

REVIEW ARTICLE / DISCUSSION

TACITUS AND THE *SENATUS CONSULTUM DE CN. PISONE PATRE*

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EL SENADOCONSULTO DE GNEO PISÓN PADRE. By A. CABALLOS, W. ECK, and F. FERNÁNDEZ. Seville: University of Seville. 1996. Pp. 315, 19 plates, 2 maps.

DAS SENATUS CONSULTUM DE CN. PISONE PATRE. By W. ECK, A. CABALLOS, and F. FERNÁNDEZ. Munich: Beck (Vestigia 48). 1996. Pp. xiv, 329, 20 plates.

THE ANNALS OF TACITUS, BOOK 3. By A. J. WOODMAN and R. H. MARTIN. Cambridge: Cambridge University Press (Cambridge Classical Texts and Commentaries 32). 1996. Pp. xx, 514.

BAETICA HAS LONG STOOD OUT among the provinces of the Roman Empire for the number of municipal laws or charters which survive at least in part.¹ It is also conspicuous for preserving three significant *senatus consulta*: a decree of 177 that quotes a speech supporting an *oratio* of Marcus Aurelius designed to limit or reduce the cost to wealthy provincials of giving gladiatorial games, discovered in 1888, has often been studied (*ILS* 5163 = *FIRA* 1².49);² the fragmentary *Tabula Siarensis*, which records the honours voted to Germanicus on 16 December 19, has spawned a large bibliography since it was first presented to the scholarly world in 1981;³ now Werner Eck of the University of Cologne, Antonio Caballos of the University of Seville, and Fernando Fernández Gómez, Director of the Museo Arqueológico Provincial de Sevilla, have jointly published the complete text of a long document which comprises a heading and 176 lines of text in the fullest copy. The text of their exemplary *editio princeps* will never (I suspect) be significantly bettered in any respect.⁴ This achievement is even more exceptional

¹The inscriptions then known were reedited by González Fernández 1990: 15–134. Caballos-Eck-Fernández 103 are now able to list no fewer than fifteen “leyes coloniales y municipales” epigraphically attested from Baetica.

²Hübner 1890 and Mommsen 1890 published the *editio princeps* and a long historical study: for the standard critical edition, incorporating a small fragment found at Sardis in 1906 (*ILS* 9340), see Oliver and Palmer 1955; on its historical context and significance, Birley 1987: 200–201. The decree is recorded in *HA, Marcus* 27.6.

³See esp. González and Fernández 1981; González 1984, whence *AE* 1984, 508; González and Arce 1988; González Fernández 1990: 153–163; Bérard 1991: 3017–25; Crawford 1996: 509, 515–518, 527–529 (combining the *Tabula Siarensis* with fragments from Rome and the *Tabula Hebana*).

⁴Only one word in the entire text cannot be supplied, restored or emended with certainty, viz., the past participle *r[. . .]tae* in line 70 (see Eck-Caballos-Fernández 61, 186).

than it seems. It is the product of an extraordinary international collaboration in which Spanish scholars sought and received the aid of the most intelligent among living Latin epigraphers, who then made a draft text available to any responsible scholar who asked for one, presented the inscription for open discussion at more than forty universities in nine countries, and has accepted or taken note of the suggestions of more than fifty different scholars in its formal publication. On the national plane, the achievement of Dr Fernández and the Spanish authorities is perhaps even more remarkable. The editors identify a total of six, possibly seven, copies of the *s. c. de Cn. Pisone patre* from different places in Baetica, all on bronze tablets and all found by private and secret enterprise using metal detectors, yet all the certain copies have since 1992 been assembled together in the Provincial Archaeological Museum in Seville.⁵

For obvious reasons, the new inscription has been published in parallel Spanish and German versions. These coincide almost exactly in most of the historical sections, except that the German version, which went to press later, has certain addenda, and it is this version to which I shall refer in what follows. On epigraphical matters, however, the Spanish version deserves primacy. It has a fuller range of plates and its plates of the inscription are superior. It has a much fuller discussion of the provenance, of the circumstances of discovery, and of the technical aspects of each of the six certain copies. And it has a chapter on the publication of the *senatus consultum* in Baetica (133–141) which the German lacks, while the latter has chapters on “Die Überlieferungssituation in der Baetica und ihre Bedeutung” (279–287) and the *senatus consultum* as a political document (289–303), which are lacking in the Spanish. The German and the Spanish versions of course present an identical critical text of the new document as well as diplomatic transcriptions of each of the copies, but the Spanish alone has a complete verbal concordance (33–65) and an analysis of the *ductus litterarum* on each of the six copies (93–102).

Proofs of the German version were given to Miriam Griffin in Oxford before its publication, so that she was able within a few months to publish a long and important review-article, which includes an English translation of the whole inscription.⁶ The generosity of the editors also extended to making the text available to Tony Woodman and Ronald Martin, as they worked on a continuation of the late Frank Goodyear’s edition of Tacitus’ *Annals*, of which he completed and published two volumes out of a projected four (Cambridge 1972; 1981). Woodman and Martin showed themselves to be illuminating

⁵ Copies C–F are all tiny pieces of seven or fewer letters from three or four lines: while it seems certain that fragments C and D belong to this document, Potter (1998: 438–439) questions the attribution of E and F. The seventh possible copy, discussed by A. U. Stylow in Eck–Caballós–Fernández 35–37 = Caballos–Eck–Fernández 105–106, has only the four letters *prop(ositum)* from a heading.

⁶ Griffin 1997: 250–253. Translations are now also provided by Meyer 1998: 318–324 and Potter 1998: 454–457 (with interpolated headings).

exegetes in their commentary on Book 4 of the *Annals* (Cambridge 1989), which is an excellent teaching tool for reading Tacitus with graduate and advanced undergraduate classes. Their commentary on Book 3 is on a larger and more ambitious scale. The introduction comprises a full and penetrating discussion of the structure and principal themes of the book, arguing effectively that it is much more than a mere “filler” between Books 2 and 4, where the activities of Germanicus and the growing power of Sejanus respectively provide a strong focus for the annalistic narrative (3–20). A new critical text is offered which is the product of careful rumination; and, although there is little scope for conjectural emendation in *Annals* 1–6, Woodman and Martin print an attractive joint conjecture of their own in 3.70.3 (*egregia in publicum* for the transmitted *egregium publicum*, retained by previous editors). The notes on individual sections, phrases, and words are uniformly intelligent, erudite, and alert to problems posed by the text. Woodman and Martin pass with flying colours the true test of any commentary like theirs. Whether or not they solve the problems they discuss, they have seen all the significant problems in the text, even some that have previously passed unperceived, and they confront them honestly. They naturally offer a detailed assessment of the implications of the new inscription for Tacitus’ account of the trial of Piso, on which the pages that follow will exclusively concentrate.

I. THE NEW DOCUMENT

The inscription begins with a heading in large letters which spans all four columns of the text in Copy A: *s(enatus) c(onsultum) de Cn(aeo) Pisone patre propositum N(umerio) Vibio Sereno*.⁷ This line is not numbered by the editors, who follow the lineation of Copy A, but begin their numeration with the senatorial decree which the heading identifies and announces. This decree is a composite document. It begins with the official recording of the document on 10 December in the portico of the Temple of Apollo on the Palatine in the presence of seven senatorial witnesses, listed in order of seniority—three ex-consuls, two otherwise unknown senators, and two quaestors (lines 1–4).⁸ And it concludes with a subscription added by Tiberius in his own hand and reported in indirect speech: Tiberius declares his desire that *hoc s(enatus) c(onsultum)*, which was passed on 10 December 20 on his proposal and written out by his quaestor Aulus⁹ on fourteen tablets, should be deposited among the *tabulae publicae* (lines 174–176).

The *senatus consultum* published by the proconsul of Baetica was passed with 301 senators present *per relationem solum* (line 173), which Griffin and Potter,

⁷ Serenus was condemned in 23 for *vis publica* while proconsul of Baetica (Tac. *Ann.* 4.13.1): it was naturally assumed that his proconsulate should be assigned to 21/22 (PIR V 399; Alföldy 1969: 149).

⁸ The list in Potter 1998: 441 contains several inaccuracies.

⁹ Eck-Caballos-Fernández (103–106) convincingly identify him as A. Plautius, *cos. suff.* 29: on his career, see Birley 1981: 37–40.

following Eck, translate literally as “by proposal only.”¹⁰ This is surely one of those cases where literal translation is likely to mislead. A senatorial decree was normally the result of a procedure in three stages: a *relatio* was put before the Senate, individual senators then discussed and debated it until a *discessio* produced a decision.¹¹ Hence the statement that a senatorial decree was carried by *relatio* alone implies that there was no debate and no *discessio*, so that it is tantamount to saying that Tiberius’ *relatio* was accepted with instantaneous and unanimous consent. In its context, therefore, the phrase *per relationem solum* means in effect that the emperor’s proposal was carried by acclamation.

The *senatus consultum* specifies that, in order to provide a permanent record, the speech given by Tiberius and *haec senatus consulta* shall be engraved on bronze and placed where Tiberius may decide (lines 165–170) and that *hoc s(enatus) c(onsultum)* shall be engraved on bronze and posted in the most frequented place in the most frequented city of each province and also posted next to the standards in the winter-quarters of every legion (lines 170–172).¹² The inscription draws a clear and consistent distinction between *hoc s(enatus) c(onsultum)* in lines 170 and 172, which is the decree passed on 10 December 20, and *haec senatus consulta* in line 169, which provide the permanent record of *totius actae rei ordo* (line 166) and of *quid et de singulari moderatione Germ(anici) Caesa(ris) et de sceleribus Cn. Pisonis patris senatus iudicasset* (lines 166–167).

The bulk of the inscription comprises a summary of Tiberius’ introduction to the debate and of these earlier *senatus consulta*, and the text is articulated into sections by blanks in lines 4, 11, 70, 73, 82, 84, 90, 100, 105, 108, 123, 146, 150, and 151, and by the projection of lines 12, 23, 71, 109, 155, and 159 (as well as 174) two letters into the left margin. The record of the trial of Piso in lines 4–165 falls into four main sections:

- 4–11 The *relatio* of Tiberius asking for a decision on the four cases of the dead Piso himself, his son M. Piso, Piso’s wife Plancina, and Piso’s *comites* Visellius Karus and Sempronius Bassus, followed by the formula of decision *d(e) i(is) r(ebus) i(ta) c(ensuerunt)*¹³
- 12–22 Expression of gratitude to the immortal gods and to Tiberius
- 23–70 The misdeeds of Piso
- 71–123 The Senate’s decisions in each of the four cases put before them by Tiberius’ *relatio*

¹⁰ Griffin 1997: 253; Potter 1998: 457; cf. Eck-Caballos-Fernández 51 (“allein durch Antrag”).

¹¹ On the normal procedure, see Mommsen 1888: 983–984; Talbert 1984: 221–289. The so-called *Lex de imperio Vespasiani* bestows on the emperor the right *senatum habere relationem facere senatus consulta per relationem discessionemque facere* (ILS 244 = FIRA 1² 15).

¹² Despite the fact that both Copy A and Copy B have the singular *poneretur* in line 170, it must be emended to *ponere<n>tur*, since the grammatical subject of the verb is the plural *haec senatus consulta* in *{b}aere incisa* (line 169). The precise cause of the error is unclear (Eck-Caballos-Fernández 66).

¹³ The formula itself indicates that it introduces plural *senatus consulta*, since it stands in place of the usual *d(e) e(a) r(e) i(ta) c(ensuerunt)* (e.g., FIRA 1² 40, 41, 45, 47).

123–165 Expression of the Senate's best wishes for Tiberius and of its gratitude to other members of the imperial house, to the *equester ordo*, to the *plebs*, and to the soldiers.

The *senatus consultum* ordering the publication of the record of Piso's trial must obviously be later in time than the *senatus consulta* whose publication it orders. But how much later? That turns out to be a complicated and important question. For the range of possibilities stretches in theory from one day or less to six and a half months or more.¹⁴

II. THE CHRONOLOGICAL PROBLEM

The *senatus consultum* incorporating and summarising earlier *senatus consulta* about Cn. Piso was passed on 10 December 20 (line 175) and inscribed for permanent record on the same day (lines 1–4). The date is twice stated clearly and precisely, and the titulature attributed to Tiberius when recording his *relatio*, which put the questions which these earlier *senatus consulta* decided, is that which he possessed from 26 June (or later) to 31 December 20 (line 5: *tribunicia potestate XXII, co(n)s(ul) III, designatus IIII*). Eck, Caballos, and Fernández draw the natural corollary, as does Woodman, that the trial of Piso came to an end on, or very shortly before, 10 December. They argue that it began on 29 or 30 November and that Piso killed himself in early December (109–121, 149–151), an inference accepted by Woodman (71–75).

Tacitus, however, states clearly that the trial had been completed before Drusus celebrated his *ovatio*, the date of which is attested by the *Fasti Ostienses* for the year as 28 May 20 (*Inscr. Ital.* XIII.1, p. 187: *Vk(alendas) Iun(ias) Drusus [Caesar] triumphavit ex Ill[yrico]*).¹⁵ How should the apparent contradiction be resolved or explained? Although Tacitus does not state the date of Drusus' *ovatio*, he presumably knew it from the *acta diurna*, which he claims to have consulted for the funeral ceremonies for Germanicus (*Ann.* 3.3.2). Woodman argues that Tacitus' "references to the *ovatio* were inserted into his narrative for reasons other than providing a date and that the references would not have been interpreted as chronological indicators by his readers" (73–77). But the author of the *Annals* was a historian who considered himself under an obligation to get facts and dates right, not a writer of fiction with complete freedom to invent and transpose, as Woodman and Martin sometimes seem surreptitiously to assume in their

¹⁴The *senatus consultum* of 10 December was passed in the portico of the Temple of Apollo on the Palatine (line 1); the trial of Piso, or at least part of it, was held in the Senate-house next to the forum (*Ann.* 3.14.4: *simul populi ante curiam voces audiebantur*): it seems unlikely that the Senate reconvened elsewhere on the same day as the trial ended.

¹⁵The next entry in the *Fasti Ostienses* registers the assumption of the *toga virilis* by Nero, the son of Germanicus, and a *congiarium* to celebrate it on 7 June 20: Tacitus has this item too, but he separates it completely from the *ovatio* of Drusus, which occurred a mere ten days earlier (*Ann.* 3.29.3).

commentary on Book 4.¹⁶ It is surely more plausible to suppose that Tacitus has made an honest mistake that should be explained in terms of the most probable hypothesis about how he composed his account of the reign of Tiberius. But is Tacitus' chronology in fact wrong? Martin, who dissents from his fellow commentator (71–72, n. 3), and Griffin resolve the apparent contradiction by proposing that both Tacitus' implied dating of the trial and the new document ordering the publication of the verdicts on 10 December 20 are correct, because the decision to publish the decrees was taken for political reasons more than six months after the end of the trial.¹⁷

Four separate lines of enquiry are relevant to deciding whether this hypothesis is plausible—the attested movements of Piso after the death of Germanicus, the activities of Drusus, the choice of 28 May for his *ovatio*, and a transposition in the text of Tacitus' *Annals* proposed long ago, but usually rejected and of late ignored.

III. THE MOVEMENTS OF PISO

Piso was on the island of Cos when he received news that Germanicus had died in Antioch on 10 October 19 (2.75.2).¹⁸ Piso, whose *imperium* had in strict legality lapsed automatically when he left his province,¹⁹ then embarked on his unwise and ill-fated attempt to reinstall himself as governor of Syria (2.76–81). When that attempt ended in failure, the disgraced ex-governor was not arrested, but allowed to return to Rome with a promise of safe conduct (2.81.3: *nec aliud quam naues et tutum in urbem iter concessum est*).

What did Piso do then? Did he hurry to Rome hoping that Tiberius would protect him against the friends of Germanicus? Or did he play for time—as is the habit of modern presidents and prime ministers when faced with embarrassing allegations about their conduct? Contrary verdicts have been rendered. According to Griffin, “it can be argued that the situation called for exceptional speed.”²⁰ Woodman and Martin, on the other hand, argue that a man who knew that he was technically guilty of *maiestas* for his foolish and futile attempt to repossess the province of Syria after the death of Germanicus (*Ann.* 2.76.2–3) would have been “in no hurry to return home to face the music” (73). The latter view seems inherently more plausible. It is also corroborated by Tacitus, who records that Piso's enemies in Rome complained that he was wasting time and diverting

¹⁶ Most conspicuously, in their discussion of the *eorundem temporum rumorem, validum adeo ut nondum exolescat* about the death of Drusus which Tacitus reports and refutes (*Ann.* 4.10–11), they assert that “by providing a different version of Drusus' poisoning T(acitus) is responding to a well known enthusiasm of his readers” (124): in its context this can only be construed as an assertion that Tacitus himself has invented the contemporary rumour which he claims to report.

¹⁷ Griffin 1997: 259–260.

¹⁸ The exact day is certified by the entry *Infer(iae) Germanic(i)* in the *Fasti Antiates Ministrorum* (*Inscr. Ital.* XIII.2, p. 209).

¹⁹ Dio 53.13.8 states the rule clearly; cf. Mommsen 1887: 1.382–386; 2.244, 260.

²⁰ Griffin 1997: 259.

himself in the pleasant resorts of Asia and Greece in the hope of escaping punishment (3.7.1: *crebro questu, quod vagus interea per amoena Asiae atque Achaeae adroganti et subdola mora scelerum probationes subverteret*).

From Greece, Piso went to solicit the support of Drusus, who had returned to the armies of Illyricum after the funeral of Germanicus in Rome (3.8.1; cf. 7.1). Rebuffed by Drusus, who denied him a private audience, Piso crossed the Adriatic to Ancona, then proceeded to Rome along the Via Flaminia, falling in with the legion IX Hispana, which was being transferred from Pannonia to Africa to fight against Tacfarinas.²¹ After travelling by boat from Narnia to Rome down the rivers Nar and Tiber, he disembarked to the welcome of his family and clients at the dock next to the Mausoleum of Augustus, where the bones of Germanicus had recently been interred (3.8.2–9.3). A formal accusation was lodged with the consuls on the day after his arrival in Rome (3.10.1: *postera die*) and the trial got under way after some procedural uncertainties (3.10) and other preliminaries (3.11.2). Although these could in theory have been hurried through in a few days, in reality they probably occupied several weeks. Woodman and Martin correctly state that “it is not unreasonable to imagine that between arraignment and trial there was an interval of some considerable time” during which political tensions in Rome were heightened (74–75).

For the trial to have been completed before 28 May, Piso cannot have lingered in Asia and Greece, but must be supposed to have hurried to Italy during the winter season when few normally chose to venture on the seas except on urgent business. On the traditional chronology, moreover, Drusus will have left Rome in early April, interviewed Piso in Illyricum, and then returned to Rome in early May. Is this plausible?

IV. THE MOVEMENTS OF DRUSUS

The period of mourning for Germanicus ended either with or very shortly before the Ludi Megalenses, which began on 4 April: Tacitus notes that Tiberius ordered that the inhabitants of Rome *repeterent sollemnia, et quia ludorum Megalesium spectaculum suberat, etiam voluptates resumerent* (3.6.3). It was after this that Drusus departed to the armies of Illyricum (3.7.1), where he interviewed Piso (3.8), before returning to Rome to be present at the trial, which, together with the debates consequent upon Piso's suicide, occupied at least eleven days, probably more. At the outset of the trial, the Senate allotted two days to the prosecution, followed by an adjournment of six days, and three days for the defence (3.13.1). Piso killed himself either between the first and second or, more probably, between the second and third days allotted to the defence (3.15.2–3), and his suicide posed new and complicated questions which occasioned much debate (3.16.2–18.4). This appears to have occupied several days of senatorial

²¹ Despite Potter 1998: 453, this episode does not help at all to resolve the chronological issue: see Woodman and Martin 74, 201–202.

business, since Tacitus states that discussion of Plancina alone occupied two days (3.17.3: *biduum super hac imagine cognitionis absumptum est, urgente Tiberio liberos Pisonis matrem uti tuerentur*).²² Only when the whole case had been completed, according to Tacitus, did Drusus leave Rome in order to reassume the auspices, after which he duly celebrated the *ovatio* decreed nearly two years earlier (3.19.3; cf. 2.64.1). It is hard to believe that Drusus can have done all that Tacitus records between the beginning of April and 28 May.

The date of the *ovatio*, which is known from the *Fasti Ostienses* alone (*Inscr. Ital.* XIII.1, p. 187), was chosen for reasons that had nothing whatever to do with the trial of Piso. The *Fasti Amiterni*, correctly interpreted, disclose that 28 May was the anniversary of an earlier imperial achievement or celebration—quite possibly, perhaps even probably, that of his father Tiberius' *ovatio* for his Pannonian conquests in 9 B.C.²³ There is thus no force in the argument that the trial of Piso must already have ended by 28 May because it would have been tactless to hold the *ovatio* which Drusus had been voted jointly with Germanicus before Germanicus had been avenged.²⁴ For the choice of day asserted the military prowess of Tiberius himself as well as of his son Drusus, whom the death of his adoptive brother had now left as sole heir apparent.

V. STEUP'S TRANSPOSITION

In 1869 Julius Steup proposed to transpose *Annals* 2.59–61 and 2.62–67. His central argument was simple and compelling. Chapter 62 of Book 2 begins: *dum ea aetas Germanico plures per provincias transigitur, haud leve decus Drusus quaesivit*. But the summer in question must be that of the year 18, not 19, as it is in its present context. All that Tacitus has so far recorded of Germanicus' activities in 19 is his journey to Egypt, ending with his visit to Elephantine and Syene (2.59–61). Germanicus had, however, spent the preceding year in a large number of provinces: he entered on his second consulate on 1 January 18 in Nicopolis on the Bay of Actium; he then visited Athens and sailed from Euboea to Lesbos in Asia before going to the Bosphorus where he gave succour to "provinces suffering from internal struggles or the oppression of governors" (2.53.3–54.1). After visiting the site of Troy, he then sailed along the south coast of Asia Minor (2.54.2–3, 55.3). When he reached Syria, he immediately set out for Armenia, and in Artaxata he crowned Zeno, the son of Polemo, the king of Pontus, as king of Armenia (who took the name Artaxias). Germanicus then met Piso at Cyrrhus and both were entertained to dinner by the king of the Nabataeans at an unnamed location, perhaps in Arabia (2.55.6–57.4).

²² Tacitus regards the trial of Plancina as an *imago*, not a real trial, because he held that she had already obtained pardon and hence that the verdict was a foregone conclusion (3.15.1; cf. Woodman and Martin 183).

²³ See the appendix (below, 144–146).

²⁴ As maintained by Griffin 1997: 259.

Steup further noted that if Germanicus' crowning of Artaxias was reported in Rome at the same time as news arrived that Drusus had captured Maroboduus, as Tacitus states (2.64.1: *simul nuntiatio*), then the latter event too must belong to the year 18, not 19. In addition, Steup advanced a subsidiary literary argument: the transposition restores balance to Tacitus' account of the year 18, which is otherwise both excessively brief and devoted entirely to a single section or theme—an annalistic structure otherwise unparalleled in the early books of the *Annals*. Furthermore, in order to allay scepticism about whether what he proposed was theoretically possible, Steup provided two explanations of how such a purely mechanical transposition could have occurred: his preferred hypothesis, which he owed to Hermann Usener, was that the single leaf of a manuscript containing chapters 59–61 was accidentally transposed so that it preceded the two leaves containing chapters 62–67 instead of following them.²⁵

Steup's theory has provoked serious dissension among those who have edited and written about Tacitus over the years. Two critical editions of the *Annals* since 1869 have printed 2.62–67 before 2.59–61 as part of Tacitus' annalistic account of the year 18—those of Carl Andresen, who revised the annotated text by Karl Nipperdey (fifth to eleventh editions: Berlin 1892–1915), and Harald Fuchs (Frauenfeld 1946; third edition, 1983). The Loeb translator John Jackson followed suit, printing Book Two in the order 1–58 + 62–67 + 59–61 + 68–88 (London and Cambridge, Mass. 1931). But most editors of the *Annals* since 1869 have simply registered the transposition in their critical notes or critical apparatus as a meritorious but unpersuasive proposal,²⁶ as does Goodyear in his commentary on Book 2, even though he presents the case for transposition very sympathetically.²⁷ In 1983, however, the Teubner text of the *Annals* edited by Heinz Heubner, which is superior to the preceding Teubner text by Erich Koestermann in almost every other respect, passed over Steup's proposal as unworthy of being recorded even as a diagnostic conjecture. Similar disdain had already been shown by Sir Ronald Syme, whose discussion of chronological problems in the *Annals* nowhere mentions the proposed transposition.²⁸ Unfortunately, Eck, Caballos, and Fernández also ignore Steup and expound the principles on which Tacitus has arranged his account of the years 17–20 with no hint that the transmitted order of the text has ever been impugned (117–120).

²⁵ Steup 1869: 79–80.

²⁶ Thus the Teubner editors Carl Halm (Leipzig 1873: replacing his first Teubner edition of 1856), Erich Koestermann (Leipzig 1934; 1950; 1960) and S. Borszák (Stuttgart and Leipzig 1992); C. D. Fisher (Oxford 1906); the Budé editors Henri Goelzer (Paris 1923) and Pierre Willeumier (Paris 1974); and M. Lenchantin de Gubernatis (Turin 1956). Furneaux (1896: 358) allowed that Steup's arguments had "great force," but declined to adopt "the actual transposition."

²⁷ Goodyear 1981: 393–396; cf. 47.

²⁸ Syme 1958: 746–748 (App. 61: "Mistakes in the *Annales*"). Steup is absent from Syme's enormous bibliography (809–823).

A restatement of the case is thus both apposite and necessary. For Steup's conclusion has been dismissed by those who have recently rejected it on the basis of false premisses. Koestermann argued that the opening words of 2.68 (*per idem tempus*) refer to the content of 2.67 and that *ea aestas* in 2.62.1 could refer to the summer of 18 without prior transposition:²⁹ the first argument is pure *petitio principii* (although in its present context 2.68.1 refers back to 2.67, after Steup's transposition it refers back to Germanicus' journey to Upper Egypt in 2.61), while the second projects an impossible interpretation on to a simple phrase (taking *ea aestas* to signify "the preceding summer").³⁰ Goodyear rejected the transposition on the grounds that Tacitus himself committed the error from which Steup attempted to rescue him because his annalistic account of the year 20 explicitly dates the activities of Drusus narrated in 2.62–67 to 19, not 18, by stating that they occurred *priore aestate* (3.11.1), which Goodyear translated as "in the previous summer." But the words *priore aestate* need not mean "during the preceding summer"; they can mean "in a previous summer," as they do when Tacitus states that in 20 the rebellion in Africa was renewed by Tacfarinas *quem priore aestate pulsum memoravi* (3.20.1), referring back to his account of the year 17 (2.52). Nipperdey deleted the words *priore aestate* in 3.20.1, while Syme, followed now by Heubner, diagnosed a careless mistake by the historian himself.³¹ Woodman and Martin's commentary on Book 3 not only interprets the phrase correctly, but also realises that its correct interpretation removes the principal objection to Steup's rejected theory (132–134, 200–201).

The new inscription perhaps also tells in favour of the transposition, which makes Tacitus' connecting phrase *per idem tempus* in 2.68.1 refer to Germanicus' visit to Egypt. For the Senate blames Piso for the escape of Vonones, which occurred when Germanicus was absent, i.e., in Egypt (lines 39–41).³² Steup's transposition of *Annals* 2.59–61 and 2.62–67 should accordingly be accepted into the text of Tacitus. It solves a real difficulty without creating the new problem to which it has often been supposed to give rise, and the fact that Syme, Heubner, and now Eck, Caballos, and Fernández dismiss it unmentioned is regrettable, but logically irrelevant to determining its merit.

The transposition of *Annals* 2.59–61 and 2.62–67 is highly pertinent to the trial of Piso. Drusus had already in 18 completed the main task for which he

²⁹ Koestermann 1958: 351, n. 47. This footnote is cited in the apparatus to 2.59 in the third edition of Koestermann's Teubner text of the *Annals* as refuting Steup.

³⁰ Koestermann unwittingly reveals the utter absurdity of his position when he infers in his commentary that "hier eine annalistische Anomalie vorliegt, da mit *es aestas* zweifellos auf Geschehnisse des Sommers 18 zurückgegriffen wird" (1963: 372).

³¹ In his critical apparatus to 3.20.1: "Tacitum ipsum errasse verisimilius est" (with appeal to Syme 1958: 746).

³² By some peculiar (and apparently unique) lapse, the German translation renders *cum is abesset* as "während seiner Anwesenheit" (41). The discussion recognises the transparent allusion to Germanicus' absence in Egypt (162–166).

had been sent to Illyricum—to receive the surrender of king Maroboduus, who had fought against Rome. He could thus easily return to Italy for the protracted ceremonies preceding the interment of his adoptive brother Germanicus during the early months of 20. Drusus went to Tarracina with Claudius and escorted the body to Rome (3.2.3) before returning briefly to the armies in Illyricum in the spring. He surely reentered Rome and celebrated the *ovatio* voted two years earlier before Piso set foot in the city.

VI. TACITUS AND THE *ACTA SENATUS*

Tacitus was a creative writer who imposed his own structure on his narrative and his own interpretation on the events that he described. His principal continuous narrative source in *Histories* 1 and 2, who may well have been Pliny the Elder, is reproduced by Plutarch in the consecutive narrative which he presents as the lives of Galba and Otho. What is significant is not the considerable extent to which Tacitus reproduces material from this source, but the way that he has sharpened, reshaped, and redistributed it to integrate historical and political analysis into his narration of events.³³ After he had completed the *Histories*, Tacitus turned back in time to the reign of Tiberius. It must be presumed *a priori* that he used the same analytical creativity in constructing his account of the years 14–37. Syme argued, both in his great study of Tacitus and in several later articles, that Tacitus' account of Tiberius must be the product of his critical reaction to a hostile historical tradition which he attempted to correct by recourse to independent sources, principally the speeches of Tiberius and (so Syme strenuously maintained) the *acta senatus*.³⁴

Syme's contention that Tacitus drew on the *acta senatus* was hotly controverted in a deliberately offensive and dismissive review by Arnaldo Momigliano, who steadfastly refused to believe that Tacitus used documentary evidence of any sort for the reign of Tiberius.³⁵ Much of this review was incorporated word for word in Momigliano's Sather lectures of 1962, or at least in the revised version of these lectures which he continued to polish for publication until his death in 1987: in what must be regarded as his considered verdict on this matter, Momigliano acknowledged that Tacitus "read with care the *acta senatus* and the *acta diurna*"

³³ Syme 1958: 144–156, 176–202. Mommsen (1870: 312 = 1909: 240) had complained that Tacitus' creativity was more appropriate for a poet than a historian.

³⁴ Syme 1958: 271–286; 1977: 247–251 = 1984: 1028–31; 1982: 76–80 = 1988: 213–220; 1983: 19 = 1988: 240.

³⁵ Momigliano 1961 = 1966: 739–744. Malice is especially evident in the concluding paragraph of the review. Here Momigliano claims that Syme's "most significant work" may be his *Colonial Elites: Rome, Spain and the Americas*—a series of three lectures, of which two are confessedly derivative, delivered at McMaster University in January 1958 and published by Oxford University Press in the same year as a slim volume of 65 pages. In contrast, so Momigliano avers, "das Buch über Tacitus beweist . . . dass Syme als alter Zauberer vorübergehend in Gefahr war, ein Sklave seiner eigenen Zauberschöpfung zu werden."

for the reign of Domitian, yet asserted that “we cannot assume without very good reasons that he did the same thing systematically for the period from Tiberius to Titus, for which he could use literary sources.”³⁶

Admittedly, Tacitus as extant refers explicitly to the *acta senatus* only once—in his account of the honours voted to Nero in 65 after the suppression of the Pisonian conspiracy (15.74.3: *reperio in commentariis senatus*). But that is certainly not the only occasion where they are used in the Neronian books of the *Annals*. There are clusters of routine senatorial business in Tacitus’ very brief accounts of the years 56 and 57 (*Ann.* 13.26–30, 32–33), and the *acta senatus* could be the source of his knowledge of what Corbulo reported about his campaigns in Armenia.³⁷ Moreover, since the structure and content of the Neronian books do not reflect systematic use of the *acta senatus* to the same extent as *Annals* 1–6, proof that Tacitus made little use of them in *Annals* 13–16 would not establish that he used them infrequently in *Annals* 1–6. For the narrative of the Tiberian books contains far more senatorial business, much of it concerning politically insignificant or relatively trivial matters, such as whether the *flamen dialis* Servius Maluginensis was debarred by his priesthood from becoming proconsul of Asia (*Ann.* 3.58.1–59.2) and the appointment of Maluginensis’ son to succeed him when he died in 24 (4.16).

What Tacitus says that he discovered in the documentary record is that Anicius Cerialis, the consul designate, proposed a temple to Divus Nero in his lifetime, which the emperor vetoed: he surely names a document as his authority in order to forestall any suspicion that he has invented an extravagant proposal not to be found in the narrative sources for the reign of Nero. One of the pillars of Syme’s argument for Tacitus’ consistent use of the *acta senatus* for the reign of Tiberius was that the historian records a large number of proposals, whose movers he names, that were debated but not approved by the Senate—and hence only likely to be discovered by one who looked into the archival record for himself. No-one has ever provided a rational justification of the frequently expressed opinion that such primary research should be attributed to some unknown predecessor rather than to Tacitus himself.³⁸

³⁶ Momigliano 1990: 110–112 (from where all the quotations of Momigliano in the following paragraphs come). In his overall view of Tacitus as a basically unoriginal transcriber of earlier writers, Momigliano never deviated from (or justified) the unproved assumptions of his youthful paper on the historical tradition about the years 37–68 (Momigliano 1932 = 1975: 799–831).

³⁷ As Mommsen suggested in a paper delivered in 1884, but not published until after his death (Mommsen 1904: 1153 = 1909: 261). Goud (1993: 9–24) has demonstrated both that it was politically impossible for generals like Corbulo and Suetonius Paulinus to compose military memoirs on the model of Julius Caesar and that the supposed references to their *commentarii* (Peter 1906: 99–101) are to be otherwise interpreted. While Tacitus’ words *contraque Corbulo prodiderit* (15.16.1, where the verb should probably be emended to *prodidit*) imply a written statement by Corbulo, they reveal nothing whatever about its provenance.

³⁸ Fabia (1893: 312–319) provides the classic formulation of the traditional view, which is reiterated briefly in Flach 1973: 71. Questa (1963: 13) apologises for the absence of any discussion of the *acta*

Momigliano adduced two passages, which have duly been trotted out by subsequent writers on Tacitus' sources, to argue that Tacitus himself implies that "he did not trouble to consult [the *acta senatus*] on controversial issues." Neither passage is probative. The first is Tacitus' statement that he discovered from contemporary "writers and senators" that in 19 a letter was read in the Senate from a chieftain of the Chatti promising to murder Arminius if poison were sent, and that his overture was rejected (2.88.1: *reperio apud scriptores et senatores eorundem temporum Adgandestrii principis Chattorum lectas in senatu litteras*). Mommsen, who had participated in the debates of political assemblies, observed that such business might well be omitted from official minutes.³⁹ To assert (as Momigliano does) that "if Tacitus had been in the habit of checking the historians against the *acta senatus*, he would have told us that the *acta senatus* did not confirm the story of the senatorial historians" is the worst sort of *argumentum e silentio*. If the transmitted text is sound, Tacitus' silence about the *acta senatus* may have been intended to imply that they omitted the item. However, a reference to the *acta senatus* may in fact have stood in Tacitus' original text. The young Mommsen accepted Georg Bezzenberger's introduction of such a reference by conjectural emendation,⁴⁰ and, although he later denounced any attempt at tampering with the transmitted text, which came to be universally accepted as sound,⁴¹ Goodyear has argued forcefully that what stands in the Medicean manuscript is corrupt and that Tacitus originally wrote *apud scriptores senatoriaque eorundem temporum acta Gandestrii . . . lectas . . . litteras*.⁴²

The second passage adduced is Tacitus' admission of "his inability to form a clear picture of the procedure of the consular elections of A.D. 15, though he had consulted the historians and Tiberius' speeches" (*Ann.* 1.81.1), where Momigliano claims that "again he excludes the *acta senatus* by implication." But that inference depends upon the unexamined assumption that Tacitus could have found Tiberius' allusive speeches of recommendation for individual candidates as well as those that he delivered in the Senate on issues of public policy in a

senatus in his lengthy monograph in order to advertise his sagacity in perceiving that the truth lies somewhere between the extremes argued by Fabia and Syme.

³⁹ Mommsen 1904: 1154–55 = 1909: 262.

⁴⁰ Bezzenberger (1844: 28) accepted the correction of the proper name *Adgandestrii* to *Gandestrii* proposed by Jacob Grimm and Karl Müllendorf as linguistically necessary and conjectured *reperio apud scriptores senatusque actis*. According to Hübner (1859: 11), Mommsen's contribution was to modify Bezzenberger's *senatusque* to *senatoriisque*, but I have been unable to ascertain where (or whether) Mommsen published this conjecture. I am most grateful to Ted Champlin for finding Bezzenberger's emendation of *actis Gandestrii* for the transmitted *Adgandestrii*: it is wrongly attributed to Mommsen himself by Goodyear (1981: 59, 446) and Syme (1982: 76 = 1988: 213)—neither of whom vouchsafes an exact reference.

⁴¹ Mommsen 1909: 257, n. 1: "Die Versuche an der Lesung zu rütteln, sind jetzt wohl allgemein als verfehlt anerkannt." Editors after Furneaux (1896: 384) ceased to record the emendation in the apparatus criticus.

⁴² Goodyear 1981: 446.

published collection of his speeches. Despite his general denial that Tacitus ever used the *acta senatus*, Philippe Fabia long ago refused to draw such an inference from this passage.⁴³ Furthermore, Tacitus' report of Tiberius' normal practice in fact sounds as if it derives from a documentary source: *plerumque eos tantum apud se professos disseruit, quorum nomina consulibus edidisset; posse et alios profiteri, si gratiae aut meritis confiderent* (1.81.4). In its context, the main verb *disseruit* must refer to statements made by Tiberius in the Senate.

Momigliano advanced two subsidiary arguments, also both fallacious. First, in answer to Syme's claim that Tacitus used speeches of Claudius that he found in the *acta senatus*,⁴⁴ which he mocked as "an amusing thought" with "an element of truth," Momigliano argued that because Tacitus' statement that Augustus extended the *pomerium* is false (*Ann.* 12.23.2), he cannot have taken it from a speech of Claudius because Claudius "is unlikely to have lied to the senators in an official speech" and that the emperor was "too good an antiquarian" to make such a mistake. Augustus' extension of the *pomerium*, according to Momigliano, must have been invented after Claudius but before Tacitus, who tamely repeated a false literary tradition which recurs in later writers. Admittedly, when the Senate voted imperial prerogatives to Vespasian in 69, Claudius was the only precedent cited for an emperor's right *finis pomerii proferre promovere* (*ILS* 244). But it is far from certain that Augustus had not extended the *pomerium*, since what constituted a valid extension was a topic of disagreement among Roman antiquarians—and Claudius' extension was disallowed by the contemporary quoted by Seneca who maintained that no-one after Sulla had legitimately extended it (*De Brevitate Vitae* 13.8).⁴⁵ Dio supplies a persuasive context for the extension by Augustus: after Tiberius' victories in 8 B.C., which were officially proclaimed to have made Germany into a Roman province,⁴⁶ the *pomerium* was extended and the month Sextilis renamed Augustus (55.6.6). Hence Claudius' assertion that Augustus extended the *pomerium* may be correct; on the other hand, if it is incorrect, then it will have been Claudius himself who invented a false Augustan precedent for his own extension.⁴⁷

Second, Momigliano contended that the *Tabula Hebana*, discovered in 1947, which gives details of new voting procedure for consular elections in the *comitia centuriata*, demonstrates an ignorance on the part of Tacitus that "can be explained only if he did not consult the relevant protocols of the Senate meetings."⁴⁸ In

⁴³ Fabia 1893: 316.

⁴⁴ Syme 1958: 705.

⁴⁵ An extension by Julius Caesar is recorded by Aul. Gel. *NA* 13.14.3; Dio 43.50.1; 44.49.2. According to *HA, Aurel.* 21.11, the *pomerium* was extended by Augustus, Nero and Trajan—though not by Claudius.

⁴⁶ Wells 1972: 156–161.

⁴⁷ Syme 1978: 220–221 = 1983a: 134–135; Boatwright 1986: 16–19.

⁴⁸ For a recent critical edition and translation, with full bibliography of all the known fragments of the Lex Valeria Aurelia of 20, of which the *Tabula Hebana* is by far the largest, see now Crawford 1996: 507–543.

answer to which, it might be asked why Tacitus (or for that matter a modern scholar) should consider the ceremonial approval of a single list of candidates in the Campus Martius to be relevant to the real contests, which from September 14 were fought out in the Senate (*Ann.* 1.15.1).⁴⁹ The *Tabula Siarensis* shows how closely Tacitus follows the documentary record of the honours devised and decreed for the recently dead Germanicus in December 19 (*Ann.* 2.83).⁵⁰ The historian has, however, not simply reproduced the list that he found: he alters the order of the *senatus consultum*, he abbreviates, and he has excluded items, such as the transfer of the *ludi Augustales* from 12 October to 28 October.⁵¹ Moreover, he alerts his readers to his selectivity (2.83.4: *pleraque manent: quaedam statim ommissa sunt aut vetustas oblitteravit*).

In his thorough study of the functioning and procedure of the Roman imperial Senate, Richard Talbert argued that Tacitus' systematic use of the *acta senatus* to supplement "reminiscences and literary accounts" may be "one of his most significant innovations . . . , a unique and very successful experiment in method."⁵² Subsequently, Mark Morford refined and strengthened Talbert's central argument.⁵³ Woodman and Martin appear to remain sceptical: in the past they have denied such use altogether; now, confronted with the new inscription, they continue to minimise it.

In 1972 Woodman applied Momigliano's denial that Tacitus ever used the *acta senatus* to an analysis of his account of the disaster in 27 when a temporary wooden amphitheatre erected outside the town of Fidenae collapsed killing thousands of spectators and visitors to the town (*Ann.* 4.62–63). Woodman not only argued that Tacitus treats the episode like a military disaster and supplies many details from his own imagination, but professed himself "inclined to think that he had no more source material than is provided by Suetonius, our only other authority for the event," who records the *cladem qua apud Fidenas supra XX hominum milia gladiatorio munere amphitheatri ruina perierant* (*Tib.* 40).⁵⁴ But Tacitus supplies a precise detail not in Suetonius (the contractor responsible was *Atilius quidam libertini generis*) and clearly signals his use of the *acta senatus*: a decree of the Senate laid down rules to prevent the recurrence of such a tragedy and Atilius was exiled (4.63.1).

⁴⁹ Syme 1958: 756–760.

⁵⁰ Unfortunately, the successive editions by González enhance the similarities with questionable restorations. In particular, he restores one of the provisions of the *senatus consultum* as *Epidaphnae, ubi Germanicus Caesar exirasset, tribunal constitueretur* (fr. I 37), although it is generally recognised that Tacitus' *Epidaphne* is a mistake for Daphne deriving from confusion with the designation of Antioch itself as Ἀντιόχεια ἡ ἐπὶ Δάφνῃ; Downey 1961: 187, n. 105. Crawford (1996: 516) emends González's restoration to *epi Daphne*, thus introducing transliterated Greek into a *senatus consultum*.

⁵¹ Tacitus' account is criticised as "very abbreviated and incomplete" by Millar 1988: 17.

⁵² Talbert 1984: 326–334.

⁵³ Morford 1990: 1594–97.

⁵⁴ Woodman 1972: 156.

In their commentary on Book 4, Martin and Woodman acknowledged the force of the case stated by Talbert, but undermined it as if it were a speculative and inherently implausible hypothesis: "any speculation about Tacitus' use of such sources" (they asserted) "must be placed in the context of ancient historians' well-known indifference to archival material."⁵⁵ In their commentary on Book 3, only a token retreat is sounded. Although Tacitus must have seen "a copy of the *senatus consultum* or something very like it," Woodman and Martin argue that "we cannot know whether Tacitus' information for Piso's trial derived from the more restricted sources of the *acta senatus* and *aerarium*" (where senatorial decrees were deposited) "or from some more public text such as the *Senatus Consultum de Pisone Patre* itself" (114–116). The alternative thus postulated (and given implicit preference) fails to explain the phenomena. An attentive reader can deduce from the published *senatus consultum* that the name of Claudius, the brother of Germanicus, was first omitted from the list of members of the imperial family thanked and congratulated for their conduct during a difficult time, since it has been added inelegantly in the wrong place (lines 123–151). But Tacitus also knew that it was Cotta Messalinus who proposed to thank the others but forgot Claudius, L. Asprenas who drew attention to the omission, which was then repaired (3.18.3). That must come from the documentary record: no historian writing during the reigns of Germanicus' son, brother, or grandson was likely to chronicle the insult. Tacitus surely himself searched out this revealing mention of the family idiot whom Fortune was keeping hidden in reserve as a future emperor (3.18.4). Even those who deny "assiduous consultation of such documentary material" usually accept that Tacitus used the *acta senatus* extensively in Book 3.⁵⁶

VII. TACITUS' MISTAKE

Momigliano asserted simultaneously that "Tacitus was not a researcher in the modern sense" and that he was nevertheless "a writer whose reliability cannot be seriously questioned." The second proposition both contradicts the first and is grievously mistaken. Syme, whom Momigliano criticised for assimilating Tacitus to a historian with modern techniques of research at his disposal, documented a number of outright factual errors, some of them serious.⁵⁷ And others have established something of fundamental importance for understanding the nature of the historical tradition about Tiberius. Tacitus' account of the death of Augustus and Tiberius' assumption of supreme power in August 14 contains fictitious elements that replicate central aspects of the accession of Nero.⁵⁸ In 54 Agrippina poisoned Claudius and kept his death secret for several hours until she had

⁵⁵ Martin and Woodman 1989: 97; cf. 26–27.

⁵⁶ Thus recently Sage 1990: 1008–10; cf. Mommsen 1909: 257–258.

⁵⁷ Syme 1958: 746–748.

⁵⁸ Goodyear 1972: 125–129.

assured the accession of her son (*Ann.* 12.66–69).⁵⁹ The allegation that in 14 Livia poisoned Augustus and then concealed his death until the succession of her son was secured appears in both Tacitus (*Ann.* 1.3.3, 5.1, 5.3–4) and Dio (56.30.1–2, 31.1). Since Dio's account of Tiberius drew directly on Tacitus' predecessors, Tacitus cannot have invented these fictitious elements himself, but must have found them in the narrative sources which he used.⁶⁰

Both Tacitus and Dio mistakenly assume that in 14 there was some uncertainty about the "succession"—if indeed that word can properly be used of what happened after Augustus' death. Although Tacitus on one level knows that Tiberius was not only the adopted son and heir of Augustus, but had legal powers virtually equal to those of the dead emperor, he denies the obvious political implications of this fact. For he writes as if it was improper, indeed illegal, for Tiberius to give commands to the praetorian guard after Augustus' death (esp. *Ann.* 1.7.5: *defuncto Augusto signum praetorii cohortibus ut imperator dederat*). Moreover, when he subsequently discusses why Tiberius withdrew to Capri in 26, Tacitus reiterates that Livia had dissuaded Augustus from adopting Germanicus as his designated successor in 4 and persuaded him to adopt Tiberius instead (*Ann.* 4.57.3: *nam dubitaverat Augustus Germanicum, sororis nepotem et cunctis laudatum, rei Romanae imponere, sed precibus uxoris evictus Tiberio Germanicum, sibi Tiberium adscivit; idque Augusta exprobat, reposcebat*).

In reality, Tiberius' *imperium* outside the city of Rome had been made equal to that of Augustus in 13⁶¹—and his *imperium* did not lapse when his father and colleague died. When Augustus died on 19 August 14, therefore, it was clear to all that Tiberius already held the reins of power and had effectively inherited his position in the Roman state. There is no good reason whatever to believe that Livia poisoned the dynastic rivals of her son, as Agrippina later did. Furthermore, Brian Bosworth has proved that the implausible story of the dying Augustus' assessment of *capaces imperii* other than Tiberius (*Ann.* 1.13.2–3) must be an invention that reflects much later events: the only thing that M. Lepidus, Asinius Gallus, and L. Arruntius have in common is that their sons were executed for conspiracy to replace Caligula and Claudius as emperor—and the fact that some versions known to Tacitus had Cn. Piso instead of Arruntius shows that the details of the story were still somewhat fluid at the time of the Pisonian conspiracy in 65.⁶²

⁵⁹ The attempt of Barrett (1996: 139–142, 169–172) to argue that neither Claudius nor Britannicus was murdered, but that both died of natural causes, is completely unconvincing.

⁶⁰ Syme 1958: 420–430, 688–692.

⁶¹ Vell. Pat. 2.121.1: *senatus populusque Romanus postulante Augusto, ut aequum ei ius in omnibus provinciis exercitibusque esset quam erat ipsi, decreto complexus est*; cf. Suet. *Tib.* 21.1: *lex per consules lata est ut provincias cum Augusto communiter administraret*.

⁶² Bosworth 1977: 185–186. Syme (1986: 138) correctly damns the anecdote as "idle and misleading in the context of the year 14" because "the transmission of the power had been decided ten years previously" with the adoption of Tiberius.

The historical tradition concerning Tiberius not only took shape long before Tacitus, but is also remarkably homogeneous. Eduard Schwartz deduced that this homogeneous tradition, which depicts Tiberius as an interloper who had displaced and then murdered the young prince who was the rightful successor of Augustus, was created by a single annalist writing under Germanicus' son Caligula.⁶³ Schwartz's instinct was correct, but his approach was too narrow and too literary. Close relatives of Germanicus ruled the Roman Empire for a full generation after Tiberius died—first his son (37–41), next his brother (41–54), and finally a grandson (54–68). It is plausible, therefore, to attribute a decisive role in the formation of the historical tradition about Tiberius to the historian Servilius Nonianus, who died in 59 and hence had the opportunity to depict the events of 14 in the light of the accession of Nero in 54. Nonianus was consul in 35 and Tacitus commends him as *tradendis rebus Romanis celebris* (*Ann.* 14.19). Nonianus is surely the *vir consularis* who inserted in his *annales* the story that he had been present at dinner with Tiberius when a dwarf asked why Paconius, who was on trial for *maiestas*, was still alive: the emperor reproved the dwarf, but soon wrote to the Senate demanding the immediate punishment of Paconius (Suet. *Tib.* 61.6).⁶⁴

Tacitus divined that his narrative sources for the reign of Tiberius were deeply biased against the emperor (*Ann.* 1.1.2: *Tiberii Gaique et Claudii ac Neronis res florentibus ipsis ob metum falsae, postquam occiderant recentibus odiis compositae sunt*). Hence he consciously set out to rectify their bias. When he wrote about the campaigns of Germanicus, Tacitus was compelled to rely primarily on *a priori* reasoning: hence his ambivalent portrait of the young prince, which is to be explained by the fact that he has superimposed his own critical interpretation on a received tradition which he sensed to be both panegyric and unreliable.⁶⁵ For senatorial debates, however, the *acta senatus* provided a contemporary documentary source which was independent of the tainted historical tradition for the reign of Tiberius. In *Annals* 1–6, therefore, Tacitus used the *acta senatus* as a control and corrective to his narrative sources. Paradoxically, this procedure is the cause of his serious error about the date of the trial of Piso. On the one hand, he knew that Drusus was in Rome for the burial of Germanicus, that he returned to Illyricum after the burial, that Piso visited him in Illyricum, that he celebrated an *ovatio*—and probably its exact date. On the other hand, Tacitus

⁶³ Schwartz 1899: 1716–17.

⁶⁴ On Nonianus, see esp. Syme 1964 = 1970: 91–109. The absence of Paconius' trial from the *Annals* implies that he was condemned during the period lost in the lacuna between *Ann.* 5.5 and 5.6, i.e., between early 29 and late 31. Tacitus later makes the odious Eprius Marcellus describe Paconius, who had joined in the prosecution of C. Silanus in 22 (*Ann.* 3.67.1), as an innocent victim of Tiberius (*Ann.* 16.29.2: *quando et ille perinde innocens Tiberii saevitia conciderat*). His choice of the subjunctive of indirect discourse rather than the indicative of factual statement (*conciderat*) must be significant. Woodman and Martin conclude that Paconius was "probably another victim of Sejanus' fall" (1996: 463).

⁶⁵ On the complexity of Tacitus' portrait (though with a different explanation), see Pelling 1993.

also knew that Drusus was present in the Senate during the trial of Piso. The historian's error derives from a faulty correlation of literary and documentary sources.

VIII. EPILOGUE

A new inscription so rich in information and implications is certain to receive illuminating discussion from many historians of the Roman Empire and students of Roman culture and *mentalités* in the years to come.⁶⁶ The preceding pages have deliberately concentrated on a single aspect of the new text. They have sought to assess the implications of the *senatus consultum de Cn. Pisone patre* for understanding the process of composition that lies behind Tacitus' account of the reign of Tiberius. Specifically, they have argued that the newly published document provides the final proof (were proof still needed) that Tacitus systematically used the *acta senatus* in addition to literary sources. By way of epilogue, three observations may be made about the grant of *imperium* to Germanicus for his eastern mission. First, Tacitus states that it was granted by the Senate (*Ann.* 2.43.2), the new document by a *lex*. Comparison with the *Tabula Siarensis* (fr. II b 27–31) indicates that the Senate instructed the consuls to present their proposals for ratification by the *comitia centuriata*—just as, with a similar respect for traditional legal forms, it does not actually sentence Visellius Karus and Sempronius Bassus to *ignis et aquae interdictio*, but instructs the praetor who presides over the *quaestio maiestatis* to impose this penalty on them (lines 120–123). Second, while Tacitus states that in 17 the Senate voted to Germanicus *provinciae quae mari dividuntur maiusque imperium, quoquo adisset, quam iis qui sorte aut missu principis obtinerent* (*Ann.* 2.43.2), the new document defines the content of the *lex* as *ut in quacumq(ue) provinciam venisset, maius ei imperium quam ei, qui eam provinciam proco(n)s(ule) optineret, esset, dum in omni re maius imperium Ti. Caesari Aug(usto) quam Germanico Caesari esset* (lines 34–36). As imperial legate of Syria, was Piso a subordinate of Germanicus as well as of Tiberius? The precise legal relationship of the two men may have been left undefined.⁶⁷ But Germanicus did not merely possess *imperium proconsulare*, he was a proconsul, as the *senatus consultum* emphasises (line 33).⁶⁸ Now any proconsul automatically outranked any imperial *legatus*, no matter how important the latter's province, since *legati*, who possessed only a delegated *imperium*, were accompanied by five lictors, whereas proconsuls of praetorian rank were accompanied by six, the proconsuls of Africa and Asia as ex-consuls by twelve (*Dio* 53.13.4, 8). Since Germanicus had at least twelve lictors to Piso's five and his *imperium* was valid in all the eastern provinces, it surely follows that, in strict legality, he possessed the right to order Piso to

⁶⁶ On its "moral didacticism," see Cooley 1998: 211.

⁶⁷ Eck-Caballos-Fernández 294, n. 959; Griffin 1997: 258.

⁶⁸ The title is also attested in *Select Papyri* 2, no. 211; *CIL* VI 8946 = 31194b, reedited by Panciera in von Hesberg and Panciera 1994: 124–128; *Tabula Siarensis* fr. I 15.

leave his province. But did he do so? Tacitus states as a fact that Germanicus wrote to Piso renouncing his friendship, but he implicitly rejects the report that Germanicus also ordered him to leave Syria (*Ann.* 2.70.2: *componit epistulas, quis amicitiam ei renuntiabat; addunt plerique iussum provincia decedere*). The Senate's complaint that Piso left his province *pessimo et animo et exemplo* (lines 47–49) surely confirms that he had not been formally dismissed.

My third observation is more general. The new inscription defines Germanicus' *imperium* as greater than that of proconsuls and less than that of the emperor. This ought to discourage any further use of the illegitimate term *maius imperium*, which has been current and (to the best of my knowledge) unchallenged at least since Mommsen used the words as if they constituted a technical term in Roman law.⁶⁹ The new inscription makes clear what is implicit in all the texts quoted by Mommsen (such as Cic. *Phil.* 11.30): the term *maius imperium* is an incomplete signifier which means "an *imperium* greater than" and hence lacks content until the term of comparison is specified. This misleading, incomplete, and improper phrase ought to be banished forthwith from scholarly discourse.⁷⁰

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M5S 2E8

APPENDIX: THE *FASTI AMITERNI*

The *Fasti Amiterni* were engraved on two marble blocks whose remains are now in the Museo Nazionale d'Abruzzo at L'Aquila (*Inscr. Ital.* XIII.2, pp. 185–199). For the months from July to December the entries are preserved for the first twenty or so days of each month with large gaps in July, August, and September (*Inscr. Ital.* XIII.2, Tab. LXII, LXIII). From the first six months, however, only one fragment survives with entries for 18–27 June and the ends of a few entries for 22–28 May (*Inscr. Ital.* XIII.2, Tab. LXI). This calendar is conventionally dated to the year 20 or shortly thereafter on the basis of the restoration of an entry for the *ovatio* of Drusus on 28 May.⁷¹ But the traditional supplement is both gratuitous and demonstrably erroneous. Since the only legible letters are [*quo*] *d eo die*, the stone itself offers no hint at all of what the entry commemorated—and it was inscribed before 28 May 20.

The historical events commemorated in surviving portions of the *Fasti Amiterni* relate exclusively to the imperial family. Entries survive for the following

⁶⁹ Mommsen 1887: 1.25; 2.655, 859–861. Repeated most recently by Potter 1998: 444–446.

⁷⁰ For considerable assistance in refining my arguments I am greatly in the debt of Jonathan Edmondson, Miriam Griffin, and two necessarily anonymous referees' reports.

⁷¹ So Degraffi 1963: 185, 200 (with appeal to Mommsen).

anniversaries of specific events (listed here in their chronological, not calendaric order):⁷²

the birth of Julius Caesar (12 July 100 B.C.)

Julius Caesar's victory at Pharsalus (9 August 48)

Julius Caesar's victories in Spain and Pontus (2 August 49 and 47)

Augustus' victory in Sicily (3 September 36)

Augustus' victory at Actium (2 September 31)

Augustus' rescue of the state from a *tristissimum periculum*, i.e., his capture of Alexandria (1 August 30)

Augustus' return to Rome in 19 (12 October)

the *constitutio* of the Ara Pacis Augustae (4 July 13 B.C.)

the adoption of Tiberius (26 June A.D. 4)

the *constitutio* of altars to Ceres Mater and Ops Augusta (10 August, apparently in 7)

dies tristissi(mus), i.e., the death of Augustus (19 August 14)

caelestes honores decreed for Augustus (17 September 14)

the exposure of the *nefaria consilia* of M. Libo (13 September 16)

the triumph of Germanicus (25 May 17).

The *terminus ante quem* is provided by the entry for 10 October, which reads merely *c(omitialis). ludi*. Since no notice is taken of the death of Germanicus, the *Fasti Amiterni* must have been inscribed before news of it arrived in November 19. They cannot, therefore, have recorded any event of May 20.

The entries for 26 and 28 May require further discussion. The traditional supplement for the former seems inevitable:

[*np. Fer(iae) ex s(enatus) c(onsulto) quod*] *eo die*
 [Germanicus C] *aesar*
 [triumphans in urbem] *inv[er]ctus est.*

The entry for 28 May, although its content is irrecoverable, implies that Drusus timed his *ovatio* to coincide with an imperial anniversary which was already celebrated before the death of Germanicus. The elimination of other possibilities (and general plausibility) suggest that 28 May could well have been the day on which his father celebrated an *ovatio* for the initial conquest of Pannonia in 9

⁷² Wissowa (1912: 446) gives a list that also includes similar items from other Augustan and Tiberian calendars.

B.C.: the precise date of this earlier *ovatio* does not seem to be on explicit record (Vell. Pat. 2.96.3; Suet. *Tib.* 9.2; Dio 55.2.4).⁷³

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⁷³The evidence for Tiberius' various triumphs is marshalled in *PIR*² C 941. Despite Woodman 1977: 109, the lacunose entry in the *Fasti Praenestini* under 16 January refers to Tiberius' return to Rome in the winter of A.D. 9/10 (Degrassi 1963: 399).

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