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AN AUGUSTAN SCULPTURE OF AUGUST JUSTICE

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## AN AUGUSTAN SCULPTURE OF AUGUST JUSTICE

A sculpture of August Justice is attested in a fragmentary addition to the notice for January 8 in the inscribed calendar from Praeneste (Degrassi 392).<sup>1</sup>

Signum Iustitiae Augus[tae ... ? ... Ti. Caesar dedicavit Planco  
et Silio co(n)s(ulibus).

Degrassi offers restoration of "Ti. Caesar dedicavit" since all of the numerous other additions to this calendar which are complete concern Tiberius.<sup>2</sup> The preserved consul's name secures the year as 13 A.D. since only one Silius, C. Silius A. Caecina, was consul in January during the years covered by the additions to the Praenestine calendar. The sculpture served the earliest attested cult of Iustitia at Rome. This paper has two objectives: first, to examine the circumstances surrounding the dedication of the sculpture and, second, to locate briefly the goddess Justice and the *bellum iustum* in the public image of war in Augustus' principate.

### I. The Circumstances of the Sculpture

Syme (41-42) welcomed the calendar notice as explicating two passages in Ovid's *Epistulae ex Ponto*:

- 2.1.25-34:                    Tu (sc. Fama) mihi narrasti, cum multis lucibus ante  
   fuderit assiduas nubilus Auster aquas  
   numine caelesti solem fulsisse serenum  
   cum populi vultu conveniente die  
   atque ita victorem cum magnae vocis honore  
   bellica laudatis dona dedisse viris  
   claraque sumpturum pictas insignis vestes  
   tura prius sanctis inposuisse focis  
   iustitiamque sui caste placasse parentis  
   illo quae templum pectore semper habet. (hereafter passage 1).
- 3.6.23-26:                    Principe nec nostro deus est moderatior ullus:  
   Iustitia vires temperat ille suas.  
   Nuper eam Caesar facto de marmore templo  
   iam pridem posuit mentis in aede suae. (hereafter passage 2).

*Ex Ponto* 2.1 describes Tiberius' triumph celebrated over Pannonia on October 23, 12.<sup>3</sup> Tiberius had defeated the Pannonian and Dalmatian rebels in the "Greater Dalmatian War" in 9;<sup>4</sup> the triumph, how-

<sup>1</sup> All dates are A.D. unless otherwise noted. The following works are cited by author only:

R. Syme, *History in Ovid* (Oxford 1979)

A. Degrassi, *Inscriptiones Italiae*, vol. 13 (fasti et elogia), fasc. 2 (*fasti anni Numani et Iuliani*) (Rome 1963)

D. Kienast, *Augustus: Princeps und Monarch* (Darmstadt 1982)

B. Lichocka, *Iustitia sur les monnaies impériales Romaines* (Warsaw 1974).

<sup>2</sup> The Fasti Praenestini was inscribed sometime between 6 and 9. Entries were added by various hands as early as 10; these additions all concern Tiberius and were evidently inscribed immediately after the events they record. For references and discussion see Degrassi 115, 142, 342, 392.

<sup>3</sup> On the date of the triumph, see Degrassi 524-525. It is known from a fragment of the Praenestine calendar first published in 1922; *AE* 1922, 96.

<sup>4</sup> Much of Pannonia and Dalmatia rebelled in 6 just as Tiberius was preparing for an expedition across the Danube. Velleius (2.110-122) provides a narrative of the war, in which he and his brother took part. Cf. Suetonius *Tiberius* 16, Dio 55.29-55.34, 56.11-16. See E. Koestermann, *Hermes* 81 (1953) 368-376, J.J. Wilkes, *Dalmatia* (London 1969) 69-77, Kienast 304-305, E.S. Gruen, "The Imperial Policy of Augustus," in K. Raaflaub and M. Toher, eds., *Between Republic and Empire* (Berkeley 1990) 395-416 at 402-403. The phrase Greater Dalmatian War is from a dedication erected by a veteran of

ever, was delayed while he suppressed the German rebels who had killed Varus.<sup>5</sup> Velleius (2.121.2) reports "(sc. Tiberius) in urbem reversus iam pridem debitum sed continuatione bellorum dilatatum ex Pannoniis Delmatisque egit triumphum (cf. Suetonius *Tiberius* 17.1-2, 20). Passage 2 comes from one of many *epistulae* which extoll Augustus' virtues while begging for pardon and relief from Tomis.

The relationship between the sculpture and our two passages is not so clear as Syme suggests: Tiberius' triumph took place two months before the dedication of the *signum*. Ovid published books 1-3 of the *Epistulae* as a group sometime in 13 (Syme 40-42). Thus in passage 1 he may have anachronistically connected the sculpture of Iustitia Augusta with Tiberius' triumph; certainly the internal data used for dating individual poems need reflect no more than Ovid's ability to place his work within a desired historical context. However, throughout his work from Tomis, Ovid displays an exact knowledge of significant events at Rome concerning the imperial family, and he claims (*Epistulae* 2.1.19-20) to have a report of the triumph of 12 "gratia, Fama, tibi per quam spectata triumphi incluso mediis est mihi pompa Getis." We should, then, be loath to dismiss the sacrifice to Justice reported before the *pompa* as fiction.

Passage 2 poses no chronological problem since *Epistulae* 3.6 offers no evidence for a precise date, but we must now assume two sacrifices to August Justice, one as part of the triumph of October 23, 12 and one for the dedication of the sculpture on January 8, 13. The two sacrifices were not, as we shall see, dissociated.

We may refer to a pattern of religious foundations coinciding with the arrival of Augustus or, in one other case before 12, Tiberius to Rome from expeditions abroad. On October 12, 19 B.C., when Augustus returned to Rome from Syria, and the Senate voted an altar to Fortuna Redux to celebrate the occasion.<sup>6</sup> Two holidays related to this altar are recorded in the calendars: The anniversary of the *constitutio* (the organization or establishment of the cult site) was October 12, the very day that Augustus had entered the city, which was renamed Augustalia in honor of his return.<sup>7</sup> A holiday was also observed on December 15, the day the completed altar was dedicated in an unknown year.<sup>8</sup> The calendars record two anniversaries for the Ara Pacis Augustae as well, which was voted by the Senate in honor of Augustus' return from Spain and Gaul in 13 B.C.:<sup>9</sup> that of the *constitutio* on July 4, 13 B.C. and that of the *dedicatio* on January 30, 9 B.C.<sup>10</sup> Finally, on January 1, 7 B.C., the day he entered the city *triumphans primo* over Germans, Tiberius declared that he would restore the old temple of Concordia on

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Tiberius' forces; *ILS* 3320: "C. Iulius C. f(i)lius Ser(gia) | Aetor aed(ilis) | donatus ab Ti. Caes(are) | Aug(usti) f(ilio) Augusto torque | maiore bello Delmaltico."

<sup>5</sup> In 9 the German tribes between Elbe and Rhine (mainly the Cherusci) rose in rebellion and massacred three legions and their legate P. Quinctilius Varus. From 9-12 Tiberius campaigned against the rebels, establishing the Rhine as the frontier of Roman Gaul; see Velleius 2.118-119, Dio 56.18-56.22, Tacitus *Annales* 1.57-61, Suetonius *Augustus* 23, *Tiberius* 17. See also S. Dyson, *Historia* 20 (1971) 253-258, Gruen (above note 4) 408-4-9, Kienast 305-307.

<sup>6</sup> *Res Gestae* 11: "Aram Fortunae Reducis ante aedes Honoris et Virtutis ad Portam Capenam pro reditu meo senatus consecravit, in qua pontifices et virgines Vestales anniversarium sacrificium facere iussit eo die quo, consulibus Q. Lucretio et M. Vinicio, in urbe ex Syria redieram."

<sup>7</sup> Degrassi 13.2 195, 519: "AUG(ustalia); Fer(iae) ex s(enatus) c(onsulto), | q(uod) e(o) d(ie) Imp(erator) Caes(ar) Aug(ustus) ex transmarin(is) provinc(iis) | urbem intravit, ara(q(ue)) Fortun(ae) Reduci consti(uta est)"

<sup>8</sup> Degrassi 13.2 199, 538: "Ara Fortunae | Reduci dedic(ata) est."

<sup>9</sup> *Res Gestae* 12: "Cum ex Hispania Galliaque, rebus in his provinciis prospere gestis, Romam redi Ti. Nerone P. Quintilio consulibus aram Pacis Augustae senatus pro reditu meo consecrari censuit ad campum Martium in qua magistratus et sacerdotes et virgines Vestales anniversarium sacrificium facere iussit." The bibliography on the altar of August Peace is immense; see E. Simon, *The Ara Pacis Augustae* (Tübingen 1967), E. La Rocca, *Ara Pacis Augustae* (Rome 1983), G. Koeppl, "Die historischen Reliefs der römischen Kaiserzeit V: Ara Pacis Augustae", *BonnJahrb* 187 (1987) 101-187 and *ibid* 188 (1988) 97-106.

<sup>10</sup> Degrassi 13.2 117, 189, 404-405, 476 (quoting from F. Praen. and F. Amit.): "Fer(iae) ex s(enatus) c(onsulto), q(uod) e(o) d(ie) ara | Pacis Aug(ustae) in camp(o) Mar(tio) | constituta est", "Feriae ex s(enatus) c(onsulto) quo[d] eo die ara Pacis Augusta[e] in campo] | Martio dedicata [e]st". Cf. Ovid *Fasti* 1.709-722, Dio 54.25.3, *CIL* 6.2028 (acta Arvalium, 38 A.D.), *CIL* 6.32347 (acta Arvalium, unknown year).

the Capitol overlooking the Forum Romanum.<sup>11</sup> Tiberius dedicated the temple on January 16, 10 to Concordia Augusta in his own name and that of his deceased brother Drusus.<sup>12</sup>

The arrival of the princeps or a member of his family was an event of great significance:<sup>13</sup> The Adventus of Tiberius was itself deified before 14;<sup>14</sup> votive games were offered to Jupiter Optimus Maximus *pro reditu Augusti* in 8 and 7 B.C.;<sup>15</sup> and other Augustan testimonia might be cited.<sup>16</sup> But Augustus' policy after 19 B.C. of allowing infrequent triumphs made some other celebration when he or a member of his family returned from abroad necessary if the day were to be remembered.<sup>17</sup> The declaration of a cult ensured a festive reception for the princeps and provided a means whereby an annual holiday might remark the day. Tiberius' declaration in 7 B.C. shows that even when a rare triumph was held, special attention might be paid to an old or new cult. We may suppose, then, that the cults of Fortuna Redux, Pax Augusta and Concordia Augusta were promoted when they were in order to provide an immediate ceremony which coincided with Augustus or Tiberius' arrival; the physical shrines for the new cults were dedicated later after their completion. In at least two instances the immediate ceremony took the form of a *constitutio*.<sup>18</sup> Indeed, the altar of Fortuna Redux was, evidently, deliberately set at the gate by which Augustus entered the city in 19 B.C.<sup>19</sup> and the same may be deduced for the altar of Peace.<sup>20</sup> Finally, we may infer the continuing importance of the link between the Ara Pacis and Augustus' physical return in 13 B.C. from the fact that the sculptured procession on the

<sup>11</sup> Dio 55.8.1. On this temple, see in general T. Pekáry, *MDAI(R)* 74 (1966-1967) 105-133, B. Levick, "Concordia at Rome", in R.A.G. Carson and C.M. Kraay, eds., *Studies Presented to Humphrey Sutherland* (London 1978) 217-233, G. Gasparri, *Aedes Concordia Augustae* (Rome 1979). C.J. Simpson (*Historia* 40 [1991] 449-455) has argued that there was a *constitutio*, though this is not certain.

<sup>12</sup> Degrassi 13.2 115, 398-340: "Concordiae Au[gustae] aedis dedicat]a est P. Dolabella C. Silanus co[(n)s(ulibus)]" (F. Praen.). Cf. Dio 56.25.1, Suetonius *Tiberius* 20, Ovid *Fasti* 1.637ff.

<sup>13</sup> On *adventus* and *reditus*, see G. Koeppl, *BonnJahrb* 164 (1969) 130ff., E. Welin (below n. 18) 507-508, S. MacCormack, *Art and Ceremony in Late Antiquity* (Berkeley 1982) 34-38.

<sup>14</sup> *CIL* 13.13570 (*ILS* 8898): "Ti. Caesari Augusti f(ilio) Divi nepoti. Adventui eius sacrum. Cn. Licinius C. f(ilius) Vol(tinia) Navos".

<sup>15</sup> *ILS* 8894 (8 B.C.), *ILS* 95 (7 B.C.): "Ti. Claudius Ti. f(ilius) Nero pontifex, co(n)s(ul) iterum imp(erator) iterum ludos votivos pro reditu imp(eratoris) Caesaris divi f(ili) Augusti pontificis maximi Iovi Optimo Maximo fecit ex s(enatus) c(onsulto)".

<sup>16</sup> E.g. Horace *Odes* 3.14, 4.2.41-44, 4.5.1-2, 5-8.

<sup>17</sup> See W. Eck, "Senatorial Self-Representation: Developments in the Augustan Period", in F. Millar and E. Segal, eds. *Caesar Augustus: Seven Aspects* (Oxford 1984) 129-168 at 138-145. After 19 B.C. only two triumphs were held in Augustus' reign, both by Tiberius in 7 B.C. and 12 A.D. respectively. Agrippa refused triumphs in 19 B.C. (Dio 54.11.6) and 14 B.C. (Dio 54.24.7), and Augustus refused one for Tiberius in 12 B.C. (Dio 54.31.4).

<sup>18</sup> *Constitutiones* are securely attested only in the reign of Augustus, and only in the verbal form (*constituta est*). This may be due to the fact that most of the inscribed calendars which survive are from this period; however, it is not unlikely that the importance of the ceremony was greatly increased by Augustus. Exactly what a *constitutio* entailed and represented is somewhat unclear. For discussion see D. Fishwick, *The Imperial Cult in the Latin West* (Leiden 1987-91) vol. 1, part 2, 203-213. Before Fishwick, G. Wissowa, *Hermes* 39 (1904) 156-60, K. Hanell, *ORom* 2 (1960) 33-123 at 62-71, E. Welin, "Die beiden Festtage der Ara Pacis Augustae", in *Dragma M.P. Nilsson dedicatum* (Lund 1939) 500-513. Only three *constitutiones* are known, all from the Augustan period: That of the altar of Pax Augusta, that of the altar of Fortuna Redux, and that of the altars of Ceres Mater and Ops Augusta on August 10, 7 A.D. (Degrassi 13.2 493). In the cases of Fortuna Redux and Pax Augusta Augustus' report in the *Res Gestae* survives along with the notices in the calendars (*Res Gestae* 11, 12.2). Comparisons of these testimonia make clear that the announcement was a ritual act on the site of a future cult. Moreover, the calendars show that the announcement took place on a single day ("Feriae quod eo die ...").

<sup>19</sup> *Res Gestae* 12.1, Dio 54.10.2, with R. Syme, *The Roman Revolution* (Oxford 1939) 371ff.

<sup>20</sup> We may find a precedent for the emphasis on the physical place of Augustus' arrival in an honor voted to Demetrius Poliorcetes by the Athenians upon his capture of the city, "τὸν τόπον ὅπου πρῶτον ἀπέβη τοῦ ἄρματος, καθιερόσαντες καὶ βωμὸν ἐπιθέντες Δημητρίου καταιβάτου προσηγόρευσαν" (Plutarch *Demetrius* 10.4).

precinct walls of the altar is probably an idealized representation of the celebration held at the site of the altar in 13 B.C.<sup>21</sup>

Returning to August Justice and the triumph of 12, we might now expect that the arrival of Tiberius from Germany to have been celebrated by the declaration of a cult. We may, then, suggest that passage 1 represents the declaration (perhaps *constitutio*) of the shrine of August Justice as part of the triumph and in honor of Tiberius' arrival. The calendar from Praeneste and passage 2 report the dedication of the shrine after its completion. The anniversary of the ceremony in 12, if it was a *constitutio*, was probably a holiday as well, but no surviving entry for October 23 in the calendars confirms this.<sup>22</sup>

Ovid's language supports the conclusion: In passage 1 Tiberius is described as offering incense at *sancti foci*. *Foci* in the plural can mean an altar, especially a temporary altar.<sup>23</sup> Passage 1, then, probably records a makeshift altar erected on the future site of the shrine for the sacrifice in 12. In passage 2, which we have related to the dedication of the shrine on January 8, 13, Ovid refers to the completed *templum* made from marble. The only other datum about the physical form of the shrine is that it contained as its centerpiece the *signum* of August Justice, which was probably a statue but may have been a relief. To the author's knowledge there are no surviving representations of the goddess or personification Iustitia except on coins.<sup>24</sup> We might infer from Passage 2 that the *signum* was placed in its own precinct (*templum*) and not set up in the precinct or temple of another god, though this, too, is not certain, and another possibility will be suggested in the conclusion to this paper. Ovid's *templum de marmore factum* in passage 2 might be either a pre-existing shrine in which the *signum* was placed or a marble precinct wall, similar to that around the Ara Pacis Augustae. Also, we need not assume there was ever a permanent altar to Justice in the precinct which housed the sculpture.

The question remains, where was the precinct which contained the sculpture? Since Ovid places the sacrifice on October 23, 12 at the beginning of the triumphal procession before Tiberius has put on his purple toga (*pictae vestes*) we should assume that the site for the sculpture was somewhere near where the triumphal procession began. Moreover, the precinct must have been outside the pomerium since Tiberius could not cross the sacred boundary before his triumph. The Villa Publica, the traditional residence of victorious generals who were awaiting a triumph, is one candidate.<sup>25</sup> Varro (*RR* 3.2.3-6) describes this open area on the Campus Martius as decorated with statues, but the Villa was probably

<sup>21</sup> As with most aspects of the Ara Pacis, theories abound as to the nature of procession shown on the outer precinct wall of the shrine. In addition to the basic works cited above in note 9, see J. Pollini, *Studies in Augustan "Historical" Reliefs* (diss. Berkeley 1978) 75-112, G. Bowersock, "The Pontificate of Augustus", in Raaflaub and Toher (above note 4) 381-394, R. Billows *JRA* 6 (1993) 80-92. Certainly, nothing diminishes the probability that the procession shown relates directly to the events of July 4, 13 B.C., and only Bowersock divorces the relief from events connected with the altar itself. Billow's suggestion that the ceremony in 13 was combined with a *supplicatio* is appealing.

<sup>22</sup> The addendum to the Fasti Praenestini for October 23 reads "Ti. Caesar curru triumphavit/ ex Illurico"; Degraffi 524, plate 45. This is the only surviving entry for October 23 which post-dates 12.

<sup>23</sup> e.g. Tibullus 1.2.82, Ovid *Metamorphoses* 4.753, *Epistulae ex Ponto* 1.1.52, Valerius Maximus 9.12.15, Seneca *Hercules Oetaeus* 734, Lucan 8.338, Calpurnius Siculus *Eclogae* 5.26, Suetonius *Augustus* 1.

<sup>24</sup> Tiberius issued a dupondius in 22-23 which shows on the obverse a female bust, draped and wearing a diadem, and is inscribed Iustitia. This coin surely refers at least partly to our sculpture, but the generic depiction provides no evidence as to the nature of the monument or the sculpture; *RIC* 1<sup>2</sup> Tiberius 46. This obverse is reproduced with slight alterations in Titus' "restoration" issue; *BMCR* 2 Titus 289-290. Iustitia or Iustitia Augusta later appear on the coins of Nerva, Trajan(?), Hadrian, Pius, Marcus Aurelius, Pescennius Niger, Septimius Severus, Caracalla, Julia Paula, Alexander Severus, Carausius and Constantine; Lichoka 21-61. All of the representations are generic goddess-types and unhelpful in a consideration of our sculpture. The only tokens of Iustitia which may be adduced from the later coinage are the olive branch and wheat stalks borrowed from Pax and Ceres/Ops respectively. For gems thought to represent Iustitia, Lichocka 72-73. Dedications to the goddess Iustitia are rare: *ILS* 2924, 3790a, 5525a. None ante-dates our sculpture.

<sup>25</sup> On the Villa Publica, see L. Richarson, "The Villa Publica and the Divorum", in L. Bonfante and H. von Heintze, eds., *In memoriam Otto J. Brendel* (Mainz 1976) 159-163, S. Agache, "L'actualité de la Villa Publica en 55-54 av. J.-C.", in *L'Urbs: espace urbain et histoire* (*CEFR* 98, Rome 1987) 211-234.

largely gone by 12, its land lost to the building programmes of Caesar and Augustus.<sup>26</sup> A better choice is the Circus Flaminius where the triumphal procession began. The south-western end of the Circus was focus of dynastic buildings for the Augustan regime; there was, for example, the theatre of Marcellus (ca. 17 B.C.), the colonnade of Octavia (ca. 23 B.C.), and later a statue of Divus Augustus and statues of the Domus Augusta (15), and an arch for Germanicus (20). The temple of Bellona, to which we will relate the *signum* below, also stood in this area. A shrine of August Justice connected with Tiberius' second triumph would fit well programmatically into this section of the circus; it was in the colonnade of Octavia that Tiberius had announced on January 17 B.C. that he would rebuild the temple of Concordia.

## II. Justice and the Augustan Principate

We may now examine the place of justice in the official image and ideology of the Augustan principate with respect to our sculpture and to war.<sup>27</sup> Justice, like harmony, peace and agricultural abundance, was one of the programmatic blessings of Augustus' reign, and it was one of the four virtues carved on the honorific shield set up in the Curia Julia in 27 B.C. in honor of Augustus.<sup>28</sup> Horace praises the return of law in both of his odes to Augustus: "mos et lex maculosum edomuit nefas" (4.5.22) and "tua, Caesar, aetas ... emovitque culpas" (4.15.4, 11). Jupiter's prophecy of Augustus in the *Metamorphoses* (15.832-833) also lists justice among the blessings of the new age, "Pace data terris animum ad civilia vertet/iura suum legesque feret iustissimus auctor"; Augustus is the "iustissimus auctor", perhaps a play on his name. From Tomis, Ovid (*Ex Ponto* 1.2.97) calls Augustus the most just of the gods. Finally, after Augustus' death, law and order also appear in Velleius' statement of the blessings that Augustus delivered in 27, "restituta vis legibus, iudiciis auctoritas" (2.89.3), and that of those which generally characterized Tiberius' reign, "sepultaque ac situ obitae iustitia, aequitas, industria civitate redditae; accessit magistratibus auctoritas, senatui maiestas, iudiciis gravitas".

The importance of justice (δικαιοσύνη) as a quality of a good statesman may be traced back to Greek political thought.<sup>29</sup> *Iustitia* was listed as attribute of a good politician (*vir bonus*) at Rome at least by the late Republic.<sup>30</sup> Indeed, justice is one of the only constants in the philosophical "canon" of four virtues adopted by the Stoics.<sup>31</sup> It is thus not surprising that *iustitia* was ascribed to Augustus in 27 B.C. and throughout his reign. However, at Rome δικαιοσύνη and the philosophical *iustitia* manifest themselves mostly as civil justice; and our affirmations of Augustus and Tiberius' *iustitia* come in the context of laws and lawcourts. As "iustissimus auctor" Augustus makes *leges* and *civilia iura*. This sort of justice—the organization of courts, the assurance of honest trials, the passage of beneficial laws—would seem to have little to do with war and Tiberius' triumph in 12.

Yet, given the care Augustus paid to religious affairs, we should not expect a cult which was founded in order to mark Tiberius' arrival and triumph to be an accidental choice divorced from its immediate circumstances. The epithet *augustus* was only attached to a handful of state gods in the reign of Augustus and it would seem to demonstrate the importance of the cult of August Justice even if the shrine were modest. And indeed justice had a connection to war at Rome and among the peoples of cen-

<sup>26</sup> Nevertheless, the area did not lose its role as the proper residence of *triumphatores*: Vespasian and Titus slept in the temple of Isis there before their triumph in 70.

<sup>27</sup> On *iustitia* in general as a political ideal, personification, and goddess, see Lichocka 13-20, 75-86, 106-124, Weinstock *Divus Julius* (Oxford 1971) 243-248. My debt to Weinstock will be apparent.

<sup>28</sup> Res Gestae 34: "clupeus aureus in curia Iulia positus (est) quem mihi senatum populumque Romanum dare virtutis clementiae iustitiae pietatis causa testatum est per eius clupei inscriptionem".

<sup>29</sup> Plato lists σωφροσύνη, ἀνδρεία, δικαιοσύνη, and ὁσιότης as the four virtues a politician should possess; *Rep.* 4.428a, *Protag.* 349d, *Lach.* 199d, *Meno* 78d. See J. Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la République* (Paris<sup>3</sup> 1972) 254ff., Weinstock (above note 27) 28-229, 243, Lichocka 13-20. L. Koenen has suggested to me an additional connection between the Egyptian concept of *Maat* and the king's justice as promoted by the Ptolemies.

<sup>30</sup> Cornificius *Ad Her.* 3.3, Cicero *Inv.* 2.159, *De Orat.* 2.343, *Fin.* 5.67, *Att.* 7.2.7 (Cato). Cf. *IGR* 4.305, honors for Cicero at Pergamum "εὐσεβείας ἕνεκα καὶ δικαιοσύνης".

<sup>31</sup> See A. Wallace-Hadrill, "The Emperor and his Virtues", *Historia* 30 (1981) 298-323.

tral Italy which was much older than the adoption of the philosophical δικαιοσύνη: Rome was allowed by law and religion to engage only in *bella iusta*, just wars (often *bella iusta et pia*): "duella iusta iuste gerunto."<sup>32</sup> A special college of priests, the *fetiales*, were charged with enforcing the rule; traditionally, only when the *fetiales* had examined the circumstances and properly declared war might aggressive action be taken.<sup>33</sup> The *ius fetiale* was ascribed to the kings Numa, Tullius Hostilius or Ancus Marcius;<sup>34</sup> the fact that *fetiales* are found in several Latin and central Italic towns demonstrates the high antiquity of the priesthood.<sup>35</sup>

We find an emphasis on the Romans' *bella iusta* already in Polybius (36.2.3) and the stoics Panaetius (2nd century B.C.) and Posidonius (2nd-1st centuries B.C.; *FrGH* 87 F 59). The old concept received new life in the turbulent times of the late Republic, though the college of *fetiales* seems to have lapsed.<sup>36</sup> Cicero (*Rep.* 3.35) provides us with a definition of the *bellum iustum*, "nam extra quam ulciscendi aut propulsandorum hostium causa bellum geri iustum nullum potest". In order to show the importance in the Augustan period of the just war in the Roman conception of warfare, one has only to point to Livy who uses the phrase *bellum iustum* (or *bellum iniustum*) no less than 20 times.<sup>37</sup>

The opposite of a just war was a *bellum iniustum*; and there were grave consequences for a commander who waged one (Livy 8.39.10-15; cf. Livy 43.4.13). In the late Republic the charge of having undertaken an unjust war became a weapon to use against one's political enemies. Cicero accused Cn. Calpurnius Piso, Caesar's father-in-law, of fighting a "nefarium bellum" which caused the gods to punish his troops with a plague (*In Pisonem* 84). Cato the younger made the same charge against Caesar for his Gallic conquest and suggested he be handed over to the Gauls for punishment.<sup>38</sup> Caesar, in turn, replied that his campaigns were just.<sup>39</sup> S. Weinstock suggests that Antony made the same charge against Octavian for his wars in Illyricum 35-34 B.C.<sup>40</sup>

Octavian revived both the *fetiales* and the *ius fetiale* in 32 B.C. when, acting as a *fetialis*, he declared a just war on Egypt using the traditional rites,

τῆ δὲ Κλεοπάτρα τὸν πόλεμον ἄντικρυς ἐπήγγειλαν καὶ τάς τε χλαμύδας ὡς καὶ ἐν  
χερσὶν αὐτοῦ μετημπίχοντο καὶ πρὸς τὸ Ἐνυεῖον ἐλθόντες πάντα τὰ προπολέμια  
κατὰ τὸ νομιζόμενον διὰ τοῦ Καίσαρος ὡς καὶ φητιαλίου ἐποίησαν ἅπερ πού λόγῳ μὲν  
πρὸς τὴν Κλεοπάτραν, ἔργῳ δὲ καὶ πρὸς τὸν Ἀντώνιον ἔτεινε (Dio 50.4.4-5)

Ovid explains the ceremony (*Fasti* 6.205-208),

prospicit a templo (sc. Bellonae) summum brevis area circum.  
est ibi non parvae parva columna notae;

<sup>32</sup> Cicero *De Leg.* 3.9. Cf. *Rep.* 3.34, *De Off.* 1.35, Livy 30.16.9.

<sup>33</sup> A. Watson, *Intentional Law in Archaic Rome: War and Religion* (Baltimore 1993) 1-9, C. Saulnier, "Le rôle des prêtres fétiaux et l'application du 'ius fetiale' à Rome", *RD* 58 (1980) 171ff., T. Weidemann, *CQ* 36 (1986) 478-490. See Cicero *De Off.* 1.36: "Belli quidem aequitas sanctissime fetiali populi Romani iure praescripta est. Ex quo intellegi potest nullum bellum esse iustum, nisi quod aut rebus repetiti geratur aut denuntiatum ante sit et indictum". Cf. Dio. Hal. 2.72.

<sup>34</sup> Numa: Dio. Hal. 2.72, Plutarch *Numa* 12.3, Tullius: Cicero *Rep.* 2.17.31, Ancus: Servius *In Aen.* 10.14, Livy 1.32.5.

<sup>35</sup> e.g., Ardea (Dio. Hal. 2.71, Servius *In Aen.* 10.14), Lavinium (Dessau in *CIL* 14 page 187 note 2), Alba Longa (Livy 1.24.4), among the Falisci (Livy 7.695). See Watson (above note 33) 6-7.

<sup>36</sup> Cicero *De Leg.* 3.9, *Rep.* 2.31, 3.34-35, *De Off.* 1.35-36, *Inv.* 2.70. For the related idea of *imperium iustum*, see Sallust *Cat.* 52.21, Caesar *BG* 1.45.3.

<sup>37</sup> 1.15.2, 3.25.3, 5.4.13, 7.30.18, 9.1.10, 9.8.7, 9.10.10, 9.11.12, 29.6.2, 29.31.11, 33.29.8, 35.38.12, 38.47.5, 39.36.12, 42.23.6, 42.41.12, 41.47.9, 43.4.13, 4.24.6, 45.22.5. Cf. the comments of L. Cincius quoted by Aulus Gellius 16.4.1.

<sup>38</sup> Suetonius *Caesar* 24.3, Plutarch *Caesar* 22.4, *Cati Minor* 51. See Weinstock 244-245.

<sup>39</sup> Caesar *BG* 1.45.3: "populi Romani iustissimum esse in Gallia imperium", 1.43.6, 4.16.1, 4.16.3, 5.41.8. Cf. *BG* 1.19.2, 6.24.3, Dio 38.45.1.

<sup>40</sup> Dio's report of the Illyrian wars is extremely negative and thus may reflect Antonian propaganda; ἐπὶ Παννονίου ἐπεστρατεύειν (sc. Caesar), ἔγκλημα μὲν οὐδὲν αὐτοῖς ἐπιφέρων (οὐδὲ γὰρ οὐδ' ἠδίκητό τι ὑπ' αὐτῶν), ἵνα δὲ δὴ τοὺς στρατιώτας ἀσκήῃ τε ἅμα καὶ ἐκ τῶν ἀλλοτρίων τρέφῃ, πᾶν τὸ τῷ κρείττονι τοῖς ὅπλοις ἀρέσκον δίκαιον ἐς τοὺς ἀθνεκτέρους ποιούμενος (49.36.1).



hinc solet hasta manu belli praenuntia mitti  
in regem et gentes cum placet arma capi.

This spectacle both declared Octavian's desire to revitalize antique Roman religion and made clear that the war was to be fought against a foreign foe, not against Antony.<sup>41</sup> All the Julio-Claudian emperors were evidently *fetiales*.<sup>42</sup> In the *Res Gestae*, Augustus stresses in his account of his military career that he had waged a wrongful war against no people, a sentiment echoed by Suetonius (*Augustus* 21.2) who states in summary of Augustus' wars, "nec ulli genti sine iustis et necessariis causis bellum intulit".<sup>43</sup>

A final link is lacking: There is nowhere an explicit connection between the goddess *Iustitia* and the *bellum iustum*. The primary god of the *fetiales* was Jupiter. Nevertheless, we have shown that attention was paid to the ideal of *bella iusta* in the late Republic and in the reign of Augustus. Augustus took pains to declare that all of his wars had been just, perhaps in answer to propaganda which accused him of acting *per iniuriam*. Support may be found from the circumstances of the wars in Germany (9-12 A.D.) and Pannonia and Dalmatia (6-9 A.D.). In the Balkans and in Germany Tiberius had fought against rebels who had risen against the Romans without notice, and exacted vengeance for the rebels' treachery. Cicero explicitly recognizes wars *ulciscendi causa* as just wars. Also, October 23, the day of Tiberius' triumph, was also the anniversary of the battle of Philippi where vengeance was finally exacted from Caesar's murderers.<sup>44</sup> This sculpture might then be Augustus' last claim that his wars against Brutus and Cassius had been justly undertaken to revenge his father.

Another connection between *iustitia* and war, this one emphasizing the role of the general in war and after victory, can be gleaned from the pages of Livy and Caesar. Livy's history, which was by design an exposition of the *antiqui mores* which had made Rome great, describes on several occasions the activities of Roman military commanders in terms of *iustitia*: First comes the well-known tale of Camillus' capture of Falerii ca. 394 B.C. (5.27-5.28.1). While Camillus was besieging the city, a Faliscan schoolteacher led his charges, the children of the defenders, to the Roman camp in order to hand them over as hostages. Camillus sent the children home unharmed saying he would capture Falerii by force of arms not by trickery. The people of Falerii, praising the *fides Romana* and the *iustitia imperatoris*, surrendered and Camillus returned to Rome "iustitia fideque hostibus victis". Second, after the death of Gn. and P. Scipio in Spain in 212 B.C., all Spain mourned the generals because the two Romans had given the land "specimen iustitiae temperantiaeque Romanae"; (25.36.16). Finally, Livy reports that in 195 B.C. the Greeks admired the *moderatio*, *temperantia*, and *iustitia* of their conqueror T. Quinctius Flaminius (34.22.5. Cf. 35.38).

This sort of justice is not concerned with the proper declaration of wars but with the proper conduct of a general during the war and while making peace. It would seem that Livy is providing *exempla* for how a proper Roman general acted. In all three instances the *iustitia* of the general earns him the respect of those he is fighting as well as the respect of the Romans. Caesar (*BG* 5.41.8) puts his claim to justice in the mouths of the conquered Gauls, "sperare se pro eius iustitia quae petierint impetraturos". But in 49 B.C. after the outbreak of civil war, he tells the Senate himself that he will fight with *iustitia* and *aequitas* (*BC* 1.32.9).

<sup>41</sup> Evidently the *ius fetiale* had originally required a spear be thrown into enemy territory in order to declare war; Livy 1.32.5, Dio. Hal. 2.72, 15.9. The first use of symbolic enemy territory near the temple of Bellona is associated with the war against Pyrrhus, though this may be an aetiological myth (Servius *In Aen.* 9.52). Weidemann (above note 33) doubts the high antiquity of this practice as part of the *ius fetiale*. However, see the response (with bibliography) of Watson (above note 33) 54-57. In any event, the ceremony was publicized in the Augustan age as dating back to the early Republic.

<sup>42</sup> There is explicit evidence for Claudius (Suetonius *Claudius* 25.5) and for Nero Julius Caesar the son of Germanicus (*CIL* 6.913 [*ILS* 182]).

<sup>43</sup> *Res Gestae* 26.2-3: "Gallia et Hispanias provincias, item Germaniam ... pacavi; Alpes a regione ea quae proxima est Hadriano mari ad Tuscum pacificavi nulli genti bello per iniuriam inlato." The ablative absolute "bello ... inlato" probably refers to Gaul, Spain and Germany as well as the Alps, though Augustus might have been faulted specifically for his campaign against the Alpine peoples.

<sup>44</sup> Degrassi 13.2 524 (F. Praen.): "[Caesa]r Augustus vicit Phil[ippi] posteriore proelio | Bruto occiso".

We may, then, understand the sculpture as a statement of the way in which Tiberius undertook and waged war and treated his defeated enemies. *Moderatio* was to be a publicized quality of Tiberius in his own reign. Velleius (2.121) in his summation of the war in Germany, 10-12 A.D., ends with the anecdote that Tiberius had settled some *dissensiones* among the Viennenses of Gallia Narbonensis "coercitione magis quam poena". The sculpture was a public acknowledgement that Tiberius fit the model of a proper Roman general. The new august god, then, not only connected the name Augustus to the heir once again and the heir to a virtue which had received public attention at the founding of the principate, but also linked Tiberius and Augustus to the Republican ideal of a general's conduct.

### III. Conclusion

We may begin the conclusion by suggesting that Tiberius' sculpture of August Justice may have stood at the temple of Bellona, which was, as we have seen, an important cite to the declaration of a just war. The temple stood near the Circus Flaminius, was outside the pomerium, and was used as a meeting cite of the Senate, especially when victorious generals petitioned for a triumph.<sup>45</sup> Tiberius' addition of a sculpture to the precinct of the venerable Republican goddess of just wars would have provided another public link between the actions of the principate and the Republican traditions which Augustus took such pains to publicly emulate.

Finally, Eric Gruen has recently pointed out that military glory and conquest remained an ideal in the Augustan principate.<sup>46</sup> Augustus even invented military victories where there were none. We have seen that *pax* meant pacification as much as it did peace.<sup>47</sup> Certainly, as we have noted repeatedly, the military exploits of Augustus and his family were celebrated. The *Res Gestae* (27) proudly recite expeditions to the lands of the Cimbri, Ethiopia and Arabia, and Horace extols imperial conquests, not peace, as the alternative to civil war (cf. esp. *Odes* 1.35.33-40). However, in accepting Gruen's thesis (as we should, to an extent) we are in danger of forgetting another aspect of the image given to Augustus' wars: Augustus presented himself a traditionalist and the tradition was of *bella iusta* properly justified and declared. Augustus renewed the *ius fetiale*, and offered as the summation of his far-flung conquests a programmatic statement that all of his wars had been just. Furthermore, the Roman general acted with justice against his foes both during hostilities and afterwards. The sculpture and cult of August Justice emphasized the point in connection with three conflicts which were undoubtedly just, the campaign against Caesar's murderers and the suppression of the revolts of Pannonia and Dalmatia and Germany. Moreover, it made the claim that Tiberius, Augustus' heir, had acted against Rome's enemies with justice.

The military situation had, of course, changed greatly between Augustus' propaganda in 19 B.C. of a conquest of Armenia and defeat of Parthia and Tiberius' campaigns after the death of Varus. The imperialist urge was dampened by disaster, and Augustus offered the famous *dictum* not to expand the empire further (Tacitus *Annales* 1.11). However, the importance of *iustitia* shows that we should consider all of Augustus' wars both with consideration to the glory of foreign conquest and with acknowledgement of the religious and political necessity of fighting only just wars.

<sup>45</sup> See F. Coarelli, *BullCom* 80 (1965-1967) 37-72.

<sup>46</sup> "Augustus and the Ideology of War and Peace" in R. Winkes, ed., *The Age of Augustus* (Providence 1985) 51-72.

<sup>47</sup> See the inscription on the statue base set up by the province of Baetica to Augustus; *ILS* 103: "Imp(eratori) Caesari | Augusto p(ontifici) m(aximo) | Hispania ulterior | Baetica quod | beneficio eius et perpetua cura provincia pacata | est."