

XVII. The Emperor's Displeasure—*amicitiam renuntiare*

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Students of the Roman Empire generally, both scholar and layman, are completely convinced that the emperor, if assailed with criticism, ridicule, abuse, punished the offender under the law of treason, which Augustus had extended to libel and slander. This conviction, so far as it is based on evidence and is not sheer assumption, ultimately derives very largely, doubtless, from the famous dictum of Tacitus: "nam [Tiberius] legem maiestatis reduxerat, cui nomen apud veteres idem, sed alia in iudicium veniebant, si quis proditione exercitum aut plebem seditionibus, denique male gesta re publica maiestatem populi Romani minuisset: facta arguebantur, dicta impune erant. primus Augustus cognitionem de famosis libellis specie legis eius tractavit, commotus Cassii Severi libidine, qua viros feminasque inlustri procacibus scriptis diffamaverat" (*Ann.* 1.72). There are other texts, but this is the weightiest—explicit, circumstantial, categorical and authenticated by such high authority.

But to the contrary: (1) the very considerable juristic literature includes among its definitions and descriptions of what constitutes treason only a single item of what we moderns regard as *lèse majesté*, and even that is of action not speech, namely, the *deliberate* mutilation of *consecrated* statues of the emperor. This of itself is, or ought to be, decisive; for the Roman Empire was a rule of law. But further, (2) Julius had initiated, and Augustus developed and elaborated, a policy which may be briefly summarized:

- a. criticism of the emperor he must answer and refute by reasoned argument;
- b. the joke at his expense the emperor must laugh at and must cap it with a better joke if possible;
- c. disrespect and abuse of the emperor he must ignore, for it is beneath his dignity to take any notice of it.

And (3) the overwhelming preponderance of the extant evidence,

quantitatively and qualitatively, shows that this policy was maintained in observance through the centuries of the empire.¹

The law of treason was not extended to these offenses. But so convinced are most that such extension and abuse did take place that little attention indeed has been paid to what the emperor did in fact do when he felt himself unendurably offended. He could and did renounce all friendly intercourse with the offender, *amicitiam renuntiare*.² What notice this has received has been rather brief and selective; and the selection, as unerringly as if deliberately, has been of that evidence which would incriminate the emperors and the empire.

Let us look first at what is perhaps the most interesting and certainly the most fully narrated instance. Both Senecas relate in very similar terms, the Younger somewhat more largely, the story of Augustus' relations with Timagenes, the Hellenistic historian.

Timagenes historiarum scriptor quaedam in ipsum, quaedam in uxorem eius et in totam domum dixerat nec perdiderat dicta; magis enim circumfertur et in ore hominum est temeraria urbanitas. Saepe illum Caesar monuit, moderatius lingua uteretur; perseveranti domo sua interdixit. Postea Timagenes in contubernio Pollionis Asinii consenuit ac tota civitate direptus est. Nullum illi limen praeclusa Caesaris domus abstulit. Historias, quas postea scriperat, recitavit et libros acta Caesaris Augusti

¹ In *Lèse Majesté under the Roman Emperors*, long promised and delayed but now soon to be published, the present writer will offer full documentation of this thesis.

² There is a brief excursus by Lipsius *ad Tac. Ann.* 2.70. Lipsius regarded the institution as analogous in private life and society to the denunciation of a treaty or the declaration of war in public and international relations. Modern editors of Tacitus annotate briefly the same passage and refer to 3.24 and 6.29 usually. The fullest discussion known to this writer is in Friedländer, *Sittengesch. Roms* 1.74-86 *passim*, but even that is quite partial and selective. H. Volkmann, *Zur Rechtsprechung im Prinzipat des Augustus* (Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte 21 [München 1935]) 105-26, associates it closely with the Hausgericht of the paterfamilias and discusses several (Augustan) examples, but with different point of view and interest from that presented here. J. Crook, *Consilium principis: Imperial Councils and Counsellors from Augustus to Diocletian* (Cambridge 1955) 25 ff., remarks briefly upon the matter.

It is customary among modern writers to call it *renuntiatio amicitiae*, a natural seeming term but neologistic. For although the verb *renuntiare* has in classical prose the secondary meaning, "to revoke, disclaim, renounce," the abstract noun *renuntiatio* has not the corresponding meaning but only that of "report, declaration, announcement." Curiously enough the ancient authors, so far as this writer has noticed, never employ a substantival term but always and only a verbal for the institution. It has therefore seemed preferable to use the infinitival phrase, *amicitiam renuntiare*.

continentis in igne posuit et combussit; inimicitias gessit cum Caesare; nemo amicitiam eius extimuit, nemo quasi fulguritum refugit, fuit qui praeberet tam alte cadenti sinum. Tulit hoc, ut dixi, Caesar patienter, ne eo quidem motus, quod laudibus suis rebusque gestis manus attulerat; numquam cum hospite inimici sui questus est. Hoc dumtaxat Pollioni Asinio dixit: *thêriotropheis*; paranti deinde excusationem obstitit et "Fruere," inquit, "mi Pollio, fruire!" et cum Pollio diceret: "Si iubes, Caesar, statim illi domo mea interdicam," "Hoc me," inquit, "putas facturum, cum ego vos in gratiam reduxerim?" Fuerat enim aliquando Timageni Pollio iratus nec ullam aliam habuerat causam desinendi, quam quod Caesar coeperat.³

This institution was old in Roman tradition. Valerius Maximus says that disagreement between Metellus Macedonicus and the younger Africanus had been so bitter as to end in "graves testatasque inimicitias." Cicero, defending Flaccus, said: "Etenim cum a clarissimis viris iustissimas inimicitias saepe cum bene meritis civibus depositas esse vidissem, non sum arbitratus quemquam amicum rei publicae, postea quam L. Flacci amor in patriam perspectus esset, novas huic inimicitias nulla accepta iniuria denuntiaturum." And Tiberius adduces its sanction by the *mos maiorum*. In a letter to the senate, A.D. 34, "disserruit morem fuisse maioribus, quoties dirimerent amicitias, interdicere domo eumque finem gratiae ponere." On an earlier occasion, opening the trial proceedings against Gnaeus Piso in A.D. 20, Tiberius had said: "Nam si legatus officii terminos, obsequium erga imperatorem exuit eiusdemque morte et luctu meo laetatus est, odero seponamque a domo mea et privatas inimicitias non vi principis ulciscar."⁴

Now, that this formal breach of friendly intercourse was indeed private and personal, not official and imperial, not only is corroborated by the fact that Timagenes, forbidden Augustus' house, was "lionized by all Rome," but can be amply demonstrated also by numerous instances of its employment by private citizens.

The elder Curio disapproved his son's intimate association with a young scapegrace named Mark Antony; he forbade Antony his house. Curtius Nicias was adherent of Gaius Memmius and of Pompey and, at least later, friend of Cicero; when he carried a

³ Sen. *Ira* 3.23.4-8; cf. Sen. *Contr.* 10.5.22.

⁴ Val. Max. 4.1.12; Cic. *Flacc.* 1.2; Tac. *Ann.* 6.29.3; 3.12.4.

letter from Memmius to Pompey's wife asking for an assignation, Pompey took offense and Nicias was forbidden the house. When Cicero attempted to invalidate all the acts of Clodius' tribunate as illegal, the younger Cato opposed; friendly relations were suspended between them though no declaration of the breach was made; reconciliation followed long after. Antony, says Cicero in the fifth *Philippic*, "inimicitias mihi denuntiavit." Gaius Proculius, brother-in-law of Maecenas, forbade his home to Cassius Severus, the acid-tongued orator; Severus made public reply, "I never go there anyway, do I?" Asinius Pollio, who gave hospitality to Timagenes after Augustus' disfavor, assured the emperor that he too would forbid the historian his house if Augustus willed. When Marcus Lollius, adviser to young Gaius Caesar in Armenia, was denounced for taking huge bribes from Eastern potentates, Gaius excluded him from his house. And Germanicus in the East, finding himself at loggerheads with Gnaeus Piso, "componit epistulas quis amicitiam ei renuntiabat." These last were, to be sure, members of the imperial family but not ruling emperors.⁵

There could, it appears, be varying degrees of severity in the measure. The most usual phrase is "interdicere domo" or the like. But Augustus in the case of Cornelius Gallus "domo et provinciis suis interdixit." We do not hear of any other case so extreme as that. Vespasian gave offense to Nero the Artist "prohibitique non contubernio modo sed etiam publica salutatione." More narrowly particularized was Thrasea's exclusion from attendance at Antium upon the birth of Poppaea's child, and again later from the reception of Tiridates.⁶

The effect of the ban was of course not always nor necessarily permanent. Cicero and Valerius Maximus record that concern for the interests of the state and the common welfare sometimes induced a reconciliation. And we have seen that Cicero and the younger Cato eventually composed their differences. Vistilius cherished a hope that Tiberius would relent and revoke his interdiction, but he mistook his man; Tiberius was not one to change his mind once made up. Nero twice prohibited Thrasea from

⁵ On Curio-Antony: Plut. *Ant.* 2.4; Pompey-Nicias: Suet. *Gramm.* 4; Cicero-Cato: Plut. *Cato Younger* 40.2, cf. *Cic.* 34; Antony-Cicero: *Cic. Phil.* 5.7.19; Proculius-Severus: Quint. 6.3.79; Pollio-Timagenes: Sen. *Ira* 3.23.8; Gaius-Lollius: Pliny *NH* 9.117; Germanicus-Piso: Tac. *Ann.* 2.70.3, cf. Suet. *Cal.* 3.3.

⁶ Suet. *Aug.* 66.2; *Vesp.* 4.4; Tac. *Ann.* 15.23.5; 16 24.1.

personal attendance, but in the three years' interval between there had been a reconciliation of some duration. Vespasian was in retirement under Nero's disfavor when his appointment to province and army came. But Tiberius, again, refused to lift for himself the ban upon Silanus which Augustus had imposed a dozen years before. "Fuit posthac in urbe," Tacitus comments, "neque honores adeptus est."⁷ This is evidently the basis of Crook's statement: "... the renunciation of *amicitia* by the emperor meant at very least the end of a man's public career." Generally true, doubtless, this is; but the case of Vespasian just mentioned is an impressive exception.⁸

Response on the part of persons who incurred this expression of imperial displeasure was various, as their characters, temperaments, dispositions varied. Timagenes fought back; Seneca says of him, "inimicitias gessit cum Caesare"; he put to the flames such part of his history as recorded the reign of Augustus. Silanus, Tacitus says, interpreted the ban as equivalent to exile and returned to Rome only after a dozen years, six years after Augustus' death. Quintus Haterius groveled before Tiberius and, when that had no effect, appealed to the dowager empress; Livia interceded and Tiberius granted pardon. Vistilius responded by threatening to commit suicide and, when Tiberius still would not relent, did so. Thrasea on the first occasion of Nero's disfavor, according to Tacitus, "immoto animo [good Stoic!] praenuntiam imminentis caedis contumeliam excepisse."⁹ But Tacitus after the event was much more prescient than Thrasea could possibly have been before it. And, what is more, the historian's tendentious interpretation is rendered absurd by his own next sentence: "secutam dehinc vocem Caesaris ferunt qua reconciliatum se Thraseae apud Senecam iactaverit ac Senecam Caesari gratulatum." Three years later on the second occasion Thrasea asked to be informed of the reason for the interdict, said he would clear himself of charges if given the opportunity; the answer was an indictment for treason (Tac. *Ann.* 16.24.1).

Perusal of the other cases reported in our sources and further

⁷ Cic. *Flacc.* 1.2; Val. Max. 4.1.12; on Vistilius, Tac. *Ann.* 6.9.4; on Tiberius' not changing his mind, Plut. *Apoph. Rom.* 207E; on Thrasea, Tac. *Ann.* 15.23.5; 16.24.1; on Vespasian, Suet. *Vesp.* 4.4; on Silanus, Tac. *Ann.* 3.24.5

⁸ Crook (above, note 2) 27; Suet. *Vesp.* 4.4.

⁹ Sen. *Ira* 3.23.6; Tac. *Ann.* 3.24.5; 1.13.7; 6.9.4; 15.23.5.

study of some of those already cited will enhance our appreciative understanding of the institution.

Under Augustus much more familiar than the case of Timagenes is that of Cornelius Gallus. The first viceroy of Egypt, Gallus' preferment went to his head. Insolent, disrespectful, arrogant and conceited, he was denounced by intimate friend and member of his staff, Valerius Largus. Augustus "ob ingratum et malivolum animum domo et provinciis suis interdixit." So Suetonius, who elsewhere adds further that "inter gravissima crimina" against Gallus was the fact that living most intimately with him was Quintus Caecilius Epirota. This freedman of Atticus, instructor to Pomponia, Atticus' daughter and Agrippa's wife, had been dismissed on suspicion of improper conduct toward her. Numerous indictments of Gallus by his enemies ensued; Suetonius clearly implies and Dio states specifically that these prosecutions *followed* Augustus' disfavor. The senatorial court convicted Gallus; sentence was exile and confiscation of his property. He took his own life. Augustus commended the senators for their devoted loyalty to himself but lamented tearfully that he alone was not allowed to be only so angry as he would with his friends. That is, Augustus was well content to punish only by breach of friendly intercourse even Gallus' offenses.¹⁰

The story of Fabius Maximus, as it is told by Plutarch but not in the Tacitean version, is another example of *amicitiam renuntiare*. Plutarch relates that when Fabius, who had betrayed Augustus' confidence, greeted the Emperor at his levée, "Salve, Caesar," the response was "Vale, Fabi," and this was Fabius' first inkling that he had fallen out of favor.¹¹

The remaining Augustan case was that of Silanus, already briefly referred to. Decimus Junius Silanus was, Tacitus tells us, adulterer of Augustus' granddaughter Julia. He was "excluded from Caesar's friendship." Is this not passing strange? The *Lex Julia de adulteriis* had set a statutory penalty for adultery. Both parties were to be relegated to islands, different islands, the man to suffer confiscation of half his property, the woman, half her dowry and one-third of her property (Paul. *Sent.* 2.26.14). Julia was, indeed, sent to one of the Tremiti islands off the Apulian coast where she died twenty years later (Tac. *Ann.* 4.71.6 f.).

¹⁰ Suet. *Aug.* 66.2; *Gramm.* 16; Dio 53.23.6-24.1.

¹¹ Plut. *De garr.* 11, 508A; Tac. *Ann.* 1.5; and cf. Pliny *NH* 7.150.

"And you, sir," Augustus said in effect, "I will never again receive you at court." Astonishing! Yet no one exclaims at this unaccountable, inexplicable leniency.¹² Why? The reason is discoverable upon an attentive re-reading of the passage in Tacitus (*Ann.* 3.24.2-5):

Ut valida divo Augusto in rem publicam fortuna ita domi improspera fuit ob impudicitiam filiae ac neptis quas urbe depulit, adulterosque earum morte aut fuga punivit. nam culpam inter viros ac feminas vulgatam gravi nomine laesarum religionum ac violatae maiestatis appellando clementiam maiorum suasque ipse leges egrediebatur. sed aliorum exitus simul cetera illius aetatis memorabo si effectis in quae tetendi plures ad curas vitam produxero. D. Silanus in nepti Augusti adulter, quamquam non ultra saevitum quam ut amicitia Caesaris prohiberetur, exilium sibi demonstrari intellexit, nec nisi Tiberio imperitante deprecari senatum ac principem ausus est M. Silani fratris potentia, qui per insignem nobilitatem et eloquentiam praecebat.

"Augustus' savagery toward Silanus." Tacitus has assured by his phraseology that no reader shall notice the leniency.

This is always understood to mean that Augustus tried and sentenced the Julias and their paramours under the law of treason. But Tacitus has not said that. Rather this is the most ingeniously subtle and viciously effective of all the innuendoes of a historian famous for innuendo. All Tacitus *says* is that Augustus "called" these adulteries "injury to religion and violation of majesty." Tacitus' statement would be fully satisfied if one supposed that at either or both of the trials for adultery Augustus said, as quite plausibly he might, "And these adulteries, gentlemen of the jury, are no ordinary adulteries. The identity of the women involved makes them offense against religion and violation of the emperor's majesty."

The episodes of which the two Julias were outstanding figures are, it is true, obscure for extant evidence is not abundant. Nevertheless, it is perfectly clear that both adultery and treason were committed on both occasions. In 2 B.C. these names are known to us along with that of the elder Julia: Iullus Antonius, consular son of the triumvir, Titus Quinctius Crispinus, also consular, Tiberius Sempronius Gracchus, Appius Claudius

¹² It is barely noted by Volkmann (above, note 2) 121, and Zimmermann, *RhM.* 81 (1932) 266.

Pulcher, a Cornelius Scipio, and a certain Demosthenes. There were numerous others, senators and knights.¹³ Antonius at least was charged with treason. That is specifically stated by Dio; and though Tacitus in one passage says merely that he had "violated Augustus' house," in another he admits the treason by naming Iullus in the same phrase with Egnatius Rufus and Varro Murena. Antonius was executed (Tacitus, Dio) or else committed suicide (Velleius). Nothing surprising here—death for treasonous conspiracy. Julia was charged with numerous and promiscuous adulteries and, the elder Pliny adds, "*consilium parricidae*." Suetonius reports that Augustus considered putting her to death. She was relegated to Pandateria. For either adultery or treason relegation is perfectly normal penalty. Nothing surprising here. The four other nobles named by Velleius were all relegated, whether for treason or adultery we are not sufficiently informed to say. As for the numerous other persons said by Velleius to have been involved, we know neither names (except Demosthenes) nor charges. The episode is so far obscure, so far clear. Nothing that we know is any cause for astonishment.

In A.D. 7 or 8 we know only three names positively, the younger Julia, her husband, Lucius Aemilius Paullus and Decimus Junius Silanus. Julia was, Tacitus says, convicted of adultery and cast out upon an island. Nothing strange here. Her child, born after her conviction, Augustus forbade to be acknowledged or reared.¹⁴ Paullus had already been executed for conspiracy; and erasure of his name in inscriptions corroborates the charge, if that were necessary.¹⁵ Again no surprise. There must have been a number of other persons involved, but the only other named is Silanus. It is not indicated that he was tried. He was cut off from Caesar's friendship. Tacitus says that Silanus realized this meant exile. We may say at least that he did have the grace to leave Rome and travel abroad. In A.D. 20, in reliance upon the power and position of his brother Marcus, consul in 15, whom Tiberius respected most highly (Dio 59.8.5.), he returned to the

¹³ Vell. 2.100.4 f. Cf. Macrob. 1.11.17; Dio 55.10.15; Tac. *Ann.* 3.18.1; 1.10.3; Pliny *NH* 7.149; Suet. *Aug.* 65.2.

¹⁴ Suet. *Aug.* 19.1; Schol. Juv. 6.158; Tac. *Ann.* 4.71.6; Suet. *Aug.* 65.4

¹⁵ Schol. Juv. *loc. cit.* Syme has written, *Rom. Rev.* 432, "Paullus could hardly be accused of adultery with Julia, for she was his wife. Connivance in her misconduct may have been invoked to palliate his execution for conspiracy." Why should any palliation be needed?

capital. Tiberius expressed his gratification that Silanus had now come back from his protracted travels; he was of course free to do so, not having been expelled by senatorial decree nor by law. But he himself retained undiminished his father's offended feelings. Silanus continued then in Rome but held no magistracy. (Tac. *Ann.* 3.24.5-7.)

After the funeral of Augustus when the senate debated the election of a successor, Tacitus asserts that several senators gave grave offense to Tiberius. It is certain that Quintus Haterius at any rate did offend. With unmistakable reminiscent allusion to Cicero and Catiline he asked, "Quousque patieris, Caesar, non adesse caput rei publicae?" Tiberius at once assailed him with invective. He must have been frightening in his anger. Haterius called afterward at the palace to make his apologies and beg forgiveness. Tiberius was stern and walked away. Haterius embraced the emperor's knees. By coincident chance or thus hobbled by the suppliant, Tiberius fell, and his guards, misapprehending, almost killed Haterius. Even so Tiberius continued unsoftened. Haterius took his suit to the dowager Livia. And to her painfully urgent intercession the emperor yielded.¹⁶

Tiberius declared in the senate what his policy would be toward criticism of himself. He would refute it by a reasoned accounting of act and word. If the critic persisted even after such argued justification, Tiberius would reciprocate the animus. This was promise to employ *amicitiam renuntiare* in the tradition of Augustus. And we have seen him willing to use the same measure against Gnaeus Piso if the latter's offense should appear to have been no more than exceeding his authority and insubordination to his superior.¹⁷

Allusion has earlier been made also to the cases of Vistilius and Labeo in A.D. 32 and 34 respectively. Vistilius had been beloved intimate of Nero Claudius Drusus, for whose sake Tiberius had taken him into his suite and retinue. He had now written, or was believed to have written, a poem which attacked the morals of Gaius, the emperor's grandson. For this offense "convictu principis prohibitus," Vistilius took his own life (*Ann.* 6.9).

Pomponius Labeo, who had been for the preceding eight years

¹⁶ Tac. *Ann.* 1.13.4, 5, 7. Cf. W. Allen in *CJ* 44 (1948/9) 203 f.

¹⁷ Suet. *Tib.* 28; Tac. *Ann.* 3.12.4.

the praetorian governor of Moesia, in 34 committed suicide by severing his veins; his wife Paxaea emulated him. Tiberius, resident then on Capreae, despatched a report of the incident to the senate: he had, he said, in accordance with the *mos maiorum* forbidden Labeo his house and terminated his favor to him; that Labeo, oppressed by charges of maladministration of the province and other misdemeanors, had tried to cloak his guilt by a suicide which would bring odium on Tiberius¹⁸; that his wife, who even if guilty was in no danger, had been victim of unreasoning panic. It looks as though Tiberius had decided on the basis of his information that, whatever the issue of the indictment might be, Labeo was no longer *persona grata* to him.¹⁹

One other Tiberian instance is reported by Suetonius. The biographer relates that it was Tiberius' habit to assure dinner conversation with his Greek client-friends by asking questions suggested by his current reading. When he learned that Seleucus was making advance preparation by inquiring of the servants what the emperor was reading at the moment, he expelled the grammarian from intimacy. Later Seleucus was driven to suicide, Suetonius says, but we will decline his implicit suggestion that this was for the same offense, and close sequel in time (Suet. *Tib.* 56).

The Neronian cases of Thrasea and Vespasian have already been noted. There are others in the reign.

Nero, enamored of Poppaea, found her husband Otho naturally an obstacle which must needs be removed. The phraseology of Tacitus' record points strongly to *amicitiam renuntiare* as the initial means. For the historian writes, "deicitur familiaritate sueta, post congressu et comitatu Otho" (*Ann.* 13.46.5). One might wonder exactly what reason the emperor could give for his interdict! But he was of course under no necessity of explaining.²⁰ Eventually Otho was named *legatus* of Lusitania, becoming thus another like Vespasian whose public career was not ended by the emperor's displeasure.

Gaius Cassius Longinus, the jurist, was forbidden to attend the funeral of Poppaea. "Quod primum indicium mali," comments

¹⁸ Tiberius made the same complaint after Gnaeus Piso's suicide under conviction of treason, A.D. 20, *Ann.* 3.16.3.

¹⁹ Tac. *Ann.* 6.29.1-3. Cf. the incident of Constantius II related *infra*, page 235.

²⁰ Cf. the second interdict against Thrasea, *supra*, page 228.

Tacitus; and it is true that Cassius' indictment for treason seems to have followed shortly after (*Ann.* 16.7.1).

The poet Lucan, according to the Suetonian *Life*, fell from Nero's favor. Irked, we are told, because the emperor walked out of a public reading, Lucan bitterly attacked Nero by words and acts. "Ad extremum paene signifer Pisonianae coniurationis exstitit." But before that he had once shouted a half-line of Nero's under highly indecent circumstances; and he excoriated the emperor and his powerful friends in a lampoon. Tacitus also states that Lucan was instigated to conspire by the fact that Nero had tried to repress his fame as poet and forbidden him to display his talent (*Ann.* 15.49.3). From this somewhat contradictory evidence, if it is not clear who was first aggrieved, it does yet emerge that before the Pisonian conspiracy and Lucan's complicity in that treason Nero had (to borrow the Tiberian phrase) "put an end to his favor" toward Lucan.

After the Julio-Claudians our source material diminishes of course in amount and declines in quality. Such a minor detail as the use of *amicitiam renuntiare* is less and less likely to find mention. And yet it does appear occasionally, enough to show very definitely that the institution did not obsolesce. It is possible to trace it in each of the three following centuries.

An incident of Marcus Aurelius is not explicit and direct documentation but rather indirect and inferential evidence of the exercise of *amicitiam renuntiare*. Herodes Atticus had indicted certain political opponents for conspiracy to set the Athenian people against him, and tried to bring the trial before the pro-consul's court. But the defendants escaped to Sirmium where the emperor had his headquarters (A.D. 170-74) for the Marcomannic War, and succeeded in getting the case before Marcus Aurelius, bringing counter-indictment against Herodes of corrupting the magistrates of Greece. In court Herodes assailed the emperor with unrestrained invective and complained against his having been suspected of complicity in the alleged conspiracy of Lucius Verus a decade or so before. Therewith Herodes took himself off home to Athens. But two or more years later he addressed complaint to Marcus asking why the emperor no longer wrote him letters, whereas earlier the most frequent correspondence had been usual. Thus he won a reconciliation with Marcus, who replied at considerable length in most friendly vein with account

of his then military winter quarters and lament for his loss of Faustina (A.D. 176) and for his own ill-health. This estrangement of some years' duration looks very like a case of *amicitiam renuntiare*, and against the background of the earlier and later history of that institution may with great probability be so interpreted.²¹

Somewhat clearer though very brief is a statement in the *Scriptores* about Alexander: "His accessit, quod amicos et parentes [this is one of the honorary titles common in the hierarchy of the *amici*] Alexander si malos repperit, aut punivit aut, si vetus vel amicitia vel necessitudo non sivit puniri, dimisit a se dicens 'His carior est mihi totis [*Peter*] res publica'" (*SHA Alex.* 67.3). The phrase "dimisit a se" certainly expresses *amicitiam renuntiare*.

Reasonably clear instance also is Constantius II's refusal in Antioch, A.D. 361, to receive the ex-tribune Amphilochius whom he considered to be guilty of treason but who had not yet been tried (Amm. 21.6.2). This case bears a resemblance to that of Labeo under Tiberius, *supra*, page 233.

Two most interesting examples appear in the history of Julian, explicit and unmistakable, one recorded in Julian's own actual letter to the offender, the other reported by Ammianus. From Antioch in the winter of 362/3 Julian wrote a long letter filled with personal invective to Nilus Dionysius, a senator. Its final paragraph reads:

You have here a complete answer from me, so that you can desire nothing more. Nor do I ask for any further communication from you. But when you have read my letters use them for whatever purpose you please. For our friendship is at an end. Farewell, and divide your time between luxurious living and abuse of me!

Interesting also is the emperor's characterization of *amicitiam renuntiare*:

For when men fall under the displeasure of princes, the lightest consequence—and, as one might say, the most agreeable to a man of sense—is that they are at once relieved from the cares of business; and if they have to pay a small fine as well, their stumbling block is merely money; while the culmination of the prince's wrath, and the "fate beyond all remedy" as the saying is, is to lose their lives."

Here, the first of the three items represents the rupture of friendly

²¹ Philostr. *Vit. soph.* 559 *fin.*—563 *init.*

relations and the release from the heavy duties and responsibilities of an *amicus Caesaris*, which are familiar from, for example, the younger Pliny's account of his uncle's occupations. Julian notes also that since Nilus was a senator and had disobeyed the emperor without the excuse of compelling necessity, he might within the law have been punished by action instead of words.²²

It may be remarked further that Julian's letter bears on its face every indication of being a personal communication by him and not one issuing from the imperial secretariat. This corroborates our earlier characterization of *amicitiam renuntiare*, on the evidence of Tiberius' words, as personal not official.

The other known employment of *amicitiam renuntiare* by Julian may be set down in Ammianus' words. The scene again is Antioch.

Hic patientiae eius et lenitudinis documentum leve quidem apparuit, sed mirandum. Thalassium quendam ex proximo libellorum, insidiatorem fratris oderat Galli, quo adorare adesseque officio inter honoratos prohibito, adversarii, cum quibus litigabat in foro, postridie turba congregata superflua, adito imperatore "Thalassium" clamitabant, "inimicus pietatis tuae nostra violenter eripuit." Et ille hac occasione hominem opprimi posse coniciens, "Agnosco" respondit, "quem dicitis offendisse me iusta causa, sed silere vos interim consentaneum est, dum mihi inimico potiori faciat satis." Mandavitque assidenti praefecto, ne audiretur eorum negotium, antequam ipse cum Thalassio rediret in gratiam, quod brevi evenit (Amm. 22.9.16 f.).

A last incident carries us to the late fourth century. In A.D. 390 after the massacre at Thessalonica, there was estrangement between the Emperor Theodosius and Saint Ambrose. The emperor forbade the bishop to attend the consistorium. This is again clear case of *amicitiam renuntiare*. One would expect Ambrose in his character to fight back, and is not disappointed. He announced in letter addressed to the emperor that he would not again celebrate the Mass in Theodosius' presence until and unless the latter did penance for the massacre. Theodosius was compelled to yield (Ambr. *Ep.* 51).

Such then was the severance or suspension of friendly intercourse denominated *amicitiam renuntiare*. We have observed it as

²² Julian *Ep.* 50 (Loeb) (59, Hertlein). The passages quoted are in W. C. Wright's translation (Loeb).

an institution developed and established in the traditions of Roman republican society, having all the weighty sanction of the *mos maiorum*. Augustus, traditionalist, naturally continued its employment. His successors in the imperial line also used it, and we have been able to document the institution intermittently to the end of the fourth century. It evidently enjoyed a continuous life. This, and not an indictment for treason, was the measure invoked by the Roman emperor when he was intolerably offended. It was not tantamount to injunction of suicide, even if some offenders out of their own character made that response. It was not even necessarily permanent in its effect. It was a termination, until and unless amends were made and a reconciliation effected, of the emperor's favor toward the individual concerned. To noble, prominent or distinguished subject it was of course a real, even a heavy, penalty thus to incur public manifestation of the emperor's displeasure.