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TACITUS' CRITICISM OF ROME.

- by -

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P R E F A C E.

The exact significance of the title of this thesis "Tacitus' Criticism of Rome" should perhaps be explained. The word 'criticism' has been intended in its broadest sense, to include comments in praise as well as in condemnation of Rome and the Empire. The first section, for example, sets forth Tacitus' praise of the improvements in Roman administration which followed on the formation of the principate. But throughout the body of the discussion, the principal line of argument rests upon the firm conviction that the praise of Tacitus is a reluctant admission, and that with the coming of the Empire liberty in the republican sense vanished and tyranny took its place, attended by exploitation of life and property, moral degeneracy and excess. Numerous references have been collected to show that this is the point of view of Tacitus.

There has been no attempt to consult the enormous bibliography on Tacitus, or to weigh the multitude of opinions that have been expressed about him. I have attempted merely to re-examine the original text in Furneaux's large edition of the Annals, and to collect and arrange the first hand evidence. Citations have been documented with book, chapter and section.(1). When the text has been quoted, it has been usually quoted for the convenience of the general reader in G. G. Ramsay's English translation of the Annals and Histories of Tacitus.

(1). (For convenience, references to the Annals, Histories, Agricola and Germania of Tacitus have been indicated by the abbreviations A., H., Agr., and G., respectively.)

I have consulted with advantage the introductory essays and notes of Furneaux's edition of the 'Annals', though I have endeavoured as far as possible to treat old material from a new angle and to set out a new point of view. No pretentious claim to originality, however, is advanced. What originality may be claimed is chiefly for the point of view indicated in my opening paragraph above. Whether a further claim to originality is justified by the way in which old material has been re-arranged in this thesis, it is for the reader to decide.

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CHAPTER I.

EFFECTS OF THE PAX ROMANA UPON THE ROMAN
WORLD.

I. EFFECTS OF THE PAX ROMANA ON THE ROMAN WORLD.

A. The Beneficial Results of a Strongly Centralized Government.

That the provinces welcomed the personal rule of the princeps and the usurpation by him of many of the functions of the senate, the magistrates, the courts and the popular assemblies, and that they hoped thereby to secure a consideration which they had looked for in vain during the Republic, is attested by Tacitus' own statement (A.1.2,1) that "the provinces did not resent the change of affairs" that came with the ascendancy of Augustus; "for the rule of the Senate and the people had become odious to them both from the contests between great leaders, and from the greed of magistrates, against whom the laws, (i.e. de pecuniis repetundis) upset by force, by favour, and, in fine, by bribery were powerless to protect them." That the provinces had cause not to 'resent' the change that came with imperial government Tacitus proves, by his narration of numerous convictions of both senatorial and imperial governors on the charge of extortion. Of the senatorial governors Granus Marcellus was convicted of practising extortion during his governorship of Bithynia (A. 1. 74, 7); Gaius Selinus, for being guilty of cruelty, venality, and extortion during his proconsulate of Asia, (A 3. 66, 1; 67, 1) and there were other such convictions: (A.3,70,1; 13.30, 1; 13, 33, 3; 14.46, 1); while Vibius Serenus, Proconsul of Further Spain was convicted of cruelty and public violence (de vi publica) and deported (A. 4. 13, 2). A case no less serious was the conviction of Paedius Blaesus, governor of

Cyrene, for rifling the treasures in the temple of Aesculapius and for bribery and corruption in his conduct of the military levy (A.14.18,1). Of the Emperor's Officers, three were convicted of extortion (A.4.15,4; 4.19,5; 14.28,3) and one for general misgovernment (12.54,7).

Tacitus shows, too, that the 'luxuria' and 'saevitia', that were rampant in Rome so far as the Emperor and his entourage were concerned, were not tolerated on the part of magistrates in other parts of Italy. Clodius Quirinalis, commander of the fleet at Ravenna, was arraigned for exercising his cruelty and his lust, Tacitus says, upon Italy as though it were 'infimam nationum' (A.13.30,2); while the condemnation of Cassutianus Capito, accused by the Cilicians (A.13.33,3) for being 'foul and shameful' in his life and daring to exercise in a province the same license 'quod in urbe exercuerat' is evidence of the intention of the imperial administration to afford better government to the provincials, and holds forth another reason for the provincial preference for imperial government. It says a great deal for imperial administration that men who had borne the worst character in Rome exercised a just and strict government and lived an upright life during their command in provinces. For such cases see A.6.32,6; 13.46; H.1.48; H.2.97 .

Tacitus gives us evidence that, besides this assiduity on the part of Emperor and Senate in convicting their respective representatives of extortionate and corrupt government, there were other reasons why the provinces favoured imperial administration, one of which was the consideration shown by the Emperor in the way of relief from burdens in time of distress. The historian records

how Tiberius in A.D. 17, when twelve famous cities of Asia were destroyed by a nocturnal earthquake, afforded generous aid to the sufferers by conferring on the people of Sardis, whose loss was greatest, the sum of ten million sesterces, with remission of all contributions either to the public or imperial exchequer for a period of five years (A.2.47,3); while to the remaining cities remission of tribute was granted for a period of five years, and a senator was sent from Rome to furnish relief on the spot. A similar spirit of consideration led Tiberius six years later to have the senate pass a decree granting exemption from tribute for three years to the cities of Cibyra in Asia, and Aegium in Achaia (A.4.13,1). Tacitus supplies us with other instances of such generosity- under Claudius (A.12.58,2; A. 12.63,3) and under Nero (A. 16.13,5). To such public munificence he applies the adjective 'magnifica' (A.2.48,1).

The historian's statement (A. 1.76,4) that "the provinces of Achaia and Macedonia, having petitioned for some remission from their burdens, it was resolved to relieve them for a time from proconsular government, and hand over both provinces to the Emperor" is one worthy of note, showing as it does that the provinces did meet with a considerate treatment under the imperial system which was lacking under the republican, and also, that the government of the imperial provinces was less corrupt than that of the senatorial. It is implied that the Caesarian government was less costly. Explanations for this are suggested by Tacitus' statements that 'it was part of the policy of Tiberius to prolong military commands indefinitely' (A.1.80,2); that Tiberius

gave permanency to the appointments of his 'procuratores fiscali' (A.4.6, 5.), and that the provinces of Achaia and Macedonia were added to the jurisdiction of Poppaeus Sabinus, imperial legate in Moesia (A. 1.80,1); for the grouping together of two or three provinces under the jurisdiction of one 'legate' would evidently save the expense of separate staffs, while it was to the interest of the governors to nurse, rather than bleed their provinces, if they could look forward to a long tenure of provincial command. That imperial government was fair and judicial we may assume from Tacitus' statement (A. 6.39,3) that 'Poppaeus Sabinus had been in command of important provinces for twenty-four years' as an officer of an emperor who 'hated incapacity as threatening disaster to the state' (A.1.80,2) and whose officers in charge of his own affairs, his 'procuratores fiscali', were men "of the most approved character" (A.4.6,5).

A principal reason for the superiority of Caesarian government in the provinces can be found in the personal attention which the Emperor bestowed upon them. In all cases of relief afforded to distressed provincials (A.2.47,3; 4.13,1; 12.58,2; 12.63,3; 16,13,5) it was done at the instance of the Emperor. As further testimony to such personal consideration we have Tacitus' own statement that 'Tiberius took care that the provincials should not be disturbed by new imposts and that the avarice and cruelty of magistrates should not add to the burdens of old ones. Corporal punishments and confiscations were unknown. (A.4.6,7). Tacitus more explicitly states that Nero, in order to check the extortions of 'publicans'- i.e. Associations of 'equites' who bought from the treasury the right of

collecting the indirect taxes, 'vectigalia' - ordained by imperial edict (A. 13. 51, 1) 'that the regulations respecting each tax, hitherto kept secret, should be publicly posted up, that arrears should not be recoverable after one year, and that suits against 'publicans' should be given prior hearing, at Rome by the Praetor, in the provinces by the Pro-praetor and pro-consul'. The abolition of the two and one-half per cent and two per cent duties and other such 'illegal exactions for which pretexts had been devised by publicans is still in force', says Tacitus, writing in the time of Trajan, 'The conveyance of corn in transmarine provinces was rendered easier,' he continues (A.13.51,3), referring no doubt to such abuses connected with the transport of corn as are mentioned in Agr. 19.4. That Tacitus strongly disapproved of the collecting of taxes by the 'publicani' can be safely assumed from his statement that the abolition of 'vectigalia' would be a 'magnificent boon to the human race' (13.50,1) (cp.G.29- 'The Batavi are exempt from tribute- no tax-farmer grinds them down). Nero took other similar steps to improve Roman administration in the provinces by forbidding by imperial edict the exhibition of shows of gladiators or wild beasts or any other kind of spectacle, by senatorial or imperial governors or procurators within their provinces; for, Tacitus says (A.13.31,5) they had used the favour thus acquired "as a bulwark against the consequences of their own misdeeds", in that these shows were a kind of 'ambitus' whereby they secured partisans who either prevented those who were oppressed from prosecuting the government or frustrated the prosecution by a counter-demonstration.

In view of the personal interest of the Emperor in the welfare

of provincials as shown by his initiation of legislation in their behalf, we can readily understand both how the government in the Emperor's provinces might be superior to that in the senatorial, and also, in view of the fact that the Emperor's edicts (A.13.31,5; 13.51) applied to both provinces, the preference of all provincials for the government of the Empire. Additional reasons for this preference may be found in still other marks of consideration recorded by our author. Germanicus, the Emperor's legate, is mentioned as providing relief on his way to the East to such communities as had suffered from domestic factions or from the misrule of local magistrates (A.2.54,2). Tiberius himself showed respect for the right of provincials by putting 'fiscal' or other suits between himself and individuals on the footing of 'causae privatae' (A. 4.6, 7); while there appears to have been at Rome a judicial board, 'recipratorum', whose chief function was the assessment of claims preferred by provincials against Romans. (A.1.74,7). But Tacitus' final evidence as showing that the government of imperial provinces was better than that of senatorial is his records of the convictions of senatorial governors for extortion and misgovernment (A.1.77,4; 3.66,1; 3.70,1; 13.30,1; 13.33,3; 14.18,1; 14.46,1) which exceed in number those of imperial governors. (4.15,4; 4.19,5; 14.28,3; 12.54,7).

The senate, moreover, was also active in giving the provincials reason for welcoming imperial government. That body supported imperial policy in a decree (A.15,22,2) forbidding anyone to propose in a provincial assembly or diet that thanks be offered in the senate either to pro-praetors or proconsuls, or to undertake a mission for the purpose. Tacitus, no doubt, approved of this decree, which by

forbidding votes of thanks put an end to false or overcharged testimonials of good government 'extorted by entreaty', all the more that the suggestion was made (A. 15. 21) by his hero, the stoic Thrasea Paetus. We have also the historian's evidence that the Emperor and the Senate, in their consideration for provincial well-being, worked in conjunction; the Senate sending a special commissioner, Nero a praetorian cohort, to restore harmony in the Italian community of Puteoli (A.13.48,1; 48, 3). Both Claudius and Nero shewed a liberal and considerate policy in their treatment of provincials, the former by conferring the right of holding public office in Rome upon the Aedui (A.11.25,1), the latter by bestowing the 'ius Latii' upon the tribes of the Maritime Alps (A. 15.32,1). That Tacitus approved of Claudius' act, we may safely assume from the historian's evident approval of the introduction of provincials because of their simplicity of life (A.3.55,4: cp.16.5,1)

The instances which Tacitus records of gratitude shown by provincials to the government at Rome are a strong testimony to the good government of the empire. Tacitus expressly states that 'on account of the condemnation of Lucilius Capito (A. 4.15,4), the Emperor's procurator in the senatorial province of Asia, as well as for the punishment inflicted on Gaius Silanus, Proconsul of Asia (A. 3.66,1), the cities of Asia voted a temple to Tiberius, his mother, and the Senate. For a similar expression of gratitude, and for the same reason, see (A.4.37,1).

An interesting corollary of imperial policy towards provincials is the reaction of the provinces upon Rome - a reaction which

of itself speaks well for the conditions of the provinces under the Empire - in the new and recuperative element which they brought into Roman life. One of the reasons, the historian says, for the modification and decline of that luxurious living in the Capital, which had been in vogue from the end of the Actian war down to that which placed Galba on the throne was the admission into the Roman Senate during the latter years of Tiberius and the principates of Gaius and Nero of "many self-made men (*novi homines*) from the colonies and municipal towns of Italy, and even from the provinces: these brought with them the simple manners of their own homes, and though many of them, through good fortune or their own exertions, became rich in their old age, they still retained their former ideas. (A. 3, 55.). Tacitus' approval of the introduction of provincials into the Roman Senate as thereby introducing a more simple style of living, must evidently embrace Claudius' act (A. 11.25, 1) of extending to the Aedui, Rome's ancient allies in central Gaul, the right of holding public office in Rome, by his admission of them to the Senate. The historian gives us further testimony of the strict morality of the provincials and his approval thereof, when he says, by way of contrast to the vulgar mobs at Rome which rejoiced at the "public scandal" (A. 16.4, 4) of Nero's degradation on the stage, that the "spectators from the remote municipal and colonial towns, that is, the still sober-minded and old-fashioned parts of Italy, as well as persons from distant provinces who had come to Rome as envoys or on private business, being inexperienced in wantonness (*lascivia inexperti*), could not endure the spectacle of degradation or keep up the degrading toil"

of applause which was enforced by soldiers in attendance (A.16.5, 1) (cp. H.1.84,4 - where Otho is made to call senate ('decora omnium provinciarum')).

The fact that the Empire enjoyed under a centralized government a universal peace is attested by Tacitus' statement (A.15.46,2) 'quippe haud alias tam immota pax', referring to the year A.D. 64. Tacitus also gives us other evidence: 'Tiberius had ruled for nine years over a 'compositae reipublicae' (A. 4.1, 1- A.D.23) (cp.- 'pacem per orbem terrae - A. 16.28,5 - A.D. 66.) Previous to the year A.D. 69, the Empire found relief from those 'contests between great leaders' which had made them hate the Republican government of the senate and the people (A. 1. 2, 1); Gnaeus Piso's ill-conduct in the East (A. 2.55,1; 57,1; 80;81) was the wilful insubordination of an arrogant noble, not the act of a claimant to the empire. A reason for this relief from the struggles between powerful men can be found in the evidence Tacitus gives to show that all fighting was done under the 'Auspicia' and 'command-in-chief' of an emperor who by virtue of his 'proconsulare imperium' controlled the military forces of the empire (cp. A.2.22,1-exercitum Tiberii Caesaris; and for similar evidence A. 13.9,7; 13.41,5.). While as evidence of the prosperity of the cities of Asia at this time, Tacitus records the fact that Laodicea, on being ruined by an earthquake, was rebuilt out of its own resources, without help from Rome (A.14.27,1).

Such are the instances of consideration bestowed upon the provinces by the central government and its representatives, which Tacitus records as showing reasons for the provincial preference for the government of the empire. That such was the preference we have Tacitus' statement in A. 1.2, 1; while the historian's record of instances of gratitude shown by provincials (A. 4. 15, 4; A. 4. 37, 1) is no less valuable in giving proof of it.

B. Imperial Exploitation of the Provinces.

While Tacitus has to admit (A. 1.2, 1) that the concentration of power in the hands of one man was essential and inevitable in the interests of justice in provincial administration, yet the historian's condemnation of the evils still existing in Roman dominion over subject peoples is given with far greater zest than his reluctant admission of Republican shortcomings. The imperial system brought peace and prosperity, but Tacitus, the lover of freedom, was not blind to the character of this peace. 'Solitudinem faciunt, pacem appellant (Agr. 30). We have no stronger evidence of his condemnation of imperial administration in the provinces than the speeches which he ascribes to the British, German and Gallic chieftains - to Calgacus (Agr. 30,5-31), to Boudicca (A.14.35), to Arminius (A. 2.15,), to Civilis (H.4,14;17;), to Caratacus (A.12.37,3). Tacitus had his authorities for his record of speeches in the Roman senate in the 'acta senatus' (A.5.4,1; 15.74,3) and in the 'Acta populi' or 'acta diurna urbis' (A. 12.24,4; 13.31,1; 3.3,2; 16.22,6); but he had no such authorities for his speeches of barbarian chieftains. This fact, coupled with the fact that the speeches of Arminius, Calgacus, Boudicca, and Civilis evince a remarkable similarity in their whole-hearted denunciation of 'mala servitutis' (Agr.15,1) of Roman avarice and notorious living (Agr.15,3; 30,5; A.2.15,4;

4.72,1), of Roman tyranny and cruelty (Agr. 15,2; 19.4; 32.1; A. 14.31,2), prove that such speeches are but vehicles of the historian's own sentiment; such speeches are ample proof of Tacitus' condemnation of the evils of provincial government, not to mention his recurrent insinuation that subjection to Rome was 'servitium' (Agr. 14,2).

According to the tradition of the classical historian, on the eve of the decisive battle of a critical campaign, Tacitus has the opposing generals deliver themselves of speeches which usually contain a brief of the cause for which they are fighting. It cannot be too emphatically stated that these speeches are Tacitus' own composition, and with his usual dramatic and artistic sense, he naturally makes the case, not unduly exaggerated, but as plausible as may be; not a mere rhetorical commonplace, but a statement that carries more weight, because it depends largely for its effectiveness upon a basis of truth to fact, of real wrongs deeply resented. Calgacus' harangue to the Britons (Agr. 30,5) is one great outcry against the 'greed' of Rome: "Plunderers of the world ('raptores urbis'), now that lands fail their all-devastating hands, they (i.e. Romans) are probing even the sea; if their enemy have wealth, they are filled with greed, if they be poor, they are filled with love of glory; neither East nor West has satisfied them; alone of mankind they covet, with equal lust, every acquisition of wealth, great or small. Plunder, murder, rapine, they call by the false names of Empire; they make a wilderness, and name it peace". (Agr. 30,6). Such is the

pungent description of the 'pax Romana' which Tacitus bitterly ascribes to Calgacus. (cp: miseram servitutem falso pacem vocarent (sc. Galli) (H.4.17.); and we have a forceful expression of a kindred sentiment in the speech of Boudicca to the Britons.

After complaining of the infliction of the scourge on her body and of the outrage on her daughters' honour, she is made to say: 'eo pro vectas Romanorum cupidines ut non corpora, ne senectam quidem aut virginitatem impollutam relinquant' (A. 14.35,2; cp.H.4,14.). Similarly Calgacus is made to complain (Agr.31,2) of the burdensome tribute, of corn-requisitions, of forced labour, in the construction of roads through forests and marshes 'to ^{the} tune of blows and insults', and to complain, like Civilis (H.4.14,5), of the separation of children from parents 'to support foreign tyranny' (Agr. 32,1). Boiocalus, advocating the grant of lands to the Ampsivarii, is represented as calling the Romans 'land-grabbers' ('ereptores terrarum') (A.13.55,6. And finally, we have the reflections on the 'evils of servitude' which Tacitus attributes to the Britons: "in olden days they had had one King at a time; whereas now Kings in pairs were imposed on them: a governor to vent his cruelty upon their persons, an imperial agent to work havoc on their property. . . .the tools of the one, his centurions, those of the other, his slaves, mingled violence and insult with each other. Discord and harmony alike between governors was equally fatal to the governed. . . .nothing was exempt from Roman greed, nothing from their lust. . . .they had as 'causae belli' only greed and riotous living" (Agr. 15,2-3) (cp. A.2.15,4). To

confirm these bitter allusions to, and complaints of, the 'pax Romana', which Tacitus attributes to rebellious chieftains, we have Tacitus' own flat statements of fact as evidence of his censure of the evils existing in imperial administration in subject provinces. He describes the devices for profit practised by Agricola's predecessors in Britain which the Britons, who, besides being subject to tribute paid in money, were subject to requisitions of corn (Agr. 31,2), found 'more intolerable than the tribute itself: when the people had not enough corn to furnish their rulers, they had to go through the mockery of buying from the imperial granaries, at whatever price was demanded, what would at once be re-delivered (as a requisition) and, in fact, never left the granaries at all (Agr. 19,4); and when they did have corn, they were ordered to deliver it at some great distance and were thus induced to pay money to get excused from the vexatious transport, till 'what should have been a service easy for all should become a profit to a few' (Agr. 19,5). In recounting the causes of the great rising of the Britons in A.D.61, Tacitus definitely specifies the wrongs of at least the Iceni and the Trinovantes, the great tribes of Norfolk, Suffolk and Essex. The old king of the Iceni, Prasutagus, had appointed Caesar his heir, along with his two daughters, in the hope of saving his Kingdom from molestation. But, records Tacitus, 'his kingdom was plundered by Centurions (agents of the 'legatus'), and his private property by slaves (agents of the procurator), 'as if they had been captured in war'. His widow, Boudicca, was flogged, his

daughters outraged, and his relatives reduced to slavery; the chiefs of the Iceni were despoiled of their ancestral properties as "if the Romans had received the whole country as a gift" (A.14.31,2-3). The Trinovantes had their main cause of grievance, we are told (A.14.31,4), in the 'lawlessness of the veteran colonists' of Camulodunum (Colchester) who expelled the inhabitants from their homes and lands; besides this the unfortunate people saw in the erection of a temple to the Divine Claudius a consecration of their own slavery, while those chosen to be priests of that alien sanctuary 'squandered the fortune of all under the pretence of religious service' (A.14.31,5-6). In the *Agricola* also Camulodunum is described as the 'headquarters of their servitude' (Agr. 16,1). But it was the 'avaritia' of Catus Decianus, the Procurator in Britain, which, as Tacitus expressly states, 'goaded into war the Britons' (A. 14.32,7), a people among whom 'peace was as much dreaded as war' (Agr.20,1).

The wrongs of the Britons which Tacitus so vividly described and with so much apparent satisfaction, were not, he would have us believe, unique in the Roman Empire. They were reproduced over and over again in the case of almost every major rebellion. And so we may well conclude that it is the historian's purpose to persuade us that these evils were characteristic generally of the Roman provincial government.

The Frisii, a people beyond the Rhine, are goaded into rebellion by the exactions of a subordinate officer who 'sold the persons of their wives and children' because of their inability to pay tribute (A.4.72,1); and the chief Gallic tribes are

driven to the same course by a load of debt (A.3.40,1), probably not unconnected with the ruinous requisitions for the wars of Germanicus (A.1.71,3; 2.5,3). In Germany the avarice and licentiousness of recruiting officers, who would "hunt up the old and infirm in order to extract money for their exemptions", and who would "carry off the best-looking of the Batavian lads for purposes of lust (H.4.14), as well as the rapacity and slaughter practised by prefects and centurions (H.4.14,5) goaded the Batavi to rebellion. In Judaea, Cumanus and Felix are represented as making profit out of the brigandage which they permitted (A.12.54, 4-5); the latter of whom Tacitus describes "as a monster of cruelty and lust, exercising the powers of a king in the spirit of a slave" (H.5.9,5).

Support for these more direct arraignments of Roman provincial government, is provided in the characteristically Tacitean manner, by pointed and epigrammatic insinuations such as the suggestion of Roman 'avaritia' in the historian's statement that "some believe that the British pearl-fishers lack skill", seeing that the quality of British pearls is not as good as that of pearls collected alive in the Red Sea; "but for my own part", he continues, "I could more readily believe that quality was lacking in the pearls than greed in us" (Agr.12,7); i.e. if gathered alive, British pearls were as good as others, Roman greed would have found a way to get them alive. Similar arraignment of the Roman motive of exploitation is furnished by a passage in the Germania, where, speaking of the amber gathered on the Prussian coast of the Baltic

sea, the historian says: 'For a long time the amber lay there among the rest of the flotsam of the sea, 'donec luxuria nostra dedit nomen' (G. 45). The fact that Tacitus thus misses no opportunity to hold up to the light Roman 'greed' might seem to imply that it was with the intention to record evidence of the flagrant evils existing in provincial government, that he has narrated the numerous convictions for extortion on the part of provincial governors. (A.1.74, 7; 4.15,4; 4.19,5; 3.70, 1; 13,30, 1; 12.54,7; 13.33,3; 14.28,3; 14.46,1).

Such condemnation of the rapacity, the greed, the cruelty of Roman officials in the provinces, - especially in imperial provinces where alone we have the riotous living and lawlessness of soldiers (Agr. 5, 2; A. 14.31,4; H. 1.46,3) and, with one exception (A.4.15,4), the rapacity and cruelty of procurators and 'legati' (Agr.15,2; A.14.31,2), - as well as Tacitus' implication that subjection to Rome was 'servitium' (Agr.14,2) (cp: pacem nostram metuebant - A. 12.33,2; also H. 4.17.) are no less remarkable - coming from a Roman who knows so well how to justify imperialism, in the powerful and simple statement of the Roman claim to Empire and the justification for its continuance which he puts into the mouth of Cerialis (H.4.74,) - than is the attitude of Tacitus himself an administrator, towards the Roman policy of conquest by assimilation. For, in discussing the progress of the Romanization of Britain under Agricola (Agr.21), the historian remarks: "...even our dress came to be esteemed, and the toga became fashionable, and step by step they trod the downward path ('discessum' (est)) to the allurements of vice, the lounge, the bath and sumptuous banquets....

...and so among this inexperienced people, this (Romanization) was /

called

civilization ('humanitas'), when, in reality it was but a mark of their servitude (pars servitutis).!" (cp. H. 3.64,7 for a similar Tacitean sentiment). How are we to account for the historian's emphatic and bitter denunciation of the evils still existing under the Empire and for the fact that the vices of senatorial rule and the improvement of provincial administration under the Emperors, are ignored at the moment they are admitted?

(A.1.2,1). The position is that of one, who while never having experienced the anarchy and lawlessness that resulted from the deficiencies of Republican government, still cast longing eyes upon the personal freedom which was inconsistent with military imperialism. To such an one Roman Peace was too costly at the price of servitude. Hence the pains and persistence with which his merciless pen scores the evils of the imperial regime. The leaders of the rebels are in large measure the mouthpiece of a personal animosity.

CHAPTER II.

**DISCOURAGEMENT OF LITERATURE AND
PHILOSOPHY UNDER THE EMPIRE.**

11. DISCOURAGEMENT OF LITERATURE AND PHILOSOPHY
UNDER THE EMPIRE.

That Tacitus attributes the discouragement of literature under the Early Empire, and of history in particular, as shown by the violation of truth in its composition, to the evil influence of the Principate as embodied in the Emperor is proven by the historian's statement in the opening chapter of the Annals: "The story of ancient Rome in her triumphs and reverses, has been related by illustrious writers; nor were men of genius wanting to tell of Augustus and his times, until the rising spirit of sycophancy bade them beware. The histories of Gaius, of Claudius, and of Nero, were either falsified through fear, if written during their lifetime, or composed under feelings of fresh hatred after their fall" (A.1.1,4-5). Similar evidence is afforded by Tacitus' statement that, with the establishment of the Empire, the succession of great Republican historians, "who wrote with equal eloquence and freedom", came to an end; and "historical truth was impaired in many ways; first of all, because of men's ignorance of public affairs as no longer their concern (cp. A.1.4,1); secondly, because of the spirit of adulation, or because of hatred toward their rulers - the hostility of some writers, the servility of others, shutting out all regard for posterity" (H.1.1), to be a guide and warning to which was, according to Tacitus (A.3.65), the chief function of history. So great did Tacitus regard this falsification of history due to hatred or fear of the Emperor, that the reason for the writing of his

own work, the Annals, is, he says, to give for the first time an impartial narration of the reigns of Tiberius and his successors. The value of the history of even Fabius Rusticus, whom Tacitus elsewhere quotes as an authority (A.14.2,3;15.61,6;Agr.10,3), is doubted by Tacitus "because Rusticus is partial to Seneca, whose friendship had been the making of him" (A.13.20.3).

Besides Tacitus' testimony to the discouragement of history as shown by its falsification, we have evidence of the repression, under Tiberius, of such free expression of opinion as was attempted in the way of history, in the statement that "Crematius Cordus was impeached for having in his history commended Marcus Brutus and called Caius Cassius the 'last of the Romans.'" (A.4.3,1). Cordus found escape in starvation, but the senate decreed that his books should be burnt (A.4.35,5). But as some of the books were preserved in spite of these precautions (cp. case of Veiento-A.14.50,1), it is in a tone of bitter triumph that Tacitus says: "they who penalise genius do but extend its power; whether they be foreign tyrants or imitators of foreign tyrants (such as the Romans), they do but reap dishonour for themselves and glory for their victims" (A.4.35,7) (cp. spreta exolescunt: si irascere, adgnita videntur -A.4.34,8). But the repression of opinion was most absolute under Domitian, 'during whose fifteen years of rule was lost not only the inclination, but, by the destruction of the 'most active minds' and by disuse, even the power to write', so that historical composition became a well-

nigh forgotten art. (Agr. 3,2.)

Tacitus gives us reason to believe that not only history but biography also was almost wholly discouraged: "When Arulenus Rusticus and Herrenius Senecio eulogized Thrasea Paetus and Helvidius Priscus, respectively, their praise was made a capital offence; and not only upon the authors, but upon their very books was punishment visited, for the public executioners were commissioned to burn in public in the forum the 'monumenta clarissimorum ingeniorum' (Agr.2,1.). Though biographical writing did not involve this risk of death at the time of Tacitus' writing the *Agricola*, yet the historian says: 'I, who am about to eulogise the life of one who has passed away, must crave an indulgence which I should not have had to ask, had invective been my purpose; so hostile is the age to merit' (Agr. 1,4.); and we find similar condemnation of the present in the historian's admiration of the literary freedom under the Republic, when biography could be written without suspicion of ulterior motives such as partiality or self-seeking (Agr. 1.2); when even autobiography evoked no criticism, for excellence was highly esteemed'.

In a similar vein, Tacitus refers (Agr.1,3) to the 'blessed age' of Trajan when it was the "rare happiness of the times that men were allowed to think what they please and to say what they think" (H.1.1.).

Corroborative evidence of the discouragement of other branches of literature is not lacking: Mamercus Scourus, a

writer of tragedies, though the ostensible charges against him were adultery and recourse to magical rites, was driven to his death because Tiberius took exception to certain verses of his 'tragedy' as being disparaging allusions to himself (A.6.29,5): Antistius Sosianus was accused of treason for writing 'libellous verses' upon the Emperor (A.14.48,1) and only owed his escape from death by scourging to the intercession of Thræsea Pactus who procured the lighter penalty of confiscation of property and deportation (A.14.49,1) : Fabricius Veiento was expelled from Italy and his books burnt for publishing a libel taking the form of a will and ironically termed such, and containing many gross attacks on the Fathers and the priests (A.14.50,1): Clutorius Priscus, who had been rewarded by Tiberius for a 'carmen' bewailing the death of Germanicus, and who had written such another, during Drusus' illness, in the hope that, if Drusus died, it might be published and more liberally rewarded, was put to death as thereby speculating upon, and evidently desiring, that prince's death. (A.3.49,1;51,1).

Such discouragement of literature was ^{due to} for political reasons. Repression of opinion was an attempt to put an end to such condemnation of the principate as was implied in Cordus' admiration of the Republican leaders, Brutus and Cassius (A.4.34,1), in Rusticus' and Senecio's praise of the leaders of the stoic opposition (Agr.2,1), in Seaurus' and Cominius' alleged disparagement of the Emperor (A.6.29,5,4.31.1), in Veiento's attack

on the senate (A.14.50,2). In so far as literary writers were stoics, e.g. Arulenus Rusticus and Herennius Senecio (Agr.2 1), and in so far as their literature expressed approval of stoic principles or admiration of stoics, living or dead, the discouragement of literature was the discouragement of philosophy (See A.16.28.2 where the accuser Eprius Marcellus includes the writers Paconius Agrippinius and Curtius Montanus in his condemnation of stoic opposition to imperial government), and of stoic philosophy in particular, towards which the Emperor assumed an attitude of distrust as being inimical to imperial government (A.16.22). That the discouragement of literature and of philosophy was closely linked in so far as they were a common attempt to crush republican sentiment and resistance to imperial autocracy is shown by Tacitus' statement that Domitian and his advisers, in putting to death Rusticus and Senecio for their panegyrics on Thrax and Priscus, who were Tacitus' ideal of stoic philosophers, and in burning the books of those biographers, "imagined, no doubt, that in those flames was destroyed the voice of the Roman people, the liberty of the senate and the moral consciousness of mankind, especially as the teachers of philosophy were expelled, and all ennobling pursuits were exiled, lest anything decent ('honestum') meet the eye anywhere." (Agr. 2,1-2.). Thus we see that Tacitus regarded the expulsion of philosophers as the expulsion of all "ennobling pursuits" and looked on the discouragement of both literature and philosophy as a futile attempt to suppress public

sentiment, senatorial freedom of judgment, and the free moral judgment of men.

Besides this discouragement of literature for political reasons, Tacitus shows us another cause of the repression of literature, in the Emperor's jealousy of rivalry in art. Nero "aspired to the pursuit of poetry, desirous of being known for other than his theatrical accomplishments", (A.14.16). The historian depreciates his poetical powers, describing his poems as a combination of his own casually dropped utterances' and of the efforts of men whom he had gathered about him, who had poetic skill but were not distinguished for it, and whose style therefore would not be detected nor prevent Nero taking credit for their joint compositions. The latter, because of their composite character, were "without vigour and inspiration and uniformity of style". Nero earned the hatred of the poet Lucan and drove him to associate himself in the Pisonian Conspiracy (A.15.48 ff) because he "tried to suppress Lucan's fame as a poet and had forbidden him to display his talent," vainglorious in his comparison of himself to Lucan" (A.15.49.3). Curtius Mortanus was forbidden public life (A.16.33,3) "because he had given proof of his talent" and thus excited the jealousy of an Emperor who could brook no rival. (A.16.29,4). The suppression of poetic talent can also be inferred from the account of the Neronian, or quinquennial (A.14.20,1) games, where the prize of eloquence was awarded to none of the competitors but to Nero who had

shown no performance (A.14.21,8). Five years later to anticipate the inevitable decision of the judges, the senate offered the victory in song and the crown of eloquence" to Nero beforehand, but the Emperors confidence in his poetical powers led him to disdain the offer and declaim one of his own compositions on the stage. (A.16.4,1-2). It further appears that Nero stooped to write and publish coarse lampoons, (A.15.49,5), though he would repress pure poetic talent in others.

Positive proof that philosophy was discouraged under the early Empire is found in the infliction of capital punishment by Caligula upon Julius Graecinus, the father of Agricola, who earned the wrath of that prince "by his pursuit of eloquence and philosophy"(Agr. 4,1); in the forced suicides of the stoics Thrasea Paetus and Barea Soranus, as well as the expulsion from Italy of Helvidius Priscus and Paconius Agrippinus under Nero (A.16.33,3), and finally in the expulsion of philosophers under Domitian (Agr.2,2).

The reason for the suppression of philosophy under Nero was that it had become identified with disloyalty. The charge is definitely set forth in the accusations of Eprius Marcellus and Cossutianus Capito, (A.16.22ff) the accusers of Thrasea Paetus, the leader of the stoic opposition in Rome. Thrasea, these men cried, had shirked taking the statutory oath of allegiance at the New Year, and though a member of the College of Fifteen, he had absented himself from the solemn prayers for the safety of

the state; he had never sacrificed for Nero's safety or his god-like voice. For the last three years, in fact, he had never been seen in the senate house at all. This was to make himself a seceder; it meant the forming of a party. Indeed, Thrasea had his followers, men whose gloomy faces were intended as a rebuke to the frivolity of Caesar. To-day men spoke of two parties in the state - a Nero-party and a Thrasea-party, just as in the old days they had spoken of a Caesar and a Cato faction. It was little use to banish a Cassius (See A.16,7,1) if men who took the Bruti for their model were to be left untouched, to wax in strength and number -----. Thrasea alone had no regard for Caesar's welfare, paid no homage to his accomplishments, held his successes in contempt. To disbelieve in the divinity of Poppaea came of the same spirit as to refuse to swear to the acts of Augustus or of the Divine Julius. Thrasea scouted religion; the laws were no laws to him. All public life, all public business he despised; the decrees of the senate were no decrees to him; our magistrates no magistrates; Rome itself was not Rome. Let him be cut off from a country which he had long ceased to love, and which he now refused to behold (A.16,22;28.). Such were the charges against the Stoic leader; by his contempt of the 'divi' Julius and Augustus and by his refusal to take part in the apotheosis of Poppaea, Thrasea was held to "spernere religiones"; his contempt of the 'acta principum' and his absence from the senate generally was charged as a virtual "abrogatio legum" (A.16.22,6); his absence from the senate was regarded as a

silent censure of everything imperial; while a sect which took Brutus for its model, not only as a stoic but also as a tyrannicide, proclaimed its republican sympathy. It was this refusal of the stoics to justify imperial institutions that drew down upon that class of philosophers the wrath of Nero. Thrasea Paetus was forced to suicide and his son-in-law, Helvidius Priscus, expelled from Italy, as also was Paconius Agrippinus (A.16.33,3); while the fact that Tacitus links together Thrasea Paetus and Barea Soranus as representing "Virtue herself" (A.16.21,1) leads us to assume that Barea Soranus, charged with treasonable designs on Rubellius Plautius' behalf (A.16.30,1), also owed his death to adherence to the tenets of stoic philosophy. Musonius Rufus had owed his exile the year before to the illustrious name he had earned as a teacher of 'sapientia' (A.15.71,8).

The old Roman antipathy to philosophy still survived and rested on its drawing men away from public life. Reference to this retirement is made in Tacitus' condemnation of those who "used a grand name as a screen for ease and indolence" (A.4.5,2). The Roman was regarded as owing his first duty to the state; thus Tacitus tells us that Agricola used to say that 'he would have imbibed philosophy too ardently, that is to say, beyond what is permitted to a Roman and a senator, had not his mother checked his excessive ardour' (Agr.4,4). Thrasea Paetus' three years of unbroken absence from the senate (A.16.22,1) was charged against him as neglect of public duties

(A.16.28,3). Under the Emperors, retirement from public life for philosophic study was regarded with suspicion, and philosophy became associated with disloyalty to the state.

Another reason, though a slighter one than the open defiance of the stoic opposition as exemplified by Thrasea Paetus' conduct (A.14.12,2;49,1;16.21,2), may be found for the discouragement of philosophy in a certain odium that became attached to it through the practise of some men of using an exterior of virtue to cloak a life of vice. This is apparent from Tacitus' condemnation of Egnatius Celer, who, he says, "made a display of stoic principles, and had schooled himself in countenance and demeanour to present a semblance of virtue; but his heart was full of treachery and cunning, of avarice and sensuality;.... and his example warns us to be on our guard against those who under a show of philosophy are false and treacherous in friendship, no less than against men wrapped in perfidy or notorious evil-doers". (A.16.32; cp.H.4.10.)

That Tacitus condemned the discouragement of philosophy is evident from the fact that he regarded the expulsion of philosopher under Domitian as nothing short of the proscription of "ennobling pursuits" (Agr. 2,2); in submitting to it, Tacitus says Rome gave a striking example of "servile patience" (Agr. 2,3); while the persecution of Thrasea Paetus and Barea Soranus was, the historian says, the "destruction of Virtue herself" (A.16,21,1). But though Tacitus admired Paetus and Soranus and Priscus (H.4.10), and though he regarded the Principate as meriting the disapproval of the Stoics, for he calls Thrasea 'insons' (A.16.24.3), yet, in reality, the historian was not himself of the party of Stoic extremists. He admired but did not approve those who risked

their lives to no one's profit. (A.14.12,2.; sibi causam periculi (sc. Thræsea) fecit, ceteris libertatis initium non præbuit). As one who himself hated tyranny (A.4.32;3;22. 3;H.1.2;1.3;1.50; &c.), he admired the boldness of defiant independence, but censured the folly of it; his most unstinted praise is reserved for men like Manius Lepidus who tempered his independence with discretion "so as to steer a safe course midway between abrupt defiance on the one hand, and degrading complaisance on the other" (A.4.20,5); for men like Agricola who "neither by insulting the Emperor nor by a vain display of independence provoked renown and ruin", the one being regarded as the sure precursor of the other. (Agr.42,4). Tacitus' personal conviction in regard to philosophy may be inferred from a passage of the Agricola: "I remember having often heard Agricola say that he would have imbibed philosophy too eagerly, that is to say, beyond what is permitted to a Roman and a senator, had not his mother's good sense imposed a check upon his ardent and glowing imagination. The fact was that his lofty and elevated mind craved the beautiful ideal of great and sublime glory with more ardour than was consistent with caution. Presently the discretion that comes with years tempered his philosophy, and he retained, what is the most difficult feat of all, out of his learning a sense of proportion" (Agr. 4,4-5). The historian evidently does not include moderation and a sense of proportion among the virtues with which philosophy inspires its votaries. Tacitus, who had held public office under Vespasian, Titus, and Domitian (A.11.11, 3; H.1.1.) and had shown himself no bolder than those around him,

vindicates himself from the charge of servility or want of true public spirit as well as censures the Stoic vanity in (Agr. 42,5,) where he says : "Let it be known to those, whose habit it is to admire the forbidden, that even under bad princes there can be great men, and that subservience and self-restraint, if coupled with capacity for work and energy, do attain to a height of honour which many men reach by perilous courses, but as they have striven for no public advantage their fame rests upon an ostentatious death"; and in the words of the unworthy Eprius Marcellus, Tacitus lays down the principle "that men should pray for good Emperors but put up with such as they had" (H.4.8,3).

CHAPTER III.

MALEVOLENT PERSONAL DESPOTISM.

III. MALEVOLENT PERSONAL DESPOTISM.

A. Interference with the Senate and the Courts.

With the formation of the principate, the "old order passed away and men looked to the prince for his commands" (A.1.4,1). The old Republican Constitution, the *Senatus Populusque Romanus*, had always in the popular mind embodied the conception of real liberty. This Tacitus considers those born since Actium or even during the civil wars, had never seen (A.1.3,7); Rome had ceased to be a republic and to have real consuls (A.4.19,3); the mockery of independence still permitted to the Senate the historian describes by such phrases as "imago libertatis" (A.1.81,4), "imago antiquitatis" (A.3.60,1), "imago reipublicae" (A.13.28,1) (cp. *manebant etiam tum vestigia morientis libertatis* (A.1.74,6) and see (A.1.77,4; 6.11,2). The absolute dependence of that body upon the emperor in virtue of his 'tribunicia potestas', "a title of supremacy devised by Augustus", Tacitus says, "to make him pre-eminent over all authorities, without assuming the name of king or dictator" (A.3.56,2), is nowhere more clearly brought out than by the home-thrust of Cnaeus Piso during the trial of Granus Marcellus for extortion and 'treason': "Will you vote first or last, Caesar? If you vote first I shall have a guide to follow; but if last, I fear I may unwittingly disagree with you". (A.1.74,6).

A remarkable institution under the early empire was the senatorial high court of criminal judicature which dealt especially with important political offences and criminals of

senatorial or equestrian rank or family, but dealt also with minor cases (A.3.22,4; 14.40,5; A. 4.45,1), with criminals of lower rank (A.2.32,5; A.15.20,1) with foreign princes (A.2.42,5; 67.3) and with slaves (A.14.42,2). In this senatorial high court of justice the emperor constantly presided in person. (A.3.12,1; 18,1; 70,2; 4.30,1; 13.43,7); and according to Tacitus, his partiality and vindictiveness often interfered with the course of justice. Tiberius could not forgive Gnaeus Piso because he had made war upon his province of Syria (A.3.14,4). The trial of Plancina, Piso's wife, is called an 'imago cognitionis' (A.3.17,6), because that lady had secured a pardon by the secret entreaties of Augusta (A.3.15,3), and Tiberius' open intercession on her behalf in the senate was the cue to the consul to move a vote of acquittal (A.3.17,2;17,8). During the trial of Gaius Silanus, charged with extortion and treason (A.3.66,1), Tiberius "never ceased brow-beating the accused with voice and look, putting to him a multitude of questions which he was not allowed either to repel or to evade; he had sometimes even to make admissions, lest Tiberius should have asked a question to no purpose" (A.3.67,2). Gaius Silius, formerly legate of the army of Upper Germany, "whose pretensions Tiberius regarded as destructive of his own position" (A.4.18,2), was arraigned "just as if he were being dealt with by law", and in such defence as he attempted to make, "he made it plain "whose anger was bearing him down" (A.4.19,4). He anticipated the "inevitable condemnation" by death (A.4.19,5), and his wife Sosia, whom Tiberius hated because of her attachment to Agrippina (A.4.19,1) was sentenced to exile (A.4.20,2). In the trial of Cremutius

Cordus, charged with having called, in his History, Gaius Cassius 'the last of the Romans', the "evident displeasure with which Tiberius listened to the defence, proved fatal to the accused" (A.4.34,1-2). In the trial of old Serenus on charges of conspiracy by his son, Tiberius is represented as insisting upon a condemnatory vote out of hatred for Serenus, though the evidence is stated to have altogether broken down (A.4.29,1; 29,3; 29,5). Out of sheer perversity the same Emperor had the senate inflict the sentence of banishment on Aquilia, accused of adultery, although she had been convicted by the consul-designate only under the Julian law; and he caused Apidius Merula to be struck off the roll of senators for not swearing obedience to the 'Acta Augusti' (A.4.42,3). Whether the emperor presided in the senate or attended as an ordinary senator (A.1.74,6), it was evidently his habit to guide the decision of that body by speaking first or last (see A. 1.74,6; 15.32,1) and we have seen how by his manner as well as by his vote the emperor's malignant influence could be felt. The cruelty that could result from the Emperor's abuse of his autocratic power is shown by Tacitus' statement that Asinius Gallus, whom Tiberius hated for having married his divorced wife Vipsania (A.1.12,6), was kept for three years in custody, waiting for a trial (A.6.23,3).

It was not necessary for the emperor to be present in the senate to make his malevolent influence felt. It was a practice of the emperors in their absence to introduce a 'relatio' in the senate by a letter, the letter being treated by a fiction as an 'oratio' (see A.3.57,1). Denunciations by rescript from the emperor were common in the later years of Tiberius. Titius Sabinus, on account of his

friendship with Germanicus, was denounced by Tiberius in his message of the 1st of January, A.D.28, and condemned forthwith without trial, by the senate (A.4.68,1; 70,1). For other instances under Tiberius, see (A.5.3,2; 6.3, 4; 7,1-4; 9,2; 9,5; 19,1; 39,2;) and for those under Nero, see (A. 16.4,3; 27,2.) The senate apparently had to pass sentence on such cruel communications without further trial (See Furneaux, note on A.6.47,4). The Emperor's control over the senate, meeting as a judicial body, in his absence is attested by the fact that the consuls, though having the power as presidents of the senate to initiate without the princeps, generally shrank from the responsibility of confirming a decree until they had given the emperor cognizance of the motion before the house (A.14.49,2).

Tiberius, Tacitus tells us, "not satisfied with taking part in trials before the senate ('cognitiones'), would take his place in the ordinary courts of law ('indicia'), sitting as assessor at the Praetor's side (A.1.75,1). "On such occasions", the historian goes on, "many just judgments were pronounced in opposition to the influence and solicitation of powerful 'advocati'; but though truth might be served, it was at the expense of liberty" (i.e. the independence of the judges) (A.1.75,2). Tacitus apparently held the coercion of judges by the princeps to be liable to result in still more flagrant injustice than that which it might prevent, for whatever the emperor's view of the facts might be, - indeed Tiberius himself confesses 'neque posse principem sua scientia cuncta complecti (A.3.69,4) - it would overbear every other and have to be accepted.

The Emperor's personal influence on judicial decisions was felt elsewhere than in the senatorial high court of justice and the ordinary courts of law, for he exercised a right to try offences of all kinds in a private court of his own, in conjunction with a 'concilium' of friends as assessors (see A.3.10,6). Thus we find two of Tiberius' oldest friends, Vescularius Flaccus and Julius Marinus, sentenced to death (Apud principem' (A.6.10,2); and no doubt there were other such private trials, under Tiberius, though it appears to have been his habit to throw the responsibility of condemnation upon the senate (A.3.10,6; 6.47,4). Under Claudius, these private courts became an engine of tyranny. Claudius, Tacitus tells us, "by taking upon himself all judicial and magisterial functions, had opened up a wide field for plundering" (A.11.5,1). We can readily understand how intrigue would flourish in the private courts of the 'princeps', when all rested on the caprice of one man "who had no preferences, no dislikes, except such as were put into him by other people" (A.12.3,3). The intrigue and corruption rampant in the private courts of the emperor are clearly shown by the trial of Valerius Asiaticus. Messalina, who coveted the gardens of Asiaticus (A.11.1,1), had set up a notorious 'delator', P. Suillius Rufus, to accuse him of treasonable designs (A.11.1,2; 2, 1). "Asiaticus was refused access to the senate; he was heard in a private chamber ('intra cubiculum') in Messalina's presence" (A.11.2,1). When Claudius took counsel with the consul Vitellius as to acquitting the accused the magistrate, in order to carry out the injunction of Messalina

that "he must not allow the accused to give them the slip" (A.11.2,4), affected not to notice the emperor's inclination to mercy, but, taking the guilt of Asiaticus for granted, assumed that the utmost leniency which could be extended to him was the choice of his mode of death; and Claudius, Tacitus ironically states, "followed with words to the same merciful effect". (A.11.3,1). Though Nero on his accession promised to abjure this system of bed-chamber justice practised by his dull and fatuous predecessor (A.13.4,2), yet evidence shows that he did not disdain the exercise of his judicial prerogative. When Pallas and Burrus, the Praetorian Prefect, were falsely charged with treasonable designs by one Paetus, Pallas was acquitted, "Burrus sitting upon the bench (as one of the assessors), and, although himself accused, pronouncing judgment". Paetus was sentenced to exile (A.13.23). In this case, as Pelham says, where the persons involved, belonged to Caesar's household, Nero was not violating his promise, but he did not stop here. He appears to have tried in his private court the case of his procurator, Publius Celer, accused by the province of Asia; but "being unable to acquit him", Tacitus says, (seeing that his greatest crime, that of poisoning the proconsul Silanus at the instigation of Agrippina (A.13.1, 3-4), had been in his service), "Nero allowed the prosecution to drag on until Celer should die of old age" (A.13.33,1). Fabricius Veiento, charged with a libel on the senate and pontiffs, and with selling his influence with the emperor, was convicted and 'relegated' by Nero (A.14.50,2). Again, participants in the Pisonian conspiracy were evidently tried before Nero personally in his Servilian villa (A.15.58,3).

We have seen the emperor's control over the senate sitting as a judicial body; his control over the senate meeting as a deliberative body was apparently no less absolute. Claudius is represented as entering the senate and "demanding a decree to legalize marriages between an uncle and a brother's daughter for all future time" (A.12.7,3), so that he might marry his niece Agrippina; again, Claudius, merely from a desire to please his physician Xenophon, had the senate pass a decree relieving the people of Cos, an island belonging to the senatorial province of Asia, from tribute for the future. (A.12.61,2). Under Nero, the senate had become so dependent that it merely acclaimed the emperor's 'sententia' by a 'senatus consultum' (cp. A.11.25,1; 12.61,1) or if legislation was proposed in the senate, the opinion of the emperor as expressed by a rescript could check it. Thus when a motion was made in the senate that a freedman's misconduct should give the patron the right to revoke his freedom (A.13.26,1), Nero acting on the advice of his private council, wrote to the senate deprecating legislation on the subject (A.13.27.6). The complete control of the emperor over the senate sitting as a deliberative body is further attested by the fact that the consuls did not dare to give practical effect to what the majority had approved until Caesar had been consulted. (A.5.4,2; 13,26,2; H.4.9,1), as well as by the fact that the 'intercessio' of a tribune was exercised on sufferance (A.1.77,3), or under peril (A.6.47,1), or merely to anticipate the wishes of the emperor. (H.4.9,2). Tacitus tells us that when Rusticus Arulenus, a

Tribune of the Plebs, offered to put his veto on the decree of the senate, Thrasea Paetus forbade him "to essay an intercession which would be fatal to himself and of no benefit to the accused" (A.16.26,6). Rusticus' colleague, Agricola, "passed the year of his tribunate in the quiet of retired life, wary of the character of Nero's reign, when 'inertia pro sapientia fuit'" (Agr. 6,3).

The servility of the senate (for instances see A.1.7,1; 2.32; 3.18,1; 3.57,1; 4.74,2-5; 14.12,1; 14.13,2 &c) is proof of the Emperor's despotic control over that body. "The thoughts of the senators were taken up by the reign of terror at home; and from that they sought relief in sycophancy" (A.4.74,2.) In the days of Tiberius, says Tacitus, "so deep, so foul, was the taint of flattery, that not only men of leading rank in the state - men who could only maintain their illustrious position by subserviency - but also the whole body of consulars, many of praetorian rank, and even many ordinary senators, would rise in the Senate and outbid one another in making fulsome and extravagant proposals; even Tiberius, enemy of public freedom as he was, was disgusted at such abject and all-enduring servility." (A.3.65,2-3). Similarly, speaking of the reign of terror under Nero, the historian asks: 'How long shall I go on telling how thanksgivings for the emperor's cruelties were voted to the temples? For whensoever banishments or executions were ordered by the Emperor, thanks were offered to the gods'. (A.14.64,5); and as confirmation of this statement, we have the author's assertion that after the wanton crimes perpetra-

ted by Nero on the pretext of complicity in the conspiracy, the senate decreed 'gifts and thanksgivings to the gods, with special honours to the Sun, and a temple to the Goddess of Safety'. (A.15.74,1 cp. A.14.59,5-6). Though the degrading compliance of the senate was usually as extravagant as the emperor could hope for, we have two notable instances when the emperor took steps to ensure their complaisance. Thus we have the coercion of the senate by an armed Force during the trial of Thrasea Paetus under Nero. (A.16.27,1-2; 29,1), and Domitian appears to have repeated Nero's act (see Agr. 45,1 : 'non vidit Agricola obsessam curiam et clausum armis senatum'). Our historian gives us a vivid picture of the terror that Domitian's presence in the senate-house struck into the senators: "under Domitian it was the chief part of our miseries to watch and be watched; when our very sighs were noted down, when that savage face, crimsoned with the blush by which he made himself proof against all tokens of shame, marked out (to his agents) without wincing so many pale cheeks." (Agr. 45,2).

B. Delegation of Power to Freedmen.

The early empire was marked by the unprecedented rise of the freedman. Under Claudius, we find his three principal freedmen, Callistus, Narcissus, and Pallas, holding the positions in the emperor's household of 'a libellis', 'ab epistulis' and 'a rationibus', respectively, practically controlling the empire. (See A.11.29,1). Claudius, Tacitus says, "put the freedmen who had charge of his own private affairs upon a level with himself and with the laws" (A.12.60,6). Pallas, in his position of 'libertinus a rationibus' (freedman in charge of the department of the treasury), wielded such an extensive control over the revenue and expenditure of Caesar, that "he held, as it were, the office of controller of the empire" (A.13.14,1). An idea of the influence which this 'treasurer' of Claudius wielded upon the Claudian regime can be gathered from the historian's statement that Pallas' brother, Felix, governor of Judaea, "imagined himself free to commit any iniquity, with the great influence at his back", and that when he was arraigned with Cumanus for misgovernment, Quadratus, the governor of Syria, though ordered by Claudius to deal with the miscreant, "assigned Felix a place among the jurors", fearing the influence of Pallas. (A.12.54,1; 54,7) As further evidence that the influence of Claudius' three principal freedmen was in no way restricted to their departments, we have their action in respect of Claudius' last marriage: 'orto apud libertos certamine, quis deligeret uxorem Claudio' (A.12.1,1).

Narcissus looked to the punishment of Gaius Silius (A.11.35) and

gave the order for the execution of Messalina (A.11.37,3). Pallas championed Agrippina as Messalina's successor (A.12.1,3;2,3); the adoption of Nero was "hurried on by the advice" of this same freedman (A.12.25,1), whose political support Agrippina was believed to have purchased by adultery (A.12.25,1;65,4). Claudius' speech to the senate proposing the adoption of Domitius was "to the same effect as that supplied him by his freedman" (A.12.25,3). "By counselling that incestuous marriage and calamitous adoption, Pallas, Tacitus says; "brought Claudius to his ruin" (A.13.2,3).

The extension of the jurisdiction of procurators, allowing them to try, without jurors, certain civil cases in which the rights of the Emperor were concerned (A.12.60) and involving the evil of making the same person prosecutor and judge, was no doubt prompted by Claudius' freedmen in the interest of their class, seeing that we have freedmen holding the office of 'Procurator' in the provinces (A.12.49,1; 54,1.)

Public recognition of the influence of these three chief freedmen of Claudius was manifested in a most unprecedented form. Originating with that emperor, such senatorial distinctions as the Quaestorian (bestowed on Narcissus - A.11.38,5) and Praetorian insignia (voted to Pallas - A.12.53,2) were conferred upon freedmen who were not only not senators but were incapable of becoming such. On the other hand, to the same emperor was probably due the restriction of the titles 'ab epistulis,' 'a libellis' and 'a rationibus' - titles originally supposed to be such as might be borne by freedmen of any great house - to the chief freedmen of the

emperor's household, for we find that, under Nero, it was considered a treasonable offence for a citizen to have given persons in his household the titles borne by the principal freedmen of Caesar (see A.15.35,3; 16.8,1).

In a household, whose head "centred in himself all judicial and magisterial functions" (A.11.5,1), "had no preferences, no dislikes, except such as were put into him by other people" (A.12.3,3), and who "put his freedman on a level with himself and with the laws" (A.12.60,6), the freedmen who controlled Claudius had endless opportunities of intrigue and graft. The enormous fortune of three hundred million sesterces amassed by Pallas (A.12.53,5) is patent evidence of the scandalous traffic they carried on. Tacitus, alluding to the general system of corruption carried on during the reign of Claudius by his chief freedmen, speaks of the "avaritiam Claudianorum temporum", when Agrippa "bought the right to fortify Jerusalem" (H.5.12.5). And the historian's statement that Agrippina, on the collapse of the tunnel from the Fucine Lake accused Narcissus of "greed and robbery in carrying out the work" (A.12.57,4) suggests that great public works furnished opportunities for the peculations of the directing freedman. The venality and corruption rampant in Claudius' household is attested by the author's statement that Nero, repudiating Claudius' policy of giving the 'domus Caesaris' and its officials the status of a public institution and magistrates of state, promised 'nihil in penetibus suis venale aut ambitioni pervium (sc. fore); discretam domum et rem publicam". (A.13.4,2).

The freedmen in the provinces were no less corrupt than those in control of the emperor's household. Felix, procurator of Judaea, is represented as making profit out of the brigandage which he permitted (A.12.54.) and as being enabled by the overwhelming influence of his brother Pallas to persist for years in "exercising the powers of a king in the spirit of a slave - a monster of cruelty and lust" (H.5.9,5). In another part of the East, the procurator of Cappadocia, apparently one of the freedman class, was bought to support Radamistus' seizure of Armenia, with the result of throwing the whole country again ⁱⁿ⁻ to the power of Armenia (A.12.49,2).

"Nero", the historian tells us, "had no mind to be ruled by slaves" (A.13.2,4) and dismissed Pallas from office. That freedman's departure from the palace, escorted by a long train of attendants as though he were a magistrate vacating office, as well as his stipulation that "he was not to be called to account for his past acts, and all accounts between himself and the state were to be held as balanced", (A.13.14,1-2) give some idea of the airs which the freedmen had assumed under the Claudian regime. But though the freedmen lost their control over the household of Caesar and its head with the accession of Nero, they still held official positions of great responsibility under that prince. Polyclitus, one of Nero's freedmen, was sent as a special commissioner to look into the state of affairs in Britain and to settle the feud between the procurator there and Seretorius Paulinus, the legate. Tacitus does not miss the opportunity to express the indignation of a

prejudiced senator at this usurpation of power by a freedman: "Travelling with an immense retinue, Polyclitus did not fail to make himself a burden to Italy and to Gaul, as well as a terror to our soldiers after he had crossed the Ocean. But the enemy regarded him with contempt; for those ardent lovers of liberty had not yet learnt to understand how power could be wielded by a freedman. It was a marvel to them that a general and an army who had carried through a great war should yield obedience to a slave." (A.14.39).

The freedman Anicetus, commander of the fleet at Misenum, who had been Nero's tutor in boyhood, was so far in Nero's confidence as to be commissioned to destroy Agrippina (A.14.3,5-7; 7,5-6; 8.). Acratus, "a freedman ready for any kind of villainy" (A.15.45,3-4) was sent to Asia and Achaia to carry off statues and pictures for the emperor (A.16.23,1) and kept there after the great fire of A.d.64 to plunder the offerings and images of the gods for Nero's palatial 'domus' (A.15,45.3). In the provinces we find a freedman, the procurator of Asia, who poisoned the proconsul of the province at the instigation of Agrippina (A.13.1,1-4). Nero also appears, like Claudius, (A.11.37,4) to have employed freedman confidants to see sentences executed (A.14.59,3).

After Nero, the freedmen appear to have assumed a still more prominent place. Under Galba "venalia cuncta, praepotentes liberti" (H.1.7); the emperor's freedman, Icelus, "who had been presented with the ring and distinguished by the equestrian name of Marcianus" shared in the division of the powers of the Princi-

pate (H. 1.13). Though Vitellius "distributed among Roman Knights the offices of the imperial household, hitherto held by freedmen", (H. 1.58,1) he is mentioned as conferring the equestrian ring on his freedman Asiaticus, "an infamous menial who had nothing but his vices to commend him" (H.2.57) and who "expiated his abuse of power by dying the death of a slave" under Nucianus (H. 4.11).

The resentment with which Tacitus, as a member of the senatorial class, viewed the dominating position usurped in the society and the political life of the empire by the clever and unscrupulous 'libertini' colours his account of the German freedmen: "The freedmen do not rank much above slaves; rarely are they of any weight in the household, never in politics, except, at least, in those states ruled by Kings. There indeed they rise above the freeborn and the nobles; elsewhere the inferior position of the freedman class marks the freedom of the state" (G.25.) Tacitus voices time-honoured Roman prejudice in expressing his indignation at such persons as freedmen having the impudence to take part in political affairs. The banquet given by a freedman to the populace of Carthage in honour of the new reign of Otho draws the bitter comment from an historian with aristocratic bias that even freedmen "malis temporibus partem se reipublicae faciunt" (H. 1.76).

C. Favouritism and Malice.

A noteworthy innovation of the principate of Tiberius was the increased importance that became attached to the office of Prefect of the Praetorian Guard. Aelius Sejanus, Commander of the praetorian cohorts (A.4.1,2) "increased the importance of the praetorian command, which had been of no great account before his time, by concentrating the cohorts, hitherto scattered throughout the city, into a single camp", on the fair pretext of introducing a stricter discipline. (A.4.2,1-2). His next step was 'to choose his own tribunes and centurions, appointments hitherto made by the emperor; while by obtaining magistracies and provinces for his own creatures through his influence with Tiberius, he sought to establish his authority in the senate by making it felt that he was the channel to promotion. Tiberius looked so indulgently on his proceedings that he would often commend him as his 'socium laborum', not only in private talk, but also in the senate and before the people, and permitted his statues to be honoured in the theatres, in the public squares, and at the head-quarters of the legions' (A.4.2). To Sejanus alone, Tiberius, "impenetrable to all the world beside, was 'incautus intectusque'" (A.4.1,3), and Sejanus felt so far confident in his influence with the emperor as to petition for the hand of Drusus' widow, Livia (A.4.39). On Tiberius' retirement to Capri (A.4.67), Sejanus gained a greater ascendancy by "working more sedulously than ever on that prince's suspicious temper" (A.4.67,5). He became associated in the popular mind with

Tiberius as one of the two rulers of Rome. When the senate voted statues to Tiberius, they voted them to Sejanus also (A.4.74,3), and Tacitus tells of the abasement of the senators before Sejanus on the coast of Campania adjacent to Capreae, when "those to whom he had not deigned to throw a word or a glance went back to Rome in terror" (A.4.74,4-7). Though Sejanus held no official position of his own except that of prefect of the praetorian cohorts, he practically controlled all departments, civil or military, through his influence with Tiberius (see A. 5.6,2; 6.8,3); "there was no access to the consulship save through Sejanus, and the good-will of Sejanus was only to be gained by crime" (A.4.68,2). The prefect's final triumph was to become associated with Tiberius in the consulship in A.D. 31 (see A. 6.8,6), an elevation which might well have suggested to the Roman world that he was destined as successor to the empire, and was taking the place of Germanicus and Drusus, who with two exceptions, alone had had the honour of being colleagues of Tiberius (A.2.53,1; 3.31,1).

To Sejanus Tacitus attributes the cause and origin of the deterioration in the government of Tiberius (A.4.1,2). Sejanus, the historian says, "brought disaster on the Roman commonwealth in his triumph and in his fall" (A.4.1,3)- in his triumph by the crimes which he prompted during his ascendancy, such as the poisoning of Drusus (A.4.8,1) and the persecution of the house of Germanicus (A.4.12; 17,4; 67,5-6; 5.4,5); in his fall by the reign of terror and utter shamelessness of Tiberius (A.6.51,6) following on his death. Though Sejanus met the end of a conspirator, succeeding prefects retained the place he had won as Minister to the emperor.

Burrus, appointed sole prefect of the praetorian cohorts by Agrippina (A.12.42,2), not only secured the Praetorians' acclamation of Nero as 'Imperator' on the death of Claudius (A.12.69), but along with Seneca acted as 'governor' of the young emperor during the perilous years of his youth' (A.13.2,1-3). He was consulted by Nero on the murder of Agrippina, though "it is uncertain whether he had known of the preparations made for her destruction" (A.14.7,2). A tribute to his character is the "profound and abiding regret which his death created among the citizens" (A.14.51,4). A proof of this prefect's powerful, as well as good, influence is given by the author's statement that "the death of Burrus destroyed the influence of Seneca. Good counsels (see A.13.2,1-3) lost half their strength now that one of their champions was gone; and Nero stooped to advisers of the baser sort" (A.14.52,1). One of "these advisers of the baser sort" was Sofonius Tigellinus, joint prefect of the praetorians, who had been chosen by Nero "because of the scandalous profligacy of his past life" and "was admitted to share that prince's most private debaucheries" (A.14.51,5-6). Tigellinus' first step was to lower Rufus, his colleague, in Nero's estimation by accusing him of friendship with Agrippina (A.14.57,1); while to 'augment his own influence with Nero, he counselled the deaths of Sulla and Rubellius Plautus. "Believing that evil counsels, wherein his sole strength lay, would be more acceptable to Nero if he could secure a hold over him by partnership in crime", he had made a study of his fears and learned that Sulla and Plautus were special objects of his dread (cf. A.12,52,1; 14,22; 14,58,3).

Faenius Rufus, because of his position as commander of the praetorian guard, was regarded as the "mainstay" of the Pisonian conspiracy (A.15.50,4); while the influence of Tigellinus, "who had outstripped Rufus 'in the emperor's favour by his cruelty and licentiousness" (A.15.50,4), was so great that he, like Nero (cp A. 14.31,1; 16.11,2), was named co-heir in the wills of persons wishing to save the residue of their estates for their kinsmen (A.16.17,6; 19,5). Both Faenius Rufus and Tigellinus are mentioned as assisting at the private trials before Nero of the Pisonian conspirators (A.15.58,3). Tigellinus received as a reward for running down the conspirators, the triumphal insignia, a bust in the Palatium, and a triumphal statue in the Forum (A.15.72,2). Poppaea and Tigellinus formed, Tacitus says, "Nero's innermost council of cruelty" (A.15.61,4), and Nero is mentioned as surrendering to the resentment of Tigellinus an ex-praetor, Minucius Thermus, "one of whose freedmen had made some offensive charges against Tigellinus, for which the freedman had to pay the penalty by torture, the un-offending patron with his life" (A.16.20,2). Tacitus furnishes a good description of Nero's partner in debauchery and cruelty in the 'Histories': "Of obscure parentage, debauched in boyhood, and profligate in old age, this man had been promoted to the prefectures of the Watch and of the Praetorian Guard, attaining the awards of virtue by the speedier avenue of vice. Cultivating after that the robust qualities of cruelty and avarice, he corrupted Nero into committing atrocities of every kind, venturing on some himself, unknown to Nero (cp. A.6.38,3; *scelerum Seiani diu nescius* (Tiberius)), and becoming at last his deserter and betrayer. Hence no death was more

clamorously demanded, and for opposite reasons; by some because they hated Nero, by others because they lamented him." (H.1.72). The career of Tigellinus, as well as that of Sejanus, who had first given to the office of prefect of the praetorian cohorts, the character of a Ministry, are to a large extent responsible for the stigma which attaches to the reigns of Tiberius and Nero. The concentration of the praetorian cohorts within one camp in the city had had unlooked for consequences, for the salutation by the soldiers came to be an indispensable preliminary to the accession of a new emperor. Nero had been carried to their camp and hailed 'Imperator'; "the decrees of the senate followed upon the decision of the soldiers" (A.12.69,3). The emperor Otho owed his accession to the choice of the same Praetorian guard (H.1.27; 1.47).

Before leaving this chapter, a word must be said of the malevolent despotism of the emperor as shown by his antipathy to military eminence. Tiberius, "having no fancy for conspicuous merit as being dangerous to himself, and yet hating incapacity as endangering the glory of the state, carried his irresolution to such a length that he appointed governors to provinces without any intention of allowing them to leave the city". (A.1.80,4). Two instances of this are recorded under Tiberius (A.6.27,2; 27,3), one under Nero (A.13.22,2) and one under Vitellius (H.2.65). Similarly, Tiberius is stated to have made no mention to the senate of the defeat inflicted by the Frisians upon Apronius, the legate of Lower Germany, "not wishing to entrust anyone with the prosecution of the

war" (A.4.74,1), lest anyone entrusted with power to make war on a large scale should be dangerous. The emperor's dread of military ability is further borne out by the historian's statement that "for twenty-four years Poppaeus Sabinus had been retained in command of important provinces, not for any conspicuous ability which he possessed but because 'par negotiis neque supra erat'" (A.6.39,3). Corbulo was ordered by Claudius to stop hostilities against the Frisii and withdraw his garrisons to the left bank of the Rhine; the emperor being influenced by the counsel of persons representing to him that "Corbulos' disasters would fall on the state; but if he gained victories, the pre-eminence of one man, under a feeble emperor, would endanger the public peace" (A.11.19,6). Tacitus represents Tiberius as recalling Germanicus from the command of the German armies out of jealousy (A. 2.5, 1; 26,6). Agricola, the historian says, "was seized with a desire for military glory that was unwelcome in an age when an unfavourable construction was put on eminence and like peril attended the man of note and the man of notoriety" (Agr. 5.4). That general's triumph over the Britons at Mons Graupius, Domitian "greeted with joy in his face, but disquiet in his heart" (Agr.39,1), deeming "good generalship an imperial quality" and therefore not to be shared by a subject (Agr.39,3). Under Domitian 'gloria' was a precipice (see Agr. 41,4) and 'renown provoked ruin' (Agr. 42,4); and to that emperor Tacitus attributes the cause of Agricola's death (Agr.43,3-4; 45,3).

It was this dislike and fear of eminence that led the emperor to maintain the policy of Augustus in reserving Egypt for the personal government of the 'princeps'. Augustus "had kept Egypt to himself, forbidding all senators and knights of the highest class to enter that country without his permission. For Egypt holds the key, as it were, both of sea and land; and he was afraid that anyone occupying that country, with however small a force, and however great the opposing armies, might threaten Italy with starvation". (A.2.59,4). The country was governed by the emperor through an equestrian 'praefectus' as viceroy (H.1.11), with the aid of two legions (A.4.5,3).

The emperors' distrust of civil prominence was no less pronounced than their fear of military men. Lucius Amintius "was regarded with suspicion because he was rich, energetic, and accomplished, and stood correspondingly high in public estimation (A.1.13,1); Julius Frontinus was "a great man, as far as greatness was then possible" (Agr.17,3); Memmius Regalus was a man "of high influence, dignified courage, and reputation, and as illustrious as a man may be under the shadow of imperial grandeur", and only died a natural death because he was "protected by his unobtrusive life, and by the fact that his nobility was new and his wealth not such as to excite cupidity", (A.14.47,1-2). Other instances of the emperor's personal enmity such as Silanus' enforced exclusion from all magistracies of the state by the emperor's 'renuntiatio amicitiae'

(A.3.24,7), or the ransacking of Italy and rifling of the provinces for contributions for Nero's 'domus aurea' (A.15.45,1) could be mentioned, but it will be the purpose of the next chapter to recount the foul crimes which the emperors, from their blind jealousy of men of talent and prominence, were led to perpetrate under cover of the 'Lex Majestatis'".

CHAPTER IV.

TREASON AND CONSPIRACY.

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In nothing did the substitution of the emperor and his person for the commonwealth as a whole tell more directly and grievously on the persons and fortunes of Roman citizens, than in the new application of the law of 'Maiestas' or 'High Treason'. The application of that law under the Republic had been confined to such offences as "the betrayal of an army, the stirring up of sedition among the people, or to any act of public misconduct by which the 'majesty of the Roman people' might be impaired: deeds were impugned, words passed unpunished". (A.1.72,3). With the formation of the principate, the emperors were first regarded as representatives of, then as identified with the state as a whole, so that whatever by ancient law had been an offence against the Roman people became now a personal offence against the emperor, and every offence against the emperor was an offence against the Majesty of the people. (c.p. A. 3.70,2-3).

The scope of the law of 'Maiestas' had received a slight extension under Augustus, who made 'libellous writings' an offence under that law, not on his own account, but as a matter of public decency and perhaps with the special object of extending protection to women (A.1.72,4). The same emperor had strained the law in treating adultery among members of the imperial family as treason (A. 3.24,3). But that the operation of the 'Lex Maiestatis' had been for the most part dormant under Augustus may be gathered from

the fact that Tiberius in the year following his accession was asked by the praetor whether he was to entertain charges under it. The reply of Tiberius was that "the laws must be enforced"; for he was exasperated "by the publication of some anonymous verses animadverting upon his cruel and haughty temper, and his differences with his mother". (A. 1.72,5). Tiberius, says Tacitus, "revised the law of 'Maiestas'" (A. 1.72,3), though we have seen by its extension under Augustus that it had not become obsolete. The law was certainly extended, however, to cover libels written and published and even spoken words (A.1.74,3; 4.21,3; 42,2:6.7,4) while the strict limitation to libels on the prince and his family (o.p. A.4.34,3) was disregarded in practice (A.4,34,1). Trials for 'High Treason' are the one exception which the historian, in the fair picture which he paints of the government of Tiberius during the first nine years of his reign, makes to the generally just administration of the laws during that period (A.4.6,3). That the author's reservation is made with good reason is proven by the many trials even during the early reign of Tiberius, in which 'Maiestas' is either the sole charge, or more frequently coupled with others, for a charge of 'Maiestas' "tum omnium accusationum complementum erat" (A.3.38,1). Thus a Knight, Falanius, was accused of disrespect to the princeps amounting to the guilt of treason, inasmuch as he had admitted a low and profligate actor to assist in celebrating the rites of the deified Augustus; while another Knight, Rubrius, was charged with having forsworn himself in the name of that illustrious divinity. Falanius had allowed, at the sale of a villa, the

sacred image of Augustus to be sold along with it (A.1.73.). Granius Marcellus was charged with having spoken evil of the emperor and with having cut off the head of Augustus from a statue and substituted that of Tiberius (A.1.74). Appuleia Varilla, great-niece of Augustus, was accused of treason "for having spoken slanderously of the Divine Augustus, of Tiberius and his mother, and for having committed adultery - a treasonable offence for one connected with the emperor's family" (A.2.50). Clutorius Priscus, who had written a premature poem on the death of Drusus during that prince's illness, was, by a strained interpretation of his words, accused of desiring Drusus' decease and put to death. (A.3.49; 51,1). Lucius Eunius was accused of 'High Treason' for having melted down a statute of the emperor into plate (A.3.70,2). Lepida was accused of consulting the astrologers in regard to members of the imperial household. (A. 3.22.4). There were other trials for 'Maiestas' during this early part of Tiberius' reign: A. 3.37,1; 3.14,1; 3.38,1; 3.38,2; 3.67,3. It must be admitted, however, that three cases were dismissed before trial (A. 1.73; 3.70,2), three others resulted in acquittal (A. 1.74,7; 2.50,4; 3.38,1 (comp. with 70,1)). It must be noted, too, that the acts of Gnaeus Piso, charged with stirring up sedition in his province (A.3.14,1), and of Antistius Vetus, brought to trial for treason as having been implicated in the treasonable designs of Rhescuporis against Rome (A. 3.38,2) were offences which would have been punished under the 'law of treason' as it was applied under the Republic (A.1.72,3). Further the infliction of the death penalty in the case of Clutorius Priscus (A.3.51,1), an extension of the usual and strictly legal penalty for 'maiestas' which was

a severe form of exile (A.3.50,6; ep. 3.38,2), was carried out in the absence of Tiberius in Campania (A. 3.31,2). The historian's statement that "no accusation was complete without a charge of 'maiestas'" (A.3.38,1), being so far true that it is found frequently added (A. 2.50,1; 3.22,2; 6.7,3), is not incompatible with Tiberius' evident discouragement of delation at the beginning of his reign, since nearly all the accusations for 'treason' during that period are to be traced to the zeal of informers, whose profession of delation will be dealt with below.

After the death of Drusus, when a change for the worse in the government of Tiberius set in (A.4.7,1). Tiberius began to show an increased sensitiveness to libels and an increased vindictiveness in punishing them. Cremutius Cordus was condemned for having commended Marcus Brutus in his history and called Gaius Cassius 'the last of the Romans' (A. 4.34,1; 35,5). Votienus was relegated on the charge of treason as having vilified the emperor (4.42,2-3). The 'lex Maiestatis' afforded a handle of attack for the downfall of Gaius Silius, whom Tiberius hated because he had boasted that Tiberius owed the maintenance of his government to the loyalty of his troops when the others broke out into mutiny (A.1.31,3) and whose "pretensions Tiberius deemed destructive of his own position" (A. 4.18,2). "The whole trial of Gaius Silius", though he was charged with extortion, "was conducted as one for treason" (A.4.19,5). Calpurnius Piso, whose independent attitude in the senate eight years before (A.2.34) still rankled in Tiberius' mind, "was accused of having spoken disrespectfully of the Emperor's majesty in private

but his "opportune death" prevented the trial from going on (A.4.21). There were other trials for 'maiestas' during this period (A.D.23-28) (A.4.30,2; 31,1; 31,7), relieved by only one acquittal (A.4.31,1); in fact this whole period Tacitus describes as a dreary chronicle of 'cruel edicts, of incessant prosecutions, treacherous friendships, of trials all ending in one way'.

(A.4.33,3). Tiberius is mentioned as enforcing a conviction where proof was wanting. Thus in the trial of Serenus on charges of conspiracy preferred by his son, though the evidence is stated to have broken down, Tiberius is represented as raking up a charge after an interval of eight years, to the effect that Serenus had insulted him in a letter, and as insisting on a condemnatory vote. (A. 4.28; 29; 30,1-2). Titius Sabinus, lured on by four men of praetorian rank to inveigh against the emperor, was denounced by Tiberius and, without a trial, condemned to death by the senate (A.4.68;69;70). These two last cases, though not expressly stated by the historian as trials for 'maiestas', were evidently treated as such; for the extension of 'maiestas' not only from written to spoken words, but to words spoken in private life, attempted earlier (A.1.74,3), appears now to have become an established principle (cp.4.20,3).

The "fiendish cruelty" (A.6.51,6) of the period following the death of Drusus and preceding the fall of Sejanus was surpassed by the reign of terror of the last years of Tiberius. At Rome, says Tacitus, "blood never ceased to flow" (A.6.29,1). Five men of distinction were accused of 'treason' in one batch. (A.6.9,5). Considius Proculus was celebrating his birthday when he was carried

off to the senate-house to face a charge of 'treason' and immediate execution (A.6.18,1). The senator Granius Marcianus was accused of 'treason', and committed suicide (A.6.38,4). "Women", the historian says, "could not be accused of political power, so they were arraigned for their tears; thus the aged mother of Fufius Geminus was put to death for bewailing the death of her son" (A.6.10,1). An atrocity greater still was the cold-blooded persecution of a whole Greek family, "their offence being that Greek flattery had awarded divine honours to their grandfather, Theophanes of Mytilene, after his death" (A.6.18,3-5); to claim divine honours, or divine descent, would be put themselves on a level with the emperor, and so render them open to a charge of 'maiestas'. Tacitus describes Tiberius as being stimulated by these persecutions to further carnage, like a wild beast that has tasted blood: "Excited to madness by all these executions, Tiberius ordered the execution of every one who was in custody on the charge of complicity with Sejanus". (A.6.19,2). The hideous spectacle afforded by this wholesale slaughter throws into the shade the cruel execution of the children of Sejanus (A.5,9): "There lay the victims, in untold number; of both sexes, of every age, high and low, singly or huddled together: no relative or friend might stand by, or shed a tear over them, or even cast a look at them for more than a moment. Guards were set round to watch for every sign of grief, and to follow the rotting bodies until they were dragged into the Tiber, there to float down the stream, or ground upon the banks: none might burn them, none touch them. Terror had cut them off from all com-

merce with their kind; and cruelty, waxed wanton, closed the door of pity on them" (A.6.19). Tiberius is represented as being never tired of trials and condemnations and never satiated; "though three years had passed since the execution of Sejanus, he still went on punishing old or dubious offences, as if they were recent and of the utmost gravity". (A. 6.38). "Suicide became common", says the author, "from fear of execution, and also because if a man took his fate in his hands, without waiting to be sentenced to death, his body was buried, and his will respected; such were the benefits of despatch!" (A.6.29,2). Even in earlier years, however, suicide before condemnation had not always saved the property (A.4.20,1;30,3), and during the last period of Tiberius' reign it apparently did not prevent confiscation of property. Thus Vibulenus Agrippa, though he was already dead from poison self-administered in the senate, was strangled in prison so as, by judicial execution, to do away with the 'pretium festinandi' (A.6.40,1). Many other victims of Tiberius' cruelty could be mentioned, such as Agrippina (A.6.25,1) and her son Drusus (A.6.23,4), Tigranes, ex-king of Armenia (A.6.40,2), Asinius Gallus (A.6.23,1) and Lucius Arruntius (A. 6.48,2); instances of wanton cruelties which, coming as they did principally at the close of his reign, have led Tacitus to estimate the character of Tiberius as that of a radically vicious nature asserting itself by degrees (A.6.51).

Tacitus records no trials on the definite charge of 'maiestas' during the reign of Claudius, though an attempt was made to bring such a charge against Vitellius, the champion of Agrippina (A.12.42, 4-5). The trials of Lollia Paulina and Furius Scribonianus, (A.12.22;52.1), however, were probably conducted as trials for

'treason', since the consultation of Chaldaean astrologers in regard to members of the imperial house is spoken of as "maiestatis crimina" in A. 3.22,4. Lollia "was accused of having trafficked with Chaldaeans and magicians and with having consulted the image of the 'Clarian Apollo with regard to the Emperor's nuptials'; without giving the accused a hearing Claudius condemned her to exile and confiscation" (A.12.22). Furius Scribonianus was "driven into exile on the charge of searching into the Emperor's end through the Chaldaeans". (A.12.52,1)".

The accusation of Julius Densus, who was charged with being favourable to Britannicus, in the first year of Nero's reign appears to have been an attempt to revive the law of 'maiestas', though the accusation was checked by Nero (A.13.10,3). That law is definitely stated, however, "as being revived for the first time "in the eighth year of Nero's reign (A.14.48,3). The Praetor Antistius is mentioned as being accused of 'Majesty' for having written some libellous verses upon the Emperor which he read aloud at a large banquet in the house of Ostorius Scapula. Though Scapula asserted he had heard nothing, "credit was given to the hostile witnesses", and Antistius would have been condemned to death had not Thrasea Praetus moved and procured the lighter sentence of exile. (A.14.48). "A similar charge proved fatal to Fabricius Veiento", who published a libel on the senate and pontiffs, which took the form of a will and was ironically termed such; Veiento was exiled and his books were burnt. (A.14.50). That

Nero made cruel use of this law of 'maiestas' is shown by his persecution of his wife Octavia. Taking advantage of the extension of that law by Augustus to cases of adultery committed by members of the imperial household (A.1.72,4), the emperor forced Anicetus, the slayer of Agrippina, to confess to adultery with her, so that he might put her out of the way and marry Poppaea. (A.14.62). Confined in the island of Pandateria for a time, she was shortly afterwards foully murdered by Nero's orders, and her head was cut off, and exhibited as that of a malefactor to Poppaea. (A. 14.63; 64,1-4).

We pass now to convictions and persecutions without trial for offences, real and alleged, mentioned here because of the similarity in character which they bear to charges entertained under the law of 'maiestas' or 'High Treason'. In many cases, the persons persecuted were victims of the emperor's fears or cruelty. The persecution of Sulla and Plautus are cases in point. Cornelius Sulla, a man of illustrious birth and the son-in-law of the Emperor Claudius (A.13.23,1), "was a special object of Nero's suspicion, Nero putting an opposite construction on his apathetic disposition and characterizing him as a cunning dissembler. A lying tale fabricated by a freedman of the imperial household to the effect that Sulla had devised a plot to waylay Nero on his return from the Mulvian bridge, a place frequented by Nero to indulge his fondness for pleasure, increased Nero's suspicions. "Sulla was dealt with as if he had been found guilty" and by a mere message from Nero was ordered to

leave Rome and retire in exile to Massilia (A. 13.47). Two years later, popular belief interpreted the appearance of a brilliant comet as a presage of a change of sovereignty, and the striking of Nero's dinner-table by lightning in the villa of Sublaqueum, the birthplace of Plautus, as an indication that "Plautus had been marked out by divine providence". Nero, alarmed, "wrote to Plautus, bidding him have regard to the peace of the city and withdraw himself from his traducers; let him retire to his ancestral property in Asia, where he might enjoy his youth in security and quietness" (A.14.22). In A. D. 62 Tigellinus, discovering that "the men whom Nero dreaded most were Plautus and Sulla", represented that the presence of Sulla, the descendant of the dictator Sulla, in Narbonese Gaul, and of Plautus the great-grandson of Tiberius, in Asia threatened the peace of those countries. Nero, accordingly, despatched assassins to Massilia, and Sulla was slain before he had received any hint of his danger. Plautus met a similar fate in Asia. The heads of both these men were brought to Rome and exhibited to Nero, and Nero, to justify his cruelty, wrote to the senate "not acknowledging that they had been killed, but describing both men as agitators, and dwelling on his own ceaseless solicitude for the welfare of the commonwealth. On that pretext, a thanksgiving was decreed as well as the expulsion of Sulla and Plautus from the senate, the mockery of this condemnation seeming even more revolting than the murder itself". (A.14.57-59). A case similar to these is that of Torquatus Silanus "who was driven to his death; his offence being that, in addition to his nobility as

one of the Junian family, he could count the deified Augustus as his great-great-grandfather". Nero ordered his accusers to charge him with having among his freedmen some whom he styled 'ab epistulis', 'a libellis', 'ab rationibus', "titles of imperial duties and suggestive of preparation for them"(A. 15.35). The fact that Silanus had given persons in his household the titles borne by the chief freedmen of Caesar would lay him open to the charge of aiming at the Empire. Nero's speech after the suicide of Silanus to the effect that "Torquatus' life would have been spared had he awaited the clemency of his judge" is described by Tacitus as one "of the regulation type"(A.15.35.5.)

The immediate outcome of the conspiracy of Piso, as of that of Sejanus, was a prolonged and continuous reign of terror. The movement had been set on foot early in the year A.D. 65, and had been joined by many men of position, senators, knights and soldiers, and also by women. Tacitus gives as the motives "hatred of Nero" and "favour for Gaius Piso"(A.15.48,1). The consul-designate, Plautius Lateranus, and a certain woman, Epicharis, joined the plot from patriotic motives(A.15.49,4; 51,4), while many of the conspirators appear to have joined from sordid motives, the reference to the loss of power by the senate (A.15.51,4) betrays the purely senatorial origin and aims of the whole conspiracy. Its signal failure was due to its leaders' weakness and entire lack of resolution and of daring at the critical moment (A. 15.52; 53). Those who were implicated in the conspiracy were, needless to say, put to death by the order

of Nero, whose terror was so great that "the city was put as it were into a state of siege; strings of men were dragged along, and halted at the gates of the Servilian gardens, and when they were brought in for trial, a smile bestowed upon one of the conspirators a chance word, or a casual meeting - to have been present at the same entertainment or the same spectacle - was regarded as a sign of guilt." (A.15.58). Nero, moreover, grasped at the opportunity offered by the conspiracy to drive Annaeus Seneca, the philosopher, to suicide, "not that Nero", Tacitus relates, "had any clear evidence of his guilt, but because he could now do by the sword what he had failed (15.45,6) to do by poison" (A.15.60-63). The Consul Vestinus, had taken no part in the conspiracy, but "Nero was able to make use of that charge to gratify his hatred of an innocent man" (A.15.52,5); for, "though neither accuser nor accusation were forthcoming, Nero, as he could not assume the part of a judge, had recourse to his own 'vim dominationis', and sent a tribune with a cohort to see that he made away with himself" (A.15.69). Other crimes were committed "on the opportune pretext of the conspiracy" (A.15.71,8). Rufrius Crispinus was banished, Nero hating him for having once been Poppaea's husband. Verginius Flavus and Musonius Rufus owed their exile to their illustrious names. Five others, condemned as it were, "to complete the mass and list", were allowed to retire to islands. The wives of Scaevinus and Caesennius Maximus were forbidden Italy, "their sentence giving them their only knowledge that any charge had been

brought against them".(A.15.71). Not satisfied with these persecutions, Nero, "who was always a coward, and had lived in greater terror than ever since the discovery of the recent conspiracy" (A.16.15,2), passed to greater crimes. The sixteenth book of the Annals is a monotonous list of executions and enforced suicides, "a story of blood wasted wantonly at home"(A.16.16,2). Gaius Cassius was charged by Nero with "having paid honour to Gaius Cassius by including his image among those of his ancestors, with the inscription 'Leader of the Cause', hereby sowing the seeds of civil war, and stirring up disaffection towards the Caesarian house"(A.16.7) and a servile senate passed a decree of exile. Nero also attacked Lucius Silanus, falsely charging him with having given, as his uncle had given(A.15.35,1), ambitious titles to his freedmen; he was exiled but Nero, not satisfied, sent a Centurion to his place of exile to put him to death(A.16.8,9); "his only offence", says Tacitus, "was that he was distinguished for his noble blood and well-ordered youth"(A.16.7,2). The widow of Rubellius Plautus and two others of her family were driven to their death, "all three being hateful to Nero, since the mere fact of their being alive seemed a reproach to him for killing Rubellius Plautus"(A.16.10-11). The disgusting mockery practised in the case of Plautus himself(A.14.59,6) was in this case repeated; sentence of execution 'after the ancient fashion' was solemnly passed on those already dead and was modified by Nero as an act of grace. (A.16.11,6). Antistius Sosianus, "aware that Nero hated Publius Anteius as an old friend of Agrippina, and knowing, too, that Anteius' great wealth would

appeal to Nero's cupidity, charged him with menacing the empire and prying into the emperor's destiny by consultation of astrologers. Personal prowess and soldierly qualities gave colour to the same charge against Ostorius Scapula. Both Scapula and Anteius anticipated the inevitable by immediate suicide. (A.16.24-15). Mela, brother of Seneca and father of the poet Lucan, was forced to suicide on the evidence of a forged letter from Lucan showing that both father and son had been implicated in the Pisonian conspiracy; and in order to bring about the death of another, Nero caused the forging of a codicil to Mela's will in which Anicius Cerialis was charged with being "ill-disposed toward the Emperor" (A.16.17.). By a mere suggestion of friendship with the conspirator Scaevinius, Tigellinus was able to rid himself of Gaius Petronius, a rival who surpassed him in ministering to the emperor's whims. (A.16.18-19). Then Nero "assailed Virtus herself" by putting to death Thrasea Paetus and Parea Soranus, though no charge whatever of the most remote or indirect complicity in the Pisonian or any other conspiracy was alleged or hinted (A.16.21-25; for charges against Paetus and Soranus see pages 25-27). Soranus' daughter, Servilia, was involved in her father's doom because "in girlish thoughtlessness she had put some questions to the astrologers, though only to the welfare of her own family" (A.16.30; 33,3). Such is the historian's record of Nero's atrocities as it remains to us; that the original list of the bloody crimes perpetrated by Nero was longer is a matter of conjecture, though it is hard to imagine any abatement in the

cruelty of an emperor whose murder of his mother was "diu meditata-
tum scelus"(A.14.1,1), whose persecution of the Christians was
merely to glut the 'saevitia' of one man"(A.15.44), and to whose
cruelty "ceterae libidines cedebant"(A.16.13,5). Tacitus declares
that "of all the Emperors up to his time, Vespasian was the only
one whose character changed for the better"(H.1.50). The bloody
rule of Nero's later years is hardly surpassed by the tyranny of
Domitian's last period, when that emperor "no longer at intervals,
with breathing spaces in between, but continuously and as if with
one fell blow drained the state of its life-blood"(Agr.44.5).

Perhaps nothing left so black a stain upon the character of
the empire as the organized system of delation which developed
with the revival of the 'Lex Majestatis'. But before treating
of the development of professional delation in connexion with
charges of 'treason', we must go back to the principate of Augustus
to learn how the first brood of professional 'delatores' was
called into being. Augustus, says the historian, "gave us peace
with empire; thenceforward laws were more strictly enforced. Men
were appointed to watch their operation, enticed by rewards under
the Papia-Poppaeian law, so that if men neglected to earn the
rewards of paternity, the state as the common parent of all might
possess the unearned properties. But this espionage became too
searching; the capital, Italy, and Roman citizens all over the
world, fell into their clutches; ruin was brought into many house-
holds, and terror hung over every head. At last Tiberius
appointed a commission to devise a remedy. This body

unravelled many of the complications of the statute, and thus produced a partial and temporary relief". (A.3.28,4). The 'Lex Julia et Papia-Poppaea de maritandis ordinibus', "passed by Augustus to encourage the enforcement of penalties on celibacy, as well as to bring in revenue to the exchequer, did nothing to make marriage and the rearing of children more frequent", but became famous chiefly as affording delators endless opportunities for prying into the private life of wealthy persons; so many snares were woven out of the law by the subtlety of informers that "ut Antehac flagitiis, ita tunc legibus laborabatur" (A.3.25). Thus Tacitus describes the 'delatores' (informers) as a "tribe of men called into being for the public ruin, whom neither pains nor penalties have ever been able to repress" (A.4.30,5). Attention must be called to the fact that Tiberius' discouragement of delation as stated above was only that of delation in connection with the operation of the Papia-Poppaeian law.

Augustus' law gave the first general encouragement on a large scale, to systematic delation. The development of the profession of delation in connection with charges of treason, however so marks the principate of Tiberius that it may not undeservedly be regarded as the period of its origin, for "then for the first time were devised those practices which for so many years ate like a canker into our public life" (A.2.27,1.) Tiberius, says Tacitus, "craftily fostered delation, a deadly system of oppression" ('gravissimum exitium') (A.1.73,1); and indeed that emperor appears to have encouraged it from the outset. Romanus Hispo "was a man who entered upon a line of life destined soon to ac-

quire notoriety in those calamitous and shameless days. Needy, low-born, and restless he first crept into the graces of the cruel-minded emperor by supplying him with secret informations; and before long no name, however distinguished, was safe from his attacks. Becoming thus all-powerful with one man, and earning the hatred of all besides, he set an example in following which men rose from poverty to affluence, and from insignificance to power: bringing ruin upon others first, and in the end upon themselves also". (A.1.74,1-2). That encouragement was given in a more substantial manner is evident from the division among the accusers of all the property of Libo Drusus as well as the award to them of political promotion; the lex 'Julia de maiestate' passed by Augustus, affording rewards to accusers, was here strained, for by the general rule at this time, the property of those who anticipated condemnation by suicide was not confiscated (A.6.29,2), though their accusers were entitled to a share (A.4.30,3), amounting as a legal minimum to one-fourth of the property (A.4.20,2). The case of Libo Drusus is important also as showing that as early as the second year of Tiberius' reign persons were entrapped by intimate friends who kept up private communications with Caesar (A.2.27;28). It must be admitted, however, with the fairness of Tacitus that three charges of 'maiestas' brought before the Senate by informers were dismissed by Tiberius before trial (A.1.73;3.70,2), and that three more of the same nature resulted in acquittal (A.1.74,7; 2.50,4; 3.38,1). This last statement can be recon-

ciled with those which have gone before by a consideration of the fact that, during the early part of his reign, Tiberius' purpose appears to have been not so much to secure condemnations as to let men see that the accuser was always on the watch; delation crept in, says Tacitus, "Arte Tiberii" (A. 1.73,1), so that the emperor's intervention to dismiss charges and modify sentences may have been dictated by his desire to screen his approval of delation; Nero by his intervention was thought to be acting a part (A.14.48,3). Toward the middle of his reign, Tiberius openly abetted the informers. For when a motion was on the point of being carried in the senate, to the effect that if a person accused of treason should commit suicide before the trial was over, the prosecutors should forfeit their rewards, "Tiberius, with unusual openness, pronounced in favour of the informers; protesting, with much asperity, that such a rule would nullify all law and be a serious danger to the state. 'Better upset the laws', said he, 'than remove their custodes'." (A.4.30,4-5). The result was an "unbroken flow of prosecutions" (A.4.36,1). The historian records the effect on Rome of the despicable betrayal and condemnation of Titus Sabinus who was lured on to denounce, in private conversation, the horrors of the principate by four men of praetorian rank, desirous of gaining the Consulship, and who was by them betrayed to Tiberius: "Never was Rome so agitated, so terror-stricken. Men kept their counsel even from the nearest they avoided meeting, or speaking to, their neighbours; they

turned from the ear alike of acquaintance and of stranger, and looked round suspiciously on dumb and lifeless things, on the very roofs and walls of houses." (A. 4.69,5-6). Soldiers were put over Agrippina and Nero "to keep a regular record of their correspondence, of their visitors, of everything, open or secret, that they did". (A. 4.67,6). During Drusus' stay in prison "men were posted to keep a journal of everything he said or did, to take note of his every look, his every groan and secret murmur" (A.6.24,1-2). Tacitus, by way of condemning delation, paints the horrors of that system during the last years of Tiberius: "Of all the evil features of that time, none was more calamitous than this, that the first men in the Senate would practice the vilest delation, some openly, some in secret (by private letters to the emperor: cp. 'quae sibi scripsisset'-A.6.7,3); not distinguishing between kinsfolk and strangers, between friends and unknown persons, between things of yesterday and things obscured by time. Words uttered in the street, or across the dinner-table, on any subject whatever, were noted for accusation, everyman hurrying to be first to mark down his victim; some few acting in self-defence, the greater number as if infected by some contagious malady" (A.6.7,4). That this 'contagious malady' had been prevalent for a long time is evident from "the lamentable and monstrous prosecution" of Vibius Seneca by his own son eight years before (A.4.28,1). The convictions, during Tiberius' last period, on charges of 'maiestas' (A.6.9,5; 18,1; 38,4) as well as the persecutions without trial (A. 5,9; 6.19,2; 18,3-5) were open encourage-

ment to 'delatores' to ply their trade and glut the cruelty of a prince whose penchant for shedding blood neither "time, entreaty, or satiety" could kill (A. 6.38,1).

The reign of Claudius is peculiarly free from trials for 'maiestas', but the activity of 'delatores' in connection with charges for other offences, saw little abatement. Suillius, the foremost 'delator' under the Claudian regime and a 'terribilis et venalis' personage (A.13.42,1), "plied his accusations ceaselessly and mercilessly; and many emulated his audacity. For the Emperor had opened up a wide field for plundering by taking on himself all judicial and magisterial functions" (A.11.5,1). Probably Claudius did not intend the inevitable result, yet the concentration of power into the emperor's hands was but calling into existence and enriching a crowd of accusers. Anyone might be accused when all rested on the caprice of one man; and accusers had only to study the humours of a single person. That delation was encouraged by Nero is evident from the case of one Vatinius. "Vatinius", relates Tacitus, "was one of the most hideous monstrosities of the court at that time. Bred in a cobbler's booth, deformed in body, and scurrilous of wit, he was taken up first as a butt; but in the course of time, he acquired such influence by accusing distinguished persons that he became pre-eminent, even among evil men, in influence, in wealth, and in the power of inflicting injury". (A.15.34,2). Vatinius' rise from obscurity and poverty to preeminence and wealth had its precedent in the career of Romanus Hispo who from

being "needy, low-born and restless" became "all-powerful" with Tiberius (A.1.74,2). Nero's persecutions, such as the assassinations of Sulla and Plautus (A.14.57;59) and the enforced suicide of Torquatus Silanus (A.15.35.) were open encouragement to delation. Nero is represented as "ordering" the accusers of Silanus to bring further charges of treasonable designs against him (A.15.35.); as suborning persons to allege charges against Silanus the nephew of Torquatus, (A.16.8.2); and as releasing a man from prison as a reward for preferring an accusation against Lucius Vetus (A.16.10,2). When Cossutianus Capito, the notorious 'delator' of the Neronian reign, attacked Thrasea, "Nero fanned the ready wrath of Cossutianus and associated with him Eprius Marcellus, a man of acrid eloquence" (A.16.22,10). The enormous rewards of five million sesterces given to both of these men for the condemnation of Thrasea Paetus, as well as the award of twelve hundred thousand sesterces, together with the quaestorian ornaments, to Ostorius Sabinus for securing the conviction of Barea Soranus (A. 16.33,3), are patent evidence of the encouragement given to delation by Nero. Delation appears to have reached its height during the last two years of Nero, for we are told that the Scribonii fell before the delation of Paccius Africanus (H.4.41,3); that Licinius Crassus and Salvidienus Orfitus and their families were victims of the delator Aquilius Regulus (H.1.48,1; 4.42,1); that Eprius Marcellus had added other noble victims to Thrasea and his friends (H.4.7,4); that infamy had been incurred by the delation of Vibius Crispus (H.2.10,2; 10,6; 4.41,4; 42,6), of Annius Faustus (H.2.10,3), of Uacula,

Attianus, and Severus(H. 4.41,2). The fatal power acquired by 'delatores' in A.D. 69 is attested by Tacitus' statement that "the rewards of informers were not less hateful than their villanies: some gained consulships and priesthoods as their spoils, some procuratorships, other influence at court, overturning everything, carrying all before them, by the forces of hate and terror. Slaves were bribed to betray their masters, clients their patrons; those who had no enemies were ruined by their friends"(H.1.2). Under Domitian, says Tacitus, "nos vidimus quid ultimum in servitute esset; inasmuch as informers have robbed us even of intercourse of speech and hearing; we should have lost memory itself had it been as easy to forget as to keep silence"(Agr. 2,3-4).

Augustus had given the first encouragement to delation. Tiberius infused new blood into the system by his revival of the law against High Treason(A.1.72,3); and his encouragement of 'the deadly system of oppression' can be attributed to that self-distrust and suspicion which made him even at the outset(A.1.11,1; 13,1) feel insecure, unless surrounded by an atmosphere of intimidation. His blind fears during his later years(A.4.70,7) led him to nurse a system which could bring him temporary respite from dread, but which, on the whole, by its steady toll of victims must have made him feel more insecure than ever. After the Pisonian conspiracy, Nero, whose natural timidity passed into abject panic(A. 16.15,1), fostered delation, employing 'delatores' as 'scelerum ministros', as Tiberius had done years

before (A.4.71,1). The crimes perpetrated by 'delatores' led to a reaction under Otho, when the very name 'maiestas' was so odious from the memory of the accusations conducted in its name in previous reigns that, says Tacitus, if any convicted criminal could claim that he had been charged with 'maiestas' he would be pardoned for the crimes he had actually committed (H. 1.77).

CHAPTER V.

MANNERS AND MORALS.

V. MANNERS AND MORALS.

A. AMUSEMENTS.

Nero's passion for charioteering and for theatrical performances Tacitus evidently regards as indicating the lowest depths of degeneracy; for Nero, he says, on the death of Agrippina, "plunged into all the vicious extravagancies which, though repressed with difficulty, he had nevertheless deferred from a certain respect for his Mother", (A.14.13,3). The emperor "had long entertained a desire to drive in a chariot-race and a no less 'foedum studium' to sing to the lyre in the character of a public performer.....and as there was now no holding him back, Seneca and Burrus thought it better to give way on one of two points, to prevent his insisting on both" (A.14.14,3). Nero at first practised his charioteering before a select company in an enclosed space in the Vatican valley, but soon the public were not only admitted but were invited. "This publicity of shame, however, brought with it no satiety, as was hoped, but only fanned the flame" (A. 14.14,4-5). The emperor's other leading taste was partially gratified in the same year (A.D.59) by the institution of games called the 'Juvenalia', where the emperor's personal appearance on the stage is regarded by the historian as Nero's crowning enormity: *Postremus ipse scaenam incedit, multa cura temptans citharam et praemeditans adsistentibus phonascis*" (A. 14.15,6). A cohort of soldiers was in

attendance; the prefect, Burrus, was 'distressed' at Nero's degradation, while a body of professional claquers, consisting of Roman Knights and now formed for the first time under the name of 'Augustiani', "kept up a din of applause for whole days and nights, bestowing divine appellations upon Nero's voice and person; as though conducting themselves with virtue, distinction, and honour" (A.14.15,7-9). Festivals styled 'Juvenalia', were apparently (A.15.33,1) kept up by Nero for several years, held in the emperor's own private grounds, to allow him to exhibit his singing powers; that he was offended by absence from, or, lukewarmness at them appears from A.16.21,1. The 'Juvenalia' appears to have sufficed for a time for Nero's display of unbounded vanity. He was content at the first Neronia, "a quinquennial contest instituted at Rome after the model of the Greek games" (A.14.20,1), to attend as a spectator and receive, without competing, the prize for eloquence (A. 14.21,8). In A.D.64, however, Nero, "despising the 'Juvenalia' as not being thronged enough and affording no scope for a voice like his", journeyed to Neapolis "as being a Greek city" and sang there in the public theatre, filled to capacity by the mob of towns-people and "whole companies of soldiers" (A.15.33). It was not till the next 'Neronia' in A.D.65 that Nero made his first appearance on the stage of the greatest Roman theatre. The senate had hoped to prevent the 'dedecus' of his appearance on the stage by offering him the prize of victory for song beforehand as well as the crown for eloquence "in order to veil the degradation attaching to the

stage" (A.16.4,1). Nero's vanity, however, led him to scorn their interference. After appearing as a poet on the stage of the theatre of Pompeius, at the request of the populace that "he display all his accomplishments" he reappeared as a harp-player, scrupulously observing the rules of professional etiquette. "On bended knee," says Tacitus, "and with a gesture of deference to the assembly, he awaited with assumed diffidence the verdict of the judges" (A.16.4,2-3). It was on this occasion that the organization of artificial applause reached its full development. The city mob, like the professional "Augustiani" (A. 14.15,8-9) "greeted Nero with rounds of measured and modulated applause". "You would have thought", the historian continues, "that they were delighted; and as they cared nothing for the public scandal, perhaps they were" (A.16.4,4). Soldiers, stationed among the benches, coerced those who were slack or out of time in their plaudits; the sober-minded spectators from the old-fashioned parts of Italy", being unused to such 'lascivia' and unable to endure the spectacle or keep up the degrading toil of enforced applause, were frequently struck by the soldiers (A.16.5,1). Not only applause, but also attendance was enforced. "Many knights", relates the author, "were trampled underfoot in the struggle to force their way up to the narrow and crowded entrances; others, keeping their seats night and day, actually fell ill and died. For it was a deadly offence to absent oneself from the show; there were men on watch, some openly, a greater number secretly, to take down the names of the spectators, and scan their faces for signs of pleasure or disgust. Humble offenders were punished at once; persons of distinction had nothing

said to them at the time, but they encountered Nero's hatred afterwards. Powerful intercession was needed to protect even Vespasian, rebuked by a freedman for going off in a doze" (A.16.5, 2-5). Thus the citizens of Rome had to suffer for the gratification of the emperor's whims; that they were expected to, and did offer sacrifice 'pro caelesti voce' of Nero is evident from A.16.22,1.

Nero, "thinking that his own disgrace" of appearing in public as a charioteer" would be mitigated if he besmirched others, brought upon the stage men sprung from noble families whose poverty left them open to be bought. But the disgrace is his who gave them money to make them offend, rather than to deter them from degrading themselves". (A.14.14,5-6). At the 'Juvenalia' all kinds of persons gave in their names as ready to perform. "Neither birth, nor age, nor official rank hindered anyone from acting in Greek or Latin plays and even stooping to songs and gestures of an unseemly kind;" even women of high station studied degrading parts". (A.14.15,2). Not only on the pantomimic stage do we find persons of nobility. Roman Knights also "were constrained by lavish gifts to proffer their services for the arena". Here the historian once more rises to the defense of his aristocratic brethren by saying that it is hardly right to say that Nero induced them by gifts "when pay from one who can command carries the force of compulsion" (A.14.14,6). At the gymnasium opened by Nero in A.D.62 both Knights and Senators appear to have taken part in contests (A.14.47,3). That both illustrious women and senators as well as Knights (A.14.14,6) had been appearing in

the arena previous to A.D. 63 is evident from Tacitus' statement that in that year "a still greater number of illustrious women and senators disgraced themselves by appearing in the arena" (A. 15.32,3). Tacitus rightly blames Nero (A.14.14,6) for the enforced appearance on the stage of the members of noble families and for the appearance in the Arena of Roman Knights (A.14.14,6). But however much Nero may have encouraged the appearance in the arena of senators as well as knights, and women belonging to families of both these ranks, the ready compliance with which these people responded to the emperor's encouragement may be confidently set down to the decadent morality of the age as much as to compulsion; indeed Tacitus' language ('passim nomina data: A. 14.15,1) does not imply that the demoralization of such persons was other than voluntary, and even when there was no Nero to compel, the practice of Roman Knights of disgracing themselves by attending gladiatorial training schools and appearing in the Arena was so prevalent as to call for severe measures of repression (H. 2.62).

There are many reference in the works of Tacitus to the immorality attaching to the theatre under the Empire. The performances on the stage such as tragedies, mimes and the Fabulae Atellanae were adapted to the popular taste. Drama degenerated from tragedy to mimes, Greek and Latin plays being modified to consist of "gesticulation and song of an unseemly kind" (A.14.15,2) The 'pantomimi' were excessively popular under the Empire. How extravagant was the court paid to them can be gauged from a decree of the senate under Tiberius forbidding "Senators to enter

the houses of pantomimic players, and Roman Knights to escort them when they went abroad or court them anywhere than in the theatre" (A.1.77,5). The pantomimist Mnester was notorious for his arrogance and profligacy under Claudius, and was one of Messalina's favoured lovers (A.11.28,1). The actor Paris, a freedman of Nero's aunt Domitia, was a favourite of that emperor (A.13.21,5; 22,3; 27,7). Frequent mention is made by the historian of the public disturbances caused by these 'pantomimi' or 'histriones', the contests between the supporters of rival actors sometimes ending in bloodshed (A.1.77,1). So great had the 'immodestiam spectantium' become under Tiberius that praetors were given power to punish with exile such conduct. The shameful conduct of the Actors had led the same emperor to banish the pantomimists from Italy, "because they caused much public disturbance and many private scandals; while the old Oscan farce, the most trivial amusement of the vulgar, had become so outrageous and its influence so formidable" (A.4.14,4). Other attempts to banish these actors from Rome appear to have been in vain (A.13.25,4; 13.28,1; 14.21,2). Under the Empire, now that the meetings of the 'Comitia' had become merely formal, the theatre was the only place in which popular feeling could find a vent; gatherings in the theatre were the chief occasions on which popular demands or other grievances found expression (A.6.13,1). But whereas Tiberius and Claudius (A.11.13,1) had tried to check the turbulent conduct of the people in the theatre, Nero abetted such 'licentia'. That emperor "turned the disorders of the

stage caused by the factions of rival actors into something like battles, allowing impunity as well as offering rewards, and himself looking on, sometimes from a place of concealment and often in full view; until the fights among the populace and the fear of more serious trouble left him no remedy but to expel the actors from Italy" (A.13.25,4). The praetorian cohort usually present to keep order at the games (1.77,1) had been withdrawn a short time before (A.13.24,1) to make the experiment whether the populace could keep order without them, but now, through the disorders encouraged by Nero, it had to be replaced (A.13.25,4). To Tacitus the theatre, as the circus, was but the haunt of the 'plebs sordida' (H.1.4); the demoralizing effects of both are shown by his statement that the army of Vitellius was "enervated by the Circus, the theatre, and the attractions of the City". (H.3.2).

The lovers of games and shows were "debarred from such pleasures under Tiberius" (A.4.62,3). His predecessor "was fond of gladiatorial exhibitions, and it was part of his popular policy to share in the amusements of the people. The character of Tiberius took a different course, but as the people had been indulged for so many years, he did not venture as yet to turn their tastes in a more serious direction" (A.1.54,3). It is evident from the historian's statement that games were a flattering of the populace. It is very probable that a large measure of Tiberius' unpopularity was due to his non-exhibition of, or non-attendance at (A.1.76,6), the various games of the 'plebs urbana' "which delights in pleasures and rejoices to see its rulers

of the same mind" (A.14.14,4). Nero's temperament accorded well with the popular taste; his passion for charioteering and his theatrical tendency met with the hearty approval of the mob (14.14,4; 16.4,2-4). Games were instituted by Nero as affording him opportunity to make public display of his 'godlike voice'. The 'Juvenalia', instituted by Nero in A.D. 59, is condemned by Tacitus as a prolific source of immorality. "In the grove", he says, "which Augustus had planted round his naval pond (the Naumachia in the Trans-Tiberine quarter) booths and drinking shops were put up in which every stimulus to evil passion was exposed for sale; here sums of money were distributed, which respectable people spent from compulsion, and the vicious from vanity. To this was due the spread of abomination and infamy, and nothing brought more corruption to our already depraved manners than did the filthy herd thus swept together". "It is hard", the historian continues, "to maintain purity even, by honourable accomplishments; much less could shame or modesty or any trace of decency be maintained amid such rivalries in vice" (A.14,15, 3-5). Such condemnation of games as being a source of immorality might imply that the historian was at one with those Roman purists who disapproved of the institution at Rome of Greek games, for introducing singing contests, the inevitable accompaniment of which was, in their eyes, the corruption of morals (A.14.20). His admission that the first quinquennial contest, instituted by Nero after the model of the Greek games, passed off "without any notable scandal" (A.14.21,7), implies that immorality was not altogether lacking; those who expressed approval of the introduction of the effeminate exercises of the Greek gymnasium in place of the old

martial Roman exercises, and of the introduction of singing contests were but "getting forward respectable pretexts" to veil their fondness for "licentia" (A.14.20; 21).

Attention is called to the quotation above (A.14.15,4) where Tacitus speaks of "morals long since corrupted". That morality under the Empire had reached a low level is shown by the measures taken by the senate to repress female profligacy. A decree was passed under Tiberius "forbidding the profession of prostitution to all whose grandfathers, fathers or husbands had been Roman Knights" (A.2.85,1). Claudius found it necessary to have the senate pass a decree inflicting penalties on free women who so demeaned themselves as to enter into concubinage with the slave of another person. (A.12.53,1). The enforcement of the 'lex Julia de adulteriis' (A. 2.50,2-4; 85,2-4; 6.40,4) is testimony to the demoralization of the times, a demoralization which the public scandal of Nero's entertainments did not help to mitigate. The extravagant and profligate entertainments given by Nero and Tigellinus present a picture/^{of} unequalled debauchery. "Nero", says the historian, "laid out feasts in the public thoroughfares, using the whole city as if it were his own house. The most notorious and profligate of these entertainments were those given by Tigellinus, which I shall take as an example to avoid further description." It will be noticed that Tacitus speaks of such scenes as frequent: He continues: "A banquet was set out in Grippa's basin upon a barge built for the purpose. This barge was towed about by vessels picked out with gold and ivory, and rowed by debauched

youths, who were assorted according to their age and their proficiency in libidinous practices. Birds and beasts had been collected from distant countries and sea-monsters from the Ocean. On the banks of the pond were brothels, filled with ladies of high rank; over against these were to be seen prostitutes with naked bodies, indulging in indecent gestures and language". (A.15.37,1-6).

B. IMMORALITY AT COURT.

Besides this general demoralization must be mentioned the shameless example of profligacy set by the emperor himself and other members of the imperial family. The profligate conduct of Augustus' daughter, Julia, "was the real reason for Tiberius' retirement to Rhodes" and finally forced her father to confine her in the island of Pandateria and afterwards in the town of Rhegium (A.1.53,1.2). She was, Tacitus says, "the greatest trial of Tiberius' life (A.6.51,3), and the character of her daughter and name-sake appears to have been no less degenerate (A.4.71,6). Nor does the character of Tiberius escape the pen of the moralist. "Living in retirement at Rhodes", he says, "Tiberius had been wont to avoid company and conceal his self-indulgence" (A.4,57,3; cp. A.1.4,4). Discussing the probable motives for Tiberius' retirement to Campania, the historian says - and it is needless to ask whether 'sine ira et studio' - that although he has followed the authority of most writers in asserting (A 4.41, 2-3) that Tiberius' retirement was brought about by the machinations of Sejanus, yet he is more inclined to believe that the idea was his own, "his object being to find some place in which he might carry on his cruelties and debaucheries unobserved." (A.4.57,2). The historian's view of the character of Tiberius is that of ^aradically vicious nature asserting itself by degrees, the affectation of virtue during the earlier years of his principate being abandoned after the fall of Sejanus when Tiberius, "freed from all fears, lost to all shame, broke out in wickedness and wantonness alike and showed himself in no character but his own" (A.6.51,5-6).

The indictment against the private life of Tiberius is expressed in the most positive, as well as in the most loathsome form (A.6,1). "The passions of Tiberius", we are told, "had become so rampant that he would debauch free-born children, after the fashion of an oriental despot; not for their grace or beauty only, but because the innocent youth of one, or the illustrious ancestry of another, added a fresh stimulus to his desires. It was now that were first invented the terms of "sellarii" and "spintriae" to correspond to filthy forms and multiplicities of lust. The office of hunting up and dragging in victims was assigned to slaves, who would offer bribes for compliance, and meet reluctance with menaces; if resistance were offered by friends or parents, they would use open violence, and work their will on them as in a captured city." Even when Tiberius' health was failing "nihil e libidinibus omittebat" (A.6.46,9). In passing judgment on the morality of Tiberius we must remember that the same Tacitus who attributes such foul practices and filthy habits to Tiberius at Capri, and hints at immorality at Rhodes, is singularly silent about any suggestion of similar sensuality on the emperor's part during the long intervening period in Rome. The picture no doubt is heightened in colour by the spleen of the writer, but cannot on that account be wholly discounted.

The reign of Claudius was marked by the licentiousness of the infamous and profligate Messalina, his third wife, who exercised an ascendancy over her husband's facile nature only equalled by the other potent influence of the Claudian reign, that of the imperial freedmen. Claudius, says the historian,

"Was made to be ruled by wives" (A.12.1,1). The position of Messalina as wife of the emperor enabled her "to make state affairs the pastime of her wantonness" (A.12.7,5); that is to say, she viewed public men only as possible instruments of her lusts, and exerted her influence to advance or destroy them out of mere caprice. Poppaea Sabina, the mother of the more infamous Poppaea, the wife of Nero, was driven to her death for having carried on an intrigue with one of Messalina's favourites, the pantomime actor, Mnester; and two Roman Knights met their death for having abetted the intrigue (A.11.2,5;4,1). The most notorious case of profligacy during the Claudian regime was the mock marriage of Gaius Silius, "the most beautiful youth in Rome" and Messalina. Messalina, says the historian, "became so enamoured of Gaius Silius that she forced him to put away his highborn wife Junia Silana, that she might have him all to her herself; Silius seeing certain death before him if he refused, let things take their course. Messalina made no secret of her passion. She would go to her lover's house with a crowd of attendants; she clung to him when he went abroad; she lavished money and distinctions upon him, until at last, as though the empire had already changed hands, the slaves, the freedmen, and even the household furnishings of the emperor, were to be seen in the possession of her paramour." (A.11.12). When Silius, "whether moved by some fatal infatuation or believing that the best cure for impending danger was to meet it", urged her to have done with concealment and marry him, "the very greatness of the scandal, offering the last of all attractions to an abandoned mind, made her long for the name of wife" (A.11.26), and led her to go through

the ceremony of a formal marriage with him, both "passing the night together with all the freedom of man and wife" (A.11.27). The marriage of Messalina was followed by a no less open exhibition of abandonment (A.11.31,3-5). The gratification of Messalina's last passion proved her doom (A.11.37-38) as well as that of Silius (A.11.35). She drew down others in her fall. Her lover Mnester (A.11.28,1) was punished, though he could point to stripes inflicted on him for resisting Messalina's will (A.11.36,1-2). Traulus Montanus, a Roman Knight, who had been sent for by Messalina and dismissed after a single night" was put to death without trial (A.11.36,4), and seven others met a similar fate (A.11.35). Death was the penalty if men refused to gratify Messalina's lusts (A.11.12,3); and, as has been shown, death was the punishment of those who yielded to the bidding of the imperial Consort. Claudius' own morals are censured by our historian. The project of marriage between that emperor and Agrippina "was established by illicit cohabitation" (A.12.5,1), before the "incestuous marriage" (A.13.2,3) was solemnized and legalized by a decree passed by the senate at the instigation of Claudius (A.12.7,3). Agrippina was "correct in her private life save where she saw that power was to be gained" (A.12.7,6); the political support of the powerful Pallas was gained by adultery (A.12.25,1;12.65,4;14.2,4). The licentiousness of Messalina and Agrippina, however, is almost thrown into the shade by the profligacy of the imperial court during the principate of Nero.

Tacitus attributes to Galba the remark that "it was his own monstrous nature, his own debauched living that shook off the yoke of Nero from the public neck - that condemned him as Roman

emperor was never condemned before" (H.1.16). There are numerous instances of Nero's profligate conduct to prove the historian's contention. As early as the second year of Nero's reign, the public witnessed the "foeda lascivia" of their emperor. For the ruler of the Roman world "would roam through the streets, the taverns, and the brothels of the city disguised as a slave and accompanied by friends who ran off with articles exposed for sale, maltreating all who came in their way". "Once it became known", the historian continues, "that this roisterer was none other than Nero, outrages on men and women of distinction were multiplied, the license once permitted, many carried on the same practices with impunity under Nero's name with companies of their own, until Rome at night presented the appearance of a captured city." (A.13.25,1-2) A young man who had struck Nero in one of these brawls unwittingly was compelled to suicide. After that "Nero became more circumspect, providing himself with an escort of soldiers and gladiators, who, at the beginning of a brawl and as long as it seemed to be no more than a private quarrel, were to let it go on; but if those assaulted showed too much fight, they were to interfere with arms" (A.13.25,3). Nero's encouragement of the disorders of the theatre (13.25,4) has already been mentioned. The shameless example of profligacy set by Nero at the notorious feast given by Tigellinus must be noticed. There, says Tacitus, "Nero disgraced himself by every kind of abomination, natural and unnatural, leaving no further depth of debauchery to which he could sink; except that a few days afterwards he went through a

regular form of marriage with one of that contaminated crew called Pythagoras. He put on the bridal veil; soothsayers were in attendance; the dowry, the marriage bed, the nuptial torch were all there, with everything exposed to view - even the things which night conceals as between man and wife". (A.15.37,8-9). Tacitus speaks of such exhibitions of profligate conduct as frequent (A.15.37,2). Petronius was able to taunt Nero in his will with his knowledge of "all the refinements of Nero's midnight orgies" (A.16.20,1); writing out a "list of Nero's acts of lechery, with the names of the youths and women whom he had debauched, detailing all the lustful novelties of each case" (A.16.19,5). It is little wonder that our author speaks of "the delights of Nero's court, with its freedom as to marriage, adultery, and other King-like indulgences" (H.1.22)

A word must be said of Nero's relations with Acte and Poppaea, and of the home "in which the maid had been preferred to the mistress, and in which Poppaea had been wedded only to compass the destruction of the wife" (A.14.63,4). In the first year of his principate Nero "fell in love with a freed-woman, Acte "; an amour to which Nero's older friends offered no objection, "for since by some fatality, or because illicit joys are sweetest, he had taken an aversion to his own high-born and virtuous wife Octavia, they were afraid that if his passions were baulked now, they might vent themselves upon women of distinction" (A.13.12). Agrippina at first "raged at having a freed-woman for her rival, a serving-girl for her daughter-in-law", and then changed her tactics, "trying blandishments on Nero and offering him the privacy of her own chamber for the

concealment of indulgences which youth and the highest rank might claim" (A.13.13,1-2). A greater enormity than Nero's passion for Acte was the outrage perpetrated on the person of Britannicus before he was poisoned, "to make his death appear less untimely, less cruel than it was" (A.13.17,3). With the death of Britannicus, Agrippina's threats to set up Britannicus in Nero's stead (A.13.14) ceased perforce and she is represented as attempting the most revolting means to win back her son from the arms of Acte. Tacitus records the story of one of his authorities, Cluvius Rufus (cp.A.13.20,2), that "Agrippina's desire to keep hold of power carried her so far that on several occasions at mid-day, when Nero was in his cups, flushed with fe-
 ast and wine, she offered herself to him beautifully attired, and prepared for incest". "Fabius Rusticus", he continues, "asserts that the desire was not on Agrippina's part, but on Nero's." Our author accepts the story of Cluvius, since "other writers confirm the account of Cluvius" and because of its suitability to her character (A.14.2). A short time before a new element had entered into Nero's life, his passion for the ill-famed Poppaea Sabina, grand-daughter of the famous proconsul of Tiberius' reign, Poppaeus Sabinus. "This woman", says Tacitus, "was possessed of every quality except virtue. From her mother, who was the most lovely woman of her time, she inherited alike beauty and distinction; her wealth was on a level with her birth. Charming in conversation, not deficient in wit, she led a life of license under a show of modesty.....
 ...Indifferent to her good name, all lovers, married or single, were alike to her: incapable of love herself, insensible to

that of others, she bestowed her favours wherever advantage pointed" (A.13-45). Tacitus in his Annals says Poppaea was the wife of Otho, the future emperor and was admitted by her husband's facility to Nero's presence; our author is apparently connecting here the account given in the Histories (1.13,8) where he says that Poppaea was the "favourite mistress of Nero" whom Otho had married to facilitate Nero's adultery with her until such time as Nero could put Octavia out of the way and make her his wife. Poppaea is represented (A.14.1) as inciting Nero to the murder of his mother, and three years after that foul deed (A.14.8) she was married to Nero who put away Octavia on the plea of barranness (A.14.60,1). An outburst of popular indignation at this act of Nero's made him hesitate, but he was not at a loss to find a more acceptable excuse. Anicetus was suborned to allege adultery with the 'high-born and virtuous' Octavia. Her banishment was soon followed by her foul murder (A.14.63;64). Three years sufficed for the career of Nero's counsellor in bloodshed (A.15.61,4); with her death in A.D.65 from a kick which Nero had given her in a fit of passion (A.16.6) closes the domestic history of Nero. The character of the imperial court did not change with that emperor's death. Otho and Vitellius "were infamous above all others for sensuality, sluggishness, and extravagance" (H.1.50). Otho "had won Nero's favour by emulating his vices" (H.1.13), and his accession to the principate caused alarm because of his past character (H.1.50,1; cp.H.1. 30). Vitellius is rhetorically described as the glutton of the empire, "to glut whose insatiable appetite was the one road to influence" (H.2.95;cp;H.3.36). Nero had given a

character to the imperial court which it was to bear for some time. In the opening chapter of his Histories, Tacitus says he will still have to tell "of adulteries in high places" (H.1.2)

The 'Germania' supplies us with a characteristically Tacitean indirect condemnation of the Roman society of the day. It is however no less powerful and effective for being indirect. Throughout his eulogy of German womanhood, Tacitus is arraigning, by implication, the decadent morality of his fellow-citizens. "The life of German women", he says, "is one of fenced-in chastity. There is no arena with its seductions, nor are they corrupted by the allurements of banquets". (G.19) As has been shown above the public spectacles and luxurious banquets were prolific sources of social depravity under the empire and well merit our author's satirical side-thrust at the Roman code of ethics. "Very rare for so numerous a population", he continues, "is adultery the punishment of which is prompt and the husband's prerogative.....; for prostituted chastity meets with no pardon: beauty nor youth nor wealth will find the adulteress a husband. No one laughs at vice there; no one calls seduction, wrought or suffered, the spirit of the age. Better still even is the condition of those states in which only maids marry and where an end is made once for all of the hopes and vows of a wife. So they take", he says with a side-fling at Roman feminine sensuality, "one husband only, just as one body and one life, in order that there may be no second thoughts, no belated fancies; in order that their desire may be not so much for the man (qua man) but for the married state as such" (G.19). Tacitus, with the frequency of divorce and re-marriage in Roman society in mind,

is here saying that while the prohibition of a second marriage in the case of a German adulteress is in praiseworthy contrast to Roman usage, these communities approach a still higher ideal among which no second marriages, even of widows, are permitted. The author's statement that "to limit the number of children 'flagitium habetur'" affords a direct and telling contrast to the race suicide rife in Roman society under the empire. To offset which menace Augustus had enacted the celebrated 'Lex Papia Poppaea', by which he sought to foster parenthood by imposing penalties on celibacy. The failure of the law is attested by the historian: "It had done nothing to make marriage and the rearing of families more frequent, childlessness giving such power in society as to frustrate the law" (A.3.25,2). It is with reference to the ineffectiveness of this, and other laws of a similar kind, that Tacitus says of the Germans that "good habits have more force with them than good laws elsewhere" (G.19). His admiration, too, for the German system of child nurture (G.20) might imply that, like the educational theorists, he deplored the discontinuance of this practice at Rome because of the supposed deleterious effects on the mentality and character of the rising generation caused by intrusting children to the care of hirelings. Tacitus does not miss the opportunity to make a satirical thrust at the courtship paid in Rome to the old and childless, who were the pampered tyrants of society; rich celibates being overwhelmed by the blandishments of would-be heirs. Their power in society is frequently referred to in the

Annals (3.25,2;13.52,3;15.19,3.) and in the Histories (1.73,2). Among the Germans, however, "nec ulla orbitatis pretia" (G.20). We have in the Germania, too, satirical side-thrusts at the multiplicity and variety of Roman shows (G.24), at the extravagance and ostentatious display in Roman funeral rites (G.27), at the fop and debauché of Roman society (G.38), at the deification of the unfit among the women of imperial houses, such as Poppaea Sabina, Nero's wife, and their daughter who died in infancy (G.8; for the deification see A.15,23;16,6). In fact, so pronounced is Tacitus' idealization of Germanic traits and customs, and, by implication, his censure of the Roman society of his time, that some modern critics have been led to contend that Tacitus wrote the 'Germania' with a distinctly ethical or satirical purpose, his immediate design being to hold a mirror up to his degenerate age. It must be admitted that he eagerly embraces such opportunities as offer for contrasting the simple tastes and sturdy virtues of the Germans with the over-refinement and moral decadence rife among the upper strata of urban society in his time. But his admiration and idealization of primitive, unsophisticated society is incidental. To Tacitus, a man who longed to dwell in the good old times, the sturdy, vigorous Germans naturally came to serve as a welcome background for his pessimistic reflections; and the resultant contrasts, so disparaging to the society of his day, were thus partly the natural outcome of the subject matter as such, and partly the reflection of those convictions and feelings which give to all of the author's writings that distinctive character and individuality which we

designate Tacitean. To magnify the expressions of the historian's convictions and feelings into an animus pervading the whole narrative and motivating it, is to overlook the ethnological and geographical character of the treatise and to regard as an isolated characteristic a point of view that is, to be sure, conspicuous in the Germania, but none the less a chronic feature of the author's temper - a point of view that has so marked the character of his writings as to stamp him the moralist as well as the historian of Rome.

VI. CONCLUSION.

The main purpose in this paper has been to point out and discuss Tacitus' adverse criticism of the effect of the Principate on the capital and the provinces. An attempt, however, has also been made to notice those casual comments of his which admit the benefits of a strong central executive, and which stand out in all the greater relief because they are the admissions of a caustic mind, convinced that whatever incidental benefits might accrue from benevolent despotism, they could never compensate for the mad and ruthless arrogation of power based on military force and blinded by flattery and fear. The benefits were real or Tacitus would not have admitted them. But the evils were no less real; for, prejudiced as Tacitus was, his writings evince a conscientious endeavour to narrate the historical truth. One should keep in mind, however, that many of the evils pointed out by him and attributed to the malign influence of the principate may have been the inevitable heritage of the corruption of the Republic, and the result of the evolution of a certain type of society. One must not overlook, too, the evident truth that Tacitus' wholesale condemnation of the early empire is, in large measure caused by his concentration on the capital; with seldom a glance at the prosperity prevailing in the provinces, but with his eyes fixed on the Palatine or the Senate and seeing nothing but the frightful scenes in progress there, he condemns the empire

without pity. The manner in which Rome ruled the world calls for a more favourable judgment.

Throughout the body of the discussion the aim has been to list, classify, and discuss the chief points which the critic has made. In conclusion, it is necessary to correct the perspective, by mentioning at least two circumstances which contribute to produce the predominating tone of Tacitus' historical work, and which partly account for his prejudice, and for his condemnation of the Principate. Before pointing out the considerations which prejudiced the historian's judgment, it will not be irrelevant to call attention to the fact that the adverse criticism of the principate embodied in the extant writings of Tacitus might have been partially, or wholly, counter-balanced by the projected, but apparently unrealized plan, to write an account of the 'blessed age' of Trajan. In the *Agricola* we have a promise of a history of Nerva and Trajan which is to be a "testimony to present blessings" (*Agr.* 3,3); and in the *Histories* (*H.1.1*) the promise is re-stated: "Should life last me, I reserve for my old age the reign of the Divine Nerva and the rule of Trajan, a richer and less perilous field - the rare happiness of the times permitting men to think what they please, and to say what they think". Tacitus also contemplated (*A.3.24,4*) a history of the reign of Augustus; but whether the picture was to be favourable or unfavourable is a matter of guess-work. We can, however, reasonably assume from the hint we have as to the character of the author's projected works, that the proposed accounts of 'the blessed age of Nerva Caesar who united two things

long incompatible, personal government and constitutional liberty" (Agr.3,1), and of the rule of Trajan, who even at the time of Tacitus' writing of the Agricola "was daily augmenting the happiness of the times" (Agr.3,1), would have presented us with a foil to the dark background of the account of the reigns of Tiberius, Nero, and Domitian. In both the Annals and the Histories, the latter of which was in its original form, the story of Rome's "former servitude" (Agr.3,3), the presence of lights among the shadows is recognized; only in both the lights are so treated as to make the shadows look darker and blacker. To understand this deliberate colouring of Tacitus' history, we must inquire into the first of those two circumstances mentioned above as prejudicing his judgment.

The Agricola lets us into the secret of the horror with which the closing years of Domitian's reign filled the whole soul of Tacitus (Agr.45), a horror which, we cannot doubt, has coloured his picture of the whole imperial period. The dark colours in which he has painted in the Annals the later years of Tiberius' rule owe at least some of their gloom to the feeling that Tiberius' evil acts were an anticipation of, perhaps a preparation for, the miseries and the degradation which Tacitus had himself experienced at the hands of Domitian; while his judgment of some of the events of A.D.69 is over-shadowed by the thought that they were the introduction to that series of events of which the tyranny of Domitian was the culminating point and climax. Agricola, says the author, was "fortunate in the opportuneness of his death" (Agr.45,3), for he missed "that awful last period

in which Domitian no longer at intervals with breathing spaces in between, but continuously, and as if with one fell blow drained the state of its life-blood" (Agr. 44,5). "Our own hands", he says, "dragged Helvidius to prison; the sight of the conviction of Mauricus and Rusticus disgraced us; Senecio bespattered us with his innocent blood" (Agr. 45,1; cp: 45,2). Without doubt, the historian's recollections of the evil influence of Nero (cp. Agr. 6,5) and of the events which followed on that prince's fall - the vivid description of which in the Histories suggests the pen of an eye-witness - as well as his personal experiences under Domitian are to a large extent responsible for the character of his writings and his adverse criticism of the principate.

A second factor which contributes to produce the predominant tone of Tacitus' historical work is what we may term the 'lure of style'. The history of Tacitus is not solely a history of objective facts. Tacitus, whose literary rather than scientific mind cared for the ethical, emotional and human side of his subject, more than for the facts of his narrative, undermined, to some extent, the historical value of his writings through his tendency to assign sinister motives for many of the honourable actions of his characters. His analysis of motives has given a psychological character to some of his work. A historian may indulge his psychological bent without violating the historical truth of his compositions; but Tacitus seized on opportunities to analyze motives as a means whereby to vent his personal animosity with the result that, to some extent, his writings are not a history of objective fact but a narration of Tacitean prejudices.

Tacitus deliberately set out to create a variety of style which would add colour and interest to what he himself complains of as being a monotonous narration of "cruel edicts, incessant prosecutions, treacherous friendships, and trials all ending in one way" (A. 4.32; 33, 3). That Tacitus succeeded in his purpose cannot be doubted; his style is unique. But his penchant for what was graphic and vivid in historical composition led him to indulge in delineations of characters and analyses of motives, in both of which the outstanding feature is the author's bias. To take one of many instances, Tacitus, in discussing the probable motives for Tiberius' retirement to Campania, makes the insinuation as being his own belief, that that emperor's object was "to find some place in which he might carry on his cruelties and debaucheries unobserved" (A. 4.57, 2).

To dwell on the considerations which prejudiced Tacitus' judgment is to unduly exaggerate the biased character of his writings, and under-estimate their historical value. The object of the present writing has been only to mention those considerations, which partly account for the author's prejudice and condemnation of the principate; not to pronounce, Tacitus right or wrong on the whole. In the end, whether the reader decides that he is right or wrong depends chiefly on his own liberal or conservative bias.

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