. 42.4.13 (the beginning of 173): “Of the praetors who had gone to the provinces, Numerius Fabius died at Massilia, while he was on his way to Nearer Spain. Therefore, ... the Senate decreed that Publius Furius and Gnaeus Servilius, who were being replaced, should cast lots and decide between them which should govern Nearer Spain under an extension of his *imperium*. The lot was fortunate in that Publius Furius, the same man under whose command that province had been, was selected to remain” (Loeb transl.).¹⁵ Vervaeet argues that “If there had indeed existed such principle as ‘automatic prorogation’ – a contradiction in terms – the incumbent governor would have simply stayed on in consequence of his successor-designate’s decease”.¹⁶ First, “automatic prorogation” cannot be a contradiction in terms relevant for this debate because it is just a scholarly label in the absence of a better option. The use of this phrase in itself does not prove or disprove the concept behind the label (just as is the case with the modern term “*privatus cum imperio*”). Secondly, this passage is no proof that “automatic prorogation” was impossible because Mommsen or other proponents of the “automatic prorogation” principle do not even insist that it was more than a short-term, limited solution.

Before the arrival of Num. Fabius his predecessor P. Furius retained the power automatically precisely because there was a substantial, even if a relatively short, period of time, when he was even obliged to remain a commander for the sake of the Republic. The need for the Senate to authorize P. Furius’ propraetorship anew arose exactly because the body eventually opted for a longer-term and therefore explicit prolongation of his command, giving up the idea to send somebody else again.¹⁷ In fact, P. Furius remained in this position until 172 –for more than a

¹² Willems 1883, 547-548.

¹³ Vervaeet 2014, 57, n. 16.

¹⁴ Vervaeet 2014, 56.

¹⁵ *Ex praetoribus, qui in provincias ierant, N. Fabius Massiliae moritur, cum in citeriorem Hispaniam iret. itaque cum id nuntiatum a Massiliensibus legatis esset, senatus decrevit ut P. Furius et Cn. Servilius quibus succedebatur inter se sortirentur, uter citeriorem Hispaniam prorogato imperio obtineret. Sors opportuna fuit, ut P. Furius idem, cuius ea provincia fuerat, remaneret.*

¹⁶ Vervaeet 2014, 57, n. 16.

¹⁷ Note, e.g., Mommsen 1887a, 640, n. 4 (explicit prorogation needed “bei längerer Dauer”).

year.¹⁸ Of course, he needed a special authorization to make his already effective “automatic prorogation” a prolonged, rather than a temporary, solution. Finally, since Num. Fabius had already been designated as governor of Nearer Spain, after his accidental death, the Senate of course needed an explicit decision concerning the successor.¹⁹

The triumvirs’ eventual decision to authorize a longer-term continuation of their power, and such that it would not be limited to just the promagisterial capabilities in the sphere *militiae* only, is entirely within this tradition. Hence, I cannot see the way in which Vervaeet’s contention can work, according to which “[h]ad the triumviral *tempus* had the same effect as the consular *tempus*, both Antonius and Octavianus would have needed Senate or People to formally decree a *prorogatio imperii*”.²⁰ Just as any ex-magistrates with *imperium* staying outside Rome, they did not need such a decree to remain *imperium*-holders with the *provinciae* only in the sphere *militiae* until a successor was appointed.

The second, much bigger, question concerns the end of the triumvirs’ magistracy. I am not convinced by the modern conceptions which suggest essentially that the Triumvirate as an office could legally continue past the clearly defined, vastly documented, and precisely counted terms just because no explicit abdication or abrogation took place. However, I cannot expect to convince the reader that these modern interpretations are incorrect: the present short paper is inadequate for such a grandiose task. My intention is more modest –to demonstrate that “the Triumvirate without end” solution is, at the very least, problematic and not the only possible interpretation.

An important, revealing, and elaborate argument for the notion that the Triumvirate as an office could not lapse automatically, *ipso iure*, even after its term was over has been provided by Frederik Vervaeet. What follows in no way aims to downplay the significance of Vervaeet’s observations. Rather the reverse, only by building upon Vervaeet’s research does it become possible to provide an interpretation differing from his. However, it must also be recognized that Vervaeet’s argument, in turn, depends entirely on whether Ugo Coli’s hypothesis of the so-called *magistratus ad tempus incertum* is correct.

Already Mommsen envisaged a special type of magistracies, “extraordinary constituent power”, which differed from other magistracies also in that no specific period formally limited their duration, because this power was supra-constitutional, devised to change the constitutional order itself.²¹ However, it has been argued convincingly that this theory is fully applicable only to Sulla’s dictatorship (which characteristics it generalizes).²²

Instead of Mommsen’s juxtaposition of those who had “constituent power” and all other magistrates, Coli imagined the existence of the so-called magistracies *ad tempus certum* and magistracies *ad tempus incertum*. The magistracies *ad tempus certum* (“for a fixed period”) were essentially annual offices. Coli also characterized them as permanent and instituted for continuous, ongoing, or routine tasks. To avoid continuous retention of office, these magistracies had to be limited by a specific term and such that the *cessatio* (expiration) of the power happened automatically upon the arrival of that term. According to Coli, the magistracies *ad tempus incertum* (“without a fixed term”, e.g., dictators) were also limited, but by a relative, rather than an absolute, term. They were exercised until a special task, for which they were devised, was fulfilled. Additionally (already an uneconomical assumption, I think), Coli thought that they had a specific temporal term (e.g., six months for the dictator) but this term functioned as a “comminatory” one. The magistrates *ad tempus incertum* were expected to fulfil their task and abdicate before the time was over but, in principle, they were legally entitled to retain their magistracy beyond the term if they decided not to abdicate, although they could be censured for this afterwards.²³

¹⁸ Broughton 1951, 409, 412.

¹⁹ I thank *Gerión*’s anonymous reviewer for this point.

²⁰ Vervaeet 2010, 121. For the differentiation between the triumviral *tempus* and the consular *tempus* in Vervaeet’s conception, see below.

²¹ Mommsen 1887a, 696–697; 1887b, 718–720, 746–747.

²² Bringmann 1988, 24–32, 35–38.

²³ Coli 1953.

This is a very problematic hypothesis for multiple reasons. I have investigated them in detail elsewhere,²⁴ but a few general points must still be made in the context of this paper.

Coli's theory eventually leads us to the observation that, on the one hand, the Roman *civitas* fully defended itself by *technical legal means* (i.e. independent from anyone's political opinion) from the risk of formal and legal retention of power by annual magistrates, such as consuls. On the other hand, even more powerful non-annual magistrates, for instance dictators, are assumed by Coli to be able legally to retain their power simply if they found a good reason (or proclaimed that they found a good reason) not to abdicate, risking some censure for their behaviour only afterwards. But this logic means that, to be able to persecute such a magistrate after he finally stepped down, his fellow-citizens ultimately relied on whether the magistrate eventually chose to abdicate. Coli himself begins his study with a note that, in principle, all Roman magistracies were limited in time.²⁵ Thus, our ancient sources agree that consular power differed from the power of the kings not in the scope but rather in that it was limited in time.²⁶ The scholarly notion of *magistratus ad tempus incertum* is incompatible with the Romans' own understanding.

As already mentioned, Coli thought that, being without a fixed term, the magistracies *ad tempus incertum* could *formally* lapse only by way of abdication.²⁷ But at the same time Coli correctly observed that abdication always remained a (formally) voluntary act.²⁸ It follows that, according to Coli, in formal terms, the duration of an office was eventually legally defined solely by its holder's goodwill. That is, legally, it had no inherent limitations, which contradicts Coli's notion that even magistracies *ad tempus incertum* had objective limitations. Coli made an important reservation: if the holder of a magistracy *ad tempus incertum* retained power after his task had been fulfilled, he could be accused of an abuse of power.²⁹ But if, according to Coli, an office could be retained legally even after the fulfilment of the task,³⁰ while the fixed term was not legally binding, then the compulsion to abdicate could not be based on any legal argument. Coli insisted that a magistrate could be criticized for not abdicating his power. But this criticism could only amount to moral pressure, which the office-holder was formally entitled to ignore. In this view, the only way he could be compelled to relinquish his power was by illegal force.

On this interpretation, the maximum fixed term so often reported by our ancient sources becomes meaningless not just in legal terms, but also in general.³¹ For example, as Fred Drogula points out correctly, Caesar "surely would not have sought the provocative title of 'dictator for life' (*dictator perpetuus*) if he could have simply retained his normal dictatorship indefinitely. What was the point of the qualifier *perpetuus* if not to prevent the automatic expiration of his dictatorship?"³²

Importantly, there is no positive proof that the holders of the so-called magistracies *ad tempus incertum* have ever exceeded their respective "comminatory" terms.³³ Thus, Coli repeatedly referred to the cases similar to the one from 362 when a dictator *clavi figendi causa*, having quickly fulfilled his task, did not abdicate and remained in office.³⁴ But while the dictator was criticized for his activities which went beyond the initial task, he was not attacked for exceeding the six-month term –simply because he never exceeded it.

These and other concerns make Coli's theory a rather precarious foundation for any further elaboration. Alberto Dalla Rosa (who otherwise largely agrees with Vervaet) has already pointed

²⁴ Frolov 2019.

²⁵ Coli 1953, 395.

²⁶ Cic. *Resp.* 2.56; Liv. 2.1.7.

²⁷ Coli 1953, 404-405.

²⁸ Coli 1953, 402-403.

²⁹ Coli 1953, 405, 410.

³⁰ Which, therefore, as we must conclude *pace* Coli, does not in any way formally affect and changes the nature of the *tempus* of such magistracy, in contradiction to Coli's initial point.

³¹ For the repercussions of this specifically for the Triumvirate *r.p.c.*, see De Martino 1993, 80.

³² Drogula 2015, 348. See, e.g., D.C. 42.21.

³³ Drogula 2015, 347-348. For a detailed argument, see Frolov 2019.

³⁴ Liv. 7.3.9; Coli 1953, 405. For other cases, see Coli 1953, 411, n. 55.

out that Vervaeet's argument is heavily dependent on Coli's theory and on another problematic idea, namely, that, in book 53, Dio gives a glimpse into the genuine content of Octavian's speech, in which he, as Vervaeet holds, formally abdicated the Triumvirate (in the year 27).³⁵

Let us first comment on the latter point. Lange is among those who have criticized Vervaeet's interpretation of Octavian's "resignation speech" in Dio. Thus, he points out that this speech is similar to the Agrippa/Maecenas dialogue and "there is little doubt that Dio relatively freely invented the speech".³⁶ But I do not think that even this is the main problem.

Let us assume for the sake of argument that Vervaeet is right in thinking that, in Octavian's so-called "resignation speech", Dio describes the abdication of the Triumvirate. In particular, let us imagine that ἀφίημι τὴν ἀρχὴν ἅπασαν at D.C. 53.4.3 ("I give up my power completely") does refer to a formal abdication.³⁷ Now, at D.C. 53.6.3, Octavian is made to say that by giving back all the power he will become a *privatus* (ἰδιωτεῦσαι). Immediately, Vervaeet remarks that, although this statement "is rhetorical to the extent that he was still holding the consulship of 27, it perfectly fits the procedure of *abdicare se magistratu*, or its variant *deponere imperium*, which normally automatically implied the occupant's return to the status of *privatus*".³⁸ Thus, according to Vervaeet's view, in the particular situation of 27, Octavian, whatever he "abdicated", still remained consul even after the abdication.³⁹ But if Octavian had indeed announced in 27 something like *imperium me abdicō*, how could his audience be certain that he was not, in fact, abdicating his consulship rather than the Triumvirate (since *imperium* could refer to either)? Especially considering that the incumbent triumvirs used to enter and abdicate their consulship without laying down the Triumvirate (and not vice versa).⁴⁰ Octavian's speech in Dio is rhetorical to the extent that it misrepresents entirely the most basic legal realities, making a *privatus* out of consul. Hence, it is much better to assume, with John Rich, that since ἰδιωτεῦσαι implies "an intention to resign the consulship and retire altogether from public life", it is "most unlikely that he [sc. Octavian] spoke in these terms".⁴¹

If, on the contrary, we assume that Dio does preserve the essence of what Octavian actually said, and we then make a reservation that ἰδιωτεῦσαι is just a means of imprecise rhetoric (a metaphor), then there is no longer possible to assume that ἀφίημι τὴν ἀρχὴν ἅπασαν in that same speech must be seen, on the contrary, as a legally precise reference to the formal abdication of the Triumvirate rather than as another metaphor (referring to the giving up of some excessive powers), just like ἰδιωτεῦσαι.

Returning to Coli's theory, Vervaeet has further elaborated it and found additional evidence in its support. Thus, he refers to the consul L. Antonius' demands in 41 that the triumvirs must abdicate after Brutus and Cassius had been defeated because their destruction was the main cause for the creation of the Triumvirate in the first place. But at the time of L. Antonius' struggles, ca. three more years were left of the first Triumviral term. According to Vervaeet, L. Antonius' argument is intelligible only if one accepts Coli's understanding of the specific nature of the Triumviral *tempus*. "If the triumvirate and its term had the qualities and characteristics of, for example, the consulship and its *tempus*, both the tenor and the timing of Lucius' contentions would be quite nonsensical indeed".⁴² But why nonsensical? The idea behind any *abdicatio* was to terminate precisely what would have otherwise continued. Of course, the Triumvirate would have continued in this case because the term was not over yet. There is no contradiction here. While the triumvirs could be considered as (morally) obliged to abdicate after their (initial) task was fulfilled before their term

³⁵ Dalla Rosa 2015, 175-176. I was unable to find Vervaeet's response to these points in his later papers in which he discusses the same subject. In what follows, I mostly refer to Vervaeet 2010. More recent publications (e.g., Vervaeet 2020, esp. 29-32) reiterate his argument in a condensed way.

³⁶ Lange 2009, 54.

³⁷ Vervaeet 2010, 126 (with n. 120). Importantly, there is no indication in Dio that Octavian spoke anywhere except the Senate – an impossible context for a formal *abdicatio* (one would expect a *contio*).

³⁸ Vervaeet 2010, 124.

³⁹ Cf. Börm – Havener 2009, 215.

⁴⁰ Antonius in 34: D.C. 49.39.1; Octavian in 33: Suet. *Aug.* 26.3; App. *III.* 28; D.C. 49.43.6.

⁴¹ Rich 2012, 59.

⁴² Vervaeet 2010, 105-106.

was over, they were legally entitled to retain their power until their term expired. A similar objection can be raised to Vervae't's comments on several other promises and discussions of the possibility of an abdication at the time before the end of the Triumviral term.⁴³

Another matter are the alleged promises to abdicate the Triumvirate after 33. Two (clusters of) passages are referred to by Vervae't here, one in Greek and one in Latin.⁴⁴ The problem with the Greek one is that it does not contain the formulations which indisputably point to the Triumvirate, such as, e.g., τριῶν ἀνδρῶν τῆς τῶν δημοσίων πραγμάτων διατάξεως (as in a letter of Octavian to Plarasa-Aphrodisias⁴⁵). Instead, we only have quite unspecific labels for political power here: ἐξουσία πᾶσα,⁴⁶ ἀρχή, κράτος.⁴⁷ It is true that Greek literary sources can use such general terms to designate the power of the incumbent triumvirs.⁴⁸ However, while we may safely assume that the Triumvirate is indeed referred to by ἀρχή etc. in the passages dealing with the events before 32 (because we know that this was certainly within the Triumviral statutory defined term), we cannot be sure whether this is also the case with the passages dealing with what happened after 33. We have to clarify additionally that a specific magistracy is meant. For example, it cannot be automatically excluded that, in D.C. 50.71-2, Antonius promised to give up his provinces (and, therefore, armies) as a promagistrate rather than some magistracy. The Greek sources do not allow definitive conclusions.⁴⁹

In fact, the terminology of the Latin texts allows saying precisely what was the ἀρχή or ἐξουσία that the triumvirs still retained after 33 and that they could promise to give up. In *Per.* 132, we find the following objection on the part of Octavian: *neque in urbem venire vellet (sc. Antonius) neque finito Illviratus tempore imperium deponere*. Thus, it was the *imperium* rather than the Triumvirate, a magistracy,⁵⁰ which the ex-triumvir would have still retained and, therefore, been able to lay down. While the *tempus* of the Triumvirate had already been over, the *imperium* was retained. This corresponds perfectly to the view that after the end of the Triumvirate Octavian and Antonius formally remained proconsuls. To lay down the *imperium*, a proconsul must only (and this is exactly what *Per.* 132 duly indicates) *in urbem venire*. Hence the emphasis on entering the city of Rome as the only prerequisite to end one's *imperium*, which cannot be explained under the assumption that here the *imperium* stands for the *triumviratus* as such because crossing the city boundary could not affect a magistracy.⁵¹

Vervae't explains the term *imperium* in *Per.* 132 away by proposing to understand it as a substitution for the Triumvirate itself. According to the scholar, "Caesar Octavianus, and, after his example, *SPQR*, deliberately dropped his title of triumvir in official documents from 31, it is highly probable that he ... rather spoke in terms of *magistratus*, *officium*, or, and perhaps most likely, *imperium*".⁵² The only way to legitimize Vervae't's reading of *Per.* 132 is to assume, as Vervae't eventually does, that Livy and the entire tradition behind *Per.* 132 simply "paid lip service to Augustus' representation of history and his official line on the duration of the Triumvirate".⁵³

What Vervae't means here is that, as he argues, the "vast majority of modern historians" have failed to take Dio's account of January 27 at face value and understand it correctly as a description of the Triumvirate's formal abdication because the "policy of concealment and artful delusion ...

⁴³ See Vervae't 2010, 107-112.

⁴⁴ D.C. 50.4.3; *Per.* 132.

⁴⁵ Reynolds 1982, 42, 44-45 (Doc. 6, ll. 5-7).

⁴⁶ D.C. 50.4.3.

⁴⁷ D.C. 50.71-2; Vervae't 2010, 112-113.

⁴⁸ Bleicken 1990, 12-13; Vervae't 2010, 123, n. 111.

⁴⁹ Cf. Bleicken 1990, 67-68.

⁵⁰ Girardet 1990a, 339 must be correct at this juncture.

⁵¹ One could argue that *neque in urbem venire vellet* may highlight only Antonius being retained in Egypt for too long. However, this seems unlikely because the phrase is inseparably connected with the idea that Antonius should not just return to Rome in any capacity but also lay down his *imperium* as part of the process of return.

⁵² Vervae't 2010, 135, n. 150.

⁵³ Vervae't 2020, 31, n. 22.

has distorted the true face of history and deceived posterity with amazing success”.⁵⁴ Having assumed that, by 27, Octavian still was, in fact, formally a triumvir (because he never abdicated his magistracy *ad tempus incertum* after the second five-year term had been over), and dating Octavian's abdication of this office to 27, Vervaet is forced to make a rather problematic point that, after 31 December 32, Octavian's “unrelenting continuation of the triumvirate *r.p.c.* had evidently become a public secret of the highest order, not to be talked about openly even by his closest associates”.⁵⁵ This –ironic?– statement of Vervaet seems to mean that, even if in reality everybody knew that Octavian was still a triumvir, this now had to be a “secret” on an official level.⁵⁶ Yet, in 27, Augustus emphatically abdicated officially and in front of virtually everybody (“before the Senate and, perhaps, before the People”, as Vervaet puts it⁵⁷) the very magistracy which he had allegedly been trying to conceal ever since 33 or 32.

Despite some important differences, Carsten Lange essentially reaches the same conclusions as Vervaet. Even though Lange believes that the second Triumviral term lapsed after 31 December 33 rather than 32,⁵⁸ he, nevertheless, maintains that the Triumvirate did not terminate automatically upon this date.⁵⁹

Lange has significantly elaborated one element of the “Triumvirate without end” conception –the notion of the Triumviral “task” or “assignment”. Lange's view is that the *Lex Titia* defined it in the following way: “(1) to pursue and punish the remaining assassins of Caesar (2) by so doing, to end the civil wars (3) and having accomplished these aims, to restore ordered government”.⁶⁰ The latter meant giving the powers of the triumvirs back to the *SPQR*.⁶¹ This is compelling but what are the implications for our question?

The triumvirs were morally obliged to abdicate their office after they had crashed Brutus and Cassius but they were entitled to stay in office until the end of their current term. However, to retain their power legally even after the end of the first *quinquennium* they must, again, receive both a new term and a new task. The term was renewed in 37. What was the task? At the time of the renewal, the Republic, once again, could not be immediately “reconstituted” because of new conflicts –the wars with Sextus Pompeius and the Parthians. Both wars were part of the new “extended assignment”.⁶² But the Romans could only call these “tasks” (as well as Lepidus' regular administration of Africa and Octavian's later campaign in Illyricum) *provinciae*. They all encompassed only the sphere *militiae*. Thus, the so-called “extended assignment” of 37, even in its widest understanding, only included *provinciae* in the sphere *militiae*. But promagistrates, too, were perfectly liable to take on such tasks. If so, we cannot link this so-called “extended assignment” automatically to the continuation of the Triumviral powers *in toto*, because the latter also pertained to the sphere *domi*.

Antonius' Parthia (or neighbouring regions under Roman rule) and Octavian's Illyricum, no matter whether these so-called “extended assignments” were formally fulfilled or not, could still legally be retained as the *provinciae* in the sphere *militiae* until the arrival of a successor. But for that, Octavian and Antonius did not need the Triumvirate with its powers *domi*.

This is the reason for which we find in *Per.* 132 the formulation *finito Illvirates tempore imperium deponere* instead of something like *triumviratum abdicare*. Octavian's formal retention of his

⁵⁴ Vervaet 2010, 129. For a critical stance toward this part of Vervaet's argument (with reference to Vervaet 2009), see Börm – Havener 2009, 206–207 who emphasize, in particular, that, if we were to assume that Octavian still remained a triumvir up to 28/27, then we must also acknowledge that Octavian denied and undermined his own powers and made himself vulnerable when, in 28, he decided to abolish the unjust and illegal actions of the triumvirs (D.C. 53.2.5).

⁵⁵ Vervaet 2010, 132.

⁵⁶ Cf. a recent reaction of Zack 2022, 74 on Vervaet's reading at this juncture: “Eine geheime Amtsgewalt, die niemand beim Namen nennen darf?” A good question.

⁵⁷ Vervaet 2010, 122.

⁵⁸ Lange 2009, 54–55.

⁵⁹ Lange 2009, 58.

⁶⁰ Lange 2009, 23.

⁶¹ Lange 2009, 181, 187.

⁶² See Lange 2009, 29.

imperium and *provinciae* in his capacity as a promagistrate is convincingly demonstrated by Klaus Martin Girardet.⁶³ Lange considers Girardet's interpretation erroneous but I would say that Lange essentially describes the same thing as Girardet does, only by utilizing a different vocabulary. Lange refers to the Triumviral "extended assignments", while Girardet speaks of the *provinciae* of *imperium*-holders in the sphere *militiae*.

Indeed, the state could not be "reconstituted" until the conflict between Antonius and Octavian was resolved. But it is impossible to argue that resolving such a conflict between the triumvirs themselves could *formally* be defined as their assignment.⁶⁴ Lange himself does not seem to formulate this point explicitly but it follows inevitably from his interpretation of the Triumviral assignment ("to end the civil wars"). This is because, after 33, the civil war could not be ended (and the Triumvirate abdicated, providing that Coli's theory is accepted) without Octavian and Antonius first fighting one another. In fact, Vervaeet brings this line of argument to its logical conclusion by stating that "both triumvirs were now compelled to soldier on because of the perceived threat posed by one another's actions".⁶⁵ He does make a reservation that this was so "at least in terms of their own official propaganda". But Lange's view of the Triumviral "assignment" would eventually require us to accept that, in its "degenerated" final form, the triumvirs' official assignment, which (in terms of Coli's framework) alone could formally legalize their refusal to abdicate past the term, could only amount to rescuing the Republic from the colleague in office (!).

Even if we continued to think in terms of assignments that could legalize the retention of a "magistracy *ad tempus incertum*" (as Coli's theory would imply), the continuation of the Triumvirate in the first several months of 32 could not be justified by the "assignment" to fight each other because an open and officially articulated conflict between the two remaining potentates did not begin immediately after 31 December 33.

Although the immense question about the Triumviral *tempus* requires a more detailed study than this brief summary, taking the issues mentioned above into consideration, it seems to me that a much more attractive option is to concur with the view that, in 37, the triumvirs did formally retain power, but it was the power of promagistrates exclusively in the sphere *militiae* in their respective *provinciae* until successors appointed by the *SPQR* would arrive to replace them, a scenario that never materialized.⁶⁶ This perspective is crucial for our understanding of the Aphrodisian inscription.

On a final note in this section, paradoxically, in the case of promagistrates operating in the provinces outside of Rome, Vervaeet rigorously defends the general idea that, in the Roman Republic, no one could stay in power beyond a legally defined term unless specifically authorized to do so. At the same time, according to Vervaeet, the triumvirs *r.p.c.* or dictators, extremely powerful magistrates as they were, could stay in office *in Rome itself* as long as they wanted simply if they decided not to abdicate or refused to die. I suggest merely that it is much more likely that the principle, according to which no public power defined by a specific term could be retained legally past this term, fully applied to the city of Rome and the sphere *domi* but this principle may weaken outside of Rome and in the sphere *militiae* (and, even there –only until a longer-term solution could be found).

3. The Triumvirs as Promagistrates (ἀντάρχοντες)?

Having established a context for the subsequent discussion, we may finally turn to the Aphrodisian inscription as one of the pieces of evidence which, to say the least, are not easily explainable in terms of the "Triumvirate without end" hypothesis and, to make things even more interesting, so far not fully appreciated in the modern scholarship as an important piece of evidence on the Triumvirate and (even more so) the late republican promagistracy.

⁶³ Girardet 1990a; 1995.

⁶⁴ Cf. Fadinger 1969, 265–277 who has recognized this controversy long ago.

⁶⁵ Vervaeet 2010, 140.

⁶⁶ Girardet 1990a, 330, 332.

The appearance of ἀντάρχοντες in our inscription requires explanation,⁶⁷ as it stands in stark contrast to the usual designation of those responsible for the convocation of the Senate (e.g., the ἄρχοντες who would invite the embassies of the Greek poleis⁶⁸). An attractive alternative to the view that ἀντάρχοντες in our inscription must refer to the triumvirs has not yet been proposed. Joyce Reynolds suggested that ἀντάρχουσιν “may perhaps be used to cover those extraordinary officials who were attested as having the right (dictators, masters of the horse, triumvirs *r.p.c.*, *praefecti urbis*, see Mommsen, loc. cit., 209 f.), or, conceivably, if the draftsman was a purist, the tribunes of the plebs”.⁶⁹ However, there is no compelling evidence that dictators, masters of the horse, the tribunes of the plebs, or even *praefecti urbis* were ever considered as being technically *pro magistratu*, especially in eyes of a “purist”.⁷⁰ But could the triumvirs *r.p.c.* be understood as in some sense *pro magistratu*?

It is at this junction that I believe it is worthwhile to go back to Bleicken's important contribution, however unfashionable his approach may seem to us now. Bleicken's accentuated comparison of the triumvirs and promagistrates in his discussion of the Triumvirate has good reasons.

In his review of Bleicken's book, John Rich pointed out that the “recently discovered inscription probably shows that they [sc. the triumvirs] were regarded as promagistrates rather than magistrates”.⁷¹ More recently, Carsten Lange contemplated the possibility that “Reynolds 1982, n. 9 line 12 and n. 8 line 80, may point to the triumvirs being conceived as promagistrates, not magistrates, and thus contradictory to App. BC 4.2.7. But, as pointed out by Rich 1992, 113, we cannot be certain that their powers in respect to the provinces were proconsular”.⁷²

However, Bleicken himself did *not* think that the Triumviral office was a kind of (regular) promagistracy. According to him, (1) although, in our inscription, ἀντάρχοντες can only indicate the triumvirs, this in itself does not exclude the possibility that another term –ἄρχοντες– also refers to them. Therefore, the promagistracy of the triumvirs appears here just because it is mentioned separately, since (2) promagistracy constituted a prominent part of the Triumviral power and, even more importantly, was an independent office, according to the legal ideas of the time (“nach den geltenden Rechtsvorstellungen”). Although combined in this case with the inner-city prerogatives, the promagistracy deserved to be mentioned separately. Finally, (3) already the activity of the triumvirs in the sphere *domi* does not allow to consider them as promagistrates.⁷³

The assumption (1) hardly gives us anything substantial. For example, it is perhaps even possible that the notion ἄρχοντες refers to some other magistrates, such as consuls, while ἀντάρχοντες possessing the right to convene the Senate refers to the triumvirs because, indeed, only they could be meant by ἀντάρχοντες here. The explanation (2) answers the question of why the promagistracy was the only power of Antonius, Octavian, and Lepidus that was mentioned alongside the Triumvirate. But it is not entirely clear whether Bleicken thought that (a) promagisterial power was an integral part of the Triumviral power or rather that (b) the three potentates combined the Triumvirate and the promagistracy as fully independent “offices”.⁷⁴

The understanding (a) looks redundant, since the Triumviral competence certainly fully included and surpassed proconsular one. As for (b), if one assumes that the promagistracy is mentioned because it was an important independent office worth highlighting (which is unlikely already because, by definition, magistrates held all the powers of promagistrates), then why was it indicated precisely in the context in which this “office” was completely irrelevant, namely, in

⁶⁷ Strangely, not commented in Fernoux 2011, 33.

⁶⁸ Cf., e.g., Sherk 1969, no 18, ll. 65-66: ὅπως τε πρεσβευταῖς τοῖς παρὰ Στρατονικέων εἰς Ῥώμην παρεσομένοις ἐκτός τοῦ στίχου οἱ ἄρχοντες σύγκλητον διδώσ[ιν].

⁶⁹ Reynolds 1982, 88-89.

⁷⁰ So correctly Girardet 1990a, 327, n. 17: “Diese sind jedoch ‘ordentliche’ (Ausnahme-)Magistrate”.

⁷¹ Rich 1992, 113.

⁷² Lange 2008, 191, n. 31. The last sentence in this citation does not change the sense of Lange's previous note that the triumvirs may be conceived as promagistrates.

⁷³ Bleicken 1990, 48. Cf. also Roddaz 1992, 195.

⁷⁴ Bleicken 1990, 48: “weil sie nicht nur der herausragende Teil der triumviralen Gewalt, sondern auch ein nach den geltenden Rechtsvorstellungen eigenständiges Amt war”.

connection with what the Greek text makes look like the *ius senatus habendi*? Thus, the question, why the triumvirs are referred to as both magistrates and promagistrates, remains open.

Concerning the argument (3), a similar consideration has been put forward by Girardet.⁷⁵ He also maintains that already the fact that the triumvirs had both *imperium militiae* and *imperium domi* proves that their labelling as ἀντάρχοντες can only demonstrate the unique nature of their powers but not that their position and competence were identical to those of proconsuls.⁷⁶ However, this reasoning does not do justice to the fact that those termed ἀντάρχοντες are said indeed to have certain power to convene the Senate, even if we believe that these same people are also referred to as ἄρχοντες. Note also that even if we agreed that Girardet found a good explanation for why the triumvirs *could* be described as ἀντάρχοντες, he does not provide any specific suggestions as to why the inscription *must* have included this term instead of simply referring to the triumvirs as ἄρχοντες. Especially if we think that all that the inscription needed was to underline the triumvirs' possessing the powers *domi* just like consuls (which the term ἄρχοντες would have covered completely). As already mentioned, Girardet explains that the aim of the text was to underline the extraordinary nature of the triumvirs' position.⁷⁷ But how exactly could the concept ἀντάρχοντες be helpful in this connection? And why was highlighting such a thing suddenly so important for this decree, for the Roman Senate, or for the Aphrodisians (hardly interested in detailing the peculiarity of the Triumvirate for its own sake)?

In fact, at some point Bleicken maintained –in contradiction to his considerations mentioned above– that the Triumvirate was, indeed, “a proconsulate, which paralyzed the state apparatus in Rome by means of (its) urban capabilities”. But then the scholar immediately underlined once again that the Triumvirate was unique, combined magisterial *and* promagisterial powers, went beyond the republican legal order, and was closer to the Principate than the Republic.⁷⁸ One wonders, why Bleicken believed that some kind of specific proconsular powers could be separated from the consular powers of the triumvirs in the first place, given that consular prerogatives encompassed all proconsular prerogatives (as I have already pointed out above). Perhaps, in addition to such incentives as our inscription's word usage, it was the Triumvirate's term of office (exceeding a standard magisterial year) that pushed Bleicken in this direction.⁷⁹

More recently, Vervaeet has pointed out that it is “wrong altogether” to believe that “the triumvirate was a special promagistracy endowed with some magisterial prerogatives such as the *ius habendi senatus*”.⁸⁰ I am inclined to concur with this conclusion but it cannot be the whole story: what is to be done about our inscription from Aphrodisias? Vervaeet allows for two interpretations:

(1) Since the clause with the paraphrase τοῖς ἄρχουσιν ἀντάρχουσιν etc. is recorded in a summary originating in the imperial era, it “is meant to define both the urban magistrates (with the *ius habendi senatus*) and the Emperors (and some of their privileged *adiutores* such as, e.g., Agrippa) who could convene *SPQR* as proconsuls, too, with or without *tribunicia potestas*”. Vervaeet refers here to the first line of the document where we find that this is the clause from the grant of privileges made by emperors and by the Senate and People of Rome (εἶδος ἐκ τῶν δεδομένων φιλανθρώπων ὑπὸ τε Αὐτοκρατόρων καὶ συνκλήτου καὶ δήμου Ῥωμαίων). That is, Vervaeet must mean that the original text from ca. 39/38 is not preserved unchanged and that, therefore, some later imperial ἀντάρχοντες endowed with the *ius habendi senatus* are meant, rather than the Triumvirs *r.p.c.*⁸¹ However, this seems unlikely if in this and some other documents from Aphrodisias the appearance of αὐτοκράτορες can imply –if we follow Reynolds– merely “a regular confirmation by each succeeding *princeps* of what had originally been conferred through law and a treaty by the

⁷⁵ Girardet 1990a, 327.

⁷⁶ Girardet 1990a, 328–329.

⁷⁷ Girardet 1990a, 329.

⁷⁸ Bleicken 1990, 59–60.

⁷⁹ See Bleicken 1990, 60.

⁸⁰ Vervaeet 2014, 243, n. 104.

⁸¹ Vervaeet 2014, 243, n. 104.

Roman People, after the passage of a decree of the Senate”.⁸² In addition to this, as Reynolds rightly points out, “since the subject matter (and in essence the wording) of ll. 10-15 is incorporated in the *senatus consultum* the decree should be earlier than that [sc. an imperial decree] and so a decree of Octavian, or rather of Octavian in conjunction with Antony”.⁸³

(2) Vervaeet’s alternative interpretation (he does not make a preference) of the phrase τοῖς ἄρχουσιν ἀντάρχουσιν is that it may indeed refer to the triumvirs but in that case “the description has to be construed literally as a succinct reference to the extraordinary college of magistrates who were authorized under the Titian Law to convene *SPQR*”.⁸⁴ However, if so then the question remains why does a “succinct reference” to the triumvirs include the term ἀντάρχοντες along with the word ἄρχοντες? In fact, such a reference is *not* succinct precisely because we have a complex and unusual combination of *two* statuses. In attempting to defend Vervaeet’s view, one may point out that this fragment of the inscription should be explained as an economical means of conveying that there were extraordinary magistrates in the Roman state who could convene the People in lieu of the annual magistracies with the right to do so. However, why not use an even more economical formulation to convey this, such as just one word –ἄρχοντες, which would have perfectly covered all magistrates, extraordinary or not? This would have been a much better alternative than naming all the regular and extraordinary magistracies with the power to convene the Senate. And yet, this is not what we observe. Even the need for economy did not compel the authors of the inscription to eliminate the word ἀντάρχοντες. Neither do they enumerate all regular and extraordinary magistracies holding respective powers.

The crucial question arises: why was the notion ἀντάρχοντες so important that it could not be subsumed under ἄρχοντες?

Even though the Aphrodisian inscription may create the impression that the triumvirs were understood as some kind of super-promagistrates possessing the powers *domi*,⁸⁵ I do not think that the text we have suffices to refute the triumvirs’ magisterial status (neither does the triumvirs’ longer term of office or their use of representatives in Rome). In other words, I believe that, in terms of the strict *Staatsrecht* approach, Vervaeet is right to conclude that the triumvirs were *magistratus* rather than *pro magistratu*. The tricky thing is that there is more to the text from Aphrodisias than just this. The political reality on the ground was too complex to be explained by assuming our inscription was just too brief for an exhaustive and technically correct formulation. In fact, the other way around, the inscription can be seen as capable of reflecting not only *technical details* but also the *political actuality* of the time in which the text was produced. “Also” is an important word here. Of course, we can assume at any moment that there was nothing regular about the Triumvirate, and that, therefore, the impossible combination of ἄρχοντες and ἀντάρχοντες with the reference to the right to convene the Senate cannot be pressed as valuable evidence. But, as I attempt to demonstrate below, examining the broader context of the late republican promagistracy’s development may change this scholarly presumption.

4. Anticipating Power

If the triumvirs were not promagistrates, how can we explain the appearance of ἀντάρχοντες in our inscription?

The combination of ἄρχοντες and ἀντάρχοντες may potentially be taken to serve as a reference to the origins of the *imperium* of Antonius, Octavian, and Lepidus. On this reading, ἀντάρχοντες would indicate that the triumvirs had received their respective *imperia* in their capacity as promagistrates. In other words, they initially held this power as ἀντάρχοντες before the Triumvirate. Subsequently, after this office had been established, they became *magistratus*, or ἄρχοντες, and continued to use the same *imperium*, now in their roles as magistrates, the *triumviri*.

⁸² Reynolds 1982, 94. See also Raggi – Buongiorno 2020, 163-164 who contemplate the possibility that αὐτοκράτορες may well refer to the triumvirs themselves.

⁸³ Reynolds 1982, 95.

⁸⁴ Vervaeet 2014, 243, n. 104.

⁸⁵ Bringmann 1988, 32-35, esp. 33.

At first sight, this reading may be supported by such evidence as a *Fasti Triumphales* record reading: *M. Aimilius M. f. Q. n. Lepidus II, Illvir r(ei) p(ublicae) [c(onstituendae), a. DCCX] pro co(n)s(ule) ex Hispania pridie k. [Jan.]*.⁸⁶ Lepidus was the proconsul of Gallia Narbonensis and Hispania Citerior at the time of assuming the Triumvirate.⁸⁷ He had received a triumph for his achievements as a proconsul but he celebrated it when already a triumvir, which explains the appearance of both titles in the inscription. Therefore, the text was designed to do justice to the relevant changes of one's formal status and so names Lepidus both *pro co(n)s(ule)* and *Illvir r(ei) p(ublicae) [c(onstituendae)]*, but the inscription does not necessarily imply that Lepidus was proconsul and Triumvir simultaneously.⁸⁸ However, the *Fasti Triumphales* is a rather problematic type of evidence as long as our question is concerned. Unlike for the *Fasti*, which accounted for the position in which a triumph was earned, it is arguably not very meaningful for the treaty with Aphrodisias to point to the origin of the triumvirs' *imperium*. Whether or not the triumvirs had previously been promagistrates had no immediate relevance for the Aphrodisias situation.

Still, the idea that the inscription collapses the statuses relevant to different points in time can work. Rather than referencing the past situation, the text may reflect the perspective that, in the future, the triumvirs would once again return to their position as ἀντράρχοντες. The reason for this appears to be the same as the idea behind the *SPQR* blessing the triumvirs' decisions regarding Aphrodisias. It is not only that the triumvirs themselves were happy to have their decisions formally authorized by the *SPQR* to enhance the appearance of their rule, but also that the citizens of Aphrodisias arguably sought confirmation from more stable, traditional institutions or at least from potentially longer-acting functionaries.⁸⁹

There may be another reason for which the future of the triumvirs' *imperium* could be implied in the inscription. The terms ἀρχοντες and ἀντράρχοντες imply specific individuals, even though there are not mentioned by name: Antonius and Octavian.⁹⁰ It was necessary to devise a legalistic way to refer to the personal connections between the Aphrodisians and these leaders. The document is dated from 39/38, not long before the end of the first Triumviral term. Whatever one expected could happen to the office of the Triumvirate, the city of Aphrodisias could still rely on Octavian and others in their capacity as *privati* with *imperium*. This arrangement would work well in cases where the potentates could make decisions regarding the city on the spot. Since, in the provinces, proconsular powers were virtually the same as consular, it made perfect sense to mention the

⁸⁶ *Fasti triumph. Capit. ad ann. 43* (Degrassi 1947, 86-87, 567).

⁸⁷ Broughton 1952, 326, 341-342.

⁸⁸ Pace Vervaeet 2010, 121, n. 107 ("pro consule shows that the triumvirs were not promagistrates ... Had the triumvirs *r.p.c.* really been some kind of extraordinary proconsuls the explicit distinction between both offices would have been pointless and pleonastic"), this inscription in itself cannot refute the idea that the Triumvirate was a promagistracy (even though I think it was not) precisely because the context presupposes that the status *pro co(n)s(ule)* and the position *Illvir r(ei) p(ublicae) [c(onstituendae)]* were relevant each for its own point in time. The text is important for a different reason. Cf. also the entries for the joint ovation of Antonius and Octavian in 40: *Imp. Caesar Divi f. C. f. Illvir r(ei) p(ublicae) c(onstituendae) ov[ans], an. DCCXIII] quod pacem cum M. Antonio fecit, [---]* (and the similar one for Antonius; Degrassi 1947, 86-87, 568; cf. 342-343, *Fasti Barberiniani*). There is no indication here that Antonius or Octavian held proconsulships concurrently with the Triumvirate (i.e., as something separate from the *provinciae* received before the Triumvirate as proconsuls). Building upon Vervaeet's perspective, one may argue that Lepidus was still proconsul in 43 because, unlike his fellow triumvirs, he held his proconsulship *ex consulatu*, and his proconsulship did not lapse until the day of his triumph. From this standpoint, the *Fasti* document the moment when Lepidus was both proconsul and triumvir. However, by this time, the Romans had not (yet) developed the concept and term for a "proconsulship" as a distinct entity which could be maintained independently from retaining *provincia* and *imperium*. The earliest usage of the term *imperium proconsulare* comes from Valerius Maximus, while *proconsulatus* as an expression for an independent "ordinary" office belongs to Plinius the Elder (Girardet 1990a, 328; Blösel 2009, 18-19, with n. 12). Proconsulship was nothing else than doing something *pro consule*, not a thing which could be retained until one's triumph. *Pro co(n)s(ule) ex Hispania* in the *Fasti* cannot mean that Lepidus still held a "proconsulship" simultaneously with the Triumvirate already because the latter subsumed all the powers of the former.

⁸⁹ Cf. Roddaz 1996, 91.

⁹⁰ Cf. Jordan 2023, 99: "The text highlights the personal nature of government in this period. Neither the Senate nor other magistrates are referred to" (on *RDGE* 57).

status of ἀντάρχοντες separately in the inscription, as these powers of Antonius, Octavian (and Lepidus) could potentially last longer than their roles as triumvirs, as indeed they did.⁹¹ But what about the invitations of the embassies to the Senate in Rome, that is the affairs in the sphere *domi*?

The term ἀντάρχοντες, while being the technically correct designation of the Triumvirs' future position after the end of their office, simultaneously implied (because linked inseparably with the *ius senatus habendi*), and made sense as a reference to, an extra-legal political reality, in which ex-triumvirs were expected to retain effective control over the affairs in Rome in any case. Therefore, it becomes unnecessary to complicate the issue by suggesting, with Girardet, that the labelling of the triumvirs as ἀντάρχοντες, that is as those acting *pro magistratu*, is relevant for understanding the official standing of the *incumbent* triumvirs qua triumvirs.⁹² In other words, the presence of the term ἀντάρχοντες in our inscription reflects the *Realpolitik* of the late republican promagistracy more than the formalities of the Triumvirate itself. It is not because, as Bleicken thought, the triumvirs were in some sense promagistrates (let alone officially “combined” promagistracy with the Triumvirate, which is impossible if we assume that the latter fully encompassed the former), but because the inscription reflects the political reality of the future situation expected by the authors of the text.

While promagistrates were still formally unable to take initiative officially in the Senate or popular assemblies, the Aphrodisians could reasonably hope that these specific potentates –identified technically correctly in the inscription as in the future “merely” ἀντάρχοντες (that is, ἀντάρχοντες “by default”, if the Triumvirate were not to be renewed)– would find a way to advocate in Rome for the decisions in favour of the city of Aphrodisias, even in their capacity as promagistrates. Not only could this be a reasonable expectation on the part of the Aphrodisians, but it is what we actually observe in our ancient evidence regarding the events of 37.⁹³ The triumvirs' first *quinquennium* lapsed on 1 January 37 but they rearranged their position only at some point towards the end of that year.⁹⁴ Dio reports two details which demonstrate that, in the meantime, the triumvirs continued to operate as the holders of public power not only in the sphere *militiae* but also (effectively even if not officially) the sphere *domi*. First, more generally, Young Caesar is said to have supervised and managed all matters both in Italy and in Gaul at that time.⁹⁵ Secondly, more specifically, before mentioning the official reiteration of the Triumvirate, Dio records that the three potentates “removed Sextus from his priesthood as well as from the consulship to which he had been appointed”.⁹⁶ This initiative clearly is a significant intervention in the decision-making of the *SPQR*, and yet there is no indication that it was done officially, for example, that the ex-triumvirs formally convened the Senate or People.⁹⁷ We need a broader context to make sense of this

⁹¹ On whether the triumvirs could automatically become promagistrates following the end of their term, see above. The notion that ἀντάρχοντες may refer to a potential future situation (when the triumvirs would again become promagistrates) gains further support from the presence of a possible reference to future circumstances (perhaps specifically to future office holders) in another document from Aphrodisias where the formulation [τοῖς ἄρχουσιν ἀντάρχουσιν δήμου Ῥωμαίων τοῖς ἐξουσῖαν ἔχουσιν σύγκλητον συναγαγεῖν is also reconstructed (Reynolds 1982, 60, 63 (Doc. 8, ll. 80–81); <http://insaph.kcl.ac.uk/iaph2007/iAph080027.html>). In Doc. 8, l. 86, we find [· c. 65 · μ]ετὰ ταῦτα ἐσόμνοι οἷς ἂν αὐτῶν, which is interpreted by Reynolds as “those about to be thereafter (?holding office) to whomsoever of them” (Reynolds 1982, 90; see also Raggi – Buongiorno 2020, 113–114).

⁹² Girardet 1990b, 96. Girardet holds that they were “Quasi-Magistrate” or “Sondermagistrate”, that is officials who, acting *pro magistratu*, had, unlike other promagistrates, the *imperium consulare* not limited by the *pomerium* or the city boundary.

⁹³ I thank Sabina Tariverdieva for bringing this to my attention.

⁹⁴ See, e.g., Vervaet 2010, 82–83.

⁹⁵ D.C. 48.49.2: αὐτὸς μὲν ἐφορῶν καὶ διατάπων ταῦτὰ τε καὶ τὰ ἄλλα τὰ τε ἐν τῇ Ἰταλίᾳ καὶ τὰ ἐν τῇ Γαλατίᾳ.

⁹⁶ D.C. 48.54.6 (Loeb transl.).

⁹⁷ Appian corroborates this picture although his representation is less straightforward. After noting changes in Antonius' attitude at the end of the winter of 38/37, he goes on to report that Octavian proclaimed news to the People (BC 5.77: τῷ δήμῳ προσέφερε). This could simply mean sending official reports to the city about the military situation. It might also imply more direct communication, perhaps, even participation in a civil *contio* (although not its official convocation by the ex-triumvir). Appian also reports that Octavian

political situation and its reflection in our inscription which informs of the ἀντράρχοντες who were somehow involved in the senatorial proceedings as if they were officially the Senate's conveners.

5. Concluding Remarks: What about Promagistrates and the Senate?

The Aphrodisian inscription analysed above can be neatly explained if we assume two prerequisites. First, like any magistracy in the Roman Republic, the Triumvirate could not be retained past the term without an explicit decision by the *SPQR*. Secondly, conversely, the ex-triumvirs, like any other ex-magistrates *cum imperio*, did retain their *imperium* automatically until they crossed Rome's city boundary, and their *provinciae* remained under their authority until the *SPQR* made an explicit decision to entrust them to another *imperium*-holders.

Now, this interpretation of the inscription aligns well with other evidence indicating that contemporaries began to view promagistrates' effective influence on the sphere *domi* as a possibility. Furthermore, this possibility –if we press our Aphrodisian evidence a little bit further– began to be regarded as almost routine (a new development in comparison with the prehistory of promagisterial intervention in the sphere *domi* which I briefly summarize below). Such expectations led to the simplification of distinctions in the descriptions of the Roman magisterial and promagisterial powers, not only in the descriptions of the effects of the Roman government decisions on the provinces but also in the narratives about the ways in which these decisions were being prepared in the city of Rome even before they could have any impact across the Empire. Moreover, this simplification found its way into the language used in an official document (which, however, may have stemmed from a provincial initiative, on which see below).

The inscription from Aphrodisias need not be understood as implying that the triumvirs were promagistrates: Bleicken's attempts to offer a model which would explain a conflation of this novel magistracy and traditional promagistracy does not hold. The connection between the two consists only in that after the end of the Triumvirate the ex-triumvirs automatically became promagistrates.

It is important to clarify additionally at this point that I do not suggest that the inhabitants of Aphrodisias of c. 39/38 were able or needed to forecast the future regime of Augustus from 23 onwards when he became able to control both the sphere *domi* and the sphere *militiae* while remaining a proconsul. Instead, what we observe here is a result of the expectations formed under the influence of a *previous* development, so far underappreciated in modern studies. The Aphrodisian elite did not have to possess some arcane knowledge of the future Principate to predict, already in 39/38, that soon enough the potentates who then held the Triumvirate would continue to operate as *imperium*-holders in some capacity, including as promagistrates. This is by no means surprising or scandalous. What really is intriguing here is that it was expected that, whatever their future position, the (ex-)triumvirs would be able to defend the interests of the Aphrodisians in the Senate, and –this is decisive for my argument here– to do that in a *proactive* way. It is this expectation of the potentates' capacity to take initiative independently from other actors,⁹⁸ that fully explains a seemingly impossible and pronounced emphasis in our inscription on what at first sight looks like an ascription to ἀντράρχοντες of the formal right to convene the Senate. The inscription does not have to be understood as implying that the Roman promagistrates were expected to convene the Senate or People in Rome in their own right, that is, formally by themselves. But to recognize the validity of such a reading requires a few more digressions in this paper.

In another document from Aphrodisias (its content stems from the year 85), the proconsul Q. Oppius promises to the city that he will take care, both when in power and in a private capacity

ordered the building of new triremes at Rome and Ravenna (BC 5.93). This fact can be an indication that, in practice if not officially, his military preparations affected the area within or near the city of Rome which were (normally) not under the direct administration of the *imperium*-holders who were not magistrates.

⁹⁸ Using them only as a means to convene the Senate and gain an access to it when the potentates *themselves* decided to do so. For the distinction between formal and informal political initiative in republican Rome more generally, see Frolov 2022b.

(?) ([καὶ ἐν ἄρ]- χῆ καὶ ἰδιώβ[?ῖω]), to make clear to the Senate and People the services that Plarasa-Aphrodisias provided to the Romans.⁹⁹ This document demonstrates that the triumphal practices discussed just above were based on a solid tradition, and promagistrates, too, had something to do with this. First, just as is the case with our main inscription, in Oppius' letter, a promagistrate is expected to defend the interests of the city before the *SPQR*. Secondly, there is again an expectation that the official was to remain helpful both while occupying his current office and in the future, when his formal status would change. Thirdly, an emphasis on a personal relationship between an individual and a particular community is also in place. However, Oppius' situation is, of course, only partly comparable with that of our main inscription from 39/38. This is because the latter indicates not just that somebody was to approach the Senate and speak there on behalf of the Aphrodisians. Rather, the later inscription mentions the *right to convene* the Senate, and specifically such that ἄρχοντες and ἀντάρχοντες possessed. Initiative was expected to be taken by these actors on their own rather than that they were to rely on somebody else's initiative (as was apparently the case with Oppius who would have to rely on magistrates). But what kind of initiative?

Instead of trying to explain how promagistrates could seriously be claimed to possess the formal *ius senatus habendi*, a solution is to see in our passage a description of *informal* political initiative, which is, however, indicated by using a quasi-legal language (perhaps, as a result of the initial treaty between Rome and Aphrodisias being, at least in part, envisaged by the Aphrodisians themselves).¹⁰⁰ The possibility that this kind of formulation highlights informal initiative may not be the first thought that comes to mind of a modern observer. However, this first impression changes entirely if we consider the broader context –even if necessarily very briefly due to the constraints of this paper– of the increasing engagement of late republican promagistrates in the sphere *domi* as proactive agents rather than passive recipients of the decisions imposed by city institutions.

Clearly, promagistrates, especially proconsuls, were always able to influence the political centre of the Republic indirectly, by using help of allied magistrates or by an outright threat to Rome, such as, for instance, the proconsul M. Aemilius Lepidus allegedly presented in 77.¹⁰¹ But what about promagisterial impact as *proactive* agents (rather than just invitees) directly on the senatorial meetings or, for that matter, *contiones*? After Lepidus had been defeated, the promagistrate Pompeius was ordered by the proconsul Catulus to disband his troops. However, he refused. As Plutarch tells us, Pompeius “tried to get himself sent out” (as a commander to *Hispania*) and “remained under arms near the city, ever making some excuse or other, until the Senate gave him the command, on motion of Lucius Philippus”.¹⁰² Three details are important. First, when Pompeius was seeking the command he was trying to “bring it about” (διεπράττετο). Secondly, Pompeius remained with his army near Rome (περὶ τὴν πόλιν). Finally, he was persistent and kept supplying excuses (ἀεὶ τινας ποιούμενος προφάσεις) for not following Catulus' orders. As argued in detail elsewhere,¹⁰³ Pompeius was trying to influence the allocation of provinces and armies by the Senate rather than merely showed his disobedience toward Catulus alone. Pompeius completely disrupted a real debate because already by his mere lingering *ad urbem* with an army ready to be sent against Sertorius, perfectly equipped just for this task, he made all

⁹⁹ Reynolds 1982, 17-18 (Doc. 3); <https://insaph.kcl.ac.uk/insaph/iaph2007/iAph080002.html>; Jordan 2023, 141.

¹⁰⁰ See now Morrell 2022 for the ways in which “initiatives on the part of Rome's allies could help to shape the practice of Roman imperial governance” and sometimes showcase “willingness, on the part of the Senate, to effectively ratify proposals presented to it by allied ambassadors”.

¹⁰¹ Sall. *Hist.* 1.67.15 McGushin, Ramsey: *alterum consulatum petis, quasi primum reddideris*; *Hist.* 1.67.22 McGushin, Ramsey: ... *quoniam <M.> Lepidus exercitum privato consilio paratum cum pessumis et hostibus rei publicae contra huius ordinis auctoritatem ad urbem ducit* ... For more on this episode, see Frolov 2021, 17-19.

¹⁰² Plu. *Pomp.* 17.3: πρὸς ταῦτα Πομπήϊος ἔχων τὴν στρατιὰν ὑφ' ἑαυτῷ διεπράττετο Μετέλλω πεμφθῆναι βοηθός; καὶ Κάτλου κελεύοντος οὐ διέλυεν, ἀλλ' ἐν τοῖς ὄπλοις ἦν περὶ τὴν πόλιν, ἀεὶ τινας ποιούμενος προφάσεις, ἕως ἔδωκαν αὐτῷ τὴν ἀρχὴν Λευκίου Φιλίππου γνώμην εἰπόντος; Loeb trans.; see also *Pomp.* 13.5, *Sert.* 12.4.

¹⁰³ Frolov 2021.

other options impractical to such an extent that the Senate effectively became deprived of any alternative other than the one suggested by Pompeius' senatorial supporters.

Albeit they constituted important precedents, the occurrences such as Lepidus' march on Rome and Pompeius' extortion of the Iberian command were not about promagisterial personal involvement in the city politics in order to control the *SPQR* more directly. An exception is an earlier event: Sulla's second march on Rome in 82, as a result of which the proconsul was able to steer what nominally was the interrex' formal initiative in the direction needed to secure the legitimate power in the sphere *domi*. The Senate meeting was formally shaped as if it were a regular report of a proconsul on his actions.¹⁰⁴ But it is particularly Sulla's insistence that Q. Scaevola give his opinion despite being initially unwilling to do that,¹⁰⁵ which elucidates how a proconsul now effectively assumed the role of a presiding magistrate in the Senate.

The proconsul Pompeius' *cura annonae* of 57 presents a huge step towards the practice, which outlines we may recognize –even if very tentatively– in our Aphrodisian inscription and which later took shape as the well-known proconsulship element of the Augustan system. Pompeius' grain commission has been often approached as if it were a kind of a proconsular military command in a province far from Rome.¹⁰⁶ What was special about this promagistracy, however, was that it entailed “perhaps also some powers in Rome”, as Hannah Cotton and Alexander Yakobson have pointed out.¹⁰⁷ But which powers were those? Cicero's and most other testimonia are insufficient to say much.¹⁰⁸ There is, however, one aspect of Pompeius' powers in the sphere *domi* that could be reconstructed with a higher degree of plausibility and detail. We have evidence that, aside from organizing Rome's food supply, Pompeius also had to supervise the distribution of grain in the city and to revise for these purposes the list of beneficiaries of state grain (ἀπογραφή).¹⁰⁹ Dio's ἀπογραφή corresponds to the Latin *recensus*, a very special kind of “census”, not at all a general one or even a part of it. The evidence on Caesar's and Augustus' later *recensus* allows us to suggest that the proconsul Pompeius' ἀπογραφή took the form of *coetus recensionis causa*, that is public meetings.¹¹⁰ Pompeius' ἀπογραφή implied convening and presiding over, or, perhaps, supervising, an “official” public meeting, even if strictly limited to a very specific technical function. Pompeius' gatherings may be well compared to magistrates' *contiones*. But, on the other hand, restricted audience (unlike *contiones*, which were, in principle, open to all), apparently the absence of a public speech, and the reactive and technical role of the presiding official compelled our ancient authors to avoid using the term *contio* in this case. As far as this episode is concerned, it is possible to argue not only that the proconsul directly interfered in the sphere *domi* but that he did it by way of organizing or supervising “civil” public meetings, as if he were a sitting magistrate rather than a promagistrate.

One further step in the legalization of promagisterial proactive involvement in the sphere *domi* –even if *ad hoc* and restricted in time and scope– concerns the *senatus consultum ultimum* (*SCU*) of 52. Unlike in the case of the *cura annonae*, which was about the breach of a principle, the *SCU* of 52 led to the actual use of political power in the sphere *domi* by a proconsul. As Benjamin Straumann has argued convincingly, “[e]specially the de facto invitation extended to him [Pompeius] on the part of the Senate by way of an *SCU* in February of 52 to use troops if necessary even within the city and even before he became sole consul, on the basis of his proconsular powers alone, constituted an open invitation to reign, at least potentially, in the style

¹⁰⁴ Simultaneously represented in our ancient sources as being organized essentially, if not formally, by Sulla himself; see Val. Max. 3.8.5: *Sulla occupata urbe senatum armatus coegerat*; Plu. *Sull.* 30: ἐκάλει τὴν σύγκλητον εἰς τὸ τῆς Ἐννοῦς ἱερὸν; D.C. 30–35.109.5.

¹⁰⁵ Val Max. 3.8.5: *truculentius sibi instanti Sullae*.

¹⁰⁶ For a full argument on this case, see Frolov 2022a.

¹⁰⁷ Cotton – Yakobson 2002, 199, n. 26.

¹⁰⁸ Cf., e.g., Cic. *Att.* 4.1.7: *omnis potestas rei frumentariae toto orbe terrarum*.

¹⁰⁹ D.C. 39.24.1–2.

¹¹⁰ Cf. Suet. *Iul.* 41.3. Cf. Cic. *Phil.* 2.63.

of Sulla and eradicated the crucial constitutional status of the *pomerium*".¹¹¹ Accepting that "for the first time a proconsular army entered Rome as an agent of law-enforcement", Andrew Lintott points to Pompeius' appropriation of some magisterial judicial responsibilities: "This shows how far Rome had become part of Pompey's *provincia* apparently with the consent of the Senate".¹¹²

To keep this overview as brief as possible, I will confine myself with mentioning just two more cases, both from the year 49 (and both already analysed in detail),¹¹³ which illuminate the mechanics of promagisterial proactive control specifically over the senatorial proceedings. Importantly for my argument in this paper, these promagistrates did not have to be endowed with the formal *ius senatus habendi* but still succeeded very much in replacing the holders of such a right –precisely the type of situation, which, I think, the Aphrodisian inscription implies.

In his *Bellum Civile*, Caesar reports the events of 1 January 49 with these words: "When the Senate had been dismissed towards dusk, all who belonged to that order were summoned by Pompeius. He praised the determined and encouraged them for the future while criticizing and stirring up those who were less eager to act".¹¹⁴ But the proper senatorial meeting on that day had been already closed, a promagistrate could not legally convene the Senate, and *evocantur* could hardly indicate an official summon of senators to a curia. However, the repercussions of this informal gathering for the subsequent formal sessions of the Senate were profound. Whatever the distortions in Caesar's representation of the gathering, it might in fact have been one of the factors that helped to push the senatorial majority in the direction of the *SCU* eventually passed to counter Caesar.

What is also relevant here is not only *what* Pompeius did but also *how* he did it. Caesar underlines not just the bare fact that Pompeius addressed the senatorial audience, but rather that the meeting took place at the time and in the place of his choice (and under his control, as Amy Russell has argued);¹¹⁵ that he himself convened the senators; and in so doing that he therefore appropriated the role of the Senate's convener, acting as if he were an incumbent consul with such initiative. Choosing the time, defining the place, determining the agenda, and exercising control were all about political initiative.

Since Pompeius still observed all the formal restrictions in this case, Caesar underlines his breach of tradition on another, informal level, providing such a description of Pompeius' gathering that, as Russell says, "evokes a regular meeting of the Senate",¹¹⁶ but at the same time carefully avoiding its direct labelling as such.¹¹⁷

An equally important episode concerns Caesar himself. In 49, after Pompeius had been able to escape Caesar and leave Italy, Caesar returned to Rome. As a proconsul, he was not entitled to convene the Senate. However, he simply used the help from the plebeian tribunes M. Antonius and Q. Cassius Longinus¹¹⁸ (something, as we can imagine, ex-triumvirs would also be able to do, if needed). While remaining a proconsul, Caesar did not cross the city boundary but this was not an obstacle, as the senators could meet outside of it as well. Only Lucan moved these events from the suburbs onto the Palatine, into the city, intentionally committing a clear anachronism in the process.¹¹⁹ Officially the proconsul was invited to the Senate just to report the results of his

¹¹¹ Straumann 2016, 115. For more on the *SCU* of 52 as an instance of promagisterial direct control over the sphere *domi*, see Frolov 2022c.

¹¹² Lintott 1974, 71.

¹¹³ Frolov 2020a; 2020b.

¹¹⁴ Caes. *Ciu.* 1.31: *misso ad vesperum senatu omnes qui sunt eius ordinis a Pompeio evocantur. laudat <promptos/audaces> Pompeius atque in posterum confirmat, segniore castigat atque incitat.*

¹¹⁵ Russell 2016, 184-185.

¹¹⁶ Russell 2016, 184.

¹¹⁷ Frolov 2020a.

¹¹⁸ Caes. *Ciu.* 1.33; D.C. 41.15.2-4.

¹¹⁹ Luc. 3.103-104 (*Phoebea Palatia complet turba patrum*). Under the Republic, there existed only the temple of Apollo which was situated on the *Campus Martius*, i.e. in the area outside the city boundary, in which the proconsul *could* appear without losing his *imperium*. For an argument that Caesar did not enter Rome at this point (including for the sake of opposing the tribune L. Caecilius Metellus face-to-face), see Frolov 2020b.

campaigns, as had been a customary way. In reality, however, Caesar clearly attempted to control the city affairs to the extent far beyond of what was expected from a proconsul, which reminds of what Pompeius had done shortly before.

First, although some basic aspects of the procedure were respected, the serious breach of the tradition became apparent even before the formal convocation of the senators on 1 April. In a letter from 27 March, Cicero records that Caesar “ordered to publish a notice also at Formiae that he wants a full meeting of the Senate on the Kalends”.¹²⁰ This is probably what compelled Vervaet to assume that Caesar himself convened the Senate.¹²¹

Secondly, just like the proconsuls Sulla and Pompeius before him, Caesar could not confine himself to traditional ways also in what concerned the contents of his address to the senators: he had to speak about the situation in the state generally rather than simply his deeds in his *provincia*. In this respect, especially the wording of Suetonius is illuminating. He uses the phrase *appellatisque de re publica patribus* but there were consuls, not proconsuls, whose task was *de re publica appellare* (*consulere, referere*, etc.) –to discuss the general condition of the Republic, normally at the first senatorial meeting at the beginning of the year.¹²²

The examples of Pompeius, Caesar, and others show that, by the year 39, the Aphrodisians and the Romans did not have to divine the Augustan system to imagine that a powerful promagistrate could enforce someone’s interests in the Senate and shape senatorial agenda in such a way as if this promagistrate were a sitting magistrate and had the formal right to convene the Senate. The inscription’s formulation ἐξουσία σύγκλητον συναγαγεῖν must be seen as a quasi-legal description of the political reality on the ground, a reference to the practice already quite familiar to those living in the 30s. No matter whether as ἄρχοντες or ἀντάρχοντες, the capacity of the powerful potentates to enforce one’s interests in the Senate proactively and at any time (rather than waiting for help from those who had the formal *ius senatus habendi*) must be imaginable especially for the provincials, but the Romans would not be surprised either.

Our Aphrodisian inscription should therefore take a more prominent place in the debates on the late republican promagistracy and the advent of the *princeps*. It is precisely because the text we have reflects the political reality by way of consolidating both informal political roles and legal statuses and rights from different periods of time into one formulation that it becomes such a difficult but also an exciting piece of evidence, which illuminates, even if not as clear as we would like, the steps towards the system which Augustus later envisaged. The *princeps* as a proconsul in charge of shaping the senatorial agenda did not appear out of nowhere.

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¹²⁰ Cic. *Att.* 9.17.1: *senatum enim Kalendis velle se frequentem adesse etiam Formiis proscribi iussit*.

¹²¹ Vervaet 2006, 939-940, n. 45.

¹²² Suet. *Iul.* 34. Another issue is Curio’s appointment to Sicily (and his getting a specific rank there). It is not entirely clear whether it occurred with the Senate’s authorization or through Caesar’s decision alone, but, arguably, Caesar was able to implicate the Senate anyway even while making independent decisions as a proconsul (cf. Cic. *Att.* 10.4.9; Caes. *Ciu.* 1.30.2; 1.33.4; *Per.* 110; App. *BC* 1.40-41; Suet. *Iul.* 36; D.C. 41.17.3; 18.2-3).

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