

POLITICS AND PARADOX IN TACITUS' *ANNALES* 1-3:
A THEORETICAL ANALYSIS OF PEACETIME CONFLICT IN TIBERIAN ROME

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DECLARATION OF AUTHORSHIP

I confirm that this is my own work and that the use of all material from other sources has been properly and fully acknowledged.

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ABSTRACT

Analyses of conflict in Tacitus have often been focussed on the constitution of the Principate, specifically the loss of *libertas* which followed from the system of rule by one. This thesis offers a theoretical analysis of conflict in Tacitus, arguing that conflict stems from the wider social and systemic structures ordinarily designed to ensure peace, such as the law, the imperial hierarchy and the *mos maiorum*. The notion that peacetime policies and procedures became in themselves a source of conflict is here described as the paradox of imperial politics.

Chapters 1 and 2 offer a close reading of the Augustan prologue and the accession of Tiberius, while also introducing the work of Giorgio Agamben on the sovereign exception and Michel Foucault on biopolitics. The first chapter argues that a source of epistemological conflict is cultural memory, specifically the knowledge of the violent past of civil war. The second chapter argues that political conflict results from Tiberius' inability to replicate Augustan *imperium*, which in Tacitus is the power to speak in the name of the law and decide truth. In Chapter 3, and with reference to Jacques Rancière's conception of democratic violence, hierarchy is revealed as the source of conflict since although it serves to maintain order in the imperial state it equally (and paradoxically) fosters the potential for revolution. In Chapter 4, building on Hannah Arendt's notion of *mores* and *lex*, it is argued that systemic conflict (corruption and moral decline) stems not from the lack of law or the erosion of *prisca virtus* but rather, and again paradoxically, from the system of law itself as well as the moderating values encoded in traditional Roman morality.

By reading Tacitean conflict as something which is extraneous to the more obvious sources of political conflict (rising tyranny/*maiestas*/republican sympathies), but as something which is engrained within the ordering structures of society, this thesis offers new insight into the frailty of imperial politics as well as a wider understanding of Roman political and social conflict in times of peace. The thesis also shows that the contradictory nature of Tacitus' narrative is not merely a reflection of the ambiguous nature of men and government; but it may be read from a wider theoretical perspective, as an attempt to foreground the generative power of paradox, that is, how paradox works to reinforce the power of the imperial regime and the imperial peace.

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LIST OF ABBREVIATIONS

- ANRW* Temporini, H., and Haase, W., (eds.) *Aufstieg und Niedergang der römischen Welt*, Berlin/New York (1972)
- DCT* Buchanan, I., *Dictionary of Critical Theory*, Oxford (2010)
- GG* Gerber, A., and Greef, A., *Lexicon Taciteum*, Repr. Hildesheim, (1962)
- LGR* *Le Grand Robert de la Langue Française*, 2nd ed., 9 vols. Paris: Le Robert (1985)
- OCD* Hornblower, S., and Spawforth, A., (eds.) *Oxford Classical Dictionary*, 3rd ed. Revised, Oxford (2003)
- OLD* Glare, P.W.G. (ed.), *Oxford Latin Dictionary*, Oxford (1968-82)
- TLL* *Thesaurus Linguae Latinae*, Leipzig and Munich (1900 –)

NOTE ON TRANSLATIONS

Ancient sources. All translations are my own unless otherwise noted.

Modern sources. Translations are taken from the most frequently cited published English translations, all of which are included in the bibliography. Where I refer to a concept or phrase which is central to the argument, or holds a special lexical significance, I have cited the original passage in the footnotes or in the body of the text following the English. All original works cited in the footnotes are enclosed in square brackets and are included in the bibliography.

INTRODUCTION

We are always writing the history of the same war, even when we are writing the history of peace and its institutions.¹

This thesis presents an examination of the political and legal thought of Tacitus. Through a commentary on the first three books of the *Annales*, focussing in particular on Tacitus' writing of conflict, I examine the ways in which Tacitus' analysis of imperial politics under Augustus and Tiberius exposes the multiplicities of power at work under the early years of the Roman Principate. In exposing such powers, I argue that Tacitus' narrative is less a liberal critique of the system of rule by one but instead a genealogical analysis of problematic social structures, structures which on one hand ensure peace, but on the other embed conflict throughout the social body.

For many years, Tacitus has been read as an analyst of tyranny.² The *Annales* in particular, given the focus on the beginning of monarchic politics, have provided a model for political thought in relation to tyrannical regimes.³ It follows that the nature of power (and conflict) has been read alongside the establishment of the Principate, in particular the *dominatio* of the *princeps*. In this perspective, power takes on a particular meaning: power is a possession which belongs solely to the emperor and in exercising this power over citizens they are reduced to servitude.⁴

¹ Foucault (2004:16).

² See for example, Walker (1952), Griffin (1995), Haynes (2003) and Mellor (2011).

³ See further Boesche's chapter on Tacitus and de Tocqueville in his monograph on tyranny (1996: 85ff/201ff.). On 'Tacitism' (in Lipsius and Grotius) see Waszink (2012). On the relationship between Tacitism and Machiavelli's writings see Burke (1991) and Smuts (1994). See also Kapust (2012:504ff.) on Tacitus' political thought and its reception.

⁴ See for example Walker's interpretation of Tacitus' Augustus (1952). For Walker, 'Tacitus' whole theory of Tyranny is expressed in Book 1 in reference to Augustus. His autocracy is established because there is widespread exhaustion...and he knows how to take advantage of his opportunities. The long and impressive sentence which opens [1.2] implies that the concentration of power in Augustus' hands and the reduction of the Senate to servility was the result of his deliberate intention.' (1952:212). While this study does not of course refute the notion of power as a repressive and centralised form of authority (rather such a notion will be examined in close detail in Chapters 1 and 2), it seeks to build on the themes explored by Tacitean scholars by showing that, for example, liberty, rhetoric, writing, language and knowing were not only problematised due to the emperor's supreme power but also due to deeper social forces and power structures. For an exploration of the multiplicities of power in imperial society see Alston and Spentzou (2011).

This thesis pursues a different analysis of power. The *dominatio* of the emperor is undoubtedly pronounced in Tacitus, due partly to a crucial question the narrative addresses: what is totalitarian power? However, though the Principate was a system of government which we may describe as totalitarian in nature (due to the central role played by the all-powerful *princeps*), this thesis argues that Tacitus locates other sources of power and conflict within the imperial system, sources which are extrinsic to the emperor and his monarchy. The question my thesis seeks to answer is thus: what is the source of conflict in Tiberian Rome if not the emperor himself and his system of rule by one?

By reading the narrative from this perspective, that is, analysing power beyond the more local or (quasi-)constitutional powers of the emperor and instead as something which spreads through cultural values (for example, the *mos maiorum*), it emerges that power in Tacitus eludes the classical model of sovereignty (a model in which the sovereign or king is conceptualised as the sole possessor of power).⁵ Rather, and presaging Foucault, Tacitus shows that relations of power are perpetuated through traditional (disciplinary) norms, norms ordinarily designed to organise right and wrong and in so doing ensure normality, order and peace. The source of conflict is similarly displaced, since, not only does conflict stem from the sovereign's oppressive gaze but it may also be located to a broader set of social systems, in particular those systems central to the organisation and order of Roman society (hierarchy and law).

That sources of conflict are embedded within the wider structure of the imperial order and that conflict may exist alongside peace (*pax, quies, concordia*) as well as produced from the more "positive" effects of imperial rule (*otium, annonae, dona*) is what I explore in this thesis as the politics and paradox of Tiberian Rome.

Politics and Paradox

What led me to question the nature of power in Tacitus is a set of paradoxes which Tacitus presents at the beginning of the *Annales*, paradoxes which assert the existence

⁵ See Foucault (1980b:109-133) and (2004:242ff.). In Foucault's view, 'we need to cut off the King's head' (1980b:121) in order to liberate theories of power from those based on sovereignty and the law; the point being that 'power is always already there' (141). Cf. Alston and Spentzou (2011:227ff.).

of power beyond the sovereign authority and in so doing problematise established modes of understanding certain Roman concepts, namely *libertas* (freedom) and *servitium* (servitude) as well as *pax* (peace) and *mores* (customs, habits or norms).

The first paradox is to do with the nature of Tiberius' sovereignty, in particular Tacitus' depiction of Tiberius' relation to his own position in the state. Ancient literature allows us to see that traits such as arrogance (*adrogantia*), cruelty (*crudelitas*), impiety (*impietas*), greed (*avaritia*) and lust (*libido*) were typical features of corrupt leaders and individuals.⁶ Many of these characteristics, some more than others, aptly describe Tacitus' Tiberius. Yet, the primary feature of the tyrant (apart from being the exact antithesis of the good man or the ideal ruler) is something which Tacitus' Tiberius does not wholly possess: a desire for domination (*cupiditas dominandi*).⁷ Rather, Tiberius remains ambiguous about ruling (*ambiguus imperandi*), something which eventually culminates in his self-exile to Capri. This immediately problematises any reading which places too much emphasis on the *dominatio* of Tiberius as the prominent subject of Tacitus' critique. Tiberius possessed *imperium* but this must be read alongside the particular way in which he used *imperium*, which was not excessively *imperiosus*, but ambiguous and obscure. The non-sovereignty of Tiberius calls into question the means through which the elite were enslaved, as well as raising the question of how far Tacitus' Tiberius, as commonly read and as Tacitus himself occasionally implies, was indeed tyrannical or '*superbus*'.⁸

The second paradox, connected with the first, is to do with the nature of individual servitude. The relationship between the Principate and freedom is traditionally seen as antithetical. Yet, this is not consistent throughout Tacitus' narratives. On the one hand, there remains a historical tension between the Principate

⁶ In the theories of Plato, for example, the tyrant is unequivocally bad and enslaves everyone around him (see for example *Rep.* 9.576E). In Roman declamation, the tyrant typically seizes power by force, strips the *res publica* of its *libertas* and enslaves it. He acts in contravention of the law, he is feared by his subjects, and is generally presented as cruel, greedy, and impious (see further Lobur (2008:164-8)). As Martin and Woodman put it, the tyrant is 'the exact antithesis of the good man or the ideal ruler' (1989:29-30). (Cf. *OLD s.v. tyrannus*: 'Any ruler, etc., who exercises authority in a cruel or oppressive way').

⁷ *Cic.Rep.*1.50.

⁸ For Tiberius' *superbia*, see for example *Ann.*1.4.3 and 1.72.4. The term *tyrannus* appears only once in the Tacitean corpus (*GG s.v.* p.1689). Notably this is in a rather abstract context, and more a psychological ('*tyrannorum mentes*') than political usage.

and *libertas* (*res olim dissociabiles*; Ag.3.1), a tension which has been analysed as a key theme throughout Tacitus' narratives.⁹ On the other, and since it was possible (supposedly) for *libertas* to exist under certain *principes*, 'where one could feel what they want and say what they feel' (*Hist.*1.4), Tacitus implies that the Principate as a political system of government was not in itself that which interfered with individuals' freedom.

In the *Annales*, Tacitus further problematises the relationship between Principate and freedom through peculiar references to *servitium*. On describing the accession of Tiberius, Tacitus claims that senators, equestrians and consuls 'rushed into servitude' (*ruere in servitium*) and following their Augustan ancestors, all of whom waited for the commands of the *princeps*, it is asserted right from the beginning of Tiberius' reign that the elite welcomed one head for the state.¹⁰ Given this apparent desire for someone to take charge, as well as the active rushing into *servitium*, it becomes very difficult (almost implausible) to claim that Tacitus is describing a system whereby power is exerted solely from the emperor onto his subjects, who by force (without citizen consent), are made subject to it. The Tacitean narrative thus resists the typical understanding of how a monarchic regime affects individuals' freedom since a system which manages to gain acceptance of its own centralised authority is very different to one which requires brute force in order to maintain the subservience of its citizens. We may assume that tyrannical regimes develop mechanisms to secure either the consent or the tacit acquiescence of its people, but Tacitus presents us with a rather different situation in which the loss of political freedom becomes the demand of the political class and that class exercises its (possibly limited) discretion to force the regime towards an authoritarian position. Since it is not by sovereign will alone that individuals are becoming servile, we are immediately presented with evidence of wider forms of power, forms which constitute the individual subject in such a way so that he not only becomes servile but furthermore 'eager for servitude' (*servitio promptior*).¹¹

⁹ See Oakley's recent discussion (2009:184-194).

¹⁰ Cf. Q. Haterius' question at *Ann.*1.13.4: "*quo usque patieris, Caesar, non adesse caput rei publicae?*"

¹¹ Cf. Alston (2008:151): 'Tacitus provides us with a model of gradual but fundamental change that, as in *Annales* 3.65, is connected to a decline in individual character: nobles "are eager" for slavery, a servitude that marks a fundamental break with the traditions of Republicanism.'

A third paradox is to do with the notion that with the establishment of the Principate there was also the beginning of peace. As Tacitus claims in the *Historiae*, after Actium it was necessary for peace for power to be concentrated in the hands of one man (*postquam bellatum apud Actium atque omnem potentiam ad unum conferri pacis interfuit*; 1.2). This theme is continued in the *Annales*, when, for example, Tiberius' confidant implies that order in the state depends on decisions being made by one man.¹² With power concentrated in the hands of one man (now ensuring peace), we would be led to believe that the Principate saw the end of conflict, which is supported by a digression in the *Annales* when Tacitus claims that the time of Tiberius was one under which peace remained undisturbed or was only modestly challenged (*immota quippe aut modice laccessita pax*; 4.32). However, at the same time, the Tacitean Tiberian narrative is not one which wholly supports the Velleian view, that Tiberius ensured '*salus, quies, pax, tranquillitas*' (Vell.2.103.5). Rather, the reign of Tiberius is fuelled with strife, in the form of suspicious murder, military sedition and charges of *maiestas* as well as a growing sense of fear, confusion and malaise. There is thus an obvious contradiction in Tacitus' narrative (and also within my own thesis) which is that even though the narrative asserts peace, peace remains coterminous with persistent conflict. We may then read the early years of the Principate as a time of peacetime conflict, a period which did establish peace, but a peace which was questionable right from the start, as suggested by certain oxymoronic references to *pax*¹³ as well as by Tacitus' description of the establishment of peace upon the foundation of the Principate through the seduction of all by the sweetness of leisure (*cunctos dulcedine otii pellexit*; *Ann.*1.2).

The opening of the *Annales* thus foregrounds a number of paradoxes which immediately problematise the base meanings of certain Tacitean concepts. It is puzzling, given the revered value of *libertas* in Roman political thought (as something

¹² *Ann.*1.6.6: *eam condicionem esse imperandi, ut non aliter ratio constet quam si uni reddatur*.

¹³ For example, a mutinous soldier speaks of *sterilis pax* (*Ann.*1.17.4). On after the settlement of 28, Tacitus claims that there was peace but it was bloody: *pacem sine dubio...verum cruentam* (*Ann.*1.10.4). For a summary of historiography on the subject of peace in Tacitus see Benario (1991:3347ff.). For other terms Tacitus uses to denote social peace (*oppon. seditio, bellum*) *GG s.v. quies* (p.1324). On ancient Roman notions of peace see Barton (2007:245-278) and Rosenstein (2007:226-244). Cf. also *TLL s.v. concordia* 83.68ff. (*de concordia civitatis*).

which was deeply incompatible with monarchical government) that what we are presented with in Tacitus is an analysis of a system which represents the beginning of monarchical authority *and* peace. It is further puzzling, given the way in which *libertas* is conceptualised under the imperial regime (as something that is taken away from citizens through loss of the democratic process), that Tacitus' elite are not in fact 'reduced' to servitude but rather have an 'eagerness' for servitude. A further peculiarity of the Tacitean critique is the coexistence of conflict and peace. Why is it that Tacitus presents the Principate through the phraseology of peace (*pax, quies, concordia, otium*) and conflict (*seditio, maiestas, terror*)? Yet, by framing my thesis around this particular set of phenomena, and by reading such paradoxes as critical to imperial politics (rather than a Tacitean exercise in wit) we are provided with a unique paradigm for political enquiry, one with which we may trace the conditions and means by which peace and conflict coexist, as well as re-question the many forms which conflict and peace may take. Such a paradoxical combination of order and violence, sovereignty and the emergency exception, concord and repression, bare life and the biopolitical system are familiar from radical contemporary accounts of modern political formations.

The four chapters of this thesis, then, propose to locate a different form of conflict, conflict which is not only represented in manifest or physical form, but conflict which is epistemological or latent in form, conflict even in its opposite form: conflict *as* peace or as something which is embedded in the institutions of peace. In this perspective, Tacitus' analysis of early imperial Rome may be read as a history of war, even though he writes of peace and its institutions.¹⁴

Chapter Outline

The chapters of this thesis are divided into two sections, with the first two chapters looking at Tacitus' analysis of absolute sovereignty (the nature of the emperor's power) and the second two chapters looking at Tacitus' analysis of imperial institutions (the

¹⁴ Foucault (2004:16), as quoted above.

nature of governance).¹⁵ While the thesis presents a theoretical engagement with the Tacitean narrative, it remains chronological in structure. The reason I chose to analyse the narrative in the form of a political-philosophical commentary rather than a sporadic analysis of specific passages across the *Annales* or the wider Tacitean corpus is twofold. Firstly, I wanted my analysis to follow Tacitus' own, so to be constrained by Tacitus' own constraints and to be able to trace the development of conflict over the course of time. In so doing, I am able to follow Tacitus' own genealogical analysis more acutely, allowing a deeper insight into why something came to have a particular meaning at a particular point in history. Furthermore, this approach honours Tacitus' own methodology: he was first and foremost a historian, writing within the conventions and disciplines of an established genre. Those severe disciplines of Tacitean historiography allowed the emergence of ideas and understandings in a complex fusion and juxtaposition of event and ideological comment (speeches, narrations). Only by a detailed engagement with that methodology can we trace the complexity and nuances of Tacitus' thought.

Thus, I want to be able to take into account as much as possible the paradoxes and contradictions Tacitus presents alongside his own quasi-annalistic structure, especially since it is a central aim of this thesis to use such paradoxes to reflect on the wider nature of imperial politics. Tacitus is known for being paradoxical, often presenting conflicting ideas in the space of a few chapters. Yet, by taking such contradictions into account, I am able to develop the dimensions of the various paradoxes I see as central to Tacitus' Rome to their distinct potential, considering their implications in relation to the nature of conflict under the early empire, and ultimately making them intelligible rather than anomalous aspects of the Tacitean critique.

The four chapters follow the first three books of the Tiberian hexad in the following structure: the first chapter focuses on the Augustan prologue, 1.1-1.5; the second on the accession of Tiberius, 1.6-1.15; the third on the mutinies, 1.16-1.53; and the final chapter covering the remainder of the narrative up until 3.76. Though the

¹⁵ By governance I do not mean 'the government', but rather the means through which people are controlled and ordered, taking into account the epistemological as well as legislative foundations of social organisation. Cf. Foucault on *Gouvernance* (1983): 'To govern, in this sense, is to structure the possible field of action of others' (221).

commentary ends at the beginning of Book 4, the final chapter makes much use of certain later passages so to offer some thoughts on forthcoming narrative/events.

In Chapter 1, I focus on Tacitus' brief survey of Augustus and his establishment of the Principate. I start by tracing the double use of memory in the aftermath of Actium in order to provide a historical-contextual background to the beginning of the *Annales*, as well as an insight into how our sources worked to confirm a particular narrative of identity upon the foundation of the monarchy (one of peace and restoration). On the one hand, the historical record reveals the Augustan regime as one which sought to restore peace and order by re-dedicating the state to the ideals and ideas of the republican body-politic.¹⁶ According to Velleius' history, for example, which follows Augustus' own account of his deeds closely, the settlement of 28/27 BC was less a revolution or transformation – but rather a 'restoration' of the old forms of the republic which by extension saw the restoration of peace after years of civil war.¹⁷ Yet on the other hand, it is possible to trace a particular ethics of memory underneath the Augustan peace, which I describe as a politics of wilful forgetting – a politics which willed to forget triumviral memories in order to consolidate the new era of peace and conflicts resolved.¹⁸ We may therefore read the making of national identity at the beginning of Roman imperial time as something which was premised on a culture of discontinuous remembrance – a culture which depended on both a politics of remembering (the republican past) and a politics of forgetting (the civil war past).

With this established as a historical backdrop, the differences in the Tacitean interpretation as to how Augustus re-established order in the aftermath of the civil wars become clear. Whilst the Tacitean view maintains that the establishment of the Principate was coterminous with the establishment of peace, this peace was not brought to the empire through any engagement with the normative knowledge of the Republican past (nor was it established through any disengagement with the civil war past). Rather, Tacitus' brief account of the Augustan years presents a society devoid of traditional virtue, and in a way, almost devoid of the very process of practicing an

¹⁶ Galinsky (1996:80ff.).

¹⁷ Vell.2.89.3-4: '*...antiqua rei publicae forma revocata*'. Cf. *RG* 8.5.

¹⁸ Cf. *Ann.*3.28 on Augustus' annulment by edict in 28 BC of everything he had enacted illegally up until 29.

ethics of remembrance. Yet, peace and order are nevertheless maintained, but through Augustus' particular *imperium*.

Tacitus' Augustan prologue brings into sharper focus the paradox at the heart of the imperial order – a republican moral and social order compressed within a newly monarchic polity – as well as a new monarchic paradigm from which to explore Roman imperial sovereignty. Romans looked to the ideas and traditions of the Republican past in order to formulate an appropriate narrative of identity. Yet, at the same time Tacitus draws attention to the problem of the past as well as the very remembrance of that past. He asks, '*quotus quisque reliquus qui rem publicam vidisset?*' (*Ann.*1.3.7) and in so doing, he calls into question from the very beginning of the narrative the problematic nature of Roman epistemology (the means through which Romans defined right and wrong, true and false). With no experience of the ideals of the traditional republican past, we may suppose that a new time has begun, one in which knowledge is being organised around a different epistemological foundation.

The different foundation is inextricably linked with Augustus and the particular nature of his *imperium*, which was not tyrannical but exceptional and seductive. The prologue states that Augustus 'accepted' power; he did not 'seize' power which contradicts 'the essentials of the Tyrant-portrait' Tacitus supposedly presents.¹⁹ Secondly, in order to maintain peace (or maintain his own powers) Augustus seduced all with the sweetness of leisure (*cunctos dulcedine otii pellexit*; 1.2.1). He did not depend outwardly on the threat of death, which again problematises the typical features of tyrannical rule, as both understood in ancient and contemporary political thought. Thirdly, Augustus did not only accept *imperium*, becoming the executive power, but he furthermore absorbed the functions of the senate, the magistrates and the laws (*munia senatus magistratuum legum in se trahere*; 1.2.1), becoming the judiciary power. Furthermore, Augustus faced no opposition (*nullo adversante*), rather, all looked to the orders of the *princeps* (*omnes...iussa principis aspectare*; 1.4.1), which I read as affirming a form of patricentric element to the Tacitean interpretation of Augustus' system of rule.²⁰

¹⁹ Walker (1952:212ff.).

²⁰ On 'patricentric' leadership see Borneman (2002), discussed below pp.65ff.

It emerges, then, that Tacitus' Augustus is an 'exceptional' sovereign, one whose earlier questionable status in relation to the law continued through to his Principate (Augustus in Tacitus exists as the law, even after his death).²¹ It also emerges that the nature of Augustus' sovereignty in Tacitus is not only distinguishable from tyrannical forms but it may also be read as distinguishable from monarchical forms. This is because in asserting his power (while also achieving peace) through *otium*, *annonae* and *dona* it is implied in turn that Augustus tied himself to the populace in the form of a relational network of exchange.²² In this view, Augustus' sovereignty may be described as circular (rather than top-down) since his power was constituted and preserved through systems of mutual gain (rather than through a monopoly of the means of social and political life). Moreover, since Tacitus' Augustus did not seek to reduce life through the threat of death, nor indeed discipline it through *mores*, we may describe his sovereignty as peculiarly 'biopolitical', as a form of power which seeks to 'improve life' or 'make life', in Tacitus, through leisure, gifts and grain.²³ We have thus by the end of the prologue a unique political framework for the successful construction of peace, a framework which in contradiction of Augustus' *Res Gestae*, has little to do with the restoration of moral and legal precedents (*RG* 8.5). The question turns to whether Tiberius will be able to maintain order through an adequate replication of the particular precedents laid down by Augustus.²⁴

²¹ By 'exceptional sovereign' I refer to Schmitt's phrase in the opening of his *Political Theology*: 'Sovereign is he who decides on the exception' (1985:1). This conception of sovereignty was later developed by Giorgio Agamben in relation to the Augustan Principate: 'The constitutional novelty of the Principate can thus be seen as an incorporation of the state of exception and anomie directly into the person of the sovereign, who begins to free himself from all subordination to the law and asserts himself as *legibus solutus* [unbound by the laws].' Agamben (2005:69). Cf. O'Gorman (1995:97-98) on the 'incorporative' nature of Tacitus' Augustus (discussed further below).

²² Cf. Flaig (2011:78ff.) on imperial gift exchange. Galinsky (1996:64) also notes that under Augustus there existed 'a reciprocal process and dynamics of negotiation and renegotiation between ruler and subjects' but while Galinsky reads this dynamics as that which allowed for the 'renewal of the republic' (and rightly so), Tacitus asserts this dynamics as fundamental to the empowerment of Augustus' own supreme position in the state, which of course problematises any such republican restoration.

²³ In Foucault, biopower (*biopouvoir*) is described as a type of power which seeks to 'make live' rather than 'take life' and as something which is purposed to improve or increase life on the level of the population (2004:240-254). In Critical Theory, the term is used varyingly but it mainly represents a type of power which is focussed on biological life (Cf. *DCT*, p.59: '[Biopower is] a form of political power that revolves around populations (humans as a species or as a productive capacity) rather than individuals (humans as subjects or citizens).')

²⁴ As O'Gorman notes, the burden which Tiberius faces is not only the burden of the state but 'the burden of Augustus as a precedent' (1995:110).

In Chapter 2, I focus on Tacitus' narrative of the accession of Tiberius, focussing in particular on Tiberius' questionable stance towards formalising his new position in the state. The Tiberian narrative centres on the memory of Augustus by repeatedly calling into question the nature of Augustan sovereignty and more importantly, whether Tiberius can restore that sovereignty in order to maintain the integral link between peace and the Principate. In this view, the narrative on after Augustus' death does not focus on the question of '*res publica restituta*' (that is, whether Tiberius can restore the political and moral forms of the old Republic as did Augustus, at least according to his *Res Gestae*). Rather, from AD 14 the exemplary past is written around Augustus and the narrative centres on another question, which is, whether Tiberius can restore 'Augustus' Republic' and in so doing keep suspended the unwanted memories of the past while also supplementing the erosion of *prisca virtus* by becoming the new *exemplum* in the state.

However, a narrative of doubt quickly emerges on Tiberius' accession, since Tacitus is quick to undermine the powers of the new *princeps* (despite the fact that he is already the emperor). This may be connected to the notion that Tiberius is confronted with the task of restoring a political system which is notably (and especially in the Tacitean account) embodied in Augustus (*solam divi Augusti mentem tantae molis capacem*; 1.11.1). It can then be traced through the continued emphasis on Tiberius' *hesitatio* – a reluctance to accept full responsibility for the empire and the aim, instead, to exist on parity with the rest (to give power back to the senate).²⁵ We may also read it through the suspicious elite, whose lack of belief in what the new sovereign says undermines Tiberius' ability to both speak the truth and thus represent authority: '[Tiberius'] speech was more impressive than credible' (*plus in oratione tali dignitatis quam fidei erat*; 1.11.2). From this perspective, I argue that the Tiberian narrative begins with a certain 'non-sovereignty' – that is, a precise inability to ensure social and political order by following the precedents (laws, truths, powers) laid down by Augustus.

²⁵ See further on Tiberian *hesitatio* Vell.2.124.2, Ov.Pont.4.13.27f., Suet.Tib.24.1-2, Dio 57.2.3.

By focussing on the non-sovereignty of Tiberius I am able to offer a different reading of Tacitus' Tiberius and more widely, why conflict pervades the politics of his Principate. Tiberius is normally analysed as one of Tacitus' prime targets – a despot under whom the reality of imperial rule became clear.²⁶ This model is often supported with references to Tiberius' 'hypocrisy' (that, Tiberius was pretending he did not want the powers when he did).²⁷ Such a view can be supported by Tacitus' language, for example, when Tacitus implies a certain insincerity behind Tiberius' manner of ruling, that he acted 'as though' the old Republic still existed or 'as though' ambiguous about ruling (*nam Tiberius cuncta per consules incipiebat, tamquam vetere re publica et ambiguus imperandi*; 1.7.1).

Nevertheless, there is another way to read Tiberius' supposed insincerity. Firstly, Tiberius in the Tacitean account is clearly a sovereign with republican inclinations, on several occasions he is written as an emperor who, unlike Augustus, is reluctant to speak in the name of the law.²⁸ Rather, Tiberius is shown to constantly aid democracy, giving powers of decision back to the senate (though his oppressive gaze naturally remains). Secondly, one notes that it is not necessarily the case that Tiberius is being deceitful (though he does dissemble) but that his words lack the power of being *received* as credible.²⁹ In drawing attention to the incredibility of Tiberius' words, Tacitus points to another fundamental feature of sovereign power, that it must maintain a relationship to truth, not in terms of 'telling' the truth but in terms of 'deciding' it. We may therefore understand Tiberius' key features (silence, hesitation, dissimulation) not as defects of a tyrant or signs of hypocrisy but rather as examples of his inability to speak in the name of the father and establish the truth. This then enables a wider conception of what imperial sovereignty encompassed or should encompass, at least from Tacitus' view. Rather than offering us a sovereignty which is embedded in the narrow zone of power that is a legal system, Tacitus implies that sovereignty must maintain a relationship to the production of knowledge and truth. Yet, this remains a key failing of Tiberius. I argue, then, that the severance of the relationship between

²⁶ See for example Eder (1993:73) and Griffin (1995).

²⁷ Griffin (1995:37).

²⁸ For Tiberius, the laws are to be enforced (*exercendas leges esse*; *Ann.* 1.72).

²⁹ Cf. *Ann.* 1.11.2, 1.72.2.

sovereignty and truth is a fundamental source of political conflict in the new reign, a key example being the mysterious death of Agrippa Postumus, the outcome (or truth) of which Tiberius could not decide.

In the third chapter I focus on the mutinies on the frontiers, focussing in particular on the relationship between *sedition* and democracy. Tony Woodman has recently read the violence of the mutinies from the perspective of frenzy (*furor*), arguing that Tacitus describes the soldiers in such a way so as to imply their suffering from some form of ‘mental illness’ or ‘collective madness’.³⁰ In order to allow for a different perspective, I read the violence of the mutinies as ‘democratic’. Democratic violence refers to a form of violence which seeks to interrupt established roles and places and in so doing make visible certain wrongs imposed onto subordinates (in this case, the soldiers’ low pay, terrible living conditions and physical abuse).³¹

By shifting focus to the problematic nature of army discipline (*disciplina militaris*), reading the narrative as a critical commentary on the effects of the persistence of discipline rather than a literary exercise in *furor* discourse, I am able to trace a particular paradox within the orders of imperial society: Roman society was extremely hierarchical, necessarily so since hierarchy (assigned roles and places) was critical to maintaining order in the state. But the narrative of the mutinies suggests that hierarchy was also a source of everyday conflict due to the severe degree to which *disciplina* and *labor* were imposed onto the soldiers. The establishing of hierarchy is then a fundamental institution of peace (a mode of maintaining order), but it is equally a mechanism within which is compressed the potential for the dangerous and threatening emergence of democratic violence. However, in the resolution of democratic violence, and the renewal of hierarchy which resolution sees, democratic potential is not

³⁰ Woodman (2006:329).

³¹ This definition of democracy follows Jacques Rancière (1994 and 1999). In Rancière, democratic politics refers to a type of political activity, namely a conflict or ‘clash’ between two social orders, which challenges the naturalness of a place. The democratic moment is an ‘interruptive’ moment during which the structural positions supposed to be occupied within a given hierarchy are transgressed. In this transgression, that which was previously made invisible (a wrong/the natural equality of all beings) is made visible. Rancière’s notion of democracy does not therefore refer to the organisation of government and notably Rome was not a democracy under the Republic, nor under the Principate (though it retained democratic elements). See further Atkins (2005:492-3) on the subject of democracy in Cicero’s *Republic*.

terminated but merely suspended. Hierarchy is therefore analysed as an essential space of conflict, because even though hierarchy (a fundamental peace-ensuring social structure, one which in the military context ensures the soldiers' habit of submission, '*morem obsequii*') is designed to prevent democratic operation, it paradoxically embeds the potential for the emergence of democratic revolution.

Reading the narrative beyond tropes associated with madness and frenzy, also enables a different understanding of Tacitus' mode of history writing. Not only is the soldiers' violence democratic, but so too is Tacitus' own historiographic practice, which, rather than the typical elite account which fails to speak for other voices or trivialises seditious voices by either implying a 'collective madness' or inadequately explaining their motives for revolution, Tacitus gives a space for such voices, allowing an insight into the lives of those persons not normally allowed to speak. Though this remains a representation (the soldiers can only be voiced through Tacitus' own elite consciousness), at the same time, I show that the narrative differs from other elite representations (Velleius, Suetonius, Dio), since Tacitus gives reason to the soldiers' grievances rather than ridiculing them through discourses of disease and 'madness'.³²

The fourth and final chapter presents an analysis of corruption, paying particular attention to a forthcoming digression in Book 4, where Tacitus states that under Tiberius few had the knowledge (*prudencia*) to discern the honourable from the worse (*honesta ab deterioribus...discernunt*) and the useful from the harmful (*utilia ab noxiis discernunt; Ann.4.33.2*). In order to explore why corruption (either in the form of *corrupta iudicia* or due to the erosion of *mores*) continued to plague Rome in the early years of the Tiberian Principate (and why it is perhaps the prominent thematic similarity between much ancient historiography) I seek to disclose a necessary connection between corruption and politics, and more widely corruption and morality.

Corruption is traditionally defined as an activity which represents illegal or immoral behaviour, behaviour which is *contra morem maiorum* (against the way of the ancestors). Tacitus is not an exception to this general rule, since he does juxtapose

³² Cf. Auerbach (2003:30ff.) who criticised Tacitus' description of the Pannonian mutiny on the grounds that it is not a realistic representation of reality. Auerbach's point is that ancient rhetoric was such that it could only voice the everyday person (in this case the rebellious soldier) through a limited number of literary models, for example, as either a comical or grotesque figure.

corrupt behaviour with the discipline and principles of the *maiores*.³³ However, what Tacitus also reveals is a peculiar connection between corruption and morality: in order to gain at least the appearance of *virtus*, either through political ascendancy, wealth or the emperor's favour, the individual must partake in corrupt activity. This argument is focussed in part to an analysis of Roman *moderatio* and *luxuria*. While *luxuria* in Roman historiography is often connected with vice (Sallust, Livy, Velleius) Tacitus reveals that *luxuria*, though a vice, nonetheless enabled moral propriety (*decus*) and glory (*gloria*). I therefore analyse corruption in Tacitus not as antithetical to morality but as something which is consistent with the aims of morality, as something which played a critical role in society since it allowed the individual to fashion an honourable identity.

I also read corruption as something which was an inescapable by-product of the politics of the Principate through a discussion of the revival of the *lex maiestatis* and the corrosive force of *delatores*. Law is a fundamental means of maintaining order. In addition to this, it is of course designed specifically to prevent corruption in the form of the sustained protection of citizen rights. Yet, the *lex maiestatis* and the connected (legalised) process of delation is a significant example of the problematic nature of certain *leges*. Augustus made official an old means of censorship where verbal defamation of the state (under the Principate the state meant foremostly the emperor and his house) was to be made punishable by law, under the *lex maiestatis*. Tiberius, constrained by the Augustan past, revived this law since it would not be right (*fas*) to interfere with any *responsum* of the divine Augustus (1.77). Yet the revival of this particular means of maintaining order also enthused the legal-protective (surveillant) process of delation which as Tacitus describes rendered privacy and property violable, fear automatic and displaced the honour of innocent citizens onto those less honourable (the needy *delatores*). In this view, corruption in Tacitus is not necessarily due to a lack of law, nor inadequate law reform. Rather, it is due to a contamination within the very system of law itself (the *delatores*), a contamination which under the Principate

³³ See for example *Hist.*2.69.

endangers fundamental civil rights (to freedom, to property, to privacy, to speech, to a fair trial) and to being Roman (to maintaining one's own *honor*).

This means that a similar paradox to that located in hierarchy (that is, mechanisms of order as mechanisms which cause disorder) can also be located in law (the *lex maiestatis*) and morality (*moderatio*) which then problematises what precisely connotes 'use' and 'harm' in Tacitus, as well as how one could rightly discern the honourable from the worse.

By the end of the thesis I hope to have revealed a number of answers to my central research question, which was to test the possibility of conflict as something which is engrained within the Roman social and epistemic order, and, structures of enslavement as existing beyond the *person* of the emperor, embedded instead within social and political *systems*. In support of this initial hypothesis, the four chapters show that conflict in Tacitus results from 1) cultural memory (the memory of the republican and Augustan pasts), 2) Tiberius' non-sovereignty (his *hesitatio*, *dissimulatio* or inability to decide the truth), 3) hierarchy (assigned places and roles) and 4) morality and law itself (*mores* such as *moderatio* and *leges* such as the *lex maiestatis*).

Given that these four sources of conflict are at the same time the very measures through which one would expect peace to be maintained, I argue that the Tacitean narrative not only contradicts the conventional understanding of what makes a good state, for example, knowledge of the ways of the past, a democratic or mixed government, a defined ranking system, a strong legal and moral code, but he also, through this contradiction, provides a unique explanation for the persistence of conflict. Conflict persists because its source resides in the institutions of peace. But the tragedy is that such a paradox remains critical to politics since without such institutions, the alternative would be anarchy or a return to civil war. In a place where there are no better alternatives, this may explain why Tacitus is not someone who valorises revolution and why, instead, he favours acceptance.

Method: Using Contemporary Political Theory with Tacitus

While this thesis naturally reads Tacitus in the context of early imperial history, it also presents an analysis of the narrative in the context of contemporary political thought.

Such an approach is necessary in order to meet a wider research purpose, which is to trace what Tacitus can tell us about the nature of political life under the Principate and, more widely, how Tacitean thought can advance an understanding of politics *as* conflict, and politics as a non-context specific process (politics as a *concept*).

One of the many advantages of employing a theoretical approach in an analysis of Tacitus is that it enables precisely this, a *conceptual* investigation. Arguably, a conceptual investigation implies a more generalised analytical approach than a historical or literary investigation. For example, a conceptual analysis of Tacitean *libertas* would consider the ‘idea’ of freedom, as well as take into account a set of other ideas in relation to what freedom means or what makes it possible; whereas, a strictly historical investigation of Tacitean *libertas* would seek to provide a more contextual (Roman) and determinate (distinct) explanation of the term. Yet, in my view, Tacitus’ narrative is itself conceptual (as well as historical), given that the texture of his writing is such that we are often presented with an exploration of diverse ideas (as well as a description of specific events).

The benefit of a conceptual investigation, then, is that it is in tune with Tacitus’ own method of writing the past, which allows and accounts for historical, literary and political reflections rather than one which seeks to define the boundaries between the historical, the literary and the political, boundaries which are not presented in Tacitus (nor natural to ancient historiography) and thus should not be posited from the reader’s point of view.³⁴ Certainly, Tacitus is a historian and the *Annales* is a historical narrative dealing with particular historical events, yet, employing a historical perspective alone (in the scientific sense), one which would seek to assess the facticity of Tacitus’ depiction of a particular event (for example, the accession of Tiberius) by measuring Tacitus against other sources in order to reach a more accurate picture of what happened in the past, is an exercise of limited value. This is for two main reasons. Firstly, given that a historical investigation is directed towards the discovery of facts, such an aim for a reader of Tacitus would remain contentious and not only because

³⁴ Given the didactic nature of Roman historiography it remains essentially conceptual, more so than its modern counterpart, because as well as narrating events or facts, Roman historiography also seeks to prescribe normative forms of conduct (which is a conceptual exercise) through the evocation of moral principles such as *aequalitas*, *libertas*, *humanitas*.

Tacitus' narrative is subject to Tacitus' own opinions and a possibly unreliable research method (taking into account senatorial *acta*, cultural memory, previous historiography, all of which are hardly objective sources of information) but also because methods and techniques of ancient history writing are not the same as those of contemporary (western) historiography (or at least its idealised forms): the latter for example does not allow for literary set pieces (such as speeches) or references to popular opinion and rumour.

A strictly historical (or strictly literary) approach would also, in my view, be somewhat reductive, given that there is more in the narrative than a mere compilation of facts (or display of intertexts). In his analysis of the mutinies, for example, Tacitus creates an opportunity to make sense of a larger phenomenon (the phenomenon of revolution, the paradox of hierarchy) as well as what caused the Pannonian soldiers to revolt on that particular occasion, how and why they did so. A conceptual analysis is therefore beneficial because it increases possibilities, enabling a wider, experimental and hypothetical but nonetheless possible explanation of a certain problem or set of phenomena.

In order, then, to follow the broader line of enquiry I have chosen for this thesis, which is to engage specifically with Tacitus' political and legal thought, that is, what Tacitus tells us about political concepts (such as, for example, democracy, authority, ideology) and legal concepts (for example, legitimacy, justice, rights) I analyse the Tacitean narrative alongside the political and legal theories of Michel Foucault, Giorgio Agamben, Jacques Rancière and Hannah Arendt, all of whom engage either directly with Tacitus' *Annales* (Rancière), the politics of the early Roman Principate (Agamben), ancient Roman concepts such as *mores* and *lex* (Arendt) or antiquity in a more general fashion (Foucault). Further to such direct connections between the subject of their analyses and Tacitus' own, the theorists I have chosen also engage with an investigation of politics after war and after liberty, and often from the position of totalitarian political societies. This means that the shared context of their thought together creates more common ground with that of Tacitus' own thought, than, say, would many of Tacitus' own Roman predecessors.

A further advantage of using contemporary theory to analyse the nature of politics in Tacitus is that it enables a way to question certain beliefs held by moderns in relation to classical sovereignty, classical politics or 'the antique'. Part of what led me initially to an analysis of conflict in Tacitus is a set of presumptions at the heart of certain modern analyses of power, namely those of Michel Foucault, which present especially defined temporal boundaries between classical (juridical/kingly) forms of power and their modern counterparts (disciplinary power/biopolitical power). Yet, the Tacitean narrative contradicts Foucault's trajectory of power, which argues for a historical progression from juridical power, to disciplinary power and finally to biopolitical power. There is much in the Tacitean narrative which supports the existence of other forms of power, forms which are 'biopolitical' and which co-exist with juridical forms, thus problematising Foucault's temporal trajectory, which locates the emergence of biopolitical forms at the turn of the nineteenth century. Tacitus allows us to see that it is not the case that one form of power turns into another but how juridical, sovereign, disciplinary and biopolitical powers intersect and to what effect.

The category of the antique is often invoked in this way, to assert some form of shift in the history of Western politics. Yet, Tacitus draws attention to the possibility of there being something 'modern' about the antique (or something 'antique' about the modern), rendering the comparison of modern theory and ancient texts a useful rather than questionable hermeneutic exercise.³⁵ There are thus two advantages to the theoretical approach: not only am I able to explore the narrative from a wider perspective, but I am also able to challenge views of Tacitus and by extension views of the classical as held by moderns.

A further advantage to the specific theorists explored in this thesis is to do with method. Not only do the theorists chosen analyse similar contexts and concepts but they also share a similar method of analysing history and politics. Tacitus is not known as a 'theorist', rightly, since unlike Cicero or Seneca for example, he does not directly

³⁵ On this point see further Feeney (2006:440-452), 'The claim that only a given culture's modes of criticism can work for that culture has some kind of initial plausibility, perhaps, but we have to recognise that this claim itself comes from an identifiable modern philological tradition...the idea that we can only read ancient literature in terms of ancient criticism is itself a modern prejudice.' (443). See further the discussions in Alston and Spentzou (2011:7-9, 225ff.).

posit what something *should* mean or *should* be, at least not often. In Tacitus, we are presented with an analysis of what something *is* or what something has *come to be* over the course of history.³⁶ His method of writing history is therefore not only aetiological but it may also be described as genealogical, that is, a method which seeks to trace the constitution and development of something (for example, a moral norm) over the course of time in order to allow an insight into how it has come to be what it is in the present. The significance of this is that Tacitus challenges the view that there exist natural or immutable referents for certain notions, beliefs or ideas. Such a suspicious questioning of natural, universal or ontological categories is something which Tacitus discloses in reference to *mores*, which, though often referred to as fixed in Roman thought (as *the* criteria for good, right and true) are implied by Tacitus as something different: on one hand, *mores* are a guide to correct behaviour but at the same time this does not mean that they remain the same, stable categories of definition over time. Instead, Tacitus sees the mutability of all things, *mores* included.³⁷

It is thus suggested that *mores*, unlike the conservative-conventional view, are “produced” and furthermore open to transformation, resistance or even rejection. While I would not extend this to argue that Tacitus speaks from a position of moral relativism, there is a genealogical logic to his writing which then pushes the reader to think about what (power relations) created the conditions for the possibility of the constitution of certain structures, norms or ‘truths’, rather than assuming that these norms are natural and questioning whether such norms were followed or held by Tacitus or those in his narrative.³⁸

The contemporary theory I have used in this thesis is therefore specifically designed to strengthen my engagement with what I see as unique in the Tacitean narrative. All thinkers share similarities in terms of context, concepts and method, providing a solid basis from which to analyse Tacitus’ narrative on politics under the Principate as well as politics more widely. By sustaining a critical dialogue between

³⁶ Cf. Tacitus’ history of Roman law and morality at *Ann.*3.26-28.

³⁷ *Ann.*3.55.5: *nisi forte rebus cunctis inest quidam velut orbis, ut quem ad modum temporum vices ita morum vertantur.*

³⁸ Cf. Nietzsche: ‘There are no moral phenomena at all, only a moral interpretation of phenomena’ (1990:96).

modern theory and Tacitus' narrative, it is also hoped that this thesis makes obvious the timeless value of Tacitean thought, something which has not often been supposed in reference to his particular contribution to politics and historiography.

Tacitus, Foucault and Agamben

Although Foucault's genealogy of power is contradicted by Tacitus, as explained above, this contradiction allows an in depth discussion of Tacitus and Foucault which is maintained throughout the thesis. The primary value of Foucault is his conception of power, in particular the relationship between power and truth:

We must cease once and for all to describe the effects of power in negative terms: it "excludes", it "represses", it "censors", it "abstracts", it "masks", it "conceals". In fact, power produces; it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production.³⁹

Once power is conceptualised beyond the power of the emperor, the government or the state, it changes perspectives. Firstly, while any reading of Tacitus cannot ignore the model of power which is based on the power of the emperor given the central role he plays in the politics of the Principate, at the same time, one can find many similarities between Foucault's particular conception of power as something which produces 'rituals of truth' and the Roman notion of the *mos maiorum* – as a source of knowledge (an epistemological system), a set of discourses which organise right and wrong, true and false. Once we see power in this way, not only as something which limits but also as something which 'produces', through disciplinary techniques such as customs (*mores*) or references to authoritative figures (*exempla*, the *maiores*, Augustus) as well as other mechanisms which seek to define what is normal or acceptable (law, hierarchy, cultural memory) this alters in turn what we see as enslaving. The source of *servitium* (and conflict) is not solely the emperor but possibly, ordering structures themselves (customs, laws, hierarchy). Freedom, too, will emerge differently; an act of *libertas* is

³⁹ Foucault (1995:194).

not necessarily an active speaking out against the emperor, nor even the space to feel what you want and say what you feel, but possibly, the freedom to choose to be constituted as a subject. When sources of oppression are dispersed throughout the social body to such penetrative an effect, we may want to consider the possibility that Tacitus' narrative questions the very notion of freedom as an ontological condition of being, in which case we are confronted with a deeply tragic affirmation, that freedom may only refer to the freedom to accept servitude (to be *obsequens*) which may explain why Tacitus imbues (and perhaps has no choice but to imbue) *obsequium* with a newly moral value.⁴⁰

Thus, for Foucault it is essential to 'break free' of the model of power which takes law and sovereignty as its code and by applying this view to Tacitus, we can develop our understanding of what freedom (and servitude) may mean from a Tacitean perspective. Equally, we may conceive of power as something which not only 'censors' (individuals) but also as something which 'produces' (truths). Yet, in a Roman imperial context, especially in a Tacitean historiographical context, this perspective *must* be balanced with an understanding of power which does take law and (the emperor's) sovereignty as its code, a code which may be constituted through either the emperor's power (*imperium*), influence (*auctoritas*), or words (*dicta*). In order to achieve the balance between disciplinary and sovereign forms of power, the Foucauldian strand of my thesis is nuanced with the work of Giorgio Agamben, whose political thought remains connected with the model of power which takes sovereignty and law as its code.

⁴⁰ Such a position continues to assert a sharp distinction between the time of the republic (a time of freedom) and that of the Principate (a time of servitude); but given the *Germanorum libertas* (*Germ.*37.3), it isolates specifically the *Roman* imperial condition as one of inherent servitude. This condition of inherent or ontological servitude is further implied by Tiberius' reported comment upon leaving the senate house which was not that the elite were *like* slaves, but that they were men purposed for or *prepared* for servitude ('...*ad servitutem paratos*'), which implies that it is not the moment of coming into the political arena (coming into contact with the emperor in the senate house, for example) which represents the moment when servility begins, but that servility, as an elite condition, *preceded* the context/space of Tiberian politics (*Ann.*3.65). On *obsequium* (compliance/deference) in Tacitus see *Ag.*8.1, 30.3, 42.4. Cf. *Ann.*4.20.3 (on *deforme obsequium*). Cf. also *TLL s.v. obsequium* 182.33ff. (*in vita publica*). On the disjunction between freedom and biopolitical regimes see especially Alston and Spentzou (2011:228-229 and *passim*).

The usefulness of Giorgio Agamben for the reader of Tacitus is his theory of the state of exception, derived in part from Carl Schmitt's definition of sovereign as 'he who decides on the exception' (*Souverän ist, wer über den Ausnahmezustand entscheidet*).⁴¹ While Schmitt analyses emergency powers in the context of Roman republican dictatorship, where the dictator in contravention of the constitution was temporarily granted unlimited powers in order to bring order back to the state (such as those granted to Octavian), Agamben analyses emergency powers with reference to the Roman *iustitium*, which he reads as a miniature model for the state of exception.⁴² The Roman *iustitium* refers to a formal suspension of power or standstill (or a period of mourning, such as that declared upon the death of Augustus), wherein all bodies, for Agamben, 'seem to be invested with a floating and anomalous *imperium (un imperium flutuante e anomalo)* that resists definition within the terms of the legal order' (hence perhaps, the mutinies occur).⁴³

From this basis, Agamben develops his theory of the State of Exception, which is premised on a certain 'paradox of sovereignty'. The paradox of sovereignty refers to the notion that during the state of exception, which makes obvious who the sovereign is (because only he can declare it) the sovereign is both inside and outside the law (because he is able to suspend the law legally). Once the paradoxical suspension of the law is declared, creating the state of exception, Agamben claims that all are susceptible to being reduced to a status of 'bare life' (*nuda vita*), which is a de-politicised form of biological life wherein the individual loses his political identity by being stripped of the right to legal protection.⁴⁴

While Foucault sees the sovereignty model as a limited one from which to analyse power, in particular the biopolitical effects of power (how power affects

⁴¹ Schmitt (1985:1).

⁴² In addition to the Roman *iustitium* (which refers to the 'cessation of judicial and all other public business, in the event of national calamities, riots...the death of an emperor or one of his family', *OLD s.v. iustitium*), the state of exception is also analysed by Agamben alongside civil war (2005:1-2, 19ff.), a period during which lawlessness is legalised for the purposes of preserving law and order (paradoxically). The crucial example is the concentration camp which is posited by Agamben as the fundamental biopolitical paradigm of the West (1998:181).

⁴³ Agamben (2005:43).

⁴⁴ Notably, bare life is (deliberately) an ambiguous term in Agamben, since as well as denoting a depoliticised form of life (1998:97) that life remains political because the subject even if denied legal protection, remains entangled in the web of sovereign violence (1998:88).

biological life), Agamben sees a precise connection between sovereignty and the biopolitical. This is because the production of 'bare life' is the essential sign of the sovereign, since the conditions of bare life only become possible in the state of exception, which can only be declared by the sovereign.⁴⁵ This biopolitical logic of sovereignty, and again in distinction to Foucault, is not for Agamben a modern emergence, but rather an ancient one.⁴⁶ Agamben focuses his discussion of the production of bare life to the Roman figure of *homo sacer* (the sacred man, the exile or *interdictus*), who not only loses his citizen rights once declared an *interdictus* but can also be killed by anyone with impunity.⁴⁷ The sacred man is thus marked by a similar inside/outside status to that of the sovereign, at once included in and excluded from the juridico-political order. Agamben makes from this a new type of connection between the sovereign and life, not one in which the sovereign asserts power through outright domination over life but one where the sovereign withdraws from his duty, *abandoning* life to a realm of violence, lawlessness and inhumanity. From this basis, Agamben further subverts the traditional liberal conception, that sovereignty functions in opposition to liberties and rights. Rather, for Agamben it is only under sovereignty that liberties and rights are possible.

However, a further paradox is that 'the spaces, the liberties, and the rights won by individuals in their conflicts with central powers' does not assert freedom from sovereignty, but, 'always simultaneously [prepares] a tacit but increasing inscription of individuals' lives within the state order, thus offering a new and more dreadful foundation for the very sovereign power from which they wanted to liberate

⁴⁵ Cf. Agamben (1998:6): 'The inclusion of bare life in the political realm constitutes the original – if concealed – nucleus of sovereign power. It can even be said that the production of a biopolitical body is the original activity of sovereign power. In this sense, biopolitics is at least as old as the exception'. For Agamben's correction of Foucauldian biopolitics see Agamben (1998:9-11).

⁴⁶ It is implied to be pre-ancient because it is conceptualised by Agamben as the ontological basis of politics. For a useful survey of the differences between Agambenian and Foucauldian conceptions of power (sovereign, disciplinary and biopolitical) see Frost (2010: 545-577). See especially Brockling and Krasmann (2011:165-184).

⁴⁷ The term *homo sacer* (sacred man) is first recorded in the Lexicon of Festus (*de verborum significatu*) some time during the early imperial period (possibly late second century). Festus defines this man as follows: *At homo sacer is est, quem populus iudicavit ob maleficium; neque fas est eum immolari, sed, qui occidit, parricidi non damnatur* (424L). As a critical concept, the figure of *homo sacer* is used 'to emblematised the sovereign's power over life and death, the power to designate a life that is worth neither saving nor killing.' (DCT, p.233).

themselves’.⁴⁸ Agamben posits thus the ‘double-sided’ nature of decisive political events, not liberating nor enslaving, useful or harmful, but somewhere in between, in a zone of indistinction.

Agamben’s notion of the ‘double-sided’ nature of the political order, as explored through the paradox of sovereignty, his concept of ‘bare life’ and the sovereign ban, which culminates in his theory of the state of exception, provides a useful analytical framework for the reader of Tacitus, especially in terms of how it can aid an understanding of Tacitus’ own paradoxical or ‘double-sided’ interpretation of the nature of imperial politics. From a historical-theoretical point of view, the foundation of the Principate is grounded in the sovereignty paradox, given that prior to the settlement of 28/27 Octavian was granted exceptional powers in order to quell civil war. From a Tacitean-theoretical point of view, this can be further developed since the notion that Augustus exercised an exceptional form of power (one which maintained a relationship with the law only through being external to it) is foregrounded in Tacitus’ prologue which states that Augustus received all things in the name of prince, absorbing the functions of the senate, the magistrates and the law. This is peculiar given that the Principate was established *after* the emergency situation of civil war, in which context, the Principate in Tacitus represents a time of persistent exceptionality (the time after 28 was not one of emergency, nevertheless the sovereign retained an exceptional status). Furthermore, sovereign power and its exceptionality were necessary for the creation and maintaining of the biopolitical regime, the very systems of powers diffused through the social body which allowed the functioning of society in peace, leisure, gifts and abundance. In Tacitus, sovereignty allows society to come into being and the society provides the structural props of sovereignty: the eagerness of the senators for slavery was thus both a response to the sovereignty that allowed them to be and a restitution of (Augustan) sovereignty.

The continuation of a questionable legal structure, (as well as the attached production of bare life), is narrated throughout the Tiberian books. During the

⁴⁸ Agamben (1998:121). As will be discussed below, this notion of servitude through freedom is peculiarly Tacitean; it is the logic of the principate that the more one chooses to rebel the more he empowers not himself, but the system.

accession debate, it is implied that Tiberius was invested with ‘an anomalous *imperium*’ that resisted definition within the terms of the legal order. At the same time, Tacitus shifts focus to another problem of definition, that Tiberius’ power could not define truth, in which case we can rethink sovereignty in a Roman Tacitean context not as ‘he who decides on the exception’ but ‘he who decides truth’. In this, the sovereign becomes the enforcer of the power-knowledge diarchy of Foucauldian thought.

More widely, Tacitus develops a similar understanding of imperial politics in terms of the way in which it defies traditional opposites (sovereign and subject, freedom and servitude, humanity and inhumanity) so that, as in Agamben, one opposite comes to be constitutive of the other. This can be seen in his analysis of civic virtue, which no longer works to affirm individual *virtus*, nor the ‘health’ (*salus*) of the *res publica*. Rather, an engagement with civic virtue is shown to further preserve conflict within the state, as explored through Tacitus’ reflections on *moderatio*.

Yet, Tacitus allows for a different understanding of such connotations. In Tacitus, legalised lawlessness or ‘virtuous corruption’ is not, as in Agamben, necessarily stemming from the authority of the sovereign body. As mentioned above, for Agamben, conflict in the form of inhumanity (as that displayed towards the camp prisoner when stripped of his civil and human rights) is the product of the workings of sovereignty in the state of exception. Tacitus offers an alternative explanation. The production of bare life is not only the product of sovereignty, but it can instead be pinpointed to the wider notion of Roman *humanitas*. This is because although *humanitas* is that which guides and holds together the ethics, law and moral discourses of Roman society, at the same time Tacitus’ narrative shows that the display of *humanitas* cannot be achieved without the perversion of justice and equality (the production of bare life). The *interdictus* was not punished by the sovereign’s taking of life (execution) but by stripping him of his rights (exile). The reason for punishment by exile rather than execution was to display not brute power but virtue (or a form of virtuous power/virtue through power). *Homo sacer* was the one who was rescued from death through the virtuous act of sovereign *clementia*. But the virtuous act of *clementia* is obviously a legal exception, seeing the perversion of justice as well as the perversion

of equality, since as an exile he was stripped of his citizen rights.⁴⁹ Virtue is embedded in sovereignty and in the potential of the sovereign to reduce the man to virtual enslavement (robbing him of his virtue), but in reverse fashion virtue is constructive of sovereignty through *humanitas*.

In asserting a fundamental dialectic between sovereignty and virtue (instead of/as well as sovereignty and power) Tacitus allows us to read conflict as ever-present. Paradoxically, the Roman commitment to politics as a civic moral enterprise was one which could not be disentangled from corruption and conflict. From this perspective, we may rethink the very nature of politics in Tacitus. Politics is often defined as a system or process of organisation which seeks, as an ultimate aim, to maintain social order. Yet in Tacitus, the process of politics is written as synonymous with conflict itself as well as the very means through which conflict is preserved. But that conflict appears to be necessary, an inevitable feature of imperial society certainly, but also of what came before, and perhaps of *humanitas* itself, *humanitas* defined as a social way of life. In that sense, we may re-read Tacitus' puzzling description of Romanization in the *Agricola* as a process that the undiscerning understood as *humanitas* when it was really slavery not as oppositional but integral and dialectical.

Preliminary Conclusions: The Persistence of Paradox

The paradoxical nature of Tacitus' narrative has been noted for a long time. According to Syme, for example, 'Tacitus' views on men and government are ambiguous,

⁴⁹ Notably *clementia* was not always associated with virtue and *humanitas*, especially in the context of Julius Caesar's acts of mercy in the aftermath of the civil war. As the act of one in a superior position it has been argued that *clementia* in the context of pre-imperial history was not conceived as a virtue. According to Syme, *clementia* had a dubious and variegated history because it had been seized and exploited by leaders or parties in the Civil Wars. For Syme, given this history, clemency was 'the will of a master' rather than 'an aristocrat's virtue' and 'to acquiesce in the *clementia Caesaris* implied recognition of despotism' (Syme:1958:414). Cf. Cic.*Att.*8.16.2 where he speaks of Caesar's *insidiosa clementia* ('treacherous clemency'). Following Syme, Levick has argued similarly on the *clementia* of Tiberius: as 'the virtue of an autocrat, of a Caesar' she wonders why *clementia* was taken up by a *princeps* of Republican inclinations (1975:126). Against such views Konstan has argued more recently that *clementia* was regarded as a 'wholly positive quality' and even under Caesar it had no such connotations of despotism or tyranny (2005:340). For Konstan, *clementia* 'was a virtue, and the senate was acting in perfect accord with the traditional meaning of the term when it included it in the *clupeus virtutum* presented to Augustus' (344-5). On the ambiguous nature of *clementia* see further Braund (2012:88ff.).

necessarily so, for they reflect the historical situation.⁵⁰ Haynes has presented a similar view, claiming, ‘where [Tacitus] is paradoxical or confusing, he reproduces paradoxes and confusion within the ideology of the period.’⁵¹ The paradoxical nature of Tacitus’ narrative may certainly be read as a reflection of the historical situation or a reproduction of the ideology of the period, as both Syme and Haynes suggest. Yet, in order to build on these views, this thesis seeks to show that there is a particular role that paradox plays in Tacitus’ political and historical thought. Beyond merely ‘reflecting’ history and ideology, paradox in Tacitus is imbued with a fundamentally generative power.

A paradox is a sign of conflict, a conflict between two antithetical institutions, values, statements or meanings. Yet, as well as being something which represents conflict (whether historical or ideological), in the *Annales* Tacitus shows that paradox also represents or enables peace; in other words paradox is not merely a static sign or manifestation of past or present conflicts but it is also a fluid, driving force, which *generates* peace. The generative power of paradox is a crucial aspect of early imperial history, given that, that which generated the *pax Augusta* was the paradoxical conflation of Republic and Principate. In Tacitus, the generative power of paradox is developed further, since, that which enabled *pax et princeps* (or *otium et princeps*) was not the paradox of republic and Principate but rather the sovereign paradox of Augustus as law. Furthermore, that which continued to generate social stability was the individuals’ own wilful self-subjection to the regime, which, as a paradoxical act of “free will” only empowers the sovereign and his regime. A similar generative power is written into Tacitus’ paradoxical writing of law, morality and hierarchy: these structures, as the chapters will show, are innately paradoxical since they embed conflict and preserve relations of domination within the social sphere, but at the same time, it is through the paradox of hierarchy, for example, which is that it sources revolution, that it generates (momentarily) power and democracy. Equally, it is due to the paradox of the *lex maiestatis* (it is paradoxical because in seeking to defend from defamation and

⁵⁰ Syme (1970:139). See also Mellor (1993:90).

⁵¹ Haynes (2003:3).

conspiracy, it further perverts the system of law through the legal yet intrusive activity of *delatores*) that the power of the sovereign and his house is affirmed.

One can see, then, that paradox plays a crucial role in Tacitus' picture of politics and more widely, his understanding of what generates stability. By looking at paradox from this perspective, as something which serves a purpose or plays a meaningful role in Tacitus' historical and political thought, we may resist the temptation to reconcile the contradictory nature of Tacitus' narrative (as well as his own opinions) according to a particular logic of interpretation and instead accept the paradoxical as the essence of his political ontology. The value of Tacitus as a political and historical analyst is thus that not only does his narrative 'reflect' or 'reproduce' the historical and ideological conflicts of the past (which perhaps is to be expected), but that it reveals in its own right a wider theoretical framework which allows us to understand the role played by paradox (the purpose of paradox) in history and politics. However, this theory contains a clue to its own meaning, which is that if it is paradox (conflict) that generates peace and if it is paradox that lies beneath the power and dictates of the sovereign, then what Tacitus is exposing is not a pure or stable peace but always a conflictive peace, or, a 'peacetime conflict'.

CHAPTER 1

WILL TO FORGET?

ON DISCONTINUOUS MEMORY & REMEMBRANCE IN TACITUS' AUGUSTAN ROME

Social amnesia is terrible because it destroys the base of culture, in other words, the viability of culture...At the same time, sometimes it is amnesia, artificially created forgetfulness, that is the stimulus of society's progress.¹

Bakieva's notion of social amnesia invites two comparisons from Roman imperial history: In his sixth consulship (28 BC), three years after Anthony's defeat at Actium, Octavian had eighty silver statues of himself melted in order to use the proceeds to dedicate tripods in the temple of Apollo. Memorialised in the *Res Gestae* (RG 24) in terms of *pietas* – and it was a spectacular exemplification of personal modesty – it was equally an opportunity for Octavian to eradicate sites which preserved dangerous memories from his triumviral past.² As W. Eder notes 'it is telling...that after the victory over Anthony, when Octavian literally was *mon-archos*, sole ruler, and not constrained by tactical reasons to play the role of staunch Roman and Republican, he did everything he could to emphasize exactly this role in order to make people forget the time before Actium.'³ It is telling, reflecting well Octavian's awareness of the potentially destructive knowledge communicated in memory's persistence with posterity. Yet, it is furthermore revealing because it affirms the personal and political value of forgetting. For Octavian, the process of fostering social forgetting was *not* counter to subject nor state formation. Rather, forgetting and disconnection from the civil war past were constitutive to what we might describe as the republican narrative of identity necessary for the social and moral progress post-Actium. The melting can thus be read in terms of Bakieva's formulation above – as an attempt to stimulate

¹ Bakieva (2007: 94).

² See Zanker who argues that the statues, which displayed Octavian 'spouting self-assured gestures of himself', did not 'fit in with his gradually evolving new style' (1990: 86).

³ Eder (2005:22-3).

society's non-civil war progress and of course, Octavian's appropriated non-triumviral identity within it.⁴

This need for social amnesia or 'artificially created forgetfulness' at given moments in history – a need which problematises the familiar notion that 'forgetting' is synonymous with the loss of identity⁵ – is also related to us by Tacitus. As he reminds us near the beginning of the *Agricola*, those who survived the Domitianic past did not only survive their contemporaries but they also survived a part of their own selves (*pauci et, ut ita dixerim, non modo aliorum sed etiam nostri superstites sumus*; Ag.3.2). The survival of a part of one's own self implies a certain level of forgetting, that is, banishing to oblivion traumatic years and memories in order to progress through to a new and happier age. If, then, it was through the removal of years from the middle of lives (*...exemptis e media vita tot annis*; Ag.3.2) that progress through the traumas of the Domitianic past was enabled, for Tacitus, the will to forget the memory of his own servitude under Domitian constituted an important and essential component of his own psychological and physical survival.⁶

In these two instances therefore, a distinctive parallel emerges: survival and political continuity depended on some oblivion – predicated on either a strategic politics of 'forgetting' or a wilful 'loss' of years for the purpose of stimulating social (and individual) progress. Considering oblivion in this way encourages another perspective: rather than perceiving oblivion simply as a loss of remembrance, for Tacitus, Augustus and Augustus' Rome, it becomes a crucial component of, and agent in the construction of a stable and stabilising social memory in the present.⁷ Given this, forgetting becomes a necessity almost – and both on the level of the individual and the

⁴ For further on 'Octavianic oblivion' see Bringmann (2007:310ff.). See also Suet.*Aug.*36 on Augustus' destruction of *acta* and *Ann.*3.28.3 on Octavian's declaration of all unconstitutional acts from the 30s invalid.

⁵ According to Gowing, for example, 'for Romans the past wholly defined the present, and to forget – to disconnect with – the past, at either the level of the individual or of the state, risked the loss of identity and even extinction.' (2005:8). However, as Octavian's melting indicates, it depends on which aspects of the past one is forgetting or disconnecting with and when this forgetting or disconnection takes place.

⁶ On Ag.3 and survival see further Hedrick (2000:164ff.).

⁷ On the value of oblivion see Augé (2004) and Nietzsche (2007). For Nietzsche, the value of forgetting is that it enables the individual to feel and experience life 'unhistorically', that is, to be saved from the burden of the past which can be harmful and fatal. For Augé, oblivion helps to construct the identity one desires but it is that which one seeks to forget that nevertheless reflects who they really are (*'Je risque une formule: dismoi ce que tu oublies, je te dirais qui tu es'*; [1998:26]).

state – in order to ‘survive’ either the traumas of civil war or the terrors of tyranny. In other words, the technique of creating and regulating a particular culture of remembrance, in order to resituate society and the self in a more comforting mnemonic episteme, depended on a sub-culture of forgetting first.

Such an engagement with oblivion renders problematic any notion of a continuous Roman memory. Spaces of oblivion, or periods of social amnesia signify, it seems to me, a series of ruptures embedded within the texture of Roman time and as I shall argue, such ruptures reveal an ontological paradox embedded within the ‘continuum’ of Roman cultural memory: the only way Roman memory could provide a ‘whole’, ordered and civilised sense of relation to the past and genealogical knowledge in the present, was by being essentially discontinuous. And in Tacitus’ *Annales* this theme is pronounced: the discrepancies from the past re-emerge as the darker, non-glorious aspects of history are now remembered – aspects which are expressed, in Syme’s words, through ‘damaging parallels, forgotten facts and any uncomfortable truth.’⁸ In the Tacitean narrative, there remains the underlying will to lose or deny the past, but in the context of monarchy and growing Empire, it is not only the trauma of civil war that needs to be forgotten, but also the burden of ‘republicanism’.

The aim of this chapter is to trace the discontinuous nature of Roman memory and remembrance as presented in Tacitus’ prologue (1.1.1-1.5.4) in order to explore the implications of this discontinuity for the beginning of the Tacitean narrative and through this, the foundation of the Roman Principate. The focus will be on two key binaries: republicanism and civil war and republic and monarchy, as I think they represent well, in their conjunction, the complexity of Roman memory in terms of its dependence on both remembering *and* forgetting for the purpose of formulating a suitable sense of genealogy and through this, an appropriate narrative of identity. A secondary aim, which will be pursued alongside the first, will be to trace precisely how Augustus in the Tacitean interpretation managed to establish peace upon the foundation of the Principate if not, as generally conceived, through the careful cultural preservation of traditional customs.

⁸ Syme (1958:431-2).

In the first section, I shall examine Tacitus' depiction of Augustus and Augustan Rome. The Republican past was used as an epistemic system by which individuals grounded their identity in the past. This became an episteme: a complex and constitutive narrative of the present of Augustus' Rome.⁹ Indeed, the Augustan regime instigated a paradigm shift – an epistemic departure from the old; but at the same time, the paradigm was very much based on, and substantiated through, the careful cultural preservation of old-time republican tradition.¹⁰ However, in Tacitus' Augustan Rome, the republican moral and ethical bases of Augustus' episteme are rendered out of place and as I shall argue, the narrative begins in flow against the conventional understanding of Roman foundational knowledge (and traditional Roman historiographic practice).

In Tacitus' Augustan Rome, the Republic has not been restored. Republican morality is also disparate; indeed *mores* are more often disclosed through those who are no longer living.¹¹ Similarly, Tacitus' portrait of Augustus himself is contradictory to that of either staunch Roman and Republican, or even republican *princeps*. Rather, Tacitus' Augustus is an 'exceptional' monarch, that is, a monarch who exists *as* the law, rather than he who restores or abides by it.¹² Yet, it is through Augustus' own 'exceptional' being, that the paradoxical nature of his own existence is maintained. In other words, Tacitus' Augustus is not only the exception to the rule but furthermore, he is the exception to the rule because he is the rule – and a rule which self-maintains through his own extra-legal, exceptional status. This is a significant aspect of the prologue and it sets up one of the dominant themes throughout the Tiberian books, the progressive corruption of legality and the emergence of conflict. However, in the prologue the transcendence of law is not made analogous with a tyrannical or

⁹ On the episteme as a kind of historical a priori or a 'certain structure of thought that the men of a particular period cannot escape' see further Foucault's definition in *The Archaeology of Knowledge* (2002a:211-212). For Foucault, the *épistémè* means the 'total set of relations' which unites and consolidates discursive practices in the present period, practices which order knowledge or render something as knowable (rather than knowledge itself).

¹⁰ On Augustus' regime as representative of a 'paradigm shift' see Wallace-Hadrill (1997 and 2005:55-82).

¹¹ Many argue for Germanicus as the moral *exemplum* in *Annales* 1, the foil to Tiberius (see below, p. 141, n.96). However, in my view, and as will be discussed in Chapter 3, this is a problematic reading given that Germanicus' portrait up until his death remains inconsistent. Praising only those who are no longer alive (in the narrative context) may be a Tacitean technique of presenting moral *exempla*, the key example being Julius Agricola.

¹² On the sovereign exception see above p.10, n.21.

‘thanatopolitical’ regime (one based on the use and threat of death for the mobilization of political life). Rather, Augustus mobilised life through the seduction of all with the sweetness of leisure (*cunctos dulcedine otii pellexit; Ann.1.2*). The use of leisure, as well as gifts and grain, to pacify (or to control) the population in the aftermath of civil war asserts the fundamentally ‘biopolitical’ nature of Augustan power and politics, that is, the use of political power to manage, regulate and ‘improve’ life rather than threaten or reduce it to servitude.¹³ And as I shall argue, it is due to Augustus’ techniques of improving life through pleasure, as well as his own ability to be immune to the law (through absorbing it) that *pax* is maintained. In the context of new pleasures and benefits, traditional republicanism in Tacitus’ Augustan Rome is therefore not only no longer relevant, but furthermore, it is seemingly no longer desirable.¹⁴

In the second section, I shall focus on one of the key questions raised in the prologue: *quotus quisque reliquus, qui rem publicam vidisset?* (*Ann.1.3.7*). By raising this question at the opening of his narrative, Tacitus makes an important point. In the early years of the Principate, stability and legitimacy rested on notions of continuity between the present and the republican past. But if, as Tacitus implies, few in the Augustan period had seen the Republic, experience as a criterion of knowledge is removed from the historical episteme. Memory of that past is now immediately inauthentic and this alludes to the hollow centre at the “whole” of Roman genealogy of knowledge. Given this, the Augustan episteme, an episteme based on restorative and restoring narratives is now *named* as a discursive construction of reality, as an

¹³ Michel Foucault defined biopolitics in the final section of *The History of Sexuality Volume 1: The Will to Knowledge* (1998). The term was later used by Foucault in a series of lectures given at the Collège de France from 1975-6, now published as *Society Must Be Defended: Lectures at the Collège De France, 1975-6*, Penguin (2004). A subsequent series of lectures given between 1978-9 further explored the concept (these lectures have now been published in a series entitled *Security, Territory, Population* (Palgrave, 2007) and *The Birth of Biopolitics* (Palgrave, 2008)). I use the term biopolitical here because biopolitical power (or biopower) is distinct from traditional forms of power based on the threat of death (which Augustan power was not, in its totality). Rather biopower is power which is utilised through an emphasis on the protection of life. As such, Foucault defines it as positive and productive, rather than negative and ‘subtractive’ and as something which works through ‘an explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations’ (1998:140). For Foucault’s key definitions of biopolitics see (1998:139-143, esp. 143), (2004: 254) and (2007:1).

¹⁴ Cf. *Ann.* 3.55.5, where Tacitus suggests that the institutions and customs of the past were not always better. As Ginsburg notes, ‘of particular interest to the historian seems to have been the question of whether the institutions and decisions handed down by the *maiores* possess a timeless value or whether there are circumstances that necessitate amending or changing them altogether.’ (1993:87-8).

invention.¹⁵ But the problem of memory in Tacitus' prologue is further complicated given the backdrop of Tacitus' exceptional monarchic Augustan state – a state which automatically and immediately exists *contra morem maiorum* (that is, against the way of the ancestors).¹⁶ In the presence of growing monarchic sovereignty, the familiar and traditional values associated with the republican past (*libertas, aequalitas, moderatio*) are in a progressive state of erosion and Tacitus' depictions of elite activity are notoriously linked with a growing descent into servitude. The *Annales'* prologue description of the Augustan senate presents no exception: the senators are servile (1.2.1), the magistrates have become corrupted by greed and the law by violence, vanity and money (1.2.2). According to Tacitus, nowhere did *mores* remain untouched and *aequalitas* had been cast aside (1.4.1) – but despite this, there is peace.

There is a peculiar ambivalence written into Tacitus' portrait of Augustan Rome. Despite elite ignorance of traditional codes for behaviour and the failure to emulate the virtuous habits of the ancestors, peace is nevertheless sustained.¹⁷ This is the unfortunate and paradoxical aspect of Tacitean elite critiques written throughout his histories: the integral link is not between *libertas et pax* but between *servitium et pax*.¹⁸ However, since servility can only manifest peace if it is to Augustus, the integral link, rather, is between *pax et princeps*.¹⁹

¹⁵ Cf. Hobsbawm and Ranger (1983) on the invention of tradition: 'Invented tradition is taken to mean a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past. In fact, where possible, they normally attempt to establish continuity with a suitable historic past.' (1983:1). See also Lobur (2008:5ff.) and Habinek (1998:34-68, esp. pp.53-54).

¹⁶ Cf. Cic.*Rep.*3.43: *ergo ubi tyrannus est...dicendum est plane nullam esse rem publicam.*

¹⁷ Although at *Ann.*1.4.1 Tacitus states that nothing remained of ancient, uncorrupted *mores*, it should be noted that ignorance of tradition and traditional codes for behavior is not maintained throughout the narrative (as will be discussed in Chapter 4).

¹⁸ I am aware of the arguments against positing a binary between *libertas* and *servitium*, on which see Miller (2005:7ff.). However, in the Tacitean prologue, the terms are used in relation to the elite and in the context of aristocratic behaviour. In such a context the juxtaposition of the terms implies their basic meaning – which in my view is essentially the opposition between freedom and slavery, on which see Roller (2001:213ff.).

¹⁹ The relationship between peace and the Principate is a key feature of Tacitean historiography, (cf. *Ann.*1.2, 1.9-10, 3.28; *Hist.*1.1; *Ag.*1.3). However, it seems that *pax* is linked, specifically, with the foundation of the Principate. Subsequently, whilst it was in the interests of peace for all power to be conferred onto one person (*Hist.*1.1.1); in Tacitean historiography, it seems that the one person had to be Augustus.

The focus therefore, is on the present – “remembering the present” rather than remembering the past and disconnection from the ideological construction of the traditions of the republican past, according to the Tacitean account, does not result in the collapse or loss of the epistemic grounding of contemporary society. Rather, the memory of the past is supplemented with the alternative memory of Augustan power in the present. In Tacitus’ prologue, a crucial break is inserted between republican memory and Augustan culture. The *Annales* therefore opens by exploring and establishing a paradox at the heart of social memory (and thus within the Roman historic episteme) through an engagement with the paradox at the heart of the imperial order (republican *princeps*/Principate and *Libertas*).²⁰ I argue that this paradox was maintained throughout the Augustan period (at least in the Tacitean narrative) through the exceptionality of Augustus, an exceptionality grounded in an all-absorbing *imperium*.

In the concluding section, I offer some suggestions for why Tacitus’ narrative appears to work against the re-articulation of the moral value of the republican past. Whilst Tacitus’ writing of Augustan Rome struggles against the memory of the republican past, it reflects in this struggle Tacitus’ own discontinuity from and ‘strategy of resistance’ to the traditional meta-narrative of republican history and memory, a narrative which he resists due to his contemporary political difference, but in which he nonetheless remains implicated.²¹ This modality of resistance yet implication produces a conflict which reflects the wider theoretical tension between the processes of forgetting and remembering. Whilst ‘forgetting’ in the domain of the cultural – the process through which identity oscillates and is enabled to re-appropriate according to socio-political flux (years removed, and statues melted) – is both necessary for and integral to social and moral progress, the problem is that in the realm of the psychological, forgetting, cognitively speaking, can never happen. As a result of this,

²⁰ Similarly, the political paradox presented by Republic and Principate is weighed down by the moral paradox at the heart of Roman genealogy – civil war and republicanism; “who had seen the republic?” becomes in the Tacitean narrative “who had not seen a civil war?”.

²¹ ‘Strategy of resistance’ is a Foucauldian term to which, in his opinion, every type of power gives rise: ‘As soon as there is a power relation, there is a possibility of resistance. We can never be ensnared by power; we can always modify its grip in determinate conditions and according to a precise strategy’ (1988a:123). See also Bhabha (1990:300ff.) on ‘counter-narratives’.

any act of forgetting must encompass an act of remembering.²² The desire to commit an act to oblivion requires that the act is remembered. This is the fundamental paradox at the heart of Roman (individual) memory, crucial to the interpretability of the rest of the hexad and Tacitean historiography. The narrative representation of rupture and discontinuity may be read as a manifestation of Tacitus' own guilt and anxiety. In his own words; 'we should have lost memory as well as voice, if it had been as easy to forget as to keep silent.'²³ But though voice can be silent, memory can never truly be lost; rather memory, always there and always diverse, persists as source of conflict. And this creates 'the will to forget' – a will which is always there but which remains ultimately unsuccessful: I argue that this is Tacitus' 'uncomfortable truth' and a dominant force in his narrative (and inevitably narrativised) representations of history.

1.1 Tacitus on Augustus and Augustus' Republic

Tacitus is economical with the preliminaries – from the dead ruler he wished to break free, quickly.²⁴

Beginning at the Beginning?

The start date of Tacitus' *Annales* has inspired some considerable debate. The issue may be phrased as why begin with the death of Augustus and the accession of Tiberius in AD 14 and not, for example, the 'accession' of Augustus in 27 BC – 'the start of civil peace and the new order.'²⁵ At *Ann.3.24* Tacitus tells us that he will save the task of writing about Augustus to a later date; nonetheless, the *Annales* offers much on the dead ruler and for this, we must turn to the chapters preceding the Tiberian narrative,

²² See Ricoeur (2004: 414ff.). For further parallels on the paradox of forgetting see Hedrick (2000:10ff., 113ff.) on the *damnatio memoriae*: 'The name of the enemy survives, and wherever it is erased the erasure itself is displayed as a sign, a reminder of what lies beneath it' (113).

²³ *Ag.2: memoriam quoque ipsam cum voce perdissemus, si tam in nostra potestate esset oblivisci quam tacere.*

²⁴ Syme (1958:304-5).

²⁵ *Ibid* (1958:364). See also Shotter (1967); Ginsburg (1981); Wilcox (1987) and Alston (2008:150-1).

1.1-1.5, which in my view constitute a unit and form the programmatic prologue to the *Annales*.²⁶

According to Leeman, for the Roman reader the prologue was of secondary importance, but for the modern reader, looking for motives and backgrounds from a 2000-year distance, the prologue is paramount to understanding the text in question.²⁷ In the case of the *Annales*, the prologue is of particular importance; but it is compressed, since as well as offering the customary explanation of authorial intent;²⁸ it also dictates a history of Roman power from the Kings to Augustus (a span of roughly 500 years in just over 50 words);²⁹ and finally, a brief overview of Augustus and his Principate.³⁰ Yet despite this brevity, often read as characteristic of the ‘jaundiced’ Tacitean view, there is a case to be made for the importance of Tacitus’ prologue; and there is much to gain from the insight it provides into the nature of the dead ruler, the success of his Principate, and the implications of his death on the Tiberian Principate – all of which ultimately elucidate and explain Tacitus’ structural choice.

In my view, choosing to begin with the death of the divine Augustus is fitting, especially if rather than reading the *Annales* from the perspective of the transition from Republic to Empire, we approach the narrative in terms of the transition from Augustus to Tiberius. In AD 14 the political shift from Republic to Empire has already taken place. Thus, the transition in Tacitus’ first hexad is not about the political transformation from Republic to Principate as much as it is about the sovereign succession from Augustus to Tiberius, within which is compressed the co-existence of

²⁶ Views on the prologue differ. For Syme, it falls into two parts: first, the vicissitudes of governmental power at Rome from the Kings to Augustus (1.1.1-1.1.2); and second, the character of history-writing and the authors design (1.1.3). Then follows the “Introduction”, as Syme termed it, starting with Augustus’ rise to power (1.2), the death of Augustus (1.5.4), the murder of A. Postumus (1.6.1), and finally the debates in the senate on the accession of Tiberius (1.7-15). Then the scene changes to Pannonia and the Rhine (1.16ff.) after which the narration is firmly underway (1958:304). Woodman (1998:23) on the other hand reads the prologue from 1.1-1.5 (similar to the present study) and divides the first five chapters into two parts: (1) “*pauca de Augusto*”: 1.2.1-1.4.1 and (2) “*extrema (de Augusto)*”: 1.4.2 to 1.5.4. For further on Tacitean prologues specifically see Leeman (1973:169-208). For an extended study of Latin prose prefaces see Janson (1964).

²⁷ Leeman (1973:169).

²⁸ 1.1.3: *inde consilium mihi pauca de Augusto et extrema tradere, mox Tiberii principatum et cetera* (‘hence my plan is the transmission of a few things about Augustus and his final period, then of Tiberius’ Principate, and the rest.’)

²⁹ 1.1.1-1.1.2.

³⁰ 1.2.1-1.5.4.

republican and imperial epistemologies. From such a perspective, the choice of AD 14 as a start date is suitable. At AD 14 the shift from a republican method of government to a hereditary monarchical form of government is confirmed; and now the analysis is centred on the examination of how personal power transfers from one monarch to another, and how traditional narratives (of republican morality, ideas and ideals) perform their social role despite his sovereign presence.³¹

In what follows, I shall examine in more detail Tacitus' 'economical' preliminary narrative, in order to outline the framework it provides for understanding Tacitus' writing of peace and sovereignty in the rest of the hexad. Tacitus' Augustus and Augustan Rome provide a model against which the Tiberian Principate can be better understood.³² The depiction of a monarchic regime, which absorbs the functions of the legal order and seduces all with pleasure and profit, and in so doing, suspends post-civil war ideological conflict and maintains peace (despite increasing *servitium*) is the specificity and success of Augustus and his Principate. Subsequently, AD 14 – the death of Augustus and the beginning of the rest of the Roman Principate – represents the moment when the sustenance and strength of the aforementioned techniques of Augustan rule (which I will term 'Augustan Exceptionality') will be tested.

Res publica restituta: Re-creating the Continuity of Time

As with modern persons, so it is with nations...awareness of being imbedded in secular, serial time, with all its implications of continuity, yet of 'forgetting' the experience of this continuity engenders the need for a narrative of "identity".³³

³¹ See Alston (2008:151ff.): 'With the transition from imperial authority AD 14 becomes an ideal date from which to start the analysis, not because the Augustan period was not monarchic but because the debate about the Augustan period and the relationship between the present and the republic became a significant issue.' (151).

³² Equally, Tacitus' Tiberius and Tiberian Rome, by retrospect, help the intelligibility of Tacitus' Augustus and Augustan Rome (as will be discussed in the next chapter).

³³ Anderson (1991: 205).

Anderson points to two defining features of “Augustan Culture”³⁴ – the regulation of which was integral to the success of his regime post-Actium: these are ‘the experience of continuity’ and ‘the need for a narrative of identity’ and both have various implications on the experience of Roman temporality, the ethics of Roman memory and Tacitus’ writing of both in his prologue.

In the aftermath of the civil wars, after the sea of Actium had been stained with Roman blood (*post mare Actiacum Romano cruore infectum*; *Sen.Clem.1.11.1*), forgetting the experience of continuity was imperative for the construction of a new ‘narrative of identity’.³⁵ Being embedded in serial time, with continuous memory, meant experiencing and remembering the previous years of civil strife and the foundational acts of violence upon which the new regime rested. Whilst we know that Actium was re-presented as a victory, celebrated on Augustus’ return to Rome in 29 BC and memorialised through the so-called “Actium Arch”, it was equally an event which problematised Augustus’ own identity and the ideology of the age. As well as being the “non-civil war” that (paradoxically) brought an end to the civil war, it also concretised the brutal means through which the new age came into being.³⁶ Subsequently, anxiety

³⁴ On Augustan Culture see Galinsky (1996). On time and Augustan Culture see Feeney (2008:108-137) and Wallace-Hadrill (1997:16ff., 2005:58ff.).

³⁵ There are various arguments regarding Actium and/as civil war: Most scholars agree that it was reconstructed by Augustus as a foreign war against Cleopatra and the un-Roman behaviour of Anthony. For Syme, ‘it was part of the Augustan cultural achievement to valorise the civil war past by making the victory at Actium the legitimizing foundation myth of the new order’ (1939:335). For various arguments from this perspective see further Eder (1993:100), Galinsky (1996:82), Kleiner (2005:205/222) and Osgood (2006:351/375). But, the fact that *RG* 34.1 claims ‘*in consulatu sexto et septimo, postquam bella civilia extinxeram*’ and not for e.g., ‘*postquam bella externa extinxeram*’ does pose a problem here. See also *Liv.Per.133*, *Vell.2.87.1*, *Sen.Clem.1.11.1* and *Suet.Aug.9* where it is attested that Actium was civil not foreign. Gurval (1998) has extensively studied how the relationship between Actium and Augustus was publicly celebrated and commemorated in Augustan art, coinage and poetry but his argument undermines the view that Augustus sought to make propagandistic use of Actium. In Gurval’s view, the image of Actium ‘was never fixed or constant but must be seen in a process of political development’ (1998:3 n.6); the so-called Actian arch is in Gurval’s view a generalized monument to the emperor’s military achievements rather than a reminder of Antony’s defeat. Lange’s discussion (2009) offers some reassessments, arguing ultimately that Augustus’ contemporaries could no longer distinguish between foreign and civil. In any case, the narrative of triumph only results from the recognition of the painful reality of civil war and the foundational problem it posed, hence, the subsequent rebranding of the battle into a narrative of triumph and closure.

³⁶ Cf. Osgood (2006:403ff.): ‘to state the truth about Octavian’s rise to power threatened to undermine everything he had achieved’ and this perhaps explains Augustus’ decision in 28 BC to take the customary oath that he had done nothing contrary to the laws, and his annulment by edict in the same year of everything he had enacted illegally up until 29. To prevent Actium from becoming the threat or symbol of foundational violence it inevitably was, narratives had to be regulated (and given this, it is no

over *that* past and the resulting will to forget the experience of *that* continuity stimulated a struggle to appropriate it in line with a better past – a past which was glorious and glorifying, moral and also moralising. In other words, the unavoidable experience of continuity with the civil war past engendered the need for a new (yet old or *older*) narrative of identity: as Ellen O’Gorman writes, making the important point, ‘the totalising claims of Augustus’ Principate’ were ‘claims to order, stability, and continuity with a *pre-civil war (republican) past*.’³⁷ Similarly, as Lobur writes, ‘the Romans of the Augustan age, if they were not living in the same community their forefathers did, still lived in a very “ancestral” atmosphere’.³⁸ Hence for Romans, it was important to feel a sense of the presence of the past in the present. But, in all cases, the ‘past’ and the ‘community’ to which they (and we) refer when discussing Augustan Culture as a culture of remembrance, is specifically the pre-Actium/pre-Octavian republican past. Thus, Augustus’ narrative of identity – the discursive construction of a restored republican ‘reality’ was crucial; yet, being based on specifically the pre-civil war past it was crucially discontinuous.

Before analysing Tacitus’ re-creation of this (already re-created) sense of continuity, a few examples of Augustus’ restoration programme (or narrative of identity) are noteworthy.³⁹ The essential aim of the program is stressed best in the *Res Gestae*:

surprise that in the latter half of the first century there emerges a notable tension between remembering Augustus as the peaceful emperor he became and remembering his role in the civil wars). On the problematic nature of the civil war past see Sen.*Clem.* 1.9.1-11.1 on the two sides to Augustus’ career and, speaking in the context of the civil war between Caesar and Pompey, Sen.*Con.*10.3.5: ‘*optima civilis belli defensio oblivio est*’. See also Suet.*Gai.*23 where it is suggested that Caligula forbade the celebration of Actium and of Sicily). See also Dio’s accounts of Octavian’s reception after Actium at Brundisium in 31/30 and Rome in 29 (51.21.34-5) – Dio tells that Octavian refused the gold crowns which had been voted to him and provided by the cities of Italy, paid off his own debts and forgave those owed to him. Again, this was perhaps another attempt to make people forget the fact that these triumphs were celebrating the victory over fellow citizens.

³⁷ O’Gorman (2000:23), my emphasis.

³⁸ Lobur (2008:173).

³⁹ The nature of Augustus’ restoration is of course debated, as is the phrase “*Res Publica Restituta*”. On this see Judge (1974:279-311) in whose view the phrase belongs to Mommsen and modern conjecture rather than ancient sources and epigraphical evidence. For an opposing view, see Wirszubski (1950:107-123). See also Toher (1993:151ff.) and more generally Galinsky (1996/2005) and Edmonson (2009:195-202). It seems that much of the debate stems from a tendency to distinguish between whether the restoration was political/governmental or cultural/moral – i.e. “*Res Publica Restituta*” (with capital letters) or “*res publica restituta*” (denoting the moral/cultural kind) on which see Galinsky (1996). Debate also stems from ancient contexts in which the phrase “*res publica restituta*” is used or from the

*Legibus novis me auctore latis multa exempla maiorum
exolescentia iam ex nostro saeculo reduxi et ipse
multarum rerum exempla imitanda posteris tradidi.*
(RG 8.5)

By new laws passed with my sponsorship, I restored many traditions of the ancestors, which were falling into disuse in our age, and myself I handed on precedents of many things to be imitated in later generations.⁴⁰

Augustus is referring, in particular, to the legislation of 18/17 BC (perhaps, a further attempt to enforce acts of ‘forgetting’ the dangerous memories from the past). However, as Galinsky notes in his interpretation, ‘Augustus was not content with merely restabilising the mechanics of government...it was a time for rededicating the state to values, virtues, ideals and ideas.’⁴¹ This is the crucial aspect: the legislation, though new (*leges novae*), was morally and mnemonically inclined, designed to rearticulate the values and principles of the republican past in order to reintegrate into the domain of the cultural an ideology which could inspire, moralise and civilise.⁴² Furthermore, and as the passage suggests, *mores* and *leges* are not only reinstalled, but also in unification. In the years leading up to 31 BC, the years of emergency which permitted Octavian’s own lawlessness, the relation between *leges* and *mores* was problematized (pace Horace, ‘what use are laws, empty as they are without morals?’).⁴³ However, through the programme of moral legislation, the previous years of violence and exception are remedied: *leges* and *mores* are flourishing again. Though, now, neither can flourish unless implemented by the ruler, or to use the appropriated title; ‘*curator legum et morum*’.⁴⁴

different formulations which denote the restoration – on this see Lange’s discussion of Livy (2009:183). Since narratives of identity are not to be analysed through the binary of truth and falsehood, I do not intend to question the authenticity of these accounts nor ascertain whether the republic/Republic really was restored under Augustus. Contexts and uses will vary naturally. By *res publica restituta*, I mean a restored sense of the epistemic structures of the republican past in the present.

⁴⁰ Translations of Augustus’ *Res Gestae* are those of Galinsky (1996).

⁴¹ Galinsky (1996:19-20).

⁴² Cornell (1986:82). Cf. Zanker who further adds an element of ‘healing’ to Augustus’ politics (1990:101).

⁴³ Hor. *Carm.* 3.24.35-6: *quid leges sine moribus vanae proficiunt?*

⁴⁴ The five-year title offered to Augustus “caretaker of laws and morals”, but it was refused (RG 6).

Another example can be found in the *History* of Augustus' contemporary Velleius Paterculus:

Finita vicesimo anno bella civilia, sepulta externa, revocata pax, sopitus ubique armorum furor, restituta vis legibus, iudiciis auctoritas, senatui maiestas, imperium magistratuum ad pristinum redactum modum, tantummodo octo praetoribus adlecti duo. Prisca illa et antiqua rei publicae forma revocata. (Vell.2.89.3-4)

After twenty years the civil wars were ended, foreign wars suppressed, peace restored, the frenzy of arms everywhere lulled to rest; validity was restored to the laws, authority to the courts, and dignity to the Senate; the power of the magistrates was reduced to its former limits, with the sole exception that two were added to the eight existing praetors. That old traditional form of the republic was brought back.

For Velleius, the *restitutio rei publicae* (restoration of the state) is evidently a key aspect and the passage above provides an important example of Augustus' regulating and regulated cultural realm. The language of republican history has been brought back into prominence and the re-establishment of old political form (*restituta vis legibus, iudiciis auctoritas, senatui maiestas*) has now cured the previous years of civil strife and frenzy (*furor*).⁴⁵ The theme of return to a pre-civil war past is manifest and through this narrative Velleius both attests and perpetuates the cultural activity centred on emphasising the presence of republican restoration and continuity.⁴⁶ Put in another way, Velleius' claims propagate the narrative of the symbolic order since they reproduce its ordered and ordering structure.

Similar narratives can be traced in the accounts of other contemporaries. Livy, for example, describes the settlement of 27 BC simply as '*rebus compositis*' (when things had been put back together; *Epit.*134). Virgil's *Aeneid* is of course another

⁴⁵ For further on Velleius on Augustus see Gowing (2007). On Velleius and his 'cultural activity' see Lobur (2008:94ff.).

⁴⁶ Horace expresses similar sentiments, for example: *tua, Caesar, aetas | fruges et agris rettulit uberes | et signa nostro restituit Iovis derepta Parthorum superbis | postibus et vacuum duellis* (Your age, Caesar, returns fruits to the fields in abundance and restored to Jupiter our standards snatched from proud Parthian pillars; *Carm.* 4.15.4ff.). See also *Carm.* 3.1-6; 3.24.

important example: the epic is foundational, stressing the ending of war and re-establishment of order under Augustus' *Saturna regna* (6.791-5).⁴⁷ For other contemporaries, the line between restoration and revolution has often been read as pronounced in their works. If aetiology attempts to bridge the rupture between past and present, aetiological narratives written after Actium may face a problem. Ovid's *Fasti* are, in some ways, exemplary of this conflict. As Newlands argues, 'the poem offers important insights into the mentality of Roman society' and explores 'the authority of the sources by which national myths are constructed and time and speech controlled.'⁴⁸ In other words, whilst Velleius' and Virgil's text may be read as texts which cultivate Augustus' regulation of time through the restoration rhetoric, Ovid on the other hand reflects on the ideological management of 'truth' by 'uncovering the disorderliness of the past and the often arbitrary nature of links between the past and present.'⁴⁹ However, the essence of Ovid is his ambiguity and despite his musings on the nature of monarchic Rome, Ovid also gives support to Augustan uses of time and memory. As Wallace-Hadrill argues on the *Fasti*, the incorporation of Augustus into the republican year replicated the emperor's own efforts to insert himself into the "heart of Roman time".⁵⁰ Ultimately, and as Miller neatly explains, 'every pun reveals not a hidden truth but another series of double meanings that reflects back on itself to create a depthless *mise-en-abyme*.'⁵¹ In other words, whilst the insertion of Augustus into Roman time preserves Augustus' importance *in* time, the pun equally 'reflects back on itself' suggesting simultaneously Augustus' influence *on* time. In so doing, Ovid does promote Augustus' traditionalist narrative and the idea of Augustus as part of the moral fabric of Roman life, but only through simultaneously drawing attention to the artificiality and constructed-ness of time itself, mirroring perhaps, Augustus' own paradoxical and peculiar/exceptional technique of preservation (through violation).

⁴⁷ Cf. Hardie (1998:78) '[Virgil's] literary endings and closings enter the world of history, via the particular institution (self-consciously revived by Augustus) of the opening and closing of the gates of the temple of Janus to mark the start and conclusion of war...the restoration of order'.

⁴⁸ Newlands (2002:200).

⁴⁹ *Ibid* (204).

⁵⁰ Wallace-Hadrill (1987:223-4).

⁵¹ Miller (2004:161-2).

Thus, to slip back into the re-discovered continuity of time required the creation of various corrections, balances and erasures: on one hand, in the Augustan construction of a republican past the civil dissensions represented a discontinuity or rupture which was best forgotten in the republican restoration; on the other, and at the same time, the increasing presence of Augustus' own sovereign being in the present of a "restored" republic represented a paradox which required some forgetting if it was not to erode the strength of the restoration discourse. Ultimately, the task of recreating the continuity of time and the appropriate narrative of identity alongside it depended on some oblivion. Subsequently, notions of temporality in the context of the early Principate are complicated due to the co-existence of these various layerings of contradictory realities. As Feeney puts it, simply: 'the fantasy of turning back time will call into question the basic structure of Roman time'⁵² and whilst in Augustan Rome, the regulation of temporal and mnemonic fantasy was, possibly, maintained; in Tacitus' prologue, narratives of identity and the interrelated experiences of continuity are called into question, and exposed as unstable. Whilst at least some Augustan contemporary conceptions of historical continuity are proud and congratulatory, though also ambiguous and coded, with the advantage of hindsight Tacitus' brief history of Augustus now acts to unfold the values and political rituals associated with the republican past. Rather than a republican *princeps*, Tacitus' Augustus is *the princeps*, the 'sole ruler'.⁵³ In his retrospective account therefore, the idea of an 'ideologically managed truth' and the discursive practices through which it was maintained are analysed *as such*. Consequently, the credibility of the temporal narrative of the Augustan episteme is eroded, and a different, sequential and causal, but also potentially fragmentary chronological sequence from the kings, through the Republic, to civil war and to Principate is made possible.

⁵² Feeney (2008:109).

⁵³ Eder, as quoted above p.30, n.3.

Res non gestae: Being Remembered for Becoming the Rule

The first book of the *Annales* has been described as a text which takes as its main theme the growth of tyranny.⁵⁴ When considering Tacitus' Augustus, in reference to whom Walker claims 'Tacitus' whole theory of tyranny is expressed'⁵⁵ (and particularly Tacitus' Tiberius as will be discussed in the following chapters), this categorisation needs some re-assessment. Besides the fact that the term *tyrannus* is mentioned only once in the *Annales*,⁵⁶ a tyrannical regime cannot, in my view, be made synonymous with one which sustains peace.⁵⁷ Any theory of tyranny expressed in Tacitus is more complex, as insinuated in the opening paragraph of the *Annales*:

Urbem Romam a principio reges habuere; libertatem et consulatum L. Brutus instituit. dictaturae ad tempus sumebantur; neque decemviralis potestas ultra biennium, neque tribunorum militum consulare ius diu valuit. non Cinnae, non Sullae longa dominatio; et Pompei Crassique potentia cito in Caesarem, Lepidi atque Antonii arma in Augustum cessere, qui cuncta discordiis civilibus fessa nomine principis sub imperium accepit.
(1.1.1-2)

From the beginning the city of Rome was held by kings. Lucius Brutus established freedom and the consulship. Dictatorships were taken up when time required so; nor was the power of the decimvirs valid beyond two years, nor did the consular authority of military tribunes prevail for long. Neither the domination of Cinna nor Sulla was lengthy; and the power of Pompeius and Crassus passed quickly to Caesar, as did the armies of Lepidus and Antonius to Augustus, who, accepted everything,

⁵⁴ Walker (1952:212). See also Boesche (1996: 85ff.) and Henderson who argues: 'Tacitus tells how the cumulative procession of reigns through the first dynasty produced derealisation, measuring the alienation of Roman discourse from its former meanings in an exponential series of degradations from one tyrant to the next...mockery of a monster.' (1998:259).

⁵⁵ Walker (1952:212).

⁵⁶ At *Ann.*6.6.7. I note that tyranny/tyrants and despotism/despotism are closely related – and that Tacitus does not necessarily have to use the word '*tyrannus*' to denote some form of tyrannical power; however he did have the word at his disposal yet chose to use others, almost all of the time.

⁵⁷ Cf. *Cic.Rep.*3.43, (see above p.35, n.16). Also notable is Tacitus' comment at *Ann.*1.1 – tyrants are normally conceptualised as rulers who seize or 'take' power (cf. Woodman [2004a:1]), but Tacitus differs here since Augustus 'accepted' (*accepit*) all things'.

exhausted as it now was by civil discord, under his *imperium* in the name of prince.

Tacitus here describes the history of Roman political power from the kings to Augustus (753-27 BC). Whilst the passage is undeniably brief, clear distinctions between forms of power are made (*potestas, ius, dominatio, potentia*) and as will be discussed, the categories thus defined are not ones which can easily accommodate Tacitus' Augustus, his 'revolution' nor the specificity of his personal and political (moralising and self-legitimising) power. For example, distinctions are made between the regal period of the first seven kings, the brief domination of Cinna and Sulla, the powerfulness of Pompey and Crassus and then finally the Principate of Augustus, which clearly marks an endpoint and sense of closure to the long-spanning history of Roman political dissension.⁵⁸ Thus, already Tacitus' cataloguing of constitutional states, though complex, seems particularly distinguishable from Tacitus' diagnosis of Augustus and his particular form of government. In short, one needs to note that Tacitus presents a distinction between the *regnum* of kings, the *dominationes* of dictators, the *potentia* of triumvirs and the all-encompassing *imperium* that Augustus exercised *nomine principis*, which, incidentally, is not analogous to the models of *monarchia* later ancient (and modern authors) attribute to his regime.⁵⁹ This deserves further explanation and comparison – Tacitus' infamously brief history of Augustus is as follows:

ubi militem donis, populum annona, cunctos dulcedine otii pellexit, insurgere paulatim, munia senatus magistratuum legum in se trahere, nullo adversante, cum ferocissimi per acies aut proscriptione cecidissent, ceteri nobilium, quanto quis servitio promptior, opibus et honoribus extollerentur ac novis ex rebus aucti tuta et praesentia quam vetera et periculosa mallent. (1.2.2)

⁵⁸ For an opposite view, see Levene (2010:298-9). For Levene, one effect of Tacitus' opening is 'to flatten all non-republican varieties of political rule into the single issue of domination: there is implicitly little substantial difference between Romulus and (e.g.) Cincinnatus or Sulla except the shorter time that the latter held control; there is implicitly no substantial difference between Romulus and Augustus.' Cf. O'Gorman: 'the extreme variety of words for power...suggests at first that this constitutes a precise description of different aspects of rule...but the absence of explicit links, evokes the idea of a hidden reality, a true relationship between these different aspects of power.' (2000:8).

⁵⁹ See Rich (1989:86-110.) on Dio's Augustus' monarchy. Suetonius and Plutarch consider Augustus as second monarch, after Julius Caesar.

When he had seduced the army with gifts, the people with cheap grain and all with the sweetness of leisure, he, gradually rising up, absorbed the functions of the senate, the magistrates and the laws – with no opposition, as the boldest would have been taken in battle or proscription. The rest, according to how eager they were for slavery, were elevated by wealth and honours, and besides, they had profited from the revolution so now they preferred security and the present, rather than the old and the dangerous.

Though brief, this passage is telling. Immediately, we can trace a specific discrepancy between Tacitus' Augustan Rome and the narratives found in Velleius' *History* and Augustus' *Res Gestae*. Whilst restoration is a key feature of the latter two, Tacitus' Augustan Rome is a state charged with an absence of any restorative faculty. Whilst Velleius claims that dignity was restored to the senate, authority to the courts, and the old traditional form of the republic restored (*antiqua rei publicae forma revocata*) – everybody in Tacitus' Augustan Rome has been 'seduced' by the sweetness of leisure (*cunctos dulcedine otii pellexit*). There is no sense of return to a pre-civil war past, and no sense of *res publica restituta* (though one senses the feeling of Livy's reference to 'rebus compositis').⁶⁰ The men from the past, the boldest or most courageous (*ferocissimi*) had been disposed of.

In L'Hoir's analysis of *Ann.*1.2, a comparison is offered with Cicero's account of Caesar's settlement after Pharsalus (*Phil.*2.116). Her analysis centres on magic: 'the results of this dominion are the same, as far as the people are concerned: as Caesar's gifts accustom them to slavery, so Augustus' beguiling largesse acclimatizes them to a similar servitude...similarly *in se trahere* insinuates a paranormal magnetism. Tacitus implies that like a conjurer, Augustus has performed his seductive magic on the people and senate.'⁶¹ Whilst the category of 'magician' at least offers a different perspective to that of 'tyrant', L'Hoir's analysis is somewhat limiting. Firstly, as she notes herself, the

⁶⁰ Notably, *compositus* can mean 'calm, placid, sedate' (*OLD* 7) as well as 'well-disciplined, orderly, law-abiding' (*OLD* 8). In Tacitus, things are seemingly calm and orderly but the question of 'abiding by the law' takes on a different meaning, since the law is Augustus.

⁶¹ L'Hoir (2006:147).

vocabulary of the two pieces is different: ('Tacitus substitutes *pellexit* for Cicero's *devinxerat*').⁶² Moreover, the paradigm of seducer-magician, similar to tyrant, cannot explain the *reciprocal* relationship Tacitus posits between Augustus and the elite – the elite were not forced or reduced into slavery but they were ready for slavery (*servitio promptior*). Furthermore, imagery and language related to 'magic' is too close to imagery of super-naturality and/or divination. Yet, Tacitus' Augustus is not portrayed as divine nor supernatural here. The feeling is that there is no model against which we can elucidate Tacitus' Augustus. All that can be ascertained, at this stage in the narrative, is that there was no restoration under his regime, nor renewal. Rather, Tacitus takes as his point of departure the notion that Augustus instigated a 'revolution', a revolution that becomes progressively characteristic of a specifically biopolitical form of sovereignty.

If we return to the *Res Gestae*, further and specific 'corrections' or discrepancies can be traced. The following passage, Augustus on his becoming of Augustus in 27 BC, can be compared:

In consulatu sexto et septimo, postquam bella civilia extinxeram, per consensum universorum potitus rerum omnium, rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli. Quo pro merito meo senatus consulto Augustus appellatus sum et laureis postes aedium mearum vestiti publice coronaque civica super ianuam meam fixa est et clupeus aureus in curia Iulia positus, quem mihi senatum populumque Romanum dare virtutis clementiaeque et iustitiae et pietatis causa testatum est per eius clupei inscriptionem. Post id tempus auctoritate omnibus praestiti, potestatis autem nihilo amplius habui quam ceteri qui mihi quoque in magistratu conlegae fuerunt. (RG 34)

In my sixth and seventh consulships, after I had extinguished civil wars, and at a time when with universal

⁶² *Ibid.* L'Hoir goes onto argue that the two verbs (*pellicere* [to seduce] and *devincire* [to constrain]) share a conceptual basis which is that both connote 'a subtle and even magical control'. While both terms do connote a subtle form of control, in Tacitus the contexts in which the terms are used more often imply a sexual rather than 'magical' meaning. One difference is that *pellicere* is used more often in the context of emperors' actions (*GG s.v. pellicio*, p.1084) and it is an act which seduces or entices groups (enemies, soldiers, the populace); his use of *devincire* differs slightly in these respects (*GG s.v. devincio*, p.285).

consent I was in control of all affairs, I transferred the commonwealth from my power to the judgement of the senate and people of Rome. For this service of mine I was named Augustus by decree of the senate, and the doorposts of my house were publicly wreathed with laurel leaves and a civic crown was fixed over my door and a golden shield was set up in the Curia Julia, which, as attested by the inscription thereon, was given me by the senate and people of Rome on account of my courage, clemency, justice and devotion. After this time, I exceeded all in *auctoritas*, although I possessed no more official power than others who were my colleagues in the several magistracies.

Tacitus rarely provides any information regarding his archival practice.⁶³ The *Res Gestae* is not mentioned as a source for his *Annales*. However, a comparison of *Ann.* 1.2 and *RG* 34 reveals an acute familiarity, since in the Tacitean account the deeds of *RG* 34 are *re*-memorialised.

As Syme notes, Tacitus' neglect of Augustus' *Res Gestae* 'was not ignorance but art – he can echo or convert its affirmations, he can parody themes and phraseology'⁶⁴ – he can, as he very much does, offer an alternative memory to that which it concretised. A few examples are noteworthy. Whilst Augustus claims he had extinguished civil wars, in Tacitus' narrative, finding the state exhausted by civil dissensions, Augustus received all things – "everything" – under his command in the name of prince (*qui cuncta discordiis civilibus fessa nomine principis sub imperium accepit*; 1.2). This was then followed by a process of gradual absorption of the senate, the officials and the laws, again directly oppositional to Velleius and *RG* 8.5 regarding the restoration of past legislation and magisterial positions. The idea of 'absorption' (*in se trahere*) is of particular importance, contradicting the crucially important transfer of power back to the senate and people (*transfere in senatum*), which is omitted from the Tacitean account altogether.⁶⁵ Furthermore, the relational value between *mores* and

⁶³ Pliny the Elder is named at 1.69.2; the *commentarii* of the younger Agrippina are mentioned at 4.53.2. For more on Tacitus' sources see Martin (1981:199ff.).

⁶⁴ Syme (1958: 272).

⁶⁵ Cf. O'Gorman on the absorbing and incorporative nature of Augustus' power in Tacitus' opening narrative and how this contradicts Augustus' *Res Gestae*: '[Tacitus'] *cuncta... accepit* jars with Augustus' *non accipi* and *dedi*' (1995:102).

leges in which the former sediments the latter, is no longer, since everything has become sediment in the being of the sovereign himself.

However, the most significant omission is Augustus' essential quality, *auctoritas*, which is not mentioned in Tacitus' prologue.⁶⁶ Rather, Tacitus' Augustus necessarily did possess more power than his contemporaries – and to this there was no opposition (*nullo adversante*). Any notion of influence-based policy is thus consigned to oblivion.⁶⁷

In Lobur's view, (speaking of the historical Augustus), 'cultural attitudes would not tolerate a system that lacked continuity between the past and present' and Augustus' regime 'could garner more *auctoritas* by committing itself to preserving that continuity.'⁶⁸ In my view, it remains altogether unclear whether it was the narrative of restoration and notions of continuity with the republican past that enabled Augustus to garner more *auctoritas*, or whether it was Augustus' *auctoritas* that maintained (implications of) continuity between the republican past and present, and through this the regulation of cultural attitudes. There is in this a crucial difference in which Augustan power and the very personalised quality of that power, enabled the construction of a continuity with pre-civil war traditions. This is precisely the point made in the Tacitean narrative: *auctoritas* is replaced with an all-absorbing *imperium*, to which 'all things', cultural attitudes included, become subordinate.

The opening of the *Annales* is not therefore just evidence of the typically jaundiced Tacitean view⁶⁹ but a specific engagement with the memory and memorialisation of Augustus in which the crucial aspects of his regime – his personal narrative of *auctoritas* and the cultural narrative of restoration – are re-written or erased altogether. As such, though it is undeniably brief, the 'distortion' is specifically continuous with the narrative of Augustan history, and the model Tacitus uses is seemingly the *Res Gestae*, but now only in a reversed form: restoration becomes revolution, influence becomes power. The Tacitean critique thus appears to engage with

⁶⁶ It is however mentioned in reference to Augustus at *Ann.* 14.55 (see further *GG s.v.* pp.113-114).

⁶⁷ For further on Tacitus' use of the *Res Gestae* see Haverfield for examples of parodied phraseology: (1912:197-8); see also Woodman (1998:98), and Galinsky (1996: 77ff.).

⁶⁸ Lobur (2008:171).

⁶⁹ On which see Gruen (2005:33).

an unfolding of memory in order to disclose the ‘damaging parallel’ of the monarch in the present, which Syme possibly was referring to. While in Augustan Rome this was a parallel from which attention was to be repelled in order to maintain the implications of continuity with a republican past for the purpose of maintaining a suitable, identity-supporting episteme, in Tacitus, it is Augustus’ supremacy that constitutes the central force in society. Put in another way, whilst the poets struggled to express the paradoxical, negotiating Augustus’ supreme position within the phraseology of the new restored monarchic democracy (the greatest of the princes: *maxime principum*; Hor.*Odes*.4.14.6) or a humane transcendental divinity, Tacitus can recall with less ambiguity the Ovidian perception: “*res est publica Caesar*”⁷⁰ to argue that Caesar had come to embody the *Res Publica*.⁷¹

In this view, it is not that Tacitus un-does Augustus’ deeds, but that he provides a different explanation or framework through which to understand how they were achieved: Augustus had “restored” *leges* – but only by becoming them. Yet in this embodiment, which sees the compression of two paradoxical political regimes (an oligarchic republican form of government and an autocratic monarchic form of government) the essence of republican form is dissolved due to Augustus’ all-encompassing powers.⁷²

However, one needs to note that despite Augustus’ exceptionality (indeed, rather because of it) – benefit, profit, enjoyment, leisure and peace are delivered to the populace. Subsequently, in Tacitus’ Augustan Rome, the regime is not thanatopolitical (based on the threat of death) nor is it necessarily tyrannical since that would presuppose (by Platonic standards at least) a regime based on the sovereign’s personal interests. Rather, it is a power utilised to a positive effect, based on and for the fullness or improvement of life.⁷³ However, since public well-being could now only be created

⁷⁰ *Trist*.4.4.15: ‘Caesar Augustus is the State’. For alternative translations see Miller (2004:217). See also Propertius (3.4; 3.5). On Augustus as Jupiter see *Ov.Fast*.2.131, *Trist*.2.37-40.

⁷¹ Cf. O’Gorman (1995:107-108).

⁷² The paradoxical nature of the Principate is discussed further in Chapter 2 (see below p.69, n.20 and p.91, n.70).

⁷³ Given this, it is not implausible to argue that Tacitus expands on the Augustan contemporary idea of a Golden Age. However in Tacitus’ account, pleasure connotes a political tool as much as aesthetic value.

through Augustus' transcendence of the law; the fullness of life and the maintenance of peace depend on extra-legal sovereign exceptionality.

1.2 Tacitus' Configuration of the Memory of the Republic

What is interesting is that which remains. And what remains...is the product of an erosion caused by oblivion. Memories are crafted by oblivion as the outlines of the shore are created by the sea.⁷⁴

Tacitus' prologue reveals two problems related to the memory of the republican past: on one hand, it is inauthentic (a problem of substance); on the other, it preserves knowledge which is in paradoxical relation to the monarchic present of Augustan Rome (a problem of function).

As discussed at the beginning of the previous section, the narrative of identity central to Augustus' Rome was one based on continuity with the laws and morals as well as the 'ideas and ideals' of the republican past. Augustan Rome may therefore be described as a culture of (discontinuous) remembrance. In Tacitus' narrative, continuity with that republican past remains, but the crucial difference is that his historical account of the memory of that past is now communicated *as* a narrative, by which I mean it is exposed as a construct. But the persistence of republican memory, regardless of its limited authenticity, is further problematised given Tacitus' memorialisation of Augustus as the rule (as the monarch). If Tacitus' Augustan Rome is presented as a sovereign regime, in such a place a 'truth' based on traditional republican democracy is immediately contradictory.

In what follows, I aim to examine in more detail Tacitus' configuration of the memory of the republican past in the context of the Augustan present. In Augustan Rome remembering *that* past was key to maintaining supportive narratives of identity, but in the Tacitean narrative Augustus' strong discourse of republicanism is eroded; and

⁷⁴ Augé (2004:20).

it is seemingly through forgetting, or denying, the traditional values of the republican past that order is maintained.

It will be useful at first to briefly outline how the value of Roman memory has been understood in contemporary scholarship. As Gowing argues (on the memory of the Republic in the context of Empire), ‘for Romans the past wholly defined the present, and to forget – to disconnect with – the past, at either the level of the individual or of the state, risked the loss of identity and even extinction.’⁷⁵ In Lobur’s view, (on discussing the making of imperial ideology in Augustan Rome) ‘the language of republican history...contained the unimpeachable social and cultural truths whereby Romans learned to become Romans, experienced their social and political world, and understood themselves and their roles.’⁷⁶ Similarly, as Mellor notes, ‘for Tacitus, as for many other Romans, the bedrock of the Roman moral system was the noble deeds of Romans of the past...For the young Roman, duty was defined historically by the important term *aemulatio*; he was to emulate the personal, civic, and martial virtues of his ancestors...Tacitus saw in the achievements and values of the past the only reliable guide to public or private conduct.’⁷⁷ Since in Tacitus’ prologue we are denied (manifest) insight into his own views regarding the values of the past, for the moment I can only discuss how the aforementioned opinions are expressed through his historical account of his ancestry, in this case the Augustan elite:

bellum ea tempestate nullum nisi adversus Germanos supererat, abolendae magis infamiae ob amissum cum Quintilio Varo exercitum quam cupidine proferendi imperii aut dignum ob praemium. domi res tranquillae, eadem magistratuum vocabula; iuniores post Actiacam victoriam, etiam senes plerique inter bella civium nati: quotus quisque reliquus qui rem publicam vidisset? Igitur verso civitatis statu nihil usquam prisci et integri moris: omnes exuta aequalitate iussa principis aspectare, nulla in praesens formidine, dum Augustus aetate validus seque et domum in pacem sustentavit. (1.3.6-1.4.1)

⁷⁵ Gowing (2005:8).

⁷⁶ Lobur (2008:206-7).

⁷⁷ Mellor (1993: 51).

There was no war remaining at that time except against the Germans, more to erase the infamy of the army lost with Quintilius Varus, than through any desire to extend the empire, or for some worthy prize. At home, things were calm, magistrates had the same designations. But the younger men had been born after the Actian victory, and most of the elderly in the course of the civil wars: how many were remaining who had seen the Republic? So, with the condition of the state transformed, nothing remained of the old, unblemished *mores*. With equality cast off, all looked to the commands of the *princeps*. Nobody had any immediate worries as long as Augustus had the strength and years to sustain his house and peace.

Tacitus' passage above poses a problem: if no one in Augustan Rome had *seen* the Republic, Tacitus complicates in turn their ability to emulate, or more generally, 'to know' that past accurately. By conceptualising the memory of the Republic in Augustan Rome as non-experienced, Tacitus takes us immediately into the realm of narrativised history or cultural (as opposed to cognitive) memory – memory as mediated and regulated in the domain of the social, through history, becoming a part of individual experience.⁷⁸

According to Jan Assmann, cultural memory is 'intrinsically related to power and tradition.'⁷⁹ The following, in his view, are two of its key functions:

The binding character of the knowledge preserved in cultural memory, (a knowledge used by a group to base its consciousness of unity allowing it to reproduce its identity) has two aspects: the *formative* one in its educative, civilizing and humanizing functions and the *normative* one in its function of providing rules of conduct.⁸⁰

⁷⁸ On cultural memory see Assmann (1995). See also Ricoeur (2004) and Erll and Nunning's more recent analysis on the connections between the cognitive and the cultural (2008:5ff.): Cf. Halbwachs' conception of collective memory. For Halbwachs there is no such thing as a pre-cultural individual memory (1980). See further Olick and Robbins (1998) for a comprehensive overview of social, cultural, collective and communicative memory and their uses.

⁷⁹ Assmann (1995:127).

⁸⁰ *Ibid* (132).

Assmann essentially conceptualises the knowledge preserved in cultural memory as a Foucauldian technique of power, used for the purposes of epistemic fashioning and control: whilst ‘formative’ knowledge educates, civilises and humanises, ‘normative’ knowledge provides codes of behaviour. In a Roman context, Assmann’s categories can be compared to the ‘binding character’ or function of the *mos maiorum*, which as discussed above constituted a crucial, if not the crucial, component of Augustus’ restoration discourse. As Habinek argues; ‘the *mos maiorum* is something you know, but also something you do.’⁸¹ However, the difference in Tacitus’ passage above and indeed throughout his portrait of Augustus’ Rome is that neither the ‘formative’ nor ‘normative’ functions of (republican) cultural memory are at work. If political equality was a thing of the past, how far did the memory of the Republic provide through its ‘normative’ function traditional ‘rules of conduct’? Equally, if in the country’s transformation, nothing remained of the fine old Roman *mores* (*nihil...prisci et integri moris*) how far was the formative knowledge preserved in the memory of the Republic ‘civilizing’ and ‘humanizing’? Assmann’s formulation of cultural memory is in conflict with Tacitus’ Augustan Rome, as are the ‘ways of the ancestors’. Identity is not being reproduced in conjunction to a republican consciousness, and *mores* are not only ‘forgotten’ but seemingly ignored – (that is, they are remembered to be forgotten). Tacitus therefore creates a break-point here by placing a temporal limit on the continuum of cultural memory. In other words, by writing a society unbound by traditional codes for behaviour, the memory of the Republic in terms of its capacity to ‘form’ and ‘norm’ has not continued into Augustan Rome. The content of republican memory, which is the knowledge it preserves through which a group can reproduce its identity, is thus rendered discontinuous with the political landscape of Tacitus’ Augustan Rome. Any substitute ‘narrative of identity’ is, for the moment, pending.

According to Lobur, ‘even in the formative years of the Principate, few had experienced the republic...this vacuum of experience allowed for the “invention” of republican tradition, providing a crucial sense of continuity between the republican past

⁸¹ Habinek continues, ‘And one of the things you do in observing the *mos maiorum* is to participate in the ritualized exhortations, evaluations, and self-criticisms that have as their purpose the reinforcement of your own adherence to the *mos maiorum*.’ (1998:54).

and the “restoration” of the present.’⁸² Lobur’s claim, reminiscent of Tacitus’ question above (*quotus quisque reliquus qui rem publicam vidisset?*) is important and especially in the context of Tacitus’ writing of Augustan history. As I discussed at the beginning of this chapter, in the aftermath of Actium, Augustus acted to reform society, aligning it with the ideas and ideals of the *mos maiorum*. His remedy rested on a specific use of time which depended on folds, whereby certain times appeared to be in historical continuity, whilst others – namely the Triumviral decades – were pressed beneath the mnemonic consensus based on the time of the republic. In other words, in order to compensate for the loss of republican forms, Augustus instigated a cultural program which sought to exaggerate the feeling of their presence *in* the time of his present. Given this, Augustus’ restorative narrative depended on circularity, in that the present needed to return back to the republican past for the purposes of stability. But in Tacitus’ Augustan Rome, this discursive construction of reality, as a cultural hegemony which rested upon an “invented” sense of (elite) tradition is named. In Tacitus’ passage above, the particularity of Augustus’ temporal discourse is stretched-out since the question ‘how many were remaining who had seen the republic?’ (or if we read it to its extreme, as simply ‘who had seen the Republic?’), immediately emphasises the linearity of time and the inevitability of individual alienation from the republican past. In other words, the collective nature of ‘collective memory’ is not necessarily written in terms of being shared by a society or group, ‘through which they can reproduce their identity’ as Assmann describes above. Rather, if as Tacitus tells us, political equality was a thing of the past and nothing remained of old-time republican tradition, his narrative acts to interrupt Augustan discourse, disclosing it as a means of power which had only collected individuals into an imagined sense of community.⁸³

However, besides Tacitean unfoldings, the crucial difference notable in his passage cited above is that *despite* the ‘vacuum of experience’, republican tradition is

⁸² Lobur (2008:5). Cf. Schieder who argues that cultures which place special emphasis on certain features of their history do so in order to compensate for the lack of them: ‘...historical thought served a compensating function making up for the actual loss of history by exaggerating a consciousness of it’ (1978:8). See also Galinsky (1996:64) who states that the republic ‘needed to be rescued...because its soul had been lost’.

⁸³ Cf. Confino (1997:1399-1400): National Memory is constituted by different, often opposing, memories that, in spite of their rivalries, construct common denominators that overcome on the symbolic level, real social and political differences to create an “imagined community.”

not being invented. Despite the erosion of tradition and memory, historical consciousness is not being exaggerated in order to compensate for the loss of it. Whilst we know that there is no reason to think that the *mos maiorum* had a real, historical force independent of that ascribed to it by its contemporary promoters,⁸⁴ the important point made in Tacitus' prologue is that there are no contemporary promoters ascribing a 'realness' to this force (in the presence of its absence).

Subsequently, Tacitus' history begins not only through an erosion of the value of the past, but also an erosion of the will to remember that past, and furthermore the will to 'invent' it. Thus, whilst arguments regarding the invention of tradition claim it remains binding despite its invention and reinvention over time (and of course it does as argued at the beginning of this chapter in light of the Augustan restoration narratives) in Tacitus' Augustan Rome this process of inventing (or "remembering") has ceased. As such, the mnemonic paradox built into the Roman historic episteme – that achieving continuity and identity depended on discontinuity and invention – is not articulated nor perpetuated through the Tacitean narrative. This raises a key question: if society is not being controlled within the realm of republican memory nor administered by the past-based ideological knowledges it preserves, how is it that peace is sustained? What constitutes the supplement to this evident erosion in Roman epistemic structure? The answer in Tacitus is apparent: 'All looked to the *princeps*, nobody had any immediate worries as long as Augustus retained his strength...' (*Ann.*1.4.1).

According to Mellor, Tacitus, being less concerned with principles than personalities, 'analyses the use and abuse of power'.⁸⁵ I would also argue, given his ways of remembering republican and Augustan memory and memorialisation at the opening of the *Annales*, that he equally analyses the use and abuse of memory. As memory is related to the ontological security of the individual, the narratives of memory are not only powerful in their constitution of identity, but also potential points of vulnerability to an ideological and ontological system if they are seen to be in some way insecure. Identity, then, oscillates within a society as memory is disputed and the

⁸⁴ Habinek (1998:53).

⁸⁵ Mellor (1993:89).

narratives of memory are constructed and deconstructed. That process of construction and deconstruction must always happen in the present, and in reflection of the cultural and political landscape.⁸⁶ And since in Tacitus the cultural landscape is analysed, as Mellor rightly notes, around the use and abuse of power, memory and remembrance are constructed, it seems, in reflection of the *princeps*.

As discussed throughout this chapter, Tacitus' preliminary narrative does not contribute to the narrative of identity centred on the moral values of the republican past. Yet, despite the departure from the fine old Roman character, and the opening up of a newly monarchic present which is inassimilable to a republican narrative of identity, Tacitus does not make this synonymous with the loss of peace; indeed, rather the opposite. Peace and political stability seem guaranteed by the loss of experience of the Republic. This is the crucial ambivalence through which the *Annales* begins: whilst the value of the past is progressively eroded, the value of the present is progressively pronounced. In the prologue, Tacitus remains firm on the establishment of domestic peace and security under the Principate. The synonymy therefore, is now between peace and the *princeps* and throughout the *Annales* peace and Augustus are not described in oppositional terms, rather they are directly linked: Velleius' idea of 'revocata pax' (Vell.2.89.3) is transferred directly into the being of the sovereign himself and thus symbolic integration is achieved but not through remembering the past, but through remembering the present – the monarchic and totalising person of the *princeps*. Given this, and to return to Assmann's claim, power and tradition are no longer intrinsically linked; and cultural memory, in Tacitus' account, is not the 'norming' and 'forming' harmonizing power technique in society. Rather it is the power stemming from the sovereign presence in the present which is forming and norming, controlling and guiding. Tacitus' Augustus, though not the *auctor* of republican government remains the *auctor* of a sovereign peace and calamity.

Thus, in Tacitus' Augustan prologue, processes of remembrance are removed from their temporal framework and through this, Tacitus makes an important point. It is not inevitable that the memory of the past – the memory of the Republic – is that which

⁸⁶ Cf. Olick and Robbins: 'memory is a process, not a thing, and it works differently at different points in time' (1998:122ff.).

controls and inspires, and against which identity is stabilised and reproduced. Rather, the process of “remembering the present” is both possible and pertinent and it alludes to a further fundamental concept: consent – that is, *choice*.⁸⁷ And this is both a problem for Tacitus as a memory from the past and furthermore as an experience in his own past. Indeed it is not that Tacitus is keen to discuss the senate’s servility, but rather that he is discussing the senate’s keen servility (*servitio promptior*). As such, Tacitus alludes to the essential role that ‘will’ plays in the realm of social memory. Whilst the suppression of dangerous memory is a significant component of political authority (and the foundation of political regimes), in Tacitus’ Augustan Rome, there is a crucial ambivalence between the use of oblivion as a top-down power structure and as a cultural hegemony *within* the grasp of social control.⁸⁸ There is a strong sense that the elite allow themselves to be suppressed (‘they know very well what they are doing, but still, they are doing it’).⁸⁹ Through this, there is equally the sense that they will themselves to ‘forget’ the moral codes of the republican past, to become amnesiacs, in order to progress through the past and enjoy the benefits of the present (‘they had profited from the revolution so now they preferred security and the present, rather than the old and the dangerous’; *Ann.* 1.2.2). Subsequently, in Tacitus’ Augustan Rome, it is through a false consciousness of history – a *discontinuous* memory – that stability and progress is enabled.

This is the uncomfortable truth upon which the *Annales* begins. One’s historical sense is always there, but the use-value of the past as ‘formative’ and ‘normative’, or as the *locus* of nostalgic longing or as a base for ontological totality, is determined, it

⁸⁷ See Lobur on *consensus* and *concordia* in the formation of ‘Roman Imperial Ideology’ (2008).

⁸⁸ On forgetting and its relationship with the foundation of political regimes see especially Bhabha (1990) who argues more generally that since ‘historical enquiry brings to light deeds of violence which took place at the origin of almost all political formations, even of those whose consequences have been altogether beneficial...unity is always effected by means of brutality’ (11). Subsequently, forgetting is a crucial factor in the creation of a nation. See also Bradford’s recent analysis of Public Forgetting and the rhetoric of ‘beginning again’ (2010:133ff.). A useful comparison can be traced in her analysis of Lincoln’s Gettysburg address and second inaugural: ‘Leaders may employ idioms of forgetting as moral and political resources in order to profoundly rejuvenate the content of formal public history, informal ideas of cultural identity, and the quality of socio-political relations they celebrate – to begin again, that is, in moments of civic tragedy or instability’ (2010:133ff.).

⁸⁹ As opposed to Marx’s basic definition of ideology from *Das Kapital*: ‘*Sie wissen das nicht, aber sie tun es*’ (‘they do not know it, but they are doing it’), on which see Sloterdijk (1987).

seems, by the adequacy of the present. In Tacitus' Augustan Rome – the present is adequate and the cultural and political landscape is for that moment secure.

Conclusion: The Emperor as *Exemplum*

The prologue to the *Annales* presents a complex pattern of engagement with the Augustan past. Whilst an integral component of Tacitean historiography is the tragic voice of discontentment due to the loss of traditional standards, in the Augustan prologue, discontent lies in and with that past. Through this subversion, Tacitus shifts the familiar categories of Roman self-definition: the Republic is no longer the epistemic basis of societal ontology; it is neither the *locus* of nostalgia, nor even the *locus* of utopia; similarly the link between *exempla*, *mores* and the past is eroded; and power is not analysed through the binary of sovereign tyranny/sovereign democracy (monarchy/republic). Rather, the stability of individual ontology is made possible by the present, and the present is made possible by the sovereign exceptionality of the monarch. In this way, the very exceptionality of the monarch calls into being the present (all eyes look to Augustus) and it really is the Augustan age.

In many ways, Tacitus' Augustan prologue can be read as a self-contained commentary on Augustus' *RG* 8.5, a passage which is Augustus' concretisation of his own person as a moral *exemplum*. In this passage, Augustus becomes the example in reference to which future generations are to practice their *aemulatio*, and in this way his systemisation and recreation of the *mos maiorum* makes Augustus himself the source and necessary curator of ancestral custom, the original ancestor and the presiding moral presence.⁹⁰ In this creation a paradox emerges which in my view constitutes the crux of Tacitus' first hexad. As Tacitus tells us in his opening paragraph, after power had passed from the hands of kings, to dictators, to triumvirs and then into the hands of Augustus (along with everything else) the civil dissensions which characterised the first century BC came to a close. From this point onwards, (presumably 27 BC) Augustus was in charge – absorbing the functions of the law, the

⁹⁰ Cf. Cooley (2009:143-4) who reads *ipse multarum rerum exempla imitanda posteris tradidi* as a key phrase for understanding Augustus' conception of his place in society (144). For Cooley, *RG* 8.5 echoes the Ciceronian notion of the ideal monarch, as voiced by Scipio Africanus, who does not only impose laws but offers his own way of living as a law (*Cic.Rep.*1.52).

senate and the magistrates – yet it was through this absorption that peace and security were integrated into the present.

The emergence of the exception thus marks the resolution of civil conflict but also the sheer power of the sovereign authority (since he becomes the new law, and in so doing affirms his power). In this perspective, Tacitus' writing of the paradox of Augustan exceptionality makes obvious the generative power of paradox: on the one hand paradox functions as a means to protect and secure social order, on the other and in so doing, it generates the power of the sovereign. However, one notes that the essential meaning of the 'state of exception', which is that it refers to an exceptional, "emergency" situation like civil war, is in this case problematised because as Tacitus tells, it was *after* Augustus had put aside the name of triumvir that he absorbed the functions of the juridical order (*postquam...posito triumviri nomine...munia senatus magistratuum legum in se trahere*; 1.2.1). That Augustus became the law (which means, as Agamben states, that he was released from the law [*legibus solutus*]) post-Actium or post-emergency means that the foundation of the principate saw the normalisation of the state of exception. In other words, the exhausted Roman people found relief (*otium*) only when the exception became the rule.

CHAPTER 2

AB EXCESSU DIVI AUGUSTI: AN ALTERNATIVE CRISIS AT AD 14

Each society has its regime of truth, its ‘general politics’ of truth: that is, the types of discourse it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements...the status of those who are charged with saying what counts as true.¹

In a Roman context, such a ‘regime of truth’ as Foucault describes above was largely concerned and connected with time. The types of discourses which ‘functioned as true’ may be read in line with the customs of the ancestors – a ‘notional-stock of time-honoured principles’² such as freedom (*libertas*), moderation (*moderatio*), trustworthiness (*fides*) and civil duty (*pietas*) – which enabled the individual to distinguish between ‘acceptable’ and non-acceptable behaviour. Another example of the ‘general politics’ of truth is encapsulated in the Roman process of *damnatio memoriae* – an official ‘mechanism’ which regulated ideas of legal and/or moral conduct by publicly consigning those individuals who had acted in contravention of the law and the *mos maiorum* to oblivion.³ In this way, the regime of truth was enforced by a political forgetting of those who had abused the social order and in that forgetting they could no longer act as exemplars of Roman behaviour. But if a regime of truth depends on a political process of deciding what is true or what should ‘count as true’, then there must be a process by which individuals or groups are empowered to speak truth, and by implication other individuals and groups do not have or are not given such powers.

Since the Roman regime of truth was largely ordered around past time, the modes of the regulation of behaviour and establishing social regularities were engrained in a notion of the past. In that past, conceptions of the *mos maiorum*, problematic and disputed though they may have been, effectively operated as a

¹ Foucault (1980b:131). Cf. Foucault (2002a:75-76).

² Hölkeskamp (2010: 17-18).

³ On *damnatio memoriae* see Flower (2006:42ff.) and Hedrick (2000:89-170).

regulatory technology which determined notions of acceptability within the socio-political sphere.⁴ The *mos maiorum* in itself was established through a system of *exempla* – the collection and transmission of anecdotes that provided templates for behaviours and behavioural norms.⁵ Such templates rooted the ideals of *virtus* circulated. Yet, the *mos maiorum* in itself was bound into an evaluation of the past both as a differentiated space of moral excellence and an influential space within the history of the Roman present. That Roman past was conservative and hierarchical and it embedded the virtues of the past political system (however vague and unreal the historical interpretations of that past) within the history of the present. Those who spoke truth, then, were those who controlled the discourses of the *mos maiorum*, the orators and the historians, the collectivity of the political and literary elite that dominated the history-writing and the social memory of republican Rome.

The beginning of absolute sovereignty confused the established regime of truth which for many years had created the model through which Romans could determine virtuous behaviour and in so doing ‘learn to become Romans.’⁶ The reason for this is that the emperor’s sovereign power (that is, supreme power concentrated in the hands of one individual) did not fit easily with the political traditions of the ‘free republic’ nor the Roman ideal of ‘*res publica restituta*’.⁷ Furthermore, under the monarchy the system of exemplarity which was to maintain the general politics of truth (as orchestrated through the dead and living collectivity of the literary and political elite) was threatened by a new body of social regulation, namely the emperor himself, who as

⁴ Cf. Suet.*Rhet.* 1 (quoting an edict of the censors of 92 BC): *haec nova, quae praeter consuetudinem ac morem maiorum fiunt, neque placent neque recta videntur* (‘these new things which are being done contrary to the tradition and customs of the ancestors seem neither acceptable nor right’).

⁵ On the purpose of historical *exempla* see especially Quint.*Inst.* 12.4.1-2. For the uses of *exempla* in ancient literature see Lobur (2008:177ff.) and Bloomer (1992) on Valerius Maximus; Gowing (2009:333ff.) on Camillus; Blom (2010:61ff) on Cicero. For *exempla* in Tacitus see Alston on C. Cordus *Ann.* 4.30 (2008:147-159) and Turpin (2008) on stoic *exempla*. On the discourse of Roman exemplarity see Roller (2004, esp.1-10); Kapust (2011:111-172) and Hölkeskamp (2010:106ff.). See also Sailor (2008:15 n.32).

⁶ Lobur (2008:206-7).

⁷ Cf. Wilkinson: ‘the *mos maiorum* was a moral code created for collective government and not monarchy.’ (2012:113).

the head of the state (the one who was imbued with the highest status) became the prominent source and guarantor of acceptability and knowledge.⁸

Such a conception of sovereignty may be read alongside Borneman's notion of 'Patricentric' leadership. According to Borneman, 'Patricentric regimes' aim to unify their subjects and create subjectivity through identification with a leader: 'authority is always exercised *in someone's name* and through an identification – naming and identification being two of the key mechanisms necessary for the enchantment that [an] authority generally deploys to legitimate [him]self.' Through legitimacy, Borneman argues that the leader becomes 'the general equivalent of his subjects' and 'the standard of all value' but he himself 'operates outside measurement'.⁹

As can be seen from his *Res Gestae*, Augustus placed great emphasis on making himself the central locus of identification – as a sort of "master *exemplum*" against which later generations could shape their identity and measure their moral sense.¹⁰ Through the Tacitean interpretation (at least) we may also argue that Augustus' authority operated 'outside measurement' since rather than acting through the law, Augustus transcended the law by becoming its own embodiment. Borneman then refers to the end of patricentric regimes as 'the death of the Father' because in such regimes the authority figure represents himself as the single source and locus of meaning and truth: 'patricentric regimes aim to arrest the crisis in symbolic identification by addressing the deficiency in the paternal function – speaking in the name-of-the-father, re-affirming the symbolic Law, reclaiming lineage...and monumentalizing national "landmarks"'.¹¹

Tacitus' historical narratives work through a development of the patricentric truth at the heart of Augustus' Principate. According to Tacitus, the establishment of the Principate saw the stabilisation of social order after many years of discord and civil violence and though corruption and *servitium* continued to increase within the ruling class, *pax* was nonetheless maintained; but this peace was not brought to the empire

⁸ Cf. Ando (2000:19ff.), on the role played by the emperors towards the 'symbolic representation of *Romanitas*'.

⁹ Borneman (2002:3).

¹⁰ Notably, *exemplum* refers to 'a copy' or 'reproduction' as well as that which is to be copied or imitated, 'the archetype' (*OLD* 6, 8).

¹¹ Borneman (2002:24). Cf. Galinsky (1996:200) and Luce (1998:123-138) on the forum of Augustus.

through Augustus' renewal of the republican constitutional order, nor by the restoration of the republican 'regime of truth'. Rather, the Tacitean interpretation reveals a different discourse of exemplarity where truth is regulated in reflection of the imperial present. In other words, truth in Tacitus is determined by the emperor's sovereignty because it is Augustus himself who is charged with the status of saying what counts as true ('all looked to the orders of Augustus'; *Ann.* 1.4.1).

Tacitus' view therefore follows from, albeit in hyperbolic form, certain patricentric aspects of Augustus and his Rome and the idea and image of Augustus as *pater patriae* who 'arrested the crisis in the symbolic' through his sovereign-paternal function. But in Tacitus' Tiberian narrative, Tiberius' ability to be 'the Father', to speak the truth and in so doing 're-affirm the symbolic Law' is undermined. In the new reign, the problem is not that the sovereign is not 'telling' the truth, but that he is no longer *deciding* it.

The aim of this chapter is to explore the severance of the relationship between sovereignty and truth in Tacitus' opening narrative of the Tiberian Principate (1.6-1.15) in order to explore the implications of this severance for Roman society and politics. Through a focus on the debates in the senate house before and after the funeral of Augustus, I shall argue that conflict in the form of political disagreements, rumour and uncertainty (a conflict which defines Tacitus' writing of Tiberian Rome) stems not from Tiberius' cruelty or insincerity, nor from the sudden realisation that at AD 14 the reality of monarchic rule became apparent;¹² rather, I shall explore an alternative explanation, which is that conflict stems from Tiberius' progressive impotence, that is, his inability to state that which should *count* as true and in so doing, maintain the regime of truth.¹³

Using this perspective, the chapter will pursue an analysis of sovereignty and truth beyond notions of legitimacy in a juridical sense and beyond a conception of truth as 'telling the truth' or 'telling a lie'. Rather, and following the Tacitean narrative which as I shall show invites a conception of 'legitimacy' in a discursive sense, I argue

¹² As implied by Eder (1993), Griffin (1995) and Oakley (2009).

¹³ This chapter thus seeks to build on a view presented by Sinclair, that what was important under the Principate was being 'believable', as well as knowledgeable and insightful (1995:66ff.).

that for the purposes of peace and order, sovereignty must work to reinforce the laws of a symbolic system (those laws which structure the politics of truth).¹⁴ By taking up a discussion of truth in a discursive sense, it emerges that Tacitus' political thought allows us to expand on the theories of Agamben and Schmitt: sovereign is not only he who decides on the exception, but also he who decides truth.

In the first section, I read Tacitus' writing of Tiberius' key traits (his silence, hesitation and dissimulation) as preliminary signs of Tiberius' inability to be the sovereign with patricentric effect. Whether an emperor is capable of ruling is a crucial question at the start of a new reign but it is notable that the opening of the Tiberian narrative progressively works to undermine Tiberius' sovereign ability. Part of the problem which Tacitus reveals is that even in the new reign Augustus maintains a crucial, determining presence: the reading of the will and mandate following Augustus' death immediately underline the limited scope for Tiberius to assume sovereign control, since although Augustus is dead Tiberius' policy has been decided by the absent monarch. Augustus' control on the new regime is also written into the opening chapter which relates the death of Agrippa Postumus, a death embedded in the Augustan past. Yet, the narrative on Postumus' death also asserts from the start a Tiberian inability to take control of the executive power and to control the discourses of power and truth (and those of the past). The murder happens seemingly without Tiberius willing it to happen and further, Tiberius cannot control the controversy that emerges nor establish the truth about it – as Tacitus states, Tiberius said nothing of the matter to the senate, referring instead to the word of the father (1.6.1). From this perspective, the opening chapter establishes a prominent and problematic theme of the Tiberian books – that of the emperor's own silence. I argue that it is due to this very

¹⁴ Following Nietzsche, Foucault argues that the organisation of fields of knowledge is driven by a 'will to truth' which seeks to determine 1) that which is prohibited; 2) a distinction between reason and folly; 3) truth and falsehood. These are also called the 'rules of exclusion.' Foucault then argues that that power cannot function unless it puts those truths which are established through the rules of exclusion into circulation and the circulation of those truths will then reinforce power: "Truth" is linked in a circular relation with systems of power which produce and sustain it, and to effects of power which it induce and which extend it. A 'regime of truth'. Foucault (1980b:133). See also Foucault (2004): 'Power cannot be exercised unless a certain economy of discourses of truth functions in, on the basis of, and thanks to that power' (24).

silence that the new sovereign relinquishes his key role, which is to state the truth and in so doing maintain order in the state.¹⁵

Following on from Tiberius' dubious stance towards the case of Agrippa Postumus, I trace further signs of a deficiency in Tiberius' sovereign ability through Tacitus' writing of the emperor's *hesitatio* and *dissimulatio*. During the debate in the senate house following the funeral of Augustus, Tiberius is notably reluctant to fill the vacancy of authority left by his predecessor but in spite of this Tacitus has already informed us that Tiberius has used, even waited for this *imperium*. This has led scholars to conclude that Tacitus is concerned with characterising Tiberius as a hypocrite (that he was 'pretending he did not want the powers when he did').¹⁶ However, the word 'hypocrisy' which from our perspective resonates with notions of 'deceit' and 'lying' is not necessarily analogous with dissimulation.¹⁷ Rather, I argue that *dissimulatio* should be conceived as a crucial aspect of the imperial position as well as a crucial component of the elite imperial self – as a method to protect oneself rather than a method to deceive others. Furthermore, given the centrality of dissimulation in the imperial regime (since, as Tacitus shows, the senators dissemble as much as the sovereign himself), the question is not who dissembles and who does not but rather who dissembles effectively (or *credibly*) and who does not.¹⁸ The problem in the opening chapters is that Tiberius, and regardless of whether in reality he was being insincere, is not charged with the status of telling a credible lie (deciding the truth), leading to a progressive disintegration in the regime of truth.

By looking at the effects of ineffective dissimulation in the wider context of the political sphere rather than what dissimulation tells us about the Tiberian personality (which in any case has already been determined in the prologue as inherently *superbus* and cruel; 1.4.3) Tacitus enables us to pursue a wider theoretical discussion of absolute sovereignty in terms of what the effects of silence, hesitation and ineffective dissimulation are on a society's politics of truth. This shall form the subject of the

¹⁵ Cf. Sallustius Crispus' advice at *Ann.* 1.6.3.

¹⁶ Griffin (1995: 37).

¹⁷ On Augustan dissimulation and deceit see Vervaet (2010:133-66) and Rich (2010:167-194). See also Rudich (1993:xviii ff.).

¹⁸ Cf. Schiesaro (2003:114), discussed below.

discussions in the second section of this chapter, where I argue that in Tacitus' revelation of Tiberius' progressive impotence and the conflict which thus emerges, Tacitus rather is drawing our attention to the problem of 'non-sovereignty'. Such non-sovereignty is implicit in the opening chapters during which Tacitus describes Tiberius not as *capax imperii* (capable of rule) but as *ambiguus imperandi*. Far from asserting a Tiberian tyranny, then, the narrative of Tiberius' Principate opens through a certain reversion of his status, with a *princeps* who is non-sovereign (but still has to be *the* sovereign) in a monarchical-republican system.

In the concluding section, I argue that the crisis at AD 14 is not that it represented the moment when 'the reality of the Principate became evident'¹⁹ but instead, that it represented the moment when the relationship between sovereignty and truth collapses. In this collapse, the ambiguity at the heart of the Principate (the paradox of republic and monarchy) surfaces leading to a loss in the certainty of the present.²⁰ Since the Tacitean narrative of Tiberius begins by undermining his sovereignty, it sets up a process of degeneracy within his regime from the Augustan inheritance into an increasingly bewildering world of uncertainty and, ultimately, inertia and violence. This degeneracy is seen through the initial inability to establish the reality of present time (imperial time) because although Tiberius is the essence of the age (he is the emperor and thus has the most powerful voice), he cannot establish the specificity of this temporal frame because he falters as the voice of power and truth in the state. This creates a notable and persistent disjunction between sovereign and elite.

¹⁹ Oakley (2009:189).

²⁰ On this paradox see Winterling (2009). Winterling shows that the new monarchic institutions of the principate (such as the *consilium principis*) still had to work alongside republican institutions, namely the senate and the *mos maiorum* (26-32). The point is that the principate did not destroy the old legal and moral structures of the republic, but came to (and had to) exist as far as possible in unity, thus creating various paradoxes: 'The paradoxes of imperial times are characterised by a simultaneity of nonsimultaneous matters; they are thus open only to a diachronic analysis that takes into account the situation during republican times' (28). Winterling then goes on to claim this paradox has found its continuation in the impasse of modern research in the sense that it only ever throws light on one of the mutually contradictory sides: the continuation of the republican constitutional order on the one hand, and its abolition by the absolute monarchy on the other (27). In Tacitus, it is implied that Augustus did abolish the republican constitutional order but in the Tiberian narrative the paradox surfaces given Tiberius' increasing impotence. As a result, the Tiberian narrative resists the unilateral method of interpretation Winterling refers to because it is not a case of either/or; rather the point is that both the republican and monarchic facets of the new constitution must be maintained at the same time.

The problem in the accession chapters is that the governability of the elite (that is, their readiness to be governed even to the extent of slaves) clashes with Tiberius' democratic ways (that is, his desire to share the 'burden of ruling all things' [*regendi cuncta onus*; 1.11.1] with the senators). Tiberius' is insistent on existing on parity with the rest, and regardless of whether such republican inclinations are sincere or insincere, this insistence creates a politics without (absolute) sovereignty (and without truth), the result of which is the unfolding of the excessive temporal structure of the Augustan episteme (civil war, republic, monarchy). This multiplicity means that the regime of truth cannot be established by the sovereign, for the sovereign is dead, and instead truth is determined by the naked interplay of power.

2.1 Tacitus on the Accession of Tiberius

The fact of succession, whether those who are involved in it are aware of it or not, involves a renewal of the 'contract' between ruler and ruled.²¹

From the perspective of the process of political succession, AD 14 represents an especially challenging moment in Roman imperial history. On the death of Augustus, there was no historical precedent for the transfer of power from one *princeps* to another; and since Augustus' powers (or influence) were not wholly exercised through a juridical order, such powers could not easily be renewed with reference to a formal constitutional 'contract'. In the Tacitean narrative we are presented with further difficulties. Before the narrative account of the 'accession debate' where after the funeral of Augustus the senate urge Tiberius to verbally accept the throne (1.11-1.13), Tacitus has already informed his readers that 1) the two consuls along with the senate, the army and the populace had sworn loyalty to Tiberius and 2) Tiberius was openly exercising the two essential features of the Principate: *imperium* and *tribunicia potestas* (1.7.2-5).²² So the question which arises is why debate if it would appear that Tiberius was already the ruler?

²¹ Calvert (1987:1).

²² Cf. Syme (1958:410) on Tiberius' exercise of *imperium* and tribunician power: '[Tacitus] shows the new ruler in actual and open exercise of the essential powers of the Principate: by the *imperium* he issues

Tacitus' chronology undoubtedly presents various contradictions and scholars have subsequently read the accession debate as a farce.²³ But since the constitutional basis of the Principate was somewhat ambiguous, it is not surprising that (or we can at least make a preliminary assumption that) it remained important to clarify or confirm the nature of Tiberius' powers in the senate house on 17th September despite the suggestion that he was already acting as *princeps* or commander four weeks prior.²⁴ The apparent contradiction in the narrative chronology can be seen to reflect the wider constitutional anomalies of the Roman political order through which Tacitus raises the crucial contemporary problem – that in AD 14, the senate were either to confront the task of distinguishing between the legislative, the militaristic, the sovereign, the democratic and the *personal* aspects of Augustus' *imperium* (in a [supposedly] restored republican state); or they were to let this paradox continue. Any confusions of *imperium* would inevitably re-surface the moment that power is to be renewed. Given this, it becomes evident that Tacitus' (and Tiberius') concern at the beginning of the *narratio* is not so much the possession of *imperium* (which presumably Tiberius had held since AD 10) as much as it is the manner in which all aspects of that *imperium* are balanced and exercised through one individual (again, in a restored republican state).²⁵ The key issue in the opening narrative is therefore tied to the wider issue of Roman sovereignty; and the tensions and contradictions written on and around the accession of Tiberius can be read as manifestations of the difficulty in determining (or maintaining) the terms of the 'contract' previously held between ruler and ruled, which in AD 14 Tiberius is to renew (or has already renewed).

orders to the troops and dispatches to the armies, and in virtue of *tribunicia potestas* he convokes the Senate to arrange the funeral'. Notably, though Tacitus shows Tiberius to be in exercise of *imperium*, he does not explicitly state that Tiberius possessed *imperium* but rather that he dealt with the praetorian cohorts 'ut imperator' (1.7.5). That Tiberius was able to speak 'like a Commander' to the troops but not like the *princeps* to the senate establishes some distinction between the various forms of *imperium* which belonged or were to belong to the emperor, as well as the various problems involved with their renewal. It appears that in the military sphere the transition from republican *imperator* (commander of armies) to imperial *imperator* (commander of armies and *princeps senatus*) was less a contentious move than speaking as *princeps* in the senate house (as will be discussed further below, pp.84ff.).

²³ For example, the scene is described as 'a ritual' by Sinclair (1995:170); 'a charade' by Martin (1981:113); and a 'solemn comedy' by Syme (1958:410).

²⁴ Cf. Alston (1998:22ff.) and Seager (2005:46-7/217).

²⁵ For Tiberius' position in 10 see Seager (2002:628 n.13).

In what follows, I shall analyse Tacitus' opening narrative of the new reign in order to define in more detail what exactly is encompassed in Tacitus' conception of the contract between ruler and ruled. Through a focus on the death of Agrippa Postumus, I argue that the possession of *imperium* and *tribunicia potestas* does not necessarily constitute the essential powers of the emperor, nor the prime features of the Principate, as Syme argued.²⁶ Rather, sovereign power depends on the ability to assert truth, and further, to gain communal consent to whatever that truth may be. The problem in the opening chapters is that Tiberius' continued silence leads to an immediate breakdown in the established relationship between sovereignty and truth, causing slippage between those statements which should count as true and those which should count as false.

The Death of Agrippa Postumus

In AD 9 Augustus banished his youngest grandson Agrippa Postumus to the remote island of Planasia. Under Augustus' influence, the senate accordingly confiscated his property and declared his exile permanent and irreversible.²⁷ After Augustus' death, but before the formal accession of Tiberius, Agrippa was murdered by his guard at Planasia but whether the death was an order of Augustus (due to certain failings in Agrippa's character) or Tiberius (Agrippa represented a potential threat to Tiberius' own political future) has been the subject of considerable controversy.²⁸

Tacitus' Tiberian narrative begins with this mysterious death. Yet scholarly interest in the opening chapters has not focussed on the question of who killed Agrippa since it is generally assumed that Tiberius was responsible. This reading stems from the first line of the *narratio*: 'The first deed/misdeed of the new reign was the murder of Agrippa Postumus' (*primum facinus novi principatus fuit Postumi Agrippae caedes*; 1.6.1), which many scholars have read as Tacitus' attempt to prejudice the reader against the new reign from the start.²⁹ As Goodyear states, 'these words, like much in

²⁶ Syme (1958:410).

²⁷ Suet.*Aug.*65.

²⁸ See Detweiler (1970).

²⁹ Wells (1992:96). See also Sailor (2008:174): 'at *Ann.*1.6.1 [Tacitus] leaps into the narrative with the rather prejudicial *primum facinus noui principatus*.'

the preceding chapters, are calculated to set the tone of the later treatment of Tiberius' Principate.'³⁰ Martin makes a similar point through a neat contrast with 13.1.1 where Tacitus begins his discussion of Nero's reign with the death of Junius Silanus. As Martin notes, in the case of Tiberius the death is the first act *of* the Principate and thus responsibility is firmly attached to the *princeps* himself, whereas at 13.1.1, the difference in language where Tacitus writes '*prima novo principatu mors*' ('the first death *in* the reign of Nero') does not suggest that the death of Silanus was through Nero's instigation.³¹ Grünewald employs a different perspective but draws the same conclusion. For Grünewald, Tacitus' reference to 'new Principate' as opposed to 'new *princeps*' is a small but telling difference; '*Principatus* is impersonal, signifying the whole system of government headed by Tiberius. The term allows Tacitus to accuse Tiberius without mentioning him by name.'³² Levick more explicitly claims: 'Tacitus...put[s] the blame squarely on the shoulders of Tiberius'.³³

Many scholars have thus followed Goodyear's argument, that the opening words are calculated by Tacitus to accuse Tiberius of Postumus' death and in this way, they can be read as indicative of the later treatment of Tiberius. However, this is problematic on a number of levels. Firstly, such a view presupposes that the tone of the later treatment of Tiberius is monolithic, which is not a characteristic of the account. Although one can argue that the phrase foreshadows what is to come, the interpretational framework for the reign is not thereby fixed. Secondly, while the genitive *novi principatus* can be read as ascribing responsibility for the crime to the Principate of Tiberius and therefore as an insinuation of Tiberius' involvement, there is, at the same time, the possibility that the crimes to be committed are the result of, or to be blamed – just – to the 'new regime', that is, the period after the death of Augustus. There is at least as much, possibly more, significance in the use of the impersonal and abstract noun as there is in the choice of case.

Considered in this way, the opening chapters achieve much more than prejudicing the reader against Tiberius. Rather, by noting the impersonal nature of

³⁰ Goodyear (1972:133).

³¹ Martin (1981:162).

³² Grünewald (2004:142).

³³ Levick (1976:65).

Tacitus' language it can be argued that instead of prejudicing his reader against Tiberius, Tacitus is trying to assert a difference between the time before the start date of AD 14 and the time after it and instead of focusing on the person of the emperor, we should think of the nature of the regime and it is, of course, precisely the nature of regimes to which Tacitus has drawn our attention in his rapid summary of Roman history that introduces the *Annales*.

In particular, we must note Tacitus' description of the nature of the Augustan regime in the preceding chapters which stated that Augustus absorbed the functions of the senate, the magistracies and the law (1.2). It is in his absorption of the law and the usurpation of the vital republican elements of the old constitution that we are able to see precisely how Tacitus' prologue worked to construct (or identify) the personal nature of Augustus' power. Yet, this is in quite clear contrast to how (impersonally) the new sovereign deals with state affairs, in this case the murder of Agrippa Postumus, about which he says nothing to the senate (...*nihil de ea re apud senatum*) evoking instead the word of the father (*patris iussa*; 1.6.1). As Woodman notes, 'the episode as a whole is indeed significant...yet the reason is not that it portrays the first of Tiberius' many murders but that it shows how crucial actions, including murder, are from the very start carried out by powers behind the throne and *in spite of Tiberius himself*.'³⁴ In Woodman's view, before AD 14 the powers around the throne were controlled through Augustus, but after AD 14, such powers assume a position beyond sovereign (Tiberius') control.³⁵

Yet, we may further differentiate Tacitus from the distinctive and familiar image of 'powers behind the throne', since it is the very nature of the regime itself which asserts itself in the murder of Postumus and not a covert or subordinate or illegitimate element within the regime. Tiberius' own role in the murder becomes an issue of debate, but is not that of an empowered agent. Tiberius becomes entrapped in a web of rumour that begins to define the regime and his actions, but it also differentiates Tiberius and the regime, suggesting that Tiberius is as implicated in the regime and as susceptible to the regime as much as any member of the elite, which again presents a

³⁴ Woodman (1998:35), my emphasis.

³⁵ See Mellor (1993:92ff.).

crucial difference between his regime and that of his predecessor. Unlike Augustus, Tiberius has not quite absorbed the functions of the senate, nor the law.

This gap between Tiberius and the regime establishes a focus on the ambiguity which Tacitus writes into and around the accession of Tiberius – an ambiguity which continues to pervade the narrative due to the sovereign's increasing reluctance to speak and assert truth. When truth is not asserted in the political sphere, it creates a gap or a discursive void allowing other truths to enter.³⁶ This can be seen in Tacitus' account of Agrippa and more widely, given a historiographical survey of the murder: all extant accounts (Tacitus, Suetonius and Dio Cassius) are shrouded by uncertainty. In Dio (57.3.5) it is claimed that Tiberius issued an order for Postumus to be killed on Augustus' death but the *princeps* denied any responsibility once the order had been carried out. But Dio subsequently reports that popular opinion blamed Augustus for the murder and some even blamed Agrippa's guard in Planasia, and others Livia. In Suetonius (*Tib.*22), responsibility is again left unclear – Tiberius denied involvement for fear of unpopularity but the murder could have been instructed by Augustus to be carried out on his death or again by Livia, with or without Tiberius' consent. In Tacitus there is the possibility that the murder could have been orchestrated by anyone (Augustus, Livia, Sallustius Crispus, Agrippa's guard). Yet, had Tiberius decided the truth about Agrippa at the time as Sallustius Crispus had warned him to do so, rumour and uncertainty would not have taken control among his contemporaries.³⁷ Due to Tiberius' reluctance to decide the outcome, the account does not balance as Crispus had warned (1.6.3). The murder is left in a zone of uncertainty, further exemplified in Agrippa's posthumous return to Rome in 20.³⁸

³⁶ Cf. Alston and Spentzou (2011): 'People have to believe in the truth of their particular Symbolic Order, but if they do not, truth is drained from the symbolic' (20). Though Alston and Spentzou are speaking in the wider context of the symbolic order, as they note political power works to reinforce the discourses of the symbolic (2011:193ff.), which is the argument this chapter seeks to pursue.

³⁷ It is notable that while Tacitus, Suetonius and Dio Cassius include the murder of Agrippa in their accounts, Velleius omits it entirely – this suggests that whatever the truth (whether Tiberius was or was not involved) the murder was a threat to both Tiberius' power and reputation and best kept secret, hence Tiberius' main supporter omits it altogether from his otherwise quite detailed record. See further Detweiler (1970:289-295).

³⁸ *Ann.*2.39.

A similar pattern of silence and uncertainty grips the accession debate itself during which Tiberius' silence leads to further complications in the renewal of the relationship between sovereignty and truth. In what follows, I shall argue that Tiberius' questionable stance towards his own position in the state can be read as a further sign of Tiberian non-sovereignty. Following this, I shall examine Tacitus' writing of *dissimulatio* from another perspective – as a characteristic of both senate and sovereign which is necessary to maintain the paradox at the heart of the imperial order (Republic and Principate), rather than a method used by Tacitus to traduce Tiberius' character. Since there remains a critical dependence between imperial politics (the sovereignty of the emperor) and Augustan and republican temporalities in which the history of the present was at least superficially embedded, in order to maintain this paradox both senate and sovereign must partake in a dialectical relationship of openness and closeness – a relationship 'caused less by a failing of character than by the strain of habitually living under a kind of compulsion.'³⁹ In the context of Tiberian Rome, we may now conceptualise this strain in terms of habitually trying to live under the burden of the republican and now Augustan pasts.

Sovereign Anxiety: Re-reading Tiberian *Hesitatio*

As a means for the preserving of the individual, the intellect unfolds its principle powers in dissimulation [*Verstellung*], which is the means by which weaker, less robust individuals preserve themselves [*sich erhalten*].⁴⁰

The second debate in the senate house which takes place after the funeral of Augustus centres around a pivotal question: 'How long Caesar, will you allow the body-politic to have no head?'⁴¹ This question is doubly suggestive: on the one hand, the death of

³⁹ Arendt (2006:239).

⁴⁰ Nietzsche (1979:79). Notably, the German *erhalten* ('to keep') can mean 'to preserve' or 'to conceal' and also 'to keep from dying or deteriorating' (that is, 'to keep alive' or 'to survive').

⁴¹ *Ann.* 1.13.4.

Augustus has left the senate eager for a leader; and on the other, Tiberius is reluctant to fill the void by accepting full responsibility for the empire.

This modality of sovereign hesitation and elite dependence is written throughout the interregnum period and it is also attested in other sources. According to Velleius, for example, while all else was well, there was one ‘struggle’ (*luctatio*) in the state, which was that while the senate and people of Rome fought with Tiberius so that he would succeed to the position of his father, Tiberius on the other hand strove for the permission to live as an equal citizen, as opposed to an emperor overall (Vell.2.124.2).

The desire to exist on equal terms with the rest characterises too Tacitus’ opening portrait of Tiberius. At 1.7.3, Tacitus tells that Tiberius was ambiguous about ruling and that his initiatives were through the consuls, just as or as though in the old Republic (*nam Tiberius cuncta per consules incipiebat, tamquam vetere re publica et ambiguus imperandi*).⁴² Tiberius’ readiness to delegate authority is also attested in Crispus’ advice, which crucially warns Tiberius not to submit the case of Postumus’ murder to the senate for investigation, since that would weaken the throne. It is also noteworthy that after Augustus’ death Tacitus tells us that the only state business Tiberius wished to assume was the proper burial of his father (1.7.5).

Yet, there are some notable and significant differences between the Tacitean account and those written earlier. Firstly, whilst Tacitus gives nearly eight chapters to events during the interregnum – including an account of the death of Agrippa, the reading of Augustus’ will, the funeral, the reading of the mandate on the 4th through to Tiberius’ formal accession at the end of the long debate on the 17th (1.6.1- 1.13.4), Velleius moves from the death of Augustus to Tiberius’ formal acceptance of the throne in less than a chapter (Vell.2.123.2 – 2.124.2). Yet despite his brevity, Velleius makes what for him was the crucial point. What is especially notable in Velleius’ account is that he imbues Tiberius’ person with similar patricentric and restorative value to Tacitus’ Augustus. Upon the death of Augustus, Velleius describes the situation in the city as one of crisis: he speaks of the trepidation of the senate (*senatus trepidatio*), the confusion of the people (*populi confusio*), the anxiety of the city (*urbis*

⁴² See Woodman (1998:66-8) on translation of this sentence.

metus) and the narrow path between safety and destruction. However, though the people were left fearing a crisis once Augustus had passed, such fears of collapse (*ruina*) were cast aside due to the ‘greatness’ of Tiberius: for Velleius, such was the *maiestas* of Tiberius that there was no need for arms, neither to protect the good nor defend from the bad (Vell.2.124.1).

This allows us to further differentiate Tacitus’ account. Tacitus’ does not ascribe Tiberius with this sort of Augustan majestic/messianic quality. Tiberius is not a saviour but rather, the unfortunate successor to a ‘burden’ (*onus*). Furthermore, whilst Tiberius’ hesitation does not persist as a problematic feature in Velleius’ text, since despite Tiberius’ reluctance Velleius is quick to state that everything soon regained order under the new regime, in Tacitus’ narrative of the interregnum, Tiberius’ *hesitatio* is a persistent and progressively disabling problem. It is in the very persistence of Tiberius’ reluctance that the reader is confronted with a difficulty of interpretation as well as various questions regarding Tiberius’ own interpretability. That which lies behind Tiberius’ hesitation remains unclear, especially since it is coupled with another quality, his dissimulation:

Versae inde ad Tiberium preces. et ille varie disserebat de magnitudine imperii sua modestia. solam divi Augusti mentem tantae molis capacem: se in partem curarum ab illo vocatum experiendo didicisse quam arduum, quam subiectum fortunae regendi cuncta onus. proinde in civitate tot inlustribus viris subnixa non ad unum omnia deferrent: plures facilius munia rei publicae sociatis laboribus exsecuturos. plus in oratione tali dignitatis quam fidei erat; Tiberioque etiam in rebus quas non occuleret, seu natura sive adsuetudine, suspensa semper et obscura verba: tunc vero nitenti ut sensus suos penitus abderet, in incertum et ambiguum magis implicabantur.
(1.11.1-3)

Then prayers turned to Tiberius and he, on his part, spoke varyingly on the magnitude of the empire, and his own modesty. Only the divine Augustus had a mind fit for so great a task – and having being called upon by Augustus to share his cares, he had learned from experience how difficult and how subject to fortune the burden of ruling

everything was. Consequently, given a community supported by so many brilliant men, not everything should be deferred to one man alone, several would more easily carry out the duties of the state by sharing the responsibilities.

Such a speech was more impressive than credible; Tiberius' words – even on things which he was not concealing – were by habit or nature always suspended, always obscure. But on that occasion, given that he was trying to suppress his inward feelings, his words were being entangled in more uncertainty and ambiguity.

Tacitus' comments at the end of this passage have led many scholars to conclude that Tiberius' reluctance was insincere, displaying the 'institutionalised ritual' of a *recusatio imperii* which is used by Tacitus to disclose his own disbelief of Tiberius' intention to return to the form of the old republic.⁴³ In Syme's view, the scene is a 'solemn comedy, the attitudes and language pre-ordained.'⁴⁴ Gowing argues that Tacitus' account 'has much to do with his interest in characterising Tiberius as a paranoid charlatan, a man who pretended to respect the republic but who, in reality, was more a Caesar than Caesar himself.'⁴⁵ Griffin similarly claims: 'Tacitus is concerned to show that Tiberius was insincere in his behaviour after Augustus' death in two related respects: 1) in pretending not to be princeps while already acting as one, at least outside the Senate, 2) by pretending that he did not want the power when he did.'⁴⁶

Such readings, however, are difficult to support. Firstly, whilst Gowing may be right in asserting Tiberius' paranoia, this could equally be stemming from Tiberius' own awareness of the difficulties surrounding the imperial position – the difficulty of how the role of the sovereign position should be assumed – as a quality like hesitation could suggest. Secondly, there is considerable danger in analysing Tiberius' hesitation through a discourse of dissimulation (that is, as false or 'insincere') because every word then becomes a lie, the Principate becomes an oppressive regime always 'concealed'

⁴³ Sinclair (1995:170); on *recusatio imperii* see Vervaet (2010:133-166, esp.144ff.), Rich (2010) and Schiesaro (2003:113ff.). See also Woodman (1977:222-3).

⁴⁴ Syme (1958:410).

⁴⁵ Gowing (2005:30).

⁴⁶ Griffin (1995:37).

behind a democratic facade; making the *princeps* a hypocrite and sovereignty tyrannical. This sequence of thought can be found in Griffin, who claims:

Tacitus, consummate literary artist that he was, presented what he felt about the Augustan Principate, as a system, in terms of the deliberate intentions of the Princeps, thus translating abstract ideas about the falsity and oppression of the form of government Augustus had created into the more dramatic portrayal of the hypocrisy and tyranny of his unfortunate successor.⁴⁷

The metonymic chain through which Griffin seems to orientate her argument, beginning with Tacitus' presentation of the 'deliberate intentions' of Augustus followed by the 'falsity' of the principate through to the 'hypocrisy and tyranny' of Tiberius' is a difficult interpretive framework to apply to Tacitus' account. Firstly, deliberate intentions cannot be measured and close reading of the early narrative shows that Tacitus is careful not to speak about the emperors' acts from his own point of view, particularly in terms of what the emperor 'deliberately' intended.⁴⁸ Rather, Tacitus' often employs more abstract phraseology, and the *princeps*' acts are described passively from the perspective of popular opinion in terms of what was being believed (*credebatur*) or not and what was credible or not.⁴⁹ Secondly, the falsity of the principate and the notion of 'republican facade' usually assigned to Augustus' regime is not expressed in Tacitus' Augustan prologue – rather, Tacitus' view is that after the civil wars had ended, Augustus received all things in the name of *princeps*. The Tacitean narrative is thus rooted in a monarchic discourse, a discourse which is weighted and oppressive as Tiberius' words imply: Tiberius speaks of the magnitude of ruling (*magnitudine imperii*) and the great mass (*tantae molis*) which only the mind of

⁴⁷ *Ibid* (33).

⁴⁸ Notably, at 1.11.3 above Tacitus writes that Tiberius on that occasion was 'truly' striving to hide his feelings (*tunc vero nitenti...*) but Tacitus' own language of certainty here is undermined by his narration of Tiberius, which remains ultimately obscure, pushing the reader to question Tiberius' deliberate intentions and by extension, Tacitus' own rendition of them.

⁴⁹ For example, at 1.6.2, on Augustus' potential involvement in Agrippa's death Tacitus does not speak of any deliberate intentions, but rather says 'it was not believable' that Augustus wanted to banish his grandson so that his stepson would feel more secure: *...neque mortem nepoti pro securitate privigni inlatam credibile erat.*

Augustus was big enough to hold. Ideas about the Augustan principate, then, are translated into the dramatic portrayal of Augustus' unfortunate successor as Griffin notes, but this portrayal is not necessarily one of 'hypocrisy' and 'tyranny' but of burden, impotence and moreover, ambiguity. In the passage above, Tacitus describes the language as *incertum* and *ambiguum*, referencing not dissimulation in which meaning is deliberately concealed, but an uncertainty about what is true – hence Tiberius' words *were being entangled (implicabantur)*, which implies that they were subject to external forces rather than controlling such forces, and by so doing deciding the truth. In this event, Tiberius was suppressing his feelings, but it is the obscurity of his words and the uncertainty of the path that was to be followed that dominate.⁵⁰

A further point, which again problematises the interpretation of Tiberius' dissimulation as a Tacitean attempt to mark his 'insincerity' has been raised by Tony Woodman. To return to the speech Tacitus reports above, Woodman raises an important question regarding Tacitus' appended commentary. After Tiberius has claimed that he is inadequately equipped to assume the tasks of *princeps*, Tacitus claims that Tiberius' speech was more impressive than credible: *plus in oratione tali dignitatis quam fidei erat*, and in response to this Woodman asks, whether a speech can be described as possessing *dignitas* but also lacking *fides*.⁵¹ The idea that there is now space for the existence of *dignitas* (nobility) despite the absence of *fides* (sincerity) is interesting in itself as one would think that the two qualities were dependent on each other but we are nevertheless presented with an obstacle.⁵² For Woodman, the difficulty stems from translation of *fides* as 'sincerity' and from the fact that 'because Tiberius is elsewhere presented as hypocritical, it is assumed that he is always so presented.'⁵³ In short, Woodman's point is that Tacitus 'is not saying that Tiberius himself was

⁵⁰ Cf. Alston: 'Although it was recognised that Tiberius was in some sense the political successor of Augustus, as Augustus had succeeded Caesar, we need not assume that it was clear to all or any of the participants to what exactly Tiberius had succeeded...The politicians of Rome were dealing with a new problem: there was no established procedure to deal with the succession to the imperial position.' (1998:22).

⁵¹ Woodman (1998:43); see further on this Seager (2002:627-629).

⁵² On the coupling of *dignitas* and *fides* Woodman (1998:44 n.17).

⁵³ *Ibid* (46).

insincere but that his speech lacked credibility.⁵⁴ Given this, the lack of *fides* is stemming from the senate's *perception* of Tiberius' speech rather than from Tiberius himself, and when read in this way the speech is not necessarily indicative of Tiberius' hypocrisy nor is it a contrived *recusatio imperii*, but precisely of the uncertainty that surrounds the situation.⁵⁵ The lack of faith raises the issue of faith to what and it would seem that there are peculiarly and precisely numerous truths to which Tiberius could have been faithful, but to which he, in his uncertain words, could only act in bad faith.

One can see, then, that at one level Tacitus has ordered the narrative around a disjunction between (sovereign) speech and (elite) interpretation – between speaking through a discourse of dissimulation and interpreting through a discourse of dissimulation. In this case, Tiberius' words do not in themselves lack credibility; rather, elite perception receives them as incredible.⁵⁶ Furthermore, *dissimulatio* emerges as characteristic of the times, and thus a feature of those who behave with *dignitas* (implying the possibility of noble lies or lying with dignity). These are co-dependents rather than polarised values.⁵⁷ The new sovereign is no longer charged with the status of saying 'what counts as true' but is trapped within a time and discourse of *dissimulatio*, which entails, inevitably, that the regime of truth lies in the interpretation of the listeners primarily and secondarily in Tacitus and his readers.

The conflict produced from the political struggle in the state due to the void between elite dependence and sovereign hesitation is attested in this discursive struggle, which reveals a growing space and lack of understanding between sovereign and elite. Furthermore, the disjunction in the interpreting community is also shared by Tiberius himself whose position in relation to the regime (of power and of truth) is never fully clarified. Whilst previously, 'all eyes had looked to Augustus', now, 'all prayers have turned to Tiberius', but prayers are not concerned with a hope for

⁵⁴ *Ibid* (47). Cf. Levick who argues that Woodman's views are 'disturbing' because Tacitus' narrative provides a stark contrast with the views found in the sources of Tiberius' contemporaries (Velleius and Maximus) who used official documents (2003:xi).

⁵⁵ The same lack of credibility is expressed by Tacitus at 1.72.2, when Tiberius rejects the title *pater patriae* (discussed below pp.195ff.).

⁵⁶ At 1.7.7, we can also trace this disjunction in reverse form, where it is Tiberius who perceives through a discourse of dissimulation (attesting his paranoia, as Gowing notes).

⁵⁷ Hence perhaps, Tacitus later describes *dissimulatio* as Tiberius' most prized 'virtue' (*Ann.*4.71.3: *Nullam aeque Tiberius, ut rebatur, ex virtutibus suis quam dissimulationem diligebat*).

restoration; and the lack of understanding does not result from an unawareness of the imperial discourse.⁵⁸ Rather, prayers are for Tiberius to assume sovereign control and meet the elite will for a head. However, through *haesitatio* (and again, regardless of whether sincere or insincere) the opening narrative inserts a rupture in the automaticity of sovereign renewal through which a Tiberian *inability* to perform the tasks of *princeps* credibly is instead asserted.⁵⁹ Subsequently, Tiberius' hesitation can be read as an early sign of 'non-sovereignty' or a sovereign anxiety of inadequacy, which clearly stems from the pressure to maintain Augustan Exceptionality. It is evident that Tiberius' hesitation is embedded within the pressures of the republican and Augustan pasts: it remains uncertain whether Tiberius can embody a constitutional position which exists in paradoxical relationship with a republican system. Furthermore, it is suggested that Tiberius knows that the Principate was linked to a specifically Augustan sovereignty given that 'only' Augustus had the mind fit for such a position in the state (*solam divi Augusti mentem tantae molis capacem*; 11.1). Far from asserting or insinuating Tiberian tyranny, the opening narrative of the new reign marks, in stark distinction to the Augustan prologue, a Tiberian non-sovereignty (a lack of orders [*iussa*] to look to), the consequence of which is a gradual disintegration in the sovereign ability to maintain the politics of truth.

Concealing and Revealing Sovereignty

The discussions above have largely followed Tony Woodman's radical reading of the accession debate, which by absolving Tacitus of accusing Tiberius of hypocrisy has marked a major advance in our understanding of Tacitus' account of the accession. But whilst Woodman's analysis, as he himself notes, is not designed to illuminate constitutional matters, my view is that Tacitus' writing of Tiberius on his accession is

⁵⁸ As is made explicit at *Ann.* 1.11.4, (discussed further below).

⁵⁹ See further Baranger (2011:49/47-63) who argues that 'recognition is the mode by which sovereignty is acknowledged' because the sovereign is recognized by his subjects as in command (of them). For Negri, sovereignty is marked in the moment of affirmation: 'Not as the transfer of power from the people to the prince but as the affirmation of the prince over the people' (Negri 2011: 210). From this perspective, Tiberius' non-sovereignty is marked through the rupture caused by the delay in both the 'affirmation' of Tiberius' power over the people but also Tiberius' lack of 'recognition' of himself as the *princeps*.

rooted in the wider political/constitutional difficulties of the sovereign position and, in particular, the confusions of *imperium* this position depended on.

This can be explained through a further notable contradiction in the narrative. As Tacitus states at 1.7.5, Tiberius was able to speak ‘like a Commander’ to the troops but was not able to assert authority in the senate house, engaging instead in the long debate about acceding the throne. In Tacitus’ narrative, Tiberius exercised *imperium* outside of the senate (in his command of the army) but hesitated to act as though he was in possession of the *maius imperium* inside the senate house (hence the delay in the formalisation of his sovereign position). While from one perspective Tiberius’ contradictory stance towards the exercise of *imperium* can support the arguments on Tiberius’ insincerity or hypocrisy, there is, at the same time, another explanation. On the one hand, it shows that the discontinuities generated by the co-existence of two sets of power structures (republican and imperial) were more easily reconcilable in certain *loci* than others: speaking *ut imperator* in a military context appears to be less contentious (possibly because it was vitally necessary in order to avoid unrest in the army). However, the discontinuities are most problematic in the senate, where Tiberius has *tribunicia potestas* and senatorial seniority, but cannot immediately grip onto an existing form of authority to guarantee his sovereignty. On the other hand, we may infer that in the place of the senate house (where the discontinuities appear to be most apparent) the imperial position required a sense of uncertainty to surround it – not to conceal it, but to protect it. The very essence of sovereignty in a Roman imperial context is embedded within and dependent upon a dialectical pattern of concealment and revelation. The reason for this can be explained through the paradox at the heart of the Roman principate – that rule by one was exercised (and desired by the elite), but in a state relentlessly ordered through republican and democratic truths. Given this, whilst sovereign power needs to be used, the revelation of that power requires at the same time a certain degree of its own concealment.⁶⁰ Even if Tiberius *wanted* to be the sovereign (a question which cannot be answered) the debate turns on the central

⁶⁰ Cf. Winterling (2009:158) who notes that those emperors who acted without due consideration to the ways of the past (Nero and Domitian in Tacitus’ account; Caligula, Commodus otherwise) and could not manage the paradoxical nature of the imperial position were conspired against, murdered, named mad or monstrous in subsequent histories.

problem that sovereign desires can never really be revealed – or if they are to be revealed, they must retain a certain level of concealment. Tiberius’ contradictory stance towards the various forms of *imperium* is a manifestation of the paradox at the heart of the imperial order, which is that although it was no secret that people were living under a monarchy, there remained the pressure to make it seem as though the republic still existed. Tiberius’ silence and dissimulation may then be read as symptoms which both represent and reproduce this paradox.

In such a context, dissimulation does not quite equate with lies but with anxiety. As Schiesaro has argued, ‘in Roman political discourse, dissimulation is a defect traditionally associated with Tiberius, thanks of course to Tacitus’ and Suetonius’ pathological portraits’ but ‘dissimulation, in sum, is a weapon of power *and against power*, and must be judged according to internal criteria of efficacy and expediency.’⁶¹ Schiesaro, speaking in the context of Senecan drama, makes a powerful point. In Tacitus’ narrative of Tiberius, dissimulation is undoubtedly written as his ‘defect’ and related to the workings of imperial power and politics around him. Yet, there are numerous ways in which this relationship may work and in the case of Tiberius’ initial character sketch, dissimulation is used as his weapon *against* power rather than a weapon to secure it.

From this perspective, what Tacitus relates through *dissimulatio* is a politics of fear and Tiberius’ own paradoxical relation to this fear: on the death of Augustus, the Senate are eager to replace the Augustan peace – the space of sovereignty needs to be filled and Tiberius is the candidate. But to protect himself from being seen as wanting to be in control (regardless of whether he actually wanted it or not), he has to employ a position of power (revealing sovereignty) and this explains why he had troops escort him to the forum, to the senate (1.7.5). But employing a position of supreme power is always involved and implicated in danger, and to protect himself from such risks a position of parity needs to be employed (concealing sovereignty), which explains why

⁶¹ Schiesaro (2003:113ff.), my emphasis.

he ‘only showed signs of hesitation when he addressed the senate’ (1.7.5) because this is where he felt least at ease and perhaps most exposed to misfortune.⁶²

Therefore, the problem is that the assumption of imperial power requires the concealment of that power, but the very concealment of power necessitates its revelation. Subsequently, rather than masking an intelligent tyranny or revealing a ‘hypocritical’ use of *imperium*, dissimulation could equally be associated with a fearful weakness and more specifically, survival. Ultimately, there remain two possibilities and if we favour the alternative, which is that Tiberius’ reluctance ‘to be an emperor overall’ is a sign of a sovereign anxiety due to a fear for his own position, which by extension is used by Tacitus to capture not hypocrisy but the wider problematic and paradoxical elements of the early years of the principate, then this could equally be indicative of the tone of the later treatment of his Principate.

Obscura Verba: The Centrality of Dissimulatio in the Imperial Regime

As discussed above, Tacitus’ report of Tiberius’ speech on his accession is ordered around a fundamental disjunction in the interpreting community – Tiberius’ words remain incredible to his listeners (an explicit sign of his inability to state the truth). However, what is notable is that in the opening chapters of the Tiberian narrative, the conflict between sovereign speech and elite interpretation, as portrayed through Tiberius’ *dissimulatio*, is not focussed on the *princeps* alone. Rather, dissimulation is as fundamental a part of the senators’ discourse. This can be seen at 1.7.1, where after the case of Postumus has been discussed, Tacitus turns his attention to the Senate:

*at Romae ruere in servitium consules, patres, eques.
quanto quis inlustrior, tanto magis falsi ac festinantes,
vultuque composito, ne laeti excessu principis neu
tristiores primordio, lacrimas gaudium, questus
adulationem miscebant. (1.7.1)*

At Rome – rushing into servitude – consuls, senate, equestrians. The more illustrious, the greater the hurry

⁶² See further Alston: ‘the political realities of the first months of the Principate meant that Tiberius could not afford to alienate the senate. He needed all the political support he could muster. This uncertainty more than anything explains Tiberius’ cautious approach to the senate’ (1998:30).

and falsity. And with looks set they seem neither happy at the death of one emperor, nor sad on the accession of another: so they were mixing tears and delight, mourning and flattery.

This passage attests that *dissimulatio* is not so much a characteristic of Tiberius as much as it is a process which emerges under imperial sovereignty, and therefore central to the whole of the opening narrative. Whilst it is certain that Tiberius is confined within the category of dissembling sovereign, in the passage above, it is the senate who must dissemble their inner feelings and in this way, it is possible to read dissimulation as a characteristic of the elite imperial person rather than a specific ‘defect’ of a tyrant or sovereign authority. The very assertion of truth through power must be seen as something which forces dissimulation and dissimulation, in turn, can be read as something which will reinforce that power and that truth.

Furthermore, the phrase ‘rushing into servitude’ (*ruere in servitium*) similar to sentiments expressed in the Augustan prologue (*servitio promptior*) must be given due consideration, since it undermines arguments based on the Principate as an oppressive form of government concealed under the guise of a democracy. If senators were ‘rushing’ into servitude and were furthermore ‘eager’ for that servitude, of course, we cannot argue that they were coerced into servitude, nor blind to or deceived by the limited nature of their own sovereignty. Rather, we may interpret the Principate not as oppressive due to the tyrannical force of the sovereign individual, but due to the nature of the regime itself – which somehow gains consent to an acceptance of its own falsity.⁶³

The notion of consenting to falsity, a process which must be seen as a part of the politics of truth, is also implicit in Tacitus’ final comments on Tiberius’ speech. As Tacitus states, the ‘one fear’ of the senators was not that they did not understand (the emperor, the emperor’s intentions, the situation), nor that they did understand – but that they *would be seen to understand* (*at patres, quibus unus metus si intellegere viderentur*; *Ann.*1.11.3). The point, then, is that the senate must perform a certain level of ignorance, regardless of whether they were or were not ignorant of the realities of

⁶³ Cf. Haynes (2003) on ‘make-believe’.

political power. To dissemble ('to conceal or disguise one's thoughts, feelings, actions, a situation'⁶⁴) is then doubly deceptive, since on one level it is a process of concealment, and on another, it is a performance which seeks to make it seem as though one's thoughts, feelings or a situation are disguised. The multi-layered quality of *dissimulatio* ("I conceal" as well as "I make it seem as if I am concealing"), which we may term "dissimulative dissimulation" thus applies to both sovereign and subject. But such dissimulative dissimulation of course erases any sense of actual unawareness, and in such a context, Tacitus pushes us to consider whether the 'secrets of imperial rule' were indeed secrets.⁶⁵

When considered from this perspective, terms like falsity, tyranny, and hypocrisy which are often used to describe Tacitus' portrayal of the *princeps* and more widely Tacitus' construction of the Principate, can reduce the political sophistication with which Tacitus describes, acknowledges and asserts a further paradox of imperial times – that, not only was rule by one being exercised in a restored state but that people consented to it. We may further argue that in their consent to the falsity which was their own system, that falsity gained the status of a 'truth'. One could argue therefore that what happens and what matters in the political sphere is the *performance* of truth, for which the power technique of *dissimulatio* is a crucial ingredient: whether or not truth is *really* believed is secondary to consenting to performing to whatever truth should count as true and whatever falsehood should count as false.

By reading Tacitus' construction of sovereignty from this perspective, as something which is connected to truth and also as something which is dependent on a dialectic of concealment and revelation, it allows for a different reading of how political power is both deployed and 'legitimised' and we can elucidate the tradition on Tiberian dissimulation and hesitation far beyond conclusions of hypocrisy. Dissimulation, rather, can be considered the definitive feature of the 'contract between ruler and ruled' because it is the performance of truth – that is, the elite ability to blend tears, delight, mourning, flattery, to seem *as if* they are deceived and the sovereign

⁶⁴ OLD s.v. *dissimulo*.

⁶⁵ On this point see further O'Gorman (2000:88-89) who notes that the misunderstanding at 1.11.2-3 operates as a sign of understanding: '[the senators] represent their understanding by their very attempts to avoid the appearance of understanding.' (89).

ability to conceal and reveal his own power accordingly – that regulates the realm within which truths and falsehoods are affirmed, thereby consolidating the ‘regime of truth’ through which a political system works. Tiberian *dissimulatio* is not therefore a conclusion on the imperial personality, but rather, a formative point from which we can understand and trace wider political and psychological issues of the imperial self, issues of performance but also issues of weakness which are qualities that characterise the senate as well as the sovereign himself.

It is through the extent to which the uncertain pervades the accession chapters that Tacitus foregrounds the importance, not of telling the truth in politics, but of deciding it. Equally, it is the extent to which falsity pervades the narrative that Tacitus foregrounds the fundamental disjunction between truth and politics, again, the point being that in the face of such falsity or uncertainty, truth must be decided. In such a context, Tacitus implies that it is a futile exercise to find the truth (facts) but to trace instead what makes ‘truth’ possible and, in particular, who has the status to state a ‘credible lie’.

It is from this perspective that we may differentiate between Augustan and Tiberian Rome. Although dissimulation or acting in bad faith may have characterised the Augustan regime of truth, the crucial difference is that Augustus displayed his power and capacity to speak and determine truth, but in the Tiberian period, the sovereign himself lacks the power or status to do the same. To return to Schiesaro, who again makes the crucial point: ‘the distinction is not between those who dissimulate and those who do not, but between effective and ineffective dissimulation’.⁶⁶ Those who have the power to state credible lies may then be read as ‘effective’ dissimulators, while those who remain incredible and regardless of whether their statements are true or false, are ‘ineffective’ dissimulators. Tiberius is an ineffective dissimulator and as a result, truth is left open to contestation. The problem in Tiberian Rome becomes not symbolic collapse or a ‘world of ruin’ as Velleius had momentarily hypothesised, but a multiplicity of symbolic systems.

⁶⁶ Schiesaro (2003:114).

2.2 Accessing Augustan Sovereignty

We should avoid the direct question of what sovereignty is, and instead ask *how* it has been spoken of.⁶⁷

The core meaning of sovereignty has generally been understood as supreme authority within a territory, but the concept remains widely disputed. Noting the controversy surrounding the term (a controversy which has emerged due mainly to questions concerning sovereign legitimacy), Gens Bartelson pushes us to ask not what sovereignty is but '*how* it has been spoken of'.⁶⁸ In my view, there is something peculiar about the way in which Tiberius (and/or Tacitus) speaks about sovereignty. For Tiberius, supreme power represents a burden and, as discussed above, that power retains an intricate, personal and mental, connection to Augustus. The nature of Augustan sovereignty is clearly an issue of debate in Tacitus, as can be seen from his account of the rumours which circulated on the day of Augustus' funeral. But, even in the new reign, Tacitus pushes us to reflect back on the Augustan regime: how did Augustus achieve peace and what is the precise nature of the 'burden' to which Tiberius refers?

In what follows, through a comparative analysis of Augustan and Tiberian sovereignty as presented in the prologue and the accession chapters, I shall examine in further detail how Tacitus writes about sovereignty. With reference to Flaig's notion of the 'acceptance-system' and Foucault's notion of biopolitics, my aim is to show that in Tacitus it is specifically the process of *regendi cuncta* (truth included) which guarantees peace. In this perspective, we may come to see that the question of

⁶⁷ Bartelson (1995:4).

⁶⁸ Controversies have also arisen in locating the original mark or sign of the sovereign authority. Further difficulties arise from questions such as: 1) why sovereignty came into existence (for the maintenance of national peace after an emergency such as civil war) and 2) how sovereignty functions thereafter (through brute force or the popular will). Given these questions one can see why the nature of Augustan sovereignty is widely disputed in modern accounts. Yet in terms of ancient perceptions, it is Tacitus who seems most aware of such controversies given his account of public rumours on the funeral of Augustus which put forth the two potential sides to the genesis, the legitimacy and the function of Augustus' powers (1.8-9). On the concept of sovereignty see further Skinner's recent genealogy of the sovereign state (2011).

legitimacy (that which always haunts the analysis of sovereignty) is not reduced by Tacitus to legality, nor acceptance, but centres instead on pleasure and truth.

Acceptance Systems

We have to classify the Principate as a specific “system of acceptance”...the emperor’s position was not based on legitimacy but rather on acceptance.⁶⁹

Since the publication of Mommsen’s history, it has been noted by numerous scholars that constitutional theorising alone cannot explain the imperial position.⁷⁰ Egon Flaig has recently argued that the ‘legitimacy’ of the emperor’s position was not sealed through a coherent system of constitutional law but depended instead on the practice of various consensus-rituals such as imperial gift exchange. As an example, and in the case of the army, Flaig argues that donatives were not bribes but ‘symbols of the emperor-soldier relationship’ and if such a relationship deteriorated the emperor ‘could lose his position.’⁷¹ From this perspective, Flaig argues against Mommsen’s view that there has probably never been a regime as wholly devoid of legitimacy as the Augustan

⁶⁹ Flaig (2011:77).

⁷⁰ Mommsen’s analysis of the role of the emperor and the governance of the empire was centred on the principles of constitutional law. According to Mommsen, as far as its legal constitution was concerned, the Principate cannot be described as a monarchy. Rather, Mommsen uses the term “Dyarchia”, a form of government based on the co-rule of the emperor and the senate, to describe the Principate. Following this, Mommsen argues that the sole rule of the emperor was mitigated and the position of *princeps* was traditionalised by linking them to an elected magisterial office by the senate, which subsequently legalised it. It is the senate who allow the emperor’s dispensation from the laws, thus attesting its sovereignty. Whilst Mommsen’s concept of dyarchia remains useful since it allows some scope for understanding the dual and paradoxical nature of the Principate, it has received a great deal of criticism because scholars have since noted that the nature of the Principate cannot be adequately analysed from a constitutional perspective. For re-evaluations of Mommsen see Linderski (1993:42-53), Winterling (2009:123-40) and also Brunt (1984:423-431) on the role of the senate in the regimes of Augustus and Tiberius. See also Mousourakis (2007:83-94/107-109). For Mousourakis: ‘the powers Augustus was invested with were conferred upon him through means compatible with republican precedents and therefore ‘the republic itself still functioned.’ (2007:83ff.). Winterling shows that the emperor was neither absolved from the laws (*legibus solutus*) nor able to absolve himself of them (2009:133). See also Wallace-Hadrill (1982) on the ambiguous civil status of the *princeps*.

⁷¹ Flaig (2011:79). Such relationships or rituals of consensus can also be traced between the emperor and elite. As Flaig says, since the emperor exercised power already before it was ‘transferred’ by a decree of the senate and a law of the people, the eventual acts of transfer were consensual acts, celebrated within specific rituals of consensus. Cf. Lobur (2008:29ff.) on consensus as ‘the founding principle of the Roman Principate.’

Principate. For Flaig, following Weber's conceptualisation of legitimacy as acceptance, the Augustan principate was legitimate in the highest degree.⁷²

The relationship which Flaig describes is precisely one of performance, and from this perspective we may begin to understand how Roman imperial sovereignty worked through measures and techniques that were beyond the legal system. As Flaig rightly notes, the emperor's position did not rest on legal authority but on acceptance. However, before conceptualising the Principate as an 'acceptance-system' we must question why and how that acceptance is achieved.

Tacitus' conception of the beginning of absolute sovereignty and the various relationships which were generated upon the foundation of the Principate can provide us with some answers. In the Tacitean account a similar type of sovereignty to the one Flaig describes above is constructed. In the prologue, Tacitus evidently surveys Augustan history for what in its politics eludes the juridical model of sovereignty (i.e. one based on statutes and constitutions). It is evident that there is no subordination of the *princeps* to the law (rather Augustus was the law) which means that the law itself becomes secondary to political power (rather than that which organises and authorises political power). As a result something other than law must 'legitimise' the position of the sovereign, as well as seal the numerous networks of relationships performed throughout the social body. Again, in Tacitus' prologue, this non-juridical factor is made clear: as Tacitus summarises – Augustus seduced the army with gifts, the people with cheap grain and everyone with the sweetness of *otium*.⁷³

This particular type of sovereignty, which we may describe as resting in a network of two-way relationships throughout the social body, and which garners legitimacy through means which are independent of a legal system, is comparable with Foucauldian biopolitics. Biopolitics was analysed by Foucault through tracing the shift from a 'classical' system of sovereign government as that which produced laws and rules to a system of governance which produced norms and systems. In the classical model (pre-nineteenth century) Foucault claims that the basic attribute of the sovereign was the right of life and death, that is, the sovereign through his supreme power has the

⁷² Flaig (2011:77-78).

⁷³ Cf. *RG* 15, which documents the distribution of cash and corn 6 times between 29 and 2 BC.

right to either put people to death or let them live.⁷⁴ Given this, Foucault argues that ‘the lives and deaths of subjects become rights only as a result of the will of the sovereign.’⁷⁵ But, as Foucault goes on to explain, the right of life and death is exercised in an unbalanced way because the sovereign cannot ‘grant life’ like he can inflict death. Rather, the sovereign’s power over life is made manifest when he takes life away: subsequently, ‘the very essence of the right of life and death is actually the right to kill.’⁷⁶

At the turn of the nineteenth century Foucault posits a shift: ‘whilst sovereignty’s old right to take life or let live was not replaced, a new right emerged which permeated and penetrated the old: this is the right, or rather precisely the opposite right...it is the power to “make” live and “let” die.’⁷⁷ Put in another way, the contrast between these two systems of power (‘classical sovereignty’ on one hand and ‘biopolitical sovereignty’ on the other), is between the exercise of sovereignty for the right to kill and the exercise of sovereignty for ‘the regularization of life’.⁷⁸ The regularization of life is achieved through a particular power technique which seeks to ‘improve life’ (*majorer la vie*) by ‘establishing a sort of homeostasis through achieving an overall equilibrium that protects the security of the whole from internal dangers.’⁷⁹

⁷⁴ For Foucault, this right ‘derived no doubt from the ancient *patria potestas* that granted the father of the Roman family the right to “dispose” of the life of his children and his slaves; just as he had given them life, so he could take it away.’ (1998:135).

⁷⁵ Foucault (2004:240).

⁷⁶ *Ibid.* In a Roman context, this particular right may be read alongside the *ius necis vitaeque civium*, which in Tacitus is symbolised by Vitellius’ *pugio*, since when it was surrendered to Caecilius Simplex, so too, as Tacitus states, was the emperor’s ‘right of life and death over citizens’; *Hist.*3.68. (Cf. *OLD* s.v. *ius* 10, 11).

⁷⁷ *Ibid.* (241). This right is also expressed as ‘make life or disallow it to the point of death’ (*faire vivre ou de rejeter dans la mort* [1976:181]).

⁷⁸ *Ibid.* (249).

⁷⁹ *Ibid.* Foucault outlines biopower’s essential function at (2004:254) which is ‘to improve life, to prolong its duration, to improve its chances, to avoid accidents, and to compensate for failings’ (*il s’agit essentiellement de majorer la vie, d’en prolonger la durée, d’en multiplier les chances, d’en détourner les accidents, ou bien d’en compenser les déficits*’, [1997:226]. Another definition can be found at Foucault (1998:139) where Foucault states that the highest function of biopower is to ‘invest life through and through’. What is notable, especially in terms of how we may differentiate between biopower and disciplinary power, is that the latter is not explained in terms of positive or improving effects. Rather, discipline works to manage or to regulate (the verb Foucault often uses is ‘*gérer*’, meaning ‘to administer’, specifically the interests or affairs of another, or those of a society or collectivity (*LGR* s.v.)). Macey thus translates the French ‘*majorer*’ as ‘to improve’ but in a Foucauldian context, the term should also take on its base meaning ‘to increase’, thus ‘to increase life’ or ‘*multiplier la vie/laire vivre*’ [1976:180-1].

From this perspective, where the role of the sovereign is not simply to decide life and death, Foucault argued that power is transformed from a coercive machine (one which defines normal and deviant behaviour through the force of law) to an apparatus of control and self-government which operated ‘throughout and from within the fabric of social reality.’ Biopolitical sovereignty is a form of power which is beyond the juridico-legal sphere, becoming manifest at the moment when political power gains a ‘hold over life’.⁸⁰

Though Foucault described biopolitical sovereignty as a specific condition of modernity, the theoretical framework above provides a neat model for Augustan sovereignty post-Actium, which can be explained through a biopolitical framework on two accounts: 1) through the focus on the circulation of republican ‘norms’ rather than or as well as republican laws; and 2) through the establishment of ‘homeostasis’ (i.e. the maintenance of equilibrium within a social group obtained after conflicts have been reduced) – both of which contributed to ‘the improvement and regularization of life’ under the Augustan age.

Tacitus’ conception of the foundation of the principate is also biopolitical but it should be evident that there is a crucial difference. Though the end effect of homeostasis is the same; as mentioned above, the means through which this homeostasis was achieved are different. According to Tacitus, rather than republican norms, Augustus achieved equilibrium through his all-absorbing executive *imperium* and furthermore, gifts, grain and leisure. When *otium* is introduced into the realm of the socio-political as a supplement to the erosion of the *mos*, this is where one can trace the precise merging of life and politics, where power gains a ‘hold over life.’ This is because the state of *otium*, that is, a state of life which is a withdrawn form of political existence (or a state of inactivity), is the ideal state for the effective penetration of biopower, a power which targets the body as its object for the sole purpose of making it ‘docile’ – happy and well-fed but also useful and obedient (useful because it is obedient).⁸¹

⁸⁰ Foucault (2004:254-5).

⁸¹ ‘Docility’ is a central concept in Foucault, since it is the desired ends of disciplinary mechanisms, those mechanisms which seek to make the body more obedient as it becomes more useful: ‘discipline

Tacitean biopolitics can thus develop our understanding of the Principate beyond a legal frame; but also beyond the notion of ‘acceptance’ or as an ‘acceptance system’ which in my view is a simplification of how power relations under the Principate work.⁸² Consent is always involved in a political system, and as discussed above, even consent to falsity.⁸³ We cannot therefore, as a conclusion, conceptualise the Principate as a system of acceptance without questioning how (by what power) the ‘fabric of social reality’ is organised in such a way so as to gain that acceptance and moreover what the implications of such accepting systems are. In the Tacitean account, the alteration of the fabric of social reality can be read in terms of its infusion with leisure and Augustus’ powers are sealed through processes of seduction and a sort of osmosis or absorption (rather than brute force). This allows us to hypothesise that Augustus’ paradoxical position in the state (republican *princeps*) and any confusion it introduced (*libertas* and Principate) was ‘legitimised’ because from it flowed the maintenance of life to a positive effect (that is, the biopolitical improvement of life through the Tacitean ‘sweetness of leisure’). Thus, whilst the Tacitean narrative does reveal the elite erosion of *mores* it is evident that Tacitus does not locate any sense of ‘crisis’ in the Principate (of Augustus). Tacitus’ conception of the beginning of imperial time is not, on the surface level, analogous with the onset of oppression. Rather, regulation of life stems from the definitive, defining and exemplary position of the sovereign (‘all eyes looked to Augustus...’) whose health in many ways reflects and orders the health of the body-politic (nobody had any worries so long as Augustus retained his strength and his health; 1.4.1).

Tacitus’ preliminary construction of Augustan sovereignty can help us to understand some of the complexities surrounding the imperial position, in particular, the nature of the burden which was imposed on Tiberius in AD 14. Power, in the Foucauldian sense, is something which emerges in the interstices of human relations. It

produces subjected and practised bodies, ‘docile bodies’. Discipline increases the forces of the body (in economic terms of utility) and diminishes these same forces (in political terms of obedience).’ (1995:138).

⁸² Equally, theories on exceptionality cannot adequately explain why extra-legal powers are often consented to even after emergency ends, as is the case here.

⁸³ Cf. Arendt: ‘not even the most autocratic ruler or tyrant could ever rise to power, let alone keep it, without the support of those who are like minded.’ (2006:233).

is distinguishable from *imperium* and any form of authority conferred onto an individual by law or heritage because it is not a concrete form of authority which is possessed by the sovereign. Rather, power for Foucault is a productive ritual, and not a ritual of consensus or gift exchange, but specifically ‘a ritual of truth’ (and knowledge exchange) which is exercised throughout the social realm and participated in by all.⁸⁴ In short, Foucauldian power does not refer to a type of power that affirms the binary between legal and illegal (a binary which would be affirmed through a constitution), but one which affirms the binary between true and false, the acceptable and unacceptable.⁸⁵ However, Tacitus allows us to see a connection between these two forms of power. What Foucault misses is the possibility of the *sovereign’s grip* on discursive power (that is, on those rules and power structures which define truth and its conditions of possibility), and it is this very relation between sovereignty and truth that Tacitus grounds (or rather de-grounds) in the accession chapters. The problem is that Tiberius, due to his *obscura verba* and incredibility, cannot affirm the ritual of truth/knowledge exchange.

Thus, Tacitus’ writing of sovereign power in terms of ambiguity and lack of credibility (as opposed to illegality) allows us to draw a connection between forms of power which must, for Foucault, be seen as distinct. In a Roman context, we cannot overlook the fact that the emperor was empowered with a higher authority (the threat of death was at his disposal and bare life is always potential in a sovereign system). Yet, Tacitus takes this further by implying that the emperor was (or was to be) charged, also, with a certain status, one which spoke truth. With an *imperium* that determines truth, sovereignty merges with discursive power because the stating of that truth provides a regime of truth with legitimacy, and a societal acceptance that brings with it power. That power will then reinforce the sovereignty of the emperor and the emperor’s sovereignty will reinforce the regime of truth.

Such a framework, one which establishes social order in terms of a connection between sovereignty and truth (and power) rather than sovereignty and law (and *imperium*) allows us to advance an understanding of the principate beyond notions of

⁸⁴ Cf. Foucault (1995:194) and above p.63, n.1.

⁸⁵ See above p.67, n. 14.

(legal) legitimacy and acceptance. It also explains the contradiction which Tacitus writes into the accession chapters: why did the debate take place if Tiberius was already exercising *tribunicia potestas* (one of the ‘prime features of the Principate’, as Syme notes⁸⁶)? In my view, this contradiction allows Tacitus to make the crucial point, that if the debate arises despite Tiberius’ exercise of *imperium* and tribunician power, then surely this suggests that such powers indeed were *not* the prime features of the Principate. This leads me to conclude that the *princeps*’ sovereignty did not work through such legally authorised powers alone nor rituals of consensus. Rather, the Tacitean interpretation suggests that the power of the *princeps* was sealed through a different system of legitimacy: rather than discerning what is legal and what is not in a constitutional sense, law is to be decided in a discursive sense. In other words, the achievement of homeostasis in the Tacitean account, which characterises his perception of the establishment of the principate, depends upon the sovereign ability to decide what is true.

Conclusion: Politics without Truth

It was not until the peaceful and smooth transfer of power to Tiberius – who could not, like Augustus, convincingly presume upon an *auctoritas* that had accrued to him as saviour in time of need – that people’s eyes were opened to the existence, behind the facade of the Grey Eminence, of a new system of government not linked with a particular person.⁸⁷

The period of civil wars leading up to Actium can be described as an emergency situation, during which exceptional (legalised illegal) measures were taken to secure social order. This exceptional time lent Augustus’ supreme position in the state thereafter a messianic quality because he had brought war to an end and set everything in order. In this way, the law-breaking (and law-making) violence of the 30s and the subsequent genesis of a new system of government in 28 and 27 were ‘accepted’ on the

⁸⁶ Syme (1958:410)

⁸⁷ Eder (1993:73).

basis that they were constructed as exceptional means which maintained rather than replaced or destroyed the old republican order. That exceptionality was embodied in the emperor and associated with the person of Augustus because, as Eder rightly notes, Augustus was ‘the saviour in time of need’.

However, it is difficult to argue for the significance of AD 14 – both as a moment in history and as the start date of Tacitus’ *Annales* – as the moment when people suddenly realised that they were living under a monarchy, as Eder suggests above. The question of when ‘people’s eyes were opened’ remains debatable; and in the Tacitean account, so does the question of whether they were ever ‘closed’. The emphasis in Tacitus’ narrative is on *imperium* and *servitium* into which the elite (with eyes open) rush and even desire. Given this, the Tacitean narrative opposes the concealed to revealed moment to which Eder refers and locates to AD 14 since it would appear that nothing had thus far been concealed.⁸⁸

Many readers have overlooked a fundamental feature of the beginning of the *Annales* (and Tacitean historiography). According to Tacitus, power concentrated in the hands of an individual enables peace. Whilst the *Annales* begins by denying any notion of ‘*res publica restituta*’ in Augustus’ receipt of ‘all things’ in the name of prince, Tacitus does not associate this with an immediate crisis in the legal, political nor discursive structure of Roman imperial society. Subsequently, if peace and order are written *through* sovereignty (instead of some form of restoration or traditional republican *auctoritas*) the narrative resists any analysis which seeks to posit a connection between sovereignty and crisis, Principate and ‘collapse’. Rather, it is precisely Augustus’ sovereignty which acts as a (temporary) supplement to the loss of tradition and the erosion of *mores* and *leges*, and which can then maintain the paradox of Roman sovereignty embodied in his own person.

It is at this point that one wonders whether, when analysing Tacitus’ writing of the principate as a ‘critique’ of absolute power or tyranny that we have mistakenly

⁸⁸ Cf. Millar (1973:61ff.) on the extra-legal similarities between the triumviral period and the Principate. Millar argues that contemporaries saw the triumviral period for all the violence and criminality it was: ‘The victory of Actium, the death of Antonius and the stabilization of affairs in Rome all marked steps towards, not away from, the establishment of a monarchy; and no good evidence suggests that anybody at the time claimed, or supposed, otherwise.’ (67).

presupposed a logic from which Tacitus himself does not write. This logic, one which arranges sovereignty as a problem (because it endangers liberty and problematises democracy) and which subsequently reads supreme power as something which is or needs to be concealed (pace Eder, above) in order to effectively manage the secret or hidden subordination of subjects, is precisely not one which orders the Tacitean analysis.⁸⁹ This is not to say that Tacitus condones absolute sovereignty (that is, that Tacitus is ‘for’ rather than ‘against’ the monarchy) since that is a different argument and in any case beside the point, but rather that Tacitus speaks about sovereignty in a different way, which by extension, implies a different foundation to his political thought.⁹⁰ Tacitus is, of course, troubled by the techniques of imperial power and in particular the ways in which it renders *libertas* as seeming or imaginary rather than real (*simulacra libertatis*; 1.73.2, *libertatis imagine*; 1.81.4). However, that which renders freedom, as well as peace and virtue unreal is not the emperor and his arbitrary power (*dominatio*), but it is due to the active agents in society, who rushing into servitude, continue to create and empower the sovereign. It is, then, the senators themselves who are responsible for ‘dying freedom’ (*moriens libertas*; *Ann.* 1.74).

To return to Flaig’s notion of acceptance, then, one should note that individuals are not only accepting but they are ready and *rushing* into servitude. Indeed, in the prologue it is Augustus who ‘accepts’ all things which further implies the people’s wilful subjugation to his authority.⁹¹ In this perspective, Tacitus alludes to the

⁸⁹ This understanding of sovereignty as deceptive or concealing is also fundamentally Foucauldian, in fact, it is a supposition which enables Foucault’s theory of disciplinary power. For Foucault, the ‘democratization of sovereignty’ was enabled because the mechanism of discipline which sovereignty is in nature was concealed by imposing upon it a system of rights and a juridical code: ‘once disciplinary constraints had to both function as mechanisms of domination and be concealed to the extent that they were the mode in which power was exercised, the theory of sovereignty had to find expression in the juridical apparatus and had to be reactivated or complemented by juridical codes’ (2004:37).

⁹⁰ Cf. Bartelson (1995:4) – The reason Bartelson pushes the reader to ask how people speak about sovereignty is because he believes that the writing of sovereignty is linked with the ‘unthought foundation of political knowledge’.

⁹¹ We can see from this the extent of Tacitus’ influence on Hobbes’ notion of the sovereignty of the Leviathan state. For Hobbes, it is the unity of the multitude submitting ‘their Wills’ to one power that will ensure a ‘nourished’ and ‘contented’ life, as well as peace at home and safety from foreign enemies (1998:120-121) and despite his centralised role and power, the will of the sovereign can only be the will of the people because it is the people who authorise the sovereign’s authority (‘by this Authoritie, given him by every particular man in the Common-Wealth, he hath the use of so much Power and Strength conferred on him, that by terror thereof, he is inabled to conforme [or ‘performe’] the wills of them all’, 1998:120). For Hobbes, it is the erection of a Common Power that will ‘keep [men] in awe’ (1998:120)

fundamentally *political* nature of servitude, a further tragic paradox, because it is *servitium* (a paradoxical expression of “free will”) that empowers the sovereign and whatever system of laws, rights, truths he puts into circulation. In such a context, *servitium* is not politically inconsequential, rather, *servitium* is a fundamentally and crucially political act because it guarantees the sovereign state and promises security in the present as opposed to the dangers of the past. But that *servitium* must be accepted by the sovereign (and so, the ‘acceptance system’ must also be assessed from the sovereign’s perspective). The problem is that Tiberius does not accept ‘all things’ in the name of *princeps*.

With such an understanding of sovereignty, the crisis at AD 14 emerges as something quite different. There is a crisis upon the death of Augustus, but it is aside the issue of whether Tiberius can replace a republican order or continue to ‘conceal’ its opposite; nor is crisis linked to the proper constitution or sudden ‘revelation’ of a monarchy behind a republican façade on his accession. Rather, the alternative crisis in AD 14 stems from the death of the exceptional monarch and that Tiberius, paradoxically, was set to access an exceptional status.⁹² The question which becomes the focal point of the Tiberian narrative is whether Tiberius can restore *Augustus’* Republic, and in so doing restore the network of biopolitical relationships throughout the social realm in order to maintain the essential relationships between sovereignty and peace, sovereignty and truth.

But when the authority figure cannot assert truth in the political sphere, it creates a void in the knowledge of how one should behave and when people lose track of how to behave there emerges violence – this is precisely what happens in the Tiberian narrative. Tiberius’ non-sovereignty leads to the commencement of war that was suspended in Augustus’ (temporary) solution. Subsequently, AD 14 is not the moment when the Grey Eminence behind the republican facade of a system not linked

and 117). Again, in Tacitus this point is made by the active rushing into servitude, which authorises and continues to empower the emperor’s supremacy (a supremacy which is thus a reflection of the people’s will or agency). For a discussion of Hobbes’ use of Tacitus’ *Annales* in his *Three Discourses* (which can be found at Hobbes, 1995:31-70) and *Leviathan* see Martinich (1999:45ff.).

⁹² An exception, logically speaking, cannot follow an exception because that would undermine its essential exceptional status. Rather, what the renewal of an exception achieves is normalisation. In the normalisation of the exception, the fundamental paradox is constituted which allows us to see that the root of legitimate constituent power is (always) illegitimate exceptional power. Cf. Benjamin (1968:257).

with a particular person is suddenly revealed. Rather, if we are to understand what sort of shift takes place at AD 14 and why Tacitus chose to begin the *narratio* at this point, we need to note that in the Tacitean narrative, it would appear that the new system of government *was* linked to a particular person. But that person is now dead.

CHAPTER 3

SPACES OF CONFLICT: VIOLENCE AND DEMOCRACY IN THE INTERREGNUM

Rather than assuming a sharp break between war and peace, it may be more productive to suppose that conflict is ever-present, that conflict is shaped at a variety of levels by various groups who create and manipulate it for various reasons, and that conflict in peacetime is in many ways a modification of conflict in wartime.¹

Keen's conception of conflict as 'ever-present' changes perspectives for Roman historians. Rather than worry about the long period of peace in which there were no wars and few conspiracies we can see the years spanning the inter-civil war period (31 BC-AD 69) as a period during which civil conflicts were frequent. We may suppose, as Keen suggests, that conflict never ended, but manifested itself 'at a variety of levels and by various groups' in a continuous cycle of emergence, suspension and re-emergence. As such, though our sources suggest that there were times during which the distinction between war and peace was prominent, it may be more productive to suppose that such a distinction remained fragile, perhaps even illusory.²

The opening of the *Annales* locates a chronology of war (emergent conflict) and peace (suspended conflict) in the years surrounding the establishment of the Principate. There was a period of *discordia* (before 31 BC) followed by a period of *pax* (28/27 BC – AD 14).³ But on the death of Augustus, Tacitus reminds us that a civil weakness began to emerge again.

Two mutinies occurred in AD 14. Once the news of Augustus' death was communicated and an official period of mourning declared, the soldiers on the Danube

¹ Keen (2003:1).

² Notable here is Tacitus' Percennius' binary which (asserted from a military viewpoint) is not war and peace but *bellum atrox* (terrible war) and *sterilis pax* (barren peace); *Ann.*1.17.

³ Or rather *otium* (1.2.1). But elsewhere it is *pax* e.g. *Ann.* 1.1.3, *Ann.*3.28, *Hist.*1.1, *Ag.*1.3. Part of the problem in asserting a binary between war and peace in Tacitus is due to the fact that after 27/28, *pax* (peace) is conflated with *otium* (leisure). Although many scholars read these terms synonymously, there is plenty of evidence which suggests that *pax* and *otium* were not synonymous. See for e.g. *Quint.Decl.*19.9; *Gell.*19.10.12; *Plin.Pan.*82.8-9; *Sen.Ep.*72.7 (on the dangers of leisure) and *Plin.Ep.*9.3.2; *Cic.Agr.*2.9 and *Mart.*5.20 (on leisure and pleasure).

and Rhine rebelled against their commanders for the purpose of service reform. This outbreak of violence during the uncertain period of the interregnum is given due attention by Tacitus. After Tiberius has formally accepted the throne, Tacitus moves to a description of events in Pannonia (1.16-1.30) and next to a long description of events in Germany (1.31-1.49), where the soldiers, more violent than those in Pannonia, attack not only their centurions but even Germanicus himself. In Tacitus' words, it was a scene different to that of all other civil wars.⁴

Following Keen's paradigm, Tacitus' writing of Pannonia and Germany may be read as spaces in which civil conflict continued to be even after Augustus had brought an end to such conflicts. Such a view is expressed in Ellen O'Gorman's claim that the narrative of the *Annales* sees 'the collapse of the boundary between Principate and civil war' even though the return of civil war proper did not happen until 68.⁵ Yet, the conflict of the mutinies must also be considered from a temporal perspective because it is precisely during the interregnum (a period characterised by an absence of the sovereign's power) that the soldiers' violence emerges and enacts the revolutionary potential of the civil wars.⁶ Following Keen, we may read this conflict emergence as that which was previously suspended under the *pax Augusta* rather than something which is more generally connected to the Principate as a whole.

However, following Tacitus' own interpretation that the violence of the mutinies was different to that of any other civil war, there are further reasons to distinguish the violence of the interregnum from other types of civil conflict. Firstly, though the new enemies of the state are Roman citizens they are not members of the elite battling for supreme power. Rather, this is a group of men from a lower order of society acting in agreement to disagree with a higher order (almost like an urban

⁴ *Ann.*1.49.1: *Diversa omnium, quae unquam accidere, civilium armorum facies.*

⁵ In O'Gorman's view '[the Principate] manifests the very same destructive elements of disorder within its regime' which 'entails, most importantly, the collapse of the boundary between Principate and civil war.' Subsequently rather than *imperium sine fine*, it becomes, in the Tacitean account, 'empire without definition.' (2000:23). Keitel (1984) also discusses the connections between Principate and civil war in Tacitus. See also Sailor (2008:190-1) 'In *Annals* civil war itself becomes a way of talking not about civil war but about the Principate, and the Principate thereby looks from time to time like permanent, institutionalised civil conflict' (190).

⁶ Tacitus' description of the period before Augustus and his peace, as one of *non mos, non ius* (*Ann.*3.28) is similar to his description of events during the interregnum/*iustitium*.

conspiracy). As a result of this, the natural hierarchy is disrupted by those who previously had no place to speak and be heard within the existing distribution of places and roles. Put differently, the violence enacted here must be distinguished from other acts of *violentia* on the basis that it is a mutiny (*seditio*). This is because the *violentia* of *seditio* (rebellion, insurrection, sedition) is a type of violence which 1) challenges notions of authoritative stability and *constantia* (harmony, constancy) and 2) is enacted to ‘offend against a norm.’⁷ In this case, the soldiers’ rebellious violence offends or disrupts the normal distribution of role and place within the hierarchies of the military order because they become *insubordinate* to their commanders. Sedition in this case, then, cancels the suppositions of inequality upon which the hierarchical structures of the military ranking system functioned because the soldiers act beyond their designated subordinate roles and enact momentarily a status of equality. This cancellation causes a rupture in the established social order, from which as Jacques Rancière would argue, there emerges a democratic moment.⁸

Rancière’s conception of democratic politics refers to a type of political activity, namely a conflict or ‘clash’ between two social orders, which challenges the naturalness of a place. The democratic moment is an ‘interruptive’ moment during which the structural positions supposed to be occupied within a given hierarchy are transgressed. In this transgression, that which was previously made invisible (a wrong) is made visible.⁹ For Rancière, this wrong amounts to the inherent inequality of certain economies and the modes of domination inflicted by them. But in the moment of democratic politics, when individuals act beyond their subordinate positions, ‘the ultimate equality [*l’égalité dernière*] on which society rests is made real’.¹⁰

Leaving aside the issue of ‘making real the ultimate equality of society’¹¹ there is value to reading Tacitus’ writing of *seditio* from the perspective of Rancière’s notion

⁷ Honderich (1973:167).

⁸ Rancière (1999:28ff, 101ff. and passim).

⁹ *Ibid* (101ff.).

¹⁰ *Ibid* (16).

¹¹ Political conflict exists precisely because it has the power to override the ethical notion of ‘ultimate equality’ (or the ‘presupposition of equality’). If we were to approach politics from the perspective of the ethical notion that everyone is equal, this would not help us to understand social relations, which regardless of ethics remain ordered around modes of subordination and hierarchy (suppositions of inequality).

of democracy, which does not refer to a form of government characterised by an equality of rights and status, but rather, to a temporary activity of ‘interruption’.¹² The violence of the mutinies is an interruptive moment. The surplus of soldierly power creates a space to speak and be heard where previously there was no such place. The wrongs the soldiers seek to make visible, the extremity of army discipline, interrupts the authority of the centurions who ordinarily impose it. It is also notable that there are egalitarian motivations behind the soldiers’ insubordination (increased pay, better living conditions, better government). This means that the effects the soldiers intend are directed to promote some kind of progress towards equality, that the current system becomes a fuller realisation of democracy in its treatment of the legions.¹³ Yet, it must be stressed that the activity of interruption to which Rancière’s conception of democracy refers is limited because once that activity ceases and ‘order’ is restored, the symbolic violence upon which the well-run regime rests is reinforced.¹⁴ In such a context, the soldiers do not emerge victorious nor do they achieve ultimate liberation from the centurion’s command; rather, and tragically, their violence creates a more dreadful foundation upon which to build further violence and inequality (hence, in the end the soldiers demands were disregarded).¹⁵

We may also read Tacitus’ writing of the mutinies as ‘democratic’. This is because Tacitus’ inclusion of the mutinies, particularly his attention to the details of the soldiers’ grievances which are not only represented through the disorder of *furor* but also through voices of *ratio* (reason), Tacitus’ own historiographical practice interrupts established historiographical practice, which often trivialises narratives of non-elite

¹² Emancipation (and democracy) for Rancière ‘is a process rather than a goal’ and ‘a break in the present rather than an ideal put in the future.’ (2005:292).

¹³ Violence is often condemned on the grounds that it is undemocratic but this violence cannot really be read in this way, which perhaps explains why there is no moral commentary from Tacitus in these episodes. Of course this is not to say that Tacitus approves of the soldiers’ violence but it should be noted that there is no expressed abhorrence on his part. Rather, abhorrence is expressed towards the counter-insurgents, the centurions and Germanicus, who made ‘mistakes’ (1.40.1 *peccata*) by setting good but illegal examples (e.g.1.38.1).

¹⁴ On symbolic or ‘soft’ violence see below p.110, n.26 and p.137, n.90.

¹⁵ Cf. Agamben (1998:121), quoted above pp.24-5.

violence or erases them altogether (making them invisible).¹⁶ From this perspective, Tacitus' writing of *sedition* represents an interruptive moment wherein other voices, values and truths can be heard. And unlike the violence of any other civil war and indeed that of other civil conflicts at Rome amongst the elite, the violence of the mutinies can be read as moments of 'democratic politics'.

The aim of this chapter is to analyse Tacitus' writing of *sedition* in order to explore further the relationship between violence and democracy. The focus will be on 1) the various motives for the soldiers' mutiny and 2) the various measures taken to end the mutinies. My view is that Tacitus' account of the mutinies reveals a paradox within the orders of the imperial episteme: Roman society was fiercely hierarchical and order depended on rigid structures and structural positions (assigned roles and places). But the narrative of the mutinies suggests that hierarchy was also a *locus* of everyday conflict due to the extent of *disciplina* and *labor* imposed onto the soldiers (modes of subordination). The establishing of hierarchy is then a mode of ordering structure, but it equally creates a space within which is compressed the potential for the dangerous and threatening emergence of democratic violence (acts of insubordination). But in the resolution of democratic violence, and the renewal of hierarchy which resolution sees, democratic potential is not terminated but merely suspended. Hierarchy is therefore the essential space of conflict, because even though it is paradoxically designed to prevent democratic operation (as it did under the *pax Augusta*), it nonetheless embeds the potential for the emergence of democratic revolution (which happens after the *pax Augusta*). Put simply, the disciplining structures of hierarchy which are designed to prevent violence have embedded within them the prospect of democratic violence/resurgence.

In the first section, I focus on the Pannonian mutiny and in particular the speech given to the chieftain Percennius who incites the soldiers to revolt through a damning commentary of Roman military life: 'soul and body reckoned at ten asses a day...we must be oppressed no longer under a standard' (1.17.4). There are two points I

¹⁶ See below discussion of Velleius' narration of the mutinies (p.111ff.). See also, in a different context, Trouillot's analysis of formulas of erasure and 'banalization' in Haitian historiography following the revolutions of 1791-1804 (1995: 83, 96-7, 102-104).

shall consider: 1) how Tacitus integrates Percennius and his discourse into his narrative and 2) how the inclusion of Percennius' discourse reflects on Tacitus' own historiographical practice.

Eric Auerbach published a commentary on Percennius in 1946 in which he criticised Tacitus' narrative (as well as the rhetorical traditions of antiquity in general) on the grounds that they posed constraints on the representation of everyday reality. The reason for this, according to Auerbach, is that elite documents cannot achieve a balanced picture of society and culture because ancient models for writing about everyday life (by which he means the life of the lower classes) were 'ahistoric' and elitist: 'If the literature of antiquity was unable to represent everyday life seriously, that is, in full appreciation of its problems and with an eye for its historical background; if it could represent it only in the low style, comically or at best idyllically, statically and ahistorically, the implication is that these things mark the limits not only of the realism of antiquity but of its historical consciousness as well.'¹⁷ For Auerbach, 'Percennius speaks, but he speaks Tacitean'.¹⁸ Whilst it is certain that Percennius is (and can only be) represented from within Tacitus' social imagination, Tacitus nonetheless chooses to include Percennius in his narrative. In this inclusion, which makes obvious the differences between soldier and senator, the Tacitean narrative allows us to trace the institution of another discourse where previously, as Rancière would argue, there was only 'noise' (*bruit*).¹⁹ The result is a multiplicity of voice which reflects or imagines the essential conflict of democratic politics, that is, the disagreement between two social orders and two world-views during which the minority come to represent the majority. By including the normatively nameless, I argue that the Tacitean narrative counters the homogeneous discourse of antiquity which Auerbach sought to criticise.

¹⁷ Auerbach (2003:39).

¹⁸ *Ibid* (33).

¹⁹ By 'noise' Rancière means the discourse of 'the part that has no part' (*le part sans-part*) or 'the poor'. When the part that has no part makes itself visible by acting beyond its designated role, its 'noise' is transformed into discourse, becoming intelligible (1999:29-30). This idea is neatly expressed in Tacitus' comment that when Germanicus approached the camp the soldiers' 'confused murmurs became audible' (*postquam vallum iniit dissoni questus audiri coepere*; 1.34.2). The institution of discourse where previously there was only noise can also be seen at *Ag.*30-31 when the colonial Calgacus is voiced. For a useful parallel, see Spentzou's reading of silence and the female voice in Ovid (2005:323ff.).

In the second section, I analyse Tacitus' writing of resolution in the German mutiny, questioning whether there is a correlation between Roman measures of conflict resolution (in particular the inculcation of military discipline) and the ever-presence of conflict. The additional significance of the mutiny episodes is that they provide the first proper introduction to Germanicus. Whilst Germanicus does act historically by employing traditional forms of Roman conflict resolution (stating the importance of *disciplina militaris*, trying to convince the crowd to end their mutiny through patriotic speech, gestures of *pietas*, references to the victories of the past and the importance of *moderatio*) such measures do not end the insurgency but only incite it further.

Roman techniques of resolution during the imperial period were largely framed by references to the past and it was believed that following the conduct of exemplary Romans could prevent violence and frenzied behaviour in situations of conflict. For many of the authors who discuss riots, the favoured remedy is a great man using persuasion through his rank or personal standing, either in person or with a letter from the emperor to convince the crowd to stop their destructive behaviour.²⁰ Such speeches (which may be read as historiographical examples of symbolic violence) are normally designed to instil a sense of discipline and pride in the rebels so to restore the importance of self-control and civil duty.²¹ Tacitus' narrative is not an exception to this pattern – but the key difference is that the pattern fails. In the end, Germanicus has no choice but to forge a letter in Tiberius' name which promises to grant the soldiers' requests. When forgery fails Germanicus bribes the soldiers. When bribery fails, he threatens massacre. As Tacitus later tells, such measures were ill-considered, dangerous and outrageous (1.78.2).

If hierarchy is rebuilt through deceit, bribery and murder then Tacitus raises the possibility of a certain weakness in the societal order. From this perspective, the ending of insurgency is not a resolution, but rather a re-suspension of the disorder of revolution through the development of explicitly false rhetoric and epistemic order, the disorder which Augustus had suspended through similarly excessive techniques of

²⁰ See for example Dio (69.1.8) who reports Hadrian's resolution of conflict in Alexandria with a letter rather than the sword. See further examples in Kelly (2007:161ff., n.51).

²¹ See for example Spurius Ligustinus' speech at Liv.42.34.

resolution after Actium (*cunctos dulcedine otii pellexit*). The ‘end’ of the mutinies is merely a resumption of the Augustan suspension.

In the concluding section I discuss the significance of Tacitus’ construction of *sedition* as democratic violence in terms of what it reveals about the condition of the space of empire as a whole. In his commentary on Book 1 of the *Annales*, F.R.D. Goodyear stated that no sufficient explanation of Tacitus’ treatment of the mutinies ‘can be based on the assumption that Tacitus considered the mutinies of special historical importance since he is so careful to disentangle them from political events at Rome.’²² I would, however, argue that the events in Rome and those in Pannonia and Germany are necessarily entangled, especially given Tacitus’ comments at 1.7.6-7, which explain the *hesitatio* of Tiberius in part due to his doubt about the situation in Germany, and Germanicus’ power among the legions.²³ Moreover, there is an obvious link between the imperial position being taken in Rome while the legions similarly offer it to Germanicus in Germany. Most importantly, Tacitus states at 1.36 that due to the soldiers’ insurgency the state was in ‘a critical situation’ (*in ancipiti res publica*), which explicitly implies how significant military mutiny was/could be.

Thus, military insurgency is a political event and certainly one of considerable importance in Tacitus’ narrative (witness also its dominance of the early text of the *Annales* and its role as the first event in which Germanicus features). Furthermore, military insurgency is a ‘democratic moment’ because the established hierarchical order is ruptured, leaving the state ‘in danger’. Yet, it is for this reason that Roman military democracy is in some tension with Rancière’s conception of democracy as ‘the power of those who have no specific qualification for ruling, except the fact of having no qualification.’²⁴ In a Roman context it is precisely not possible to claim that the legions, though subject to the imperial program, were not important political actors. Although they may have had no ‘specific qualification for ruling’ given their place in the official hierarchy, it is evident that they did have the power to make the ruler and that this power was endemic to the imperial system. While under the Principate

²² As quoted in Woodman (2006:303).

²³ *Ann.* 1.7.5: *causa praecipua ex formidine, ne Germanicus, in cuius manu tot legiones, immensa sociorum auxilia, mirus apud populum favor, habere imperium quam exspectare mallet.*

²⁴ Rancière (2004:305).

members of the elite were faced with considerable restrictions on the parts they played, which of course in Tacitus' narrative we read through his emphasis on the unrealness of their *libertas* (1.73.2, 1.81.4), the freedom or democratic powers of the legions (here expressed through their violence and speech) was neither unreal nor inconsequential. The participation of the army in the political process through *sedition*, *licentia* or *libertas* threatens the hierarchy that is established and secured through that very political process.

Subsequently, the significance of the democratic moment in Tacitus is not that it represents the moment when 'ultimate equality is made real' as Rancière would argue (in any case that equality is never unreal, it is a basic ethical principle that cannot be denied). Rather in order to understand and explain why conflict emerges (or why it is suspended) and how the democratic moment affects the making of politics, we need to question what affects the manifestation of equality; and what affects it is not the sudden realisation with which one subordinate presupposes his equality; but that he stops *performing* his role of inequality.²⁵

From this perspective, the significance of the democratic moment in Tacitus is that it represents the moment when the soldiers cease to perform their role of subordination or 'habit of submission' as Tacitus puts it (*morem obsequii*; *Ann.*1.19.2).²⁶ And in a Roman imperial military context, the historical significance of

²⁵ From an ethical perspective equality is always real, but to presuppose its reality from a political and economic perspective is not always practical. May, following Rancière argues: 'There is always a commitment to inequality: to believe that a given hierarchical police order is just or proper is to be committed, implicitly, to the inequality of speaking beings. It is to believe that the distribution of roles, which places some in the role of speaking for others, of ordering them, of exploiting them – in short, dominating them – is at least ethically permissible and indeed ethically proper' (2007:28). May's argument (which wrongly presupposes that all subordinates presuppose their own inequality) reveals the problem of conflating base ethics with politics. It is not plausible to state, in any context, that by committing to a police order is to believe that it is 'ethically proper' because this would imply that everyone (given that everyone is a part of the police order in varied roles) is committed to injustice and inequality, which is false. It is also noteworthy that movement beyond one's established place is not always about liberation from inequality but can be about survival (see further Dunn's critique of Hardt and Negri's assumption that nomadism is a liberating act (2004:154ff.)). The point, then, is that from a practical (often economic) standpoint, people will perform their subordinate roles until they reach a limit point. In Tacitus, the soldiers reach their limit point during the mutinies.

²⁶ The soldiers' habit of compliance is a precise manifestation of the workings of 'symbolic violence', which is violence that is 'exercised upon a social agent *with his or her complicity*.' (Bourdieu and Wacquant, 1992:167, my emphasis). The soldiers' failure to comply may then be read as acts which defy the systemic, 'symbolic violence' which underpins the disciplinary society as well as acts of mutiny against the physical violence inflicted by army commanders.

the moment when the soldiery performances involved with the suppositions of inequality upon which society functions momentarily cease is that it is potentially a moment of foundation (the beginning of a new beginning). As Tacitus' soldiers reminds us, the fate of Rome was in the their hands (1.31.5). In reality therefore, the army arguably played the most vital part, at least, securing the safety of the empire and at most, the capacity to make new emperors. The soldiers' democratic moment is when ultimate political power is made real.

3.1 Starting Mutiny: Percennius and the Power of Inclusion

Grievances and demands show where soldiers saw themselves and where they thought they should be; settlements show where they really stood.²⁷

In Pannonia three legions under command of Q. Iunius Blaesus mutinied after they received news of Augustus' death. These were VIII *Augusta*, IX *Hispana*, and XV *Apollinaris*.²⁸ When Tiberius was informed of the soldiers' rebellion, he sent his son Drusus with a distinguished staff and two battalions of the Guard to quell the uprising. Eventually, due to a lunar eclipse rather than any efficiency on Drusus' part, the mutiny came to an end.

Tacitus' initial description of the outbreak tells that there existed 'no new motives' for the soldiers' discordant behaviour except that the change of emperor created the opportunity to disturb and expose the profits afforded by civil war (*nullis novis causis nisi quod mutatus princeps licentiam turbarum et ex civili bello spem praemiorum ostendebat*; 1.16.2). Breebaart has extended Tacitus' comments to argue that 'the controlled chaos' automatically broke loose because the power structure at the top had been disrupted: 'only the vacuum of power, the breach in continuity, frees latent, but always present, destructive forces.'²⁹

²⁷ Rowe (2002:162).

²⁸ The last two had been in Illyricum for many years and according to Wilkes (1963:269) had probably fought under Tiberius in the earlier *Bellum Pannonicum* of 12-9 BC. VIII probably arrived from the Eastern Balkans during the war of AD 6-9.

²⁹ Breebaart (1987:64).

The breaking loose of this controlled chaos during the ‘breach in continuity’ (that is the gap between the death of Augustus and the accession of Tiberius) may also be described as an emergence of suspended conflict. This idea is implicit in Tacitus’ language because by implying that the causes were old (*nullis novis causas*), he further suggests that the destructive forces were always there (‘ever-present’), even before the interregnum but only in latent (controlled/suspended) form. However, with the death of Augustus a space to speak freely of terrible war (*bellum atrox*) and barren peace (*sterilis pax*) is created.

In what follows, I shall analyse in further detail Tacitus’ writing of the Pannonian mutiny in order to explore why Tacitus’ writing of *sedition* in this case can be read as democratic. I shall do this by paying particular attention to the way in which Tacitus describes the soldiers’ attempts to be seen and be heard.

Writing Insurgency: Tacitus and Velleius

There are five speakers in Tacitus’ narrative of the Pannonian mutiny: the Pannonian chieftain Percennius (insurgent), the commander of VIII *Hispana* Q. Laesus (counter-insurgent), private soldier Vibulenus (insurgent), Centurion J. Clemens (counter-insurgent) and Tiberius’ adopted son Drusus (counter-insurgent). Out of the five speakers, the speech of the insurgents (Percennius and Vibulenus) outweighs in terms of length and argumentation that of the counter-insurgents (Laesus, Clemens and Drusus). The conflict thus predominantly dramatises the perspective of the rebellious soldiers. The narrative is controlled by the rebels – first Percennius, next Vibulenus and then the group of insurgents as a whole.

After Laesus has declared the *iustitium* and normal duties are suspended, Tacitus introduces Percennius. Formerly the leader of a theatrical clique, Percennius we are told had bold speech (*procax lingua*), an actorish enthusiasm (*histrionalis stadium*) and was practiced in stirring up crowds (1.16.3). His speech to the troops is reported by Tacitus as follows:

*Postremo promptis iam et aliis seditionis ministris velut
contionabundus interrogabat cur paucis centurionibus*

paucioribus tribunis in modum servorum oboedirent. quando ausuros exposcere remedia, nisi novum et nutantem adhuc principem precibus vel armis adirent? satis per tot annos ignavia peccatum, quod tricena aut quadragena stipendia senes et plerique truncato ex vulneribus corpore tolerant. ne dimissis quidem finem esse militiae, sed apud vexillum tendentis alio vocabulo eosdem labores perferre. ac si quis tot casus vita superaverit, trahi adhuc diversas in terras ubi per nomen agrorum uligines paludum vel inculta montium accipiant. enimvero militiam ipsam gravem, infructuosam: denis in diem assibus animam et corpus aestimari: hinc vestem arma tentoria, hinc saevitiam centurionum et vacationes munerum redimi. at hercule verbera et vulnera, duram hiemem, exercitas aestates, bellum atrox: aut sterilem pacem sempiterna. nec aliud levamentum quam si certis sub legibus militia iniretur, ut singulos denarios mererent, sextus decimus stipendii annus finem adferret, ne ultra sub vexillis tenerentur, sed isdem in castris praemium pecunia solveretur. an praetorias cohortis, quae binos denarios acceperint, quae post sedecim annos penatibus suis reddantur, plus periculorum suscipere? (1.16.3-1.17.6)

With others ready to serve the rebellion his questions took on the form of a public meeting – why like slaves were they obedient to a few centurions and fewer tribunes? When would they ever be bold enough to demand relief, if they were not even going with arms or pleas to a new and still apprehensive *princeps*? Enough wrong had been done through the cowardice of so many years. Old men with bodies crippled by wounds were enduring thirty to forty years of service. Even dismissal did not see the end of their soldiering, but, pitched by a legion's standard they suffered the same hardships under another title. And any soldiers who may have survived so many risks would still be dragged off to remote and other regions only to be given soaked swamps or neglected mountain. Indeed, military service itself was oppressive and unprofitable; life and limb to be valued at ten asses a day; out of this, clothing, arms, tents, as well as the savagery of centurions and exemptions from duty have to be purchased. But indeed of floggings and wounds, of hard winters, wearisome summers, of terrible war, or barren peace, there was no end. Relief could only come if military life

was entered on under fixed conditions: they should earn each the pay of a denarius a day, and the sixteenth year terminating their service. They should be retained no longer under a standard, but in the same camp a reward in cash must be paid to them. Did the praetorian cohorts, who received two denarii each per day, and who after sixteen years are returned to their homes, really take on more dangers?

Before Tacitus gives the speech, he describes Percennius' style of speaking with the adjective *contionabundus* compounded from the term used for an official public speech or meeting (*contio*). This is worth noting because a different kind of parallel is created – one which places Percennius next to Roman officials holding office, rather than one which places him next to barbaric or primitive others. Although *contiones* often broke into violence in republican Rome,³⁰ the mutiny is introduced and set up within a political discursive frame (albeit a violent one), rather than the typical opening for a scene of military insurgency which would normally introduce and confine the rebels within a space of madness or frenzy.³¹

The speech itself is well-argued and structured: Percennius begins incitingly by pointing to the soldiers' *servitium* (servility) and lack of *audacia* (boldness) in order to question the limits of their tolerance. Next, he lists the harsh yet endured conditions of service: long campaigns, remote and unpleasant locations, physical labour, injuries, low pay, followed by retirement to unproductive land. Also included here is a general critique of military life which is described as unprofitable (*infructuosa*) and oppressive (*gravis*) under the 'savagery of centurions' (*saevitium centurionum*) who made soldiers with any spare cash suffer additional work so that they would purchase exemption (...*vacationes munerum redimi*). Finally, he proposes the remedy: service should be contracted to 16 years, with pay of a denarius a day, a cash payment made on termination in camp and no recall thereafter.

Another notable point is that the speech is indirect in form. These are Percennius' views but they are not expressed by Tacitus in the form of *oratio recta*.

³⁰ See Lintott (1999), and also Dio.36.24.3.

³¹ As does Velleius' account (2.125), discussed below.

The effect of this is that Tacitus' voice and Percennius' own is hybridised. This is not to say necessarily that Tacitus is expressing his own views through Percennius but that it is difficult to distinguish between Percennius' discourse and Tacitus' own. This further means that Tacitus cannot insert a critical tone or 'top-down' Romano-centric view because the narrative is written from the perspective of Percennius, even though it is in indirect form.

The point may be made clearer if we compare Velleius' account, which is written from his own perspective:

Quippe exercitus, qui in Germania militabat praesentisque Germanici imperio regebatur, simulque legiones, quae in Illyrico erant, rabie quadam et profunda confudendi omnia cupiditate novum ducem, novum statum, novam quaerebant rem publicam; quin etiam ausi sunt minari daturos se senatui, daturos principi leges; modum stipendii, finem militiae sibi ipsi constituere conati sunt. Processum etiam in arma ferrumque strictum est et paene in ultima gladiatorum erupit impunitas, defuitque, qui contra rem publicam duceret, non qui sequerentur. (2.125.1-3)

The army that was on campaign in Germany under the command of Germanicus, who was present there, and along with it the legions in Illyricum fell prey to some kind of madness and a profound desire to create general chaos. They were demanding a new commander, a new order of things, a new state. They even had the audacity to threaten to lay down the law to the senate, and to the emperor as well and they tried to establish their own level of pay and length of service. They went as far as taking up arms and sword and their impunity almost erupted into every extreme of murder. What was missing was someone to lead the men against the state, not those who would follow him.

Velleius describes both mutinies in the same chapter. There is an emphasis on the soldiers' madness and chaos. His outline of their motives includes a desire for a new leader, government and state, as well as new terms of pay and service. There is stress on the extremity of the soldiers' acts: they went *as far as* taking up arms and they were

bold enough to threaten the senate and emperor. Velleius' insurgents therefore commit themselves to all the acts which Percennius incites them. But the point is that Velleius' description of the events is critical in tone, partly because it is expressed purely from his perspective. This is not because Velleius is unsympathetic to their hardships but because he has made no reference to them. This insurgency emerges as unreasoned or unjustified because the reasons for the soldiers' *sedition* are excluded.

The lack of rationale is furthered through the references to madness (*rabies*) and confusion (*confusio*) which suggest no thoughtful incentive behind the soldiers' acts but rather violence for the sake of violence or mere frenzy (*furor*), again erasing any sense of reason.³² The insurgents in Velleius' account are introduced as madmen and enemies – in Tacitus they are introduced as politically active citizens (in the *contio*) and also, as victims.

The mutiny in Pannonia and in particular the speech of Percennius has been the subject of two commentaries: the first by Erich Auerbach in the second chapter of *Mimesis: the Representation of Reality in Western Literature* (1946); and the second, more recent, by Jacques Rancière in the third chapter of *The Names of History: On the Poetics of Knowledge* (1994). Whilst both texts have been especially influential in their fields, neither has been the subject of any scrutiny by scholars of Tacitus.³³ Yet, the question that both Auerbach and Rancière raise in their readings of Percennius addresses a central issue and one which has been the subject of considerable debate within philological, literary and historical analyses of Tacitus' narratives and ancient historiography generally – that of who speaks, why and how.³⁴

For Auerbach, Tacitus' writing of Percennius' speech is purely aesthetic: 'Tacitus is a master of his craft, and his speeches are no sheer display; they are really imbued with the character and the situation of the persons supposed to have delivered them; but they too are primarily rhetoric. Percennius does not speak his own language;

³² Kelly (1997) has suggested that the frequent description of the mob or the crowd in Latin literature as mad, irrational and fickle may have originated from riot scenes and descriptions of crowds in rhetorical works. On *furor* as madness see further below n.68.

³³ Auerbach's *Mimesis* is referred to by Mellor but only in passing (1993:65).

³⁴ For those who have discussed speech in Tacitus see the bibliographies in Keitel (1991), (1993).

he speaks Tacitean.³⁵ What interests Auerbach is the way in which the narrative of the mutiny, of Percennius, reflects on the nature of Tacitus' historical discourse and how the construction of that discourse limits the mimetic representation of reality (and by extension, modern understandings of the ancient past). Auerbach's critique of Tacitus' Percennius is not only based on the grounds that it is purely aesthetic, but moreover, that it is purely elitist: 'as different as Petronius and Tacitus may be in a great many respects, they have the same viewpoint – they look down from above.'³⁶

Auerbach makes a valid point. Tacitus, being an elite Roman male and schooled in the rhetorical tradition of antiquity, can only represent Percennius 'falsely' (from within the confines of his own elite Roman male worldview). However, the problem with Auerbach's method (tracing antique realism) is that it is not fruitful for the modern historian to analyse and assess the mimetic value of a text in terms of what it can tell us about the life of the lower class, lower class *realia* and indeed, *realia* in general. This is simply because written representations of the 'everyday', where they have survived, are naturally created from an elite consciousness and thus inevitably embedded in a certain degree of falsity (that is, in re-presented form).³⁷ The analytical framework of mimetic realism is therefore somewhat limiting and Auerbach reveals only the obvious problem of Tacitean historiography (Tacitus is not Percennius and subsequently cannot present Percennius realistically) and historiography/ethnography in general (can the plebeian/other speak?).³⁸

Jacques Rancière offers a different reading by discussing Tacitus' narrative beyond mimetic realism. Rancière notes the limit which concerns Auerbach, that

³⁵ Auerbach (2003:39).

³⁶ Auerbach continues: '...the vulgarity of language is not designed to arouse laughter in a large crowd but is rather a piquant condiment for the palate of a social and literary elite accustomed to viewing things from above with epicurean composure.' (46-7).

³⁷ Given this, Auerbach's argument only makes the obvious point, that aspects of the analyst's culture will influence the analysis of their subject of analysis. In any case, this is not a specific fault of ancient historiography, but a problem embedded within all historiography, contemporary social science and cultural anthropology.

³⁸ Mimetic Realism is also reductive because it slightly confines our criteria for understanding the past to the notion of *realia* (material) which again can be limiting and for the reader of Tacitus, irrelevant. However, it is notable that the assessment of *realia* is intertwined with an assessment of historiography since given the distance between event and narrative, historiography (narrative) is inevitably used to understand *realia* (material).

‘Percennius doesn’t speak.’³⁹ Rancière even takes this further by stressing that Percennius, as the poor, has only ‘an essential relation to nontruth’ (*un rapport essentiel à la non-vérité*).⁴⁰ Nonetheless, Rancière’s emphasis is on the fact that Percennius is given a place to speak: ‘Tacitus lends him his tongue.’⁴¹ By including Percennius, Rancière argues that the Tacitean narrative attests the *inclusive* power of language which ‘is always susceptible of allowing entry into its community of those excluded when its circle is drawn.’⁴²

In the following discussions, by way of expansion on the differences between Tacitus’ and Velleius’ tone, I will discuss further why Tacitus’ narrative, specifically his writing of Percennius, should be noted for its inclusivity (Rancière) rather than its exclusivity (Auerbach) and the implications of this inclusivity on the nature of Tacitus’ historical narrative. Whilst the narrative of the mutinies does attest the violence and immoderation of the soldiers, my view is that these acts are not presented through a discourse which reflects Tacitus’ own ideological position (or the modern understanding of what that ideological position was).⁴³ The ‘unrealist’ rhetorical tropes traditionally used to present Rome’s enemies (as barbaric, excessive, ‘madmen’) are juxtaposed in Tacitus with other voices, ones which with reason and discontent are fighting for a place to speak and be heard. The result of this is not mimesis but polyphony, a ‘multi-voicedness’, which counters the monologic Roman discourse which Auerbach seeks to criticise.⁴⁴

³⁹ Rancière (1994:27), [1992:40].

⁴⁰ *Ibid* (28).

⁴¹ *Ibid* (27). (*Ce n’est pas Percennius qui parle mais Tacite qui lui prête sa langue*; [1992:58]).

⁴² Rancière (1994:29). For the original passage see below p.125, n. 54.

⁴³ Cf. Syme: ‘Tacitus appears to nourish in hypertrophy all the prejudices of an imperial race’ (1958:30). See also Percival (1980).

⁴⁴ In *Critical Theory*, the term ‘polyphony’ refers to literary writing which manages to ‘liberate the voice of its characters from under the domination of the authorial or narratorial voice’ (*DCT*, p.370). It is a term largely associated with Mikhail Bakhtin who used it to describe prose literature and novelistic discourse (in particular that of Dostoevsky) which presents a ‘multi-leveledness...the passing of a theme through many and various voices’ Bakhtin (1984:279). Polyphonic form opposes ‘monologic’ form, which presents a singular world-view through a unified voice (for Bakhtin, lyrical and epic discourse are monologic because they gravitate towards themselves and they are their own referential object). In polyphonic writing, different voices are allowed to interact with each other. These voices can be those of characters in the novel but also the author’s own. But all voices are equal and they do not necessarily serve the ideological position of the author, rather they may conflict with it. Bakhtin never explicitly defines the concept of polyphony but he analyses it and makes reference to what it is through reading Dostoevsky. On polyphony in Dostoevsky, Bakhtin writes that meaning is constructed ‘as a whole

Auerbach on Percennius

Auerbach's *Mimesis* traces the development of the representation of reality in Western Literature from antiquity to the twentieth century to argue that literature written during the Christian and post-Christian period progressively revealed a more realistic form of representation. 'Mimesis' is therefore used by Auerbach as a critical term to describe a practice of representation which imitates something 'realistically'.⁴⁵

In the second chapter of *Mimesis*, Auerbach turns his attention to Tacitus' *Annales* and compares Tacitus's writing of the Pannonian mutiny with the Gospel narrative of Jesus' arrest and Peter's denial. Auerbach praises the narrative of the Gospel because in his view it captures the drama and tragedy of a common person divided between his devotion to Christ and fear for his personal safety.⁴⁶ According to Auerbach, such a scene could not be represented according to the models of ancient literature: 'A scene like Peter's denial...is too serious for comedy, too contemporary for tragedy.'⁴⁷

Auerbach's stance is anti-rhetorical and his view is that ancient rhetorical models posed constraints on the representation of reality. He draws this conclusion from Tacitus' description of the Pannonian mutiny which he then compares to the Gospel narrative of Peter's denial (but the latter narrative is not quoted). According to Auerbach, 'the Pannonian mutiny in Tacitus [reveals] the limits of antique realism and thus of antique historical consciousness...It becomes manifest that Tacitus' vivid recital of the soldiers' grievances and demands is by no means based on an understanding of those demands...For Tacitus not only lacks understanding, he actually

formed by the interaction of several consciousnesses' (1984:18). The 'activity' of the polyphonic author makes itself manifest not when the authorial voice is absent, but when there emerges 'a radical change in the author's position' (1984:67). The specificity of the polyphonic novel is that the author relinquishes his control to the characters. See further Bakhtin's *The Dialogic Imagination* (1981) and Brivic (1985) who has used Bakhtin's concept of Polyphony to analyse the *Ulysses* of James Joyce whose polyphonic stance 'frees the work from the authority of a single author' introducing instead 'multiple levels of discourse' (1985:57-8). See also Lodge (1990).

⁴⁵ See further Potosky (2006) on the history of the concept of mimesis.

⁴⁶ Incidentally, and as discussed in Chapter 2, Tacitus' Tiberius is represented through a similar sort of drama and tragedy – someone who is divided between his devotion to his country and fear for his personal safety. Germanicus faces a similar plight during the German mutinies (discussed below).

⁴⁷ Auerbach (2003:45).

has no interest whatever in the facts underlying the soldiers' demands.'⁴⁸ Edward Said similarly claims: 'Tacitus, for example, was simply not interested in talking about or representing the everyday, excellent historian though he was.'⁴⁹

The remarks of Auerbach and Said reflect the generally acknowledged fact that the corpus of ancient historiography was written from an elite perspective. Ancient historiography is thus restricted in terms of being able to provide insight into the non-elite consciousness. However, my view is that the Tacitean narrative does at times offer a discourse which opposes his own class-interested discourse, and the Percennian episode is a specific example of a moment of Tacitean historiography which resists the meta-narrative form. Though Percennius is inevitably speaking Tacitean, the way he speaks and what he says is not 'Tacitean' because his speech, which essentially resists Roman discourse (it is anti-Rome) is therefore not necessarily 'elitist' (nor Romano-centric). The comments of Auerbach and Said therefore show that the presumption of the limits of antique realism, a presumption which in any case relies on too precise a distinction between non-elite and elite, (and by extension and according to them, true and false) can often be more reductive than the limitations inevitably contained within the texts themselves. In any case, before assessing the value of their critiques, it is useful to compare the Tacitean narrative with other accounts in order to further differentiate the Tacitean view.

The reign of Tiberius has been chronicled by three other authors in some detail: Velleius Paterculus, Suetonius and Dio Cassius. The mutinies and the involved rebels are included in all three accounts, albeit to varied extents. Velleius Paterculus (2.125-126) and Dio Cassius (57.4-5) narrate both the Pannonian and German mutinies in two chapters. Suetonius very briefly discusses the mutiny in Germany (25.2) but omits events in Pannonia. All authors mention the soldiers' demands (fixed service and increased pay). In their representations of the events, none of the authors employ a

⁴⁸ *Ibid* (31). Hattersley, following Auerbach, has claimed that the figures of Christ or Peter 'simply could not have been portrayed in Roman literature with any degree of sympathy or understanding; no rhetorical category existed to contain the tragedy or triumph of common persons' (2009:79).

⁴⁹ Said (2004:99). Said's and Auerbach's comments are somewhat confusing because it remains unclear whether their concern is what Tacitus can and cannot do (represent lower classes realistically) or what Tacitus wants or does not want to do (his 'interest').

‘comic’ or ‘idyllic’ (‘low’) style. Nevertheless, from all four accounts, it is Tacitus’ which is the fullest and least monologic.

Tacitus’ narrative on the Pannonian mutiny is long (16 chapters), obviously suggesting some interest in the event. Tacitus is the only author who lists grievances (i.e. hardships, *labores*...wounds, bad weather) as well as demands (improved service terms and pay) and thus offers an explanation of ‘the facts underlying the soldiers’ demands.’ In addition, Tacitus also refers to the long years of discipline which preceded the outbreak, showing that he does have ‘an eye for historical background’. It is also noteworthy that Tacitus’ account appears the least extreme or critical. In Dio, for example, the soldiers threatened to march on Rome (57.4.2). In Suetonius, both armies demanded numerous ‘special’ or ‘extra’ privileges (which makes their requests seem unjustified); whereas in Tacitus, after the long description of the reality of military service, the soldiers’ demands can only emerge as modest. Finally, Tacitus is the only one who uses speech. Much of the narrative is voiced through the rebels.

It cannot be argued therefore, following Auerbach’s own criteria for what constitutes mimetic practice, that the Pannonian mutiny in Tacitus reveals the limits of antiquity’s historical consciousness because Tacitus ‘looks down from above’. While in much ancient historiography (and historiography in general) the voice of the everyday or ‘the people’s history’ is re-presented, re-written, trivialised or more often erased, Tacitus here does not fit well with the traditions of Roman historiography. Tacitus not only expresses an interest in the mutiny but furthermore an interest in the mutiny from the mutineers’ perspective.

Of course, this does not make his narrative more or less ‘real’ because the question of what is real can never be fully answered through a narrative account of history. The question to ask, if we do want to see what Tacitus is telling us about the past, is to do with what he invents and how and why he invents it. In his writing of the Pannonian mutiny, the subject of his invention is the discourse of the other, which ruptures the traditional and totalistic perspectives of ancient historiography. The point, then, is that rather than assuming homology in order to deny antique realism, it is more useful to trace polyphony and the possibility of truth (and democracy) this opens up.

For Auerbach, Tacitus' narrative remains a one-sided, elite representation of society and, as a result, it is limited in terms of any realistic insight it can offer the historian studying the life of the everyday, in this case the soldiers. However, Tacitus' narrative does present a number of different value systems alongside his own elite view. Compressed within his narration of events, we can trace the voice of the senator and the centurion in the valorisation of *disciplina* and *obsequium*. Yet, the voice of the soldier is also apparent, which represents the same qualities as violent and oppressive. Polyphony can also be applied to Tacitus' writing of the cause of sedition which, as will be discussed below, is represented as mad behaviour produced from greed from one perspective, and rational action produced from grievance from another. Tacitus, then, offers a polyphonic narrative and in doing so the voice of the soldiers, although it is represented from Tacitus' point of view, is not necessarily dominated by the monolithic ideological position of a Roman elite, as Auerbach claims. Through the multiplicity of voice there is the possibility of finding other perspectives and meanings – not *realia* but other truths.

Becoming Visible: the Politics of Tacitean *Seditio*

Politics is primarily conflict over the existence of a common stage and over the existence and status of those present on it...Politics exists because those who have no right to be counted as speaking beings make themselves of some account.⁵⁰

The mutinies in AD 14 can certainly be read in terms of a conflict over the existence and status of those present on a common stage. As Rowe puts it, 'grievances and demands show where soldiers saw themselves and where they thought they should be; settlements show where they really stood'.⁵¹ The discrepancy between someone's idea of his own status and the status that he really has is partly why mutiny occurs. We may extend this to argue, as Rancière does, that in the act of mutiny during which 'those

⁵⁰ Rancière (1999:26-7).

⁵¹ Rowe (2002:162).

who have no right to be counted as speaking beings’ try ‘to make themselves of some account’ there is a moment of democracy.

In order to analyse Tacitus’ writing of *sedition* from a Rancièrian perspective, as democratic, it is first necessary to explain a key distinction in Rancièrè’s work – between ‘the police’ and ‘politics’ so to explain exactly what is meant by his definition of democracy. Rancièrè uses the term ‘the police’ to describe the orders which support the organisation of roles and place within a given hierarchy. Furthermore, the police order ‘defines the allocation of ways of doing, ways of being and ways of saying, and sees that those bodies are assigned by name to a particular place and task; it is an order of the visible and the sayable that sees that a particular activity is visible and another is not, that this speech is understood as discourse and another as noise.’⁵²

‘Politics’ on the other hand, is a term used by Rancièrè to describe a type of activity which is antagonistic to policing: ‘political activity is whatever shifts a body from the place assigned to it...political activity is always a mode of expression that undoes the perceptible divisions of the police order by implementing a basically heterogeneous assumption – that of a part of those who have no part.’⁵³ Democracy is thus not characterized as a political regime, a normative value or way of life but as a moment, specifically an interruptive moment which through antagonistic activity enables new subjects (those which were previously presupposed to be subordinate given the natural hierarchies organised by the police order) to come into existence.

As I have discussed above, Tacitus’ writing of Percennius certainly enacts an attempt to be heard. Furthermore, his speech is particularly focussed on revealing grievance or something incorrect or wrong within the established social order. This is continued through his account. After Percennius’ speech has ended, he describes the soldiers’ excitement in creating a tribunal: ‘a turf was piled up, and a platform erected so to make the place as visible as possible’ (*simul congerunt caespites, exstruunt tribunal, quo magis conspicua sedes foret*; 1.18.2). The conflict which Tacitus narrates

⁵² Rancièrè (1999:29). (*La police et ainsi d’abord un ordre des corps qui définit les partages entre les modes du faire, les modes d’être et les modes du dire, qui fait que tells corps sont assignés par leur nom à telle place et à telle tâche; c’est un ordre du visible et du dicible qui fait que tell activité est visible et que tell autre n’est pas, que telle parole est entendue comme du discours et tell autre comme du bruit.* [1995:52]).

⁵³ *Ibid* (30).

is therefore clearly focussed on the soldiers' own attempts at being seen, even though they ordinarily had no place being seen. This is further continued with Vibulenus' speech at 1.22-23.5 – the second named rebel leader who continues to voice the drawbacks of military life. As he explains: "...we are not dying because of any crime, but only because we were working for the army's good" (*interfectos nullum ob scelus sed quia utilitati legionum consulebamus*), again making heard something which had no place being heard.

From this perspective, we may understand why Tacitus' writing of sedition emerges as democratic. The soldiers are fighting to be counted as equal 'speaking beings' and in so doing, they disturb the given 'police order'. The extent of this disturbance is clearly expressed by the counter-insurgents (the people of the 'police order'), who desperately try to remind the rebels of the normal inequalities of the social order. Julius Clemens, for example, appeals to the rebels to cease their disruptive behaviour because the sad truth of the imperial order was that ultimately, Percennius and Vibulenus were not going to replace Neros and Drususes as lords of the Roman world (28.5). Meanwhile Blaesus urges the soldiers to kill him rather than pose any threat to the emperor himself (1.18).

By writing about insurgency in this way, Tacitus' own historiographic practice emerges as democratic. By this I mean that it is not only the soldiers' acts inside the narrative which can be termed democratic but more significantly, that Tacitus' own historiographical practice, by including their discourse and thus embedding an alternative (non-Romano-centric) narrative within his own, can be described as such too. If sedition is to make obvious the power and ability to voice complaints of certain persons not normally allowed to speak, the *sedition* in the historical past (the 'real' mutiny) is replicated in the account of it in Tacitus. This replication is notable particularly since ancient historians could either avoid it (as Dio, Velleius and Suetonius did) or as Auerbach claims, only represent sedition through a comical or grotesque rhetorical model. The Pannonian mutiny therefore represents a two-fold politics of equality – inside the narrative (the insurgents' words and acts) and outside (by actually giving these words to the insurgents, who would otherwise have remained nameless, anonymous victims of history).

Tacitus' writing of sedition, as something which seeks to make wrong visible, is expressed in Rancière's own commentary on the Pannonian mutiny:

Although Percennius may well be the radical other, the one excluded from legitimate speech, his discourse is included...What nonetheless remains is the gathering power of language and of the play that it authorises, the power of a discourse that is always susceptible of allowing entry into its community of those excluded when its circle is drawn.⁵⁴

In Rancière's essay on the Pannonian mutiny, he offers a counter-argument to the one in *Mimesis*. According to Rancière, Tacitus' narrative asserts the 'gathering power of language' because it includes the normatively excluded. In Rancière's reading, what is notable about Tacitus' writing of the Pannonian mutiny – in 'Tacitus's discourse' – is 'not its effect of exclusion, underscored by Auerbach, but, on the contrary, its power of *inclusion*: the place it gives, through its own agency, to what it declares to have no place. Percennius is not, for Tacitus, among those whose speech counts, to whom his fellows speak. And nevertheless he *makes* Percennius speak in the same mode as the others.'⁵⁵

Rancière makes an important point. Whilst it may have been expected rhetorical practice to include speeches, speeches which were rhetorical or fictional but nonetheless included for the purpose to excite readers or display rhetorical skill, the irony is that by making Percennius into a 'speaking being' – making him perceptible and audible, on the same stage of Romans – this in turn offers a more 'democratic' narrative, one which embeds other voices alongside normal or natural Roman ones.⁵⁶

⁵⁴ Rancière (1994:28-9). (*Percennius a beau être l'autre radical, l'exclu de la parole légitime, son discours se trouve inclus* [1992:62]. *Reste pourtant le pouvoir rassemblant de la langue et des jeux qu'elle autorise, le pouvoir d'un discours toujours susceptible de faire entrer dans sa communauté ceux qui le trace de son cercle exclut* [63-4]).

⁵⁵ Rancière (1994:28).

⁵⁶ See further Ernst on the value of other discourses: 'Anthropologists and historians can gain valuable insight through an awareness of non-persons and their roles in daily life. Far from being unimportant, these 'normal deviants' act as catalysts for social interaction. By performing atypical actions, often in an individually predictable and consistent manner, these individuals contest the notion of homogenised public behaviour.' (2006:277).

However, there is at the same time a slight danger in Rancière's argument, in that he makes language sound a little too inclusive, as something which is 'always susceptible' of allowing entry into its community when its circle is drawn. What something 'always' or inevitably is cannot help us to understand why things are the way they are in a specific situation.⁵⁷ Language, rather, is extremely exclusive: if you do not speak a language you are excluded from society by not being able to understand and interpret through the essential way in which that society expresses its identity. In an ancient context, language not only enabled one to speak and interpret but also enabled one to assert a powerful identity.⁵⁸ Although Percennius, a mutinous soldier, is given a subjective voice that goes against authorial discourse (he voices resistance to the illegal and unjust acts of centurions) he 'always' remains within the confines of the objectifying authorial discourse (because he can only be represented from Tacitus' point of view or he 'speaks Tacitean' as Auerbach puts it). The point is then, that language is not always susceptible of allowing entry as Rancière asserts, but that Tacitus here shares his language or rather organises his historiographic practice in a less exclusive way than it always remains.

Still, this is not the specificity of Tacitus' writing of sedition. In the other accounts, when the violent acts of insurgency are included, reason and rationale are replaced with madness and frenzy. So it is not only that Tacitus' language includes and gives agency, but that it includes, gives agency and *reason*.⁵⁹ From this perspective, it is possible to further explore why Tacitus' constructions of violence may be read as democratic. In contemporary theories of civil conflict, there are two general categories used to explain the causes of insurgency: greed and grievance.⁶⁰ Proponents of the greed theory argue that the cause of civil war is opportunity. Civil wars, from this

⁵⁷ This is equally the problem with Rancière's analysis of politics from the perspective of base ethics ('the presupposition of equality'). See above p. 110, n.25.

⁵⁸ See further Spentzou on Ovid's fear of forgetting Latin in exile, and by extension his humanity (2005:329).

⁵⁹ See Woodman (2006) for the opposite view. Woodman argues that the *furor* in Livy's description of the Spanish mutiny against Scipio Africanus in 206 BC (28.24.5-29.12) constitutes the principal intertext for Tacitus' writing of the Pannonian mutiny (2006:312ff.). This may be the case but notably *furor* is balanced with *ratio*. This is in stark contrast to Velleius' monologic account of the mutinies, which as discussed above, makes no reference to the cause and discusses the soldiers' acts only through the rhetoric of *furor*, *rabies*, *confusio*.

⁶⁰ See further Murshed (2010:63ff.).

perspective, occur because rebel groups have something real to gain by winning and have reasonable expectations of winning.⁶¹ Proponents of the grievance theory argue that deprivation fuels violence, rather than opportunity: ‘what drives rebellion is the desire to reform or remake the extant socio-political order because of its apparent lack of fairness.’⁶²

World Bank researchers Paul Collier and Anke Hoeffler have extensively analysed the causes of contemporary civil conflict through the greed versus grievance model.⁶³ Their research has shown that the cause of contemporary civil conflict is ‘greed’ rather than ‘grievance’. They even claim that ‘there is no point in asking rebels why they are rebelling since they will inevitably draw attention to their grievances even when their motivation is greed.’⁶⁴ In response to their argument, D. Keen has argued: ‘This ‘greed’ discourse can also be seen as de-legitimising grievance – as politically-conservative but also a variation of the colonial tradition of dismissing every rebellion as the work of criminals.’⁶⁵ Keen’s argument is explored in the work of M. Trouillot, who discusses the trivialisation of the slave rebellions during the Haitian revolution of 1791-1804 in subsequent historiography. Trouillot terms the dismissal of the slave revolts in Haitian historiography as a ‘formula of banalization’ – a formula which seeks to drain moments of resistance and rebellion of their political significance by constructing slaves as criminals or by claiming that they were “‘prompted” or “provoked” to rebel by some higher being other than the slaves themselves’.⁶⁶ A similar pattern in the analysis of insurgency cause can be seen in the ancient writing of rebellion.⁶⁷ There are many examples of ancient authors explaining soldiery mutiny on account of greed (*avaritia*), anger (*ira, ferocia*), criminality (*scelus*) and madness

⁶¹ Breuning and Ishiyama (2010:112).

⁶² *Ibid.*

⁶³ Collier and Hoeffler (2004). (It should be stressed here that I am only drawing a comparison with Collier and Hoeffler in order to trace how people write about rebellion, it is not an attempt to explain why rebellion arises).

⁶⁴ As quoted in Keen (2002:1).

⁶⁵ Keen (2002:1). See further Collier (2000) on rebellion as a ‘quasi-criminal activity’.

⁶⁶ Trouillot (1995: 103). See further Trouillot (1995: 83, 96-7, 102-104).

⁶⁷ On greed as a motivating factor in military mutiny see for example *Liv.*22.9, 22.42.7, 29.8; *Sall.Cat.*11.6-7. For further references see Phang (2008:46-8).

(*furor*). The consequence of this is that a narrative similar to Collier's thesis on greed, a narrative which de-legitimises grievance, emerges.

Ancient narratives often negate the cause of democratic violence by writing the rebel through the use of rhetorical tropes associated with *furor* (madness and senselessness – pace Velleius).⁶⁸ This “*furor* discourse” then creates a similar tradition of dismissal because by rendering possible acts of democracy as senseless and ‘mad’, it banalises the revolutionary moment, making it difficult for the modern reader to interpret ancient insurgency as stemming from a deeper discomfort or political movement from within the lower classes. However, while I am not claiming that Tacitean historiography is a total exception to formulaic banalisation, there is a difference in his writing of rebellion. As discussed above, in Tacitus' narrative there is more of a nuanced picture – there is *furor* but it is juxtaposed with *ratio*. Tacitus makes a clear reference to the greed or opportunity theory (*ex civili bello spem praemiorum*; 16.1) but he equally explores the grievance theory (1.16.3-1.17.6).

There is therefore a different kind of historicity which is expressed through the speech and the question is not whether or not it is fictional but why Tacitus invented it and what he is trying to make visible through this invention. As I have discussed, what Tacitus makes visible are the wrongs suffered by the soldiers under the imperial program, and such wrongs, which oppose the ideology of the *pax Romana*, to which Tacitus himself was of course a subscriber, create a polyphonic narrative in which the authorial senatorial voice is presented alongside the voice of the soldier, a voice which is furthermore not banalised but rationalised. So there are ways to compensate for the mimetic limit of Tacitean historiography. While it is written from an elite perspective, and therefore according to Auerbach and Said ‘false’ (and to Rancière ‘non-true’), Tacitus counteracts this by producing a reasoned and two-sided narrative which is not monologic nor necessarily conservative. The violence of the mutineers is not dismissed through *furor* discourse, but it is explained with ample consideration of their grievances, grievances which elsewhere are often trivialised or erased altogether, in both ancient and modern interpretations.

⁶⁸ For this sense of *furor* (as *insania* as opposed to *ira/immanitas*) TLL s.v. *furor* 1629.49ff.; cf. also 1630.40ff.

3.2 Ending Mutiny: Germanicus and the Problem of Roman Conflict Resolution

In the early empire, *disciplina militaris* attempted to routinize the army as a source of imperial power, mitigating conflict between emperors, aristocracy, and the soldiers and discouraging usurpations by promoting probureaucratic rationalization and values or behaviours that produced the *habitus* appropriate to the soldiers and officers...In the Roman army, instead of a formal code, exemplary narratives, anecdotes, and treatises promoted specific *habitus*. In the Roman army, full rationalization was impeded by tradition and by the charismatic authority projected by the commanders. *Imperium militae* and its descendant in the Empire gave commanders unfettered authority over soldiers.⁶⁹

In *Roman Military Service: Ideologies of Discipline in the Late Republic and Early Principate*, Sara Elise Phang argues that *disciplina militaris* was a form of authority exercised by military commanders, the aristocracy and the emperor to inculcate Roman values in the military. *Disciplina militaris* was used as a form of administration which rested on educating the military through the knowledge of past precedents.⁷⁰ Such ideological knowledge, Phang argues, was learnt through social contacts and by following the examples set by centurions and the emperor himself.⁷¹ For example, centurions sought to promote *labor* and *moderatio* amongst their troops, as opposed to *luxuria* and *otium*. By promoting such qualities within the military sphere, Phang argues that the essential qualities of *virtus* and *fides* which were to define the disciplined military male were kept in regulation, and in so doing, the risks of insurgency and usurpation were minimised.

Disciplina militaris, as can be seen from Phang's conclusion quoted above, was not therefore put into practice through a formal authoritative code or legal structure, but instead rested on knowing and performing ancestral custom, the knowledge of which was drawn from the didactic historiography of the Roman literary

⁶⁹ Phang (2008:285).

⁷⁰ On 'probureaucratic rationalization' in the Weberian sense (i.e. administration as domination through knowledge) see Miner (2007:265-274).

⁷¹ Phang (2008:30ff.).

tradition ('exemplary narratives, anecdotes, treatises').⁷² By following such examples, Phang argues that a specific habitus was promoted, and in circular fashion, this habitus then continued to regulate *disciplina militaris*.⁷³

Phang's analysis centres on Bourdieu's sociology, which is a useful analytic framework to use because it enables us to explore the inculcation of discipline which maintained hierarchy in the space of the camp as something which worked through structural as well as legal formations.⁷⁴ Similar to the *mos maiorum*, Phang's analysis of the role of *disciplina militaris* in a military context is something which was to guide and promote correct behaviour through knowledge of social practices and beliefs, which as handed down through posterity became socialised into the present ('history turned into nature'), creating the appropriate habitus.⁷⁵ However, while Bourdieu's sociology and the concept of habitus can help to understand social groups and their relations in terms of non-judicial modes of regulation (historic discourse and structures) which condition them to know appropriate behaviour and responses (through what Bourdieu terms '*le sens pratique*'⁷⁶), there is always a limit to how far these structures will work. It is precisely this limit which underpins Ranciere's notion of democratic politics, which is the moment during which habitus is defied.⁷⁷

In Tacitus' narrative, the defiance of the norms which habitus puts into circulation can be traced during the mutinies: the constitutional hierarchy of the military ranking system is subverted (soldier becomes centurion) and the ideological hierarchies engrained within the Roman habitus (Roman becomes non-Roman –

⁷² Phang (2008:4ff.). On didactic historiography see Woodman (1988).

⁷³ The *habitus* refers to 'the locus of those actions which are performed unthinkably' (*DCT*, p.218). The term is associated with the works of Pierre Bourdieu, whose definition of *habitus* can be found in Bourdieu (1977:78).

⁷⁴ On power as extra-legal (or pre-legal) see Bourdieu (1977:16-17); on power as extra-lingual see also Bourdieu (1977:21): 'the constitutive power which is granted to ordinary language lies not in the language itself but in the group which authorises it and invests it with authority'. We anticipate in the context of the German mutiny that Germanicus' language will be invested with this type of authority.

⁷⁵ Bourdieu [1972:179]: '*[L]habitus est] histoire faite nature, c'est-à-dire niée en tant que telle parce que réalise dans une seconde nature*'.

⁷⁶ '*Le sens pratique est ce qui permet d'agir comme il faut...sans poser ni exécuter un "il faut", une règle de conduite*', Bourdieu [1997:166].

⁷⁷ Cf. Ranciere (2005:293): '[Emancipation] means breaking with the law of the police, where everybody is in his own place...Social emancipation was first made of individual breaks with the kind of 'identity' that pinned workers down to 'their' place and 'habitus'.

violent, immoderate, undutiful) are ruptured.⁷⁸ Furthermore, the power of habitus as history turned into nature or ‘the immanent law, *lex insitia*, laid down in each agent by his earliest upbringing’⁷⁹ presupposes and depends upon one identical history for all members of society, but in Tacitus’ polyphonic narrative, the history of the senator is not the same as the history of the soldier. The problem therefore is that the aspect of habitus which inculcates the senator’s discipline (*morem maiorum*) is for the soldier conflated with something which has only dominated him through teaching a habit of submission (*morem obsequii*).⁸⁰

In what follows, I shall expand upon the discussions in the previous section, in order to explore further Tacitus’ writing of democratic violence (now on the Rhine frontier) and in particular his writing of resolution through a focus on Germanicus’ attempts to reinstate order. For Phang, *disciplina militaris* was integral to Roman conflict resolution but Germanicus’ attempts to promote discipline and ‘the habitus appropriate to the soldiers and officers’ repeatedly fail. Tacitus offers us a different understanding: the problem in Tacitus is not the lack of traditional *disciplina* but rather its imposition. This is made clear in the introductory chapter which claims that excess and leisure were the soldiers’ desire because hard work and discipline had become displeasing (*luxum et otium cupere, disciplinam et laborem aspernari*; 1.16.2). From this perspective, Tacitus’ writing of the cause and resolution of *sedition* reveals a peculiar paradox: *disciplina* and *labor* embed the potential for democratic violence within the imperial episteme by causing prolonged grievance through subordination (through hierarchy); yet, *disciplina* and *labor* are the ideological tools, which according to Phang (and our sources) were used to prevent violence and promote peace. The measures which cause conflict are the same as those used to quell it. The resolution of conflict, an act which depends on the inculcation of symbolic violence (‘calls for order,

⁷⁸ Equally, mutiny or violence may arise due to ruptures or incompatible structures already existing within the *habitus*.

⁷⁹ Bourdieu (1977:81).

⁸⁰ Blaesus’ question (1.19.2): *cur contra morem obsequii, contra fas disciplinae vim meditentur?* (‘Why contrary to the habit of submission, contrary to the obligations of discipline, were they planning violence?’).

threats, seduction'⁸¹) may therefore be interpreted as a process which embeds further conflict into the system, while on the surface level it may appear to achieve stability.

Ordered Chaos on the Rhine Frontier

The mutinies in Germany follow a similar pattern of events to those in Pannonia.⁸² The interregnum creates an opportunity to riot for the purpose of service reform. However, there are some significant differences: firstly, the soldiers in Germany are notably more violent and enraged than those in Pannonia. And the sedition, which begins in the territory of the Ubii, extends to surrounding areas drawing in natives, ambassadors sent from Rome, soldiers situated elsewhere in the territory of the Chauci, as well as the four legions under the command of A. Caecina Severus who had initially started it. Another difference is that in Germany, additional motives behind the soldiers' insurgency are outlined: they wanted a timely discharge, better pay and less pitiable conditions but also 'vengeance on centurions' (*centurionum ulciscerentur*). (The cruelty of centurions is expressed by both Pannonian and German legions as a cause of their uproar [*saeuitiam centurionum*; 17.4, *saeuitiam...centurionum*; 31.4], but only in Germany they state explicitly a desire to seek vengeance). The most significant difference between the two mutinies is that in Germany the soldiers' hope was that Germanicus, unable to tolerate Tiberius as emperor, would surrender himself to the legions (1.31.1-5). The situation is not only one of insurgency but also one which threatens usurpation.

The soldiers' desire for vengeance anticipates the extremity of their anger and violence which Tacitus builds upon throughout the account. But it also adds another level of democracy, which again prevents us from interpreting Tacitus' writing of *violentia* and *sedition* through a framework of madness and senselessness alone. To seek vengeance implies the soldiers' supposition of and fight for an equal status (which is obviously an essential feature of a democratic movement) and violence acted against centurions is not only violence against the physical body but also against the structures of the camp hierarchy (and the disciplining mechanisms of the *habitus*). Furthermore, if

⁸¹ Bourdieu, as quoted below p.137, n.90

⁸² Woodman (2009:305-307) has listed the similarities in detail.

such violence was directed towards promoting Germanicus as the new leader, someone onto whom the ‘hopes of freedom’ were passed (1.33.2), this is another motive which subverts the soldiers’ violent acts into acts designed to serve the ends of democracy.⁸³ With such political motives established, and following the encouragement of a native crowd, the first, fifth, twentieth and twenty-first legions sank into rage (*in rabiem prolapsus*):

non unus haec, ut Pannonicas inter legiones Percennius, nec apud trepidas militum auris, alios validiores exercitus respicientium, sed multa seditionis ora vocesque: sua in manu sitam rem Romanam, suis victoriis augeri rem publicam, in suum cognomentum adscisci imperatores. Nec legatus obviam ibat: quippe plurium vaecordia constantiam exemerat. repente lymphati dstrictis gladiis in centuriones invadunt: ea vetustissima militaribus odiis materies et saeviendi principium. prostratos verberibus mulcant, sexageni singulos, ut numerum centurionum adaequarent: tum convulsos laniatosque et partim exanimos ante vallum aut in amnem Rhenum proiciunt. (1.31.5- 1.32.2)

Here it was not just the matter of one, like Percennius as in the army of Pannonia, nor were words addressed to the ears of nervous soldiers looking to other stronger armies. But here were many seditious faces and voices: “in their hands were Roman affairs, their victories increased the state, their names were taken by commanders. Nor did the legate offer any counter measures. In fact, the madness of the many removed his firmness. Suddenly, frantic and with swords drawn, they attacked the centurions, it was this group that had fuelled the soldiers’ hatreds the longest and thus the starting point of their savagery. They were overthrown, beat up and lashed sixty strokes each, one for each centurion in the legion. Then, shattered and

⁸³ See further Honderich who argues that some political violence serves the ends of freedom and equality (1973:207-8): ‘It can be argued that in some cases, but certainly not all, the only infractions which do effectively serve the ends of democracy are acts of political violence...The proposition that violence does as a matter of fact promote progress toward freedom and equality in some circumstances can hardly be questioned.’ Cf. Benjamin on Sorel’s account of the differences between a general workers’ strike and a doctors’ strike. Given that the latter ‘secured death its prey’ it represents the ‘most unscrupulous use of violence’ (1996:246-247).

butchered and some lifeless, they were thrown beyond the walls or into the Rhine.

This passage clearly shows the extremity of the soldiers' violence. The centurions, those who were specifically responsible for training and discipline, are now beaten and 'discharged'⁸⁴ – cast outside of the fortifications of the camp, suggesting both the physical and metaphorical disintegration of established hierarchical structure. This is further seen in Caecina's reluctance to get involved and assert his natural authority. As they attack their centurions and gain control, the soldiers demonstrate their own words, which claim that Rome's fate was in their hands (1.31.5).

Given my argument in the previous section, it must be noted that *furor* is the prominent feature in this passage. While in Pannonia it was balanced with *ratio*, Tacitus makes several references to rage and madness during the German mutiny.⁸⁵ Tony Woodman has argued that Tacitus' description of the mutiny is seen in sustained metaphorical terms of mental illness: 'the very legions upon whom the imperial security depended...are shown to be vulnerable to collective madness.'⁸⁶ In the above passage, however, it is evident that Tacitus is also revealing the 'vulnerability' of the centurions, who may not show a 'collective madness' but do reveal a new collective weakness. Furthermore, Tacitus' language suggests that it is not only the soldiers who are 'mentally' affected but also the commander Caecina, whose *constantia* is lost due to the extent of the *vaecordia plurium*. In any case, though at first glance the rage with which they are gripped does appear to be like a 'madness', such madness, though chaotic, is ordered:

⁸⁴ *Proicere* can mean 'to throw or fling forth' but also 'to cast out of a place as undesirable, to abandon, to banish' (*OLD s.v. proicio*).

⁸⁵ *Furor* as a kind of senseless and unreasoned rage is only mentioned once in the Pannonian mutiny (1.18.2) when Tacitus describes the excitement with which the soldiers build a tribunal on which to speak. In his writing of the German mutiny, *furor* and associated terms of madness appear more frequently (31.3 *in rabiem prolapsus*; 32.1 *plurium vaecordia*; 32.1 *repente lymphatic*; 1.35.5 *...etiam furentibus*. 39.2 *conscientia vaecordes*; 39.6 *fatalem..rabiem*; 40.2 *inter furentes*; 42.1 *procul a furentibus*; 49.3 *piaculum furoris*) but the contexts in which these terms are used prevent the conclusion that the soldiers' frenzied acts are senseless and irrational.

⁸⁶ Woodman (2006:329).

non tribunus ultra, non castrorum praefectus ius obtinuit: vigilias, stationes, et si qua alia praesens usus indixerat, ipsi partiebantur. id militaris animos altius coniectantibus praecipuum indicium magni atque implacabilis motus, quod neque disiecti nec paucorum instinctu, set pariter ardescerent, pariter silerent, tanta aequalitate et constantia ut regi crederes. (1.32.3)

Neither tribune, nor camp prefect upheld authority any longer: watches, pickets and whatever else their present needs declared, were distributed by the men themselves. To anyone wanting a deeper understanding of the soldiers' minds, a principal symptom of the extent and implacability of their disturbance was that they were neither scattered nor under the influence of only a few, but they erupted together and fell noiseless together, with such levelness and agreement, that you would have believed them to be under command.

The passage above is telling. Firstly, military hierarchy is now completely destroyed. Tribunes and camp prefects hold no more authority. But the defining feature of this passage is that there is a sense of organisation amongst the chaos, which runs against the *furor* discourse seen in the previous passage. The soldiers, as Tacitus describes, were not 'scattered' (*disiecti*); they take whatever they need and distribute it accordingly amongst themselves so to plan their attack. It is also notable that any 'mental illness' or madness is counteracted with Tacitus' references to the soldiers' *aequalitas* (levelness, equality) and *constantia* (agreement, constancy). Tacitus then explains the implacability of their disturbance (*implacabilis motus*)⁸⁷ due to this togetherness and/or ordered violence. So again Tacitus is not constructing a typical form of Roman *furor* and Woodman's idea of a plaguing 'mental illness', though valid, is counteracted with the references to the soldier's composure. While in Pannonia *furor* was juxtaposed with *ratio*, now it is juxtaposed with *ordo* (order).

It is possible to extend Tacitus' construction of ordered chaos in the passage above to explore a possible paradox of hierarchy, which is that it can lead to its own replication in lower orders of society. The mechanisms and tools used to dominate the

⁸⁷ Or, their 'irremediability' as Woodman translates it (2004a:19).

soldiers are now being used to dominate the centurions. As Tacitus states, it seemed like they were under command (*regi*) but this command is created from their own order and agreement. The soldiers are therefore momentarily their own masters, and they not only cause a rupture in the established hierarchy of the military order but they go further, creating their own system of place and role out of their democratic violence in order to overthrow the established or ‘natural’ one.⁸⁸

Finding Resolutions

*periculosa severitas, flagitiosa largitio: seu nihil militi
sive omnia concedentur in ancipiti res publica.*
(Ann.1.36.2)

Strictness was dangerous, liberality disgraceful: whether all or nothing was conceded to the soldiers, the state was equally in danger.

The Tacitean narrative complicates the general understanding of what constitutes resolution. A resolution is understood as something which solves a problem. The period which follows a resolution is described as a period of peace. And a period of peace is normally understood as a period characterised by an absence of violence.⁸⁹

This understanding of resolution, as well as the period of non-conflict which follows it (the period of peace), cannot be so easily applied to the Tacitean narrative. This is because resolution is already a problematic in the Tacitean account of the establishment of the Principate. To return briefly to the Augustan prologue, Tacitus writes that Augustus’ technique of resolution after the civil wars was cash gifts and grain (1.2). Furthermore, the term which Tacitus uses to describe the period after the settlement of 27/28 BC is not only *pax* but *otium* (leisure). Resolution is not straightforward in Tacitus and the emergence of mutiny implies that Augustus’ resolutions after Actium were neither permanent nor wholly resolute.

The paradox that techniques of resolution integrate further violence into the system (on a symbolic as well as physical level) can be traced in Tacitus’ writing of

⁸⁸ The creation of their own hierarchy can also be seen in the Pannonia mutiny when they send a tribune to propose their fixed service terms to Tiberius (1.19.4).

⁸⁹ Galtung (1969).

Germanicus.⁹⁰ Tacitus' Germanicus may be read as a product of 'specific habitus', which to return to Phang, produced values and behaviours necessary for ordered military life. Germanicus certainly exemplifies and abides by such values, yet, what is most notable during the mutiny episodes is that Germanicus' symbolic gestures and words – his attempts to discourage usurpation through the evocation of tradition and exemplarity – fail to secure the compliance of his troops. In what follows, I shall explore Tacitus' writing of resolution through a focus on Germanicus' attempts to reinstate order. The question I want to consider is whether methods of Roman conflict resolution can be read as a cause of conflict, as well as the cure of conflict.

The narrative on the German mutiny provides the first proper introduction to Germanicus. Before Germanicus is made aware of the mutinies (he was in Gaul conducting a census when they first broke out), Tacitus provides the below introduction:

neptem eius Agrippinam in matrimonio pluresque ex ea liberos habebat, ipse Druso fratre Tiberii genitus, Augustae nepos, set anxius occultis in se patrum aviaequae odiis quorum causae acriores quia iniquae.

quippe Drusi magna apud populum Romanum memoria, credebaturque, si rerum potitus foret, libertatem redditurus; unde in Germanicum favor et spes eadem. nam iuveni civile ingenium, mira comitas et diversa ab Tiberii sermone vultu, adrogantibus et obscuris accedebant muliebres offensiones novercalibus Liviae in Agrippinam stimulis, atque ipsa Agrippina paulo commotior, nisi quod castitate et mariti amore quamvis indomitum animum in bonum vertebat. (1.33)

[Germanicus] was married to the granddaughter of Augustus, Agrippina, and had several children by her and since he was the son of Nero Drusus, brother of Tiberius, he was the grandson of Augusta. But Germanicus suffered from the fact that his grandmother and Tiberius

⁹⁰ On symbolic or 'soft' violence as that which refers to subtle forms of rule exercised in the name of tradition, culture and rationality and which is often invisible (and therefore legitimate), see Bourdieu and Wacquant (1992). Manifestations of symbolic violence can be 'injunctions, suggestions, seduction, threats, reproaches, orders or calls to order'. Bourdieu (2001:42).

hated him, the reasons for which were bitter but therefore all the more unjust.

In fact, the memory of Nero Drusus among the Roman people was strong and it was believed, that if he had been in control of things, he would have returned to the people their freedom. Hence goodwill and the same hope passed to Germanicus. Indeed the young man had an ingrained civility and wonderful kindness, in contrast to the assuming and ambiguous looks and words of Tiberius. There were also problems among the women: Livia had a step mother's bitterness toward Agrippina and Agrippina, though determined, was also rather excitable. But she put this spirit to good effect through loyalty to her husband.

The above passage leads on from Tacitus' comments earlier at 1.7.7 which explain that the reason behind Tiberius' lack of hesitation when acting as commander outside of the senate was fear of Germanicus' popularity among the legions and the people of Rome (*in cuius manu tot legiones, immensa sociorum auxilia, mirus apud populum favour*). As can be seen from the passage above, Tacitus continues to portray Germanicus in an exemplary light. Germanicus has an engrained civility (*civile ingenium*) and wonderful kindness (*mira comitas*). Since his father was Nero Drusus, whose memory was honoured among the Roman people (because had he been emperor freedom would have been restored), similar respects and hopes for freedom were passed onto his son.

Tacitus' introduction fits in with the tradition on Germanicus which largely describes him as a kind of 'republican hero', a figure of *prisca virtus*, esteemed by the senate and people of Rome.⁹¹ Yet, despite this introductory character sketch, Tacitus' overall portrayal of Germanicus' moral character is rather complex. Germanicus is written historically, as someone who is conditioned to know the ideas and ideals of the past, but whether this type of knowledge will prevail in the situation of conflict becomes progressively uncertain.

Germanicus' arrival at the camp is met with chaos. Tacitus relates soldiers bearing their aged limbs and thrusting Germanicus' fingers into their mouths to feel their toothless gums. Germanicus, for want of order, commands the troops to divide into maniples but they replied that they would hear better as they were (1.34.2-3).

⁹¹ See for e.g. Vell.2.129.2; Jos.Ant.18.6.8; Suet.Cal.1-6; Dio.56-57.

Germanicus then makes the appropriate speech, beginning with veneration of Augustus, then a recollection of the victories of Tiberius and references to the consensus in Italy and the loyalty of the Gallic provinces (1.34.4). However, the speech is met with silence. Germanicus continues by asking the soldiers what happened to their moderation and the dignity of their old discipline (*ubi modestia militaris...ubi veteris disciplinae decus*; 1.35.1) but the soldiers only continue their demands for relief. In the following chapter, we are told that they offered support to their commander should he require supreme power (*si vellet imperium, promptos ostentavere*; 1.35.3), a proposition to which Germanicus responds by drawing his own sword to his chest, claiming that death would be more honourable than disloyalty.

Tacitus' writing of Germanicus, at this point, coincides with his earlier portrait. Germanicus maintains a civil, 'socialised' approach: he calls for *disciplina militaris*, he shows his *pietas* to Rome and Tiberius and he remains moderate, refraining from resorting to any violent measures. His speech, as reported by Tacitus, also represents the traditional voice – he evokes the qualities which prevent disorder in the camp (*fides*, *modestia* and *disciplina*) and which define the standards appropriate to the virtuous and disciplined Roman soldier. From this perspective, we may interpret Germanicus as someone who is written with a certain 'symbolic capital', which according to Bourdieu is possessed by the individual who 'abides by the rules' and 'falls into line with good form'.⁹² Germanicus is shown to honour the values of the Roman past and the discourses which bind and authorise the systems of knowledge which organise right and wrong behaviour. However, the inculcation of these values fails to win the group over to his side and the soldiers only continue their rebellion.

Eventually a decision is made to forge a letter in Tiberius' name, promising demobilisation after 20 years, immediate discharge to sixteen-year veterans and double payment of requested legacies (1.36.3). Once the soldiers are informed, the discharges are quickly arranged but since cash payments were to be postponed until the troops reached their winter camps, the fifth and twenty-first legions refused to leave their summer quarters. In the end, the sum was paid using the travelling funds of

⁹² Bourdieu (1977:21-2).

Germanicus and his staff. As Tacitus tells, it was a shocking march back to the Ubian capital with Eagle, standards, and the cash paid out by their commander (1.37.2).⁹³

Tacitus' portrait of Germanicus becomes less structured as the conflicts continue. Despite the previous reference to the exemplary *fides* of the Gauls, Germanicus himself decides to deceive the soldiers using Tiberius' name. Further and extreme resolutions devoid of *modestia* can also be seen in the punishment (*supplicium*) inflicted against two soldiers on the order of camp prefect M. Ennius (38.1).⁹⁴ Tacitus' appended commentary here is notable; in his own voice he describes Ennius' resolution as an illegal but good example or 'more a good example than legal concession': (*bono magis exemplo quam concessio iure*). This is one of the few times during the narrative on the mutinies that Tacitus interrupts the story of events with his own opinion in moralizing tone, yet illegal punishments as setting a good example suggest an irony and reference explicitly the exceptional period of civil wars which preceded the establishment of the Principate, characterised similarly by '*non mos, non ius*' (3.28).⁹⁵

The narrative continues to draw attention to the corrosion of Germanicus' symbolic capital in the context of conflict. At 1.39, Tacitus describes soldiers dragging Germanicus from his bed at night, compelling him to surrender the banner kept in his quarters under the threat of death. This passage represents the climactic moment of the soldiers' violence as well as Germanicus' own subjection to their control and as Tacitus later states, Germanicus, in contrast to the pure virtue (*praeclara pudicitia*) of his wife appeared as a man standing in a conquered city – rather than a triumphant commander in his own camp (1.41.1).

Meanwhile, the sedition among the fifth and twenty-first legions continues. Germanicus' new resolution is to declare war on them if they reject his authority (*igitur Caesar arma classem socios demittere Rheno parat, si imperium detrectetur, bello*

⁹³ Germanicus also resolved the potential of resistance from the four legions in the Upper army by offering money and dismissal (without them even demanding it [*pecunia et missio quamvis non flagitantibus oblata est*; 1.37.3]). Tacitus later comments that such measures were ill-considered (1.78.2).

⁹⁴ Woodman (2004a:21) translates *supplicio* as 'reprisal' which in this context (of warfare) implies that Ennius inflicted injuries onto the soldiers greater than those received. *Supplicium* can also be understood as capital punishment, torment, execution (*OLD* 3, 4).

⁹⁵ The limitations of law and morality, as well as the incompatibility between the two, will be discussed further in the next chapter.

certaturus; 1.45). Eventually, he reconsiders and instead sends a letter to Caecina proposing a massacre unless he finds the main enemies and force reprisals. If no reprisals were conducted, Germanicus would continue his initial plan to resort to massacre (1.48). After a planned attack, the centurions broke into the tents and killed the unknowing occupants. According to Tacitus, on arrival at the camp soon after and seeing the result of what he himself had threatened, Germanicus described the event not as a cure but as a disaster (*non medicinam...sed cladem*; 1.49.3).

It is difficult to conclude on the nature of Tacitus' writing of Germanicus from the start of the mutinies to their eventual end.⁹⁶ The introduction which Tacitus gives, that Germanicus had an engrained civility (*civile ingenium*) and wonderful kindness (*mira comitas*) is problematised during the course of the violence. On the one hand, Germanicus strives to maintain the disciplined 'Roman' approach. He remains dutiful to Rome at all costs – and furthermore at the sacrifice of the safety of his wife and son (certainly symbolic of Aenean piety). When the soldiers offer their support to him should he require *imperium*, he responds by drawing his own sword to his chest, claiming 'death to be more honourable than disloyalty' (1.35.3). Germanicus may be interpreted as an individual who embodies the system, as someone who strives to uphold and act according to the norms which *habitus* puts into motion. However, in the end, in order to quell the violence Germanicus has to act against his socialised or structured self. Rather than showing and exemplifying *disciplina*, Germanicus' measures of conflict resolution reveal: 1) a lack of *fides* because he lies to his men by forging a letter in Tiberius' name; 2) a lack of *moderatio* because he resorts to excessive financial bribery (*flagitiosa largitio*) and 3) a lack of *clementia* and *civilitas* because in the end, and following the soldiers' example, he resorts to the threat of death. In any case, the actual resolutions of the mutinies are independent of Germanicus' intervention: while some of the rebels (by choice) end their violence

⁹⁶ There has been some debate on the Tacitean Germanicus. Syme (1958) and Walker (1952:118-120) for example argue that he is a republican hero type figure, in contrast to Tiberius. Shotter (1968) sees him as a symbol of discontinuity between past and present (see also O'Gorman (2000:46ff)). Goodyear (1972) and Pelling (1993) find Tacitus' portrait of Germanicus altogether ambivalent. Williams (2009) has extended the scholarly debate around Tacitus' Germanicus beyond the question of whether he is or is not moral/republican by claiming that the ambivalence of the Tacitean Germanicus functions as commentary on the Principate and its arbitrary nature.

because of pity for Agrippina; others (by force) end upon being ambushed by Caecina and his staff.

The irresolvable tension between Germanicus and the soldiers which the mutiny episodes reveal reflect a wider incompatibility between the commitment to *disciplina* and the maintenance of order. Although the soldiers' agency does not destroy the system (nor instigate change – democratic politics is only momentary and in the case of the mutinies, it is ultimately futile since the soldiers' demands were disregarded) Tacitus does allow us to see the potential flaws in the system because the source of *sedition* resides in the ideology of discipline which defines it. Furthermore, Germanicus – similar to other figures or 'character types' that are imbued with a certain level of 'symbolic capital', such as Lucius Piso and Quintus Haterius⁹⁷ – cannot promote order. Compliance and order, in the end, are founded through biopolitical measures (cash, profit).

The Tacitean narrative does not therefore wholly support the idea that discipline was something which prevented insurgency – rather, discipline became distasteful. Nor does Tacitus contribute to traditional didactic historiography, which represents disciplinary exemplarity (and other symbolic representations of *Romanitas*) on behalf of army commanders as something which resolved conflicts. This pushes us to think again about how the system is held together and how hierarchy is reinforced. It is not necessarily the case that loyalty to the father, to Rome and to tradition, is what maintains the stable state. Rather, it appears that resolution comes from other sources – economic benefits (cash, gifts, grain) and the promise of discharge (reduced service, *otium*). There is therefore a notable problem with the notion that the inculcation of the ideology of *disciplina militaris* prevented insurgency and promoted resolution.

The Paradox of *Disciplina Militaris*

To return to Phang, *disciplina militaris* attempted to discourage usurpations by 'promoting probureaucratic rationalization and values or behaviours that produced the habitus appropriate to the soldiers and officers.'⁹⁸ Furthermore in the Roman army 'full

⁹⁷ As will be discussed in the next chapter.

⁹⁸ Phang (2008:285).

rationalization was impeded by tradition and by the charismatic authority projected by the commanders.’⁹⁹ Phang further argues that *otium* was regarded as a ‘source’ of insubordination: ‘if soldiers had too much *otium*, the military hierarchy risked dissolution.’¹⁰⁰

There are many examples in ancient literature of *otium* and *luxuria* as qualities which caused violence.¹⁰¹ For example, in the *Histories*, Tacitus writes that in the army of Vitellius’ complete disorder and drunkenness of a type suited to bacchanalian crowds prevailed, rather than the discipline appropriate to camp life. The consequence in that case was that a mutiny broke out which saw the massacre of two cohorts. Tacitus’ view is that the soldiers’ strength was corrupted by luxury, which was in contrast to the ancient discipline of the ancestors, in whose day valour rather than money was the foundation of the Roman state (*Hist.*2.69).

Tacitus is therefore clearly aware of the dangers of *luxuria* and *otium*, which can of course also be seen in the *Annales* in his description of the elite who were seduced by it. However, in Germany and Pannonia, there is a slightly different pattern of cause and consequence. Whereas Phang argues that *luxuria* can cause the collapse of disciplined habitus, leading to loss of self-control; in Tacitus it seems that the cause of the military violence is not due to an excess of *otium* but rather an excess of discipline. This is explicit at 1.19.2 (...*disciplinam et laborem aspernari*) and later reiterated at 1.36.2 when in his own voice he states that severity can be dangerous. At 1.31.4 the implied cause of the German mutiny is *otium* because the legions had been held in the territory of the Ubii for a period of only light duties (*nam isdem aestivis in finibus Ubiorum habebantur per otium aut levia munia*). But at 1.35.1 Tacitus further suggests that it was not *otium* which caused the mutiny but whatever else (*labores*) was invented to prevent it: (...*et si qua alia ex necessitate aut adversus otium castrorum quaeruntur*). Overall, and throughout both accounts, the long lists of the soldiers’ grievances which were assigned for disciplinary purposes but are now used as the reasoning behind their violence (that is, their lack of *disciplina* and *fides*) suggest that

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid* (32).

¹⁰¹ Cf. Liv.28.24.6 (Scipio Africanus allowed his troops too much leisure after a victory, which led them to mutiny), Dio 80.4.2, Veg.*Mil.*3.4.1; Hdn.3.8.5.

the cause of mutiny was *labor*, which is most notably the product of *disciplina* rather than *otium*.

On the one hand, then, the symbolic violence (the rules, norms, orders) which is imposed on the soldiers and which is fundamental to the disciplined, stable state is necessary and legitimate; but on the other, Tacitus invites us to consider the violence of discipline, which is that it incites sedition through its own imposition. Ultimately, discipline remains integral to the dynamics that allow peace and profit but this is not without creating moments of rupture.

Discipline as something which inspires violence evidently reveals the paradox of discipline ideology and by extension, the role this played in maintaining military hierarchy and promoting specific *habitus*.¹⁰² Yet Tacitus offers us an explanation as to why this paradox may have existed within the military *habitus*. The concept of *habitus* is fundamental to understanding social relations. Nevertheless many scholars have dismissed Bourdieu's theory on the grounds that it is too deterministic.¹⁰³ However, in his *Outline of a Theory of Practice* Bourdieu does suggest the potential power of human agency to override social structures: 'practices are always liable to incur negative sanctions when the environment with which they are actually confronted is too

¹⁰² This means that the practices and institutions which foster disciplined behaviour can at times foster conflict. This is not only seen in the soldiers' acts but also Germanicus' own, because his method of conflict resolution is not promotion of 'specific *habitus*' but rather deceit, threat of war and murder. Phang's analysis of discipline in a military context as an ideology is useful, but she does not develop discipline and the structures of *habitus* to their full paradox, which is that they are repressive and may lead to a desire for liberation, seen during the mutinies through violence. Bourdieu himself discusses this but through 'symbolic violence' which is not physical but rather 'the gentle invisible form of violence, which is never recognised as such and is not so much undergone as chosen, the violence of credit, confidence, obligation, personal loyalty, hospitality, gifts, gratitude, piety – in short all the virtues honoured by the code of honour' – which then maintain hierarchy (1977:192). Symbolic violence in Bourdieu is therefore not really distinguishable from the structures of the *habitus*. My argument following Tacitus' narrative is that this 'symbolic violence' leads to physical democratic violence. And democratic violence is not only about liberation but also about survival.

¹⁰³ Jenkins (1992:118) summarises the 'too deterministic' critique of Bourdieu: 'the central thread which unites the empirical and theoretical critiques is the argument that Bourdieu's theory of cultural reproduction and social reproduction is deterministic. It fails to allow for social change at the level of the system and does not allow for meaningful agency or process at the individual level'. I think that to deny the deterministic elements of *habitus* would be as problematic as denying the existence of agency because the emergence of agency is an act of resistance which the determining structures of the *habitus* stimulates.

distant from that to which they are objectively fitted.’¹⁰⁴ This incurrence of negative sanctions can explain why the ideology of *disciplina militaris* was paradoxical (and as a consequence potentially foundational). As Phang argues, hierarchy was reinforced through, on one hand accepting notions of *virtus* and on the other, rejecting notions of *servitium*. To work hard and be dutiful was virtuous but to be servile (like slaves) was ‘disgusting’.¹⁰⁵ Soldiers were supposed to act like proud Roman males, dissociated from subordination. Socialization depended on the rejection of certain behaviours and characteristics – ‘ideological disgust reproduces social hierarchies and values...Roman elite authors depict civil warfare and insubordination as abject’.¹⁰⁶ However, in Tacitus’ narrative on the mutinies, *honor* and *virtus* are in conflict with the servile and subordinate conditions of the soldiers’ existence (‘their wounds, the marks of their beatings, the price of exemptions, bad pay, the severity of their assigned tasks, especially the ramparting, the ditches, having to carry pasture, timber and firewood and any other task which was designed to control idleness in the camp’; *Ann.*1.35). Subsequently, there is a further problem involved with *disciplina* ideology. When a society has within it an image of what it is partly because of a precise idea of what it is not, any slippage between the positive and negative ideal will cause a problem, increasing the potential of social conflict. The negative dialectic as problematic can especially be seen in the narrative on the mutinies because the soldiers are presented as the thing they are not supposed to be (servile) and the extent of their servility conflicts again with how they are supposed to appear (virtuous). The environment in which they live – one of dirt, excessive *labor* and servility – confronts them with a ‘negative sanction’ which is perhaps too distant from that to which they are supposedly objectively fitted.¹⁰⁷

¹⁰⁴ Bourdieu (1977:78). See further Alston (2002:50ff) who makes the important point that social values will change over time, anticipating the emergence of certain problems arising from the ‘structuring structures’ of the *habitus*. Cf. *Ann.*3.55.

¹⁰⁵ Following Kristeva, Phang discusses what is wrong and what should be rejected (‘ideologies of disgust’) through the concept of abjection (2008:34-36).

¹⁰⁶ *Ibid* (35).

¹⁰⁷ A similar incurrence of negative sanction can be traced in Tacitus’ writing of Germanicus. Germanicus has been the focus of much scholarly debate but if we follow the narrative, Tacitus makes the nature of his character clear from the beginning (*civile ingenium, mira comitas*). The point is that such a character cannot maintain itself in the context of violence because the engrained sense of civility (i.e. the historicised structures of *habitus* – *pietas, fides, moderatio*) incurs its negative sanction in the

So the paradox of discipline in the Tacitean narrative, in terms of its own enforcement (it is dangerously extreme) and the means through which it produced hierarchy and promoted specific habitus (by separating the soldier from abject things like servility) is therefore that it is self-defeating. The soldiers in Tacitus are described as living within the conditions which produce the abject: they are slaves to their commanders and have to endure harsh laborious tasks which merge with the abject subordination of slaves. Subsequently, discipline in excess means they themselves become abject because their hardships threaten their disciplined and habitus-structured identity as virtuous and honourable Roman males.

If there is this type of self-defeating paradox located in *disciplina militaris*, one which produces a dialectical conflict, then there is also one located in military hierarchy, leaving democratic violence susceptible to emerge and habitus open to rupture.

Conclusion: Habitus and Rupture, Senators and Soldiers

The habitus as ‘the active presence of the whole past’ encompasses past dislocation just as much as past stability...Before we throw out the concept of habitus in favour of an analytic frame that privileges fragmentation alone, let us consider how, far from being lost through experiences of disruption, dislocation, destruction, and even apocalypse, the habitus feeds on these and takes them into itself. Instead of being inimical to reproduction, then, rupture *becomes* part of what is reproduced.¹⁰⁸

The emergence of civil conflict during the interregnum can be read as an example of action which ruptures the habitus. This is because the insurgent soldiers transgress the hierarchical structures habitus promotes and the structuring structures it produces. But from Shaw’s perspective above, it could equally be argued that the emergence of mutiny is something which is ‘reproduced’ from the disruptive and ‘apocalyptic’

environment of sedition because the environment of sedition is possibly ‘too distant’ from that to which Germanicus, is ‘objectively fitted’.

¹⁰⁸ Shaw (2002:5).

elements that are already engrained in the habitus. If habitus, as ‘the active presence of the whole past’, is historic and furthermore historically generative, it could potentially generate violence (the ‘bad’ memories of the past or ‘past dislocation’) as well as order (the ‘good’ memories of the past or ‘past stability’).

A useful way to trace how rupture becomes part of what is reproduced through the habitus is to pay attention to the repetition of certain traumatic or ‘apocalyptic’ events in certain contexts. Civil wars happened more than once in early imperial Rome. Furthermore, civil wars founded the establishment of the Principate. Given this, civil war in Rome was not only endemic to the history of the early imperial and late republican system but it was also foundational.

In Tacitus’ narrative on the mutinies, the soldiers recall the civil war past in the violent acts they commit against their fellow Romans. But they also recall how politically significant their violence is and has been in the past: *sed multa seditionis ora vocesque: sua in manu sitam rem Romanam, suis victoriis augeri rem publicam, in suum cognomentum adscisci imperatores* (1.31.5). We may extend the self-reflexive possessive adjectives used here (*sua, suis, suum*) and the context in which they are used to suggest that the soldiers are referring not only to themselves and their individual memories and experiences, but possibly even to earlier groups of soldiers who had fought and won Rome’s wars, and who inspired commanders’ names and who demonstrated that Rome’s fate was in their hands – groups of soldiers with whom these soldiers in the present feel connected.¹⁰⁹ Furthermore, while the soldiers can legitimately refer to a past in which they made significant contributions to the making of politics, the senator cannot to the same extent reference a past in which his action increased or determined the glory of Rome, at least not in the Tacitean account. The point is that Tacitus’ narrative sees a momentary role reversal between the army and the elite in terms of which order of society is ‘the part that has no part’.

However, despite the increasing significance of the part played by the military and the decreasing significance of the part played by the elite, the problem which Tacitus raises during the mutinies is that the soldiers are not treated as significant

¹⁰⁹ I am grateful to Aaron Seider for pointing this out to me.

political actors. From this perspective, Tacitus' narrative continues to work to outline multiple pasts and the tensions created from their presence in the present. On one hand there is a tension between the soldiers' victorious past (in which they played a significant part) and the soldiers' aggrieved present (in which they are treated as if they play no significant part). On the other, there is a tension between the elite republican past (one of *dignitas* and *honor*) and the elite imperial present (one of *otium* and *simulacra libertatis*).¹¹⁰ Furthermore, while the elite 'rush' into servitude and are 'eager for servitude' this is in clear contrast to the soldiers' servitude, which is not chosen but has been endured. The soldiers' pasts and present are not the same as the senators' past and present.

This allows us to understand the habitus from another perspective. Military habitus cannot really be understood without due consideration of what actually happens in the camp (the everyday laborious activities of the soldiers) as well as the more abstract and idealizing structures of the habitus which influenced disciplined behaviour in the camp (the *mos maiorum* and *disciplina militaris*). Nor can military habitus be understood monolithically, in terms of what history and memory is handed down from the past and socialized into the soldiers' present. It is very possible that non-idyllic memories became part of the habitus, such as the everyday memory of the soldiers' own oppression and servility ('experiences of dislocation') which is explained in Tacitus with reference to their grievances, as when they 'bared their bodies as one man to reveal the scars of their beatings' (*nudant universi corpora, cicatrices ex vulneribus, verberum notas exprobrant*; 1.35.1). But it is also possible that revolutionary memories became part of the military habitus (*sua in manu sitam rem Romanum*) to counteract the soldiers' 'habit of submission' (*morem obsequii*). From this perspective, if habitus as 'the active presence of the whole past' is historic and furthermore historically generative, it could potentially generate both subordination and insubordination.

¹¹⁰ If Tacitus' conception of *libertas* is the freedom to speak and as Wirszubski has argued, 'the courage to preserve one's self-respect...to keep one's *dignitas* alive' (1950:166-7) then the democratic politics of *sedition* may also be read as moments of soldiery *libertas*, which again is in contrast to the elite's readiness for servitude.

In conclusion, while it cannot be denied that habitus helped to determine and promote hierarchy and discipline, it could equally be productive of ‘disruption, dislocation’ and resistance. It could equally be productive of democratic violence. As I have discussed, democratic violence is precisely what is produced during the interregnum, a time which Tacitus uses to reveal the most critical difference between soldier and senator. Under the Principate the elite moved away from *negotia publica* and instead lived in *otium*. And due to his frequent references to their servility, Tacitus makes it clear that the senators did not stop performing their roles of subordination but rather continued to allow the suppositions of inequality to shape social hierarchy. But the soldier’s democratic activity reveals the opposite: the soldiers during the mutinies stop accepting their role of subordination. The mutinies represent moments of extreme forms of political activity which are in sharp contrast to the unproductivity of the elite in Rome. The elite have disengaged from political life but the soldiers, in contrast, now deeply engage in the making of politics through their democratic violence. And in the democratic violence of the interregnum, the revolutionary soldiers engrain a new rupture into the habitus – a rupture which is reproduced in later years and which is foundational.

CHAPTER 4

TACITUS AND THE THEME OF CORRUPTION

Let us not blame people and their attitudes: the problem is not corruption or greed, the problem is the system that pushes you to be corrupt.¹

Corruption describes a process of decay through which an individual or institution changes from its original condition into something ‘unsound, impure, debased, infected, tainted, adulterated, depraved [or] perverted.’² Corruption refers to defiance of the law and it can also refer to deviance from an established notion of what is moral (‘good’) or ethical (‘right’).³ In Roman historiography, corruption is associated with a decline in traditional morality. Corruption is a condition which results from acts and activities that debase or distort the exemplary ways of the *maiores*.⁴

The theme of corruption is central to Tacitus’ *Annales*. Multiple narratives of deviant behaviour together reveal the extent to which corruption was embedded within the wider network of political and power relations that made up Tiberian society. This can be analysed in the many forms of corruption which Tacitus explores, forms which are neither completely discrete nor completely disconnected. For example, there is a narrative of political corruption, seen in the growing culture of delation. In the delations, where the practice of law becomes the profession of the informant, there is rhetorical corruption and juridical corruption (*corrupta iudicia*).⁵ The secrecy of court politics leads to relational corruption in the betrayal of friendship (a corruption of *amicitia*, a corruption of *fides*) and a wider conflict between self-interest, duty to the community and duty to the *princeps* (a corruption of *pietas*). The confusions of duty (to whom or to what to remain dutiful) inflect a process of individual corruption through increasing *servitium* (to the *princeps*, to the regime and even to one’s own position in

¹ Zizek (2012), [online].

² Philp (1997:445).

³ On definitions of corruption see Philp (1997), Heidenheimer and Johnston (2002) and Pardo (2004:1-11).

⁴ See for example Sall.*Cat.*5.8-13.5, 36.4-39.5. On deviance from the *mos maiorum* as not right see Suet.*Rhet.*1 and Cic.*Or.*3, 24, 93-5.

⁵ *Ann.*2.34. On *delatores* and oratory see Rutledge (1999:555-73).

the state). These narrations culminate in a corruption of discourse through which what is right and wrong is lost, as Tacitus himself reminds us.⁶

From this perspective, one can see that the Tacitean narrative follows earlier historiography which discloses corruption as a contagion (*contagio*) or plague (*pestilentia*) that infects the imperial state.⁷ Yet a paradox of Tiberian Rome which serves ultimately to underpin the process of corruption is that the various forms of corruption (political, individual, rhetorical, juridical, civic, discursive) serve the purpose of individual *virtus* and state *concordia*, and provide the regime with its force. Ordinarily, a corrupt act is the antithesis of a virtuous act (as a free act is the antithesis of an enslaved act) but corruption in Tacitus is equally and paradoxically constitutive of virtue.

In Tacitus' analysis of Tiberian Rome deviant action such as illegality, immorality and deception is shown to play an on-going role in maintaining the architecture of government (the secrets of state) and the Roman 'arts of existence' (the processes of earning wealth and status).⁸ In this view, corrupt activity not only surfaces in order to satisfy questionable desires such as greed (*avaritia*) and luxuriousness (*luxus*) but Tacitus shows that corruption is also a route to satisfy moral drives such as *honor* and *decus* (moral propriety).⁹ Since corruption (bad or wrong behaviour) and morality (good and right behaviour) coincide as different means to achieve the same ends (*virtus*, albeit only in appearance), it is more accurate to understand corruption in Tacitus not as antithetical to morality (as a condition of *non mos, non ius*), but rather, as something consistent with the aims of morality. Subsequently, the theme of corruption in Tacitus as something which penetrates and exhausts the state signifies much more than a 'bad' or 'wrong' value or activity, such as luxury (*luxuria*) or bribery (*largitio*). Rather, corruption as legal, moral and ethical deviance is recognised as a condition of life which is integral to the workings of politics and even the workings of

⁶ *Ann.*4.33.2.

⁷ See for example *Sall.Cat.*10 on the *pestilentia* which 'invaded' the *res publica*. See also *Livy.Praef.*9 and *Cic.Leg.*3.30-2 on corrupt men corrupting others.

⁸ On the 'arts of existence' see Foucault (1988b:259ff.) and (1990:10-13). Cf. Foucault's 'technology of the self' which is 'the way a human being turns him or herself into a subject' (1983:208).

⁹ On *decus* as distinction, dignity, 'seemly behaviour' see *Cic.Off.*1.93-151 and *OLD s.v.* 4.

morality. Any political identification with the regime, which is the path to *virtus* and *fama*, requires an acceptance of corruption.

In this chapter I will analyse Tacitus' writing of corruption in order to explore further the relationship between corruption and politics and, more widely, corruption and morality. In order to analyse corruption as something which played a continuing role in the early years of the Tiberian Principate, my focus will be on particular episodes during the years between AD 15 and AD 22 (*Ann.*1.72-3.76), which as I shall show work to reveal various continuities between morality and corruption, that is, corruption as virtuous and virtue as innately corrupt.

In the first section, I focus on Tacitus' writing of law, paying particular attention to Tacitus' interpretation of the *lex Papia Poppaea* and proposed sumptuary legislation. My aim is to examine Tacitus' writing of law as something which causes corruption rather than that which prevents it. According to R. Bauman, 'law reform was rooted in one of the deepest well-springs of the Roman ethos' and throughout their turbulent history, the Romans 'turned to their law as the one sure shield against dissolution and decay, and when they criticised a regime it was for its lawlessness more than for anything else: *res publica sine iure* is a recurrent refrain.'¹⁰

Bauman neatly sets up the essential aim and importance of law in Roman society: that the institution of the law was aimed at 'shielding against dissolution and decay' is undeniable and that law reform was 'rooted in one of the deepest well-springs of the Roman ethos' is again difficult to refute. Yet, Tacitus offers a different understanding of law; his critique of the imperial regime is not, in sum, aimed at its lawlessness. Rather, what Tacitus is critiquing is the plurality of the law (*plurimae leges*; 3.27) and more specifically the disjunction between laws (*leges*) and rights (*iura*) – that is, the inability of civil law to serve one of its essential purposes, which is to protect citizen rights.¹¹ I shall explore the disjunction between law and right through

¹⁰ Bauman (1989:16).

¹¹ I note that *ius* also refers to law as in *lex* (Cf. *OCD s.v. ius civile*) but in contrast to *lex*, *ius* encompasses a wider meaning (such as the more 'theoretical' sense implied by *ius gentium*, c.f. *OCD s.v.*). I employ the term *ius* in its more extensive sense, which covers natural law ('in a wider sense, that which is good and just', *OLD* 7) as well as one's 'right' ('what one is entitled to esp. by law, one's due; the right to do or have something', *OLD* 10, 11). On Tacitus' use of *ius* in the sense of one's power/authority (or *potestas*) *GG s.v. ius* p.730.

Tacitus' writing of delation, focussing in particular on the case of Libo Drusus in AD 16 (2.27-2.32). Delation is a legal process, designed to enforce the laws and in so doing, 'shield against dissolution and decay'. However, in Tacitus, what delation produces in its own legal-protective (surveillant) process is a disciplinary system of *terror*, in which privacy is violable, fear is automatic and by which property, and more tragically for Tacitus honour, is displaced to those less honourable. In this view, '*res publica sine iura*' is what concerns Tacitus, but this is due not to a lack of law nor inadequate law reform. Rather, it is due to a contamination within the very system of law itself (the *delatores*), a contamination which under the Principate endangers fundamental civil rights (to freedom, to property, to privacy, to speech, to a fair trial) and to being Roman (to maintaining one's own *honor*).¹²

Tacitus' narrative problematises the normal understanding of law as that which prevents corruption.¹³ His writing of *delatio* shows that corrupt forces can often stem from the law itself, which rather than ordering morality becomes the very mechanism through which dissolution and decay are perpetuated.¹⁴ A similar paradox (that is, mechanisms of order as mechanisms which cause disorder) can be traced in Tacitus writing of Roman *moderatio*. Roman morality was grounded in the virtue of moderation. An adherence to moderation prevented transgression of the boundary between virtue and vice, thus allowing the individual (to know how) to assert an honourable and virtuous identity. However, in Tacitus' Rome, the practice of *moderatio*, as the practice of observing/knowing limits, is in conflict with imperial time – a time which was not one for censorship but rather one for excess (2.33). This can be seen in particular in Tacitus' writing of certain vices, especially *luxuria*, which on the one hand is something which softens the mind, but on the other something which enables dignity and fame, albeit through decadence.

Tacitean historiography is set within the context of imperial excess (*luxuria*, *luxus*, *avaritia*), yet in contrast to the views of Sallust and Livy who align excess with

¹² On *delatio* as contaminating and intrusive see for example *Ann.*2.27.1, 3.66.4, 4.66.1; 4.68.1ff. See also *Hist.*1.2.3. On civil rights in Roman thought see Wood on Cicero (1988). On human rights Bauman (2002).

¹³ *Cic.Rep.*3.33 and *Leg.*1.18-19.

¹⁴ This reversal is made explicit at *Ann.*3.25ff., (to be discussed further below).

the destruction of the health (*salus*) of the state Tacitus offers a different view. According to Tacitus (or Tacitus' Tiberius), although sumptuary legislation will curb *luxuria*, in doing so it will ruin the state's best (*splendidissimi*) people, cause large scale crime (*crimen*) and bring financial loss (*damnum*) to the state. Subsequently, although excess remains a vice and moderation a virtue, the problem is that moderation can no longer enable virtue, nor *concordia*. Instead, *luxuria* allows both individual *dignitas* and consolidates wealth and power in the imperial state (thus asserting order). In Tacitus, *luxuria* is not written as a cause of systemic decline. Rather it emerges as a 'useful vice', ensuring stability and peace both on the level of the individual and the level of the state.

The moral potential of excess, which Tacitus writes through *luxuria*, is similar to the moral potential of excess explored through delation. In Tacitus, rumour, power and wealth (signs of '*nimia licentia*' or '*nimia cupiditas*' which Cicero warns against¹⁵) are written as essential means of gaining and asserting a virtuous identity, thereby outweighing the moderating values encoded in Roman culture (values which are asserted through the law and the *mos maiorum*). From this view, that vice or excess allow something positive (albeit an immoral positive), one can begin to trace precisely how Tacitean thought reveals a different understanding of 'good' and 'bad' in which 'good' is a relative rather than absolute concept. And if morality is relative, then so must be immorality (and 'corruption').¹⁶

In the second section, I focus on Tacitus' writing of mercy (*clementia*), paying particular attention to the proceedings in the law courts during the criminal investigations of Clutorius Priscus (3.50-1), Junius Silanus (3.66-8) and Lucius Ennius (3.70). In theory, the act of mercy was for Romans something which represented kindness and 'civilised' behaviour.¹⁷ For Seneca, *clementia* was the most human of all virtues.¹⁸ However, the practice of *clementia*, though 'humane' (at least according to some of our sources¹⁹), is revealed by Tacitus as a source of conflict. This conflict,

¹⁵ *Rep.*1.68. See *Cic.Off.*1.19.64 on the problem of '*nimia cupiditas*' (excessive desire).

¹⁶ See further Pardo (2004:1-15) on the non-absolute nature of corruption.

¹⁷ See for example *Cic.Inv.*2.164.

¹⁸ *Clem.*1.2.3 (cf. 1.25.1 on the *crudelitas* of wild beasts).

¹⁹ On the multifarious nature of *clementia* see above p.27, n.49.

notable especially during the trials of treason, is to do with three related questions: 1) how to establish a balance between displaying *clementia* while also preserving *severitas*; 2) who has the right to exercise *clementia* (who can speak in the name of Rome or where does sovereignty reside) and 3) on whose behalf should *clementia* be exercised or to whom does the majesty of the state belong (the senate, Tiberius or Augustus).

A further problem revealed through *clementia* relates to exceptionality. It is notable that Tacitus, through Tiberius, allows us to read *clementia* in its essential meaning, not only as a humane or moderate virtue but also as a peculiarly exceptional virtue (as above the law). The decision on mercy rests on deviance because by being *supra leges* it is a virtue which can only appear through an act which distorts the law (since to forgive a crime is to make a legal exception). Yet, *clementia* not only corrupts the notion of *iustitia* for the sake of avoiding punishment, but *clementia* furthermore cannot exist without the creation of bare life.²⁰ For Cicero, it was the role of justice not to violate humanity (*iustitiae partes sunt non violare homines*; Cic. *Off.* 1.99). However, it is notable that although the subject of mercy was often rescued from death, he was nevertheless declared an outlaw (*interdictus* or *homo sacer*), stripped of his citizen rights and banished from Rome.²¹ Given this, the choice of ‘bare life’ made by the condemned and which then constituted the morality of the sovereign is a thoroughly corrupt procedure, since it involves the reduction of the citizen to the subject and as such undermines the identification of the Roman as citizen. Furthermore the ever-present potential for the citizen to be subject to *clementia* meant that the state of bare life was always present, threatening citizen values and reducing the individual, in the last instance, to a subject (a ‘rootless, stateless, rightless’ individual²²).

Tacitus’ narrative on Tiberian *clementia* allows us to locate a deeper form of corruption, paradoxically embedded within the act of virtue itself. As a symbol of Roman *humanitas*, *clementia* was integral to the moral identity of the *princeps* and the Roman state. *Clementia* along with *aequalitas* and *iustitia* were fundamental tenets of

²⁰ On bare life see above p.23-4.

²¹ On *homo sacer* see Festus 424L (above p.24, n.47).

²² Alston and Spentzou (2011:220-221).

Roman *humanitas*.²³ Yet, *clementia* is corrupt because it depends on a deviance from the law and it is virtuous because it appeals to Roman ideals of *civilitas* and *humanitas*. The double-sided nature of *clementia* is the quintessential manifestation of the relationship between corruption and morality, illuminating how the sovereign reinforced his power (by making exceptions in the law) while simultaneously legitimating his sovereignty through discourses of humanity (*lenitas*, *civilitas*, *humanitas*). *Clementia* in Tacitus may therefore be read as an act of ‘virtuous deviance’ (as a harmful virtue).

Such connections between virtue and vice, morality and corruption problematise the conventional understanding of what for Tacitus is precisely the cause of corruption in Roman society. It appears that corruption is caused by law and morality rather than something which reflects a lack of individuals’ adherence to the law and morality. *Moderatio* by restricting *luxuria* prevented individual *dignitas* and increased distress and crime, while *clementia* for the purpose of the display of sovereign *humanitas* confused *iustitia* as well as violated humanity in the creation of bare life. If it is through morality and the law (a society’s ordering structures) that injustice and inequality is perpetuated, then, Tacitus shows, corruption does not only stem from ‘lawlessness’ nor is corruption something which is made manifest through untraditional desires such as greed. Rather, corrupt forces are embedded within Roman epistemology because it is by the ordering structures of Roman society (by the law and by the *mos maiorum*, that is, those structures which contribute to the constitution of knowledge), that dissolution and decay are caused: corruption is fundamentally *systematic* (omnipresent or regular) and *systemic* (built into or deep-seated in Roman culture). In such a context, we may understand Tacitus’ statement at *Ann.3.27* in reverse form, not that the more corrupt the state the more numerous the laws (*corruptissima re publica plurimae leges*) but rather that the more numerous the laws, the more corrupt the state.

Yet, as I shall argue, this can be extended further to consider not law and morality as corrupt but the source of epistemology (the thing that guides law and

²³ Bauman (2002:44ff.) and (1996 12ff.).

morality) as corrupt. In Tacitus, corruption is to do with the Roman ‘ethos’ itself, in particular, the wider notion of Roman *humanitas*, that which bound the system together through the rhetoric of civility, humanity and power, yet also that which required the law to be suspended or transgressed in order for that display to be achieved.²⁴ The problem therefore is not ‘the system that pushes the individual to be corrupt’ (pace Zizek, above) but rather, in a Roman context, the problem is that the system pushes the individual to be virtuous, at whatever cost, and in which context virtue is deviant and thus rendered abstract from its traditional, ethical or absolute meaning. Morality in Tacitus presages Arendt, in the sense that it emerges as something which is ‘more than the sum total of *mores*, of customs and standards of behavior solidified through tradition’.²⁵

In this view, we may read from a different perspective the digression at *Ann.*4.33, during which Tacitus tells that under the Principate few had the knowledge (*prudentia*) to discern the honourable from the worse (*honesta ab deterioribus...discernunt*) and the useful from the harmful (*utilia ab noxiis discernunt*; *Ann.*4.33.2). This claim immediately suggests a certain epistemological problem (a collapse of the binary between right and wrong, good and bad). However, although Tacitus attributes bad behaviour to a problem of knowledge, his analysis of court politics prior to this digression suggests that the problem did not lie in *prudentia* nor was it due to a lack of doctrinaire morality (*boni mores* or *prisca virtus*). Rather, the knowledge of good and right exists but such knowledge is in conflict with imperial time.²⁶

²⁴ *Humanitas* in Tacitus is also enslaving (*Ag.*21). On definitions of *humanitas* see Woolf (1998:54-73). See also Plin. *NH.* 3.39, Gell.*NA.*13.17.1. (See also *OLD s.v.*: ‘human nature or character; the quality distinguishing civilised man from savages or beasts; civilisation, culture, humane characters, kindness, human feeling’).

²⁵ Arendt (1998:245). Discussed further below.

²⁶ Part of the difficulty involved with reading ‘good’ in Tacitus is that there is a conflict between the didactic element of his historiography (to teach posterity through the provision of good examples, as well as bad) and the subject of his historiography (politics of the imperial court). This conflict makes it so that the lesson Tacitus himself tries to teach through his historiography is subsumed by his own narration of the politics of the period, through which he tries to teach it. The digression at 4.33 is an obvious expression of this conflict, the conflict between what the Roman should be (generally speaking) and what the Roman is (under the early Principate).

Imperial time in Tacitus is such that the commitment to *honestas* no longer serves any effectual role in imperial politics nor in the making of an honourable or powerful identity. Rather, Tacitus' analysis of the imperial regime is one in which temporal pressures are exerted, pressures to be wrong, to be evil, to be deceitful (to be corrupt), and not for the sake of greed, but for the sake of the good of the state (that is, to support its systems of power). Tacitus implies that such was the nature of the time that honourable acts (*moderatio*) led to harm and that dishonourable acts (*luxus*) could be useful. In such a context, individuals are not necessarily confused nor are they at a loss due a lack of traditional or customary notions of morality/*prudentia*. Rather, it is possible to be humane and to rise in status, but this tragically requires wilful corruption and servitude.²⁷

The Tacitean narrative thus presents a rounded analysis and understanding of corruption. Corruption signifies a moral deficiency in the individual, an inability to adhere to an ethical code, a rejection of traditional moderating discourses and the failure to abide by the law. The existence of this form of corruption can be found in much ancient historiography. Yet, where the Tacitean narrative differs is that it allows insight into what corruption *affords*, which provides the reader with an insight into not only what corruption is but why corruption persists. Tacitus shifts focus from corruption itself to the question of what precisely a society's maintaining 'ethos' is, raising the possibility that corruption is as central to that ethos as is morality. The significance of this is that the Tacitean narrative retains a focus on individual will, which means that we cannot attribute bad deeds in Tacitus to 'banality', that is, evil excused on account of individuals 'not knowing what they are doing'.²⁸ Rather, by drawing the link between corruption and virtue, evil and good, it appears that people are accountable for their bad deeds, and they knowingly take part in evil because it can offer an access to virtue.

Subsequently, since virtue, fame and glory maintained the Roman ethos then so must corruption, since it is through virtuous corruption in the form of *delatio* and

²⁷ See further Alston and Spentzou (2011:225-230 and passim).

²⁸ On the banality of evil (evil resulting from 'thoughtlessness' and an 'inability to think') see Arendt (1997, on the trial of Adolf Eichmann) and (2003:145-146, 159-189). On the banality of evil as a theory see Herman (1997:97-101).

luxuria and deviant virtues such as *clementia*, that one can gain glory and fame.²⁹ Tacitus therefore shows that *virtus* remained powerful under the Principate since individuals went to greater (corrupt) lengths to achieve it. Of course this does not mean that Tacitus condones corruption, this is clearly not the case, nor the point. Rather, Tacitus writes morality as a form of politics or dynamics, as something which ‘changes like the seasons’, emphasising mutability and thus the limits of society’s traditional discourses.³⁰ In such a context, where there is a fine line between virtue and vice, Tacitus shows that the commitment to corruption remains a commitment to *humanitas*. But the commitment to *humanitas* depends on an exercise in corruption.

4.1 *Moderatio* and the Problem of the Law

Power does not corrupt. Fear corrupts...perhaps the fear
of a loss of power.³¹

In AD 16, the senator Lucius Piso made an emphatic speech to the senate on the current state of law and order. As Tacitus explains, the corruption of the law courts (*corrupta iudicia*) as well as the cruelty (*saevitia*) of orators, so affected Piso that he declared he was leaving the senate house, would proceed to exit the city and live instead in some rural, distant place.³² Piso’s dramatic exit was quickly deterred by the emperor; but then Piso drew attention to the corruption of the courts by prosecuting Urgulania, whose friendship with Livia had previously raised her above the law (...*supra leges amicitia Augustae extulerat*). In breach of Piso’s summons Urgulania proceeded to the emperor’s house but Piso continued in his attempts to condemn her, and even despite Livia’s complaints of being violated and diminished (...*Augusta se violari et imminui quereretur*). Piso’s rebellion eventually came to a close once Livia paid the defendants’s debt. According to Tacitus, the consequence of this was that Piso himself

²⁹ Cf. Tacitus’ comment at *Hist.*4.6.1 that the desire for glory is the last infirmity cast off even by the wise: *erant quibus adpetentior famae videretur, quando etiam sapientibus cupido gloriae novissima exuitur.*

³⁰ *Ann.* 3.55.5, (quoted above, p.20, n.37).

³¹ Safire (1968:567), quoting John Steinbeck.

³² *Ann.*2.34.1. Cf. *Quint.Inst.*2.12.6.

was not dishonoured and the emperor rose in fame (...*neque Piso inglorious et Caesar maiore fama fuit*; 2.34).

Tacitus concludes the chapter with a comment on Urgulania's *potentia*, which was so great to the state (*Urgulaniae potentia adeo nimia civitati...*) that when her testimony was required by the senate on another occasion she refused to give her evidence in the courts on account of it being unworthy. The questioning thus took place at her own house – a privilege not even extended to the *Vestales*.

Piso's seditious speech carries various implications for the nature of politics and the process of justice at this time. The cruelty of oratory and the role of *amicitia* in the perversion of law vividly underline the corrupt state of the juridical order. Yet it is notable that Piso's speech is evoked by a discussion on the sumptuary legislation (2.33), which is concluded with Tiberius' statement that this time was not one for censorship (...*non id tempus censurae*; 2.33.4). Prior to this debate Tacitus presents a series of chapters in which delation, another form of uncensored activity (paradoxically designed to censure) is revealed as a form of maintaining social order, but achieved only through a perversion of truth and rights.

The dissatisfaction expressed by Piso may therefore be read as symptomatic not only of the corruption in the courts but more widely, the nature of imperial time, a time in which executive powers were no longer rooted in the law nor in traditional notions of morality, but rather in the hands of powerful imperial friends (Urgulania) and imperial spies (the *delatores*). Piso's attempts to restore some sort of moral or righteous knowledge immediately clash with imperial prerogatives (and, notably, the settlement of Urgulania's case represented a compromise since it was Livia, not Urgulania, who paid the damages). Yet, in any case, and as Tacitus tells us at the end of the story, the emperor's popularity was increased by these events and Piso was not dishonoured.

There is in this an immediate revelation of the time of the Principate as one which retained and depended on a peculiar relation between corruption and virtue. In order to allow an access to virtue, corruption, either in the form of *corrupta iudicia*, or in the form of vices such as *luxuria* and *avaritia* must not be suspended.³³ Rather, it is

³³ Cf. *Ann.*2.33.3 – for Asinius Gallus, wealth and luxury provide mental repose and ensure bodily health, offering relief/solace (*delenimentum*) from anxieties and dangers (discussed further below).

through an acceptance of corruption in its various forms that virtue is enabled. Piso's rebellion, in tune with an absolutist sense of right and wrong is nevertheless out of tune with the imperial logic.³⁴ In what follows, I will analyse Tacitus' writing of corruption in order to explore Piso's claims in further detail. I shall begin by tracing the theme of *corrupta iudicia* (as both 'corruption in the law courts' and 'corrupt judgements') through Tacitus' writing of *delatores* in the chapters which lead to Piso's eventual outburst (2.27-2.33). I shall then move onto a wider discussion of the role of *luxuria* in the stability of the state through a focus on Tacitus' writing of sumptuary legislation (3.52-55). There are two points I aim to make. Firstly, through an analysis of *delatio* I argue that the law, the system which was to regulate moderate behaviour and protect rights, sources rather than prevents corruption and secondly, through *luxuria* I argue that corruption and corrupt behaviour are sources of power, fundamental to the formation of moral identity and the power of the imperial state in the time of growing empire.

The Art of Criminal Implication

After the key events at the beginning of the *Annales* – the death of Augustus, the accession of Tiberius and the mutinies on the frontiers – Tacitus' narrative is largely focussed on political affairs at Rome, in particular, the criminal trials of treason and various other acts of illegality. Interwoven with Tacitus' narrative on criminality is the intrusive work of *delatores* – those who witnessed, accused or prosecuted illegal activity.³⁵

Tacitus' representation of *delatores* is derogatory.³⁶ Delation was a form of life, made famous by the needy (*egens*) and restless (*inquiēs*) proposals of certain shameless men.³⁷ A key example of the process of *delatio* comes at 2.27-31, which is the case of Libo Drusus, an event which in Tacitus' opinion marked the emergence of something that corroded the *res publica* for many years (2.27.1).

³⁴ Cf. Goodyear's comments on this episode, which point to Piso's deliberate defiance of modern convention (1981:293-4).

³⁵ On definitions of *delatores* see Rutledge (2001:9-16) and Bablitz (2007:239 n.3).

³⁶ *Ann.*1.74.1-3, *Ann.*4.30, *Ann.*16.29, *Hist.*4.50.

³⁷ Cf. 1.74 (on Caepio Crispinus).

In AD 16, Libo Drusus of the family of the Scribonii was charged for attempting a revolution (*moliri res novas*). The charges were brought upon him by his close friend (*amicus intimus*) Firmius Catus, who had encouraged Libo to consult ‘the foresight of the Chaldaeans and magicians’ rites’ (*ad Chaldaeorum promissa, magorum sacra*). Such practices, as well as Libo’s general extravagance (*luxus*) were encouraged by Catus so that he could entangle Libo all the more into the proofs of crime (*quo pluribus indiciis inligaret*). Once Catus had enough evidence, he indicated Libo’s crimes to Flaccus Vesularius, a close friend of Tiberius, in the hope that Flaccus would then report Libo’s bad deeds to Tiberius. Following this, Catus asked for a meeting with the emperor, but Tiberius declined in case the same evidence might be brought to his attention by Flaccus. Meanwhile, Tiberius continued as normal, occasionally inviting Libo to dinner and even furnishing him with a praetorship, showing no strange expression or agitation in his words (*non vultu alienatus, non verbis commotior*).

Then a certain Junius, the necromancer whom Libo had previously consulted, reported further evidence against Libo to Fulcinius Trio, a man who was known among informers for his desire for *mala fama* (2.28.4). Trio immediately approached the consuls and demanded that Libo should be tried. The senators were then summoned to consult on a great and terrible matter (2.28.4). Libo meanwhile sought help from his more illustrious relatives in the hope that they might save him from danger, but all refused – under different pretences but from the same fear (*...cum diversa praetenderent, eadem formidine*; 2.29).

When the senate met there was an argument as to who had the right to state the charges (the *ius perorandi*) against Libo. As well as Catus and Trio, Agrippa and Caius Vibius were also part of the prosecution. Eventually it was decided that Vibius would lead. Tacitus’ commentary suggests that the scene in the courts was pathetic. According to Tacitus, Vibius produced or invented (*protulit*) largely absurd accusations (*...libellos vaecordes adeo*), for example that Libo had made enquiries so as to see whether he would ever have enough money to cover the Appian way all the way to Brundisium. There were other similar questions, which Tacitus describes as foolish (*stolida*), empty (*vana*) and pitiable (*miseranda*).

The prosecution was unsuccessful until Vibius produced a document which was written in what was supposedly Libo's handwriting. The document listed the names of senators and Caesars next to which were terrible or secret marks (*atrocis vel occultas notas*). Libo denied that the handwriting was his and so it was decided that one of his slaves should be examined under torture to identify it. However, there existed an old statute which prohibited questioning a slave in the case of his master's life. Consequently, Tiberius intervened by devising a 'new law' (*novi iuris repertor*; 2.30.3) whereby he ordered Libo's slaves to be sold to the State Agent (*actor publicus*) so that they could be questioned without infringing on the old decree.³⁸ Following this, Libo asked for a recess and with this granted he went home and later committed suicide. Despite Libo's suicide, the prosecution continued the next day and Tiberius made a statement on oath that even though he knew Libo was guilty he would have spared his life (2.31.3).

On the following day the senators put forth various proposals for punishment (2.32): 1) Libo's property was divided among the *delatores*; 2) praetorships out of the ordinary (*extra ordinem*) were conferred on those *delatores* who were of senatorial rank; 3) Cotta Messalinus proposed that Libo's bust was not to be carried in the funeral processions of any of his descendants; 4) Cneius Lentulus proposed that no member of the Scribonii should assume the cognomen Drusus; 5) days of public thanksgiving (*supplicatio*) were appointed on the suggestion of Pomponius Flaccus; 6) offerings were given to Jupiter, Mars and Concord; 7) Asinius Gallus, Papius Matilus and Lucius Apronius decreed the 13th of September, the day on which Libo committed suicide, to be observed as a festival; 8) decrees were passed to expel astrologers and magicians from Italy – two were killed, one was hurled from the Tarpeian rock and one executed according to ancient custom on the order of the consuls.

Tacitus' narrative of events surrounding the trial of Libo brings into sharper focus the culture of fear and paranoia that was fostered under Tiberius. It also reveals the many ways in which the process of *delatio* stimulated deviant behaviour, presaging Piso's reference to corruption in the courts and the corruption of judgement. For

³⁸ Cf. Bauman (1974:44-7) on the use of evidence of slaves against their masters in *maiestas* cases.

example, the episode begins with the betrayal of *amicitia* since Libo is deceived by his close friend Catus. Following this deceit, and with ‘evidence’ of Libo’s conspiracy confirmed, the crime is brought to the attention of the *princeps*. Yet, given that no one but Trio can approach Tiberius or the consuls directly, the process of *delatio* must continue through suggestion and rumour.³⁹ Through rumour, that is, an excess circulation of potentially inaccurate information, one can read *delatio* as something which both depended on and created falsity, damaging the possibility of truth as well as the value of trust. When Libo later turns to his relatives for help, they deny him any relief which reveals a betrayal of *pietas* (loyalty) due to fear (*formido*). Also notable, is that the crucial evidence in Libo’s case (the list of imperial names against which were dark and mysterious marks) is provided by a necromancer (Junius), which as well as pushing the process of criminal implication into the realm of the absurd, also reveals a weakness in established hierarchical structures, that a great man (Libo’s aunt Scribonia was the second wife of Augustus; 2.27.3) could be brought down by the hand of the disreputable. At the same time, it is hierarchy itself (established roles and places) which must be read as the source of this deviance, given that what drives the *delator* is the prospect of a heightened status, or in the case of Trio *mala fama*.⁴⁰ Most corrupt perhaps, is the way in which ‘truth’ is eventually sought – as in many other cases, Libo’s slaves were interrogated under torture (*per tormenta*). The information extracted in such conditions is not necessarily going to be reflective of any truth, but more likely a product of fear. Furthermore, that torture is used to extract information suggests that the court was not in search of truth, but desperate to find what was to count as true.

From this perspective, it appears that *delatio* was driven by political impulses rather than juridical codes and the problem is not only corruption in the courts but moreover, that justice and truth are seemingly no longer imperial prerogatives, neither inside nor outside the courts. The irony of *delatio* is that politics rather than law are at its centre, but that the emperor and, indeed, all others behave as if this is an issue

³⁹ Cf. Liv.28.24.1 on ‘the innate human passion for deliberately feeding rumours’. Where Livy analyses rumour from the perspective of human nature in Tacitus rumour serves a political purpose.

⁴⁰ In the context of *disciplina militaris* (as discussed in the previous chapter) hierarchy retains the potential for democratic violence. In this context, a different form of conflict as a result of the violence suspended within established hierarchical structures emerges, not physical conflict but an abuse of law, innocence, rights and honour.

primarily of law. Rather than supporting the rule of law, the process of *delatio* is somehow artificial, a process which antagonises the delivery of justice and truth. This is further supported by the fact that though charged with something '*magna et atrox*', Libo himself does not mount a defence (he entered the courts *sine patrono*), suggesting that the legal process itself is flawed and to all intents irrelevant.

We may suppose, then, that there is a wider 'game of power' being played here so that the episode can meet its necessary conclusion, but this conclusion is not about punishing Libo's crime through due enforcement of the law (maintaining the judiciary order) nor about the regulation or enforcement of doctrinaire morality (Tacitus makes no reference to delation as something which achieved a moral purpose) but about elevating the reputations of the accusers while at the same time re-empowering the surveillant technologies necessary for those reputations to be acquired (maintaining a disciplinary order).⁴¹ The notion that delation reflects an ensemble of procedures which are designed to lead to a result which is extraneous to punishing the criminal or the crime, is supported by the nature and number of punishments and public remembrances which Tacitus lists after Libo's suicide.

Libo's death did not provide an adequate closure and whether Libo's suicide was an admission of guilt seems irrelevant. Rather, Tacitus' concern is with the *auctoritates* and *adulationes* which followed, all of which make it clear that Libo's crime was manipulated for wider socio-political purposes. For example, the expulsion of astrologers and magicians from Italy and Rome, a ban in line with traditional policy, was designed to maintain the purity of the centre and the state and assert traditional religious discipline.⁴² The effort to assert the appearance of a purified city centre is reinforced through the performance of public acts of thanks (as though following a victory) and especially in the offerings to Concord, which suggest that *pax* had been restored (as though following a civil war). Yet, and as Tacitus himself implies, these acts were excessive as well as signs of (nonsensical) sycophancy (that Libo was

⁴¹ On power games see Foucault (1987:5-15) '...when I say 'game' I mean an ensemble of rules for the production of truth ... It is an ensemble of procedures which lead to a certain result, which can be considered in function of its principles and its rules of procedure as valid or not, as winner or loser' (15).

⁴² Astrologers had been expelled from the city twice before, once in 139 BC and once in 33 BC.

consigned to the *damnatio memoriae* is somewhat in conflict with the fact that the day of his death was also declared a public holiday).

The *severitas* which followed Libo's death says something about how crime and punishment in Roman society were connected with the wider architecture of government. It appears that Libo's case was less about his conspiracy and more about how that conspiracy could be used to reinforce (old) disciplinary structures and present subsequently the semblance of order.⁴³ It is a semblance of order because the death of Libo Drusus and the offerings to Concord made subsequently do not end corruption in the state. Rather, the acts which take place after Libo's death only empower corruption by rewarding *delatores*. That which incites the *delator* to 'entangle (friends) in the proofs of crime' is the opportunity for an increased status: notably, Libo's property was distributed amongst his accusers and those accusers who were of senatorial rank were given praetorships 'out of the ordinary' (2.33).

From this perspective and returning to Žizek, we can begin to trace what it is about the 'system' that 'pushes' the individual (in this case the *delator*) to be corrupt. Delation, problematic though it was, was incentivised by a reward system of money and political ascendancy. The opportunity for reward is what underpins the process of *delatio*, explaining what gives delation its force and what encourages the artificiality of the legal process (pace Foucault, 'we have to produce the truth *in order to be able to produce wealth*'⁴⁴). Subsequently, the paradox of delation is that it is due to such 'protective' means that corrupt forces (rumour, deceit, violation) are maintained within the regime. At the same time, it is due to such means that the *delator* can gain *virtus* and that *concordia* can be constructed by the sovereign, albeit at the cost of others'

⁴³ Both Foucault (1995) and Benjamin (1996) analyse the penal system from a similar perspective, in the attempt to show that the practice/purpose of punishment is not to punish the infringement of the law (the crime) but rather to 'reaffirm the law' (Benjamin, 1996:242). For Foucault punishment is 'a political tactic' and the task is to regard punishment as a complex social phenomenon (1995:23-24). In this perspective, and similar to the wider political effects of *servitium* (that servitude empowers the sovereign), Tacitus again points to the wider political nature of senatorial *adulatio*. The excessive *adulatio* which followed Libo's death may be read as a 'political tactic' in the sense that it is not just a sign of sychophancy but a process which consolidates the wider power structures governing discipline and punishment, and by extension, affirms the power of the state.

⁴⁴ Foucault (2004:25), my emphasis.

lives. Corruption therefore is spread through and due to the very measures put in place to prevent it.

In this view, one can see that there is something about ‘the time’ that demanded that corruption continue, which is the point made in the subsequent chapter (2.33). Here, during a discussion of the country’s current luxury which took place the day after Libo’s suicide, a debate arises between Quintus Haterius, Octavius Fronto and Asinius Gallus. Haterius and Fronto argue that food should not be served on vessels of gold, that silk garments should not be worn and that restrictions should be placed on furnishings and housing. However, in opposition to Haterius and Fronto, Asinius Gallus made a lengthy speech in support of luxury. For Gallus, with the growth of the empire private wealth naturally increases and *luxuria* reflects neither excess nor moderation but simply relates to the fortune of the possessor. The corruption of the empire is thus exposed. Furthermore, a participation in that corruption is linked to relief (*delenimentum*), whereby the honourable can be allayed in the face of anxieties and dangers (2.33.3).

The clash between Haterius and Fronto on one side, and Asinius Gallus on the other, can be extended to explore the clash between traditional/moralist notions of *prudentia* and imperialist/Tiberian notions. Such a clash is explored in Tacitus’ narration of Piso and Urgulania. Piso argued against *corrupta iudicia* similar to Haterius and Fronto’s argument against decadence. Yet, just as Piso’s knowledge was rendered out of time, possibly even harmful to the imperial state, so too are the moral and moralising views of Haterius and Fronto. *Luxuria* is recognised by Gallus as a cure, and accordingly moderation, misrecognised by Haterius and Fronto as right, emerges as something harmful (*noxius*). Following Gallus’ speech, similar confessions of vices under the guise of honourable names follow from the senators (*facilem adsensum Gallo sub nominibus honestis confessio vitiorum et similitudo audientium dedit*; 2.33.4). Tiberius too agreed, claiming that if there was a decline in *mores*, someone to make things right would not be lacking (*adiecerat et Tiberius non id tempus censurae nec, si quid in moribus labaret, defuturum corrigendi auctorem*; 2.33).

This same form of reasoning, to not want to correct or make something right (*corrigere*) can also be traced in Tiberius’ stance during the events leading up to Libo’s

trial. To return briefly to Tacitus' narration of the episode, after Libo is turned down by his illustrious friends and relatives (excepting his brother), he appeals to Tiberius but the emperor refuses to do more than read the charges and names of the accusers. Tiberius' inactivity is not in itself a sign of corruption; but sovereign passivity can be read as something which allows corruption to continue. For Mellor, 'Tacitus speaks to us today about the corruption of power and the ways in which both rulers and ruled are complicit in that mutual corruption.'⁴⁵ Mellor further states that the culture of paranoia, fear and distrust was created by Tiberius, and then further exaggerated by Tacitus.⁴⁶ This view can be supported by a brief statement made by Tacitus in an earlier chapter where it is implied that the destructive force (*gravissimum exitium*) [of delation] crept in (*inrepsert*) through the art of Tiberius (*Tiberii arte*).⁴⁷ Yet, the role played by Tiberius here, as is often the case, is minimal. When Tiberius is mentioned, he is described by Tacitus as a sort of calming influence among the noise. He remains, typically, unmoved (*immoto*) and overall reluctant to get involved.⁴⁸ As in the case of Agrippa Postumus, as well as many other cases in the early books, one wonders whether part of the problem is that Tiberius is not despotic or fearsome enough: he does not take charge and exercise power, leaving others to act corruptly. Tacitus himself points out that even though Tiberius had the power to stop Libo's bad deeds he refrained from doing so (2.28.3) and notably, as mentioned above, Tiberius takes an oath to declare that he would have interceded for Libo's life had he not killed himself. Tiberius has the power to act, but he is impotent. Nevertheless, Tiberius plays a critical role in the process of criminal implication, only by not playing a role at all.

One wonders whether there is a strategy behind Tiberius' impotence and whether it is this very (deliberate) impotence which is what Tacitus implies in his reference to the *ars* of Tiberius. The lack of action shows that the imperial logic of delation cannot, in the end, be resisted, not even by the emperor. Tiberius' choice not to be moved reflects a decision to withhold sovereign interference in due process,

⁴⁵ Mellor (1993:166).

⁴⁶ Mellor (2011:106), see also Hammer (2008:167ff.).

⁴⁷ 1.73.1. Others have read the '*gravissimum exitium*' as something which resulted from the revival of the *lex maiestatis*, which is possible. In any case *delatio* and the *lex maiestatis* are connected, as will be discussed in the next section.

⁴⁸ 2.29.3. See also 3.15, 3.22 and 3.68-9 on Tiberius' motionlessness/emotionlessness during the trials.

allowing a corrupt process to continue. His (lack of) power is however eventually displayed when he states (on oath) that he would have saved Libo's life. Power is displayed in its denial, but it is ineffectual (given that Libo had already killed himself) and entangled in the act that it sought and failed to deny. Such forms of deliberate impotence and deliberated non-impotence are possibly what Tacitus means when he refers to the 'art' of Tiberius.

Tacitus' narration of the case of Libo Drusus is explicitly aetiological in purpose, in that he narrates this case not only to recount an evil historical event from the past but in order to understand the history of evil as he sees it from his own time, but which in his view began around the time of Libo's trial. To return to Tacitus' comments at the beginning of this episode, Tacitus states that he will explain Libo's case because it was from that time that things which for so many years have corroded the state originated (*eius negotii initium, ordinem, finem curatius disseram, quia tum primum reperta sunt quae per tot annos rem publicam exedere*; 2.27.1). The same sentiment is expressed at the end of the episode when Tacitus explains that he has related the *adulationes* and *auctoritates* of these men so that an old evil in the state would be revealed (*quorum auctoritates adulationesque rettuli ut sciretur vetus id in re publica malum*; 2.32.3). Since Tacitus dates the inception of *delatio* to AD16, it appears that *delatio* is connected to the Tiberian Principate, but it is later revealed that its origin (which is what Tacitus is concerned with) is not in the time of Tiberius but lies rather in the time of Augustus, in the foundation of the Principate. This point is made explicit in Book 3 during Tacitus' description of the *lex Papia Poppaea*, in reference to which Tacitus makes his most condemnatory analysis of Roman law:

sexto demum consulatu Caesar Augustus, potentiae securus, quae triumviratu iusserat abolevit deditque iura quis pace et principe uteremur. acriora ex eo vincla, inditi custodes et lege Papia Poppaea praemiis inducti ut, si a privilegiis parentum cessaretur, velut parens omnium populus vacantia teneret. sed altius penetrabant urbemque et Italiam et quod usquam civium corripuerant, multorumque excisi status. et terror omnibus intentabatur... (Ann.3.28.3-5)

Eventually, in his sixth consulship Caesar Augustus, with power composed, annulled the decrees of his triumvirate, and gave us laws which we might enjoy with peace and the Principate. Then our chains became more tight, and *custodes* [guardians] were imposed, stimulated by prizes under the Papia Poppaea law, so that if men avoided the privileges of fatherhood, the State, as if universal parent, might obtain their empty properties. But this espionage became deeply penetrative, and the city and Italy and citizens everywhere were seized. The status of many men was ruined, and a terror extended over all.

The *lex Papia Poppaea* of AD 9 (but notably dated by Tacitus to 28 BC), passed under Augustus and which Tiberius later revised, imposed various penalties on the childless and guaranteed rewards for informers who discovered those without children.⁴⁹ The purpose of the legislation has been debated. Wallace-Hadrill, for example, has proposed that the law was designed to ‘stabilise the transmission of property and consequently of status, from generation to generation.’⁵⁰ Edmonson has argued that the law was part of Augustus’ moral legislation, which gave Augustus the opportunity to attempt to ‘reconstruct social and moral practices according to the traditional set of principles that he personally espoused as *princeps*.’⁵¹ In Tacitus, the issue of why the law was put in place is less pressing than the penalties imposed on those found guilty and the way in which the guilty were found. For Tacitus, the deeply penetrative work of these ‘guardians’ (*custodes*) was a problem because every house was being overturned by the ‘interpretations’ of *delatores* (*cum omnis domus delatorum interpretationibus subverteretur*; 3.25.2). From this perspective, the evil which Tacitus is describing in 16 is the panoptic atmosphere instigated under Augustus, that is, the sense of permanent visibility designed to automatically ensure the operations of power

⁴⁹ Tiberius’ revisions are listed at 3.28.6.

⁵⁰ Wallace-Hadrill (2009:253).

⁵¹ Edmonson (2009:200). See further Rutledge (2001:54ff.) on the *lex Papia Poppaea*, *lex Julia de adulteris* and the various *laws de repetundis* as providing ‘grist for the delator’s mill’.

and control.⁵² Hence even Augustan Rome was a city of *terror*, as Tacitus now reveals.⁵³

The intimate association of *delatores* with the Principate establishes a clear temporal relationship between monarchy and delation. Delation emerges as an integral element in specifically monarchic control, which corroded and contaminated the *res publica*. In this context, we can rethink Steven Rutledge, in whose analyses of *delatores* we are reminded to be ‘cautious and vigilant’ with our sources.⁵⁴ Rutledge emphasises the validity of *delatio*, which as he rightly acknowledges was ‘a perfectly legitimate act of law enforcement’ and in so doing suggests that Tacitus’ negative accounts of delation are one-sided and limited.⁵⁵ Yet, Tacitus’ point is not that *delatores* or *custodes* were a group of bad men who corroded the state through illegal acts (note the role played by Asinius Gallus who is at worst a morally ambiguous character in the opening books of the *Annales*). Rather, the problem is that delation, in spite of its corrosive effects, was wholly legitimate and supportive of the imperial system.⁵⁶

Generally, corrupt activity is taken as undermining the juridical order because it threatens the effectiveness of government. Such activity is often understood as private gain at the cost of public interest. Tacitus himself makes this precise point, that under Tiberius the public good was disregarded for private interest (*privato usui bonum publicum postponitur*; 6.16.1).⁵⁷ Yet, from a different perspective, corrupt activity can also refer to the violation of rights, such as that of privacy, which the law should protect. In a republican context, the protection of privacy and in particular the protection of private property is specifically noted as the purpose of the law.⁵⁸ Yet, with

⁵² Cf. Foucault (1995:187ff.) on the invisible nature of disciplinary power which imposes on its subjects ‘a principle of compulsory visibility’.

⁵³ Whereas previously it was described as an age of *otium* (1.2).

⁵⁴ Rutledge (2001:8). The delator was ‘a rhetorical construct as much as a historical phenomenon’ (5).

⁵⁵ Rutledge (2010:114). See also (2001:7ff). Cf. Plin.*Ep.*2.16.3, 6.31.5, 10.96-7 on *delatio* as a normal legal activity.

⁵⁶ Also notable is that delation is not ‘secret’ in the sense of ‘secret police’ (which in the modern sense means above the law), nor is delation invisible.

⁵⁷ A point made in reference to *accusatores*.

⁵⁸ See especially Cic.*Caec.*70.73-5 and Cic.*Top.*2.9: ‘the civil law [*ius civile*] is a system of equality [*aequitas*] established between members of the same state for the purpose of securing to each his property rights [*res suas*] and *Off.*2.78: ‘it is the peculiar function of state and city to guarantee to every

the passing of the *lex Papia Poppaea*, the citizen's right to property is in conflict with the *delator's* right to accuse and in such a context, it is to the needy *delator* (and ultimately to the state) that rights, and more sadly for Tacitus *honor*, become susceptible. Corruption in Tacitus is not only to do with the simple issue that the rule of law is being overturned for private gain; but also with legitimate intrusive activity which renders fragile the rights of Roman citizens (now susceptible to the *custodes*), and which endangers the political community and its identity. *Delatio* is used by Tacitus to reveal the wider perversion of the institution of the law, hence his view that whereas the country had previously suffered from its crimes, now it suffered from its laws (3.25.2).⁵⁹

It emerges then that delation is double-sided: on the one hand, it exists as a fortified means of moral regulation, fortified because it is inscribed into the law and encouraged by the prospect of increased wealth and political ascendancy. On the other hand, *delatio* though designed to maintain the censored state (defending from immorality and *flagitia*) creates through its own legalised (intrusive) process a corrupt foundation in the state, because it is a process which in order to maintain order potentially reduces the rights and privileges of Roman citizens through its very operation. Delation is a domination of others by fear, rendering fragile their privacy and their private possessions. Yet the threat delation poses to the individual is overpowered by the fact that such threats or 'interpretations' of crime allow the less honourable to rise in reputation. Thus, from one perspective delation ensures order and moral health, from another it negates the very system of sovereignty from which it is authorised because it works on a reduction of those civil rights which are fundamental

man the free and undisturbed custody of his own particular property'. (*Id enim est proprium, ut supra dixi, civitatis atque urbis, ut sit libera et non sollicita suae rei cuiusque custodia*).

⁵⁹ Cf. Benjamin (1996:242ff.) on police violence: 'the "law" of the police really marks the point at which the state, whether from impotence or because of the immanent connections within any legal system, can no longer guarantee through the legal system the empirical ends that it desires at any price to attain.' For Benjamin, the price is peace but similar to the Tacitean view peace is ambiguous and intricately connected with power, exception and violence: 'the task of "peace" after all the wars of the mythic age, is the primal phenomenon of all law-making violence. Here we see most clearly that power, more than the most extravagant gain in property, is what is guaranteed by all lawmaking violence' (248-249).

to sovereign existence (property, privacy, freedom, equality) while also displacing those moral 'rights' which are fundamental to Roman elite identity (*honor, status*).⁶⁰

The double-sided nature of delation can be read as a replication of Tacitus' understanding of the foundation of the Principate, which establishes the same paradox and ambiguity of meaning as does his analysis of delation. As mentioned above, the case of Libo is used by Tacitus to establish a clear temporal relationship between Principate and delation. However, it should be noted that the connection Tacitus draws between *delatio* and the Principate is historically inaccurate. As Powell has recently noted, 'in condemning the *delatores* who brought prosecutions for treason and other offences under the early emperors, Tacitus thought he had identified a new evil in the state, but forgot (maybe) that prosecutors had always tended to have a bad name, from the sycophants of Classical Athens to the accusers whom Cicero clashed in court.'⁶¹ I am inclined to think that Tacitus did not forget that the practice of Roman informing had a history beyond 28 BC (nor did he forget that the *lex Papia Poppaea* was passed not under the sixth consulship of Augustus, but under his last). The point is that in Tacitus' thought, delation deliberately emerges as an integral element in specifically imperial/monarchic control. What should be further noted here is that the other feature, which for Tacitus is specifically connected with the foundation of the Principate, is *pax*. The Principate for Tacitus is therefore founded on a precise relationship between corruption (*delatio*) and stability (*pax/otium*), at once intrusive, at once restorative. The same relationship is re-founded in the aftermath of Libo's death, which asserts order but at the same time marks the beginning of something which thenceforth continued to corrode the state. The significance of this is that Tacitus' understanding of the Principate is to do with the inception of a specific form of power, a power which is not manifestly violent, but rather a power which is either concealed through biopolitical

⁶⁰ Cf. Arendt (1998:58-72) who reads property more from the perspective of the human need for privacy rather than citizen right to property: 'A life spent entirely in public, in the presence of others, becomes, as we would say, shallow...The only efficient way to guarantee the darkness of what needs to be hidden against the light of publicity is private property, a privately owned place to hide in.' (71).

⁶¹ Powell (2011:400).

mechanisms such as *otium* or legalised through intrusive disciplinary mechanisms such as *delatio*.⁶²

In the following section, I will examine further the circular relation between corruption and virtue (corruption as leading to virtue, and virtue as systematising corruption) with reference to the conflation of the honourable and the dishonourable and how from that conflation certain vices (*luxuria*) were made into something virtuous. The difference between the corruption represented by delation and the corruption implied by *luxuria* is that while the force of delation sees the subjection of the honourable to the needy and to the state, the force of *luxuria* represents the *self*-subjection of the individual to the regime, but again this is for the sake of virtue. In this view, corrupt forces are not only exerted from below (*delatores*) but also and inescapably stem from time.

Writing Decline: Sallust and Tacitus

...omniaque orta occidunt et aucta senescent.
(Sal.Iug.2.3)

...and all things rise and fall, progress and decline.

From a political and juridical perspective, Roman *moderatio* was to regulate power and justice so to prevent corruption in the courts.⁶³ From a moral and social perspective,

⁶² Delation is an ancient form of Foucauldian disciplinary power: *delatio* is predicated on a loss of faith in society's moral code, which sees subsequently the intrusion of private space and the erosion of citizen rights. With regard to the *lex Papia Poppaea*, which for Tacitus marks the beginning of *delatio*, there emerges more specifically a peculiar form of biopower, that is, a power exercised 'at the level of the population', concerned with the regulation of the population in terms of its longevity ('to prolong its duration', Foucault 2004:254) and the subsequent becoming of the population as a political object, belonging as Tacitus implies to the state as if universal parent (*velut parens omnium populus...*). Here then, Foucault's '*majorer la vie*' (see above p.93, n.79) should take on its base meaning, which is not 'to improve life' but 'to increase life' and more specifically 'to give an excessive importance to life' ('*donner une importance excessive à*'; LGR s.v. *majorer*) rather than reduce life or take life away. However, a notable difference is that whereas Foucault maintains that biopower is a form of power which is separate to sovereign power, and powerful because it is invisible in operation, in Tacitus delation is rooted in sovereignty – it is legal, it is visible and it is connected to the moral ethos of the state. It is thus more effective as a means of discipline but at the same time more powerful as a force in corruption (because it is intertwined with morality). Delation is a corrupt means to a moral end.

moderatio was to regulate behaviour. *Moderatio*, then, is both a virtue in itself but also that which regulates the practice of virtue. It is a prominent feature in Roman historiography that after the destruction of Carthage in 146 the revered values of *parsimonia* and *frugalitas* came into conflict with the expansion of the empire, which caused instead an excess of bribery (*largitio*), greed (*avaritia*) and luxury (*luxuria*).⁶⁴ And since Romans viewed the practice of traditional restraint as something which was more widely connected with the well-being or ‘health’ (*salus*) of the *res publica*, corruption as the violation of the *mos maiorum* (the ethical system of the past which was to moderate the health of the present) was likened to a national contagion and moreover, a sign of imminent collapse.⁶⁵

In Tacitus we are presented with a different theory of decline. Although an excess of vice is traditionally used to explore and explain decline, since an excess of greed and wealth naturally represents a distance from the moderate and ‘healthy’ ways of the ancestors, Tacitus’ notion of individual and national well-being is not wholly written from within this type of republican or traditionalist perspective (loss of *mores* equals decline). Rather, given the profits afforded by wealth (status, political advancement) there is in Tacitus an awareness, albeit an anxious one, of the political and social uses of certain vices, in particular *luxuria*.

In what follows, I will analyse Tacitus’ writing of decline in order to question what precisely in Tacitean thought constitutes its cause: a loss of *moderatio* or a loss of wealth and power, which *luxuria* affords? I shall start by analysing views of *moderatio* and *luxuria* as expressed in earlier historiography, in particular Sallust, and I shall then analyse the ways in which Tacitus’ narrative differs from those of his predecessors. According to C. Berry, ‘for the Romans, and beyond, luxury was a political question because it signified the presence of the potentially disruptive power of human desire, a

⁶³ *Moderatio* played a crucial role in republican politics. As Cicero’s Marcus explains, the whole management of a country is kept in check by the *moderatio* of its magistrates (...*discriptione omnis rei publicae moderatio continetur*; *Leg.*3.5). See also *Leg.*3.12 and *Leg.*3.40.

⁶⁴ On *luxuria* see for example *Sall.Cat.*12.2, 52.7, 52.22. See further Cicero (*Rep.*5.1-2) on the degenerate state of his present day Rome.

⁶⁵ See for example *Liv.Praef.*3-4, 9 and *Sall.Cat.*10 (discussed below). See also Kapust (2011:50ff). See especially Berry (1994:63-86).

power which must be policed.’⁶⁶ Berry continues to say that ‘once luxury emerged then civic virtue (in the republican tradition) or a proper ordering of ranks (in the aristocratic tradition) would be undermined.’⁶⁷ Tacitus’ narrative is not an exception from the view that luxury, along with its associated vice *avaritia*, must be policed through ancient forms of *disciplina* in order to maintain civic notions of virtue (that is, selflessness and commitment to public good as opposed to private desire) and prevent disruption.⁶⁸ However, at the same time, Tacitus changes focus by raising the question of what ‘bad’ desires can achieve for political and personal good and the possibility, even, that the disorderly powers of human desires could contribute to and allow for a far more powerful way of ordering and empowering the imperial system and elite identity.

In the preface to his *Bellum Catilinae*, Sallust confesses that upon entering public life as a youth, he was countered by many obstacles since in the place of shame, self-restraint and virtue – arrogance, bribery and greed prospered (*nam pro pudore, pro abstinentia, pro virtute audacia, largitio, avaritia vigebant*; 3.3). He continues to explain that as he was young and weak at that time, he too became corrupted by ambition (3.4). The problem of lacking *pudor*, *abstinentia* and *virtus* continues throughout the work. In his tenth chapter, Sallust gives further explanation as to what in his view caused and resulted from corruption at Rome: the country had grown great through *labor* and *iustitia* but when Carthage had been ruined, *fortuna* began to grow cruel, bringing confusion to affairs at Rome. From this point onwards, the desire for money and power grew strong which in Sallust’s view was the root of all evil. He continues:

namque avaritia fidem, probitatem ceterasque artis bonas subvortit; pro his superbiam, crudelitatem, deos neglegere, omnia venalia habere edocuit. Ambitio multos mortalis falsos fieri subegit, aliud clausum in pectore, aliud in lingua promptum habere, amicitias inimicitiasque non ex re, sed ex commodo aestumare magisque voltum quam ingenium bonum habere. Haec

⁶⁶ Berry (1994:63).

⁶⁷ *Ibid* (86).

⁶⁸ See for example Galba’s view of Nero’s *luxuria* at *Hist.*1.16.2 and *Hist.*2.69 on the *luxus* of the soldiers as something which was ‘*contra veterem disciplinam et instituta maiorum*’. See also *Ag.*15.4 on *avaritia et luxuria* as the Romans’ motivation for war (in the Britons’ view).

primo paulatim crescere, interdum vindicari; post, ubi contagio quasi pestilentia invasit, civitas inmutata, imperium ex iustissimo atque optumo crudele intolerandumque factum. (10.4-6)

For greed subverted honour, trust, and all other virtuous qualities; and instructed in their place pride, cruelty, to neglect the gods, to set all for sale. Ambition drove many men to become false; to hold one thought inside, another ready on the tongue; to assess friendships and enmities not on their merits but by opportunity, and to have the appearance rather than the spirit of good. At first these vices grew slowly, sometimes they were punished; finally, when the disease had invaded like a plague, the state was changed and its government, once the most righteous and good, became cruel and intolerable.

In the thirteenth chapter, Sallust adds that luxuriousness and gluttony were the sorts of vices that enticed young men to crime (13.4) since their minds were habituated to evil practices they were given up to lust (*lubido*) and every other method of profit and extravagance (*omnibus modis quaestui atque sumptui deditus erat*; 13.5). Similar sentiments can be found in the *Bellum Iugurthinum*. Again, Sallust here states that before the destruction of Carthage, the senate and people of Rome ruled peacefully and with *modestia*; there was no discord among the citizens for *gloria* nor *dominatio* since fear of the enemy preserved the morals of the state (41.2). However, after the removal of the enemy, wantonness (*lascivia*) and pride (*superbia*) naturally arose (*Iug.*41.3). In summary, for Sallust, the years of the early republican period (before 146) were of ‘*concordia maxuma, minuma avaritia*’ (*Cat.*9.1). After the enemy had been removed, a period of *avaritia, crudelitas, ambitio, falsatio, lubido, superbia* and *lascivia* began.

A comparison with later historians reveals further similarities. As Velleius summarises, the first of the Scipios opened the way for Roman power, while the second generation opened the way for *luxuria* (2.1.1). *Luxuria* in Livy, along with *avaritia* and *libido* are also represented as vices which represented the gradual decay of the original *parsimonia* of the Roman character (*Praef.*11), which not only reflected a decline in individual morality but further signalled the coming collapse of the state. In Livy’s

tragic portrait, the body-politic can endure neither its infection nor its remedy: ‘...donec ad haec tempora quibus nec uitia nostra nec remedia pati possumus perventum est. Hoc illud est praecipue in cognitione rerum salubre ac frugiferum, omnis te exempli documenta in inlustri posita monumento intueri’. The body-politic is thus doomed; unless one undertakes close study of the healthy and fruitful (*salubre ac frugiferum*) deeds of the ancestors.

Carthage does not feature in Tacitus’ theory of decline.⁶⁹ However, the view that decline is caused by a lack of moderation (in the form of greed), can be seen at 2.37-8 which is Tacitus’ account of the case of Marcus Hortalus. Marcus Hortalus was a poor but noble youth. His grandfather was the orator Quintus Hortensius Hortalus (114 BC-50 BC) and so that one of Rome’s most illustrious families might not become extinct Augustus had given Hortalus a gift of a million sesterces so he could marry and have children. Hortalus later did marry and had four sons. However his money soon ran out and so in late 16 he entered the senate house and made a speech to the emperor in the hope that he might offer some help: “...save from poverty the great-grandsons of Quintus Hortensius, the foster-sons of the divine Augustus.”⁷⁰

Following Hortalus’ speech, and though Tacitus reports that the senators had received it favourably, Tiberius responds with the following:

“si quantum pauperum est venire huc et liberis suis petere pecunias coeperint, singuli numquam exsatiabuntur, res publica deficiet. nec sane ideo a maioribus concessum est egredi aliquando relationem et quod in commune conducatur loco sententiae proferre, ut privata negotia et res familiaris nostras hic augeamus, cum invidia senatus et principum, sive indulserint largitionem sive abnuerint. non enim preces sunt istud, sed efflagitatio, intempestiva quidem et improvisa, cum aliis de rebus convenerint patres, consurgere et numero atque aetate liberum suorum urgere modestiam senatus, eandem vim in me transmittere ac velut perfringere aerarium, quod si ambitione exhausimus, per scelera supplendum erit. dedit tibi, Hortale, divus Augustus

⁶⁹ Carthage is mentioned twice in the *Annales* (4.33, 4.56) but the references do not relate to moral decline. On Tacitus’ theory of decline see *Ann.*3.26.

⁷⁰ ‘*Q. Hortensii pronepotes, divi Augusti alumnos ab inopia defende.*’ (2.37.5).

pecuniam, sed non conpellatus nec en lege ut semper daretur. languescet alioqui industria, intendetur socordia, si nullus ex se metus aut spes, et securi omnes aliena subsidia expectabunt, sibi ignavi, nobis graves.”
(2.38.1-3)

"If all poor men begin to come here and beg money for their children, individuals will never be satisfied and the State will fail. Nor were our ancestors allowed on occasion to deviate from a motion, in our turn for speaking, to propose something for the common good in order that we might in this house increase our private business and our property, bringing infamy on the senate and on emperors, whether they were to grant or deny such lavishness. In fact, that is not a request but a demand, as untimely as it is unforeseen, when the fathers have met on other matters, to rise pleading the number and age of one's children, place pressure on the *modestia* of the Senate, then transfer the same constraint to myself and, as it were, break open the treasury which if we exhaust by favouritism will have to be replenished by villainy. Divine Augustus gave you money, Hortalus, but without solicitation, and not on the condition that it should always be given. Besides, industry will become weak and carelessness encouraged if a man has nothing to fear, nothing to hope from himself, and everyone will expect support from others, becoming useless to themselves and a burden to us."

As with many other problems which confront Tiberius after 14, the burden of Hortalus transferred to Tiberius in 16 is rooted in the Augustan past. That Hortalus was previously given a gift of a million sesterces and is now demanding further help from Tiberius implies a certain lack of Augustan moderation and foresight (as do other Tacitean comments such as Augustus' manner of seducing the people and the army with gifts and grain). The self-defeating nature of Augustan *moderatio* which then came to represent a problem under Tiberius is also written into Tacitus' account of the passing of the *lex Papia Poppaea*, which though designed to moderate the population and promote traditional values nevertheless encouraged ruin and corruption in the form of delation. Tacitus continues to show how solutions taken in the Augustan past which were likely to be deemed at that time as either virtuous or 'right' come to represent

problems in the Tiberian present, to which there are no longer any ‘right’ solutions. As Tiberius states, *invidia* (infamy, ill will) would be brought to the emperor were he to grant or refuse lavishness (...*cum invidia senatus et principum, sive indulserint largitionem sive abnuerint*). This is possibly why Tiberius expresses irritation, given that either way odium was potential.

Nevertheless, Tiberius’ speech above does draw attention to the wider purpose of *moderatio*, which, in tune with earlier historiography, is the role it plays in the regulation of the *salus* of the state. The vice being moderated here is greed, as well as one’s dependence on the state. Tiberius describes Hortalus’ begging (*petere*) as an ‘importunity’ (*efflagitatio*), as untimely and unforeseen (...*intempestiva quidem et improvisa*) and as something which was wearing (*gravis*) and which placed constraints upon him (...*vim in me transmittere*).⁷¹ But as Tiberius explains greed and dependency need to be moderated: if all poor men were to ask the emperor and senate for money, individuals would never be satisfied and the state would ‘fail’ (*singuli numquam exsatiabuntur, res publica deficiet*). Then, if the treasury were to be exhausted by favouritism, it would need to be replenished by villainy (*si ambitione exhausserimus, per scelera supplendum erit*). This sequence of events which Tiberius hypothesises were *moderatio* not to be employed shows the centrality of moderation in the well-being of the state. Yet, on closer inspection it appears that it is not an adherence to *moderatio* that prevents the failure of the state but fear (*languescet alioqui industria, intendetur socordia, si nullus ex se metus...*). The passage above makes explicit the nature of the relationship between *moderatio* and *metus*, that is, how fear regulates moderation and by extension, defends the state from *socordia* (recklessness) and *ignavia* (idleness).

If moderation for the sake of moderation ceased to work, then there were other ways of inducing restraint. Fear is a key example, as Kapust has argued ‘by evoking the prospect of future evils or diminished goods’ the rhetorical and historiographical evocation of *metus* persuaded groups to act in certain ways and thereby maintained individual morality and served to foster social cohesion and

⁷¹ Cf. *Ann.*3.35 Tacitus tells that Tiberius wrote a letter to the senate in which he reprimanded them for passing all their difficulties onto him.

harmony (*concordia*).⁷² The rule of fear as a mechanism of control (as opposed to the rule of law or ingrained sense of right and wrong) is precisely what Tiberius is referring to here, since if men have nothing to fear purpose (*industria*) and hope (*spes*) will become weak while excessive license or negligence (*socordia*) will be encouraged. Indeed, fear is what regulated Tiberius' *moderatio*, given that the reason he did not accept honorific titles was to prevent rendering *in lubrico* his political position (1.72).⁷³

This idea of fear-induced restraint is a prominent feature in Sallustian thought, which aligns the *civitas inmutata* of his day with the destruction of Carthage, after which morality declined. The meaning is, as Sallust explains, 'fear of the enemy holds in check the good morals of the state' (*metus hostilis in bonis artibus civitatem retinebat; Iug.41.2*). The point then, as Tiberius similarly implies, is that the loss of *metus* could lead to a loss of moderation. Fear therefore has to exist in order to inspire moderation. If fear regulates *moderatio*, then it is the level of fear which must work in ratio with vice in order to prevent decline, rather than the level of society's commitment to the broader ideas associated with traditional morals and customs.

This immediately shifts focus from the question of *mores* to the question of *metus* and more specifically what precisely is the subject or source of *metus*. While the subject of fear in earlier historiography is focussed on the dangers posed by a foreign enemy, which then regulated the practice of *moderatio* at Rome, fear in Tacitus does not stem from such external threats. Rather, fear in Tacitus as we have seen already is to do with being reduced in *status* and naturally, what helps to consolidate status both on the level of the individual and on the level of the state is wealth. In Tacitus, as we shall see below, fear is to do with the loss of *luxuria* (a fear of poverty, a fear of seeming only human) and the potential of *indecus* (disgrace, shame) this could create. In such a context, what emerges is a problem of choice (rather than a problem of *prudencia*) because *luxuria*, though a detriment to the moral or 'natural' self provides a route to a powerful identity and a powerful state (through wealth). The *utilitas* of moderation is undermined by the growing uses of *luxuria*.

⁷² See Kapust (2008:353-373). On fear and *concordia* see Sall.*Iug.*10.6. On the use of fear of the enemy (*metus hostium*) and fear of the Gods (*deorum metus*) see Liv.1.1.19 and especially Plutarch's account of the debate between Cato and Publius Scipio Nasica on the threat of Carthage (*Cat.Mai.*2.26-7).

⁷³ Discussed further below, pp.195ff.

Fear of Imperfection: The Role of *Luxuria* in the Stability of the Empire

Moderation is a fatal thing...Nothing succeeds like excess.⁷⁴

In the year 22, a year free from commotions abroad, Tacitus reports that problems were arising in the capital due to the anticipation of strict measures against the current luxury, which extended without limit to everything that money could consume (...*qui immensum proruperat ad cuncta quis pecunia prodigitur*; 3.52.1). While some expenditure was kept secret through concealment of the real prices, Tacitus reports that the expensive preparations for gluttony (*venter*) became the subject of gossip and cause of anxiety (*cura*), given that an emperor of such old-fashioned frugality may be too strict with his reforms (3.52.2-3). The senate were consulted but deferred the matter to the emperor who was away in Campania at the time.

After some consideration of the potential dangers involved with repressing tastes, such as the financial loss (*damnum*) it would bring to the state, how disgraceful (*indecorus*) it would be to meddle with something beyond his control and that limiting extravagance would demand the dishonour and infamy of men of distinction (*ignominiam et infamiam virorum inlustrium posceret*; 3.52.4) Tiberius gave the following response:

“mihi autem neque honestum silere neque proloqui expeditum, quia non aedilis aut praetoris aut consulis partis sustineo. maius aliquid et excelsius a principe postulatur; et cum recte factorum sibi quisque gratiam trahant, unius invidia ab omnibus peccatur. quid enim primum prohibere et priscum ad morem recidere adgrediar? villarumne infinita spatia? familiarum numerum et nationes? argenti et auri pondus? aeris tabularumque miracula? promiscas viris et feminis vestis atque illa feminarum propria, quis lapidum causa

⁷⁴ Wilde (2009:88).

pecuniae nostrae ad externas aut hostilis gentis transferuntur?” (3.53.2-3)

“For me however, though remaining silent is not honourable, to speak out is not easy, because I am neither aedile, nor praetor, nor consul. Something grand, more impressive is expected from the emperor; and though people praise themselves for their good actions, the blame for collective misconduct falls on one man. And where should I begin my prohibitions and attempted reversion to ancient standards? With the vast mansions, or the hordes of slaves of different nationalities? The weight of silver and gold, the wonderful pictures, the bronzework, the men’s clothes indistinguishable from women’s? Or the feminine speciality – the export of our currency to foreign or enemy countries for precious stones?”

Tiberius’ letter immediately problematises the conventional (political and historiographical) conception of *luxuria* as *vitium*. Certainly, and as Berry has noted, ‘luxury is both a standard ingredient in the rhetoric of Roman corruption and a contemporary perception, an awareness, of an increase in opulence and government instability.’⁷⁵ (The very existence of Roman sumptuary legislation attests this view). However, in the letter above Tiberius is not mourning the loss of traditional restraint, nor is he condemning *luxuria*, nor is he defending *luxuria*.⁷⁶ Rather, he is drawing attention to the fact that *luxuria* has already been accepted and the contradiction he would represent and conflict he would create if he was to call for restraint on his own and everybody else’s opulence.

From this perspective, it appears that Tiberius’ letter follows his earlier comments in the senate house which led to Piso’s outbreak, that moral reform was not or would not be lacking if there was a decline in *mores*. Similarly, as Tiberius now explains, it would be ‘disgraceful’ to meddle with something beyond his control (extravagance was something he could not restrain, ‘*non obtineret*’; 3.52). The reason extravagance is beyond even the emperor’s control is because it is connected with

⁷⁵ Berry (1994:63).

⁷⁶ Cf. Sall.*Cat.*52.10-22; see also Sall.*Mith.*5-10. See also Seneca’s defence of his wealth Sen.*Vit.Beata*.21ff.

imperial time (*non id tempus censurae*). Notable on this point is the attention Tiberius draws to the role of the foreign enemy: the *hostis* does not serve to regulate *moderatio* amongst the Romans by instilling the fear of invasion but in growing empire, the enemy depends on Rome for money and Rome depends on the enemy for precious stones (*lapides*). Accordingly, and as Tiberius notes, to limit extravagance would bring *damnum* to the state, which could of course lead to '*res publica deficiet*'.⁷⁷

Tiberius' speech is rooted in the imperial logic, a logic which is extraneous or incompatible with notions of traditional restraint, notions such as those expressed earlier by Haterius and Fronto only to be quickly rebuked by Asinius Gallus, Tiberius and the rest of the senators (2.33). Subsequently, Tiberius reveals the new problem, which is that in empire social order no longer depends on moderation, but on luxury:

Nec ignoro in conviviis et circulis incusari ista et modum posci: set si quis legem sanciat, poenas indicat, idem illi civitatem verti, splendidissimo cuique exitium parari, neminem criminis expertem clamitabunt. atqui ne corporis quidem morbos veteres et diu auctos nisi per dura et aspera coerceas: corruptus simul et corruptor, aeger et flagrans animus haud levioribus remediis restinguendus est quam libidinibus ardescit. (3.54.1)

I am not unaware that people condemn all this at banquets and social gatherings and demand for some restraint. But if a law were to be passed and a penalty imposed, those very people will cry out that the state is being destroyed, that society's best people are facing ruin, and that no one is safe from incrimination. Yet even as bodily infections of length and growth can be checked only by harsh and painful treatment, so the fever of a diseased mind, itself corrupt and a corrupting influence, can be cured only by remedies as strong as the passions which inflame it.

According to E. Shills, tradition is 'the guarantor of order and civilisation.'⁷⁸ This view of tradition as normative, as something which is connected with 'order' and

⁷⁷ Cf. *Hist.*2.69 where Tacitus reminds us that in the past the power of Rome had a stronger foundation in virtue than in wealth (*virtute quam pecunia*). The problem as revealed here is that virtue now depends on wealth, as does the power of the imperial state.

⁷⁸ Shills (1981:15).

‘civilisation’ is grounded in Roman conceptions of observing moderation. As Velleius claims for example, to cross the bounds of *moderatio* would lead to the breakdown of *otium*.⁷⁹ And as Cicero had claimed earlier, moderation protected not only the *dignitas* of the orator, but also the safety of the mass of private citizens and the entire republic.⁸⁰ To return to Livy, moderation (*parsimonia*) is aligned with the ‘healthy’ deeds of the ancestors and thus it forms a guide for stability. The same applies to Sallust, who connects the lack of moderation (*modestia*) with crime or wicked deeds (*facinora*).⁸¹ But the view revealed in the letter above tells something entirely different. According to Tiberius, though extravagance is criticised at social gatherings, if it was reprimanded by a law, those critics themselves would claim it to be a national disaster, and the result would be the conversion of everyone into a criminal. The traditional view of law and moderation as something which helps to establish social homeostasis (an equilibrium that protects the security of the whole from internal dangers) is therefore not only contested but furthermore described as that which would *cause* the breakdown of society. In Tacitus, *luxuria* and extravagance are given almost a juridical dimension because they offer social peace (since if laws were to be passed to restrict *luxuria* ‘no one would be safe from *crimen*’) while *moderatio* is given a deviant dimension because to moderate wealth would cause *damnum* and could furthermore destroy the vital relations of exchange between Rome and her ‘enemies’. The conception of moderation as that which protects the body-politic from danger (Cicero, Velleius, Sallust, Livy) as well as the base understanding of law as that which ‘shields against dissolution and decay’ (Bauman) is thus subverted by Tacitus through Tiberius: extravagance has become the national necessity (the cure), and *moderatio* the cause of national crisis (the disease).

The Tacitean narrative problematises the normative view of tradition, a view which somewhat eludes the crucial notion that tradition will prevail only if it serves the safety and interests of the people. Tacitus’ narrative also conflicts with the conception of *moderatio* as something which needed to be observed in order to maintain peace. In

⁷⁹ Vell.2.12.6.

⁸⁰ Cic.Or.1.33-34.

⁸¹ Sall.Cat.13.4.

Sallust's model of decline, the *civitas inmutata* resulted from *luxuria* and *avaritia* (*Cat.*10), whereas in Tacitus, if a law was to be passed to moderate extravagance, those who called for *modus* would declare that the state is being overthrown (...*civitatem verti*; 3.54). This shows a notable progression from the views of Sallust's Caesar, that no one has ever obeyed at the same time lust and utility: '*neque quisquam omnium libidini simul et usui paruit*' (*Sall.Cat.*51.2). Of course, the assertion of a divide between an act which is privately pleasurable and privately or publicly useful is not only Sallustian/Ciceronian but forms the basic understanding of the distinction between a corrupt act and a moral act. In Tacitus, however, the passion for excess is dangerously (or conveniently) close to the best interests of the individual and the state.

Tacitus' narrative thus presents a peculiar conception of virtue and vice, whereby vice is turning into virtue and producing order (and elsewhere virtue is turning into vice and producing corruption). Of course, we cannot extend this as far as saying that moderation was 'fatal' (pace Wilde) but the Tacitean/Tiberian interpretation does sensitise us to the reality of imperial time – of which a dominant characteristic is a struggle to establish a *balance* between glorifying the traditions of the past whilst at the same time 'legitimizing' the untraditional needs of the present.⁸²

From this perspective, we can trace in further detail the subversion of the honourable and the dishonourable which Tacitus refers to later at 4.33, but the subversion is not caused by a lack of traditional *prudentia* but by the inadequacy of such knowledge in politics. Sallust saw that *ambitio* as *vitium* was closely associated with *virtus*.⁸³ The meaning is that ambition could lead to higher public office, thereby bringing personal distinction and wealth.⁸⁴ Tacitus applies the same thinking not to *ambitio* but to *luxuria*; as Tiberius states, to restrict extravagance would demand the *ignominia* and *infamia* of men of distinction. The sumptuary legislation would thus cause dishonour and infamy (3.52.4).

⁸² Cf. Kansteiner who on the other hand argues that 'our crises of memory are concomitant with crises of identity...memory is valorized where identity is problematized' (2002:184). Tacitus allows us to see the problem from a reverse perspective, that, identity is problematised because memory is valorised.

⁸³ Sallust refers to *ambitio* as a vice (*vitium*) but also almost a virtue (*sed primo magis ambitio quam avaritia animos hominum exercebat, quod tamen vitium propius virtutem erat*; *Sall.Cat.*11.1).

⁸⁴ But for Sallust this form of distinction was fleeting and fragile (*Sall.Cat.*1.4; *nam divitiarum et formae gloria fluxa atque fragilis est, virtus clara aeternaque habetur...*).

Given this, Tacitus offers an analysis of *luxuria* which not only gives some consideration of the critical role it played in the stability of empire and the maintenance of valuable imperial exchanges but he also shows the value of *luxuria* on an individual level, which is that it made a significant contribution to one's social status. Tacitus ascribes a different name or signification to *luxuria*, a name which constructs *luxuria* not as a virtue but similar to Sallust's *ambitio*, as something which is nonetheless closely connected with virtue (through the honour and fame it ensures).⁸⁵ By connecting *luxuria* with honor, Tacitus reminds us that though immoral or corrupt, *luxuria* served a purpose. If it is luxury that ensures *fama*, as Tiberius explains, and if it is luxury that supports the state's 'best people', then what Tiberius is saying is that it is through *luxuria* that a powerful identity is enabled and that the powerful can stay powerful.

The type of *luxuria* which Tacitus is describing is therefore functional rather than primarily moral since it is connected with hierarchy. This was the perspective from which Asinius Gallus justified *delenimenta* earlier at 2.33.3; as Gallus explained to Haterius and Fronto, in whatever was acquired for use in the cases of households or silver, nothing was either excessive or modest, but simply related to the level of the possessor's fortune (*neque in familia et argento quaeque ad usum parentur nimium aliquid aut modicum nisi ex fortuna possidentis*). As Gallus goes on to explain, distinctions had been made in the *census* of senators and knights not because they were 'naturally different' (*non quia diversi natura*) but so that their superiority in place, rank and reputation (*sed ut locis ordinibus dignationibus antissent*) might also be maintained through those things which allow for mental repose and physical health (*ita iis quae ad requiem animi aut salubritatem corporum parentur...*). Unless, Gallus continues, those in the highest position were to undergo more anxieties and greater dangers and to do so without assuagements (*nisi forte clarissimo cuique pluris curas, maiora pericula subeunda, delenimentis curarum et periculorum cendum esse*).

⁸⁵ This is not a contentious view given that banquets, a prominent focus of the sumptuary legislation, provided a means of asserting and gaining social prestige. See further Veyne (1990) on euergetism ('private liberality for public benefit').

Gallus' description of *delenimentum* as something which is to work alongside the *clarissimi*, as something by which one can be superior to (*antistare*) or maintain his superiority over someone else, attests the 'class character' of *luxuria* and by extension the detriment to established hierarchy that would be posed by sumptuary laws. The 'class character' of sumptuary legislation is how Berry describes 14th century English laws on consumption.⁸⁶ What gave these laws their class character and thus their 'political dimension', and for Berry separated them from their Roman antecedents, is the fact that English laws were designed in such a way so that consumption could reflect and maintain class differences. The 1363 Act, for example, was composed of seven clauses and each prescribed a particular quality of clothing for each class (according to status/occupation).⁸⁷ In this way, English sumptuary laws made provisions so to legally ensure the status of some classes over those of others through appearance. The most striking aspect of Roman sumptuary laws, for Berry, is that they do not make explicit references to class, yet such classist provisions are precisely what Gallus is arguing for during the debate on consumption, which in his view should not be moderated in the case of those in the highest social positions.⁸⁸

Thus, we can understand the nature of the imperial logic. Tiberius claimed that this was not a time for holding a censorship (*non id tempus censurae*). We could read this generally as meaning that the time was not suited for such censorial actions, but we could read this as a technicality, suggesting that it was not a moment at which the Romans would normally appoint a censor, and thus that Tiberius was using a republican precedent for avoiding acting, in a way which would have restored republican values. Gallus provides an explanation: the problem/danger at this time was

⁸⁶ Berry (1994:78ff.).

⁸⁷ For example, Clause I deals with grooms and servants; Clause II with tradesmen and artificers; Clause III with gentlemen 'under the estate of knighthood' who possess land under the value of 200 pounds; Clause IV with those whose land is valued above 200 (Berry 1994:79-90).

⁸⁸ It is often assumed that the sumptuary laws aimed to maintain class differences but there is no record of a sumptuary law which explicitly differentiates between classes, whereas there is evidence of gender differentiation (eg. *Lex Oppia*). This is obviously not to say that dress was not used to differentiate class in Rome, obviously it was. But Berry suggests that Roman sumptuary laws did not make allowances for certain higher classes because the hierarchy was so strong that it did not need to be reinforced through consumption: 'Fashion depends on the presence of a class beneath the ruling order with the financial power to vie with that above it, and with, accordingly, the wherewithal to emulate its dress and thus defy its sumptuary laws' (81). Berry's point is that Roman society was hierarchical to the extent that no one could compete with the higher orders.

not about the reduction of the *civis romanus* (though it is a problem for Tacitus) but about the reduction, more specifically, of the *civis clarissimus*.⁸⁹

By showing the connections (between *luxuria* and wealth/hierarchy), Tacitus shifts focus from conceptions of *luxuria* as a ‘moral vice’ to conceptions of *luxuria* as a source of ‘political virtue’, which means that even though an acceptance of luxury represented something morally wrong, it nonetheless contributed to one’s political identity (*status*). And, in circular fashion, if it is the distribution of power that determines the *dignitas* and *decus* of the individual, that is, who can *afford* to appear as ‘honest’ and stay as superior, then morality in Tacitus is not altogether to do with an absolute notion of ‘good’ and ‘right’. Equally, it is not to do with the type of morality which is normally encapsulated by the term ‘*boni mores*’.⁹⁰ Rather, what Tiberius is talking about is the *honores* afforded by corruption. Similar to the *delator*’s ‘extraordinary praetorship’ gained through deceit, *luxuria* is constructed by Tacitus as a feature of a specifically imperial political morality.

Given this, morality in Tacitus is a politics through which the state’s best people are able to appear as virtuous. Morality as political (virtue as power and power as virtue) means then that *mores* such as *parsimonia* and *moderatio* (moral virtues) are rendered separate to *mores* such as *dignitas* and *decus* (political virtues) because the former two prevent the latter two. The obvious argument against this is that if honour is gained through *luxuria* and delation/deceit, then it is not a sign of ‘real’ moral virtue. However, this is possibly the question Tacitus is trying to raise: is there a distinction between being virtuous and seeming virtuous? Moreover, what precisely constitutes a virtuous act? Alternatively and presaging the digression at 4.33, Tacitus’ point maybe one of *utilitas*, specifically political *utilitas*: what is more ‘useful’ from a political perspective for the imperial subject – moral virtues such as *moderatio*, *parsimonia* and *frugalitas* or political virtues such as *fama*, *decus* and *honor*, gained now through

⁸⁹ Cf. *Ann.*2.48, where Tiberius explains that *nobilitas* should be supported by wealth (*nobilitatem utriusque pecunia iuvandam*). This is supported, as will be discussed in the next section, by Tiberius’ moderation of delation in cases where the honour of citizens is at stake (but there are exceptions to this rule). Cf. 4.20, the case of Caius Silius, which Tacitus reports was the first instance of Tiberius’ severe handling of the wealth of others (4.20.1; *ea prima Tiberio erga pecuniam alienam diligentia fuit*).

⁹⁰ Which would be the type of morality associated with the *ferocissimi* referred to at *Ann.*1.2 and the *veteres* referred to at *Ann.*3.26.

luxuria and *corrupta iudicia*? Either way, Tacitus does show that in this time morality was coming to be relatively defined, presaging his forthcoming reference to the cyclical nature of all things, *mores* included (3.55.5).

4.2 *Clementia* and the Majesty of the State

The only rudimentary sign of an awareness that forgiveness may be the necessary corrective for the inevitable damages resulting from action may be seen in the Roman principle to spare the vanquished (*parcere subiectis*)—a wisdom entirely unknown to the Greeks—or in the right to commute the death sentence, probably also of Roman origin, which is the prerogative of nearly all Western heads of state.⁹¹

In *The Human Condition*, Hannah Arendt outlines forgiveness as a specifically political virtue. Forgiveness, for Arendt, is one of the two cures to the ‘irreversible’ and ‘unpredictable’ nature of human action, which in her political thought always retains the potential to go wrong.⁹² In Arendt’s theory of politics, action must be freed from the forces of universal or external notions of good so that human action and thought can reach its full potential.⁹³ Moral agency and conscience must be plural and free, so to reflect the essential human condition, which is plurality and freedom.⁹⁴ However, Arendt notes the obvious danger in this form of liberated action in politics, which is that without a universal or external moral guide (such as ‘coercive’ religious truths), in which context humans would not know what they are doing, action can become corrupt

⁹¹ Arendt (1998:239).

⁹² *Ibid* (236-242).

⁹³ On Arendt’s critique of external notions of good, notions which come from Christian morality, the Socratic morality of conscience and generally self-evident truths see Arendt (1963:84), (1998:73-78), (2003:45ff, 79, 123). For Arendt external standards of good (‘clichés, stock phrases, standardized codes of expression and conduct’) are things which ‘have the socially recognised function of protecting us against reality’ (1978:4) and in so doing they limit thoughtful moral judgement. It should however be noted that Arendt’s view that politics should remain autonomous from moral evaluation is less radical than often assumed. For example, in Arendt moderation remains the fundamental (political) virtue: ‘the old virtue of moderation, of keeping within bounds, is indeed one of the political virtues par excellence’ (1998:191). Moderation, in the way Arendt describes, is precisely ‘external’ in the sense that the knowledge of ‘bounds’ is something that depends on pre-existing notions of right and wrong.

⁹⁴ On plurality see Arendt (1998:7-8 and *passim*).

or frail.⁹⁵ The cure for such frailty ('the frailty of human affairs') lies firstly in the human capacity to forgive (so the wrongdoer can be freed from their bad deed and begin again) and secondly in the faculty of making promises, such as inviolable agreements and contracts (which can stabilise the uncertainty of the future).⁹⁶ Both faculties, forgiving and promising, are the only 'moral precepts' compatible with human action since they do not stem from external criteria of 'good' but arise instead out of the will to live together.⁹⁷ Both faculties, for Arendt, can be traced back to two Roman principles: 1) '*parcere subiectis*' (to spare the subjected/subdued) and 2) '*pacta sunt servanda*' (agreements are to be maintained).⁹⁸

Tacitus' narrative of Tiberian politics reveals a significant relationship to Arendtian politics. In the previous section, I argued that *luxuria* though 'harmful' from the perspective of traditional morality ('*boni mores*' or '*prisca virtus*'), nonetheless became useful under the growing empire. *Luxuria* can be read as a 'useful vice', something which remains distinct from *mores* but conducive, nonetheless, to morality. Insofar as Tacitus describes a political landscape in which action is liberated from universal notions of good, and from which morality subsequently emerges as 'more than the sum total of *mores*, of customs and standards of behavior solidified through tradition', Tacitus' analysis of Tiberian Rome may be read in conjunction with Arendt's ideal of liberated political action and thought.⁹⁹ However, whereas Arendt believed that the faculties of forgiving and promising can 'correct' the inevitable damages resulting from such liberated action in politics, in Tacitus, such faculties only continue corruption in the state rather than prevent or correct it.

⁹⁵ Arendt (1998: 188-192, 236-240).

⁹⁶ 'The possible redemption from the predicament of irreversibility—of being unable to undo what one has done though one did not, and could not, have known what he was doing—is the faculty of forgiving. The remedy for unpredictability, for the chaotic uncertainty of the future, is contained in the faculty to make and keep promises' (1998:237). On forgiveness and promise see Arendt (1998:236ff.). On the importance of natality (beginning anew) see (1998:247).

⁹⁷ Arendt (1998:246). The will to live together is what guides Arendt's moral thought because it is only through living and acting with others (plurality) that one's moral judgement can be valid: 'our decisions about right and wrong will depend upon our choice of company' (2003:145-146). On judgement, plurality and politics in Arendt see the useful discussion in Garsten (2010:328ff) and Badiou (2005:10-25).

⁹⁸ Cf. *Aen.*6.753 on Rome's mission as *parcere subiectis et debellare superbos* and *Cic.Off.*3.92: '*pacta et promissa semperne servanda sint.*' See also *Dig.*2.14 on the law of *pacta*.

⁹⁹ Arendt (1998:245).

In Tacitus, there is a dark side to the principles of forgiving and promising since it is both forgiveness (in the form of mercy – *clementia*) and promise (in the form of secular and sacred agreements – *lex, ius, fas*) which are ‘haphazard and frail’, in which context, we may read forgiveness and promise not as ‘moral precepts’ which act to ‘correct’ corruption and safeguard freedom but as imperial prerogatives which maintain corruption as well as further individual servitude.¹⁰⁰ Just as *luxuria* is subverted into a ‘useful vice’, in this section I will show that *clementia* (as well as the ordinarily righteous commitment to *lex*) are subverted by Tacitus into ‘harmful virtues’.

Tacitus’ presentation of the *virtutes* of Tiberius (in particular his *moderatio, civilitas* and *clementia*) is often read by scholars from the perspective of irony, employed by Tacitus in order to make jibes at Tiberius’ character.¹⁰¹ In order to analyse the narrative on Tiberius’ virtues from a different perspective, I shall examine Tiberius’ virtue not in terms of Tacitean irony but rather as something which reflects the nature of politics at this time, which was such that any virtuous act was susceptible to becoming its opposite (a corrupt act). In this perspective, Tacitus is not using irony to traduce Tiberius’ character but is writing Tiberius as a product of the irony (or frailty) of imperial politics and the limitations of virtue itself.

I will analyse the limitations of virtue through Tacitus’ writing of mercy, which features prominently in the early Tiberian narrative, especially once the law of treason is revived.¹⁰² *Clementia* is a political virtue, representing a ‘humane’ and ‘civil’ act by which the sovereign’s leniency spares the victim and allows him to be freed from his bad deed. Yet at the same time, *clementia* is inherently problematic because in the

¹⁰⁰ I note that forgiving (*ignoscere*) is not the same as mercy (*clementia*), since mercy does not forgive a bad act in its totality but offers a less severe punishment than that deemed due. However, under Tiberius, forgiveness and *clementia* are conflated since Tiberius is not only lenient in his handling of criminal behaviour (by offering less severe punishments than those prescribed by the law) but he is often wholly forgiving (he dismisses criminal cases altogether, not punishing at all). Konstan (2010) has argued that forgiveness ‘did not exist in classical antiquity...it played no role whatever in the ethical thinking of those [Greek and Roman] societies’ (2010:ix). I find this difficult to believe because the fact that *clementia* was an imperial virtue suggests that the basic idea of forgiving (the reconciliation of the relationship between the wrongdoer and the wronged) did exist as an ethical notion. If the Romans did not have some sort of ethical preconception that reconciliation was good, it becomes difficult to explain the emergence/existence of *clementia* as a political virtue.

¹⁰¹ See for example Syme (1958:414) and Martin (1981:225).

¹⁰² Tiberius revived the *lex maiestatis* in 15 but secured acquittal for all those charged with treason between 15 and 20. See further below p.208, n.148.

forgiveness of a crime there is a failure of justice: ‘a bad law over-ruled by a merciful pardoner might result in the fair treatment of an accused, but could not represent Justice’.¹⁰³ *Clementia* is also contentious as a virtue because it opposes other quintessential tenets of the Roman ethos, in particular *severitas* which was also seen as that which enforced the distinction between right and wrong, through punishment.¹⁰⁴ Moreover, in the forgiveness of a crime, legal pacts and agreements (which Arendt saw as the genius of the Roman legal system) are either broken or ignored.¹⁰⁵ *Clementia* is always an arbitrary act of power, *supra leges* or ‘exceptional’. In this view *clementia* is not only an act of power but it is an act specifically of *sovereign* power. *Clementia* is the virtue of the king or prince (specifically) and as such, it is a relational act as Arendt perceives and praises but one which only takes place between superior and inferior, through which the King’s reputation is enhanced rather than that of the subjected or condemned. *Clementia*, then, is the quintessential manifestation of the sovereign’s corrupt virtuousness, which makes obvious the various relations of inequality upon which society rests.

Since Arendt does not make the connection between forgiveness and sovereignty, a connection implicit in the imperial virtue of *clementia*, the potential role played by forgiveness in the reinforcement of sovereign power (and the citizens’ subjection to that power) is left unexplored.¹⁰⁶ Yet in Tacitus’ analysis of crime and punishment, the display of *clementia* as the reinforcement of a specifically sovereign position (the prerogative of the head of the state) is of crucial concern, mainly because the locus of sovereignty is not defined. Further to this, the principle of *parcere* in

¹⁰³ Shotter (1991:3311). Whether *clementia* results in ‘fair’ treatment is also questionable, though Shotter appears not to think so. On the paradoxical relation between forgiveness and justice see Murphy (1988:167ff.).

¹⁰⁴ The concept which for Romans foremostly represented ‘the necessary corrective for the inevitable damages resulting from action’ is not *clementia* but *severitas*. For Seneca, it is punishment (even in the extreme form of punishment by death) that corrects and reforms (*Ira*.1.6.3-4).

¹⁰⁵ For Arendt on *lex* see below n.128.

¹⁰⁶ Here we may return to Giorgio Agamben’s analysis of sovereignty and bare life: ‘The sovereign is the one with respect to whom all men are potentially *homines sacri*, and *homo sacer* is the one with respect to whom all men act as sovereigns’ (1998:53). Agamben does not draw a connection between forgiveness and sovereignty, but the way in which Agamben understands sovereignty, as something which is empowered through exclusions and bans, as something which makes ‘bare life’ (the *sacer homo*), is comparable with the Roman practice of *clementia* because when the condemned was saved from execution he was outlawed (interdicted from water and fire/declared a *sacer homo*). Discussed further below.

Tacitus is not as liberating as Arendt perceives, nor as ‘humane’ as Seneca perceives, because if the punishment was execution (as was prescribed for a treasonable offence), then *clementia* did not necessarily release the wrongdoer from his bad deed, allowing him to begin again; rather, *clementia* bound the wrongdoer to his bad deed, for eternity, either through the *damnatio memoriae*, exile, the loss of citizen rights, or the confiscation of property.¹⁰⁷ It emerges then, that *corrupta iudicia* does not only refer to the cruelty of orators as Piso claims, nor to the ‘interpretationes’ of *delatores* as Tacitus implies, but corrupt judgement also refers to the virtuous act of *clementia*.

In what follows, I will analyse Tacitus’ writing of Tiberius’ revival of the *lex maiestatis* in order to show the shortcomings of maintaining particular *pacta*. I shall then outline the difficulties involved with defining the *crimen maiestatis* in order to explore Tacitus’ writing of the ambiguity of particular crimes, and I shall then move onto a wider discussion of the role played by the imperial virtue of *clementia* in the perpetuation of corruption. Using Arendt’s theory of forgiveness, as well as the value of promise she attaches to the Roman past, my aim is to trace Tacitus’ writing of *clementia* and *lex* as dangerous reservoirs which withhold the potential for violence and deviance, rather than stabilising correctives for the inevitable damages resulting from action.

Reviving the *Lex Maiestatis*

Tiberius’ broadening of the *lex maiestatis* to include intimations deemed hostile to the emperor proves to be the culmination [for Tacitus] of the forces of despotism.¹⁰⁸

¹⁰⁷ In this view, one can see that in a Roman context forgiveness is precisely not something which, as Arendt would argue, makes possible a reconciliatory politics by allowing the possibility of a new beginning.

¹⁰⁸ Hammer (2008:163).

With the revival of the *lex maiestatis* the Tiberian narrative sees a surge of criminal accusations.¹⁰⁹ Many scholars have read the treason trials alongside Tiberius' increasing *saevitia* and *dominatio*.¹¹⁰ Earlier Roman writers, too, remembered and recorded the period under Tiberius as a negative example in Roman history.¹¹¹

Tiberius' revival of the treason law is a definitive influence on Tacitus' analysis of the Tiberian Principate since the revival confirmed another form of imperial censorship (on words as well as acts) and stimulated the process of delation.¹¹² However, although the revival does represent a particularly 'despotic' use of law (by which I mean a use of law designed specifically for a system of rule by one) it is notable that when Tacitus describes the revival, he does not condemn Tiberius' character. Rather, Tacitus reads the *dominatio* implied in the revival as something which problematised the appearance of Tiberius' *civilitas*, the appearance of which was asserted in the rejection of the title *pater patriae*:

nomen patris patriae Tiberius, a populo saepius ingestum, repudiavit; neque in acta sua iurari quamquam censente senatu permisit, cuncta mortalium incerta, quantoque plus adeptus foret, tanto se magis in lubrico dictitans. (1.72.1)

The name 'Father of the Fatherland' which the people had so often pressed upon him, Tiberius rejected; nor did he allow obedience to be sworn to his enactments, although the Senate recommended it, for he maintained that all human affairs were uncertain, and that the more he obtained, the more dangerous was his position.

¹⁰⁹ The *lex maiestatis* was directed at those *qui contra imperatorem vel rem publicam aliquid moliti sunt* (*J.Inst.*4.18.3). See also *Dig.*48.4 and *Ann.*1.72.3. On the *lex maiestatis* see further Bauman (1974:1-10) and Goodyear (1981:141-150). On punishment for treason see Bauman (1967, 2002) and Mousourakis (2007). In Tacitus punishments vary, including execution (sometimes without trial), expulsion from Rome (including loss of citizen rights), confiscation of property and denial of burial.

¹¹⁰ Tiberius' *saevitia*, 'tyranny' and 'deviousness' have been attested in the revival/extension of this law. See for example O'Gorman (2000:85ff.), Kapust (2011:166ff) and Mellor (2011:86).

¹¹¹ *Sen.Ben.*3.26.1, *Suet.Tib.*19, 58. *Dio.*57.19.

¹¹² *Ann.*1.72: *facta arguebantur, dicta inpune erant.*

Tiberius' rejection of the title *pater patriae* is an obvious example of imperial moderation. It should however be noted that Tiberian refusals of power have been the focus of some debate given that many scholars have been reluctant to read the *moderatio* implied in such refusals at face value.¹¹³ Goodyear suggests that the reader has already been conditioned to take Tacitus' comments on Tiberius' moderation 'not at their face value, but as evidence of arrogance and hypocrisy'.¹¹⁴ There is some reason to read Tiberius' moderation as 'arrogant' since the connection between *moderatio* and *adrogantia* is drawn by Tacitus at 1.8.5 during his account of Augustus' funeral: when the senate proposed to carry the body of Augustus to the pyre themselves, Tacitus states that Tiberius declined 'with condescending moderation' (*adroganti moderatione*). Levick has suggested that '*adroganti moderatione*' was 'a jibe at Tiberius' cardinal virtue.'¹¹⁵ A similar view is expressed by Martin who states that the adjective *adrogans* renders the imperial virtue 'offensive' while reminding the reader of Tacitus' earlier statement that Tiberius possessed the inherent *superbia* of the Claudian family (*vetus atque insita Claudiae familiae superbia*; 1.4.3).¹¹⁶

From a modern perspective, *adrogans* is certainly an 'offensive' term and may represent a Tacitean 'jibe'. In an ancient context, *superbia* implies an innate familial tyranny, problematising any later references to Tiberius' virtue. Yet, in the context of imperial virtue (the *virtutes* of the emperor) and given the meaning of *adrogans* as 'presumptuous', 'arrogating' or 'over-bearing', there is a question of whether it was even possible for an emperor's virtue not to be received as *adrogans* since it was an exercise of the supreme authority. We may read Tiberius' *moderatio* not as aggrandising so as to assert Tiberius' falsity, but rather a reflection of imperial power.

With regards to the refusal of the title *pater patriae*, whether or not the moderation implied in Tiberius' *recusatio* is 'real' or 'false' is not what concerns Tacitus. As can be seen from the passage above, according to Tacitus, Tiberius rejected the title on the puzzling grounds that the more he obtained, the more slippery (*in*

¹¹³ On the contrived *recusatio imperii* as a form of 'imperial etiquette' or 'mock-ritual' see Vervaeke (2010:166).

¹¹⁴ Goodyear (1972:149). See further 149-151. Syme (416) states "'Moderatio" occurs four times in a Tiberian context, and only once it is authentically impugned'.

¹¹⁵ Levick (2003:207n.29).

¹¹⁶ Martin (1981:225).

lubrico) his position. It is possibly for the same reason that Tiberius did not allow obedience to be sworn to his enactments and also why he later refused permission for his own person to be associated with the *divi imperatores*.¹¹⁷

Tiberius presents his *moderatio* as sustaining of his political position, to prevent it from facing harm. The refusal is not an act produced from an innate sense of virtue (real *moderatio*) and it would be problematic to read from this perspective given that we have already been informed that Tiberius inherited Claudian *superbia*. Rather, the refusal is bound up in the protection of the regime's power, namely self-protection. Tiberius seems to be saying that the more power you have, the more powerless you become, explaining a further paradox of imperial power.¹¹⁸ Tiberius appears to be denying himself honours as insurance against some future event (presumably a fall from power). The *recusatio* of honours granted to Augustus would seem to be a refusal of Tiberius to be trapped within a paradigm of imperial power set by his predecessor: he was not Augustus and his position was not the same. In this sense, the *recusatio* was a repetition of the events of the accession debate, but just as that debate had not persuaded his audience, so this second *recusatio* was also misconceived:

non tamen ideo faciebat fidem civilis animi; nam legem maiestatis reduxerat, cui nomen apud veteres idem, sed alia in iudicium veniebant, si quis proditione exercitum aut plebem seditionibus, denique male gesta re publica maiestatem populi Romani minuisset. (1.72.2)

Nevertheless he did not thereby create a belief in his civil spirit, for he had reintroduced the law of treason. This had the same name among the ancients, but other matters came under its jurisdiction, such as the impairment of an army by betrayal or of the plebs by sedition, or, in short, any bad act by which the majesty of the people of Rome was impaired.

The moderation implied in Tiberius' *recusatio* becomes problematic because it is paired with a revival of the law of treason. On this occasion the falsity of the refusal

¹¹⁷ *Ann.*2.87, Tiberius punished those who referred to his work as divine and himself as *dominus*.

¹¹⁸ See above pp.83ff. on the pertinence (and difficulty) of both concealing and revealing sovereignty.

lies not in the intent, but in Tiberius' ability to persuade. As can be seen from the passage above, the virtuous meanings associated with Tiberius' refusal of the title *pater patriae* (mainly that Tiberius was a *princeps* who did not let his status exceed that of a citizen when offered the opportunity) were deemed incredible as was his *civilis animus* because such virtuous meanings conflicted with his subsequent decision to revive the law of treason.¹¹⁹

The consequence of the revival is the emperor's inability to *construct* (*facere*) credibility (*fides*). Similarly, Tacitus dismissed Tiberius' speech to the senate during his accession as more impressive than credible (*plus in oratione tali dignitatis quam fidei erat*; 1.11.2). The issue is not to do with Tiberius' innate falsity (nor Tacitean irony) but his lack of credibility. Put differently, Tiberius' deficiency [for Tacitus] is not that he is a hypocrite or arrogant but that he lacks the capacity to speak the truth and have that truth be received as credible, which results in him inevitably appearing as hypocritical or arrogant.

Tacitus' writing of the revival has been misread as Tiberius 'extending' the law.¹²⁰ Yet according to Tacitus, though Tiberius had revived (*reduxerat*) the law, it was not Tiberius who 'broadened' it:

facta arguebantur, dicta inpune erant. primus Augustus cognitionem de famosis libellis specie legis eius tractavit, commotus Cassii Severi libidine, qua viros feminasque inlustris procacibus scriptis diffamaverat; mox Tiberius, consultante Pompeio Macro praetore an iudicia maiestatis redderentur, exercendas leges esse respondit. hunc quoque asperavere carmina incertis auctoribus vulgata in saevitiam superbiamque eius et discordem cum matre animum. (1.72.3-4)

Actions were prosecuted, words went unpunished. It was Augustus who first, under the heading of this law, applied legal investigation to defamatory writings, being provoked by the passion with which Cassius Severus had

¹¹⁹ Cf. Bauman: 'to Tacitus and Suetonius it was almost a routine matter for an emperor to mark his accession by an abolition and nothing proved Tiberius' bad faith more clearly than his apparent failure to conform.' (1974:222).

¹²⁰ Mellor (2011:85) and earlier Walker (1952:88) say that Tacitus' attributes the extension to Tiberius at 1.72.3.

defamed men and women of distinction in his shameless writings. Soon Tiberius, when consulted by the praetor Pompeius Macer as to whether prosecutions for treason should be restored, replied that the laws must be enforced. He too had been exasperated by the publication of anonymous poems about his cruelty, his *superbia* and his discordant relations with his mother.

The extension in the law's jurisdiction to include words is, in Tacitus, Augustan (*primus Augustus...*). As with the *lex Papia Poppaea*, the misuse of the law is re-dated to the Augustan principate.¹²¹ Tacitus implies that Augustus used the law to defend the social hierarchy with which his regime was identified. When Tiberius was asked by Pompeius Macer whether the treason trials were to be restored, Tiberius responded that the laws should be enforced (*exercendas leges esse*), meaning that defamation was to continue to count as punishable under the *lex maiestatis*. Once again, no-one would approve of defamation, but the virtuous law and the decision to maintain law (which in itself would normally be seen as a virtuous or ethical decision) undermined belief in Tiberius as a *civilis animus*, since the operation of the law was instrumental in asserting imperial power. The point is not that 'simply put, Tiberius' spirit was not that of a citizen (*civilis animi*)' nor that 'Tacitus portrays Tiberius as a largely vicious individual',¹²² but what constrained the performance of civility in particular situations.

Tacitus employs a balancing and contrasting structure in his analysis of Tiberius' actions, making obvious, again, the clash between the ideal of civic virtue (in this case *civilitas*) and the requirement for established imperial prerogatives to take their course (in this case censoring *famosi libelli*). Tiberius refused an honour which would associate him with imperial *superbia* while reviving a law which was *superbus* in itself, a law which unleashed the corrosive force of *delatores* and brought ruin

¹²¹ Tacitus is contradicted by a passage in Cicero (*Rep.*4.10) where it is stated that slander was an offence under the Twelve Tables, punishable by death. Verbal injuries were also punishable under the *lex Cornelia de iniuriis* (81 BC). Suetonius and Dio refer to an S.C. of AD6 after which the investigation of any pseudonymous *libelli* was legalised as were the necessary investigations and rewards for *delatores* in any such investigations which were judged successful. Suet.*Aug.*55, Dio. 55.27.1-3. See further Bauman (1974:27-28).

¹²² Kapust (2011:166-7). Nor is Tacitus adducing Tiberius' handling of the *lex maiestatis* 'as proof of Tiberius' insincerity and lack of a *civilis animus*.' Sinclair (1995:99).

(*pernicies*) upon many illustrious citizens.¹²³ Yet the resumption of the law of treason, which already under Augustus had been broadened to censor *dicta*, was something which Tiberius could not undo: as Tiberius explains a few chapters later, it would not be right (*fas*) to interfere with any *responsum* of the divine Augustus (*divus Augustus...responderat, neque fas Tiberio infringere dicta eius*; 1.77).¹²⁴ On a later occasion, Tacitus has Tiberius explicitly attribute the rule of law to Augustus' *facta* and *dicta*.¹²⁵ Tiberius even punished by exile and had erased from the senatorial register Apidius Merula for not having sworn obedience to the legislation of the divine Augustus (an offence which was viewed by Tiberius as treasonable; 4.42.3). Tiberian *moderatio* (refusing to elevate himself above Augustus or even to compare himself to Augustus) required that he did not alter the system Augustus bequeathed to him (since, *pacta sunt servanda*; Cic.*Off.*3.92), but in this preservation the instruments of imperial *terror*, created but perhaps suspended by Augustus, were allowed free play. Tiberius' view was that the laws must take their course (*exercendas leges esse*) and in the process, he 'opened the floodgates'.¹²⁶

In this context we may reconsider Arendt's concept of Roman *lex* as something which in her view contributed to the 'political genius of Rome'.¹²⁷ Arendt praises the Roman legal system because its legitimacy did not rest on the knowledge of natural laws, nor on an immortal, divine legislator.¹²⁸ Rather, Roman legislation for Arendt was a system of mutual agreements between individuals. *Lex* meant 'lasting tie' and 'contract' between private citizens and in this way, Arendt saw *lex* as something fundamentally and crucially man-made, contractual and thus political: '[*lex*] is something that links human beings together, and it comes into being not by diktat or by

¹²³ The latter consequence is used by Tiberius himself as a reason for why the law should not be invoked and applied in every situation (1.73).

¹²⁴ Prior to this at 1.76 Tacitus implies that Tiberius had a fear of being contrasted with Augustus (*...et metu comparationis, quia Augustus comiter interfuisset*).

¹²⁵ *Ann.*4.37.3; '*qui omnia facta dictaque eius vice legis observem*'.

¹²⁶ Cuff (1964:137).

¹²⁷ Arendt (1998:195).

¹²⁸ For Arendt on Roman law see (1963:187-188), (1998:63 n.62, 243) and (2007:183-4). 'The law is then here something creating new relationships between men and which does not bind them in the sense of a natural law for which the natural conscience of all human beings naturally distinguishes right from wrong, nor in the sense of commandments imposed to all from without, but in the sense of an agreement between contracting individuals' (1998:116).

an act of force but rather through mutual agreement'.¹²⁹ From this viewpoint, Arendt contrasts Roman *lex* with the Greek concept of law (*nomos*), which, in Arendt's view is 'pre-political'. Arendt saw law in Greece as something which pre-exists the political community rather than something which is made within it.¹³⁰ For Arendt, the Greeks 'interpret the law not as a link and a relationship, but rather as an enclosing border that no one should overstep.'¹³¹ As a result, *nomos* could not accommodate the essential human condition (in Arendt's view freedom and plurality) to the extent that was achieved by Roman *lex*.

Arendt's conception of *lex* as something which is made within politics rather than from outside of politics is corrupted under Tiberius since Tacitus shows us that it becomes fixed through an 'immortal, divine legislator' (Augustus). We may read Pompeius Macer's question to the *princeps* as one which was designed to test this very notion. The *lex maiestatis* had not exactly been out of use, so the question of its 'revival' is peculiar, implying that Tiberius' audience was trying to figure out something more, possibly, what is the status now of Augustan laws? Tiberius' actions and Tiberian politics are shaped by laws treated as sacred or inviolable – which culminates ultimately in the absent presence of a legislator (*divus Augustus* as the law). Tiberius is thus bound by a system in which civil acts in the present are susceptible to reversal or misinterpretation due to corrupting laws that cannot be corrected.¹³²

Defining the *crimen maiestatis* or the '*crimen inevitabile*'

Once the law of treason is revived more problems follow, namely, what counts as treason? Immediately after Tacitus describes the revival, he goes on to report two

¹²⁹ Arendt (2007:184). What is political for Arendt is the interaction of men (not man), hence Roman *lex* is a 'political concept of law'.

¹³⁰ 'It is true, though, that in Greece it was held that the lawgiver came from outside the community, that he could be a stranger and called from abroad; but this means no more than that laying down the law was pre-political, prior to the existence of the *polis*, the city-state, just as building the walls around the city was prior to the coming into existence of the city itself.' (1963:186).

¹³¹ Arendt (2007:183).

¹³² The coercive force of Augustus may also be read in terms of an 'emotional' constraint. Emotions, for Arendt, must be removed from politics because similar to her views on self-evident truths, emotions restrict political action. Yet, just as self-evident truths can never be removed from politics, Tacitus also implies through the nature of the relationship between Augustus and Tiberius, that emotion too can never be wholly removed.

charges of *maiestas*: a certain Falanius was accused of selling a statue of Augustus along with the sale of his house and a certain Rubrius was accused of violation by perjury of the divinity of Augustus (1.73.2-3). When the charges, which are described by Tacitus as some form of experimentation (*praemptata crimina*) were brought to the emperor's attention, Tiberius, in a letter to the consuls vetoed all charges stating that the deification of Augustus had not been decreed so that the honour of citizens could be destroyed on account of it (*ubi Tiberio notuere, scripsit consulibus non ideo decretum patri suo caelum, ut in perniciem civium is honor verteretur*; 1.73.3). In Tiberius' view it was not *contra religiones* for the emperor's image, nor those of any deities to be added to the sale of gardens and houses. With regards to the crime of perjury, Tiberius stated that this should be judged as though Rubrius had deceived Jupiter (*ius iurandum perinde aestimandum quam si Iovem fefellisset*; 1.73.3) – and injuries to the Gods were the Gods' concern (*deorum iniuriae dis curae*).

Since Tacitus reports Tiberius' acquittal of the cases of Falanius and Rubrius immediately after he tells us of Tiberius' revival of the *lex maiestatis*, it becomes difficult to read Tacitus' writing of Tiberius' revival in terms of Tiberius' own 'despotic purposes'.¹³³ Rather, Tacitus continues to employ a balancing and contrasting structure in his analysis of Tiberius: Tiberius rejected the title *pater patriae* (attesting *civilitas* and *moderatio*). But then Tiberius revived the *lex maiestatis* (which implies *saevitia*, *dominatio* and for Tacitus some form of political *ars*).¹³⁴ Tiberius then refuses to use the law he has just revived to punish crimes deemed by accusers as punishable under its jurisdiction (now re-attesting *moderatio*). It appears then that Tacitus is not leading us to believe that 'Tiberius was some power-starved monster for whom *maiestas* trials satisfied a lust for seeing people suffer.'¹³⁵ Tiberius revives the treason law, given pressures to do so, yet Tiberius immediately balances this contentious act with attempts to limit its effects. The reason for this seemingly contradictory use of the law can be surmised from Tiberius' rescript to the consuls. The maintenance of *honor*

¹³³ Ramage (1989:657).

¹³⁴ 1.73.1; *Haud pigebit referre in Falanio et Rubrio, modicis equitibus Romanis, praemptata crimina, ut quibus initiis, quanta Tiberii arte gravissimum exitium inreperit, dein repressum sit, postremo arserit cunctaque corripuerit, noscatur* (discussed below).

¹³⁵ Colunga (2007:12).

remains the guiding principle to Tiberius' policy. Excessive forms of censorship (*delatio* and the *lex maiestatis*) are permitted, so long as they do not damage the identity of the honourable. But if censoring interferes with the identity of the honorable (such as sumptuary legislation and *extreme* accusing) then it must be vetoed. Yet as Tacitus goes on to show, the problem is that the more extreme or 'experimental' the accusation of treason, the more 'inevitable' the crime.

In the next chapter (1.74) Tacitus reports another charge of treason. The charge was against M. Granius Marcellus (praetor of Bithynia) who was accused of treason by his quaestor Caepio Crispinus.¹³⁶ Marcellus was accused of defamation, desecration and extortion. It was alleged that he had made insulting remarks about Tiberius, focussing on the *princeps*' worst habits. This was, as Tacitus describes, an '*inevitabile crimen*' (an inescapable charge or inevitable crime) because the remarks were true and so were believed to have been said (*nam quia vera erant, etiam dicta credebantur*). The charge of desecration was brought forward by Romanus Hispo who alleged that Marcellus had replaced the bust on a statue of Augustus with that of Tiberius.¹³⁷ In contradiction to his normal silence, Tacitus reports that Tiberius flared up to such an extent that he declared he would express his opinion on the case openly on oath so that the others would be placed under the same constraint (*...quo ceteris eadem necessitas fieret*). Cn. Piso then asked the emperor when he intended to vote – if Tiberius voted first, Piso would know how to vote, but if Tiberius voted last, then Piso risked voting the wrong way (*"quo loco censebis, Caesar? si primus, habebō quod sequar: si post omnis, vereor ne imprudens dissentiam"*; 1.74.5). Tiberius, shaken (*permotus*) by Piso's question consequently absolved the charges of defamation and desecration; he decided the charge of extortion should be assigned to the board of recoverers (*recipitatores*).

Tacitus' writing of the case of Granius Marcellus is obscure. This is because it is difficult to know what precisely angered the emperor and why he eventually stopped the trial.¹³⁸ But what is telling is the nature of Piso's question, which makes evident the

¹³⁶ On Tacitus' writing of Caepio see Rutledge (2010:113-114).

¹³⁷ Hispo also accused Marcellus of positioning his own statue higher than those of the Caesars (1.74.3).

¹³⁸ In Katzoff's view, Marcellus' substitution of the head of the new emperor for the old was a 'perfectly reasonable' act, 'in fact, the action would be less an affront to the memory of Augustus than flattery of Tiberius' however 'it was Marcellus' misfortune that Tiberius was averse to excessive flattery'

futile nature of collective decision making. Tiberius was not under any pressure to have the case decided democratically. Nevertheless, he made the decision to decide on Marcellus' punishment by oath (collective judgement¹³⁹). But Piso's question makes it clear that the nature of 'collective judgement' under the Principate is such that it will only mirror the judgement of the *princeps*. Tiberius' attempt to be *civilis* and *moderans* is subsumed by his own over-bearing presence as *princeps*.

There is in this another example of the imperial logic at work because despite Tiberius' show of moderation, the result is the reinforcement of rule by one. The problem therefore is not that the Principate restricts freedom outright; rather and as Tacitus perhaps ironically goes on to note, this was a time in which there remained some traces (albeit dying) of freedom (1.74.5) but what is more ironic is that such freedom could not be used freely. The point is repeated in the very next chapter, where Tacitus states that Tiberius sat in on many trials; as a result of the emperor's presence, many decisions which opposed bribery and the hopes of the powerful were made. However, as Tacitus goes on to state, though this promoted truth it ruined freedom (*sed dum veritati consulitur, libertas corrumpebatur*). *Libertas* in this context is the right to be corrupt and the presence of the emperor restrained corruption, but in so doing ended *libertas*.¹⁴⁰ Tiberius' attempt to moderate the senatorial court attends to the power of the imperial regime, which in this case is fed, paradoxically, by the emperor's moderating gaze. Tacitus is not therefore criticising Tiberian *moderatio* but he is using moderation to draw attention to the frailty of political affairs in which good acts can become their opposite, making obvious the limitation of imperial *virtutes*, in this case *principis moderatio*.

In AD17, as the *lex maiestatis* was maturing (*adolescebat*) Tacitus reports another charge of treason (2.50). Appuleia Varilla (the granddaughter of Augustus' sister Octavia) had ridiculed Augustus, Tiberius and Livia in some insulting remarks (*quia probrosis sermonibus divum Augustum ac Tiberium et matrem eius inlusisset*).

(1971:683). Furthermore, 'if they acquitted, they would seem too casual about *maiestas*; if they condemned, they would be condemning flattery of Tiberius. It was one thing for Tiberius to refuse flattery; it was quite another for the senate to refuse it for him' (683). See also Shotter (1966:207-208).

¹³⁹ Woodman (2004a:39, n.98).

¹⁴⁰ Cf. Arendt, 'is not impotent truth just as despicable as power that gives no heed to truth?' (2006:224).

She was also accused of adultery. The grounds for the informer's accusation of treason were accordingly that Appuleia had defamed a God, an emperor, an emperor's mother and that she had committed adultery in connection with the imperial house (*Caesarique conexas adulterio teneretur*).

In this case, again Tiberius is shown to moderate the application of the *lex maiestatis*: adultery was punishable under the *lex Julia de adulteriis* and Tiberius accordingly ruled that the charge of adultery was to be punished under that law rather than the proposed *lex maiestatis*. As for the charges of defamation, Tacitus reports that Tiberius did not want Appuleia's remark against him to be the subject of legal inquiry; however regarding any derogatory comments against *divus Augustus* Tiberius decided that Appuleia should be condemned if she had spoken irreverently of Augustus (*maiestatis crimen distingui Caesar postulavit damnarique, si qua de Augusto inreligiose dixisset: in se iacta nolle ad cognitionem vocari*). Regarding the allegation that Appuleia had also spoken unfavourably of Livia, when Tiberius was asked what was to be done about this, the emperor remained silent. Then on the next day, Tacitus reports that Tiberius, in his mother's name, begged the senators not to condemn as criminal any words spoken against his mother.¹⁴¹

Tiberius' decision to punish the charge of defamation against Augustus varies from the earlier episodes but Tacitus reports that Tiberius eventually decided that Appuleia was to be acquitted of all charges of treason (*liberavitque Appuleiam lege maiestatis*) and punished only for committing adultery.

The above cases allow an exploration of *corrupta iudicia* from a different perspective. The *crimen maiestatis* is not in itself that which is used by Tacitus to represent increasing corruption (the growth of illegality) in the state. Rather, what Tacitus is drawing attention to as corrupt is the growth of that which was interpretable as corrupt (as treasonable). A crime in legal terms refers to an act which is in breach of the law, but the Tacitean narrative shows that certain acts, which were not necessarily in breach of the law, nonetheless became crimes in political terms, with the help of the ambiguous scope of the *lex maiestatis*. As Tacitus notes, the *lex maiestatis* grew

¹⁴¹ 2.50.3: *dein proximo senatus die illius quoque nomine oravit ne cui verba in eam quoquo modo habita crimini forent*. Cf. 3.22 on the trial of Lepida.

between the years 15 and 17 and the four cases above make evident this growth since a selection of crimes, in addition to verbal injuries, were being brought forward as punishable under the law of treason (desecration, perjury, adultery, extortion). It also appears that certain acts which were not illegal under any law, such as the sale of imperial statues, became prosecutable. The growth of ‘crime’ and corruption under Tiberius stems not from questionable human action (at least not imperial action) but from a questionable law (the *lex maiestatis*), which was exploited for private rewards.

What made this exploitation possible was the change in the nature of the regime, which had at its core the identity of the *princeps*. Under the republic, the *maiestas populi Romani* was not identified with an individual nor his family and so it was not possible for certain crimes, such as adultery or desecration, to extend to an act which diminished the greatness of the state. However, with the beginning of the Principate, acts against the emperor or the imperial *domus* became, by extension, acts against the state.¹⁴² This provided the needy and restless accusers with the opportunity to abuse the fading distinction between *maiestas populi Romani* and *maiestas principis* through ‘experimental’ accusations so that the meaning of treason in the new age was defined in terms of maintaining the greatness of the emperor rather than that of the state.¹⁴³

Tacitus’ narration of *corrupta iudicia* retains a focus on *delatores* and their ‘*interpretationes*’. The narrative is not focussed on crime but rather the interpretation of crime, in which case treason *is* in ‘the eye of the beholder’ and seemingly, so is the law.¹⁴⁴ Yet what is utterly corrupt about ‘relative treason’ is that it is a derivative of the imperial ethos, specifically, the ethos to protect the regime’s (the emperor’s) greatness, in which case relative treason, though something which damages the credibility of the legal system, protects by being supportive of the imperial ethos.

¹⁴² Cf. Foucault on the relationship between law and sovereignty: ‘Besides its immediate victim, the crime attacks the sovereign: it attacks him personally, since the law represents the will of the sovereign; it attacks him physically, since the force of the law is the force of the prince’ (1995:47).

¹⁴³ One notes, for example, that when Cordus attempted to defend himself to the senate in 25 after being charged for writing a history in which he praised Brutus and Cassius, his basis for innocence of any treasonable offence was simply that he had not offended Tiberius nor Augustus, whom the *lex maiestatis* encompassed (“*verba mea, patres conscripti, arguuntur: adeo factorum innocens sum. sed neque haec in principem aut principis parentem, quos lex maiestatis amplectitur*”; 4.34.2).

¹⁴⁴ Bauman (2002:73).

The notion that treason is defined in this way (by interpretation rather than by law) is implied also in Seneca's analysis of *maiestas* trials under Tiberius (*Ben.3.26.1*). For Seneca, under Tiberius the frenzy of treason charges saw a greater destruction of citizens than that caused by any other civil war (*sub Tib. Caesare fuit accusandi frequens et paene publica rabies, quae omni ciuili bello grauius togatam ciuitatem confecit*). The talk of drunkards, the innocent words of jesters were apprehended (*excipiebatur ebriorum sermo, simplicitas iocantium*). Nothing was safe and every occasion welcomed violence (*nihil erat tutum; omnis saeuiendi placebat occasio*). Seneca then goes on to say that there was no need to wait for the fate of the accused for there was but one outcome (*nec iam reorum expectabantur euentus, cum esset unus*). The implication is that the accused would inevitably be found guilty and either exiled or executed. This is notably similar to the Tacitean account, in which the inevitability of certain acts (particularly defamation) being interpreted as criminal similarly features.¹⁴⁵ However, there is a crucial difference between the Senecan and Tacitean accounts which is that if we were to name 'one outcome' of the treason trials under Tiberius in Tacitus' narrative, it would be *clementia*.¹⁴⁶

In the previous section, I argued that Tiberius' inaction during the events leading up to Libo's trial represented a lack of sovereign interference in due process which allowed corruption to continue. The above cases show another side, which is that Tiberius did interfere when he deemed it to be necessary. I return to the case of Marcellus: Marcellus was accused of something which could be interpreted as a serious offence. As Bauman notes, 'to mutilate a statue was tantamount to pronouncing some

¹⁴⁵ Another source of exploitation was Tiberius' perceived bad character. In the case of Marcellus, his words are problematic not only because they defamed the emperor but because they were true (*nam quia vera erant*) which then meant that they were believed (...*etiam dicta credebantur*), and his crime as a result became *inevitabile*. Were Tiberius not *saevus*, then defamation against his character would not be believable and the crime not inevitable but such was the perception of Tiberius' character that defamation of his character would be believable, rendering the offender's crime inescapable. There is therefore no judgement involved in a crime of defamation against Tiberius. Judgement is not only corrupt but seemingly lacking altogether. The problem therefore also stems from perceptions of Tiberius' *saevitia*, which not only problematised his own imperial image but also corrupted the legal process since it gave accusers something else to exploit in the hope of reward.

¹⁴⁶ Tiberius acquitted all cases of treason up to and including 20AD. Even after 20AD Tiberius acquitted or dismissed several cases (6 in total) and showed *clementia* in the form of mitigated sentences on two other occasions.

sort of unofficial *damnatio memoriae*.¹⁴⁷ Yet following the policy asserted after Rubrius' violation of the majesty of Augustus by perjury, that 'injuries to the Gods were the Gods' concern' (1.73.4) Tiberius decided not to prosecute. His defamation of the emperor was also forgiven, despite the fact that his remarks were believed (because they were true). Appuleia's defamation of Augustus was similarly eventually dismissed as were Rubrius' and Falanius' violable acts against Augustus.

Consequently, the revival of the treason law provided Tiberius with the opportunity to appear clement and moderate.¹⁴⁸ This contradiction provides insight on the wider process of government and in particular Tacitus' reference to the mysterious '*ars Tiberii*' which suggests some form of premeditated design. At first, *clementia* can be seen as a much needed corrective to systemic corruption. However, while it may be possible to read Velleius' account in this way,¹⁴⁹ Tacitus' Tiberius is different. Tacitus makes frequent references to Tiberius' *dissimulatio*, the cryptic *ars Tiberii* and '*secreta patris*'.¹⁵⁰ *Clementia* is a Tiberian *ars*; *clementia* is a conditional virtue in the sense that it depends on crime in order to come into existence and the revival of the law of treason provided an excess of crime. While of course it is not implied by Tacitus that Tiberius revived the *lex maiestatis* for the sole purpose of *clementia*, it is implied that it was revived for a particular reason (...*quanta arte Tiberii*). The imperial system requires the law to be oppressive to allow the virtuous (and corrupt) suspension of law. The revival did 'open the floodgates' but given the arts of Tiberius as Tacitus would hold (or the

¹⁴⁷ Bauman (1974:76), similar to what Augustus did to his own triumviral statues in 28 (RG 24).

¹⁴⁸ See the appendices in Walker (1952:263ff.) for details. Walker's statistics show that in the first hexad of the *Annales* Tacitus details around 75 individuals who were charged with treason (in many cases there were other charges too). Out of these 75 individuals, 18 were executed, 19 were punished otherwise than by death (mainly by exile), a further 2 were possibly executed but it is unclear. 4 individuals had their sentences cancelled or mitigated (in two of these cases the change was due to Tiberius' intervention). 19 people were acquitted altogether (of these, 5 were due to Tiberius' intervention). 12 cases were dismissed without trial (7 of these were on Tiberius' orders). In cases where Tiberius is not shown by Tacitus to lessen the sentence or dismiss the case this is not necessarily due to Tiberius' decision to punish/condemn but may be due to Tiberius' absence, the accused's suicide or hasty decisions made by the senate. A consistent picture of Tiberius' role in the trials of treason does not emerge from the Tacitean account.

¹⁴⁹ Cf. Vell.2.129.2: '*Cum quanta gravitate ut senator et iudex, non ut princeps, causam Drusi Libonis audivit!*'.

¹⁵⁰ 1.73.1, 3.37. See also 4.19, where Tacitus states (in his own voice rather than as a report of popular opinion) that it was characteristic of Tiberius to conceal his most recent discoveries of wickedness in ancient words' (*proprium id Tiberio fuit scelera nuper reperta priscis verbis obtegere*).

singularis moderatio Tiberii as Velleius would have us believe¹⁵¹) it opened the gates to *clementia*. Yet, the virtuous suspension of the law in the act of *clementia* does not resolve corruption but produces another form of corrupt justice. *Clementia* is in breach of the law for the purpose of the appearance of virtue and, as we shall see below, it further perpetuates, ‘under the name of something honourable’, *corrupta iudicia*.

***Clementia* in Theory and Practice**

“Surely you did not kill your father, did you?”

One of the penalties for parricide was the *culleus* – to be sewn up in a sack (sometimes together with beasts) and thrown out to sea.¹⁵² If the defendant pleaded not guilty, he was to be interdicted from water and fire and that way he could go into voluntary exile rather than be put to death.¹⁵³ Suetonius reports an incident when a man on trial for parricide was saved by Augustus’ mercy. Though he was evidently guilty of the crime, Augustus, in order to avoid enforcing the death penalty, asked the defendant again, “*certe patrem tuum non occidisti?*” (*Aug.*33.1). Able to plead ‘not guilty’, the defendant was declared an *interdictus* (an outlaw or *sacer homo*) instead of being executed.¹⁵⁴ Suetonius references this case to give an example of Augustus’ administration of justice, which was both ‘diligent and lenient’.¹⁵⁵

Clemency was an important Augustan virtue. It was one of the four virtues inscribed onto the *clupeus virtutum* (shield of virtues), along with *virtus*, *iustitia* and *pietas*, awarded to Augustus in 27 (*RG* 34). Our sources show that *clementia* was also a prominent virtue of Tiberius.¹⁵⁶ Tacitus gives several examples of Tiberius’ mercy. For example, and in addition to the four cases discussed above, the offences of Lucius

¹⁵¹ Vell.2.122.

¹⁵² See Kyle (1998:230, n19).

¹⁵³ On the penalty *aquae et ignis interdictio* see Kelly (2007:25ff.) and Bauman (1996:20ff).

¹⁵⁴ Kelly notes that the penalty of interdiction from water and fire derived from the religious penalty of *sacratio*, hence someone punished by interdiction (exile) was designated a *sacer homo*, who according to Festus could be killed with impunity but could not be sacrificed.

¹⁵⁵ See also *Aug.*34.2; *Sen.Clem.*1.9-11 on Augustan *clementia*.

¹⁵⁶ See Levick (1975) and Dowling (2006:170ff.).

Ennius (3.70), Vibius Serenus (4.28), Publius Sullius, Gaius Cominius and Catus Firmius (4.31) and Cotta Messalinus (6.5) were either dismissed or culminated in exile (rather than execution) due to the intervention of the emperor. The penalties for the charge of civil war placed on Marcus Piso proposed by the senate were exonerated by Tiberius (3.16). Upon Agrippina's death in 33, the senate voted thanks for Tiberius' earlier act of clemency towards her, which as Tiberius reminded them was displayed in his decision to exile rather than execute or throw her down the Gemonian steps (6.25.3).¹⁵⁷

Much later and addressing the emperor Nero, Seneca defined *clementia* as an act of 'moderation that remits something of a deserved and due punishment...stopping short of what could deservedly be imposed' (*Clem.*2.3.1-2).¹⁵⁸ For Seneca, 'of all the virtues none benefits a human being more than *clementia* since none is more humane' (1.3.2). Yet, according to Seneca, the act of mercy must also reflect a personal sacrifice: 'a man of great mind is not one who is generous with what belongs to others, but who gives at the cost of depriving himself.' Seneca goes on to say that the word merciful is applicable to the one 'who understands that the mark of a great mind is to endure wrongs done to him even where his power is supreme' because 'nothing is more glorious than a wronged prince unrequited' (1.20.3).

Seneca also lists numerous benefits of practicing *clementia*. Showing *clementia* makes an example of the accused, prevents crime (1.23.1), enhances a ruler's safety and also his honour (1.11.1-4). More generally, Seneca claims that *clementia* is a kind of philosophy which will make any household it reaches happy and calm and a mind free from anger (1.5.4). *Clementia*, though, was not to be confused with pity (*miser cordia*) nor pardon (*venia*): 'pardon is the remission of punishment that is due' (2.7.1).¹⁵⁹ Pity is 'the fault of a petty mind succumbing to the sight of evil that affects others' (2.2.5). *Clementia* is also separate from forgiving (*ignoscere*) which is 'failing to punish what in your judgement should be punished' (2.7.3).

¹⁵⁷ For further examples of Tiberius' *clementia* see the figures in Walker (1952:263ff.).

¹⁵⁸ Translations of Seneca's *De Clementia* are those of Cooper and Procopé (1995).

¹⁵⁹ Accordingly a wise man ought not to grant pardon (*Clem.*1.2.1).

Seneca's notion of *clementia* is complex. As well as embodying its base meaning (mercy or moderate punishment), given the time in which it was written and to whom it was addressed, it naturally encapsulates the wider discourse of sovereignty. As Seneca states, *clementia* represents a freedom of decision (*liberum arbitrium*), judging not by constitutional formulae (it is *sub formula*) but by what is fair and good (*ex aequo et bono*, 2.7.3).¹⁶⁰

Notable here is the difference between Arendt's theory of forgiveness and the Roman theory of *clementia*. Whereas Arendt's theory lacks a consideration of the status of those between whom the act of forgiveness takes place, for Romans this was a key concern. For example, Arendt does not distinguish between forgiving a legal crime (in which case whoever forgives must have the power to make exceptions from the law) and forgiving non-illegal bad acts (in which case the one who forgives would not necessarily have to be of executive/sovereign status).¹⁶¹ Arendt sees forgiveness as taking place between equals yet 'the right to commute the death sentence' could never be a right enacted between those of similar status. Exercising forgiveness/*clementia* in this sense is a virtue but more specifically a right, and in a Roman context (and indeed any political context) it is the right only of the sovereign, as Seneca makes obvious ('Of all men, however, mercy becomes no one more than a king or prince; 1.3.3).

The prince's *clementia*, then, represents or should represent 1) an act of remission in punishment; 2) an act of self-sacrifice; 3) a free decision (*liberum arbitrium*) and 4) a judgement of *aequitas*. As a result, *clementia* emerges as a virtue which represents *humanitas* and through that, it will earn *gloria*. Nevertheless, *clementia* should not *always* be shown since 'to forgive all is as cruel as to forgive none (*nam tam omnibus ignoscere crudelitas quam nulli*; 1.2.2).¹⁶² Finally, *clementia* for

¹⁶⁰ Cf. Schmitt on the sovereign exception: 'What characterises an exception is principally unlimited authority...The decision frees itself from all normative ties and becomes in the true sense absolute' (1985:10). *Clementia*, though representative of this kind of freedom of decision, was not free from normative ties (to be discussed further below).

¹⁶¹ The reason Arendt does not draw such distinctions is because she writes forgiveness as something which is fundamental to the political will (as something which pre-existed Christian notions of morality, as an ontological condition of action and the political realm). As such, the capacity to forgive is for Arendt something which all humans possess. This is probably true, but it is problematic since it is difficult to effectively analyse political virtue and action in abstraction from the law and sovereignty.

¹⁶² Cf. Derrida who argues that forgiveness must be worth something in the sense that forgiveness can only refer to the forgiveness of something unforgivable (2001:34-5).

Seneca should not be conceived as the opposite of *severitas*, since no virtue can be the opposite of virtue (*nulla virtus virtuti contraria est*; 2.3).

Turning to Tacitus, although he does not offer us a theory of *clementia*, Tacitus does present us with political situations in which we can test the theoretical ideas of earlier and later writers. Tiberius is shown to be merciful on several occasions, but this is not without creating various tensions. While *clementia* is certainly a quality of the king, and the defining feature of Tiberius' punishment policy in the first five years of his reign, the problem is that it cannot exist as a King's virtue without creating conflict. *Clementia*, as an arbitrary act of power which works in contravention of the law, is the right of the sovereign. For Seneca, writing under Nero, this was not a problematic aspect of the virtue given that Nero's role was clearly defined. Prior to the Principate, *clementia*, specifically *clementia Caesaris* was problematic because Caesar did not have the right to make exceptions from the law. Plutarch's Cato, for example, claims that he does not want to be saved by Caesar's *clementia*, for that act would be against the law, which Caesar had no right to breach.¹⁶³ Tacitus' analysis of Tiberian *clementia* lies somewhere between these two extremes: *Clementia Tiberii* is not a bad virtue (like *clementia Caesaris*) but it is not presented as a King's virtue (as is Senecan *clementia*). This is for two reasons. Firstly, the idea of self-sacrifice which is attached to Seneca's *clementia* depends on a defined sense of what belongs to whom. For example, if the majesty of the *res publica* is embodied by the king then in his forgiveness of an offence against the state, he makes a personal sacrifice; he becomes a 'glorious wronged prince unrequited' (*Clem.*1.20.3). The problem in Tacitus' writing of Tiberian politics, as discussed above, is that the question of to whom a crime causes offence is not so defined. Subsequently, the danger of 'being generous with what belongs to others' is real. Secondly, although *clementia* for Seneca is the virtue of a king or prince, this again creates various problems. In Tacitus' Tiberian Rome, clemency is not something which can offer just the right amount of remission, which is so clearly a concern for Seneca. This is because the emperor's 'freedom of decision' (*liberum arbitrium*) may conflict with what the senate consider to be 'due' and 'just', categories which are

¹⁶³ Plut.*Cat.Min.*66.2. On *clementia caesaris* under the Principate see Bauman (2002:75-86).

somewhat subjective anyway. In a sense, Tacitus' construction of *clementia* is that of a King's virtue, but part of the problem is that the freedom of decision at this time still belongs to the regime. Put differently, given the paradoxical nature of Tiberian politics (republic and Principate, oligarchy and autocracy) the right to *clementia* is not defined and this creates a conflict of power between leading men in the state. The question thus becomes, who can speak for the state?

Such tensions can be traced in Book 3. In AD 22, Lucius Ennius was accused of treason for melting down a silver statue of the emperor for domestic use. Tacitus reports that Tiberius vetoed the prosecution but Ateius Capito openly objected, claiming that such a serious crime should not go unpunished and that the emperor's own indifference towards acts against himself should not go so far as to condone offences against the state (3.70). Tiberius, Tacitus states, understood these remarks (*intellexit haec Tiberius*), as there was more to them than what was being said (*ut erant magis quam ut dicebantur*), but nevertheless persisted with his veto (*perstititque intercedere*). According to Tacitus, the result of Capito's show of freedom (*quasi per libertatem*), which presents yet another clash between traditional ideals (in this case *severitas*) and imperial prerogatives (in this case *clementia*), was that he had now disgraced an eminent public career as well as good conduct in private matters.

The short story of Ennius is telling. As mentioned before, a corrupt act is often understood as something which seeks 'private gain at public offense'.¹⁶⁴ Tiberius' performance of the virtue of *clementia* is naturally a private gain since whether intended as such or not, it reflects a 'humane' act. Yet as Capito notes, it is equally one which offends the senate and their sovereignty by vetoing their original decision to prosecute and furthermore by forgiving a crime which, according to Capito, offends the *res publica*. Though the line between a crime against the emperor and a crime against the state is fluid (since the emperor was supposed to be the father of the state), in this case, Tacitus shows another side. For Tiberius to exemplify his *clementia* by forgiving Ennius' act is beneficial for his own identity, but it is in conflict with the identity of the

¹⁶⁴ Friedrich (1966:74). See also Gronbeck (1999:173ff).

senate who retain the right to be offended, by extension, in cases of offences directed at the *princeps*.

Secondly, it is notable that despite the ‘forces of despotism’ a conflict of opinion is still possible between senate and emperor, which implies that the ‘despot’ was not necessarily the absolute ruler. In Capito’s opinion, the senate should not have to be snatched away from their ‘power of deciding’ (*non enim debere eripi patribus vim statuendi*; 3.71.2). Furthermore, in a conflict of opinion as to what is due and just, the act of *clementia* slips into an act of pardon (*venia*) which is a Senecan vice and which is how Tiberius’ *clementia* on this occasion is portrayed. This is suggested by Capito when in his show of *libertas* he warns the emperor ‘not to be too generous’ (pace Seneca) in cases of offences to the *res publica* (...*rei publicae iniurias ne largiretur*). Seneca’s distinction between *venia* and *clementia*, the King’s *clementia* and *clementia publica*, as well as the distinction between what belongs to Tiberius and what belongs to the senate (and what would therefore precisely constitute a ‘self-sacrifice’) are distinctions which in Tacitus cannot be so easily determined. In Tacitus, the theory of *clementia* cannot be reconciled with the practice of *clementia*. Furthermore, and in contravention of Seneca’s dictum ‘*nulla virtus virtuti contraria est*’, it is evident that Tiberius’ virtuous *clementia* is in opposition to the senate’s virtuous *severitas*.

From this perspective, Tacitus’ narrative of punishment reveals some of the subtle problems and paradoxes embedded within the virtue of *clementia*. It is a potential *locus* of political and juridical conflict. Furthermore, by tracing Tacitus’ narrative on the practices of *clementia*, it is revealed that the nature of government was still in tension and paradoxical. It is often taken for granted that the Principate at this time was a despotic system, with a definitive line between the sovereignty of the senate and that of the emperor. Yet the line is not so defined here. We may extend this conflict between who has the right to appear as either clement or severe, to explore the question of who has the right to appear as *prudens*: the question is not only to do with who has the *prudencia* to distinguish between good and bad, right and wrong; rather, the issue turns on the question of power, that is, who has the power to speak for the state and in

so doing decide good and right and thereby assert knowledge (and reinforce power).¹⁶⁵ Such questions remain difficult to answer, as does the question of whether it is *prudens* or 'right' to be clement or not.

Similar conflicts can be traced in Tacitus' writing of the case of Clutorius Priscus (3.49-51). Clutorius Priscus was charged for writing a poem which anticipated Drusus' death following the praise and payment he received from Tiberius after composing successful verses on the death of Germanicus. Since Clutorius had read the poem in the house of Publius Petronius there were many witnesses who gave evidence against Clutorius when the case went to trial. Clutorius was subsequently deemed guilty. Haterius Agrippa the consul designate proposed the imposition of the death penalty but Marcus Lepidus opposed and argued for a less severe punishment (again, interdiction from water and fire, effectively voluntary exile). Lepidus' speech to the other senators on behalf of Clutorius is recorded by Tacitus as follows:

“si, patres conscripti, unum id spectamus, quam nefaria voce Clutorius Priscus mentem suam et auris hominum polluerit, neque carcer neque laqueus, ne serviles quidem cruciatus in eum suffecerint. sin flagitia et facinora sine modo sunt, suppliciis ac remediis principis moderatio maiorumque et vestra exempla temperat et vana a scelestis, dicta a maleficiis differunt, est locus sententiae per quam neque huic delictum impune sit et nos clementiae simul ac severitatis non paeniteat. saepe audiavi principem nostrum conquerentem si quis sumpta morte misericordiam eius praevenisset. vita Clutorii in integro est, qui neque servatus in periculum rei publicae neque interfectus in exemplum ibit. studia illi ut plena vaecordiae, ita inania et fluxa sunt; nec quicquam grave ac serium ex eo metuas qui suorum ipse flagitorum

¹⁶⁵ Cf. Foucault, 'the exercise of power perpetually creates knowledge, and, conversely knowledge constantly induces effects of power' (1980a:52). Of course, Foucault focusses this circular relationship between power and knowledge to truth, as something which produces truths (see above p.67, n.14). Notably, truth is not connected with (classical) sovereignty in Foucault (that is, truth is not something which is constructed by those in power), but this is not the case in Tacitus (nor is it the case throughout Foucault, since he does refer to certain people who are charged with the ability to decide truth (1980:131). It is difficult to know what exists first (power, knowledge or truth) but in Tacitus it appears that power exists first. In Tacitus the point is that truth has been drained from the system (hence defined binaries have lost their definitions) and so there emerges a struggle to make it again by those in power. Those in power thus decide knowledge and that knowledge will produce truth effects.

*proditor non virorum animis sed muliercularum adrepi-
cedat tamen urbe et bonis amissis aqua et igni arceatur:
quod perinde censeo ac si lege maiestatis tenerentur.”*
(Ann.3.50)

"If, Senators, we look at the single fact of the nefarious utterance with which Clutorius has polluted his own mind and other listeners, neither prison nor noose nor tortures chosen for slaves would be enough. But though shameful crimes and evil deeds have no limit, penalties and cures are tempered by the moderation of the emperor and by the precedents of your ancestors, and yourselves. Folly differs from wickedness; evil words from evil deeds, and thus there is space for a sentence by which this fault may not go unpunished, while we shall have no cause to regret either our *clementia* or *severitas*. I have often heard our emperor complain when any one has anticipated his *misericordia* by a choice of death. Clutorius's life is still untouched; if spared, he will be no danger to the State; his death will make no example to others. His works are as inane and fluid as they are replete with folly. Nothing grave or troubling is to be taken from the man who is the betrayer of his own shameful works on the minds, not of men, but of common women. Let him leave Rome, lose his property, and be interdicted from fire and water. That is my proposal, just as though he were judged under the law of treason."

Similar to conflicts between the emperor and senate, Lepidus' speech reveals a tension between the views of leading men in the state given the contested notion of what constitutes a deserved punishment and what precisely would constitute something which stops short of that, thus representing *clementia*. Haterius deemed it right to impose the death penalty, but in Lepidus' view, having paid some attention to the nature of Clutorius' crime, which is seen by him as empty and meaningless (*studia illi ut plena vaecordiae, ita inania et fluxa sunt*), this would be far too severe. Although Clutorius' poem polluted his own mind and those of his listeners it was not in Lepidus' opinion a serious crime. The implication is that *severitas* (in this case death) should be reserved for meaningful crimes (*scelera*) and misdeeds (*maleficia*), whereas *clementia* (in this case exile) is for meaningless (*vanus*) crimes and words (*dicta*). Subsequently, according to Lepidus, there is no right punishment (...*neque carcer neque laqueus, ne*

serviles quidem cruciatus in eum suffecerint) except for declaring Clutorius an outlaw and banishing him from Rome. In the end however, despite Lepidus' argument for punishment by exile, Clutorius was executed.¹⁶⁶

Again, the point is that judging a bad act in terms of its meaning and nature in legal terms is no longer the method by which punishment is decided (or enforced). Clutorius' *studia...inania et fluxa* became criminal, even punishable by death, because of dubious political connotations. We may read this as a reverse display of Senecan *venia* which is 'the remission of punishment that is due'. What Tacitus draws attention to here is the opposite of *venia*, which is the enforcement of punishment that is not due. This is not *severitas* but possibly *ira*, which is implied in an earlier passage as something which Tacitus saw as the opposite of *clementia*.¹⁶⁷

Tiberius was away from Rome at the time of Clutorius' trial but on hearing the outcome he established a policy whereby all executions were to be delayed for ten days following the senate's verdict (so if need be the emperor could veto). The suggestion is that Tiberius favoured Lepidus' more thoughtful approach over Haterius' hasty execution, which made capital punishment for verbal treason (even if inane in nature) a legal precedent.

Yet regardless of Haterius' undue representation to execute, the decision retains a connection with virtue, and not in the form of *severitas* but in the form of *pietas*. At the end of the chapter Tacitus states that Tiberius praised Lepidus but he also commended the senate for their *pietas* to the emperor in so zealously avenging any *iniuriae* to the *princeps*. Every corrupt act (in this case unwarranted execution) has a virtuous derivative (in this case *pietas*). In such a context, and to return to Tacitus' digression at 4.33, one can only wonder what precisely is the right or 'prudent' thing to do. In this case, it would be right to be merciful and have Clutorius exiled rather than

¹⁶⁶ Notable here is that Lepidus proposes the invocation of the *lex maiestatis* because he deemed this to be the lesser of two evils (3.51.4, above). So, in the case above it is Lepidus who 'exploits' the *lex maiestatis* for his own (though not despotic/cruel) purposes given that he proposes Clutorius be punished under this law because exile would be less severe than execution.

¹⁶⁷ 3.22: here during the trial of Aemilia Lepida Tacitus writes that no one could perceive the emperor's mind, since so greatly did he mix the signs of *ira* and *clementia* (...*adeo vertit ac miscuit irae et clementiae signa*). Cf. *Hist.* 1.18 on the '*nimia severitas*' of Galba which is portrayed in a negative light, as something which was 'harmful' to his reign.

executed (Lepidus' choice) yet it would also be right to execute Clutorius, since that would represent loyalty to the emperor (the choice favoured by the rest of the senators and Haterius). In this view, it is not that people cannot discern right from wrong but rather, that the right thing to do in itself is no longer self-evident but relatively defined, and even then it remains contentious.

Alternatively, we may read Tacitus' reference to few being able to 'wisely discern' right from wrong and use from harm (*pauci prudentia...discernunt*) in terms of misrecognition, that, most people were not wise enough to see that traditional conceptions of right (such as those favoured by Lepidus, as well as Haterius, Fronto, Capito and L. Piso) were no longer right under the time of the Principate, a time in which luxury, informing and now execution offered an access to virtue.

Whether the theory of good (what morality *should* be in politics) can be reconciled with the practice of good (what morality *is* in politics) is something which Tacitus continues to question. In this perspective the problem in Tacitus is not to do with the frailty of political action but the frailty of political morality.

The Dangers of Forgiveness

fama clementiam sequeretur. (Ann.4.31.2)

In the previous section, I discussed the ways in which Tacitus' narrative draws attention to certain factors which reveal the practice of *clementia* as a source of conflict. This conflict is to do with a question of *imperium* (who has the right to exercise *clementia*?) and a question of *prudentia* (what is the right thing to do – to show *venia*, *clementia*, *severitas* or *ira*?). In this final section, I will examine Tacitus' writing of the virtue of *clementia* as one which was inherently corrupt in order to argue that *clementia* in Tacitus is not as corrective, nor as humane as it emerges in the theories of Arendt and Seneca. The paradox of *clementia* is that it is a virtue which can only exist in contravention of the law. The state, then, displays its power in the suspension of the very law that makes the state. From this perspective, one can see that *clementia* as either vice or virtue, in practice or in theory, is innately corrupt because

clementia as *sub formula* is in contravention of the basic Roman principle *pacta sunt servanda* (Cic.*Off.*3.92) and Tiberius' '*leges exercendas esse*' (Ann.1.72.4). Contrary to Seneca's focus on *clementia* as moderate, *clementia* rather is boundless.

The problem of boundlessness is something which Tiberius himself draws attention to in his speech to the senate during the case of Junius Silanus (3.66-8). Junius Silanus was accused of extortion by the people of Asia where he had been governor. Following this charge the former consul Aemilius Scaurus, the praetor Junius Otho and the aedile Bruttidius Niger charged Junius Silanus with offences against the majesty of Augustus and Tiberius. Such crimes were supported by two senior members of Silanus' staff in Asia, Gellius Publicola and Marcus Paconius. In Tacitus' view, Junius Silanus was guilty but given the nature of the accusations, even an innocent man would have been in danger (3.67.1-2). Further charges were placed upon him and his slaves were sold to the State Agent for examination by torture. Following this, Silanus abandoned his defence (3.67.4).

Tacitus' narration of the case so far shows why certain charges were inescapable even before the defence was given. Initially, Silanus was charged with extortion and sacrilege (3.66.1) but charges of *maiestas* were later added, which Tacitus describes as 'binding' and something which caused 'an obligation for silence' (*vinculum et necessitas silendi*; 3.67.4). The point being that once *maiestas* is invoked, it is not likely that the accused will be believed to be innocent nor is it likely that anyone, even a friend, will speak in the victim's defence (*et ne quis necessariorum iuaret periclitantem maiestatis crimina subdebantur*; 3.67.3). A similar sentiment was expressed in Tacitus' discussion of the case of Libo Drusus – when Libo turned to his relatives for help, refusals were made under different pretexts but from the same fear (*...cum diversa praetenderent, eadem formidine*; 2.29). Further to this, and again similar to the case of Libo Drusus, it is also notable that Silanus abandoned his defence after his slaves were sold to the state agent (*igitur petito paucorum dierum interiectu defensionem sui deseruit*). If slaves are going to be questioned under torture, with the possible reward of freedom, it is likely that they will say what is in their best interests

to say, regardless of what is true or false.¹⁶⁸ With *maiestas* invoked, more likely is that Silanus' slaves would have supported the informers' accusations even if they thought their master was innocent. Any defence is thus rendered wholly pointless. Clearly, this is another sign of *corrupta iudicia* designed to support the majesty of the state rather than regulate justice, the latter being irrelevant or at least irreconcilable with imperial prerogatives.

In the next chapters Tacitus describes the process of deciding Silanus' punishment. In order to justify the proceedings against Silanus by precedent (*sub exemplo*) Tiberius ordered the citation of Augustus' *libelli* at the trial of L. Valerius Mesalla Voleus.¹⁶⁹ After the *libelli* were read, Tiberius asked L. Piso for advice, who proposed that Silanus should be outlawed and relegated to the island of Gyarus (3.68.2). Advice from other members of the senate followed, some excessively adulatory, but all for the cause of *clementia*. Tiberius, in opposition, then made the following speech, as reported by Tacitus:

non quidem sibi ignare quae de Silano vulgabantur, sed non ex rumore statuendum. multos in provinciis contra quam spes aut metus de illis fuerit egisse: excitari quosdam ad meliora magnitudine rerum, hebescere alios. neque posse principem sua scientia cuncta complecti neque expedire ut ambitione aliena trahatur. ideo leges in facta constitui quia futura in incerto sint. sic a maioribus institutum ut, si antissent delicta, poenae sequerentur. ne verterent sapienter reperta et semper placita: satis onerum principibus, satis etiam potentiae. minui iura quotiens gliscat potestas, nec utendum imperio ubi legibus agi possit. (3.69.2-3)

Caesar said that it was not of course unknown to him what was being said about Silanus, but nothing is to be established by rumour. Many men had acted in the

¹⁶⁸ So in the slave's case, and returning to Foucault, it is not only 'we have to produce the truth in order to be able to produce wealth' (Foucault, 2004:25) but 'we have to produce the truth in order to be able to produce our freedom'.

¹⁶⁹ The proconsul of Asia in AD 11/12 who was prosecuted for having executed 300 provincials in one day and celebrating this act (Sen.*Ira*.2.5.5).

provinces contrary to what was hoped or feared of them. Some were excited to better deeds by the greatness of the circumstances; others became dull by it. It is not possible for an emperor's knowledge to encircle everything, nor is it proper that he should be swayed by the ambition of others. In fact, it is for that reason that laws are to be established, what will be in the future is uncertain. It was the rule of our ancestors that, whenever there was first an offence, some penalty should follow. Let us not revolutionise a wisely created and ever pleasing system. Emperors have enough burdens, and also enough power. Rights are lessened as power increases; we should not fall back on *imperium* when we can act by the law.

Tiberius' speech reveals an Arendtian tone. *Pacta*, for Arendt acted to stabilise the uncertainty of the future, and this is precisely why in the speech above Tiberius is arguing for a return to constitutional practice (*ideo leges in facta constitui quia futura in incerto sint*).¹⁷⁰ Against the senators, then, Tiberius argues for a return to the law. He also condemns the practice of delation ('nothing should be established by rumour') and an excess of *imperium* ('rights are lessened as *potestas* increases'). For Tiberius, in accordance with the *maiores*, punishment must follow crime (*sic a maioribus institutum ut, si antissent delicta, poenae sequerentur*) and *imperium* should not overtake the laws. Similar to his earlier claim '*exercendas leges esse*' Tiberius is not speaking as the law but he is speaking in defence of the rule of law – actual Roman Law. For Tiberius neither *rumore*, nor *imperium*, nor *potestas*, should determine justice (though Augustan *libelli* evidently should).

Nevertheless, *clementia* remains determinate. In the end, Silanus was punished but he was not 'punished in full'. Despite the allegations of extortion and sacrilege, as well as crimes against the majesty of Augustus, Tiberius and the state, Tiberius asked the senate to consider exiling Silanus to the less dreary and lonely island of Cythus. The senate agreed to do so.

Tacitus' writing of Tiberius' character is contradictory. According to R. Mellor, 'Tacitus shows Tiberius as deeply devious in hiding his real desires and allowing

¹⁷⁰ Cf. Arendt (1998:237).

informers and prosecutors to enforce harsh laws while distancing himself from them. This has become a tactic of tyrants through the ages – today we call it “deniability”.¹⁷¹ It is, however, difficult to support Mellor’s claims from the narrative. Tacitus certainly shows Tiberius as someone who was complicit in the process of corruption. As was seen in the case of Libo Drusus, Tiberius let corruption continue. However, Tiberius did not necessarily allow informers and prosecutors to enforce harsh laws while distancing himself from them. There are many examples of Tiberius moderating the ‘harsh’ use of law. In other cases, the informers’ attempts to enforce harsh laws are cancelled out altogether due to Tiberius’ dismissals of cases. In the speech above, Tiberius is clearly condemning delation since neither *imperium* nor *rumore* should guide the truth. Furthermore, the revival or enforcement of certain ‘harsh laws’ is not necessarily reflective of Tiberius’ tyranny but may be read instead as a reflection of coercive imperial prerogatives, which placed pressures even on the emperor himself to commit to corrupt acts. As was discussed with regard to the revival of the *lex maiestatis*, there are other reasons behind the law’s revival, which do not necessarily imply tyranny nor “deniability” but reveal aspects of the regime which made it so that certain ‘tyrannical’ or better ‘political’ decisions and actions had to be taken. The instruments of tyranny were left by Augustus and what Tacitus shows is that they could seldom be controlled by Tiberius.

Moreover, and if we are to take Tiberius as a tyrant as Mellor asserts, one wonders whether the tactic of ‘deniability’ would be necessary. Deniability does not link with tyranny nor monarchy because it is in the emperor’s power to decide who should be accountable. Deniability, in other words, would be a useful tactic for the flattering senator, the needy *delator* or the condemned, but it would be useless to the emperor of Rome. A tyrant or despot had the power to make new laws (*novi iuris repertor*; 2.30.3) or make exceptions in existing laws; he would not need ‘deniability’ as a political tool. Hence, during the trial of Calpurnius Piso (3.10ff.), who was charged with the murder of Germanicus, a murder which Tiberius was believed to have played some part, Tiberius did not need to ‘deny’ any involvement. Rather, he safely

¹⁷¹ Mellor (2011:86).

transferred the whole case to the senate for investigation. Alternatively, he arranged it so that Piso was murdered so any damaging truth about the emperor would not be revealed. Ultimate power becomes the emperor, but the problem is that Tiberius was an emperor who did not want this to be the case, since ultimate power was viewed by him as something which could endanger his political position. Tyranny, in terms of overbearing force, is not therefore necessarily located in the emperor but it may instead be read as something which is located in the time, a time in which the law, morality and the (Augustan) past were coercive rather than corrective sources of knowledge.

Tacitus' contradictory writing of Tiberius' character may then be read in conjunction with Tacitus' writing of morality. At *Ann.*3.55, Tacitus supposes that there is in all things a cyclical element, and just as the times change, so too do *mores*. However, one consistency in the early narrative is Tiberius' *clementia*. Yet, *clementia* itself is a problematic virtue, since as Tiberius reminds us in his speech above, the law not *imperium* should rule. *Clementia* is an exceptional virtue and as a result it problematises the legal and ethical meaning of *pacta*. However, although the virtue of *clementia* as *sub formula* represents a legal exception, of course, this is not to do with the legalisation of violence which is how the exception is often understood.¹⁷² Rather, *clementia* is to do with the purpose of moral self-fashioning and the power that is achieved through sovereign *humanitas*.

This allows us to understand the 'exception' from a different perspective, outside the realm of violence and injustice and inside the realm of mercy and discursive structures. In the works of Giorgio Agamben, exceptionality has been analysed from the perspective of violence, law and sovereignty.¹⁷³ In Agamben's view the state of exception is a 'no man's land' in which the distinction between legality and illegality is legally suspended. This suspension is declared by the sovereign: 'the one who marks the point of indistinction between violence and right by proclaiming the state of

¹⁷² Agamben (1998), (2005).

¹⁷³ 'As long as the two elements [*auctoritas* and *potestas*] remain correlated yet conceptually, temporally and subjectively distinct . . . their dialectic . . . can nevertheless function in some way. But when they tend to coincide in a single person, when the state of exception, in which they are bound and blurred together, becomes the rule, then the juridicopolitical system transforms itself into a killing machine.' Agamben (2005:38).

exception and suspending the validity of the law.’¹⁷⁴ Agamben’s definition of the state of exception follows that of Carl Schmitt: ‘what characterises an exception is principally unlimited authority...The [sovereign’s] decision frees itself from all normative ties and becomes in the true sense absolute.’¹⁷⁵

Tacitus’ writing of the years which preceded and followed the foundation of the Principate can be described as a state of exception in accordance with the definitions of Schmitt and Agamben. In Augustus’ absorption of the functions of the law, the courts and the magistrates, his power is rendered absolute.

The concept of mercy in a Roman context, *clementia* as *supra leges* or *sub formula*, is marked by an exceptional quality. Although Agamben himself does not focus on mercy as an exceptional decision, the continuity between the legal and the illegal that is encapsulated by the act of mercy has attracted some scholarly attention.¹⁷⁶ According to S. Williams mercy operates outside of the rules by giving a lesser punishment than that inscribed in the law: ‘Mercy is irregular, unpredictable and fundamentally not rule bound.’¹⁷⁷ According to Fiskesjö, mercy is a personal or quintessentially sovereign decision, for ‘to dream of a world without pardons is to dream of a world without sovereign power.’¹⁷⁸ Other scholars have noted that mercy is itself corrupt – in the decision to forgive a crime, there is a failure of justice and equality.¹⁷⁹

For Derrida, clemency or ‘the pardon’ should ‘not be normal, normative, normalizing. It should remain exceptional and extraordinary.’¹⁸⁰ But in a Roman context it was normal and normative, even expected of a sovereign to display *clementia*. Mercy was a part of Roman normative knowledge in the sense that it was closely associated with the discourses of the past and ‘civilised’ (or ‘Augustan’)

¹⁷⁴ Agamben (2000:104).

¹⁷⁵ Schmitt (1985:10), (cf. *Sen.Clem.2.7.3*, above).

¹⁷⁶ On mercy and legal judgement see further Sarat (2012:1-18), Hampton and Murphy (1988). On mercy as exceptional see Williams (2012:247-290) and Derrida (1999).

¹⁷⁷ Williams (2012:251).

¹⁷⁸ Fiskesjö (2003:51).

¹⁷⁹ Markel (2004) cf. Nussbaum (1993).

¹⁸⁰ Derrida (1999), [online].

behaviour in the present.¹⁸¹ The exceptionality of *clementia* is not limited to the space of physical violence and civil war as it is in the works of Agamben and Schmitt. The emperor's or the senate's decision on mercy is not to do with allowing or opening a space for violence, rather it is to do with closure and *virtus*. *Clementia* for Romans was an act of *humanitas*, and therefore something 'right' rather than a zone of indistinction in which violence and right is confused.¹⁸² Yet, for this very reason – that is, the more subtle connotation of exceptionality which is embedded in the virtue of *clementia* – *clementia* is more complicated than 'a law above the law' and also more dangerous despite its less obvious connection to violence. Since it is a virtue, it is able to pervade juridical structures more seamlessly.

From this perspective, Roman *clementia* shows the historic or systemic nature of Roman exceptionality (exceptionality as built into the Roman episteme because it was conducive to Roman ethics). As such, *clementia* does not create a zone of indistinction between violence and right but a zone of indistinction between exception and norm. The latter zone of indistinction (between exception and norm) is also a concern for Agamben but it is perhaps more usefully traced in the pervasive sub-structures of morality and discourse rather than the realm of manifest violence. Although violence does represent a manifestation of law's threshold, morality because it ordinarily works alongside the law is more capable of concealing any exceptional (and violent) quality. The imperial virtue of *clementia* helps to illuminate how the emperor continued to reinforce his political position (through making exceptions) while at the same time reinforcing his moral position (through the employment of the discourses of humanity).¹⁸³

¹⁸¹ Though, notably, not all clement acts were civilised or humane. See above p.27, n.49 on the two sides of *clementia*.

¹⁸² In his discussion of the sovereign ban, Agamben does refer to Cicero, stating that the *interdictus* was the product of the sovereign ban, and again following Cicero (Cic.*Caec.*34.100) exile is rightly noted by Agamben as inbetween punishment and refuge (Agamben, 1998:65-6). But Agamben does not consider the outlaw in terms of how he is declared as such because he was saved from death. The implication of this on the ban is significant because the ban is a choice made by the condemned and inevitably so because the alternative was execution.

¹⁸³ Notably, the impetus on *clementia* is a fundamental manifestation of the workings of biopower, a type of power which, as explained above cannot reduce life because it seeks to administer it and multiply it. To return to Foucault, when he posits the shift from sovereign power to biopower, he asks (rhetorically): 'how could power exercise its highest prerogatives by putting people to death, when its main role was to

From this perspective we may read the darkness of Tacitus from a different perspective. Certainly Tacitus describes a violent society, growing *dominatio*, crime and wicked deeds but there is always a virtuous derivative, which does not legitimate violence or corruption but can explain why people were committing evil acts and more widely how the system was designed in such a way so as to reward evil acts, thus systematising the connection between corruption and morality. The virtuous conclusion of corruption may be read in particular in Tacitus' analysis of *clementia* which though exceptional would nevertheless be followed by fame (*fama clementiam sequeretur*).

However, a final point is that although *clementia* was a sign of humanity, it is notable that in a Roman context there is a close association between mercy and the production of bare life.¹⁸⁴ This is because in cases of capital punishment the person who was condemned to death but given the option of voluntary exile was declared an outlaw. Prior to Caesar the capital penalty (*poena capitis*) simply meant death. Caesar replaced immediate execution with the interdiction from water and fire (*aquae et ignis interdicto*, many examples of this penalty are in Tacitus).¹⁸⁵ This placed a ban on the condemned from shelter and sustenance in Rome, stripped him of his citizen rights, and made him liable to be killed by anyone with impunity.¹⁸⁶

Bauman has argued that exile was a civic outgrowth of Roman *humanitas* – since the Romans were reluctant to condemn citizens to death and so allowed the option of exile.¹⁸⁷ In his monograph on the history of exile in the republican period, R.

ensure, sustain, and multiply life, to put this life in order? For such a power, execution was at the same time a limit, a scandal and a contradiction' (1998:138). Clearly, an awareness of this contradiction did not emerge in modernity as Foucault believes; rather, our sources show both an awareness of the contradiction (hence the debate and conflict between *severitas* and *clementia*) and in the end, a reconciliation of the conflict through biopolitical (merciful) imperatives. However, the impetus on mercy (saving/making life) is not separate to the classical model of sovereignty since it is by saving life or 'disallowing life to the point of death' (showing mercy) that the power of the sovereign is affirmed. The point is that it is not a case of one form of power turning into another, as Foucault argues, but that different forms of power co-exist, and furthermore that the biopolitical imperative to 'make life' cannot be disentangled from the sovereign's power or right over life and death, nor, on the other hand, from the discourses of humanity.

¹⁸⁴ Agamben traces the production of bare life in particular in the space of the camp which for Agamben is the space in which 'the most absolute *conditio inhumana* that has ever existed on Earth was realized.' (1998:95).

¹⁸⁵ Kelly (2006:95-8).

¹⁸⁶ At *Ep.*4.11.3, Pliny states that the interdicted person also lost the right to wear the toga.

¹⁸⁷ Bauman (1996). Sallust condemns the Romans for taking over the death penalty from the Greek tradition. Then he writes that later on, with increasing maturity, the *maiores* passed laws which allowed

Kelly has also revealed that most capital convictions ended in exile rather than death but for Kelly this was the result of Roman *concordia* rather than *humanitas*.¹⁸⁸

In Tacitus, given that *fama clementiam sequerentur*, exile can be read as an outgrowth of the psychological and civic notion of fame ('the one thing to be untiringly worked for').¹⁸⁹ Nevertheless, whether connected to the idea of *concordia*, the wider ideology of *humanitas* or the sovereign's desire for a favourable memory, *homo sacer* was a by-product of *clementia* (of virtue). Subsequently, *clementia* is a 'harmful virtue'. It is the quintessential manifestation of *corrupta iudicia* because not only does it distort the rule of law but it potentially reduces the identification of the Roman as citizen. However, similar to the corrupt force of delation, there are virtuous reasons for this distortion (*fama, concordia, humanitas*). *Clementia* then is the exemplary manifestation of virtuous corruption.

As such, to reduce Roman imperial conflict to the emperor's despotism even *urgens dominatio* will prevent an understanding into the extent of conflict which was either suspended or hidden beneath Roman normalising structures and/or imperial *virtutes*. Of course we cannot use *clementia* to locate a Roman *inhumanitas* or '*conditio inhumana*' as that would be anachronistic and in any case beside the point, but it is notable and paradoxical that the obscure figure of Roman law used by Agamben to trace the production of bare life, something which in contemporary political discourse represents gross physical cruelty, is a manifestation of what for Romans was a humane act of mercy, something which was initially defined as the very opposite of cruelty ('*Quid ergo opponitur clementiae? Crudelitas*'; Sen.*Clem.*2.4.1).

the accused the alternative of exile (*Cat.*51.22-40). Exile therefore was not a statutory punishment. See also Cic.*Caec.*100, where it is stated that exile is not a punishment but a 'refuge' from punishment (*exilium enim non supplicium est, sed perfugium portusque supplicii*).

¹⁸⁸ 'Exile was not a formal legal penalty contained in statutes, although it was the practical outcome of most capital convictions. Indeed, due to the custom of allowing voluntary *exilium*, there are relatively few recorded instances of death sentences actually being carried out against Roman citizens during the republican period' (2006:1). Kelly has argued that exile was an outgrowth of *concordia* rather than *clementia*: 'Roman exile was an outgrowth of the civic ideal of *concordia* in that it served to promote the stability of the state. To this end, *exilium* performed a very specific function: it acted as a "safety valve" to prevent public disputes among elite citizens from turning into armed civil conflict' (2006:13).

¹⁸⁹ *Ann.*4.38: *unum insatiabiliter parandum, prosperam sui memoriam; nam contemptu famae contemni virtutes*.

Conclusion: Virtuous Corruption and Deviant Virtue

Don't blame morality where much more systemic forces are at power.¹⁹⁰

Tacitus' analysis of corruption is complex. In the *Germania*, Tacitus writes that the Germans were able to pursue *pudicitia* because they were not corrupted by the allurements of the games, nor the irritations of dinner parties. In Germany, no one laughs at vice 'nor calls it the spirit of the age to corrupt and be corrupted' (...*nec corrumpere et corrumpi saeculum vocatur*; 19.1). Good morals are stronger in Germany than good laws are elsewhere (19.2). From such comments on the nature of morality among the Germans, we could make a few assumptions as to what, in Tacitus' view, were the causes of corruption among the Romans – games, dinner parties and ineffective laws.

The notion that Roman culture in the form of baths and elegant feasts (*balinea et convivia elegantiae*) stimulated corruption is also implied in the *Agricola*. Though the Britons referred to such things as civilisation (*humanitas*), for Tacitus, such pleasures (*voluptates*) were in reality a part of their enslavement (*Idque apud imperitos humanitas vocabatur, cum pars servitutis esset*).¹⁹¹

In the *Annales*, corruption is certainly connected to and sourced from ineffective law. Corruption may also be read in terms of the '*irritationes conviviorum*' (the stimulants of banquets). However, at the same time, the difference in the *Annales* is that Tacitus allows an insight into why such vices and problematic laws persisted in Rome and furthermore, why they became a crucial part of imperial politics and identity. Corruption in Rome is closely connected with *concordia* and *virtus*. Deviant laws (such as the *lex maiestatis*) play an on-going role in maintaining order in the state and questionable activities (such as *delatio* and *luxuria*) are fundamental to the individual's process of earning wealth and status. The point (and the problem) therefore is that the dynamics of corruption is intimately linked with a dynamics of morality. Corruption does not stand alone, but serves a purpose, specifically a virtuous purpose.

¹⁹⁰ Zizek (2010), [interview].

¹⁹¹ Ag.21. Cf. Ag.30-31.

In this perspective, the reason corruption infects the imperial body, and persists like a *pestilentia*, is because an engagement in corruption enables something good – either the appearance of virtue or physical survival.

As I have discussed in this chapter, Tacitus' writing of Tiberian politics shows that corrupt acts have virtuous outcomes: through *luxuria* the senator is afforded *status* and *dignitas*; through deceit the *delator* is afforded a possible alliance with the emperor and an alternative access to power. Tacitus therefore allows an insight into the benefits of corruption, which implies that corruption does not amount to a failure of 'rationality', nor is corruption a reflection of uncivilised human behaviour.¹⁹² Rather, corruption, when a tool for social and political advancement, is precisely a rationale and precisely reasoned. Corruption in Tacitus' Rome is a conscious (a cultural, civilised and Symbolic) activity because it is through corrupt activity that individuals can assert an honourable position in society. In this perspective, it is the fear of a loss of power (rather than power itself) that stimulates corruption because corruption is that which enabled power and virtue.

Yet, corruption in Tacitus is further complex. From a reverse perspective, Tacitus' narrative also reveals that virtuous acts had corrupt outcomes, that certain *virtutes* retained certain limitations. The *moderatio* of the emperor attends to the despotic powers of the regime (as when he maintains a commitment to tyrannous laws or when he sits in on the courts, monitoring *iustitia* while also preventing *libertas*). The *clementia* of the sovereign similarly ends in corrupt justice since not only does mercy bend the law but it also results in exile, which sees the wrongdoer's loss of citizen rights.

Since Tacitus allows an insight into the benefits of vice and the limitations of virtue, it is often difficult to know where corruption ends and morality begins; virtue in Tacitus always retains an element of vice and vice an element of virtue. In this perspective, that corruption is something which is maintained within a dialectical relation with morality, we may understand corruption in Tacitus not in terms of lacking

¹⁹² Cf. Skinner, 'Corruption, in short, is simply a failure of rationality, an inability to recognise that our own liberty depends on committing ourselves to a life of virtue and public service' (1990:304).

mores or traditional *prudencia*; but as something which reflects and results from the frailty of morality itself, and even the frailty of knowledge.

Tacitus' writing of the frailty of morality and knowledge, a frailty which is implied in his digression at 4.33, makes it difficult (for those in his text, as well as for those reading his text) to know what precisely is or was the 'right' thing to do under the Principate. Of course, for Tacitus, a pre-existing or self-evident knowledge of good and right exists, since if not, he would not be able to offer (as he intends) a didactic writing of the past, since teaching right and wrong through good and bad *exempla* depends of course on a preconception of what is right. That said, it appears to me that Tacitus' conception of right is not necessarily in tune with traditionalist views. As a historian, it seems that Tacitus is someone who challenges the relevance and strength of the *mos maiorum* (as well as the law) rather than someone who is trying to teach why an adherence to society's ordering structures should be maintained (in order to prevent corruption).

The prevention of social corruption depends on a specific organisation of law and morality, whereby what is defined as legal and moral (as 'right' or 'good') has to denote something which is in the best interests of the community. However, as discussed above, Tacitus writes a society in which law and morality are not organised in this way. The problem of the law is that it is designed to defend foremostly the imperial hierarchy rather than citizen rights, justice and truth. The consequence is a system of law which brings ruin to the citizens, a system which makes legitimate and furthermore rewards corrupt activities such as delation and even unlawful execution. The problem of the *mos maiorum* is that it cannot in Tacitus accommodate the imperial will.¹⁹³ As Tacitus states, the ways of the past were not always better (3.55) and in many episodes, Tacitus shows that the commitment to the *mos maiorum* (as seen in Piso's attempt to restore *iustitia* to the courts, Capito's 'show of *libertas*' against Tiberius' *venia* or Haterius and Fronto's appeal to *parsimonia* through limiting decadence) simply cannot be reconciled with the time of the Principate, a time in which

¹⁹³ Cf. Alston and Spentzou (2011).

other virtues or other paths to honour (*iniustitia, servitium, luxuria*) were beginning to appear.

This allows us to trace, from a wider perspective, the conflict between morality and politics, how politics antagonises morality and how morality antagonises politics. The value of Tacitus as a political analyst is that he shows precisely how and why politics is not conducive to absolutist notions of morality or 'good'. Tacitus starts from the basis that self-evident truths and emotions exist in politics, and inevitably so (as does inequality) but regardless of such knowledge, in politics the notion of 'right' or the 'right' thing to do can only be relatively determined. Whereas Arendt starts from the assumption that self-evident truths ('thou shalt not lie') and certain bad emotions (such as compassion) should not enter politics, because they prevent free thought,¹⁹⁴ Tacitus grounds this theory by accepting the entry of truths and emotions into politics and then showing the ways in which they hinder political actions and endeavours. Yet the difference is that Tacitus does not critique truths and tradition on the basis that they restrict freedom and thought but rather on the basis that they restrict honour.

In Tacitus, doing the 'right' thing is not necessarily analogous with doing the 'honourable' thing (as traditionally conceived). In certain situations, it may be easier or more beneficial (or safer) to do the wrong thing or make a corrupt decision (such as when the slave lies and condemns his master for the prospect of freedom or to end torture) rather than remaining committed to *honestas* and the truth. In other situations, there may not even be a straightforward 'moral' or 'right' option (as in the case of showing *clementia* through exile or *pietas* through execution). It is *prudens* to be moderate but for the delator it is *prudens* to be *egens* (needy) and for the senator, it is *prudens* to be *servilis* and *luxuriosus*.

In this perspective, Tacitus is not describing individuals who are not wise because they choose against the ways of the past. Rather, Tacitus is describing a society which can no longer be empowered through traditional notions of good. We may explain this through the pressures stemming from the imperial hierarchy. The imperial will, as far as Tacitus describes, is grounded in the maintenance of an elite hierarchy.

¹⁹⁴ Cf. Gotseggen (1994:40ff. and 246-7, n. 99).

And corruption persists because the hierarchical regime is grounded in a humane and civil ethos, by which individuals were not seduced by the pressures of vice (simply for the sake of vice) but seduced by the pressures of virtue (to appear as virtuous, to rise in status), at whatever cost. The cost of appearing as virtuous (as humane, as clement, as powerful) is, tragically, an acceptance of corruption and servitude. In such a context, it was possibly quite difficult for any political actor to gain *fides* in a *civilis animus*. Furthermore, when duty to the state and duty to *mos* cannot be so easily reconciled with the maintenance of honour and status, Tacitus also shows why corruption was perpetuated, and to a certain extent, even necessary.

It is not surprising that the Tacitean narrative is written from this perspective, one in which morality is analysed according to context, because Tacitus would have a precise insight into the fragility of one's moral codes in an imperial political context, that is, how one's internal, self-evident or traditional sense of right and wrong could become corrupt in politics. We may want to consider the nature of Tacitus' own political career under Domitian, that Tacitus associates himself in a crucial role in the corrupt process of criminal implication (*nostrae duxere Helvidium in carcerem manus...nos innocenti sanguine Senecio perfudit; Ag.45.4*) and that Tacitus too enjoyed the virtuous outcomes of many corrupt acts under a despotic regime, and often at the cost of others' livelihoods (*Ag.3*). We may therefore read Tacitus' analysis of corruption and morality as a reflection of his own experience of being trapped between the pressures of precedent (the ways of the past, cultural notions of good or self-evident truths) and the pressures of preference (wealth, status, power, *fama*) and as recognition of his own guilt for accepting corruption for the purpose of maintaining an honourable identity.

This can also explain why Tacitus' narrative retains a focus on individual will (the will for servitude, for corruption). Tacitus leads us to believe that he values *libertas* above *servitium*. Yet, there is much in his narrative which suggests the opposite. Notably, Tacitus does not valorise revolution as does Arendt. Freedom is not the guiding moral principle in Tacitean politics and nor, evidently, is servility. Rather, morality or 'doing the right thing' in Tacitus appears to lie somewhere between *libertas* and *servitium*. Morality in Tacitus possibly denotes compliance, which is why

Agricola, his key *exemplum*, is praised not for his *libertas* but for his *obsequium* (Ag.42). Tragically, complying with the regime means to accept the link between morality and corruption, to remain trapped within the pressures of precedent and the pressures of preference. More tragically, given that Tacitus analyses Tiberian politics from this perspective, we may suppose that the trap remained in Tacitus' own time of writing; in Arendt's words, 'nobody knows the nature of traps better than the one who sits in a trap his whole life long.'¹⁹⁵

¹⁹⁵ Arendt (1994:362).

CONCLUSION: ON THE POSSIBILITY OF POLITICS MINUS PARADOX

Politics is war, the continuation of war by other means.¹

This thesis set out to analyse Tacitus' writing of conflict in the first three books of the *Annales*. In particular, it sought to trace the continuation of conflict in the institutions of peace in order to expose the non-violent dimensions of conflict in early imperial Rome. By reading conflict as something which stems from the deeper, systemic and epistemological, structures of Roman society, as well as the non-sovereignty of the *princeps*, this study has advanced an understanding of Tacitus beyond the discourses of tyranny, republicanism and reason of state. Instead it has elucidated the paradoxical nature of Tacitus' narrative, with the hope of raising a more pluralistic conception of Tacitus' political thought.

Tacitus shows us that it is only through grasping the various, often contradictory shades of politics that it can be fully understood; paradox is not an anomalous aspect of Tacitus' writing of history and the political, rather it is part of the wider design of Roman society, which, as Tacitus shows, generated power and peace through its own internal contradictions. That imperial politics depended on paradox to support the workings of its own maze-like power structures may be read as both its own tragedy but also the source of its potential. Politics is thus 'the continuation of war by other means', as Foucault hypothesised, but at the same time, Tacitus shows that the continuation of this 'silent war' is a process which remains intertwined with a moral and civil purpose, in which context conflict and peace cannot be disentangled, indeed the notion that conflict generates peace (and power) implies that the dialectics of their relationship must be maintained.

In order to conclude the study, this final section shall provide 1) an overview of the initial research aims and objectives, with an explanation of how the focus on conflict (specifically peacetime conflict) enabled the aims to be met 2) a summary and synthesis of the conclusions reached in each of the four chapters, highlighting the implications of the conclusions drawn on the political and historical thought of Tacitus

¹ Foucault (2004:15).

and 3) a summary of the ways in which the theoretical methodology employed broadens our understanding of Tacitus' writing of conflict.

Overview of Research Aims and Objectives

This study had two main aims, each of which was focussed on Tacitus' analysis of peacetime conflict. Firstly, it sought to reassess Tacitus' construction of monarchical sovereignty in order to develop an understanding of the emperor's power as exceptional and biopolitical in form, rather than merely tyrannical (this analysis was carried out in Chapters 1 and 2). The second aim was to analyse Tacitus' writing of Roman institutional structures (such as the law, the imperial hierarchy and *mores*) as structures of disciplinary and oppressive power and by extension, sources of social conflict (this argument was pursued in Chapters 3 and 4).

The main reason I chose to focus on peacetime conflict was in order to frame my thesis around a crucial paradox maintained throughout Tacitean historiography, which is that although the monarchy problematised the traditional political structures of the *res publica*, as well as certain political and moral values (for example, *libertas*), it nevertheless founded peace (at least on the surface level). This interpretation resists an understanding of monarchical sovereignty in Tacitus as 'tyrannical', especially according to classical models which conceptualise tyranny as antithetical to peace, as well as an unjust form of seized power which reduces citizens to servitude. Rather, Tacitus offers a different view, since his emphasis on the relationship between *pax* and *princeps*, as well as his remarks in the prologue that Augustus 'accepted' power (rather than seized it), following which the elite became 'eager for servitude', is in direct contravention of the typical and generally assumed characteristics of tyrannical rule. From this perspective, Tacitus provides the opportunity to conceptualise conflict as the product not of absolute sovereignty (since the monarchy established *pax*) but of non-sovereignty. This implies a reversal of the normal liberal perception of the source of conflict in society; however we read the dynamics of the establishment of the Principate, Tacitus leads us to look beyond the *dominatio* of the emperor as the primary or sole source of conflict in society. For this reason, this thesis offered a reading of

conflict (and *servitium*) as something which is produced from *systems* of domination rather than the more obvious and visible *person* who dominates.²

At the same time, Tacitus' own view that only a monarchy could establish peace is difficult to accept without question, since not only does such a view sit somewhat uncomfortably with traditional (Roman republican) conceptions of political order (which favour either a more democratic political organisation or a mixed constitution), but it also contradicts Tacitus' narration of Tiberian Rome, which is fuelled with conflict. As Tacitus implies, the age of empire should be an age of peace yet despite this claim, conflict in the form of *seditio*, *terror*, *confusio* and *discordia* pervades the narrative. We may then understand Tacitus' Tiberian Rome as a time of '*concordia discors*', a time which created neither harmony nor discord, but a hybridised form of the two (a 'discordant harmony').³ We are encouraged to think of the imperial peace as retaining a connection with conflict, an idea maintained throughout Tacitean historiography.⁴

By focussing on the dialectical relationship between conflict and peace, this study has enabled an exploration of the wider problematic elements of Roman society and politics, opening the way for a view of Roman social conflict as being latent in the institutions of peace (the law, morality, hierarchy, democracy, *humanitas*) rather than only manifest in moments of civic strife or produced by the unjust techniques of tyrannical rule.

Furthermore, through the focus on peacetime conflict (the persistence of peace *and* conflict), this study has elucidated the pertinence of paradox in Tacitean

² The thesis therefore undertook a largely Foucauldian approach to the analysis of power in Tacitus. Cf. Foucault (1998:92-93) and Alston and Spentzou (2011:228ff.).

³ On *rerum concordia discors* see Luc.*BC*.1.98. Cf. Ovid.*Met*.1.433. See also Nietzsche (1974:2.1).

⁴ The ambiguous nature of peace, as presented in the first three books of the *Annales*, allows us to identify some of the trends in Tacitean thought. For example, it may be read in conjunction with Tacitus' comments on the nature of the Roman imperial peace in the *Agricola*. Of course domestic peace (*civilis pax*) such as that which describes a post-civil war situation is different from the Roman mission of bringing (or imposing) peace on the provinces (*pax Romana*), but both forms of resolution or betterment are problematic in Tacitus. While the domestic *civilis pax* is described as 'sterile' (*Ann*.1.17), 'miserable' (3.44) and after Augustus, as something which remained 'bloody' (*Ann*.1.10.4) – making it comparable with conflict and furthermore, preferable to war (*Ann*.3.44: *miseram pacem vel bello bene mutari*), the peace brought to the provinces through Roman culture and civilisation (*humanitas*) is described in terms of enslavement (*Ag*.21.2). There is thus something deeply conflictive about both domestic and foreign peace in Tacitus, implying that Tacitus viewed Rome as an entity which by its very nature lacked the capacity to achieve any kind of permanent or 'true' reconciliation, whether internally or externally.

historiography. Paying attention to peacetime conflict has allowed me to trace the various forms and means through which peace and conflict are manifest or preserved in society, but by being oxymoronic, and thus encapsulating the wider idea or theme of *concordia discors*, a focus on peacetime conflict also brings to the fore the significance of paradox in Tacitus' understanding of the past. *Concordia discors* refers not only to war and peace, harmony and discord (as is implied in Lucan's use of the phrase), but it may also be read in terms of a general co-presence of opposites and their generative potential (as implied in Greek philosophical and cosmological contexts).⁵ As discussed in the opening chapter, the generative potential of paradox can be located to the foundation of the Principate (a moment which is of course of central importance in the *Annales*). The Principate of Augustus was wholly paradoxical, seeing the compression of a republican social and moral order within an imperial polity. Yet, the paradox of 'Augustus' Republic' nonetheless resolved conflict and generated *pax* (albeit an ambiguous and conflictive form of *pax*, at least according to the Tacitean interpretation). There is therefore something about Rome which is resilient to and even dependent on paradox. In this vein, it has been a primary aim of this study to accept the paradoxical elements of Tacitus' narrative, not only to stay true to the Tacitean interpretation of the past but also to allow for an exploration of the idea that the imperial political situation was inherently paradoxical, and possibly because paradox was critical to imperial politics.

Chapters 1 and 2: Sovereignty, Pleasure and Truth

In order to achieve the initial research aim, which was to think beyond Tacitus as a critic of tyranny, I began with a comparative analysis of the sovereignty of Augustus and Tiberius with a view to reassessing Tacitus' writing of monarchical power. This analysis raised various implications as to the precise nature of monarchical sovereignty in Tacitus, in particular, the conditions of the relationship between *pax* and *princeps*. I demonstrated that peace in Tacitus depends on an exceptional relationship between sovereignty and law, as well as a biopolitical relationship between sovereignty and

⁵ It is an idea from Empedocles, see Hor.*Ep.*1.12.19-20.

pleasure. I further argued that conflict is produced from the severance of the relationship between sovereignty and truth.

The exceptional nature of Augustus was discussed with reference to Tacitus' comment that Augustus absorbed the functions of the senate, the magistracies and the law (*Ann.*1.2). The notion that the Principate was grounded in exceptionality even after the emergency of civil war had ended implicates the monarchical system (in particular the *princeps* himself) in a fundamentally paradoxical (yet precise) relation to the law. As I argued, the monarch is the law, in which context we may read Tacitus' understanding of the foundation of the Principate as the moment which saw the normalisation of the state of exception. In this perspective, the Tacitean analysis of the Augustan Principate is written through a modification of the theory of exception, given that the suspension of the law is normally associated with periods of emergency; as Cicero notes, 'during war laws are silent' (*silent enim leges inter arma; Mil.*4.11). Yet, the principate of Augustus was not a period of emergency; rather it was one of post-emergency (post-civil war) yet nevertheless, the sovereign retained an exceptional status. The silence of the law is thus taken up by the sovereign body: the law is 'spoken' by Augustus. In such a state, the citizenry, ordinarily protected by the rule of law, become subjects of and to a more random operation of law and power. As a result, Tacitus immediately pushes us to analyse the principles of law (justice, legitimacy) from a different perspective, one which measures their existence not against a constitution but against what the sovereign states (speaks). Peace, then, was achieved but in Tacitus' analysis, this depended on maintaining a set of circumstances which were characteristic of the situation of emergency, and moreover decisively intertwined with Augustus' own person, immediately pointing to the ambiguous and conditional nature of the *pax Augusta*.

The biopolitical nature of Augustan sovereignty was demonstrated with reference to Tacitus' comment that Augustus seduced all with the sweetness of leisure, the army with gifts and the people with grain (*Ann.*1.2). This immediately problematises the 'classical' model of sovereignty, and that of tyranny, models which read absolute sovereignty in strictly negative terms. Rather, Tacitus alludes to a certain productive aspect of Augustan rule/power, which is that power was secured not through

force, nor through a disregard of public well-being, but through maximising, on a large-scale, social welfare (through gifts, grain and leisure). It is undoubtedly the ‘positive’ (though no less dangerous) elements of Augustan rule which Tacitus credits for the resolution of conflict and the maintenance of *pax*. The significance of the Tacitean interpretation on this point is that it asserts the existence in the early Roman imperial period of what Foucault perceived to be a decisively ‘modern’ form of power. Tacitus shows us that Roman sovereignty was not a form of power which sought solely to reduce life, a notion which grounds Foucault’s genealogy of power. Rather, making life and ‘fostering life’ (*faire vivre*) was fundamental to Augustus’ policies after Actium, as evidenced by the use of gifts, grain and leisure (as well as the passing of the *Lex Papia Poppea* and the pertinence of *clementia* above the sovereign right to execute), all of which make evident the biopolitical nature of political societies far before the turn of the nineteenth century.

In chapter 2, working from the presentation of Augustus in the prologue, I focussed on Tacitus’ writing of Tiberian sovereignty. Given the ideas presented in the prologue, namely that the monarchy (specifically Augustus’ all-absorbing *imperium*) established peace, my aim here was to question whether Tiberius continued the exceptional status/power of Augustus and in so doing maintained order in the state. Such a hypothesis, one which supposes that conflict emerges from the *lack* of sovereign power, has not previously been applied to Tacitus’ analysis of Tiberius, yet there is something markedly faltering rather than fluent about Tacitus’ Tiberius. As I argued with reference to the death of Agrippa Postumus, the episode with which the main narrative begins, Tacitus asserts right from the start a certain Tiberian lack, in this case his inability to be the executive power and decide the outcome of events. This lack of power continues throughout the accession chapters, as can be seen through Tiberius’ *hesitatio* and *dissimulatio*, traits which again appear to dilute the essential nature of sovereign exceptionality.

The characteristics of hesitation and dissimulation have more often been used to assert Tiberian ‘hypocrisy’ and, by extension, Tiberian insincerity. On one hand, the obscurity of Tiberius’ words and looks along with the ambiguous nature of Tiberius’ manner of ruling, may imply a certain falsity but in order to offer a different analysis,

and shifting focus to what the *effect* of these traits may be in the political sphere (rather than what Tacitus intends to imply through these traits on the nature of Tiberius' personality), I argued that such traits were a manifestation of Tiberius' inability to be the law (to be Augustus). Furthermore, and instead of reading hesitation and dissimulation as evidence of Tiberius' insincerity, I explored an alternative possibility which was that Tiberius' hesitation and dissimulation represented an inability to decide the truth. In this perspective, Tacitus allows us to draw a distinctive insight on the nature of monarchical politics, one which continues to position the sovereign being at the intersection of discursive forms of power and the more traditional or centralised forms. In the accession chapters, Tacitus not only draws attention to the *crudelitas* and *adrogantia* of Tiberius (thereby implying a level of tyranny to Tiberius' person/rule), but he also, through Tiberius' *obscura verba*, implies that after the death of Augustus truths could no longer be defined by the sovereign authority.

The argument presented in Chapter 2 allows for a different way to conceive of the conflict or incompatibility between truth and politics. Hannah Arendt, for example, looks at the disjunction between truth and politics from the perspective of lies and deceit, questioning why *telling* the truth has never been counted as a political virtue.⁶ However, Tacitus offers us a different point of departure, which is that in order to find the problem in the political realm of activity and debate (its void or deficiency), we must not necessarily search for the liar, but for the impotent. Truth, then, becomes something which must be decided (and this is irrespective of whether that decided truth is real or false). The question then becomes not who tells the truth and who lies; but who has the authority to assert that which should be counted as true and that which should be counted as false. Tragically and paradoxically, during the accession debates, the weak, powerless and incredible is the emperor himself. In this sense, the *principatus* in which sovereignty is encapsulated (and in which truth can be asserted) exists in separation from the *princeps* who remains unable to assert truth.

⁶ Arendt (2006): 'Lies have always been regarded as necessary and justifiable tools not only of the politician's or the demagogue's but also of the statesman's trade. Why is that so? And what does it mean for the nature and the dignity of the political realm, on one side, and for the nature and the dignity of truth and truthfulness, on the other? Is it of the very essence of truth to be impotent and of the very essence of power to be deceitful?' (223).

Chapters 1 and 2: Wider Implications

By the end of the first two chapters, the study thus achieved the first aim which was to demonstrate why the concept of ‘tyranny’ cannot adequately explain the nature of sovereignty in Tacitus. While the intention was not to define a precise theory of imperial sovereignty based on the first fifteen chapters of the *Annales*, it did seek to loosen the somewhat crude presumptions which the term tyranny implies, presumptions which are not in fact implied by Tacitus. In my view, the problem with the concept of tyranny is that it simplifies the Tacitean analysis of imperial power and politics and also the nature of human relations since it fails to aptly consider the notion of consent and why people consent, assuming instead that individuals are either *forced* to accept which implies that people lack the capacity to oppose (that they lack choice) or alternatively that they are indifferent or ignorant to the cunning and deceptive means through which tyranny works (which implies that individuals are blind or ignorant).⁷ Yet, it is precisely the awareness of supreme power which Tacitus highlights, and further, it is supreme power that the senate are ready for and rush into. Perhaps in the past a democratic government, favouring civic engagement and freedom were the real ideals, but confronted instead with the experience of war and the license and dangers of the republic and the contrasting prospect of pleasure and security, the inhabitants of early imperial Rome, it appears, willingly sacrificed the means and end of democracy, making evident a stark difference in the way *libertas* came to be (dis)valued under the early empire.

It is by looking beyond tyrannical conceptions of power that we may understand a different form of subjugation which followed from the foundation of the principate, especially given due consideration of Agamben’s notion of the sovereign ban. The structure of the ban is traced by Agamben through the figure of *homo sacer*, who as discussed in the final chapter, is abandoned by the sovereign and reduced to a status of

⁷ See for example Boesche (1996) on Tacitean tyranny as something which is ‘contrary to the general good’ and ‘violently imposed on a resentful population’ (445). As the study has argued, the relationship between *pax* and *princeps* makes it difficult to argue that sovereignty in Tacitus is ‘contrary to the general good’. Alternatively, if peace was established through Augustus’ use of gifts and grain, as well as the seduction of all by the sweetness of leisure (methods which are in tension with what, in a Roman context, would generally be perceived as ‘good’) then Tacitus makes the fundamental point that a society’s ‘true needs’ (as well as the notion of what precisely constitutes ‘the general good’) are never stable.

bare life. Yet, for Agamben, the point is that the exile in his abandoned state remains included in the politico-juridical order: that which has been banned or abandoned ‘is delivered over to its own separateness and, at the same time, consigned to the mercy of the one who abandons it – at once excluded and included, removed and at the same time captured...the ban is the force of simultaneous attraction and repulsion that ties together the two poles of the sovereign exception: bare life and power, *homo sacer* and the sovereign.’⁸ Agamben then develops this further to argue that ‘the relation of ban has constituted the essential structure of sovereign power from the beginning.’⁹

In my view, Agamben’s argument remains somewhat incomplete; his (controversial) conclusion is, given the ontological condition of sovereignty as one of abandonment, that ‘in our age all citizens can be said, in a specific but extremely real sense, to appear virtually as *homines sacri*.’¹⁰ Subsequently, for Agamben ‘we must learn to recognize [the] structure of the ban in the political relations and public spaces in which we still live.’¹¹ Although Agamben speaks in terms of potential, that is, all have the *potential* to be abandoned rather than all are abandoned, his argument remains difficult because it does not adequately account for those other spaces which cannot be described as exceptional, nor those other individuals who have not been directly reduced to bare life, either in the form of exile or detainment. How is it, then, that *their* relation to the sovereign is one of an inclusive exclusion (*esclusione inclusiva*), which it must be, if, as Agamben claims relations of abandonment and the connected production of bare life is the original activity of sovereign power?

In my view, Tacitus provides a clue: in Tacitus, this other space or relation of abandonment can be recognised in *otium*. Throughout this study, I have discussed *otium* as a manifestation of biopolitics in the sense that it is a productive and positive use of sovereign power in order to advance an understanding of Roman sovereignty beyond the discourses of tyranny (reduction, death, injustice, illegality). However, *otium* has two sides: on the one hand leisure is a place of sweetness, of enjoyment and

⁸ Agamben (1998:110-111), [1995:122-123].

⁹ *Ibid* (111).

¹⁰ *Ibid*.

¹¹ *Ibid*.

abundance, but on the other, leisure manifests a different type of bare life; through leisure one is not excluded from the domain of civil rights (as one is in *exsilium*) but one can be said to be excluded from the realm of the political. *Otium* is not only a manifestation of biopower in the sense that it is positive rather than negative (that it ‘disallows life to the point of death’¹²) but it is also biopolitical because it is precisely a mechanism of abandonment, which, by pushing the elite out of the arena of politics, seducing them with inactivity, they are excluded but also, in their docile state, more subject to the workings of sovereign power.

In this perspective, Tacitus grounds the view of Agamben, that the inclusion of bare life in the political realm is the ‘original nucleus of sovereign power’ (*il nucleo originario del potere sovrano*).¹³ Yet, it is only by extending the relation of abandonment or the structure of the inclusive exclusion to *otium* (a time out of politics and business [*negotium*] and the retreat to an aesthetic, ‘textual time’¹⁴) that we can trace the ontological structure of politics as abandonment (to include as well as exclude, to include through exclusion) which Agamben is concerned with showing. While I would not extend this to argue that all in Tacitus are in a ‘real sense virtually *homines sacri*’ the structure of the ban which ensured ‘security and the present’ (*tuta et praesentia*) is that which Tacitus uses to describe the relationship between ‘all’ and the sovereign (*cunctos dulcedine otii pellexit*).

It is here that we are lead back to Foucault and despite Agamben’s intention to ‘correct’ Foucauldian biopolitics, his notion of all as *homines sacri* can only find recompense through Foucauldian biopolitics. For Foucault, the point is that in order for power to be applied at the level of life itself, in order to give power its access even to the body, biological life must come into power’s sphere of intervention and knowledge’s field of control.¹⁵ In other words, what Foucault wants to show is the way in which (and the moment when) ‘power would no longer be dealing simply with legal subjects over whom the ultimate dominion was death’, but power dealing with ‘living beings, and the mastery it would be able to exercise over them [when] applied at the

¹² Foucault (1998:138).

¹³ Agamben (1998:6).

¹⁴ On leisure and writing (in a Republican context) see Stroup (2010:37ff.).

¹⁵ Foucault (1998:142).

level of life itself'.¹⁶ Hence 'improving' and 'increasing' life is for Foucault purposed to penetrate and dominate life to a greater extent.

Tacitus' emphasis on the connection between principate and *otium* is comparable to the way in which modern forms of power for Foucault contributed to the 'relaxation' (*le desserrement*) of man or the making of man into a 'docile body' – at once obedient and useful (useful because he is obedient). It has been recently argued that only a jaundiced critic like Tacitus would denounce the domestic tranquillity resulting from Augustus' principate in part to reflect the 'apolitical torpor' of the ruling classes.¹⁷ Yet, there is more in this since what Tacitus allows us to see is that this state of apolitical existence is paradoxically crucially political, for it is in their being 'lulled' (banned or exclusively included) that they may be seen to further empower the sovereign. Biopolitics, though positive and productive continues to feed sovereignty: *otium* 'optimizes forces, aptitudes, and life in general without at the same time making [subjects] more difficult to govern.'¹⁸

We can see, then, that in Tacitus the foundation of the principate is characterised by the synthesis of biopower and sovereign power, which for Foucault was an impossibility (since the two forms of power are distinct) and which for Agamben emerged in the exceptional institutions of the Third Reich. This synthesis, as well as the structure of abandonment/relaxation which foregrounds a significant relationship between Tacitus, Agamben and Foucault, attests the complex disciplinary and paradoxical nature of power in early imperial Rome and it may be read as the critical source of Tacitus' Augustus' success post-Actium. It is however, this very ethic of abandonment/relaxation which Tiberius misrecognises as crucial to the biopolitical regime, wanting to share the *munia rei publicae* among the many illustrious men in the state, thereby keeping them included instead of 'exclusively included'.

¹⁶ *Ibid* (143).

¹⁷ Galinsky (2012:86).

¹⁸ Foucault (1998:141).

Chapters 3 and 4: The Ever-Presence of Conflict

In Chapters 3 and 4 my focus was on Tacitus' analysis of the methods of Roman governance. In particular I sought to elucidate Tacitus' writing of the institutions of peace (the imperial hierarchy, law, *mores*) as reservoirs of conflict. The arguments developed in these chapters continued to trace a disciplinary conception of power, since instead of reading power as the sovereign's 'power over others' (power as *imperium*), I sought to elucidate the ways in which Tacitus exposes power as something which is embedded in the state apparatus (power as *leges* and *mores*).

In the third chapter, through a focus on the mutinies in Pannonia and Germany, I focussed on the problems inherent in military hierarchy. Hierarchy is a fundamental institution of order. In a Roman military context, the significance of hierarchy is not only that it defines the soldiers' duties, rights and positions in relation to one another (maintaining order in the camp) but that it is also designed to ensure the wider purpose of protecting the frontiers (maintaining peace in the empire). However, as I argued in this chapter, what Tacitus allows us to see are the dangers inherent in this very crucial institution of order. Hierarchy is a means of fostering revolution in the form of democratic violence. *Disciplina* is not something which culminates in estranged *labor* or docility but rather, in Tacitus, it is something which incites an awareness of injustice, pushing the soldiers to recognise the wrongs they face (low pay, terrible living conditions, physical abuse). The consequence of such awareness is sedition, making obvious a certain paradox of discipline and hierarchy.

This chapter also showed that Tacitus' disclosure of such a paradox places some distance between his practice of historiography and that of his contemporaries. As I argued with reference to the descriptions of the mutinies in Velleius, Suetonius and Dio, as well as the commentaries on the Pannonian mutiny by Erich Auerbach and Jacques Rancière, it is not often that Roman historians write Roman military insurgency in such a way so as to suppose the drawbacks of *disciplina militaris*, which, comprising of qualities such as *moderatio* and *severitas*, was in many ways comparable to the wider doctrine of the *mos maiorum*. More often than not, soldiery sedition (and popular sedition) is banalised by elite historians, expressed through the language of *furor*. However, Tacitus provides a more balanced reading of the soldiers' motives for

rebellion. Though Tacitus does employ terminology associated with madness, at the same time, he gives *reason* to the soldiers' revolts which is that they are aggrieved (not simply greedy). As a result, and contrary to the way in which other historians (both ancient and modern) narrate mutiny, Tacitus presents a picture where sympathy lies as much on the side of the insurgents as it does on the side of the counter insurgents (indeed Tacitus evokes more sympathy for the rebellious soldiers than he does for Germanicus). As a result of this, I argued that Tacitus' own historiographic practice emerges as 'democratic' – one which gives space for other voices (voices which ordinarily have no space) to be heard, in which context Tacitus represents an exception to Auerbach's contention that ancient historiography was mimetically deficient ('unable to represent everyday life seriously, that is, in full appreciation of its problems and with an eye for its historical background').¹⁹ Rather, we are pointed to the polyphonic nature of Tacitus' historical thought, in this case because his method of writing the past resists (what one would expect to be) his own elite viewpoint.²⁰

By reading the mutinies from the perspective of democratic violence (a type of violence which seeks to disrupt established roles and places) I also demonstrated why democracy does not necessarily refer to, as Rancière claims, 'the power of those who have no specific qualification for ruling, except the fact of having no qualification.'²¹ Notably, Rancière's statement is based on a peculiar understanding of democracy; yet more problematic is that Rancière's view of democracy as the power of those who essentially have no power is wholly misleading in the context of Roman military insurgency (a context which forms part of his argument on the poetics of knowledge).²² As I argued, the democratic power of the soldiers is arguably the power of those who retain the highest capacity for ruling. The soldiers are persons of real political importance since their offer of the throne to Germanicus was something which they had the strength to deliver. This reveals a further paradox of political control. The fate of

¹⁹ Auerbach (2003:39).

²⁰ Cf. Tacitus' narration of the Britons and Germans, which also resists a Romano-centric viewpoint. Ag.30-32, *Germ.*23-4.

²¹ Rancière (2004:305).

²² Rancière (1994).

Rome was in the soldiers' hands but regardless they were treated as though they had no qualification for determining that fate.

In Chapter 4, I focussed on Tacitus' writing of corruption. Instead of reading corruption as a product of the failure of morality and the law, as a condition which in much ancient historiography is used to represent and signal decline, I proposed, on the other hand, that corruption persists because it is intricately connected with the aims of morality (to be or appear as virtuous) as well as the aim of law (to protect citizen rights and justice). This argument was pursued through Tacitus' writing of *luxuria*, which though a questionable activity from the standpoint of traditional *mores*, nevertheless enabled an access to *virtus* and *fama* (through wealth). The problem of law was focussed on a discussion of the *lex maiestatis*, which though designed to prevent treason and ensure order in the state, nevertheless embedded corrupt forces into the regime through its dependence on the legalised process of *delatio*, a process which rendered citizen rights fragile.

The paradox of corruption, then, is that it served a specifically virtuous purpose, as well as the wider purpose of state *concordia*. From this perspective, I argued that corruption in Tacitus should be read as a specifically moral and social phenomenon (in terms of its aims and what it affords). By extension, rather than reading moral decline as the result of 'the rise of tyranny'²³ or the collapse of moral knowledge, Tacitus shows corruption as something which was produced from the very pertinence of moral knowledge. Corruption is not due to the inherently corrupt nature of individuals but it may be read as a product of the nature of the regime, a regime which continued to impose the pressure to appear as noble, clement and humane – even if it depended on an exercise in deception, illegality and excess.

Since Tacitus allows an insight into the virtuous advantages of vice, I extended this to argue that it adds a new dimension to the digression in Book 4 when he explains that few could wisely discern between use and harm, the honourable and the worse (4.33.2). It is tempting to read this statement in terms of a growing moral deficiency,

²³ Mellor (1993:64), Tacitus 'clearly believes that the rise of tyranny at Rome has brought about a moral decline. Evil seems to come, not only from the innate character of citizens, soldiers or freedmen, but from the social and political conditions of autocracy'.

that is, an individual inability to act according to normative standards. Alternatively, Tacitus may be referring to an epistemological deficiency, that is, an inability *to know* how to differentiate between right and wrong. Yet, given that his analysis of corruption cannot necessarily be seen as diametrically opposed to morality (since both corrupt behaviour and moral behaviour can enable an access to *virtus*), this then loosens the traditional distinctions between that which is *utilis* and that which is *noxius*, allowing us to explore the digression from a different perspective. It is not that individuals are unable to distinguish moral behaviour from corrupt behaviour but that the two, ordinarily distinct categories, are in themselves indistinguishable in terms of what they afford. On one hand this inserts a level of moral relativism into Tacitean thought, something which is reiterated when he refers to *mores* as fluid rather than stable phenomena. On the other hand and given that moral relativism does not fit with the whole of Tacitus' thought (since an ethical position can of course be traced in his formulations of certain concepts²⁴) we are pointed to another conflict, which is not that people cannot tell the difference between right and wrong; rather they can, but the problem is that in politics, doing that which is 'right', 'honourable' or 'good' according to traditional moral codes, is not necessarily 'useful' according to imperial prerogatives.

Chapters 3 and 4: Wider Implications

The third and fourth chapters together met the secondary research aim because they demonstrated the ways in which Tacitus writes Roman institutional structures, particularly those which are ordinarily designed to ensure peace and promote order, as vehicles of social tension. In the case of military hierarchy, the paradox of this

²⁴ The ethical position of Tacitus is difficult to define. For example, in terms of the values he prescribes, Tacitus can be read as liberal (because he values *libertas* and because he sees monarchy as antithetical to freedom). Also notable is that in his critique of morality at *Ann.* 3.26, he implies that *aequalitas* was a condition of the *veteres*, which means that Tacitus held equality as a normative principle (again positioning him in a liberal tradition). At *Hist.* 1.3, it is evident that *pietas* is valued highly as a moral virtue. However, at the same time, Tacitus can be viewed as relativist because he writes morality in terms of use or usefulness. His thought may also be described as 'postmodern' since he refers to the fluid nature of *mores* (3.55) which implies that he saw moral standards as norms and truths rather than normal, natural or true.

particular institution is that it incites sedition. Despite the fundamental role the military played in the maintenance of peace (the military was itself a fundamental if not the fundamental institution of peace), the soldiers were nevertheless treated as insignificant political actors and thus their role in the perseverance of peace (the maintenance of the regime) was relegated to that of a secret of empire. Yet, the military hierarchy was a paradox critical to imperial politics since as well as embedding conflict into the regime (through the ever-present, ever-latent ability of the soldiers to make and unmake the regime) it nevertheless ensured the proper distribution of role and place. The immoral violence to which the citizen soldiers were subjected was an act of power enforcing of the hierarchy on which the regime depended is balanced against the (potential or historical) act of violence in which the soldiers called into being the regime and which maintained its centrality to the regime. Thus, the reversal of order (the democratic and revolutionary moment) remains paradoxically central to the establishing of order. Similarly, the paradox of morality and law (disciplinary as well as institutional structures) is that they infuse corrupt forces into the regime, while also being the very means through which corruption is to be prevented. Yet again, this paradox was critical to imperial politics, given that it was often the case that it was only through a transcendence of the law and the *mos maiorum* that the individual could assert a virtuous (powerful) identity.

The final chapters also shed light on the concept and significance of *utilitas* in Tacitean political thought. In order to make sense of Tacitus' writing of forms of social conflict such as mutiny and corruption, it may be said that Tacitus gives primacy to the concept of *utilitas* rather than the concept of *nobilitas*. For example, while it would have been noble for the soldiers to abide by the rules of *disciplina militaris*, instead they revolted since this would potentially enable more useful things (money). Similarly, although it would have been noble for Germanicus to suspend the mutiny through fine speech and reference to the importance of military discipline, instead he threatens massacre and falsifies a letter in Tiberius' name because it was the more useful (easier) option at the time. In the same way, it would have been more noble for senators to practice *moderatio* rather than *luxuria*, but the problem is that moderation could no longer afford them a useful (powerful) identity. The same logic can be applied

to Tacitus' writing of Augustus' particular political tools (leisure, gifts and grain) which were again possibly a more useful (quicker) way to pacify his subjects in the aftermath of civil war. We may then take from Tacitus a different form of reasoning, which is that the reason individuals do not do what is noble is not because they lack an awareness of what is noble, but because in the political sphere, a noble act is not necessarily *utilis*, indeed it can be *noxius*.

The concept of use thus allows us to look at political activity from a different perspective, one which is 'nonmoral' in principle (that is, not constrained by moral truths). The significance of such a perspective is that it alludes to the notion that politics, like war, is not a moral enterprise in practice (though it may claim to be by nature). Such a notion is implicit in Tacitus' narrative since it is often difficult to reconcile the behaviour of those in his narrative (and his own views of this behaviour) with conventional notions of good, right behaviour. This is partly because Tacitus is writing a history in descriptive rather than normative terms (men as they are rather than as they should be). Yet it is due to this method that we are able to trace a wider problem and paradox of politics. The problem of politics in Tacitus is not only about the more obvious disjunction between freedom and Principate but we may want to read it from the more fundamental disjunction between morality and politics. That morality and politics (like truth and politics) are somewhat irreconcilable in Tacitus explains why his descriptions of political activity are often difficult to measure against normative values, that is, those values which we assume to be good and right (freedom, democracy, justice). Rather, *utilitas* introduces a third concept into the dynamics between freedom and servitude, justice and injustice, democracy and monarchical rule. While the good values may have a moral or political significance, Tacitus shows why they are not always 'useful'. Abiding by fundamentally good values (or moral truths) cannot always serve the other processes and purposes so significant to political life, namely safety and survival.

Although such an argument problematises the conventional, orderly and easy, understanding of Roman political thought as a body of literature which represents an undying attachment to Republicanism and its associated ideals, as well as a type of political thought which is organised around the goal of reconciling truth and

politics/morality and politics, a focus on use nevertheless enables a more accurate reading of Tacitus' narrative, which is a narrative about human needs (the need to survive) as much as it is a narrative about political needs (to need to be free).²⁵

It emerges, then, that there is much more in Tacitus than an exploration of evil deeds committed in the name of reason of state.²⁶ In many ways, 'reason of state' as a description of a solely political motivation for action, often based on the interests of the state/sovereign and regardless of any possible contraventions of the rights of the citizenry, is characteristic of all political organisations. It is therefore a point of entry into political analysis rather than a conclusion on the nature of politics/the state. In other words, the secrets of the state are what Tacitus relates but obviously the nature of these secrets needs to be questioned, rather than assuming simply that the functioning of these secrets at the cost of individual rights and moral codes is a manifestation of evil and tyranny. The final chapter showed that what is specific about the reason of state in Tacitus is that rights and laws were transgressed but this transgression remained, paradoxically, intertwined with some form of moral reasoning, either to enable individual *virtus* or *pax*. Tacitus is not just about the 'evil conditions of autocracy',²⁷ but about the reconciliation of good and evil, and the sacrifices such reconciliation entailed.

In this perspective, we may take something more positive from Tacitus, which is that although the acceptance of sovereign power (and by extension an acceptance of the workings of *arcana imperii*) may have entailed the end of democracy (which immediately connotes a level of evil, from a liberal perspective, but also a disjunction with the traditions of citizen-government from a Roman perspective); in the acceptance of that power, and the loss of a certain individual freedom this acceptance entailed, a relationship was established through which a wider purpose was enabled. In Tacitean historiography this wider purpose was the making of peace. That peace is a condition for the continuity of Rome and the continuation of Roman values. The peace is

²⁵ Though, evidently it is not necessary that human needs (the needs to survive or enjoy life) are abstract to political existence/imperatives.

²⁶ At the beginning of his *Della Ragion de Stato*, Botero states: 'State is a stable rule over a people and Reason of State is the knowledge of the means by which such a dominion may be founded, preserved and extended'.

²⁷ Mellor (1993:64).

essential to the establishing of a biopolitical regime of power in which all gain: it is a productive, useful peace. The sacrifice of freedom (albeit a sacrifice difficult to live with) was ultimately worthwhile.

Yet, as with much else in Tacitus, peace remains double-sided. Although a period of peace is determined by an absence of war, Tacitus shows that it is through the politics and procedures of making peace that the ‘disequilibrium of forces manifested in war’ are reproduced.²⁸ Tacitus’ writing of the institutions of peace thus exposes the way in which politics *is* the continuation of war by other means. As Tacitus reveals the contradictory nature of these structures, that is, the way in which social memory, hierarchy, law, morality and *humanitas* came to embed conflict and tension throughout the social sphere, we are left with a precisely Foucauldian image of imperial society, which reveals, indeed, a ‘net-like’ organization of power structures. And these structures, as Tacitus shows, are not only sources of conflict but, further, sources of *servitium*. Accordingly, they are imbued with pressure points pushing individuals to resist – either through oblivion, sedition, corruption or suicide. It is here that we can see why Foucault urges us not to think of power in the classical form; sources of subjugation stem not, solely, from the sovereign and his domineering gaze but they are embedded in and produced from the fabric of social reality. Certainly, the power of the *princeps* establishes a complicated maze through which the individual must carefully navigate, but as I have argued throughout this thesis, this maze is further reinforced and the navigation of it further problematised due to, paradoxically, the institutions of peace.

It is through this complex, maze-like picture of political life which Tacitus draws that we may also trace the discursive conditions (the conditions of possibility) which engendered Tacitus to imbue *obsequium* with a moral value. This further allows us to read in Tacitus the essential genealogical project, which is not to question the morality or truth of a certain notion but to find the historical conditions which made that moral notion or truth come to be defined or believed as such. Arguably, *obsequium* is a problematic ‘virtue’ and especially in the Tacitean account given that it is of course

²⁸ Foucault (2004:16).

closer in meaning to *servitium* than *libertas*; it is also, in a political context, reminiscent of *adulatio* which he so clearly represents as abject. Yet, at the same time he exposes the conditions which made compliance acceptable, and for him, the most noble of traits. It is in living in the maze which Tacitus details to such penetrative an effect that we can see why *obsequium*, above *libertas*, came to be recognised by Tacitus as a virtue, and why Agricola is his moral *exemplum*.

Conclusion

My main aim in this thesis was to expose the complexity of Tacitean thought and I have done so through a detailed reading of Tacitus alongside many modern political theorists. I have, I hope, exposed areas in which Tacitus provides us with a more nuanced and sophisticated and perhaps more credible view of the working of politics than some of those theorists. In particular, Tacitean views of the relationship between sovereignty and power, between the ability to speak truth and a regime, between freedom and moral order, and individual and social value comment critically on themes central to Arendt, Foucault, Agamben and others. The ‘doctrines’ of Tacitus emerge not in philosophical engagement, but in narrative and are imbued with the practicality of use and usefulness. Tacitus offers us a hard doctrine, both because it avoids easy answers (history is not a matter of good and bad emperors; good and bad people; good and bad acts) and refuses easy ideological positions. Tacitus does not allow his reader the comfort of political alienation or restful nostalgia. The text, like the language so often, is never comforting or comfortable: men cannot easily tell good from bad. But he exposes us to the everyday paradox of political complexity. It is, of course, a pattern of paradox with which we are familiar from our liberal democratic states and thus the problems of the Tacitean text have resonances. Freedom and peace cannot quite work without certain sacrifices and politics, thus, cannot escape (though it may temporarily reconcile) the conflicts and violence which haunt and inspire it. Ultimately, whether or not we agree with the Tacitean analysis (perhaps especially the valorising of acceptance and peace above revolution or even political struggle), we must recognise the value of the study of history in exposing the formative paradoxes at the heart of ancient and modern politics.

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