

C. Asinius Gallus and his Governorship of Asia

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IT IS WELL-KNOWN that Augustus favored young men of famous families who were loyal to his cause to consolidate the Empire and to forge the armor that would insure the protection of his policies. Qualified young men therefore found quick promotion and hope of high command at an early age. C. Asinius Gallus was just such a person. Son of the famous C. Asinius Pollio, he became consul in 8 B.C. when he was no more than 33 or 34 years of age. His future seemed secure. But evidently his abilities proved unequal to the demands of his driving ambition, for Augustus never gave him command of an army. He was, however, *amicus principis* and in 5 B.C. is attested as *proconsul Asiae*. But that was all. Yet his name was in the mind of Augustus in the final months of his life as a possible candidate for the throne, only to be rejected. The ascension of Tiberius spelled the end of Asinius, for Tiberius hated him bitterly for having married his former wife Vipsania. A letter of denunciation. A painful meeting of the Senate. Death in A.D. 33. His name and family, however, remained powerful and influential, for among his descendants are numbered many consulars.¹

The relatively short period between his consulship and the governorship of Asia has been attributed to his privileged position in the immediate circle of Augustus. As *amicus principis* he was one of those few who would be called in at times to give counsel to the Emperor in various matters. He was a member of the *consilium principis*, therefore. The date of his governorship has always been given by modern authorities as 6/5 B.C., and this date has appeared solid and unassailable.² One of those two years is certainly correct

¹ For the life and career of C. Asinius Gallus see E. Klebs in *RE s.v. ASINIUS* (15), cols. 1585–87; E. Groag, *PIR*² A 1229; J. H. Oliver, "The Descendants of Asinius Pollio," in *AJP* 68 (1947) 147–60; R. Syme, *Tacitus I* (Oxford 1958) 380–81.

² Those who subscribe to the date 6/5 B.C. are: Klebs, *op.cit.* col. 1585; U. von Wilamowitz-Moellendorff, *Griechisches Lesebuch*³ II.2 (Berlin 1909) 258; H. von Gaertringen in W. Dittenberger, *SIG*³ 780 n.5; Groag, *loc.cit.*; R. Syme, *The Roman Revolution* (Oxford 1939) 395 n.3;

beyond question, 5 B.C. But is it 6/5 or 5/4? The evidence needs re-examination, and for its interpretation it is necessary to keep in mind that Asinius was *amicus principis*.

Four copies of the same inscription from Ephesus assure us that Asinius Gallus was proconsul of Asia between Jan. 1 and June 30 in 5 B.C. On two of these his name had been erased, because of the denunciation in A.D. 30 before the Senate, but the others contain sure traces of his name.³ One of them (*ILS 97*), now at Berlin, may be given here: *Imp. Caesar divi f. Aug. cos. XII, tr. pot. XVIII, pontifex maxi | mus, ex reditu Dianae fanum et Augusteum muro muniendum | curavit, [C]. Ȧsini[o] Gallo procos., curatore Sex. Lartidio | leg.* This was followed by a Greek translation. With this evidence alone one might be tempted to believe that his governorship spanned the period 6/5 B.C., but caution would be necessary. When did the governors of Asia arrive in their province? Mrs. Atkinson investigated this matter rather carefully and by a comparison with the known Republican examples and customs has reached the conclusion that they normally arrived in June or possibly even in July.⁴ But because of the lack of rigid rules governing such matters under Augustus, an arrival even in late May would not be impossible. Exact limits cannot and should not be defined. There is thus the possibility that the four Ephesian inscriptions had been set up at the very beginning of his governorship, in June possibly, and not at the end. They cannot be absolutely decisive alone in establishing the equation 6/5 or 5/4 B.C.

We turn now to the other piece of evidence that is cited by modern authorities to show that Asinius Gallus had been governor in 6/5 B.C. This is the famous letter of Augustus to the Cnidians. Since a knowledge of its contents is essential to any argument connected with his governorship, an English translation will be found most useful.⁵

“The Emperor Caesar Augustus, son of the deified,
Pontifex Maximus, consul designate for the twelfth time,

D. Magie, *Roman Rule in Asia Minor II* (Princeton 1950) 1342 n.38 (cf. 1581); K. M. T. Atkinson, “The Governors of the Province Asia in the Reign of Augustus,” *Historia* 7 (1958) 327. No one has ever seriously questioned the accepted date.

³ *CIL* III 6070 and 7118; *Inscriptions in the British Museum* III 522; Dessau, *ILS 97*. For the meaning of the phrase *ex reditu Dianae* in these see Magie, *op.cit.* I, p.470 and II pp. 1332–33 n.10.

⁴ Atkinson, *op.cit.* 310–11.

⁵ Hiller von Gaertringen, *IG XII 3* (1898) 174; U. von Wilamowitz-Moellendorff, *Griechisches Lesebuch*³ I.2 (Berlin 1909) 394–95, notes in II.2, pp. 257–58; Hiller von Gaert-

holder of the tribunician power for the eighteenth time, sends greetings to the magistrates, the senate, and the people of Cnidus.

“Your envoys, Dionysius and Dionysius II, met me in Rome and, having given me your decree, accused Euboulus, son of Anaxandrides and now deceased, and his wife Tryphera, who was present, of having killed Euboulus, son of Chrysippus. I commissioned my friend Asinius Gallus to examine under torture the slaves who were involved in the case, and I learned that Philinus, son of Chrysippus, had gone on three nights in succession to the house of Euboulus and Tryphera and attacked it as if it were under siege. On the third night his brother Euboulus joined him. The owners of the house, Euboulus and Tryphera, were not able to find safety in their house either by negotiating with Philinus or by barricading themselves against his attacks. They ordered one of their slaves not to kill them, as perhaps one might be driven to do with some justification, but to drive them off by throwing excrement at them. But the slave, intentionally or unintentionally (he held to a denial in this matter), let go of the pot and it fell on Euboulus. It would have been more just if he had been saved and his brother killed! I have sent you the results of their examination.

“I would have been amazed to see how much the defendants feared an examination of their slaves in your city, if you hadn’t seemed to be excessively harsh toward them and even unexpectedly hateful. For you did not become angry with those who for three nights had attacked another’s house insolently and violently and had destroyed your common

ringen in W. Dittenberger, *SIG³ II* (1917) 780; Abbott-Johnson, *Municipal Administration in the Roman Empire* (Princeton 1926) no. 36, pp. 333–34; G. Lafaye, *IGRR IV* (1927) 1031; V. Arangio-Ruiz, *Fontes iuris Romani antejustiniani*,² Pars Tertia (Florence 1943) no. 185, pp. 582–85; Ehrenberg/Jones, *Documents Illustrating the Reigns of Augustus and Tiberius*² (Oxford 1955) no. 312, pp. 143–44; E. Malcovati, *Caesaris Augusti Imperatoris Operum Fragmenta*⁴ (Torino 1962) no. 75, pp. 47–48. For discussion and details see V. Chapot, *La Province romaine proconsulaire d’Asie* (Paris 1904) 126–28; H. Dessau, *Geschichte der römischen Kaiserzeit II.2* (Berlin 1930) 596–97 n.2; H. Volkmann, *Zur Rechtsprechung im Prinzipat des Augustus* [*Münchener Beiträge*, Heft 21] (München 1935) 161–64; Magie, *loc.cit.* Of the older works that of P. Viereck, *Sermo Graecus* (Göttingen 1888) no. 9, pp. 9–11 is still very good. There is an English translation (not wholly trustworthy) by Johnson, Coleman-Norton, Bourne, *Ancient Roman Statutes* (University of Texas Press 1961) no. 147.

security (they deserved to suffer every kind of punishment), but rather with those who had suffered misfortune when they were attacked and who had committed no possible crime at all. Now then, you would seem to me to act correctly if you took thought for my opinion in this matter and admitted this letter into your public records. Farewell.”

Resisting the temptation to examine and follow through all the legal details involved in this letter, we confine ourselves to the three pieces of information essential to our present purpose: the date, the presence of Tryphera in the court of the emperor, and the rôle played by Asinius Gallus.

The twelfth consulship of Augustus began on January 1, 5 B.C., and ended on December 31, 3 B.C. His eighteenth tribunician power spanned the period of July 1, 6 B.C. and June 30, 5 B.C. Since Augustus had not yet become consul for the twelfth time at the writing of the letter, clearly the date must fall between July 1 and December 31 of 6 B.C. This is all important, for if Asinius is governor in the last half of 6 B.C., his term must have been 6/5, whereas if he were not, the only alternative would be 5/4.

Concerning Tryphera, it is important to keep in mind that she was actually at the *cognitio* in Rome. In line 9 we find the phrase: *Τρυφέρας δὲ τῆς γυναικὸς αὐτοῦ παρούσης*. Arangio-Ruiz translates this as *Trypheram uxorem eius superstitem*, and Johnson, Coleman-Norton, Bourne as “his wife, Tryphera, still alive.” Such an interpretation leaves open the question of her presence in Rome. But is not the simple meaning of the participle here the correct one? Namely, that she is present during the proceedings? The papyri indicate that *παρεῖμι* is common in legal contexts to signify the presence of an individual in a court or before a magistrate.⁶ Tryphera must be in Rome at the time. How else could Augustus have learned about the animosity of the Cnidians toward the defendants? Information of that sort must have come directly from Tryphera herself. And her slaves must have accompanied her to Rome, for they are directly concerned in the charge. Their testimony would be absolutely indispensable before any just decision could be reached. Tryphera would hardly have come to the Emperor without the most important witnesses.

We turn to the part taken by Asinius Gallus. It has been suggested

⁶ Examples cited by F. Preisigke, *Wörterbuch*, s.v.

that Augustus did not wish to act as the examiner of slaves and that he therefore called upon Asinius to take his place in that particular function. One would expect Augustus to delay proceedings for a short time until that examination had been completed. And it is in this point that we penetrate to the heart of the matter. Was Asinius in Rome at the time or governor in Asia? Those scholars who cite this letter as evidence that Asinius was the governor would be forced to conclude either that the slaves were sent back to Asia merely to allow him to conduct the examination or that the slaves were still in Asia and had never been brought to Rome. Neither of these alternatives is satisfactory. To delay all action at least a month just to have the governor of Asia question the slaves would be pointless. Plenty of responsible Roman officials in Rome, in the very court of Augustus, could have done it just as well. And there is no real reason to assume that the slaves had been detained in Cnidus or left on Astypalaea, where the inscription was found.⁷ In either case the slaves would have been brought to Rome. And the account given by Augustus reads as if there had been no great delay at all in that examination.

The most reasonable explanation of the rôle played by Asinius would be that he conducted the questioning in Rome, not in Asia. There is absolutely nothing in the letter to suggest that he was governor of Asia at the time. Augustus does not call him *proconsul Asiae*, but only *amicus meus*. In fact, the absence of the title would normally mean that he simply was not the governor. Such must be the explanation here. The inscriptions from Ephesus, as we have seen, could have been erected in late May or in June of 5 B.C. at the beginning of his governorship. Thus he must have been governor in 5/4 B.C.

One final allegation must be answered. Those who believed that Asinius had been governor at the time of the *cognitio* were forced to account for the absence of the title in the letter. They did so by assuming that because Cnidus was a free city Augustus would not ask the governor to interfere in its affairs in his official capacity as *proconsul*. He therefore asked him to do so in his capacity as a private individual.⁸ Such an explanation has little to support it. For the Cnidians came to Augustus and obviously asked his help. They opened the door. He is

⁷ Viereck, *loc.cit.*, assumed that the defendants never stood trial at all in Cnidus but fled almost immediately to Astypalaea and then Rome. Since the inscription had been erected in Astypalaea, it is a reasonable assumption that Tryphera took up residence there.

⁸ Hiller von Gaertringen in *SIG*³ 780 n.5; Magie, *loc.cit.*

simply carrying out their own request. In any event Augustus would hardly have hesitated to interfere in the affairs of any city, if he thought it was necessary. And the status of free cities differed very much from what it had been under the free Republic. Such cities still enjoyed special privileges and special consideration, but Augustus and his successors allowed them to remain free only as a favor. Such favors could be revoked at will.⁹ Two other points tell against such an explanation. Whenever a Roman governor or other high Roman official who is also *amicus principis* is named in documents, *both* his titles are regularly given.¹⁰ And governors themselves used their official titles in those matters which concerned free cities.¹¹

If we accept the conclusion that Asinius was governor in 5/4 B.C., it is possible to discover the circumstances under which Augustus asked him to conduct the examination of the slaves. For since he was an *amicus principis*, he could have been present throughout the proceedings as a member of the Emperor's *consilium*.¹² This would have made him ideally suited to act as the examiner, for clearly only a person familiar with the details of the case could have conducted an intelligent interrogation.

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⁹ For the position of free cities under Augustus see Magie, *op.cit.* I pp. 473–74 with notes in II pp. 1335–37 nn.17–20. For Augustus involved in the affairs of free cities see Volkmann, *op.cit.* 161–71; cf. J. Crook, *Consilium Principis* (Cambridge 1955) ch. IV. The freedom of Cnidus rested upon a treaty with Rome: *Ἀθηνᾶ* 11 (1899) 283ff, nos. 3–4, with corrections by A. Wilhelm in *Berliner Philologische Wochenschrift* 34 (1914) 894.

¹⁰ In the letter of Claudius to Delphi in A.D. 52 the governor L. Iunius Gallio Annaeus is called *ὁ φίλος μου καὶ ἀνθύπατος* (SIG³ 801 D, line 6). In a letter of Severus and Caracalla to the Tyrani the governor of Moesia Inferior, Ovinus Tertullus, is called *legatus et amicus noster v.c.* (ILS 423, lines 26–27). In the letter of M. Aurelius and Antoninus Pius to the Dionysiac Synod of Artists in Smyrna the governor, T. Atilius Maximus, is called *ὁ κρᾶτιστος ἀνθύπατος καὶ φίλος ἡμῶν* (SIG³ 851, lines 12–13). Cf. ILS 5864; IGRR IV 1215–16; IGRR III 777. The common practice then would certainly seem to be the use of both titles. For the title of *amicus principis* see Crook, *op.cit.* ch. III and R. Syme in *AJP* 77 (1956) 264–72.

¹¹ Q. Mucius Scaevola writes to Ephesus (OGIS 437=IGRR IV 297, col. ii lines 26–28), and P. Servilius Isauricus to Pergamum (T. Wiegand, *Abh. Preussischen Akad. d. Wiss., Phil.-hist. Kl.*, Nr. 5 [Berlin 1932] no. 1, with corrections by M. Segre, *Il Mondo Classico* 3 [1933] 485–88, and 4 [1934] 71, line 3). The governors of Asia regularly used their title of *proconsul* when writing to any city of any category.

¹² Crook, *op.cit.* 29–30: “The *amici* were not only counsellors, but soldiers and governors, who spent much of their lives away from Rome on government service; but when they were available at court they were called in to give their counsel.” Thus Augustus selected him because he was immediately available.