

Greek and Roman Past in the Long Second Century: The Intellectual Climate of Cassius Dio
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“Safety First”: Cassius Dio on the Augustan Senate

Explain the title and preliminary images on the handout—Stanley Baldwin, Prime Minister 1923-1924, 1924-1929 (lost General Election to Ramsay MacDonald, under the slogan ‘Safety First’), and back again 1935-1937. Abdication Crisis and Appeasement—replaced by Neville Chamberlain. Safety First slogan, trust in his personal integrity, management of labour issues—and then extended to foreign policy. Not sufficiently radical in either—but still popular among Tories, with a key-chain for sale for £6. Generally mocked today—Americans may compare “Hooverilles”, homeless camps erected by desperate people in the early years of the Great Depression to express frustration with President Hoover. But does “safety” have merit, in and of itself?

This paper will explore Augustus’ efforts to curb senatorial absenteeism, particularly as codified in a *Lex Julia de senatu habendo* passed in 9 BCE. In both *The Senate of Imperial Rome* and a 1984 article on “Augustus and the Senate” in *Greece & Rome*, Richard Talbert observed, “our knowledge of this vital statute is very patchy.” Nevertheless, as the main source for the law (together with a few vague references in Gellius and Pliny the Younger) is Cassius Dio, it is appropriate to consider his commentary, especially in the context of this conference. The main points are summarized in #1 on the handout, but I will read (most of) the larger passage:

“Augustus ordered that sessions of the Senate should be held on a specified day. It seems that in the past there had been no precise ordinance on this matter, and for this reason [important?] some members often failed to attend. Accordingly, Augustus appointed two regular meetings in each month [Ides and Kalends, except for Ides of March, from other sources, not in Dio or Suetonius, who also mentions this], at which attendance

was mandatory, at least for those who had been summoned by law, and to ensure that they might have no other pretext for absence, he directed that no court or other institution which required their presence should sit at that time. He also [#1].... Many lapses of this kind had customarily gone unpunished on account of the large numbers of the offenders, and so he directed that if there were many defaulters, they should draw lots and that one out of five, as the lot fell, should pay the fine. [Then the rest of #2].”

Dio concludes with a lengthy discussion of the degrees of force (or “*auctoritas*”, which he says is difficult to render in Greek (though surely *exousia* would work?) a measure would have, depending on the size of the membership who had moved it. Essentially establishes quorums for certain measures.....

Thus Dio, at his garrulous best? But now we should turn to Richard Talbert’s analysis of the passage, in both the specific treatment in an article and within the scope of his famous book, both from 1984. The article examines the various means by which Augustus attempted to shape the composition and behavior of the senate, but it suggests that, while these measures may have appeared invasive and authoritarian, Augustus was actually making a series of “experiments” motivated by an “antiquarian” “sense of order” and “respect”—even though the results were sometimes “tactless” and “clumsy.” Beginning with Octavian’s review of the senatorial rolls in 29 and his subsequent re-revision in 18, Talbert underscores the inability of Augustus to effect sweeping change as well as the surprising strength of resistance to his forging a new senatorial class. Recalcitrant senators likely displayed merely “acquiescence rather than full-hearted support,” and the measures of 18, 11, and 9 BCE [the precise dates and

numbers of which are a bit garbled in both CD and Suetonius] are here considered bellwethers of the “generally low” level of morale among senators by this period of Augustus’ Principate.¹

Against a backdrop of dwindling interest and investment in the regime, the article provides a sensible caution against what may seem undue interference by the Princeps into the mechanisms of senatorial assembly and procedure. By this light, the formal abolition of the quorum requirement (of 400 members) in 11 BCE appeared a mere acknowledgement that the quorum had, already for a long time, been ignored in practice. Furthermore, the revisiting of the issue of absenteeism two years later demonstrates Augustus’ understandable frustration with the problem rather than a domineering attitude to government. Even though “[f]ines for absenteeism were stiffened up ... these seem to have proved as unsuccessful as ever in goading laggards: it would look as if Augustus quietly let them be forgotten, and no later emperor was tactless enough to revive them.”² Talbert went on to connect the establishment of set days for senatorial meetings in this *Lex Julia* with the senators’ own tendency toward non-participation: by stipulating the days on which members could expect a meeting, Augustus hoped to forestall lazy members’ pleading “another engagement as an excuse for absence then.” In addition, and also as a result of the law of 9 BCE, the names of senators who attended were to be displayed publicly on a board, clearly as a means of shaming those who had chosen not to attend. This particular measure seemed to have succeeded in its aim, as the practice was continued for centuries afterward.

A permissible retirement age was also implemented, even though there is evidence from subsequent reigns that several very old men continued to attend senatorial sessions. On the other hand, an attempt to micromanage senatorial deliberations and operating procedures

¹ Talbert (1984a) 57.

² Talbert (1984a) 58.

utterly failed. Accordingly, throughout the article, Talbert highlights the essentially *experimental* nature of Augustus' legislation concerning the senate. Given a grab-bag of measures, some succeeded, some failed miserably, and others were broached and then quietly dropped when deemed overreaching or too difficult to enforce. Interestingly, following this line of reasoning, Augustus often attempted to claim credit for simply codifying or affirming a practice that had *already* become customary. One significant conclusion of the article is that Augustus was ultimately less innovative than Tiberius, who finally discovered "a fulfilling role for the corporate body," whereas Augustus had merely enhanced "the dignity of the senate."³

Another conclusion is even more significant, especially regarding the interpretation of Augustus' Principate and his overall ambitions in governance. Having reviewed the details of Augustus' measures directed at the senate, Talbert observed that "it is plain enough that one of Augustus' problems in the senate was not halting eloquence, but rather desperately trying to coax any words at all out of some members!"⁴ This characterization of Augustus, as a well-intentioned if occasionally misguided reformer, is incorporated into the main text of *The Senate of Imperial Rome* at several points. Augustus' attempt to fine members for non-attendance is here described as a revival, "as so often," of "a lapsed ancient practice" rather than as "a complete novelty." Sadly, Augustus' attempt to reintroduce fines "is perhaps best dismissed as a clumsy, antiquarian revival which predictably failed."⁵ While the comprehensive law *de senatu habendo* was itself "an innovation," since senatorial deliberations had generally been governed by custom instead of statute, Talbert suggests "that the law for the most part served to codify existing practice rather than to introduce sweeping changes."⁶ In short, Augustus' efforts were

³ Talbert (1984a) 62.

⁴ Talbert (1984a) 59.

⁵ Talbert (1984b) 138-139.

⁶ Talbert (1984b) 222.

designed “to restore dignity to the senate” by forging them into a new governing class. In response, the senators’ fears that they would be rendered insignificant kept them from asserting the power that Augustus genuinely wished them to preserve in the midst of this “painful ... constitutional transition.”⁷

Talbert’s soundings of Augustus’ intentions for the senate were echoed, also in 1984, in P. A. Brunt’s article “The Role of the Senate in the Augustan Regime.” In Brunt’s estimation, it is at least “a plausible conjecture” that Augustus actually *did* encourage wide-ranging discussions and sincerely “hoped to ascertain the true sentiments of senators” in his deliberations with them. Continually referring “measures to the senate for its approval in accordance with Republican practice,” both Augustus and Tiberius may well have desired to discern “what the majority really wished, and to adjust their policy” accordingly—at least as far as they could without injury to their own dignity.⁸ Similarly, in a monograph on the Republican senate (1989) and in an article on the Julio-Claudian senate (1995), Marianne Bonnefond-Coudry endorsed, and even seemed to strengthen, Talbert’s view of Augustan deference to traditional senatorial prerogatives. In her estimation, it was “the constant care of Augustus to favour the free exercise of senatorial initiative,” and “he chose to preserve the traditional system of decision-making” wherever possible.⁹ Realizing his potential to sway the direction and thereby negate the salutary effect of senatorial debate, the Princesps made strenuous efforts “to guarantee the senators’ freedom of expression” and thereby avoid alienating the body.¹⁰ Moreover, she argued, the fact that the senate rapidly lost its standing should not lead one “to attribute systematically to Augustus a project of underhanded diminution of its role [*un projet*

⁷ Talbert (1984b) 488.

⁸ Brunt (1984) 443-444.

⁹ Bonnefond-Coudry (1989) 792.

¹⁰ Bonnefond-Coudry (1989) 741.

de restriction sournoise de son rôle].”¹¹ Instead, the characteristically “ambiguous” nature of Augustus’ relationship with the senators left his successors in a difficult position, and Tiberius, Claudius, and Nero each pursued a policy that they thought suited themselves and their interests.¹²

Thus, it seem that the nearly universal tendency in the existing scholarship is to account for Augustus’ motives in shaping the senate rather than to examine the *senators’* motives—which may have been purposeful and coordinated—for avoiding senatorial meetings, particularly in the 10s BCE. Talbert attributes some of the “generally low morale” of the senate to demographic factors, the newly stringent financial requirements for senatorial status, and the exhaustion brought on by the recent wars.¹³ Nevertheless, it may be possible, with reference to Cassius Dio here—and throughout his work—to attribute this decade’s phenomenon of absenteeism to a *deliberate strategy* on the senators’ part.

This material can be grouped around the poles of “safety”, both for Senators in relationship to the Emperor—and, I will argue, more importantly, for the Emperor in respect to the Senators. By presenting a careful analysis of Cassius Dio, in both the Augustan narrative AND in the narrative of his own experiences in the 190s (especially with Didius Julianus and Septimius Severus), this paper will suggest a more visceral—and even a “Safety First” motivation—than mere antiquarianism. Through connecting several passages in new ways, I will suggest that—especially given Caesar’s experience at the Senators’ hands—it made sense for Augustus to summon his senators, in person, to prevent their plotting at home and, significantly, to ensure that they were “unarmed” while he himself was “armed” (words which actually appear in Maecenas’ advice in Book 52 and are echoed by Livia in Book 55).

¹¹ Bonnefond-Coudry (1989) 259.

¹² Bonnefond-Coudry (1995) 232.

¹³ Talbert (1984a) 57.

In short, we may wish to examine afresh whether there actually was a “crisis of absenteeism” that necessitated Augustus’ legislative attentions. Claude Nicolet had identified “*une crise de recrutement*” that prompted Octavian’s efforts “to purify the assembly,” shortly after Actium and then at future points throughout the reign.¹⁴ Nevertheless, the term “crisis”—one thinks of Christian Meier’s “*Krise ohne Alternative*” for another example—evokes further thoughts and attitudes. *For whom* and in what respects would either a surplus or a dearth of senators have constituted a “crisis”?

As incorporated into the handout, I will begin with the famous concept of *parrhesia* in Dio—recently investigated in the thought-provoking book chapter by Christopher Mallan. There are many well-known examples from the reign of Augustus—more significant in the Tiberius narrative, of course, but I would suggest that the evidence from the Severan era is more mixed. The degree of free expression would vary depending on its context, i.e. under a “good” or a “bad” emperor. Then we should consider Maecenas’ advice in the Book 52 dialogue—specific advice about the Senate (and will come back to the one that is echoed in a later book). Augustus follows Maecenas’ advice, but it is remarkable that Maecenas was unable to help his brother-in-law, Murena, who had been so outspoken in the chaotic roll-out of the Second Settlement in 23/22—and paid with his life for his boldness.

Augustus then implements this advice, making his first attempt to cull the senators (with Agrippa as colleague—again, as we’ll see, the order is reversed in Suetonius), and then a remarkable passage (which sounds like the rush of the Senators to greet Tiberius upon Augustus’ death, covering their joy with somberness), in which the Senators listen, stunned, to the terms of the First Settlement in 28/27. Should they be pleased? Should they be afraid?

¹⁴ Nicolet (1976) 30.

They may admit that Augustus is cunning in pursuing this policy, but do they really want him to be the sole ruler?

Then consider the aspect of Augustus' personal violence and even savagery (Latin would be *saevitia*?), as described in #7. But there is no specific instance of cruelty in his narrative—in fact there is the opposite, when he, for example, is horrified by Vedius Pollio, the freedman who feeds his slaves to lamprey eels (also in Seneca and Pliny the Elder). However, there is a famous story—not in Dio, but in Suetonius, #8.

But “savagery” and “safety” may have meant something rather particular to Dio in the early years of his OWN Senatorial experiences. Didius Julianus (because of his respect for and benefits received from Pertinax) and also Septimius Severus seizing the Senate with armed guards and stationing them around (in the *Historia Augusta*, rather than in Dio, but, given his advice about the soldiers to his sons, it is not difficult to imagine this instead of flowers being strewn in his path).

Nevertheless, perhaps the most interesting element of all here is Octavian/Augustus' concern for his personal, bodily safety, vis-à-vis the senators when they are assembled. Borrowing from a recent play title, *The Curious Incident...*, see #s 11, 12, and 13. But what if those fears for his safety LESSENERD over time? Toward the end of his life, the Princeps stopped appearing at every meeting and at every trial, and this policy is reinforced by Livia's advice in Book 55. Notice it draws on the same justification as Maecenas had offered—though what if the “unarmed”/ “armed” aspect is meant LITERALLY, as well as metaphorically? Oddly, he may have learned that lesson too well—as he did not suspect the innocent-looking figs on which Livia had smeared poison (it took me ALL NIGHT, in Siân Phillips' inimitable rendition).

Now for another view of our first passage. While Talbert's vision of the "antiquarian" and restorative efforts of Augustus has remained the dominant one since the 1980s, there was another line of thought, reflected particularly in the various works of André Chastagnol (1920-1996). This scholar's 1992 monograph *Le Sénat romain à l'époque impériale* was fashioned from several short pieces published over previous decades, but it begins with a subtle and thoughtful reflection that draws on contemporary French history. Describing the transitional moment between the Fourth and Fifth Republics in 1958 (in the course of which De Gaulle was installed in power), Chastagnol commented, "These recent events aid us in a certain measure in understanding how the passage from one political regime to the other was effected in Rome, in the last third of the first century BCE."¹⁵

As early as a 1980 Festschrift article, Chastagnol developed the idea that, after Actium, Augustus' objective was "to diminish—and no longer to augment—the effective power" of the senate and to promote "*une politique de fermeture* [closing or snapping shut]," originally in regard to the senatorial rolls.¹⁶ In this study of "the crisis of senatorial recruitment," specifically in the period 16-11 BCE, Chastagnol stressed the "draconian" measures of Augustus in culling excess senators from the rolls and the fact that the existing senators "suffered brutally" from his policies in this regard.¹⁷ In the remainder of the article, he makes tentative steps toward what would be his central focus in this respect: "the discontent [*le mécontentement*] of which the crisis of recruitment of the years 16-11 is, in short, the reflection."¹⁸ In the period of Augustus' absence from Rome, "various movements of protest and of bad temper" were produced and left unchecked. His final, profound observation is that the "crisis" of this period reveals that "the

¹⁵ Chastagnol (1992) Introduction.

¹⁶ Chastagnol (1980) 465. This sentence was imported, virtually unchanged, into the opening paragraph of the 1992 book's second chapter, entitled "*La diminution de l'effectif sous le règne d'Auguste.*"

¹⁷ Chastagnol (1980) 466-467.

¹⁸ Chastagnol (1980) 468.

establishment of the Principate regime was not realized without shocks [*heurts*]” and that the senatorial aristocracy “reacted to it with a certain vigor.”¹⁹

Commenting on “the problem of the senatorial quorum” in the Republic and the Empire ten years later, Chastagnol again turned to the phenomenon of “senatorial discontent” as a means of understanding why the quorum of 400 members was so difficult to maintain. In Chastagnol’s estimation, Augustus was forced in 11 BCE to admit that the traditional quorum was unattainable, but only after he realized that “he had overestimated the conscientiousness and punctuality of the senators.” These senators “manifested their discontent, among other well-known moves in this same period, by their absenteeism [*qui manifestaient leur mécontentement ... par l’absentéisme*].”²⁰ Accordingly, it was in reaction to this “manifestation of discontent” and non-participation that Augustus “vigorously [and] in a strict manner” moved on all sorts of matters in the law of 9 BCE.²¹ However, as the focus of this article was on senatorial quorum as understood in the late second century (and on Cassius Dio’s view of it, as a senator himself), Augustus’ specific goals—and those of his “discontents”—were not explored at greater length here.

Nevertheless, in the 1992 monograph, Chastagnol made a bold—and perhaps even a startling—suggestion concerning the absenteeism phenomenon of the 10s BCE. In reaction to the waves of downsizing through which their numbers and their powers had been diminished, “they manifested their bitterness by certain acts of refusal, of strikes sometimes hidden and sometimes open [*Ils manifestèrent leur amertume par des actes de refus, de grève tantôt perlée tantôt ouverte*],” and “in pouting with a certain ostentation [*en boudant avec une certaine ostentation*].”²²

¹⁹ Chastagnol (1980) 475.

²⁰ Chastagnol (1990) 158.

²¹ Chastagnol (1990) 159-160.

²² Chastagnol (1992) 56.

If one evaluates the voluntary “absenting of oneself” as a form of strike, it is perhaps feasible to gauge the extent of opposition, at least at this “transitional” moment in the new regime. By focusing attention on the full body of the *senatus*, rather than merely on their putative *princeps*, Chastagnol demonstrated that absenteeism could in itself be a tactic of resistance, one that demanded a swift and interventionist response from Augustus.

Thrasea Paetus, as characterized by Tacitus (e.g., *Ann.* 16.22, 27), may be only the most famous example of a senator whose deliberate absence from the senate was viewed as an expression, albeit a muted one, of opposition to the emperor’s government. If one views the Roman senators’ absenteeism as a resistance tactic, akin to a silent strike, Augustus’ outrage is understandable. If he perceived their ignoring of his summons to attend as seditious discontent, the swift and “clumsy” measures he took to rectify the situation can be explained. By fining and shaming non-attendees, Augustus—always on the look-out for potential rivals—hoped to obtain a full house, preferably an UNARMED house, upon whom he could train a vigilant, and a fully ARMED, eye.

A few recent parallel cases may also help illustrate the point. In February 2011, 14 Democratic members of the Wisconsin state senate refused to attend meetings and withdrew into a self-imposed, temporary exile in a neighboring state. Their purpose was to deprive the senate, and Republican Governor Scott Walker, of the quorum necessary to pass sweeping fiscal and anti-collective-bargaining measures. Although senate Republicans outmaneuvered the absentees’ tactic and passed much of the Governor’s budget in other forms, there was considerable praise for the 14 senators when they returned after a three-week “retreat”. As Senator Dave Hansen commented upon his return, “So people think this is a picnic for us—

they're wrong. We did it for the right reasons. We stood up for our working men and women in the state."²³

When he began running for the Presidency in 2015, one of our two Senators in Florida, Marco Rubio (“Little Marco”) faced a controversy concerning his own absenteeism. According to a Congressional report, he had the worst voting attendance record in the Senate that year, having missed 42% of the votes in which he was expected to participate. Ted Cruz had nearly the same voting record, a little better—but Rand Paul and Bernie Sanders, who were also Senators running for a presidential nomination, missed only a tiny proportion of their votes. Rubio claimed he was doing more important things for his constituents in Florida than voting, and he protested, “I think votes, of course, are important, but unfortunately, too many of them today are not meaningful.” But what of our current Commander-in-Chief? A recent tell-all, breathless insider account of White House chaos claims that Trump is also afraid for his personal safety. He prefers McDonald’s, according to this account, because the workers do not know he is coming—and, since it is prepared and waiting for anyone to carry it out, they don’t have a chance to poison his food. A McChicken Breastplate, in multiple senses???

²³ As quoted in *The Washington Post* on 12 March 2011 in an article entitled, “‘Wisconsin 14’ group of Democratic senators returns, greeted by thousands at Capitol.”