

## HELVIDIUS PRISCUS, EPRIUS MARCELLUS, AND IUDICIUM SENATUS: OBSERVATIONS ON TACITUS, HISTORIES 4.7–8\*

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‘E veramente quella sentenza di Cornelio Tacito è aurea, che dice: che gli uomini hanno ad onorare le cose passate e ad ubbidire alle presenti, e debbono desiderare i buoni principi, e comunque ei si sieno fatti, tollerargli’ – so Niccolò Machiavelli in 1531.<sup>1</sup> Some four hundred years later a young Oxford scholar remarked: ‘that bad man, Eprius Marcellus, could have turned out a fine speech on the necessity for monarchy and tolerance, if we believe Tacitus – “ulteriora mirari, praesentia sequi; bonos imperatores voto expetere, qualescumque tolerare” (*Hist.* 4.8.2)’.<sup>2</sup> It may be asked, however, to what extent the opinions of Eprius Marcellus (‘that bad man’) can be regarded as those of Tacitus himself; this is, beyond doubt, a part of a major question, i.e. to what extent the utterances of historical personalities can be seen as a means of conveying Tacitus’ own judgements.<sup>3</sup> It is not my intention here to deal with this large problem; rather, I think it useful to look more closely at the Tacitean passage as a whole: not only the speech of Marcellus but also that of Helvidius (to which it is a response) as well as the historical context of the affair. It is to be hoped that such examination will render the quest for the historian’s own opinions a little less difficult.

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<sup>1</sup> *Discorsi sopra la prima decada di Tito Livio*, 3.6. See J. von Stackelberg, *Tacitus in der Romania* (Tübingen, 1960), pp. 71f.; K. C. Schellhase, *Tacitus in Renaissance Political Thought* (Chicago–London, 1976), pp. 72ff.; R. Syme, *Roman Papers* [= *RP*] (Oxford, 1979), i.472.

<sup>2</sup> R. Syme, *JRS* 28 (1938), 223 [= *RP* i.86]. For Syme’s other pronouncements on Eprius’ words see *The Roman Revolution* (Oxford, 1939), p. 514; *Tacitus* (Oxford, 1958), pp. 25f., 109 (‘speech of great force and sagacity, conveying the argument for moderation and tolerance’), 187, 209 (‘a statesmanlike defence of neutrals and time-servers’), 547; *Ten Studies in Tacitus* (Oxford, 1970), pp. 138f. (‘a salutary doctrine’).

<sup>3</sup> The problem was recognized as early as the seventeenth century: see Milton’s response to Salmasius’ use of *Ann.* 6.8.4 as representing (he thought) Tacitus’ favourable assessment of monarchy: ‘that expression is not Tacitus’ own, who is an approved writer, and of all other the greatest enemy to tyrants; but Tacitus relates that of M. Terentius... and you cite this passage as if Tacitus had said it himself; you scrape together whatever seems to make for your opinion, either out of ostentation, or out of weakness’ (*Defensio pro Populo Anglicano*, English translation in *The Prose Works of John Milton*, ed. by J. A. St. John [London, 1893], i.129). For some sound methodology see W. Suerbaum, *Gymnasium Beihefte* 4 (Heidelberg, 1964), 105–32. The speech of Eprius itself: compare, long ago, G. Boissier, *Tacite* (Paris, 1903), p. 175 with H. de La Ville de Mirmont, *REA* 16 (1904), 117–19 and, more recently, A. Briessmann, *Tacitus und das flavische Geschichtsbild* (Wiesbaden, 1955), p. 97 with G. E. F. Chilver, *A Historical Commentary on Tacitus’ Histories IV and V* (Oxford, 1985), p. 29 (‘it is difficult to believe that lines 12–15 [i.e. 8.3], put into the mouth of a man for whom T. never had a good word, should be taken seriously in this context’). The most recent assessment is that of M. M. Sage, *ANRW* II 33.2 (Berlin–New York, 1989), p. 941: ‘the clearest commentary on the limits of senatorial freedom... the subordinate position of the Senate with respect to the emperor is clearly expressed as well as the futility of any real opposition’ (endorsing Briessmann).

First, the historical context. The starting-point of 'inter Helvidium et Eprium acre iurgium' (4.6.3)<sup>4</sup> was their conflicting opinions about how to choose the envoys to be sent to Vespasian (*sc.* to let him know that 'senatus cuncta principibus solita Vespasiano decernit', 4.3.3): whether by lot (so Eprius following an 'official' motion of the consul designate)<sup>5</sup> or by nomination 'a magistratibus iuratis' (so Helvidius). Eprius' opposition to the proposal of Helvidius is explained by Tacitus in terms of fear of disgrace: 'Marcelli studium proprius rubor excitabat ne aliis electis posthabitus crederetur' (4.7.1). The whole issue seems to be somewhat trivial and Marcellus' apprehension exaggerated. Yet more was at stake, and Tacitus' interpretation of Marcellus' motives in opposing Helvidius is only a part of the picture. New light on this affair has been shed by A. R. Birley<sup>6</sup> and, more recently, J. Malitz:<sup>7</sup> the envoys, if elected, not chosen by lot, would constitute a very powerful group which the new emperor must reckon with, now and afterwards. As Birley puts it 'if the senate were to choose the *legati* – and Helvidius said that the emperor should have *bonos amicos* – this is in effect an attempt to provide the emperor with a *consilium*' (perhaps not 'to provide with' but 'to suggest the composition of'; this suggestion, however, would be very strong indeed). The ultimate aim of Helvidius' motion is, accordingly, to strengthen the authority of the senate in relation to the new princeps.<sup>8</sup> So it should be seen as one of a series of actions undertaken in the senate at the early stage of Vespasian's rule, notably of Helvidius' attempt to restore that body's position in financial matters<sup>9</sup> and of Iunius Mauricus' proposal to make the *commentarii* of the emperors accessible to senators.<sup>10</sup>

Two general themes of Helvidius' speech seem to corroborate this interpretation of his *sententia*: the first is that of *amicitia* (or, in other words, good friends for a good emperor), the second that of *iudicium senatus*.

The motif of *amicitia* seems, at first sight, somewhat irrelevant to Helvidius' purpose. If the role of the envoys were simply to inform Vespasian about the honours

<sup>4</sup> All references in this paper, unless stated otherwise, are to Tacitus' *Histories*.

<sup>5</sup> Valerius Asiaticus (see 4.4.3 and G. B. Townend, *AJPh* 83 [1962], 125–9). For the impact of the motions put forward by *consules designati* see M. Vielberg, *WüJbb N.F.* 14 (1988), 173f.: *adsentiendi necessitas* (Plin. *Paneg.* 76.3; Tac. *Ann.* 3.22.4) was usually felt (note also *Dial.* 41.4: 'quid...opus est longis in senatu sententiis, cum optimi cito consentiant' and esp. Claudius' criticism of the senators: 'minime enim decorum est, p.c., maiestati huius ordinis hic unum tantummodo consulem designatum descriptam ex relatione consulum ad verbum dicere sententiam, ceteros unum verbum dicere "adsentior", deinde cum exierint "diximus"', *BGU* 611 = E. M. Smallwood, *Documents Illustrating the Principates of Gaius, Claudius, and Nero* [Oxford, 1967], no. 367, recently discussed by M. Griffin, *CQ* 40 [1990], 494ff., who defends the Claudian authorship of the speech). Eprius, accordingly, reminds the senators that 'non suam sententiam impugnari, sed consulem designatum censuisse'. <sup>6</sup> *CR* 12 (1962), 198.

<sup>7</sup> *Hermes* 113 (1985), 235. See also P. A. Brunt, *PBSR* 43 (1975), 28.

<sup>8</sup> For a similar intention of some senators at the beginning of the rule of Galba see 1.4.3: 'patres laeti, usurpata statim libertate licentius ut erga principem *novum et absentem*'. In Book 4 Vespasian is away too, but his general will soon come on the scene: 'tali rerum statu...Mucianus in urbem ingressus cuncta simul in se traxit (4.10.1; in this he acts like an emperor: for the phrase 'cuncta in se trahere' see *Ann.* 1.2.1 on Octavian and 11.5.1 on Claudius; for his pacification of the senate see 4.44f.) and also Domitian is in Rome (note Eprius' sneer at Helvidius 'regna praesente Caesare').

<sup>9</sup> 4.9. On the importance of the two motions here recorded see B. Levick in *Opposition et résistances à l'Empire d'Auguste à Trajan (Entretiens Hardt 33)* (Vandoeuvres–Geneva, 1987), 196f.

<sup>10</sup> 4.40.3. See Birley, art. cit. 198f. Both attempts failed and, characteristically, in both cases the emperor is invoked by the opposite side: 'ne quid super tanta re principe absente statueretur' (compare *Ann.* 2.35.2) and 'consulendum tali super re principem'.

conferred upon him by the senate any talk about friends or friendship would be out of place. 'Sorte et urna mores non discerni: suffragia et existimationem senatus reperta ut in cuiusquam vitam famamque penetrarent.' Surely, the emphasis laid on *mores* is justifiable: the embassy should consist of senators of high standing and repute ('pertinere ad Vespasiani honorem'). But Helvidius goes further: not only *honestum*, also *utile* should be reckoned with ('pertinere ad utilitatem rei publicae'). It is essential that Vespasian is greeted by those 'quos innocentissimos senatus habeat, qui honestis sermonibus auris imperatoris imbuant': it is clear now that they are more than envoys, they constitute a politically significant group (and *honesti sermones* may be viewed as a kind of political advice or instruction to the new ruler).<sup>11</sup> The idea is made more explicit later on: here the key term of *amicitia* is used, although referring to an earlier period ('fuisse Vespasiano amicitiam cum Thrasea, Sorano, Sentio'). The fact that Vespasian was (is claimed to have been)<sup>12</sup> a friend of Thrasea Paetus, Barea Soranus, and the enigmatic Sentius,<sup>13</sup> may be exploited in two ways: first, that it is most improper to show him (send him as envoys) those who are responsible for their ruin (and this point is actually made by Helvidius: 'ostentari non debere'); second, that it is among their political heirs (including, presumably, Helvidius) that Vespasian's new friends, in A.D. 69 and thereafter, are likely to be found.<sup>14</sup> This second conclusion has not been explicitly formulated yet it is quite clear in the next sentence that not only *quos reformidet* but also *quos probet* is important for Helvidius' argument, and the theme is summed up by a maxim 'nullum maius boni imperii instrumentum quam bonos amicos esse' (and compare 'Vespasianum melioribus relinqueret' at the end of the speech).

Now it goes without saying that the notion of good friends for a good emperor is not limited to the Helvidius of Tacitus: it may be found, e.g., in Pliny's *Panegyric*. So in 45.3 it is said of Trajan (*optimus princeps*) 'tu amicos ex optimis [sc. profers]' and a little later (45.4) 'hos [amicos] ergo provehis et ostentas quasi specimen et exemplar, quae tibi secta vitae, quod hominum genus placeat' where *quod...placeat* obviously corresponds to *quos probet* in Helvidius' speech. There is, however, a very remarkable difference: Pliny's emperor makes the choice himself (*provehis, ostentas*);<sup>15</sup> Helvidius,

<sup>11</sup> It may even be suggested that the use of *imperatoris* is not casual: Vespasian is still only an *imperator*, he should become a *princeps* and *honesti sermones* will be of much help in this respect. But, needless to say, *imperatoris* may well be used for the sake of variety: *principem* occurs three lines below (compare 1.1.4).

<sup>12</sup> We have no evidence at all about Vespasian's relations with Thrasea and 'Sentius' (see next note). As for Barea, Marcia Furnilla, his brother's (Q. Marcius Barea Sura) daughter was the second wife of Titus: 'cum qua sublata filia divortium fecit' (Suet. *Tit.* 4.2). The divorce may be dated to A.D. 65/66 and political reasons (the fall of Barea Soranus and, perhaps, *coniuratio Vinicianae*) are most probable: G. B. Townend, *JRS* 51 (1961), 57 n. 10; J. K. Evans, *CQ* 29 (1979), 201. But I cannot agree with J. Nichols, *Vespasian and the Partes Flavianae* (Wiesbaden, 1978), p. 24 who connects the divorce with the Pisonian conspiracy: Soranus was not involved in the plot.

<sup>13</sup> Most probably not Cn. Sentius Saturninus, *cos.* A.D. 41, despite E. Groag, *RE* II A (1923), 1536f. (followed by Nicols, *op. cit.* 23), although a fine climax would thus be established: *cos.* 56 – *cos.* 53 – *cos.* 41. He is not mentioned after A.D. 43 (when he was in Britain) and does not appear at all in Tacitus. Moreover, his presentation in senatorial historiography of the period, if we can judge from Josephus (note esp. *Ant.* 19.185 with D. Timpe, *Historia* 9 [1960], 476 – who, however, accepts the identification), makes him rather unlikely to be referred to by Helvidius alongside Thrasea and Soranus. Other proposals, involving the rejection of the MS. reading, are highly speculative ('Anteio'? – P. Anteius Rufus, see A. Stein, *RE* II A, 1509).

<sup>14</sup> Compare 'quos innocentissimos senatus habeat' with 'in exitium tot innocentium': a link is established between Marcellus' victims and the senate's would-be envoys to Vespasian.

<sup>15</sup> See also 85.6: 'praecipuum est principis opus amicos parare.'

on the other hand, makes it plain that it is the senate which should take the initiative in this respect by suggesting to the emperor what kind of choice is appropriate: 'hoc senatus iudicio velut admoneri principem quos probet, quos reformidet.' In Pliny, *ostentare* refers to the emperor displaying his friends *before his subjects* (including the senate); in Tacitus, the verb is used for the senate displaying good men (or not displaying bad) *before the emperor*: 'ostentari non debere.'<sup>16</sup>

We have thus arrived at the second theme of Helvidius' address: that of *iudicium senatus*. That he emerges here as a spokesman for the rights of the senate is hardly surprising: he simply follows in the steps of his father-in-law (see esp. *Ann.* 13.49 and 14.48f. where Thræsa's intention is apparently to play *publica clementia*, i.e. that of the senate, against *clementia Caesaris*). It should be noted, however, that the emphasis on *iudicium senatus* is not necessarily implied in the actual content of Helvidius' motion: there, it is not the senate itself, but *magistratus iurati* (presumably the consuls in office) who are given the privilege of choice (but some kind of consultation, at least among the senior members of the chamber, is not to be ruled out). Helvidius' task is now to play down this difference: the speech begins, to be sure, with the reference to *iudicium magistratum*, not *senatus* ('quaerente Helvidio quid ita Marcellus iudicium magistratum pavesceret') but *magistratus* soon give way to the senate: the change is smooth, almost imperceptible. 'Suffragia et existimationem senatus reperta' is followed, by the end of the speech, by 'hoc senatus iudicio velut admoneri...'

Both *amicitia* and *iudicium senatus* reappear in the speech of Eprius Marcellus, and his method of handling them is most remarkable. In the speech of Helvidius *amicitia* is used to denote Vespasian's relations with some prominent senators in the age of Nero; Marcellus, on the other hand, looks back to the past as well but now not Vespasian but Nero comes to the fore: 'saevitiam Neronis... inlusisse, nec minus sibi anxiam talem amicitiam quam aliis exilium'. This is undoubtedly a part of Eprius' defence against the accusations made by his opponent: he proves to be a crafty advocate of his cause. Yes, Marcellus was a friend of Nero (Helvidius briefly mentioned their relations but without speaking of friendship: see 4.7.3) but it was a very peculiar friendship indeed. Yes, Helvidius was exiled in A.D. 66,<sup>17</sup> but it remains a matter of dispute which of them was doomed to greater danger and more painful anxiety. Yet the use of *amicitia* in this passage deserves more attention. Marcellus is not, after all, forced to define his relations with Nero by means of this word (Helvidius did not press the point) and it seems that something more is intended than a fine paradox. In my opinion, Eprius' words are meant to refer not only to the past but also to the future (in a somewhat similar way as Helvidius' statements relate to the past but, by implication, look forward to the new principate), they convey a hint of the events to come which remain, to be sure, unknown to Marcellus, Helvidius, and their audience – but not to the historian and his readers; they are, in short, a typical *vaticinium ex eventu* which can be paralleled elsewhere in Tacitus (and it is suggested below that two other instances of this device can be found in the speeches here under examination).<sup>18</sup>

<sup>16</sup> The difference is not diminished by Pliny's assumption that Trajan picks up as his friends those 'qui invisissimi malo [principi] fuerint' (45.3), *sc.* a group of people analogous with that among which, as implied by Helvidius, the friends of Vespasian are to be found. And note that Pliny has nothing to say about *quos reformidet*.<sup>17</sup> Tac. *Ann.* 16.33.2.

<sup>18</sup> (a) 4.42.5: 'quem [Aquillium Regulum] adhuc quaestorium offendere non audemus, praetorium et consularem ausuri sumus?' These words (in a speech by Curtius Montanus) are most probably a hint of Regulus' *cursus honorum* after A.D. 70 (otherwise not attested): see R. Syme, *JRS* 43 (1953), 161 [= *RP* i.254f.], accepted by W. Eck, *Senatoren von Vespasian bis*

Some significant insights into the position held by Eprius during the rule of Vespasian are provided by the *Dialogus de oratoribus* (whose dramatic date is most probably A.D. 75).<sup>19</sup> Both he and Vibius Crispus are invoked there, in a speech by Marcus Aper, as the best representatives of the new type of oratory – championed and performed by Aper himself.<sup>20</sup> In Aper's account the word *amicitia*, as denoting Eprius' (and Vibius') relations with the emperor, is crucial: 'donec libuit, principes fori, nunc principes in Caesaris amicitia'; 'Marcellum...et Crispum attulisse ad amicitiam suam [sc. Vespasiani] quod non a principe acceperint nec accipi possit' (8.3).<sup>21</sup> We have, moreover, epigraphical evidence, which makes it clear that Eprius (and, for that matter, Vibius) was markedly favoured by Vespasian: the proconsulate of Asia for an extraordinarily long period of three years (probably A.D. 70/1–72/3), then the second consulship in A.D. 74, a distinction bestowed by Vespasian mostly upon the *virī militares*.<sup>22</sup>

Having thus explained *amicitia* we must turn now to *anxia*: this, too, conveys an allusion to the speaker's future. Here, again, the testimony of the *Dialogus* may serve as a point of departure. Curiatius Maternus, Aper's adversary in the debate, makes some sharp comments on his predecessor's favourite orators: 'Crispus iste et Marcellus, ad quorum exempla me vocas, quid habent in hac sua fortuna concupiscendum? *Quod timent* an quod timentur?'<sup>23</sup> ... *Quod adligati omni adulatione*

*Hadrian* (Munich, 1970), 76. (b) *Ann.* 4.40.7: 'datoque tempore vel in contione vel in senatu non reticebo.' The closing words of Tiberius' letter to Sejanus foreshadow another letter of that emperor, also involving Sejanus, and sent to the senate: the *verbosa et grandis epistula* (Iuv. 10.71) of A.D. 31 (see R. Syme, *The Augustan Aristocracy* [Oxford, 1986], p. 170 and R. H. Martin and A. J. Woodman *ad loc.*). (c) *Ann.* 16.26.5 (Thrasea's warning to Arulenus Rusticus): 'illi initium magistratuum et integra quae supersint. Multum ante secum expenderet quod tali in tempore capessendae rei publicae iter ingrederetur.' To quote Syme (*Tacitus*, p. 745), 'the memory and example of Thrasea Paetus was to prove fatal to Rusticus many years later'. *Initium* here seems not quite appropriate (the tribuneship is meant). But note that Rusticus was put to death in A.D. 93, just a few months after his consulate (which may be described as *finis magistratuum*: Cic. *Planc.* 60): *initium* foreshadows *finis*.

Some caution is, however, recommended. Note Otho's advice to his nephew Salvius Cocceianus in 2.48.2: 'proinde erecto animo capesseret vitam, neu patrum sibi Othonem fuisse aut olivisceretur umquam aut *nimum meminisset*.' This looks like foreshadowing in view of Suet. *Dom.* 10.3 (Cocceianus killed by Domitian 'quod Othonis imperatoris patris sui diem natalem celebraverat') but the same words are preserved in Plut. *Otho* 16.2 (so must have been recorded by their common source) published, as almost generally accepted, before A.D. 96.

<sup>19</sup> Syme, *Tacitus*, p. 670.

<sup>20</sup> 'Aper stands for all the orators of his type that the century produced' (M. Winterbottom, *JRS* 54 [1964], 94). So also for Marcellus and Vibius. Winterbottom's paper gives a perceptive analysis of that new current in oratory and esp. of Quintilian's appraisal of it.

<sup>21</sup> On Eprius' *amicitia* with Vespasian see also Dio (Xiph.) 66.16.3 (φίλους τε αὐτοῦς ἐν τοῖς μάλιστα νομιζῶν) and most probably 66.12.2 (Exc. Val.).

<sup>22</sup> See Townend, art. cit. 54. On his career under Vespasian see *CIL* x.3853 = *ILS* 992 and K. R. Bradley, *Symb. Osl.* 53 (1978), 171–81. On his earlier career new light was shed by a Greek inscription from Cyprus published by T. B. Mitford in 1954 (see *AE* 1956, no. 186; Bradley has some doubts about Mitford's restoration of its text). Remarkably, Vibius' *cursus honorum* displays a pattern highly similar to that of Eprius (for a different view on Vibius' career see A. B. Bosworth, *Ath.* 49 [1973], 71ff.: hardly convincing): the proconsulate of Africa in 72/73, the second consulship in March 74 (the identification of L. Iunius Vibius Crispus, *PIR*<sup>2</sup> i.847, seems now firmly established: see P. A. Gallivan, *CQ* 24 [1974], 306). Their earlier career was also similar (both were consuls c. 61–62: Syme, *RP* iii.1054f. – and both were informers). Not so their ends (see below).

<sup>23</sup> For *timere* / *timeri* as applied to delators see Plin. *Paneg.* 35.3 ('timeant quantum timebantur') and 46.8 ('nec timent nec timentur' – thanks to Trajan). Note also 1.81.1 with Plut. *Otho* 3.5 (Otho's fear).

nec imperantibus umquam *satis servi* videntur nec nobis *satis liberi*?' (13.4). Maternus knew what he was talking about: four years later Eprius met his fate (although Vibius lived on undisturbed and was highly influential with Domitian). The affair is shrouded in obscurity: Dio tells us of a conspiracy to assassinate Vespasian, formed by Eprius and Caecina Alienus. Caecina was killed on the spot. Marcellus committed suicide after being put on trial and condemned.<sup>24</sup> Mystery it remains but one thing seems certain: Eprius' friendship with Vespasian proved, in fact, anxious. It is highly probable that both Maternus' words and that of Eprius himself foreshadow his final catastrophe.

Marcellus mentions also *exilium*, *sc.* that of Helvidius. This is foreshadowing as well: Helvidius was exiled once again, early in Vespasian's reign – and, afterwards, put to death, *c.* A.D. 75.<sup>25</sup> '*Nec minus sibi anxiam talem amicitiam quam aliis exilium*': their ends, in fact, were similar as the rest of their lives was not.

Before we come to Marcellus' handling of the second motif of his opponent's speech (*iudicium senatus*) it is reasonable now to consider two other instances of *vaticinium ex eventu* which can be found, I believe, in 4.7–8. The first also points to the catastrophe of A.D. 79: this is Helvidius' remark that '*hoc senatus iudicio velut admoneri principem quos probet, quos reformidet*': in due course, the emperor really had reasons to be afraid of Marcellus. And Eprius' response to this remark is also significant: '*suadere etiam Prisco ne supra principem scanderet, ne Vespasianum senem triumphalem, iuvenum liberorum patrem, praeceptis coereret. Quo modo pessimis imperatoribus sine fine dominationem, ita quamvis egregiis modum libertatis placere*'. Obviously Helvidius did not listen to this advice – and sealed his doom thereby. Now it is very difficult to say something definite about the actual reasons for his punishment by Vespasian (who was '*offensarum inimicitiarumque minime memor executorve*', Suet. *Vesp.* 14). Dio's account (66.12.2f. [Exc. Val.]), vitiated by that historian's prejudices against philosophers, rightly deserves rejection.<sup>26</sup> Suetonius, on the other hand, gives some details about Helvidius' treatment of Vespasian: he showed him none of the respect due to his rank and station (*Vesp.* 15; the theme of *honor* will be discussed below). The wording of Eprius' criticism seems to corroborate this. We may, however, venture some further steps. Helvidius, it is suggested, opposed the emperor's dynastic policy. This seems almost impossible to prove: our only evidence is Dio (Xiph.) 66.12 and it is highly reasonable to suspect that either Dio himself or (more probably) his epitomator confused two originally unrelated events: Helvidius' quarrel with Vespasian<sup>27</sup> and the emperor's protestation that 'either his son will succeed him or nobody else', a pronouncement known also (but without any

<sup>24</sup> For an attempt at a reconstruction of the affair see J. A. Crook, *AJPh* 72 (1951), 162–75 (contra: P. M. Rogers, *Historia* 29 [1980], 86–95). On Caecina's fall see also Suet. *Tit.* 6.2.

<sup>25</sup> Suet. *Vesp.* 15 (see below). For the date see Syme, *Tacitus*, pp. 212 and 671 (A.D. 74; but he might have been banished as early as 71 – so Brunt, art. cit. [n. 7], 30). Perhaps the execution took place a little later than Syme suggests: *Dial.* 5.6 seems to imply that both Eprius (which is obvious) and Helvidius are still alive at the dramatic date of the treatise.

<sup>26</sup> See Ch. Wirszubski, *Libertas as a Political Idea at Rome* (Cambridge, 1950), p. 149 and esp. Malitz, art. cit. [n. 7], 241ff. Dio's account is accepted by J. M. C. Toynbee, *G&R* 13 (1944), 53ff. and J. Melmoux, *Par. d. Pass.* 30 (1975), 37ff. (Helvidius contrasted with Thræsea). But Dio's final comment is worth quoting: ἐξ ὧν ἐποίει θανάτα, καὶ πολλὰ πράττων ἐμελλέ ποτε δίκην αὐτῶν δώσειν. The tone here is similar to that of Eprius' warning.

<sup>27</sup> Which is in itself suspected. A clash between Helvidius and the emperor (involving, as here, the tribunes of the people) occurred under Vitellius – and is recorded by both Tacitus (2.91) and Dio himself (65.7.2, Xiph.). Perhaps the latter is responsible for the doublet (note Tacitus' *praetor designatus* and Dio's *στρατηγῶν δὲ τηνικαῦτα*). See A. W. Braithwaite, *C. Suetonii Tranquilli Divus Vespasianus* (Oxford, 1927), p. 58.

reference to Helvidius) from Suet. *Vesp.* 25.<sup>28</sup> If, however, this suggestion may be sustained (and dynastic succession was obviously an issue sensitive enough to cause Vespasian's harsh response)<sup>29</sup> Eprius' remarks can be exploited to strengthen it. 'Senem triumphalem, *iuvenum liberorum patrem*': this is said, undoubtedly, to emphasize Vespasian's station and age (so sharply contrasting with Helvidius': a *praetor designatus*, in his mid-forties perhaps) but the mention of *liberi* is most remarkable.<sup>30</sup> It may be compared with Mucianus' words to Vespasian: 'tua domui triumphale nomen, *duo iuvenes*, capax iam imperii alter ...' (2.77.1) where the obvious implication is that Vespasian's accession will guarantee the return of the stable government in Rome with no menace of dynastic crisis ahead.<sup>31</sup>

As already said, Marcellus devotes a part of his speech to defending himself against the accusations made by his predecessor. This is an overt aim; Eprius' intentions are, however, more profound. 'Non magis sua oratione Thræseam quam iudicio senatus adflictum.' For Helvidius, *iudicium senatus* was a means of asserting the senate's authority in relation to the new emperor; the weapon used by Helvidius is, in Eprius' hands, directed against himself.<sup>32</sup> There is an inner contradiction, Eprius implies, between Helvidius' emphasizing the importance of the senate and his opposition to those responsible for the crimes of the age of Nero. Responsibility for Thræse's fall, Eprius maintains, rests ultimately upon the dead emperor ('saevitiam Neronis ... inlusisse') yet if one proceeds to assess the guilt of his subjects as well one inevitably arrives at the conclusion that it was the senate, not just one particular accuser, who is accountable. Such is the real significance of the fine notion of *iudicium senatus* so ardently advocated by Helvidius. 'Ego accusavi, vos damnastis' – to quote the words of another prominent delator, Domitius Afer, preserved in Quintilian (5.10.79).<sup>33</sup>

A more general description of the senate's posture under Nero is given in the next sentence. Thræse's son-in-law, Marcellus points out, lives in a world of his own, with Cato and Brutus as his heroes, but this world stands in no relation whatsoever to the senate of Imperial Rome. 'Denique constantia fortitudine Catonibus et Brutis aequaretur Helvidius: se unum esse ex illo senatu, qui simul servierit.' The verb 'servierit' is surprisingly strong (compare *Ann.* 1.7.1: 'at Romae ruere in servitium consules patres eques') but *simul* also deserves attention. It is used here, one suspects, to stress that Eprius' statement is valid for the senate *as a whole*: the entire chamber,

<sup>28</sup> 'Post adsiduas in se coniurationes ausus sit adfirmare senatui': the implication here is that (a) Vespasian's statement is made later in his reign (surely not in 71); (b) it was not elicited by any opposition to dynastic succession (unless we give much wider significance to the word 'coniurationes'). As for Helvidius' opposition towards the emperor's dynastic policy, it was accepted by A. R. Birley, *The Ancient Historian and His Materials. Essays in Honour of C. E. Stevens* (Westmead, 1975), p. 143 ('Vespasian's emotional statement leaves no doubt that Helvidius had spoken strongly in the senate, opposing the designation of Titus as Vespasian's successor') and Brunt, art. cit. 30. Wirszubski was more cautious (op. cit., pp. 147f.).

<sup>29</sup> See B. Levick, *Antichthon* 16 (1982), 113.

<sup>30</sup> See Brunt, art. cit. 30 n. 145.

<sup>31</sup> See also *Ios. Bell.* 4.596 with Briessmann, op. cit. [n. 3], p. 8.

<sup>32</sup> In a similar manner Claudius picks up his advisers' argument about the Gaulish wealth ('quem ultra honorem residuis nobilium, aut si quis *pauper* e Latio senator foret? Oppleturos omnia divites illos', *Ann.* 11.23.3f.) and turns it to his own purpose: '*aurum et opes* suas inferant potius quam separati habeant' (11.24.6; compare *CIL* xiii. 1668 II, 2f.: 'bonorum scilicet virorum et *locupletium*'). And compare 'imbecillum...et imparem laboribus sexum' (*Ann.* 3.33.3) with Valerius Messalinus' response: 'simul sexum natura invalidum deseri et exponi suo luxu, cupidinibus alienis' (3.34.5). However, in Eprius' speech the device is used not against a minor point in his antagonist's argument but against the very heart of it.

<sup>33</sup> On the senate's role in condemnations see D. McAlindon, *AJPh* 77 (1956), 119 and P. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford, 1970), pp. 46f.

not just a part of it, bears responsibility for the crimes of Nero's principate – and it must put up with this painful fact.<sup>34</sup> There is an impression, moreover, that Marcellus, while speaking of the senate in general, hints at the same time at one particular member of the house: the new emperor. This would make a fine response to Helvidius' attempt to link the new emperor with the representatives of the senatorial opposition under Nero ('fuisse Vespasiano amicitiam...'): no, Vespasian was acquiescent as well, together with all of us. The mention of the new ruler in the very next sentence seems to strengthen this impression: 'suadere etiam Prisco ne supra principem scanderet...' (which may be compared with 'Catonibus et Brutis aequaretur').

It would be advisable now to consider briefly two other passages in the senatorial narrative of *Hist.* 4 where *iudicium* / *arbitrium senatus*<sup>35</sup> is used. In 4.9.1 it is Helvidius once again who invokes it during a debate on the financial crisis at Rome following the civil wars. 'Eam curam [sc. the reduction in public expenses, postulated by the *praetores aeriarii*] consul designatus ob magnitudinem oneris et remedii difficultatem *principi* reservabat: Helvidius *arbitrio senatus* agendum censuit' (his proposal came to nothing: see above). More revealing is 4.44.2 in an account of Mucianus' successful attempt to calm down disturbances in the senate: 'Mucianus, ne sperni senatus iudicium et cunctis sub Nerone admissis data impunitas videretur, Octavium Sagittam et Antistium Sosianum senatorii ordinis egressos exilium in easdem insulas redegit.' The senators have already given up their *libertas* ('patres coeptatam libertatem, postquam obviam itum, omisere'): it is suitable now to take thought for appearances. Another passage is also worth quoting: 'reconciliavit paulisper studia patrum habita in senatu cognitio secundum *veterem morem*' (4.45.1). This may be compared with *Ann.* 3.60.1: 'sed Tiberius, vim principatus sibi firmans, *imaginem antiquitatis* senatui postulabat': the antithesis between words and appearances on the one hand and realities of power on the other is a favourite with Tacitus.

Some minor points of the two speeches also need clarification. First, *Vespasiani honor*. Helvidius insists in his speech that he is concerned with esteem due to the new emperor ('pertinere ad Vespasiani honorem'). Interestingly, he has already displayed, in some way, this concern earlier during the debate: 'prompsit sententiam ut honorificam in novum principem...' (4.4.3).<sup>36</sup> Helvidius, so it seems, is at pains to show that his attitude towards Vespasian is that of respect. This is not denied, at first, by Marcellus; he emphasizes, on the other hand, the threat of *cuiusquam contumelia* which, he suggests, is implied in his predecessor's motion: 'nihil evenisse cur... principis honor in cuiusquam contumeliam verteretur'. Later in his speech *Vespasiani honor* is no longer explicitly referred to, yet it is clear that Marcellus, despite his initial statement, implicitly censures Helvidius for showing no respect

<sup>34</sup> The idea of the responsibility of the chamber as a whole is found also in Dio 59.16.2 (Gaius' opinion on the condemnations under Tiberius): τοὺς βουλευτὰς αἰτίους τοῦ ὀλέθρου τοῖς πλείστοις αὐτῶν γεγονότας, τοὺς μὲν ὅτι κατηγορήσάν σφω, τοὺς δὲ ὅτι κατεμαρτύρησαν, πάντας δὲ ὅτι κατεψήφισαντο.

<sup>35</sup> There is, undoubtedly, an important difference between *iudicium* (relating to the consultative function of the senate) and *arbitrium* (the senate as a decision-making body); for the latter see RG 34.1: 'rem publicam ex mea potestate in senatus populi que Romani *arbitrium* transtuli.'

<sup>36</sup> It is possible that in Helvidius' *sententia* (the summary of which is marred by the lacuna) the expression of his respect towards the emperor was coupled with an oblique criticism of his generals and esp. Mucianus (to whom much of the chapter is devoted): so Malitz, art. cit. 235. Note the historian's final comment: 'isque praecipuus illi dies *magnae offensae* initium et *magnae gloriae* fuit'.



towards the new ruler ('suadere etiam Prisco'), the reproach, beyond doubt, of much relevance to his adversary's future conduct. The account of Helvidius' attitude towards Vespasian is given by Suetonius, *Vesp.* 15 and the motif of esteem (or, rather, the lack of it) is duly emphasized there: 'Helvidio Prisco, qui et reversum se ex Syria solus privato nomine Vespasianum salutaverat et in praetura omnibus edictis sine honore ac mentione ulla transmiserat, non ante succensuit quam altercationibus<sup>37</sup> insolentissimis paene in ordinem redactus'.<sup>38</sup> It is difficult to say to what extent this account does full justice to Helvidius' comportment; the picture may have been marred by Suetonius' highly favourable attitude towards Vespasian. But it may be assumed that the question of how to conduct oneself in relation to the emperor was highly relevant to Helvidius and that Tacitus in his lost narrative of Vespasian's principate gave it appropriate emphasis. Here, at the beginning of *Hist.* 4, we may trace it in its initial stages: Vespasian has not yet arrived from the East.

One of the reasons put forward by Marcellus to explain his resistance to Helvidius' motion is that the choice by lot is sanctioned by Roman tradition: 'secundum vetera exempla quae sortem legationibus posuissent, ne ambitioni aut inimicitii locus foret' (but he brushes aside the fact that what Helvidius proposed was the choice by *magistratus iurati*: the oath, such was probably his intention, would constitute a guarantee of unimpeachable selection, with no room left for enmity or ambition). There is no reason, Eprius goes on, to suppose that this well established practice is no longer valid: 'nihil evenisse cur antiquitus instituta exolescerent ...', and we know from Tacitus that his argumentation found favour with many senators (4.8.5: 'etiam mediis patrum adnitentibus retinere morem'). Marcellus' insistence on *vetera exempla* deserves attention, quite irrespective of the question whether the traditional Roman practice in this respect was as unequivocal as he claims it to be.<sup>39</sup> *Vetera exempla* refer, undoubtedly, to Republican times; the emphasis on Roman tradition and ancient customs is something much more appropriate to Helvidius than to his opponent. It is in agreement, however, with Marcellus' device of playing his antagonists' ideas and argumentation against themselves (see above on *iudicium senatus*); in a similar way he presented himself, three years earlier, as a champion of *instituta et caerimoniae maiorum* (*Ann.* 16.28.2).<sup>40</sup>

The theme of *antiquitus instituta* reappears later in the speech in a different context and to serve utterly different ends. Marcellus insists no longer on the importance of the old practices and institutions; rather, he emerges as an advocate of 'Realpolitik', a marked contrast to the old-fashioned and idealistic Helvidius. He pays attention to the recent, not remote, past and to the present form of Roman government: 'se meminisse temporum, quibus natus sit, quam civitatis formam patres avique

<sup>37</sup> Note that Helvidius' clash with Marcellus is also referred to as *altercatio* (4.7.1: 'paulatimque per altercationem ad continuas et infestas orationes provecti sunt'). The word is commonly used to denote a series of exchanges between two senators (Cic. *Att.* 1.16.8; 4.13.1; Liv. 4.6.1): the implication seems to be that Helvidius treated Vespasian as an ordinary senator. Compare Vitellius' opinion on a clash between Helvidius and himself, quoted in 2.91.3: 'nihil novi accidisse ... quod duo senatores in re publica dissentirent' (and also Tiberius' words to Q. Haterius, preserved in Suet. *Tib.* 29).

<sup>38</sup> See also Dio (Xiph.) 66.12: στρατηγῶν δὲ τηνικαὔτα οὕτε τι πρὸς τιμὴν τοῦ αὐτοκράτορος ἔδρα καὶ προσέτι καὶ βλασφημιῶν αὐτὸν οὐκ ἔπαυετο.

<sup>39</sup> For a different opinion see Chilver *ad loc.* (quoting Liv. 43.1.10; 44.18.5). Compare also 3.80.5, 'mox vocato senatu deliguntur legati ad exercitus', where *deliguntur* seems to imply the choice by vote (note *Ann.* 13.29.1: 'Augustus senatui permisit *deligere* praefectos; deinde ambitu *suffragiorum* suspecto *sorte* *ducebantur* ex numero praetorum qui praessent').

<sup>40</sup> See Syme, *Tacitus*, p. 334 n. 4.

instituerint'. *Instituerint* is worth noting: there is no talk here about the advertised<sup>41</sup> notion of *res publica restituta*. Moreover, in this new form of government no guarantee is given that there will be no bad rulers: one may only hope, and pray, that a good man at last will enter the scene ('bonos imperatores voto expetere, qualescumque tolerare').<sup>42</sup> Marcellus is frank and this is a biting frankness, comparable to that with which he described the senate's conduct under Nero – 'simul servierit.' But it has, undoubtedly, its effect on the audience.

'Quid aliud infestis patribus nuper Eprius Marcellus quam eloquentiam suam opposuit? Qua accinctus et minax disertam quidem, sed inexercitam et eius modi certaminum rudem Helvidii sapientiam elusit' (*Dial.* 5.6). This statement (made by Aper), even if not explicitly referring to the debate here under examination,<sup>43</sup> may well be taken as a description of the controversies between Helvidius and Marcellus in general. Aper is concerned with the advantages of *eloquentia* and he distorts the facts. The attitudes of the senators, in general terms, were not as hostile as he makes them out and something more than the *eloquentia* of Marcellus was in play. Tacitus' own description of the senate's attitudes is given in 4.43.2: 'hinc multi bonique, inde pauci et validi' (where the latter refers to Marcellus, Vibius Crispus, and the like). This seems distortion as well; the historian comes closer to the truth when he says, commenting upon Helvidius' earlier attempt at bringing a charge against Marcellus, that 'ea ultio, incertum maior an iustior, senatum in studia diduxerat: nam si caderet Marcellus, agmen reorum sternebatur' (4.6.1). It is obvious, although not explicitly stated, that in this *agmen* many a senator would be found (note the events described in 4.41). Helvidius, to be sure, gave up his accusation ('dubia voluntate Galbae, multis senatorum deprecantibus') but he did not give up his aims (and, in due course, he made an attempt at resuming the accusation: see 4.43.1); he seemed, consequently, rather unlikely to find favour with the majority of the house, quite irrespective of the impact of his antagonist's *eloquentia*.

Helvidius himself used the word at the beginning of his address: 'quaerente Helvidio quid ita Marcellus iudicium magistratum pavesceret: esse illi pecuniam et eloquentiam, quis multos anteiret, ni memoria flagitiorum urgeretur.' Surely, *eloquentia* may have been of some advantage in the embassy to Vespasian but here Helvidius mentions it (and *pecunia* as well) with a sinister purpose. Both wealth and eloquence are only seemingly contrasted with *memoria flagitiorum*, in actual fact they are closely linked to it. The *eloquentia* of Marcellus was of a peculiar kind; as Quintilian observed (2.20.2) 'et fuisse et esse nonnullos... qui facultatem dicendi ad hominum perniciem converterint' and Maternus indignantly refers to 'lucrosae huius

<sup>41</sup> Note esp. Vell. 2.89.4: 'prisca illa et antiqua rei publicae forma revocata', although 'res publica' should not, perhaps, be conceived as 'the Republic' (see F. Millar, *JRS* 63 [1973], 61ff.). See further N. K. Mackie in *Studies in Latin Literature and Roman History* (Brussels, 1986), iv.302–40.

<sup>42</sup> For a similarly pessimistic idea (although placed in a somewhat different context) see 4.74.2 (in a speech by Petilius Cerialis): 'vitia erunt, donec homines, sed neque haec continua et meliorum interventu pensantur' and note the verb *tolerate* in the preceding sentence (compare also Ios. *Bell.* 2.354).

<sup>43</sup> As contended by Malitz, art. cit., 235 n. 29. 'Probably not', according to Chilver (*ad* 4.6.7). E. Paratore, *Tacito* (Milan, 1951), pp. 195f. argues for 4.43 (with *infestis patribus* paralleled by *ardentibus patrum animis* in that chapter): but no speech (in a strict sense of the word) by Marcellus is there recorded. Most probably the reference is to 'minax certamen et egregiis utriusque orationibus testatum' (*testatum* implies that the speeches remained well-known after A.D. 69) mentioned in 4.6.2: this would explain why the senators were *infesti*. There is not much room for a later dating of the altercation (Marcellus went to Asia), unless we assume that it occurred after his coming back (Syme, *Tacitus*, p. 212).

et *sanguinantis eloquentiae* usus recens et ex malis moribus natus' (*Dial.* 12.2). Tacitus himself will mention, several years later, Marcellus' *acer eloquentia* (*Ann.* 16.22.2, in the context of the trial of Thræsea). As for *pecunia*, it is enough to recall his reward of 5 million sesterces for Thræsea's indictment (*Ann.* 16.33.2): much of his immense property (Aper speaks about 200 million sesterces)<sup>44</sup> must have been gained by similar means.<sup>45</sup>

Marcellus' (and Vibius') *curriculum vitae* is briefly sketched by Aper in *Dial.* 8.1ff.: municipal origin, humble ancestry, initial poverty – and, ultimately, power and influence of unusual kind ('sine commendatione natalium, sine substantia facultatum... per multos iam annos potentissimi sunt civitatis'). Another *curriculum vitae*, that of Caepio Crispinus, suggests itself: 'egens, ignotus, inquires... mox clarissimo cuique periculum facessit, potentiam apud unum, odium apud omnes adeptus dedit exemplum quod secuti ex pauperibus divites, ex contemptis metuendi perniciem aliis et postremum sibi invenere' (*Ann.* 1.74.2). In the *Dialogus* Vibius is mentioned alongside Marcellus and the two act together in 4.43. However, Tacitus appears to be less interested in him than in Eprius<sup>46</sup> (although the former is, historically, more significant: cos. III c. A.D. 83, highly influential from Nero to Domitian).<sup>47</sup> Two reasons may be suggested. First, the importance for Tacitus of Thræsea Paetus and his circle: also Thræsea's accuser has to be brought into prominence (and Vibius had nothing to do with Thræsea). Moreover, the career of Eprius, with the final catastrophe of A.D. 79, seemed to have greater appeal for Tacitus; after all, it fitted in well with the pattern of the delators' *curriculum vitae* as depicted in *Ann.* 1.74.2: 'perniciem... postremum sibi invenere'. There was no conspiracy of Vibius.

It is advisable now to try to throw some light on Tacitus' attitude towards the notion of *iudicium senatus* as presented by both Helvidius and his antagonist (although, as stated at the beginning of this paper, I am not primarily concerned here with the historian's own opinions). Tacitus' description of the senate's role and behaviour in the turbulent events of A.D. 69 is of much relevance. The picture he draws is markedly dark. The senate was, to be sure, occasionally invoked by different sides of the conflict (most notably by Otho in his speech to the praetorians, 1.84.4: 'aeternitas rerum et pax gentium et mea cum vestra salus incolumitate senatus firmatur') but its importance in A.D. 69 was that of a *speciosum nomen*, not of a politically significant force.<sup>48</sup> The paucity of the space allotted to the senate in the exposition of 1.4–11 (where Tacitus' concern is to present the *ratio* and *causae* of the

<sup>44</sup> *Dial.* 8.2.

<sup>45</sup> As Aper says (*ibid.*), 'ad has ipsas opes possunt videri eloquentiae beneficio venisse'. Interestingly, both *pecunia* and *eloquentia* reappear in another speech of Helvidius, briefly summarized in 4.43.1, and the reference there is (though indirectly) to Marcellus: 'a laude Cluvii Rufi orsus, qui perinde dives et eloquentia clarus nulli umquam sub Nerone periculum facessisset, crimine simul exemplo Eprium urgebat.' To possess much wealth was regarded as perilous under the principate; one felt constrained to show loyalty towards the emperor, even by means of accusing somebody ('perdere alios quam periclitari ipsi maluerunt', 4.42.3). *Eloquentia* was also a menace: note Tacitus' statement about Iulius Graecinus in *Agr.* 4.1 ('studio eloquentiae sapientiaeque notus, iisque ipsis virtutibus iram Gai Caesaris meritis: namque Marcum Silanum accusare iussus et, quia abnuerat, interfectus est').

<sup>46</sup> In the *Annals* (much of the senatorial narrative in the *Histories* is lost) Vibius is mentioned only once, and somewhat casually (14.28.2): see Syme, *Tacitus*, p. 743.

<sup>47</sup> A fragment of Statius' *De bello Germanico* (preserved in Valla ad Iuv. 4.94: K. Büchner, *FrPoetLat*, 164) gives a description of his influence under Domitian: 'potentem signat utrumque/purpura, ter memores implerunt nomine fastos' (referring to him and Fabricius Veiento). See also Iuv. 4.81–93 (a noteworthy passage).

<sup>48</sup> See esp. 1.30.2; 55.4; 57.1; 90.2. On Otho's speech see Syme, *Ten Studies*, p. 133.

events which he is about to narrate) is highly revealing.<sup>49</sup> The senate's impotence was one thing; more damaging, in Tacitus' eyes, was its demeanour – vile, disgraceful, sometimes ridiculous. The deplorable immaturity and irresponsibility of that body is repeatedly stressed in the narrative.<sup>50</sup>

It would be tempting, therefore, to suppose that the historian's own views are reflected by Marcellus' rather than Helvidius' appraisal of *iudicium senatus*. Yet the picture is more complicated. Tacitus clearly shows much sympathy towards the senate's attempts at strengthening its position in relation to the new emperor (even by distorting the facts: see above on 'hinc multi bonique, inde pauci et validi')<sup>51</sup> and the character-sketch of Helvidius in 4.5 is most favourable. His historical reason was one thing, his innermost feelings and sympathies quite another. A significant illustration of this divided attitude of his may be found in the *Agricola*. On the one hand, we have the historian's confession 'nostrae duxere Helvidium in carcerem manus, nos Maurici Rusticique visus adflixit, nos innocenti sanguine Senecio perfudit' (45.1) where the implication is (rightly) that the punishments referred to were decreed by the senate (compare Marcellus' statement on 'Thraseam...iudicio senatus afflictum'); on the other, there is a notable comment upon the executions of Rusticus and Senecio (involving the book-burning)<sup>52</sup> in 2.2: 'scilicet illo igne vocem populi Romani et libertatem senatus et conscientiam generis humani aboleri arbitrabantur...'.<sup>53</sup>

'Quorum accusatores etiam si puniri non oporteat, ostentari non debere.' The teaching was directed to the senate but, in due course, the emperor himself proved a more suitable addressee. As Pliny said: 'provehis et ostentas quasi specimen et exemplar'. In one of the few passages when he gives full vent to his gloom and despair the author of the *Histories* confesses: 'magna et misera civitas, eodem anno Othonem Vitellium passa, inter Vinios Fabios Icelos Asiaticos varia et pudenda sorte agebat, donec succedere Mucianus et Marcellus et magis alii homines quam alii mores'.<sup>53</sup>

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<sup>49</sup> 1.4.3 with M. Fuhrmann, *Philologus* 104 (1960), 255.

<sup>50</sup> See e.g. 1.19.1; 35.1; 88.2. The criticism of the senate is undoubtedly traceable to Tacitus' sources: compare 1.45.1 ('alium crederes senatum, alium populum') with Plut. *Galba* 28.1 (καὶ καθάπερ ἄλλοι γεγονότες ἢ θεῶν ἄλλων γεγονότων συνελθόντες). The emphasis is, however, Tacitus' own (if we can judge from Plutarch).

<sup>51</sup> That is not to say that the senatorial narrative in Book 4 is devoid of any criticism of this body (note, e.g. the bitter remark in 4.44.1: 'patres coeptatam libertatem, postquam obviam itum, omisere'). But there is a difference between Tacitus' treatment of the senate in Book 4 and in his earlier narrative (notably in *Hist.* 1).

<sup>52</sup> Also voted by the senate: see Plin. *Ep.* 7.19.6 ('libros...abolitos senatus consulto').

<sup>53</sup> 2.95.3. This is another side to a not infrequently expressed opinion that Tacitus' judgement of Vespasian was generally favourable.