

bung dieser Stadt bietet¹¹), dann verdichtete sich noch mehr der Hinweis auf Catos *Origines* als Ursprung all dessen.

Manche der geäußerten Vermutungen mögen sehr unsicher sein, eines aber nicht: Catos Rede *de Indigetibus* behandelt nicht die *di indigetes* oder deren *sacra*, sondern die spanischen *Indiketes*.

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THE TESTAMENT OF AUGUSTUS

According to a popular Roman saying, a man's will was the mirror of his character¹⁾. How true this would be of a man who, on his deathbed, looked back over his life as a stage-play, depends upon how cynically the saying is to be interpreted. Augustus certainly continued playing in his last public act the role he had played throughout his life. His will, which closely adheres to the form used by those of his fellow citizens, is most reminiscent of his *Res Gestae*²⁾, in that it combines pride in his stunning accomplishments with reassurance that they continue the best of Roman traditions. The form is ostentatiously normal, following both law and custom in what it includes and excludes, in the order in which it is laid out, and in the opinions it expresses and how it expresses them. It must be read in the light of the testamentary law and custom that produced it, and in that light it looks rather extraordinary.

The Roman will was a highly formal legal ceremony *per aes et libram*, the mere written record of which came to replace the act. Inheritance law was easily the major legal concern of both Roman

11) A. Schulten, Eine unbekannte Topographie von Emporion (Sall. hist. III 6), *Hermes* 60, 1925, 66 ff. – J. Martínez-Gázquez (La campaña de Catón en Hispania, Barcelona 1974, 66; 69) bezieht auch Cato orig. 99 und 101 Peter (aus dem 5. Buch) auf den spanischen Feldzug – anders M. Chassignet a. O. 36.

1) Pliny, Epp. 8.18.1.

2) With good reason, if the arguments below (p. 164) are accepted.

jurisprudents and Roman society at large, and a vast complex of rules can be traced in the surviving legal works. From these we know just what to expect and not to expect in a Roman will, and from such actual wills as survive we can discern a clear and little varied standard order of the contents³). Briefly stated, and shorn of elaborate complexities, at the beginning had to come the institution by name of heirs, and the disinheritance first by name of any *sui heredes* whom the testator wished to exclude, then in general terms of all others; all this followed by a *cretio* clause, naming a period (normally 60 or 100 days) in which the heirs must formally enter upon the inheritance or forfeit it. In case any or all of these primary heirs forfeited, it was then normal to name substitute heirs, or secondary heirs, with *cretio*, and even tertiary heirs if they failed to take. After that came the listing of legacies in various forms (often the bulk of the document), and then *fideicommissa*, instructions to the heirs or legatees which were given legal force from the time of Augustus. Then, separately or as part of one of the above, might come manumissions, the appointment of tutors for children or women, prohibitions and fines, funeral arrangements, tomb dispositions (and later cult arrangements), confirmation of existing or future codicils. And finally, and invariably, closing formulae concerning the absence of fraud, *mancipatio* (the formal „sale“ of the estate to a straw man), and the date and place of the will, followed by the signatures of witnesses. The testament of Augustus conforms to this pattern.

The document was in two *codices*, written partly in Augustus' own hand, partly by two of his freedmen⁴). These and three other sealed *volumina* were deposited with the Vestal Virgins: temples were the standard repositories for the original copies of wills and other valuable documents⁵). The date of the document (which will have been entered at the end) was the 3rd of April,

3) Splendidly elucidated by M. Amelotti in his *Il testamento romano* (1966), 111–190 – subsequent discoveries all conform to his pattern.

4) E. Hohl, *Zu den Testamenten des Augustus*, *Klio* 30 (1937) 323–342, argues that the *codices* were two copies of the same document, probably correctly.

5) Fronto, *M. Caes. 1.6.5: olim testamenta ex deorum munitissimis aedibus proferebantur*. Caesar and Mark Antony had also left their wills with the Vestals: for these and other references, see H. Vidal, *Le dépôt en aede*, *RHDFE* ser. 4.43 (1965) 550 ff. The primary sources for Augustus' will are: Suetonius, *Augustus* 101, *Tiberius* 23; Tacitus, *Ann.* 1.8; *Dio* 56.32. All references to those authors are to these passages, unless otherwise noted. Suetonius, at least, had a copy of the document to hand, as presumably did Charisius (see below).

A.D. 13, the testator being then 74. A conscientious Roman citizen was obliged not only to have a will but to keep it up to date, and given the numerous changes in Augustus' family life and his personal relationships, there had undoubtedly been many previous versions or revisions over the last six decades, some being legally required by births or adoptions. Thus, for some time down to 9 B.C. the heirs had included Gaius and Lucius Caesar, and Tiberius' brother Drusus⁶).

After an introduction – *Imp. Caesar Augustus testamentum fecit*, or something more elaborate – two heirs were instituted: the then (in April of 13) 52-year-old stepson and adopted son Tiberius Caesar, to 2/3 of the estate, and the then 70-year-old wife Livia, to 1/3. Tiberius was to take the name *Augustus* and Livia *Augusta*, indeed she was instituted heir under a *condicio nominis ferendi*, and was henceforth *Iulia Augusta*⁷). A general clause of *exhereditatio* must have been included, and perhaps a specific disinheritance by name of the other surviving adopted son, the brother of Gaius and Lucius Caesar, Agrippa Julius Caesar (Postumus)⁸). Similarly, there must have followed a formal *cretio* clause, giving the heirs a fixed period of time to enter into the inheritance, however remote the chance of lapse or refusal might have seemed⁹).

The notorious opening words of the will are preserved: "Since cruel fate has snatched from me my sons Gaius and Lucius, be Tiberius Caesar my heir to 2/3"¹⁰). Tiberius was the obvious

6) Suetonius, *Claudius* 1.5.

7) Augustus had scrupulously obtained exemption for Livia from the old *Lex Voconia*, which had limited inheritances by women (Dio).

8) The absence of Agrippa Postumus from Suetonius' account of the will is difficult to explain. B. Levick, *Historia* 21 (1972) 674–697, and S. Jameson, *Historia* 24 (1975) 287–314, have offered elaborate conjectures about Agrippa's legal status in 14: to the former he was *adoptatus abdicatus*, to the latter *deportatus*; hence (in either case) the will could legally omit all mention of him. However, Suetonius may simply have omitted the *exhereditatio*, deeming it unnecessary to mention (as with the *Juliae*) as obvious and as irrelevant: he certainly left out much else, scandalous or otherwise.

9) Augustus died on the 19th of August; his will was formally opened and read in the senate on the 4th of September, sixteen days later. If he was buried on the 8th of September (as suggested by B. Levick, *Tiberius the Politician* [1976], 70), Tiberius will have made *cretio* almost immediately.

10) *Quoniam atrox fortuna Gaium et Lucium filios mihi eripuit, Tiberius Caesar mihi ex parte dimidia et extante heres esto*: Suetonius, *Tiberius* 23. Repeated at *Res Gestae* 14.1, *Filios meos, quos iuvenes mihi eripuit fortuna*, and clearly echoed by an epitaph at Rome: *Atrox, o Fortuna, truci quae funere gaudes, / quid mihi tam subito Maximus eripitur?* (CLE 1065 = CIL VI.20128).

and expected heir, as Gaius and Lucius had been before him, and the strong emotion of the testator is unmistakable. The nature of the emotion is less sure. Regret for the loss of the Caesars is clear, but also perhaps for the unavoidable choice of Tiberius? Thus, *atrox fortuna* might be blamed for both. This has been firmly denied¹¹), but Roman testamentary behaviour speaks for it.

First, the choice of words, the fact that Augustus had not abstained from using them, was immediately interpreted as a negative judgment by a public sensitive to every nuance in testaments¹²). The significance of this cannot be overestimated. For the Romans, a man's testament was not only a mirror to his character, it was (in the words of a second-century Greek philosopher) the only occasion in their lives when they told the truth: it was more than the nomination of an heir and the disposition of property, it was literally a man's last judgement, *supremum iudicium* (a phrase found some 90 times in the *Digest*) on the world around him¹³). Hence Augustus' obsession with how his friends remembered him, hence the constant testamentary gossip in a Cicero or a Pliny¹⁴). Hence also great public awareness, witness the intense public debate over the conspicuous absence of the name of Tiberius among the legatees of the ancient Junia, or the discussion all over Rome of the merits of the will of the reprobate Domitius Tullus, or the dragging through the streets of the corpse of a man who did not leave as heir the benefactor he had promised to name¹⁵). Augustus, who knew full well how Romans reacted to last judgements, and who was known not to care personally for Tiberius, was never one to choose his words carelessly or to speak when he might be silent, *quando ita praefari non abstinuerit*. Either he wrote with quite uncharacteristic negligence, or he wrote with malice¹⁶).

11) As by B. Levick, *Atrox Fortuna*, CR 86 (1972) 309–311.

12) Suetonius, *Tiberius* 23: *quo et ipso aucta suspicio est opinantium successorem ascitum eum necessitate magis quam iudicio, quando ita praefari non abstinuerit*.

13) Shortening a long discussion forthcoming elsewhere. Philosopher: Lucian, *Nigrinus* 30.

14) Suetonius, *Augustus* 66.4. Lively interest at (e.g.) Cicero, *Att.* 15.2.4, 7.2.7, 7.3.9, 15.26.5, 15.3.1, *Fam.* 6.19.1; Pliny, *Epp.* 7.24, 8.18.

15) Tacitus, *Ann.* 3.76.2; Pliny, *Epp.* 8.18.3; Valerius Maximus 7.9.1.

16) It might be noted moreover that the will becomes then even more of an act of magnanimity: Augustus is seen choosing the proper successor despite his personal feelings.

Secondly, such malice was quite possible in the Roman will. The testament was a man's last and considered judgment, and he felt free to speak his mind. Not only were false friends and undutiful slaves attacked, even heirs could be roundly abused: "Be my most impious son, who has deserved nothing but ill of me, my heir"¹⁷). Or, very relevantly to the will of Augustus, a man could make his disappointment as clear as possible, as did another testator who was also thwarted by the intervention of violent death: "Because I was not able to have the heirs I wanted, be Novius Rufus my heir"¹⁸). One wonders how Novius Rufus (or Tiberius) felt in such a situation.

Thirdly, in *theory* an entire will could be as simple as the five words *Lucius Titius mihi heres esto*; but in *fact*, that is in all real wills that have survived with the *heredis institutio* sufficiently intact, not only is the heir named but his or her relationship (in both senses of the word) with the testator is explicitly indicated: *filius meus, filia pientissima, mater mea, frater meus, amicus rarissimus*, and so forth¹⁹). Why then did Augustus refer to "my sons Gaius and Lucius", but only to "Tiberius Caesar", who was just as much his adopted son? The effect of those opening words, with *filius* but not *filium*, must have been shattering²⁰).

Heirs in the second degree were those persons who were to succeed if for any reason the primary heirs did not. In the case of Augustus, as in others, these were the very persons whom the heir would have instituted in his own will, Tiberius' sons and grandsons, the grandsons and great-grandsons of Augustus: Drusus, about 24 years old and childless, to 1/3; and the adopted Germanicus, 26, and his three sons to the other 2/3. Those sons were also to take the name of *Caesar*²¹). Most importantly, since the eldest of them can have been scarcely more than seven, they would all surely be in the *potestas* of their father (after the death of

17) Dig. 28.5.49.1 (Marcianus): *filius meus impiissimus male de me meritus heres esto*; cf. 32.37.2 (a legatee).

18) Dig. 28.5.93 (Paul): *quia heredes quos volui habere mihi contingere non potui, Novius Rufus heres esto* (early 190s A.D.).

19) CPL 221; P. Columbia VII.188; ChLA 10.427; P.Lond. inv. 2506 = BASP 14 (1977) 59–64; P.Oxy. 2857; P.Oxy. 3692; P.Princ. 38; Pap.Lugd.Bat. 13 (1965) 14; CIL VI.10229 with ZPE 30 (1978) 286. Cf. Quintilian, Inst. 9.2.35 for a parody of the form.

20) It might be argued that the emperor went on to praise Tiberius in the next sentence, but that is quite unattested and (as far as I am aware) any such description of the heir was inserted between his name and the formula *heres esto*.

21) Dio 57.18.11.

Tiberius, if not before), hence anything that they inherited would fall automatically to him. The significance of these substitutions is again exceptional, within the context of the will, and it is more than just a matter of shares of property. Tiberius received 2/3, Livia 1/3; failing them, Drusus would have taken 1/3, Germanicus and sons 2/3. In the absence of any other primary and secondary heirs, this *must* mean that Germanicus and his sons were named substitutes to Tiberius, if he failed to succeed, and that Drusus was to be the substitute for Livia. The figures cannot be chosen haphazardly: if a primary heir failed to take, the substitute could receive only his or her share of the pie, hence Germanicus and sons with 2/3 cannot have been named substitutes to Livia with 1/3. Thus there was not only a clear and easily defensible preference *per stirpem* for Germanicus, whose sons were the blood descendants of the testator: Germanicus was clearly designated the major heir in the event of Tiberius' intervening death or default.

In the third degree came "numerous relatives and friends", whose identity might be surmised. One certain name is that of a step-grandson, Germanicus' brother Claudius, aged 21, to 1/6: since Germanicus and his sons among them received 4/6, Claudius was presumably a substitute for one of them²²). Inclusion at this remove was purely *honoris causa*, indeed Tacitus identifies these heirs as the leading men of the state, many of whom Augustus actually disliked, inserted in his will for the sake of glory: this socially obligatory naming of people who were by no means friends finds numerous parallels in other wills²³). Like Claudius, they will all have received legacies.

The legacies followed the institution of heirs, in two clearly defined groups, those *en masse* to the people and army, and those to individuals. Since the latter were, according to Tacitus (Ann. 1.8.2), *non ultra civilem modum*, the former must have been truly extraordinary. Sums of money for public distribution are commonly found in other wills, but the scale here was massive: 40 million sesterces to be distributed among the Roman people (in imitation of Caesar's will, and to be imitated by Tiberius), and

22) Suetonius, Claudius 4.7.

23) Tac. Ann. 1.8.1: *Tertio gradu primores civitatis scripserat, plerosque invisos sibi, sed iactantia gloriaque ad posteros*. The social, rather than emotional, pressure for leaving legacies is best summed up in Pliny's remark to Tacitus, Epp. 7.20.6: *quin etiam in testamentis debes adnotasse: nisi quis forte alterutri nostrum amicissimus, eadem legata et quidem pariter accipimus*.

another 3.5 million to “the tribes”: that is, roughly 200 *per capita* to the perhaps 200,000-strong *plebs frumentaria*, and 100,000 to each of the 35 tribal organizations in Rome²⁴). Then to the military: 1000 to each member of the praetorian guard (that is, 9 million or 4.5 million in total, depending upon whether at that time each cohort numbered 1000 or 500 men)²⁵); 500 to each soldier in the urban cohorts (1.5 million); and 300 to each soldier serving in the legions or the *cohortes civium Romanorum* (at, say, 125,000 men, about 37.5 million). In sum, on the order of 90 million sesterces – the exact figure is irrecoverable and unimportant – for mass distribution, with the express direction that they were to be paid immediately from cash on hand²⁶).

Then came bequests to individuals, which will have run into scores of items, along the lines of the so-called *testamentum Dasumii*: Augustus was a fanatical believer in *post-mortem* benevolence to friends, and he had more friends than anyone²⁷). A condition was added that (as distinct from the public legacies) his heirs were to be granted one year to play the legatees. This was necessary, the Princeps wrote, because of his *rei familiaris mediocritas*. He went on to explain that his heirs would receive no more than 150 million sesterces because, although in the last twenty years he himself had received some 1.4 billion from the testaments of friends, most of that had gone (along with two patrimonies and other inheritances) in the service of the state. The total of 1.4 billion shows an average annual income over the twenty years from inheritance and legacy alone of some 70 million. To give some indication of the scale of wealth being claimed by the testator, this 70 million may have been almost double the annual revenue produced by the provinces of Egypt and Gaul, while on another calculation it may have been equivalent to roughly 10% of the total state revenues²⁸). The sum is astounding but believable in

24) As briefly and cogently explained (against most earlier commentators) by J. M. Carter, in his edition of Suetonius, *Divus Augustus* (1982), 205–206. On the problems of reconciling the accounts of Tacitus and Suetonius here, see F.R.D. Goodyear in his edition of *The Annals of Tacitus I* (1972) 144–145.

25) Still unclear: D.L. Kennedy, *Some observations on the praetorian guard*, *Ancient Society* 9 (1978) 275 ff.

26) Tiberius was pilloried for delaying payment (Suetonius, *Tiberius* 57; Dio 57.14.1–2) – though he did double those to the army (*Tiberius* 48.2).

27) Suetonius, *Augustus* 66.4.

28) F. Millar, *The Emperor in the Roman World* (1977), 154–155; K. Hopkins, *Death and Renewal* (1983) 237–238, remarking that such bequests were “partly a special death-duty for rich courtiers.”

a man who was surely named in the wills of innumerable loyal citizens, one who expected (indeed needed) mention in the testaments of friends, and one who had previously been the major heir of (among others) Julius Caesar, Agrippa, Maecenas, and Vedius Pollio²⁹). The information is a masterpiece of compression, adapted to the will's form as an explanation of the need for a year's grace in paying the legacies, and it sounds very much like some formulations in the *Res Gestae*: at a stroke the testator confirms his stupendous generosity (the legacies amount to so much that a year is needed to clear them), his popularity (his friends bequeathed him so much), and his patriotism (almost all was spent for the common good).

How much did Augustus leave to his friends and relatives? On the standard calculation, his total estate came to about 240 million sesterces, adding the c. 90 million in cash on hand for mass legacies to the c. 150 million which would come to the heirs³⁰). But this is highly unlikely, and the text of Suetonius is confusing: *reliqua legata varie dedit . . . ; quibus solvendis annum diem finit, excusata rei familiaris mediocritate nec plus perventurum ad heredes suos quam milies et quingenties professus. . .* Why do the heirs need a year's grace? Obviously, to raise cash. But why did the testator plead as grounds for the extension that the heirs themselves would receive no more than 150 million? The actual value of the estate has strictly no relevance to the payment of legacies, and if they were excessive the Lex Falcidia protected the heirs. The figure of 150 million is meaningless unless it represents the sum total of cash in the testator's fisc, that is, presumably only a fraction of the real value of the estate. From this some 90 million was to be paid out immediately, in a sense for the public good. It follows that the remaining 60 million was inadequate to cover the remaining legacies, hence the year begged by Augustus to raise more cash.

29) For a full list, I. Shatzman, *Senatorial Wealth and Roman Politics* (1975), 361–362. Casual references are telling. Thus, in 4 B.C. King Herod left 10 million in cash to Augustus, along with gold and silver vessels and valuable clothes, and 5 million in cash to Livia (Josephus, *AJ* 17.146, 190): Augustus did not, in fact, accept most of this. I can see no significance, other than that of a good round figure, in the period of twenty years (which from A.D. 13 takes us back to 8 B.C., the year in which Horace and Maecenas both left him as sole heir). Millar, *ERW* 155 n. 22, gives references for imperial freedmen concerned with inheritances; add *CIL* VI.5299 (Augustan or Tiberian), apparently *a testamentis principis*.

30) Thus Tenney Frank, *ESAR* 5 (1940) 17; Millar, *ERW* 191.

The section begins strangely: *reliqua legata varie dedit perduxitque quaedam ad vicena sestertia*. The last words are normally taken to mean that some legacies were as large as 20,000 sesterces, but this cannot be. A maximum of 20,000 would be unthinkable in a fabulously wealthy Roman nobilis with a large family and a large circle of friends: compare Livia's legacy of 50 million to Sulpicius Galba, or the rich man of the so-called *testamentum Dasumii* who apparently bequeathed 6 million to a female relative³¹). And in fact we know that Claudius, neither a close nor a beloved relative of the first princeps, received 800,000 an amount which Suetonius (who had seen the will and knew the sums involved) considered inadequate. Therefore the figure of 20,000 should not stand: it ought to be emended to 2,000,000³²).

On these calculations, the value of Augustus' estate must have been many times greater than 240 million sesterces, and his cash legacies to individuals exceeded 60 million: *rei familiaris mediocritas* is a relative term³³).

The legacies to individuals will have taken up most of the testament, although we know little about them. The number of legatees must have been very large, including (says Dio) relatives, senators, knights, and client kings – even the daughter Julia received something in her exile. In effect, a role call of the *primores civitatis* was to be expected. The sums involved will also have been enormous, witness the unloved Claudius receiving “no more than” 800,000. Particularly noteworthy is the information that the children of men whose heir Augustus had been were to receive his share of their estates with interest when they came of age³⁴). Finally, a nice touch of the good *paterfamilias*, the details of the

31) Suetonius, Galba 2 (not paid by Tiberius); FIRA² III.48.85 ff.

32) Claudius 4.7: *legatoque non amplius quam octingentorum sestertiorum prosecutus*. This passage demands the emendation of *vicena* to *vicies* in the *Divus Augustus*, first proposed by Perizonius.

33) Compare Pliny's *modicae facultates*, on the value of which see the calculations of R.P. Duncan-Jones, *The Economy of the Roman Empire*² (1982), 17–32. I. Shatzman estimated (367–371) Augustus' personal fortune as exceeding 1 billion sesterces. I discovered after writing the above that Shatzman also assumed (without argument) that the figure of 150 million must refer to cash (368–369), basing his assumption on our knowledge of Augustus' lifetime income and expenditures (356–371), and he accepted (also likewise without argument) the emendation of *vicena* to *vicies* (2 million). He noted moreover that Caligula inherited 2.7 billion from Tiberius (Suetonius, Gaius 37.3).

34) The eventual return of inheritances to children was an old custom of Augustus: Dio 56.32.2, 41.8; Suetonius 66.4.

legacies were sedulously spelt out, down to “woolen clothes and my purple and coloured blankets”³⁵).

There were also certainly various other instructions to the heirs and legatees, *fideicommissa*. Thus, the Juliae, daughter and grand-daughter, were to be denied burial in Augustus’ tomb, an extraordinarily harsh injunction; and the Basilica Julia was to be completed³⁶). Normally, instructions for the funeral and burial would appear here, but so elaborate were they that they were contained in separate rolls. These *volumina* deserve closer inspection.

Here we should follow the sequence in Suetonius closely. The concluding paragraph of his biography of Augustus abstracts the contents of the will, down to the exclusion of the Juliae – *vetuit sepulcro suo inferri*. Then a description of the three sealed *volumina* left with the Vestal Virgins: funeral instructions; the *Res Gestae*, to be engraved on bronze and hung at the entrance of the great tomb in the Campus Martius; and a *breviarium totius imperii*, with details on troop numbers, cash reserves, and taxes collectible³⁷). And then, the final sentence in the biography, *adiicit et libertorum servorumque nomina, a quibus ratio exigi posset*.

The important point here is that these *volumina* ought not to be independent documents (which would be most unusual): they should be appendages to the will and (in law) parts of it, that is, codicils. If this is correct, Suetonius, in his last sentences, is not merely describing the contents of the *volumina*, he is continuing his report of Augustus’ will, and is here abstracting the emperor’s own description, in the will, of their contents. What we should have here is a report of the confirmation of codicils added to the will, such a confirmation being the last substantial part of any ordinary Roman testament³⁸).

First, funeral instructions, brief or elaborate, were a standard element of wills; so were wishes regarding tomb, in this case already constructed, and (later) cult. Here, as usual, they come near the end.

35) *Gausapes, lodices purpureas et colorias meas*: Charisius 132 B. To Livia?

36) RG 20.3: *perfici ab heredibus meis iussi*.

37) *Mandata de funere suo; index rerum a se gestarum; breviarium totius imperii*.

38) It was Augustus himself who first recognized the legal validity of codicils attached to wills: Justinian, Inst. 2.25 pr., on the date of which see ZPE 62 (1986) 249–251.

Second, we are so astonished by the content of the *Res Gestae* that we forget that in form it was precisely an inscription designed to be attached to the already constructed tomb, and as such strictly comparable to the elaborate fantasies of a Trimalchio or to thousands of sober *cursus epitaphs*³⁹). The finishing touches were put on the *Res Gestae* in Augustus' last year, after the sealing of the will; its execution had already been ordered by the will. In short, it was not merely Augustus' political testament, it was literally a part of his last will and testament.

And third, the rendering of accounts was commonly prepared for by the will, in connection normally with manumission. Thus, in the famous testament of Antonius Silvanus, technically the most perfect of all surviving Roman wills, the final instruction before the formulaic end of the document is this: "If he handles all things properly and turns them over to my heir named above or to my procurator, then I wish my slave Cronio to be free and for the 5% tax for his manumission to be paid from my estate"⁴⁰). Or in the testament of "Dasumius", various slaves are to be manumitted *rationibus redditibus*⁴¹). Thus it is that Augustus added the names of freedmen and slaves from whom the *ratio* could be demanded. In this more than anywhere else in the will, he was bending the form to suit his purpose: the *ratio* may indeed be demanded from his servants, but in his case it would be nothing less than a *breviarium totius imperii*, with information on the number of soldiers under arms, the amounts of money owned and owing. A *ratio* indeed, neatly prepared for the heir.

Finally, the formal end of the testament, presumably the standard *dolus malus* clause, followed by the *mancipatio familiae*. The *emptor familiae pecuniaeque* was the husband of the testator's niece, L. Domitius Ahenobarbus, consul in 16 B.C., a man not much younger than Augustus himself: the role, from what we know of other *emptores*, was commonly filled by men close to the testator but not close enough to expect a significant share of the inheritance. Ahenobarbus' position in the testament of the first emperor was later to be something of a claim to fame⁴²). The other

39) The command to engrave and mount the inscription does not appear in the *Res Gestae*: the obvious place for such an instruction is in the will itself, as in the wills of Trimalchio and "Dasumius", perhaps in the very confirmation of codicils: Petronius, Sat. 71.4–5; FIRA² III.48.114–115.

40) FIRA² III.47.31–37.

41) Ib. 48.41, 44, etc.

42) Suetonius, Nero 4.1.

two main actors in the formal sale (*libripens, antestatus*) are unknown. Then followed the place, presumably Rome or the environs, and the date, the third day before the nones of April, in the consulship of Plancus and Silius. And finally the names of the three actors mentioned above and of four other *signatores*, who in this instance included both senators and non-senators.

In its classical period, Roman law required strict adherence to a prescribed set of forms and formulae, and from *heredis institutio* to *mancipatio familiae* the will of the first Princeps in the Rome of A.D. 13 marches step for step with that of (for instance) the cavalry trooper Antonius Silvanus in the Alexandria of A.D. 142. The most striking aspect of Augustus' will is its normality. One would expect of course the proper legal forms, but beyond those it is striking how closely the document resembles dozens of others from all periods, from all provinces, and from greatly different social backgrounds, resembles them not only in what it includes, but in what order it includes them, and in what it omits. But for a few omissions, everything is there and in the standard order, and there is nothing else.

That said, Augustus left little doubt that while the form was standard the content was unique. The heir was the best man to succeed him, but he made it as clear as custom allowed that he chose that heir out of duty, not affection. Secondary substitutes were likewise named not out of affection but for the glory of it: such *amici* heightened the testator's own prestige. Attention was drawn explicitly, in the assignment of legacies, not only to the testator's generosity, popularity, and patriotism, but to the amazing vastness of his fortune. And the codicils to the will, addressing themselves to standard testamentary matters of funeral, tomb, and accounts, managed to arrange for the most lavish funeral yet seen at Rome, the erection of a unique record of the achievements of the deceased, and the passing over of such private accounts as were hitherto undreamt of. In the guise of a normal will, the testament of the *civilis princeps* was *ultra civilem modum*⁴³).

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