

THE VALUE OF IMPERIAL *VIRTUTES*
IN THE *TABULA SIARENSIS* AND THE
SENATUS CONSULTUM DE CN. PISONE PATRE

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ABSTRACT

Andrew Clark Spencer: The Value of Imperial *Virtutes* in the *Tabula Siarensis* and the
Senatus Consultum de Cn. Pisone patre
(Under the direction of Professor Werner Riess)

In this thesis I examine the importance of *virtutes* in the political dialogue of Tiberius' principate, as presented in two senatorial decrees. These documents were composed in response to the death of Germanicus (19 CE) and the *maiestas* trial of Piso (20 CE). *Pietas* is most central to my overall discussion. In the *TS*, devotion to Germanicus' memory guides the Senate's recommendations concerning the honors granted to him posthumously. The *SCPP* reinforces the same devotion, but the significance of *pietas* is expanded throughout the decree. In portraying Piso as a serious threat to the stability provided by the principate, the Senate clarifies and defines its demonstration of *iustitia* through its *pietas*, and it identifies the latter as the source of its judgment. Additionally, *pietas* reinforces the image of the Roman people united against the threat of renewed civil war, and in support of Tiberius as the very source of *virtutes*.

matri meae

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TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
CHAPTER 1: IMPERIAL <i>VIRTUTES</i> IN PRESENTATIONS OF TIBERIUS’ PRINCIPATE.....	9
I. <i>Iustitia</i>	10
II. <i>Clementia</i>	17
III. <i>Moderatio/Modestia</i>	28
IV. <i>Pietas</i>	34
CHAPTER 2: ‘ <i>PIETAS</i> ’ AND ‘ <i>MODERATIO</i> ’ IN THE <i>TABULA SIARENSIS</i>	40
I. The roles of the <i>princeps</i> and the Senate in conferring posthumous <i>honores</i>	41
II. The ‘ <i>pietas</i> ’ and ‘ <i>moderatio</i> ’ of Tiberius.....	46
III. Honorific arches as posthumous <i>honores</i> for Germanicus.....	51
IV. The reconciliation of <i>pietas</i> and <i>moderatio</i> in <i>TS</i> Fragment II, Column B.....	63
CHAPTER 3: <i>IUSTITIA</i> AND <i>PIETAS</i> IN THE <i>SENATUS CONSULTUM DE CN. PISONE PATRE</i>	70
I. The perceived threat; the roles of the <i>princeps</i> and the Senate.....	71
II. <i>Aequitas</i> and <i>clementia</i> : the <i>iustitia</i> of the <i>princeps</i>	78
III. <i>Severitas</i> and <i>pietas</i> : the <i>iustitia</i> of the Senate.....	88
CONCLUSION.....	101
BIBLIOGRAPHY.....	103

ABBREVIATIONS

<i>BMCRE</i>	<i>Coins of the Roman Empire in the British Museum</i> , ed. Mattingly (1965)
<i>CIL</i>	<i>Corpus Inscriptionum Latinarum</i> , Akademie der Wissenschaften, Berlin
<i>EJ</i> ²	Ehrenberg and Jones, eds. (1976) <i>Documents Illustrating the reigns of Augustus and Tiberius</i> , 2 nd ed.
<i>FUR</i>	Stanford Digital <i>Forma Urbis Romae</i> Project, http://formaurbis.stanford.edu/
<i>ILS</i>	<i>Inscriptiones Latinae Selectae</i> , ed. Dessau (1892-1916)
<i>L-S</i>	<i>A Greek-English Lexicon</i> , 9 th ed., ed. Liddell and Scott (1940)
<i>L&S</i>	<i>A Latin Dictionary</i> , ed. Lewis and Short (1879)
<i>LTUR</i>	<i>Lexicon Topographicum Urbis Romae</i> Vol. 1, ed. Steinby (1995)
<i>OLD</i>	<i>Oxford Latin Dictionary</i> , ed. Glare (1982)
<i>PIR</i> ²	<i>Prosopographia Imperii Romani</i> , ed. Groag and Stein (1933)
<i>RIC</i>	<i>The Roman Imperial Coinage</i> , ed. Mattingly and Sydenham (1923)
<i>RS</i>	<i>Roman Statutes</i> , Vol. 1, ed. Crawford (1996)
<i>ZPE</i>	<i>Zeitschrift für Papyrologie und Epigraphik</i>

EDITORIAL CONVENTIONS*

- (a) expansion of abbreviation
- [a] restoration of letter written but now missing
- {a} deletion of letters written by mistake
- |a| correction of letter considered wrongly inscribed**
- <a> necessary supplements

* The editorial conventions used throughout are adapted from Eck et al. (1996) 39, n. 39; translations by Potter and Damon (1999) 13.

** I will use the symbol |a| throughout, since I was unable to acquire the ‘half-brackets’ used in the commentary of Eck et al. (1996).

INTRODUCTION

My purpose in this thesis is to examine the presentation of Roman imperial *virtutes* in two senatorial decrees from the principate of the emperor Tiberius: the *Tabula Siarensis* (TS) and the *Senatus Consultum de Cn. Pisone patre* (SCPP). A related aim is to investigate the Senate's role in propagating those *virtutes*. In both decrees, the Senate refers to several principles that had come to characterize the principate of Augustus, but by no means does it give a static representation of them. As I will discuss, the Senate invokes imperial *virtutes* in order to explain, and also to assess, the motivations and behavior of the emperor Tiberius, of the imperial family, and of all orders of Roman society.

The events that prompted the publication of these documents are well known. In 17 CE, Germanicus Julius Caesar, the adopted son of Tiberius, was sent to the eastern provinces “in order to settle the state of overseas affairs” (*ad rerum transmarinarum statum componendum*), and had greater authority (*maius imperium*) than any provincial governor.¹ Tiberius simultaneously appointed Cn. Calpurnius Piso to the governorship of Syria,² and as an “assistant” (*adiutor*) to Germanicus.³ However, Piso's appointment would prove to be

¹ SCPP 30-36; cf. Tac. *Ann.* 2.43.1; Vell. Pat. 2.129.3. Germanicus had a firm understanding of his position, if a passage from the *Oxyrynchus Papyri* indeed represents his own words: πεμφθεὶς ὑπὸ τοῦ πατρὸς ἐπὶ τὸ καταστήσασθαι τὰς πέραν θαλάσσης ἐπαρχίας (P. Oxy. 2435, quoted from Goodyear (1981) 323).

² See Tac. *Ann.* 2.43.2-4; see PIR² C 287; cf. SCPP 33-35.

³ SCPP 29; cf. Tac. *Ann.* 3.12.1.

disastrous: he immediately sought to secure the loyalties of the Syrian legions,⁴ and after Germanicus returned to the province in 19 CE following an (ill-advised) journey to Egypt,⁵ he found that Piso had contradicted his orders during his absence.⁶ Soon after, Germanicus suddenly became ill, and as Tacitus writes, “the savage violence of the disease was increased by his conviction that he had been given poison by Piso.”⁷ Sensing that Piso held ambitions for exclusive control of Syria, Germanicus “renounced their friendship” (*amicitiam ei renuntiavit*), an act that would have brought considerable disgrace; almost immediately, Piso departed the province.⁸

Germanicus died in the Syrian capital of Antioch on October 10, 19 CE, and although his death aroused extraordinary grief, the alleged poisoning was never verified. The senators who were present in Syria voted that Cn. Sentius Saturninus serve as Piso’s replacement, but nevertheless Piso returned to the province and attempted to reclaim it by force—an open act of treason (*maiestas*) on both counts.⁹ Piso’s uprising would prove unsuccessful, and he was called to Rome to answer the charge of inciting civil war (*SCPP* 45-46), among others. However, his trial did not end with a guilty verdict, since Piso committed suicide before the conclusion of his defense. Such is the course of events as related by the historian P. Cornelius Tacitus, who devotes a considerable portion of *Annales* II-III to the episode. Until recently,

⁴ As Tacitus writes, “he was carried to such a degree of corruption that in general conversation he was considered the father of the legions” (*eo usque corruptionis provectus est, ut sermone vulgi parens legionum haberetur*, *Ann.* 2.55.5); cf. *Ann.* 3.13.2.

⁵ For Tiberius’ rebuke of Germanicus for entering Egypt, see Tac. *Ann.* 2.59.2-3.

⁶ Tac. *Ann.* 2.59.1-2.61.1; 2.69.1.

⁷ Tac. *Ann.* 2.69.3: *saevam vim morbi augebat persuasio veneni a Pisone accepti* (trans. Woodman 2004); cf. *SCPP* 28.

⁸ Tac. *Ann.* 2.70.1-2.

⁹ *SCPP* 45-47: *bellum etiam civile ex- / citare conatus sit... repetendo provinciam Syriam*. On Sentius, see *PIR*² S 295.

his was the only substantial account of the death of Germanicus and the events that culminated in the *maiestas* trial of Cn. Piso—but with the discoveries of the *TS* and the *SCPP*, we now have a much broader basis for comparison.

These two decrees were written as a direct response to the events I have just outlined: the *TS* was composed in December, 19 CE, and records the Senate’s recommendations to Tiberius regarding the posthumous honors for Germanicus; the *SCPP*, which is dated precisely to December 10, 20 CE,¹⁰ records the Senate’s decisions regarding Cn. Piso and his family in the aftermath of his *maiestas* trial of that year. Both decrees include explicit provisions for publication: in the *TS*, the Senate writes that copies of the decree should be placed in the portico of Apollo’s temple on the Palatine, where the meeting to decide Germanicus’ honors had been held, in the Italian *municipia* and *coloniae* (*TS* fr. iib, 25), and finally, “in the most frequented place possible” in each province;¹¹ the *SCPP* is similar, but also specifies that the decree should be displayed in the winter quarters of every legion, and “in whatever place seemed best to Tiberius Caesar Augustus.”¹² It is clear that both the Senate and Tiberius considered the messages contained within these documents important. Accordingly, one of my overall goals in this thesis is to show that the Senate’s manner of presenting imperial *virtutes* is crucial to interpreting their inclusion in the decrees.

The *TS* was discovered in 1982 in southern Spain, and exists in a highly fragmentary form on three bronze tablets. Portions of the decree overlap with the *Tabula Hebana*, which

¹⁰ *SCPP* 1, 4-6: *A(nte) d(iem) IIII eid(us) Dec(embres)... Ti(berius) Caesar divi Aug(usti) f(ilius) Aug(ustus) / pontifex maxumus, tribunicia potestate XXII, co(n)s(ul) III, designatus IIII ad sena- / tum rettulit*. For a discussion of Tiberius’ *tribunicia potestas*, as it relates to the *SCPP*, see Rowe (2002) 43-60.

¹¹ See *TS* fr. iib, 20-27.

¹² *SCPP* 169-70: *quo loco Ti. Caes(ari) Aug(usto) vide- / retur*; see 168-72.

was discovered in 1947.¹³ Since the tablets are badly damaged, much work has been done to produce a readable text: the first full attempt was that of Julián González and Fernando Fernández,¹⁴ while Álvaro Sánchez-Ostiz Gutiérrez produced the standard commentary in 1999, which I frequently cite in Chapter 2.¹⁵ Gutiérrez's has a balanced approach, and takes into account a great deal of scholarship; perhaps most notable is the work of Wolfgang Lebek, who published with remarkable frequency in the years immediately following the decree's discovery, and consistently in *ZPE*; of these contributions I will discuss one that is most relevant to the present discussion.¹⁶ In 1988, González and Javier Arce edited a substantial collection of papers on the *TS*, of which I include two.¹⁷

The *SCPP* is a remarkable document since, at 176 lines, it is one of the longest decrees of the Roman Senate to survive in its entirety.¹⁸ Not surprisingly, a great deal of attention has been given to examining the relationship of the decree with Tacitus' account of Piso's trial and suicide (*Ann.* 3.1-19).¹⁹ The first commentary was published in 1996, both in Spanish and in German; significant differences exist between the two commentaries, but in this paper I will refer exclusively to the German commentary of Werner Eck, Antonio

¹³ Three fragments of the *TS* were also found at Rome: see *CIL* VI.31199a-c.

¹⁴ Julián González and Fernando Fernández (1981 [1984]) "*Tabula Siarensis*," *Iura* 32: 1-36.

¹⁵ Álvaro Sánchez-Ostiz Gutiérrez (1999) *Tabula Siarensis: Edición, Traducción y Comentario*. Pamplona: Universidad de Navarra.

¹⁶ Wolfgang Dieter Lebek (1986) "Schwierige Stellen der *Tabula Siarensis*," *ZPE* 66: 31-48.

¹⁷ Julian González and Javier Arce, eds. (1988) *Estudios sobre la Tabula Siarensis*. Madrid. Included in this paper are the contributions of Javier Arce ("La *tabula Siarensis* y los funerales imperiales (II)," pp. 43-50) and Fergus Millar ("Imperial Ideology in the *Tabula Siarensis*," pp. 11-20).

¹⁸ Copy A is complete, but at least five other copies have also been discovered, of varying quality; see Eck et al. (1996) 1-37.

¹⁹ Woodman and Martin (1996) included the *SCPP* in their commentary on *Annales* III, before the original commentary on the decree was published; see especially Barnes (1998); Damon (1999); Talbert (1999); Eck (2002).

Caballos, and Fernández.²⁰ The most noteworthy publication on the *SCPP* besides the commentaries is a special issue of the *American Journal of Philology* that was published in the spring of 1999 following a joint seminar of the APA/AIA in Chicago in 1997; I include several contributions from that issue.²¹ In addition, a 1998 article by Alison Cooley is especially relevant to my discussion, since she discusses the “moralizing message” of the *SCPP*, and more specifically, the prominence given to imperial *virtutes* within the decree.²²

* * *

To a considerable extent, my interest in the Senate’s presentation of *virtutes* in the *TS* and the *SCPP* is due to the fact that both decrees can be viewed as vehicles for “propaganda” in its most basic sense, i.e. as messages “that must be propagated.” It is clear that the Senate, and the *princeps* as well, thought it necessary that the messages of both decrees be published on a wide scale.²³ However, as I will discuss throughout, the *honores* for Germanicus and the *post mortem* punishments for Piso are not the sole focus of these documents: imperial *virtutes* are a fundamental aspect of the intended message. Certainly the Senate intended to depict Tiberius and his principate favorably, but it also attributes the possession of virtuous qualities to every social order. For example, in stating the purpose of the *TS*, the Senate calls for universal publication “in order that the devotion [*pietas*] of all orders toward the imperial household and the unanimity of all citizens in honoring Germanicus’ memory might be more

²⁰ Werner Eck, Antonio Caballos, and Fernando Fernández, eds. (1996) *Das senatus consultum de Cn. Pisone patre*. Munich: Beck; see also A. Caballos, W. Eck, and F. Fernández, eds. (1996) *El Senadoconsulto de Gneo Pisón padre*. Sevilla: Universidad de Sevilla. Harriet Flower (1997) summarizes the differences between the two commentaries in her *BMCR* review of Eck et al. (1996).

²¹ *The American Journal of Philology* Vol. 120, no. 1, Spring 1999: see especially David Potter (“Political Theory in the *Senatus Consultum Pisonianum*,” pp. 65-88); Cynthia Damon (“The Trial of Cn. Piso in Tacitus’ *Annals* and the *Senatus Consultum de Cn. Pisone Patre*: New Light on Narrative Technique,” pp. 143-162).

²² Alison Cooley (1998) “The Moralizing Message of the *Senatus Consultum de Cn. Pisone patre*,” *G&R*, 2nd Series, 45.2: 199-212.

²³ See *TS* fr. iib, 20-27; *SCPP* 168-72.

easily visible.”²⁴ In my view, not only does the Senate intend to honor Germanicus’ memory, but also to depict a society unified by the principle of *pietas*, an important aspect of imperial ideology.

In conceiving of the *TS* and the *SCPP* as “propaganda,” my discussion is influenced by a 1937 lecture of M.P. Charlesworth, who advances two premises in his discussion of the *virtutes* that characterized the *princeps*:

In any large empire, embracing many languages, nations, and cultures, the ruler must somehow persuade his subjects (1) that he is fit to rule them, and (2) that they are being ruled for their own good. He must, in fact, use propaganda. The word ‘propaganda’ sounds a little sinister or a little ludicrous to-day to many of us... But this is due mainly to its practice or abuse in modern times... In Athens Pericles spoke, the people listened, and were persuaded: in the Roman Empire the emperor must be able to appeal to subjects hundreds of miles away.²⁵

Charlesworth’s discussion focuses primarily on imperial *virtutes* as depicted on coinage, a topic that has been discussed with considerable frequency ever since.²⁶ However, it is clear that coins were not the sole medium for disseminating the messages that the *princeps* considered important. In my own opinion, at least in the case of the *SCPP*, the Senate’s presentation achieves a level of signification that far outpaces, for example, a coin that proclaims, in comparatively blunt terms, the emperor’s CLEMENTIA or MODERATIO.²⁷ The *TS*, and to a greater degree, the *SCPP*, provide convincing evidence for how the image of the *princeps*, in firm possession of *virtutes* and guided by them in his behavior, was of the

²⁴ *TS* frag. iib, 21-23: *Item senatum uel- / le atque aequom censere, quo facilius pietas omnium ordinum erga domum Augustam et consen- / su[s] uniuersorum ciuium memoria honoranda Germanici Caesaris appareret.*

²⁵ Charlesworth (1937) 108; cf. Wallace-Hadrill (1981) *passim*.

²⁶ Cf. Sutherland (1938) *passim*; Rogers (1943) 35-88; Sutherland (1951) 79-104; Wallace-Hadrill (1981) *passim*.

²⁷ *BMCRE* nos. 85-90 (and see Plate 24, nos. 4 and 5); see below, Chapter 1, Section III.

utmost importance for Tiberius' principate. While the decrees show ostensible praise and admiration for the *princeps*, I believe there is a great deal more to be said.

In Chapter 1, I will discuss how the *virtutes* of Tiberius are presented in Tacitus and the other historical writers. The chapter is divided into four sections: on *iustitia*, *clementia*, *moderatio*, and *pietas*. Since a great deal of this thesis focuses on the *maiestas* trial of Cn. Piso, I will first examine how Tiberius' *iustitia* and *clementia* are portrayed in the *maiestas* cases of his principate before 20 CE, and will explain how Piso's case is comparatively exceptional. *Moderatio/Modestia* is often associated with Tiberius' public image, and in Section III, I will discuss not only some general aspects of the principle, but also its interaction with *clementia* and *pietas*. I will also discuss Tacitus' presentation of Tiberius' *pietas*, especially in reference to his behavior when Germanicus' remains arrived at Rome in 20 CE.

In Chapter 2, I will primarily discuss *moderatio* and *pietas*, and how in the *TS* the Senate may imply a certain tension between the two principles: according to Tacitus, Tiberius openly expressed the need for moderation at the funeral of Augustus in 14 CE, but there appears to have been an expectation of ostentatious posthumous *honores* for Germanicus in 20 CE. Although *pietas* is not specifically attributed to Tiberius in the extant portions of the *TS*, the image of a *princeps* devoted to the memory of his son is, in my view, one of the underlying messages of the decree. A display of devotion to Germanicus' memory would have been vital for Tiberius, but under the circumstances, his preferred appearance of *moderatio* may have interfered with his expression of *pietas*; this possibility may best be observed by comparing the posthumous *honores* for Germanicus in the East with those in Rome and along the Rhine.

Pietas is central to my overall discussion, and may be the most fundamental principle expressed in both the *TS* and the *SCPP*. *Pietas* guides the honoring of Germanicus' memory in the *TS*, and is presented as the possession of a unified society. The principle appears within a similar context in the *SCPP*, where the Senate writes that Tiberius "exceeded the devotion of all parents" (123-125), as shown by his grief for Germanicus.²⁸ However, as I will argue in Chapter 3, the Senate also uses the term *pietas* to clarify and define its own exercise of *iustitia*, and identifies the principle, along with its *severitas*, as the source of Piso's punishment; in view of a passage from Cicero's *pro Caecina*, it appears that *severitas* fits comfortably within a judicial context.²⁹ In the case of *pietas*, the Senate employs the term not only to mark devotion to Germanicus' memory, but also to explain the source of its opposition to the threat of civil war represented by Piso. As in the *TS*, *pietas* is the one principle attributed to all *ordines*, and as I will argue in Chapter 3, the principle emphasizes the image of a Roman people unified under the principate against any possible source of disturbance.

²⁸ *SCPP* 123-25: *item cum iudicaret senatus omnium parentium pietatem antecessisse Ti. Caesarem Aug(ustum) principem nostrum tant[i] et [t]am aequali[s] dolor[is] <eius indicis> totiens conspectis.*

²⁹ Cic. *pro Caec.* 6; see below, ch. 3.

CHAPTER 1

IMPERIAL *VIRTUTES* IN PRESENTATIONS OF TIBERIUS' PRINCIPATE

The presence of *virtutes* in Rome's political dialogue was a crucial element in Augustus' justification of establishing empire, and the trend clearly continued into the principate of Tiberius. As the *TS* and the *SCPP* reveal, these principles occupied a rather prominent role in the dialogue that was prompted by the death of Germanicus in 19 CE and culminated in Piso's *maiestas* trial of the following year. My focus in the present chapter, however, is to examine how imperial *virtutes* in Tiberius' principate are presented by the ancient historical writers, in order to establish a literary frame of reference for discussing the decrees. Special attention will be paid to Tacitus' *Annales*, since it is by far the most extensive account of Piso's governorship of Syria and subsequent trial. I will discuss not only the central Augustan *virtutes* that are stated explicitly in the *SCPP*, and those implied in the *TS*—namely *iustitia*, *clementia*, and *pietas*¹—but related concepts as well: *aequitas* (as it relates to *iustitia*); *misericordia* (as motivation for *clementia*); and finally *moderatio/modestia*, along with the related concept of *temperantia*.² I will present much of the

¹ OLD, *iustitia*, 1: justice, fairness, equity; 2: validity, adequacy (of reasons).

OLD, *clementia*, 1: clemency, disposition to spare or pardon, leniency; complaisance.

OLD, *pietas*, 1: an attitude of dutiful respect towards those to whom one is bound by ties of religion, consanguinity, etc.; 3a-b: ([of relationships between] parents and children); 4a: (of citizens towards a State or ruler; also of government towards citizen).

² OLD, *moderatio*, 1: conduct which avoids extremes, moderation in action, restraint; 2: moderation (as a quality of persons), self-control, temperateness; 3a: the action of controlling or managing; 3b: the power of governing, control; 4: the action of restraining, curbing, checking; 5: control exercised by things, check, restraint.

background for the *TS* in Chapter 2, while the present chapter will focus primarily on how the dialogue of imperial *virtutes* interacts with the application of *maiestas* law, in order to introduce sufficient background for Chapter 3, on the *SCPP*.

In what follows below, I will first discuss how Tacitus and other sources portray Tiberius' *iustitia* and *clementia*, with a particular focus on cases of *maiestas* that preceded Piso's trial in 20 CE. I will then discuss how *clementia* interacts with *moderatio/modestia*, a characteristic that is regularly attributed to Tiberius. Finally, I will discuss *pietas*, which may be the most fundamental principle in both the *TS* and the *SCPP*. *Pietas* is especially important to my overall discussion, since it appears in the context not only of devotion to the memory of Germanicus, but also of the unity of the people's devotion toward the state.

I. *Iustitia*

Of the individual *virtutes* that can be identified in the *SCPP*, the first that the Senate attributes to Tiberius is, for all intents and purposes, *iustitia*, though it is not stated explicitly. Instead, the Senate elaborates on a related principle, *aequitas*.³ Later in the decree the Senate declares its own attention to *iustitia* and *clementia*, and immediately states that it "had received these *virtutes* from its ancestors, and had then acquired knowledge of them especially from the divine Augustus and Tiberius Caesar."⁴ Indeed, Cicero had identified a

OLD, modestia, 1: restraint, mildness, temperateness; 2: respect for order, discipline; 3a: respect for decency or propriety, modesty; 3b: self-effacement, modesty.

OLD, temperantia: 1: self-control, moderation, restraint; 2: balance, equilibrium.

³ *SCPP* 16-22.

⁴ *SCPP* 90-93: *item senatum, memorem clementiae suae iustitiaeq(ue) <atq(ue)> animi magnitudinis, quas virtutes qu[om] a maioribus suis accepisset, tum praecipue ab divo Augusto et Ti. Caesare didicisset / censere.*

close proximity of *aequitas* to *iustitia* in the *de Officiis*,⁵ and it would appear that the association continued into the Empire, since Velleius remarks that Tiberius restored both principles to the state: *summota e foro seditio, ambitio campo, discordia curia, sepultaeque ac situ obsitae iustitia, aequitas, industria civitati redditae*.⁶ Despite his biased viewpoint (or perhaps because of it), Velleius reveals that *iustitia* and *aequitas* were important elements of Tiberius' public image. The principle of *iustitia* in particular was advertised consistently during Tiberius' principate: he is addressed as *princeps optimus ac iustissimus* on inscriptions,⁷ and IVSTITIA features prominently on *dupondii* minted in Rome during Tiberius' principate (22/23 CE).⁸ While I will not discuss in detail Tiberius' apparent knowledge of and considerable regard for law as presented by the ancient historical writers,⁹ Tacitus does report, in *oratio recta*, that Tiberius wished to acquire supreme knowledge of the law: *proinde socios civis et deos ipsos precor, hos ut mihi ad finem usque vitae quietam et intellegentem humani divinique iuris mentem duint*.¹⁰ However, such a sentiment would have been meaningless if Tiberius had not approached matters judiciously, or at least with the appearance of *iustitia*. Maintaining the appearance of the *princeps'* *iustitia* is certainly at issue in the *SCPP*, but Tacitus' account of Tiberius' principate creates some doubt as to whether the decree would have been convincing in this respect.

⁵ Cic. *de Off.* 1.19.64: *Difficile autem est, cum praestare omnibus concupieris, servare aequitatem, quae est iustitiae maxime propria*; cf. Cic. *de Amic.* 22.82.

⁶ Vell. Pat. 2.126.2.

⁷ ILS 159: *Ti. Caesari divi Augusti f. Augusto... principi optimo ac iustissimo*; ILS 3783: *pro salute Ti. Caesar[is Au]g[ust]i. pontifi[cis maxi]mi, princi[p]is [optimi] et ius[tissimi]*.

⁸ *BMCRE* 1, p. 131, nos. 79-80. Mattingly conjectures that the female bust depicts Livia as *Iustitia* personified. See also Kent et al. (1973) Table 41, no. 160, who provide dates.

⁹ See especially Levick (1976) 82-115; cf. *Ann.* 1.72.3; 1.73.4; 1.75.1; 2.29.2 (*mox libellos et auctores recitat Caesar, ita moderans, ne lenire neve aspernare crimina videretur*); 2.30.4-31.1; 3.64.4.

¹⁰ Tac. *Ann.* 4.38.3.

Near the beginning of *Annales* IV, Tacitus reflects on Tiberius' principate up to 23 CE. He writes that Tiberius' relations with the Senate had remained relatively consistent since his accession, but then began to deteriorate, largely because of the rising influence of Sejanus:¹¹

Congruens crediderim recensere ceteras quoque rei publicae partes, quibus modis ad eam diem habitae sint, quoniam Tiberio mutati in deterius principatus initium ille annus attulit. iam primum publica negotia et privatorum maxima apud patres tractabantur, dabaturque primoribus disserere, et in adulatorem lapsos cohibebat ipse; mandabatque honores, nobilitatem maiorum, claritudinem militiae, inlustres domi artes spectando, ut satis constaret non alios potiores fuisse. sua consulibus, sua praetoribus species; minorum quoque magistratuum exercita potestas; legesque, si maiestatis quaestio eximeretur, bono in usu.¹²

What is most noteworthy for the present discussion is that Tacitus excludes *maiestas* from the laws that were “in good use.” Tacitus likely refers to the *quaestio de maiestate*, the treason court that was established around 100 BCE by the *lex Appuleia de maiestate*,¹³ and that was still in use during Augustus' principate.¹⁴ Originally this *quaestio* was comprised of a jury of *equites* and a presiding praetor, but as Richard Talbert remarks, Augustus' principate “seems to represent a transitional period” for the Senate's jurisdiction as a judicial body, including cases of *maiestas*; by no means was the shift immediate.¹⁵ Tacitus writes that

¹¹ See Tac. *Ann.* 4.1.1; cf. *Ann.* 6.53.1 and Martin (1981) 104-143.

¹² Tac. *Ann.* 4.6.1-2; cf. *Ann.* 1.7.3: *nam Tiberius cuncta per consules incipiebat tamquam vetere re publica et ambiguus imperandi*; cf. Vell. Pat. 2.126.2.

¹³ On the date of the *lex Appuleia de maiestate* (either 103 or 100 BCE) see Bauman (1967) 16-58.

¹⁴ As Bauman (1967) remarks, *maiestas* trials from the late first century BCE suggest that the *quaestio* was created permanently (see 38-48, and especially 45 fn. 39). For example, for the 94 BCE trial of the tribune C. Norbanus, Valerius Maximus writes: *iam C. Norbanum maiestatis crimine publicae quaestioni subiectum* (8.5.2).

¹⁵ Talbert (1984) 460, and see especially 460-87. There is significant, but not definitive, evidence that suggests a change of the Senate's role in cases of *maiestas* in the later years of Augustus' principate. According to the

when Piso was informed that he would have to return to Rome to answer the charges against him, he replied as follows: *ille eludens respondit adfuturum, ubi praetor, qui de veneficiis quaereret, reo atque accusatoribus diem prodixisset*.¹⁶ As Talbert notes, Piso's expectation reveals that senatorial jurisdiction over capital charges was not yet conventional in 19 CE.¹⁷ In addition (if stipulations described by the jurist Ulpian were applicable during Tiberius' principate),¹⁸ even if Piso believed that he was being indicted on charges of poisoning, the charge of murder could be included in the *lex Iulia de maiestate*, so long as the victim was a magistrate or held *imperium*, which Germanicus most assuredly did.¹⁹

Despite the Senate's increased level of involvement in *maiestas* cases, Tacitus assigns blame for their mismanagement directly to Tiberius: he writes that it was Tiberius who "had brought back the law of *maiestas*" (*legem maiestatis reduxerat*) in 15 CE,²⁰ and that it was through his connivance (*quanta Tiberii arte*) that *maiestas* cases were mishandled.²¹ Even

senatus consultum Calvisianum of 4 BCE (*SEG* ix.8, *passim*, and esp. section 5 (= EJ² 311) provincial governors began to be brought before the Senate on capital charges. See especially Jones (1972) 111, and Millar (1966), who asserts that the edict "clearly refers to all provinces" (160), though it technically refers only to Cyrene. Further change may have taken place by 8 CE: as Dio writes, though quite generally, Augustus entrusted many judicial matters to the Senate by this time (τῇ μὲν γερουσίᾳ καὶ ἄνευ αὐτοῦ τὰ πολλὰ δικάζειν ἐπέτρεπεν, 55.34.2). A couplet from Ovid's *Tristia*, also from 8 CE, suggests that Augustus bypassed both the senatorial court and the regular *quaestio* in relegating his exile; Ovid attributes prominence to the Senate: *nec mea decreto damnasti facta senatus, / nec mea selecto iudice iussa fuga est* (*Trist.* 2.131-32).

¹⁶ Tac. *Ann.* 2.79.1.

¹⁷ Talbert (1984) 461.

¹⁸ Ulpian *Dig.* 48.4.1: *cuiusue opera consilio malo consilium initum erit, quo quis magistratus populi Romani quique imperium potestatem habet occidatur*.

¹⁹ That Germanicus held *imperium*, and *maius imperium* than any eastern provincial governor, is well attested by both the *SCPP* and Tacitus: *maius ei [Germanico] imperium quam ei, qui eam provinciam proco(n)s(ule) optineret* (*SCPP* 34-35); cf. Tac. *Ann.* 2.43.1.

²⁰ Tac. *Ann.* 1.72.2: *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 <a>ut plebem seditionibus, denique male re gesta publica maiestatem populi Romani minuisset: facta arguebantur, dicta impune erant*.

²¹ Tac. *Ann.* 1.73.1: *haud pigebit referre... praetemptata crimina, ut quibus initiis quanta Tiberii arte gravissimum exitium inrepperit, dein repressum sit, postremo arserit cunctaque corripuerit, noscatur*.

though jurisdiction over *maiestas* cases was gradually becoming the responsibility of the Senate, Velleius Paterculus writes that Tiberius preferred to appear on equal footing with the rest of the senators, and specifically in a judicial context: *cum quanta grauitate ut senator et iudex, non ut princeps *** et causas pressius audit ***!*²² In contrast, Tacitus reports that Tiberius was dissatisfied with the state of judicial proceedings in the Senate in 15 CE, and chose to oversee them directly: *Nec patrum cognitionibus satiatus iudiciis adsidebat, in cornu tribunalis, ne praetorem curuli depelleret.*²³ Tacitus' critique of Tiberius' involvement (even if it is an "outrageously biased comment," as Goodyear remarks) could not be stated more plainly: *sed dum veritati consulitur, libertas corrumpebatur.*²⁴ As I will discuss below, Tiberius not only participated directly in every known *maiestas* case heard in the Senate before 20 CE, but also secured the defendant's acquittal in the majority of cases. In contrast, the charges against Piso represented (as far as we know) the most serious case of *maiestas* brought before the senatorial court since Tiberius assumed the principate. In my view, Tacitus' assertion that Tiberius referred it to the Senate in its entirety (*integramque causam ad senatum remittit*) could have considerable significance;²⁵ I will discuss this possibility further below and in Chapter 3.

The Senate's expanded judicial role under Tiberius may have created a precarious position for its members, who, as Barbara Levick writes,

²² Vell. Pat. 2.129.2; *** mark lacunae in Woodman's (1977) edition: see esp. p. 266.

²³ Tac. *Ann.* 1.75.1; cf. Dio 57.7.6.

²⁴ Tac. *Ann.* 1.75.1; Goodyear (1972) *ad loc.* Similarly, Suetonius detects insincerity on the part of the *princeps*, and equates his position in judicial proceedings to an inclination to autocratic rule: *paulatim principem exseruit... et magistratibus pro tribunali cognoscentibus plerumque se offerebat consiliarium assidebatque iuxtim vel exadversum in parte primori* (Tib. 33).

²⁵ Tac. *Ann.* 3.10.3. Although there is no exact parallel for the phrase, Woodman and Martin (1996 *ad loc.*) comment that it "seems official."

might fail to notice that they had also become the guardians of the *maiestas* of the Roman people and of its magistrates, and so guardians of the *maiestas* of the Princeps... Unlike the *iudices* of the praetorian court, members of the Senate would not be able to keep their vote secret... A senator's views would become known to the Princeps... his career, even his safety, might be affected.²⁶

Thus, the Senate's involvement in the trial of Piso is most significant, since his alleged crimes were so closely intertwined with the affairs of the imperial family. Tiberius certainly recognized the gravity of the case and knew his own level of involvement, but he also knew that the Senate would never attempt to implicate him in any wrongdoing. Although his participation may have been expected—as Tacitus writes, “the *princeps* was begged to tackle the inquiry” (*petitumque est a principe cognitionem*)²⁷—by declining to participate in the proceedings directly, Tiberius may have sought to protect his public image.

Although he chose a reduced level of involvement, Tacitus does portray Tiberius acting *iusto modo* at the commencement of Piso's trial: in his opening speech, the *princeps* declared that the charges, including the alleged murder of Germanicus, “should be decided with sound minds” (*integris animis diiudicandum*).²⁸ The phrase is certainly in accord with *aequitas*, and may reflect Tiberius' own conception of *iustitia*. Tiberius then expresses the need for balance between prosecution and defense more clearly, and even states the possibility of *iniquitas* on the part of Germanicus (*si qua fuit iniquitas Germanici*).²⁹ Near the end of the speech, through an anaphora of *idem*, Tiberius again emphasizes the need for *aequitas*:

²⁶ Levick (1976) 184-85.

²⁷ Tac. *Ann.* 3.10.1, trans. Woodman (2004).

²⁸ Tac. *Ann.* 3.12.1; cf. 3.12.4 (esp. *si incerta adhuc ista et scrutanda sunt*).

²⁹ Tac. *Ann.* 3.12.5: *sed neque reum prohibeo quo minus cuncta proferat, quibus innocentia eius sublevari aut, si qua fuit iniquitas Germanici, coargui possit.*

si quos propinquus sanguis aut fides sua patronos dedit,
quantum quisque eloquentia et cura valet, iuvate periclitantem:
ad eundem laborem, eandem constantiam accusatores hortor.³⁰

But by no means does *aequitas* alone encapsulate Tiberius' attitude during the trial—Tacitus also relates that the judges were *implacabiles*, and includes Tiberius among them. In all likelihood, it was his inclination to display a devotion to *iustitia* that prevented him from pardoning Piso's re-entry into Syria: *sed iudices per diversa implacabiles erant, Caesar ob bellum provinciae inlatum*.³¹

I maintain that *clementia* could not have been an option in the case of Piso himself, since his actions involved the *princeps*' own family, and, as Tacitus would have us believe, the *princeps* was rumored to have been involved personally. By no means was Tiberius restricted from direct involvement in the judicial process, even though by 20 CE the Senate was beginning to occupy a foremost position in *maiestas* trials: in the end, the senators yielded completely to the *princeps* in their level of *auctoritas*. In Tacitus' *Annales*, Tiberius secured acquittal for the defendant personally in every *maiestas* case before 20 CE, or, in cases where the defendant committed suicide before a sentence was passed, he expressed a similar intention. As I will show, whether Tiberius applied the law strictly, or granted exceptions, and exercised *clementia*, seems proportional to his level of involvement in each case; and as I will discuss more fully in Chapter 3, the *SCPP* presents a *maiestas* case distinct from those that preceded it during Tiberius' principate. Although Melissa Dowling is certainly correct in her assertion that “the conscious demonstration of clemency by Tiberius

³⁰ Tac. *Ann.* 3.12.5-6: *neue reum prohibeo quo minus cuncta proferat, quibus innocentia eius sublevari aut, si qua fuit iniquitas Germanici, coargui possit... si quos propinquus sanguis aut fides sua patronos dedit... eandem constantiam hortor*.

³¹ Tac. *Ann.* 3.14.3.

is manifested in the circumstances of [Piso's] trial,"³² Tiberius was restricted to applying *clementia* to Piso's family alone. I will now discuss briefly the pre-20 CE Tiberian *maiestas* cases, in order to show how Piso's trial differed from them.

II. *Clementia*

The first cases of 15 CE, which Tacitus calls *praetemptata crimina*, involved relatively minor charges against two *equites*, Faianius and Rubrius.³³ As Goodyear remarks on *praetemptata*, "it was the *delatores* who were feeling their way, not Tiberius. From their point of view Augustus' deification presented an area inviting exploration."³⁴ In Tacitus' account, Tiberius seems to undermine the status of Augustus' *numen* at the same time that he acknowledges it, or at the very least he seeks to establish a limit to the application of *maiestas* law for alleged violations of the *numen Augusti*: *scripsit consulibus non ideo decretum patri suo caelum, ut in perniciem civium is honor verteretur*.³⁵ This initial attempt of the *delatores* to define *maiestas* law under Tiberius' principate could have been successful, since historically the law dealt with any insult to the Roman people or the leader who possessed *potestas* over them; as Cicero writes in the *de Inventione*: *maiestatem minuere est de dignitate aut amplitudine aut potestate populi aut eorum quibus populus potestatem dedit aliquid derogare*.³⁶ Ultimately, however, it fell to Tiberius to determine the scope and

³² Dowling (2006) 171.

³³ Tac. *Ann.* 1.73.1-4.

³⁴ Goodyear (1981) *ad loc.*

³⁵ Tac. *Ann.* 1.73.3; cf. the younger Pliny (*Paneg.* 11.1), who seems to state rather the opposite: *Dicavit caelo Tiberius Augustum, sed ut maiestatis crimen induceret*.

³⁶ Cic. *de Invent.* 2.53.

application of *maiestas* law under his principate, and to decide the degree to which *iustitia* and *clementia* were exercised.

Faianius was alleged to have included a mime actor *inter cultores Augusti*—a minor charge that was dismissed as such by Tiberius; according to the jurist Julian, actors were *infames* by law, and according to Goodyear, Tacitus’ labeling of the actor as *mimum corpore infamem* “denotes a pathic homosexual.”³⁷ Augustus certainly would not have approved of the actor’s lifestyle, but Tiberius did not recognize the need for imperial oversight for a *cultor Augusti*, especially one who took no part in the official public worship of the *divus Augustus*.³⁸ Tiberius is equally dismissive of the second charge, that Faianius had sold a statue of Augustus along with his garden.³⁹ Although the jurist Marcian states that the *lex Iulia* prohibited the sale of statues that were sanctified (*imagines Caesaris consecratas*),⁴⁰ it is unknown whether the law included this stipulation under Tiberius, and it is unlikely that the law would have included spaces that were not formally consecrated.⁴¹

The charge against Rubrius—that he had violated the *numen Augusti* by swearing a false oath—may have been more serious,⁴² but Tiberius granted him acquittal regardless. The case of C. Silanus in 22 CE, who was also charged with violating the *numen Augusti*, may

³⁷ Tac. *Ann.* 1.73.2; Julian, *Dig.* 3.2.1: *Infamia notatur... qui artis ludicrae pronuntiandiue causa in scaenam prodierit*; Goodyear (1981) 155.

³⁸ According to Tacitus (*Ann.* 1.73.2) such *cultores* existed in all private households (*qui per omnes domos in modum collegiorum habebantur*), and as Goodyear (1981 *ad loc.*) notes, *in modum collegiorum* does not signify the official *collegia* in Augustus’ worship, and undoubtedly comprises “the numerous dependents of Rome’s larger houses,” including slaves. For Tiberius’ dismissal of the charge, see Tac. *Ann.* 1.73.2: *Cassium histrionem solitum inter alios eiusdem artis interesse ludis, quos mater sua in memoriam Augusti sacrasset*. On the *cultores numinis divi Augusti*, see *CIL* VI.307, VI.956, VI.958.

³⁹ Tac. *Ann.* 1.73.2.

⁴⁰ *Dig.* 48.4.5; cf. *EJ*² 311.2 (= *SEG* 9.8); Dio 57.24.7.

⁴¹ These reservations are derived from consultation with Prof. James Rives (Aug. 2009).

⁴² Tac. *Ann.* 1.73.2: *Rubrio crimini dabatur violatum periurio numen Augusti*.

provide a point of contrast.⁴³ Not only does Tiberius provide legal precedent in the trial,⁴⁴ but the punishment of banishment proposed for Silanus accords with the standard punishment under the *lex Iulia maiestatis*, that is, *aqua et igni interdictio*: *ille [L. Piso] multum de clementia principis praefatus aqua et igni Silano interdicendum censuit ipsumque in insulam Gyarum relegandum*.⁴⁵ Tiberius does exercise *clementia* to a certain degree, since he softens the punishment by relegating Silanus to Cythnus rather than to Gyarus, the latter being an island that Tacitus calls *immitem et sine cultu hominum*.⁴⁶ In the case of Rubrius, however, Tiberius dismissed the charges; according to Tacitus, Tiberius said that “the gods’ injuries were the gods’ concern” ([*Tiberius*] *scripsit consulibus... ius iurandum perinde aestimandum quam si Iovem fefelisset: deorum iniurias dis curae*).⁴⁷ The *Codex Iustinianus* affirms that such rulings were later observed, but according to Tacitus they were not applied in Silanus’ case.⁴⁸ It is noteworthy that, in the *SCPP*, the Senate also accuses Piso of violating the *numen Augusti*, but it does not appear that this charge was judged separately from the others.⁴⁹

In the trial of Rubrius, it seems that Tiberius was seeking to limit the scope of the *lex Iulia maiestatis*, and even if the charges could have resulted in a guilty verdict, he opted to

⁴³ Tac. *Ann.* 3.66.1. According to Tacitus, Silanus was initially tried only for extortion under the law *de repetundis*, to which a *maiestas* charge was added during the course of the trial: *et ne quis necessariorum iuvaret periclitantem, maiestatis crimina subdebantur, vinclum et necessitas silendi* (*Ann.* 3.67.3). With the verb *subdebantur*, Tacitus implies that the charge of *maiestas* occupied only a secondary role.

⁴⁴ Tac. *Ann.* 3.68.1: *Tiberius quae in Silanum parabat quo excusatius sub exemplo acciperentur, libellos divi Augusti de Voleso Messala eiusdem Asiae pro consule factumque in eum senatus consultum recitari iubet*.

⁴⁵ Tac. *Ann.* 3.68.2.

⁴⁶ Tac. *Ann.* 3.69.5.

⁴⁷ Tac. *Ann.* 1.73.3-4; trans. Woodman (2004).

⁴⁸ Cf. the statement of Alexander Severus preserved at *Codex Iustinianus* 4.1.2: *Iusiurandi contempta religio satis deum ultorem habet*. See Goodyear (1981) *ad loc.* *Ann.* 1.73.4.

⁴⁹ *SCPP* 68: *numen quoque divi Aug(usti) violatum esse ab eo arbitrari senatum*; see 68-70.

exercise *clementia* because he viewed the charges as trivial. The decision may have been unexpected, since the *numen Augusti* was not a novel concept in 15 CE. Augustus was worshipped while he was still alive, as Horace writes in the *Epistulae*,⁵⁰ and Tacitus reports that in 15 CE permission was granted to the citizens of Hispania Tarraconensis to erect a temple to Augustus, which created a precedent for all other provinces (*datumque in omnes provincias exemplum*).⁵¹ In addition, even though his purpose is to contrast Tiberius with Trajan, Pliny writes that Tiberius believed charges of *maiestas* could be applied to violations of the *numen Augusti*: *dicavit caelo Tiberius Augustum, sed ut maiestatis crimen induceret*.⁵² Whatever the case, Rubrius' acquittal may have been prompted by the fact that he had only spoken, and not acted, in violation of Augustus' divinity: as Tacitus writes on *maiestas* trials under Tiberius in general, *facta arguebantur, dicta impune erant*.⁵³

Also in 15 CE, Tiberius granted acquittal for Granius Marcellus, the proconsular governor of Bithynia. According to Tacitus, Tiberius' anger was provoked by the charge that Granius had struck the head off of a statue of Augustus and replaced it with one of Tiberius:

ad quod [Tiberius] exarsit adeo, ut rupta taciturnitate
proclamaret se quoque in ea causa laturum sententiam palam et
iuratum quo ceteris eadem necessitas fieret. manebant etiam
tum vestigia morientis libertatis.⁵⁴

⁵⁰ Horace *Epist.* 2.1.15-16: *praesenti tibi maturos largimur honores / iurandasque tuum per numen ponimus aras*.

⁵¹ Tac. *Ann.* 2.78.1. It is likely that the permission was granted by Tiberius, who became *pontifex maximus* on March 10, 15 CE; see Kienast (1990) 77.

⁵² Pliny *Paneg.* 11.1.

⁵³ Tac. *Ann.* 1.72.2.

⁵⁴ Tac. *Ann.* 1.74.4.

In my view, Tiberius' declaration that he will speak under oath (*iuratum*) indicates not only the perceived severity of the case, as Richard Bauman suggests,⁵⁵ but also his intention to uphold the law. While there is only a small possibility that Faianius' sale of Augustus' statue could have been considered *sacrilegium*, the possibility is even greater in the case of Granius, since *sacrilegium* specifies the theft of sacred objects (*furtum sacrorum*).⁵⁶ Tacitus would have us believe that Tiberius showed anger because of the nature of the allegation, and initially sought to condemn. Robin Seager proposes the opposite interpretation—that Tiberius intended to acquit Granius from the beginning, and that the source of his anger was the frivolity of the charges. As Seager writes, Tiberius “may have hoped that a solemn personal vote for acquittal might drive home the lesson that his letter on the previous occasion had all too obviously failed to make clear.”⁵⁷ If Seager is correct, and Tiberius viewed the cases of Faianius and Rubrius as a failed attempt to establish precedent, his apparent preference that the senators speak openly corresponds to, and may strengthen, Velleius' assertion that Tiberius wished to be considered *ut senator et iudex, non ut princeps*,⁵⁸ in addition, Tiberius may have believed that the Senate's active participation was vital to the proper application of law.

Tacitus is rather ambiguous, and it is difficult to exclude the possibility that Tiberius perceived a greater severity in Granius' offence than in those of Faianius and Rubrius.

Suetonius recalls a similar case, though he does not name the defendant specifically, wherein

⁵⁵ Bauman (1974) writes that Tiberius “insisted on a vote being taken openly and on oath – that is, on the senate being sworn in as a formal court, as distinct from an ordinary session at which it might simply have debated a *receptio inter reos*” (76-77).

⁵⁶ See Berger (1953) *ad loc.*

⁵⁷ Seager (2005) 128; cf. Rogers (1935) 10: “This case and Tiberius' attitude toward it were completely misunderstood by Tacitus.”

⁵⁸ Vell. Pat. 2.129.2.

a man was accused of removing the head of a statue of Augustus. Not only was he tried and convicted before the Senate, but Suetonius considers the case as precedent for *maiestas* being tried as a capital crime: *damnato reo paulatim genus calumniae eo processit, ut haec quoque capitalia essent*.⁵⁹ Within Suetonius' narrative the case immediately follows Tiberius' assertion that "the laws must be enforced" (*exercendas esse leges respondit*),⁶⁰ a phrase that is nearly identical in Tacitus' account.⁶¹ I do not think we can so easily dismiss the possibility either that Tiberius considered the charges against Granius seriously, or that the question of Cn. Piso, an outward display of his *adulatio*, prompted the *princeps* to reverse his original intention to condemn:

igitur Cn. Piso 'quo' inquit 'loco censebis, Caesar? si primus, habebo quod sequar: si post omnis, vereor ne imprudens dessentiam.' permotus his, quantoque incautius efferverat, paenitentia patiens tulit absolvi reum criminibus maiestatis.⁶²

Seager is surely correct in his assertion that, with *paenitentia patiens*, "Tiberius repented his loss of composure."⁶³ The close proximity of *incautius efferverat* supports his claim, and may indicate that Tiberius repented his actions not only because they constituted a breach in his usual air of *moderatio*, but also because his attention to the application of law, as well as the sincerity of his recourse to the Senate, could be called into question. Whatever the case, it

⁵⁹ Suet. *Tib.* 58.

⁶⁰ Suet. *Tib.* 58: *sub idem tempus consulente praetore an iudicia maiestatis cogi iuberet, exercendas esse leges respondit et atrocissime exercuit.*

⁶¹ Tac. *Ann.* 1.72.3: *mox Tiberius, consultante Pompeio Macro praetore, an iudicia maiestatis redderentur, exercendas leges esse respondit.*

⁶² Tac. *Ann.* 1.74.5-6. On *paenitentia patiens* see especially Goodyear (1981), who comments that the phrase "amounts to no more than *paenitens*" (*ad loc.*).

⁶³ Seager (2005) 263 n. 126.

does seem that contemporaries could have interpreted Granius' acquittal as an example of the emperor's *clementia*.

The cases I have just discussed, which can be read as examples of Tiberius' *clementia*, are minor in comparison with the charges brought against Piso in 20 CE. Alleged attempts to incite civil war were not to be taken lightly, especially since a central message of Augustus' principate had been the renewal of *pax* and *tranquillitas* after the civil wars of the first-century BCE. However, in the 16 CE *maiestas* case of Libo Drusus, the defendant was brought before the Senate on charges similar to those against Piso, but, as Tacitus presents it, he was nonetheless granted *clementia* by the *princeps*. Although Tacitus trivializes the charges,⁶⁴ he does include the charge that Libo was plotting revolution: *sub idem tempus e familia Scriboniorum Libo Drusus defertur moliri res novas*.⁶⁵ Likewise, the *Fasti Amiternini* of September 13, 16 CE, record that Libo was convicted of *nefaria consilia... de salute Ti(berii) Caes(aris) liberorumque eius et aliorum principum civitatis deq(ue) r(e) p(ublica)*,⁶⁶ a charge that is reflected in the *SCPP*.⁶⁷ Notably, Tacitus seems to credit Tiberius with the capacity for *clementia*, though it goes unrealized because of the defendant's suicide: *iuravit-que Tiberius petiturum se vitam quamvis nocenti, nisi voluntariam mortem properavisset*.⁶⁸

We can observe a similar pattern in the trial of Piso in 20 CE. Tacitus writes that Tiberius retained his composure at the beginning of the trial, and from Piso's perspective appeared pitiless: *nullo magis [Piso] exterritus est quam quod Tiberium sine miseratione,*

⁶⁴ Tac. *Ann.* 2.30.2: *inerant et alia huiusce modi stolidi vana, si mollius acciperes, miseranda*.

⁶⁵ Tac. *Ann.* 2.27.1; cf. Suet. *Tib.* 25.1 (*res novas clam moliebatur*); Dio 57.15.4.

⁶⁶ *Fasti Amiternini*: see EJ² p. 52.

⁶⁷ *SCPP* 12-15: *senatum populumq(ue) Romanum ante omnia dis immortalibus gratias agere, / quod nefaris consiliis Cn. Pisonis patris tranquillitatem praesentis status / rei publicae... / turbat[i] passi non sunt*.

⁶⁸ Tac. *Ann.* 2.31.3.

sine ira, obstinatum clausumque vedit, ne quo adfectu perrumperetur.⁶⁹ While Woodman's translation of the latter phrase is suitable ("nothing terrified him more than the sight of Tiberius—without pity, without anger, blocked and closed against being breached by any emotional appeal"),⁷⁰ if the negative purpose clause *ne quo adfectu perrumperetur* is focalized through Tiberius rather than identified as Piso's perspective, the sense of *adfectu* would indicate that Tiberius possessed a personal affection for Piso, and was forced to restrain it under the circumstances. In Tacitus' narrative, it is only after Piso's suicide that Tiberius allows his *adfectus* to become visible: *Caesar flexo in maestitiam ore suam invidiam tali morte quaesitam apud senatum...*⁷¹ Even though the finite verb is missing from the clause, the subject is *Caesar*, and so the reflexive *suam* must make *invidiam* that of the *princeps*.⁷² Though Tiberius attempts to obscure any true personal affection from being perceived in his demeanor, his expression—*flexo in maestitiam ore*—counteracts and contradicts his efforts.

Of the *maiestas* cases before 20 CE, Piso's was the least conducive to the *princeps*' intervention. Instead of exercising *clementia*, as he may have wished, and which he had considered in previous cases, Tiberius deliberately chose a position of reduced involvement; with his subsequent suppression of *miseratio* and *clementia*, Piso was exposed to the full application of the law, that is, to the full exercise of *iustitia*. While Tacitus reports that Tiberius had given the Senate full jurisdiction in the case (*integramque causam ad senatum*

⁶⁹ Tac. *Ann.* 3.15.2.

⁷⁰ Woodman (2004) *ad loc.* Cf. Woodman and Martin (1996) *ad loc.*

⁷¹ Tac. *Ann.* 3.16.2; the ellipsis marks a lacuna.

⁷² Contrast Woodman and Martin's view (1996 *ad loc.*) that *suam invidiam* signifies Piso's resentment at being rebuffed by Tiberius. I am therefore hesitant to accept Woodman's (2004) conjecture, that Tiberius "*complained before the senate*" (emphasis mine).

remittit), he also writes that the *princeps* interceded when the Senate was discussing Piso's punishments *post mortem*.⁷³

In Tacitus' account, Piso's suicide allowed Tiberius to relax his initial position: he immediately intervened, and reduced the punishments proposed by the consul Aurelius Cotta (*multa ex ea sententia mitigata sunt a principe*).⁷⁴ Cotta's first proposal was that Piso's name be erased from the *fasti*; but Tiberius opposed the motion, *quando [nomina] M. Antonii qui bellum patriae fecisset, Iulli Antonii qui domum Augusti violasset, manerent*.⁷⁵ Evidently the *princeps* prevailed on this point.⁷⁶ He could not, however, prevent the removal of Piso's name in all cases; an inscription from 7 BCE, the year of Tiberius' joint consulship with Piso, likely records one such instance:

Ti. Claudius Ti. f. Nero pontifex, cos. iterum, imp. iterum, ludos
votivos pro reditu imp. Caesaris divi f. Augusti pontificis maximi Iovi
optimo maximo fecit ex s.c. ///.⁷⁷

Although I will not discuss the nature of Piso's punishments in the *SCPP* in detail, Harriet Flower has argued convincingly "that the decree attests a traditional Roman form of *damnatio memoriae* whose aim was to remove an erring citizen while enabling both the family of the traitor and the larger community to continue as if the offender had never existed."⁷⁸

Cotta's next proposal, according to Tacitus, was that the younger Cn. Piso be granted a portion of his father's property (*partem bonorum publicandam*), and that he should change

⁷³ Tac. *Ann.* 3.10.3.

⁷⁴ Tac. *Ann.* 3.18.1.

⁷⁵ Tac. *Ann.* 3.18.1.

⁷⁶ See EJ² p. 38, where the *fasti* for 7 BCE records *Ti. Claudius (Ti. f.) Nero iter.: Cn. Calpurnius Piso (Cn. f.) Piso*.

⁷⁷ *ILS* 95 = EJ² 39. On the lacuna Dessau (1955) simply conjectures [*h*]uius fortasse Pisonis nomen erasum est. Cf. *ILS* 88 (= EJ² 36), which may provide the missing phrase: *fecit [cum Ti. Claudio Ner]one conlega [ex s.]c.*

⁷⁸ Flower (1998) 155.

his forename (*isque praenomen mutaret*).⁷⁹ The *SCPP* differs slightly—it records that the Senate rewarded the younger Cn. Piso *half* of his father’s property—but there is a close enough correlation to suggest that Tacitus consulted the document in the course of his research: the only condition for the younger Cn. Piso is, in the *SCPP*, *si praenomen patris mutasset*.⁸⁰ In the *Annales*, Cotta also proposes that Marcus Piso should be given five million sesterces, and banished for ten years (*in decem annos relega<re>tur*), but Tiberius intervenes directly to prevent the latter: *M. Pisonem ignominiae exemit*.⁸¹ The *SCPP* records that Marcus received half the property, but says nothing of a proposed banishment; the Senate instead grants him *impunitas* in compliance with Tiberius’ wishes, and attributes the act not to *clementia* specifically, but to Tiberius’ *humanitas* and *moderatio*: *M. etiam Pisoni, qu<o>i impunitatem senatus humanitati et moderationi principis sui adsensus dandam esse{t} arbitraretur*.⁸²

The Senate’s attribution of *moderatio* to Tiberius is noteworthy, since it appears within a context that coincides with the application of *clementia*. Tacitus credits Marcus with dissuading Piso from returning to Syria following Germanicus’ death, and with reminding his father that his actions were not yet punishable, but would be if he instigated civil war:

igitur quid agendum consultant M. Piso filius properandum in urbem censebat: nihil adhuc inextinguibile admissum... discordiam erga Germanicum odio fortasse dignam, non poena... quod si regrederetur, obsistente Sestio civile bellum incipi.⁸³

⁷⁹ Tac. *Ann.* 3.17.4.

⁸⁰ *SCPP* 99-100.

⁸¹ Tac. *Ann.* 3.17.4; 3.18.1.

⁸² *SCPP* 100-101. Tacitus does not mention Piso’s daughter Calpurnia, for whom the Senate’s decree awards a dowry of one million sesterces (*SCPP* 104-105).

⁸³ Tac. *Ann.* 2.76.2-3. Piso acknowledges his son’s efforts in the letter that Tiberius read after his death (*Ann.* 3.16.3).

Tacitus also records that Marcus' attempts to avoid civil war, though futile, earned his exoneration from the *princeps* himself: *Tiberius adulescentem crimine civilis belli purgavit, patris quippe iussa nec potuisse filium detrectare*.⁸⁴ If Tacitus is correct about the nature of Marcus' involvement, certainly he would have been a deserving candidate for the emperor's *clementia*. In the *SCPP*, however, Tiberius' intercession is limited to the suggestion that the Senate be mindful of his entreaties to spare Marcus: *Ti(berius) Caesar... / ad sena- / tum rettulit... / qualis causa M. Pisonis visa esset, cui relationi ad- / iecisset uti precum suarum pro adulescente memor is ordo esset*.⁸⁵ The Senate also records that Plancina received *clementia* from Tiberius at Livia's behest, but says nothing more than the reasons for her acquittal were "most justified"—*iustissimas ab ea causas sibi expositas [Tiberius] acceperit*—this despite the open recognition that a great number of serious charges (*plurima et gravissima crimina*) had been brought against her.⁸⁶

Tacitus' account could not be more disparate from the Senate's recognition of Livia's *iustissimae causae*. He writes that the secret complaints of each senator (*optimi cuiusque secreti questus*) centered on the involvement of Tiberius and Livia⁸⁷—but no assessment is as damning as that of Tacitus himself. He calls Livia's intervention *fas* (*nefas* in effect—his irony and sarcasm is unmistakable) and states that such an action compromised the Senate's jurisdiction over the trial: *id ergo fas aviae, interfetricem nepotis aspicere adloqui, eripere senatui*.⁸⁸ Tacitus also gives the opinion that the proceedings following Piso's suicide were a

⁸⁴ Tac. *Ann.* 3.17.1.

⁸⁵ *SCPP* 4-8.

⁸⁶ *SCPP* 113-115; 109-110.

⁸⁷ Tac. *Ann.* 3.17.1.

⁸⁸ Tac. *Ann.* 3.17.2.

trial in appearance only (*biduum super hac imagine cognitionis absumptum*), and if he gauges the senators' attitudes at all accurately, it is likely that some of them would have agreed; but when Tiberius urged Plancina's sons to defend her, their apparent refusal resulted in the Senate replacing its former attitude of *invidia*⁸⁹ with *miseratio*:

biduum super hac imagine cognitionis absumptum, urgente
Tiberio liberos Pisonis matrem uti tuerentur. et, cum
accusatores ac testes certatim perorarent, respondente nullo,
miseratio quam invidia augebatur.⁹⁰

The *SCPP* records not only that Plancina openly expressed her reliance on the *miser cordia* of both *princeps* and Senate, but also that the Senate was satisfied (*contentus*) with pardoning her: *saepe princeps noster accurateq(ue) ab / eo ordine petierit, ut contentus senatus Cn. Pisonis patris poena uxori |e|ius / sic uti M. filio parceret*.⁹¹ Whether Plancina was culpable thus became irrelevant to the trial: it was likely the preservation of Tiberius' public image of *miseratio*, of *clementia*, that caused the whole weight of the alleged crimes to fall on Piso alone.

III. *Moderatio*

It seems clear that *clementia* could not have been an option for Tiberius in Piso's case. As I will discuss, the apparent correspondence between *clementia* and *moderatio* may help explain an aspect of the *SCPP*, namely that the Senate attributes *moderatio* to Tiberius only *after* it relates every decision regarding Piso. The principle appears once within a

⁸⁹ Tac. *Ann.* 3.15.1: *Eadem Plancinae invidia, maior gratia [erat]*. See Woodman and Martin (1996) *ad loc.*

⁹⁰ Tac. *Ann.* 3.17.3.

⁹¹ *SCPP* 111-113.

context of *clementia* towards Marcus Piso,⁹² and once in reference to the *princeps*' grief over Germanicus.⁹³ In contrast, Tiberius' opening remarks at the trial, as portrayed by Tacitus, not only call attention to his *aequitas*, *iustitia*, and *clementia*, but to premeditated *moderatio* as well: *die senatus Caesar orationem habuit meditato temperamento*.⁹⁴ The presentation of Tiberius' tone of speech implies that his approach to Piso's trial was similar to that of Libo Drusus in 16 CE—*mox libellos et auctores recitat Caesar, ita moderans, ne lenire neve asperare crimina videretur*—and as I have discussed, in the previous case the *princeps* expressed his intention to acquit.⁹⁵ Tacitus also relates that Tiberius spoke openly of the need for *modestia* before Piso's trial, and said that the entire case being heard before the Senate constituted a departure from existing practice:

id solum Germanico super leges praestiterimus, quod in curia
potius quam in foro, apud senatum quam apud iudices de morte
eius anquiritur: cetera pari modestia tractentur.⁹⁶

In contrast to the *SCPP*, Tacitus presents Germanicus' death as the central issue in the trial; the alleged poisoning would normally have been tried in the *quaestio de veneficiis*.⁹⁷ Given that the Tacitean Tiberius would have preferred to exercise *clementia* on Piso's behalf, as I have argued above, and also that *moderatio* is so prevalent in Tacitus' account of Tiberius' approach to the trial in its entirety, the close association of *clementia* and *moderatio* may

⁹² *SCPP* 100-101: *M. etiam Pisoni, qu<o>i impunitatem senatus humanitati et mode- / rationi principis sui adsensus dandum esse{t} arbitraretur*; cf. 133.

⁹³ *SCPP* 144-45: *et in dolore / moderatione<m> senatum probare*. Germanicus is credited with *moderatio/modestia* at *SCPP* 26, 95, and 167.

⁹⁴ Tac. *Ann.* 3.12.1.

⁹⁵ Tac. *Ann.* 2.29.2.

⁹⁶ Tac. *Ann.* 3.12.7.

⁹⁷ Woodman and Martin (1996) *ad loc*; cf. Tac. *Ann.* 2.79.1.

elucidate the absence of both in the case of Piso himself, as presented in the *SCPP*. I will explore this possibility further in Chapter 3.

Both CLEMENTIA and MODERATIO were featured on *dupondii* minted in 22/23 CE, which led Sutherland to label them as “kindred virtues.”⁹⁸ The nearly identical design does suggest that the aim of this particular issue was to communicate a close correspondence between these principles, and to solidify the public image that Tiberius possessed both in equal measure. It appears that by the middle of the first-century CE a similar association was still recognized: as the younger Seneca writes, *clementia est temperantia animi in potestate ulciscendi uel lenitas superioris aduersus inferiorem in constituendis poenis*.⁹⁹ *Moderatio/modestia* may be the principle that most often characterizes Tiberius, and is consistently emphasized by Tacitus: it is prominent from the beginning of *Annales* III, and it is ascribed to the *princeps* not only at the trial of Piso, but also at the state funeral of Germanicus that preceded it. There was complaint that Germanicus was denied his due honors, but since Tiberius had stressed the need for moderation at Augustus’ funeral, he may have thought that his actions would have been perceived as predictable.¹⁰⁰

utque premeret vulgi sermones, monuit edicto multos
inlustrium Romanorum ob rem publicam obisse, neminem tam
flagranti desiderio celebratum. idque et sibi et cunctis
egregium, si modus adiceretur.¹⁰¹

This passage, especially in light of the last sentence, shows that *moderatio* was not merely applicable to *clementia*, but also to choosing *honores* for members of the imperial family.

⁹⁸ Sutherland (1938) 129; *BMCRE* nos. 85-90 (and see Plate 24, nos. 4 and 5); cf. Rogers (1943) 35-88.

⁹⁹ Seneca *de Clem.* 2.3.1; on *temperantia*, see Rogers (1943) 62.

¹⁰⁰ Tac. *Ann.* 3.5.1: *at Germanico ne solitos quidem et cuicumque nobili debitos honores contigisse*; cf. *Ann.* 1.8.

¹⁰¹ Tac. *Ann.* 3.6.1. I agree with the second of Woodman and Martin’s (1996 *ad loc.*) interpretations, that *id* is prospective rather than retrospective, and that *fore* should be understood with the impersonal *egregium*.

This aspect of Tiberius' *moderatio* will be discussed briefly below, but fittingly it will receive the most attention in Chapter 2, in my discussion of the *Tabula Siarensis*. The ancient historical writers also attribute *moderatio/modestia* to Tiberius because of his disinclination to accept imperial honors and titles for himself, despite his position as Augustus' successor.

According to Tacitus, Augustus had confidence in Tiberius as his successor specifically because of his *modestia*: *Tiberium Neronem delegit, ne successor in incerto foret. sic cohiberi pravas aliorum spes rebatur; simul modestiae Neronis et suae magnitudini fidebat*.¹⁰² The principle is common in the opening books of the *Annales* as well, the first instance, according to Goodyear, being “perhaps the most effective oxymoron in T[acitus]”: when Tiberius wished to dismiss the senators' suggestions concerning Augustus' funeral, he did so “with arrogant moderation” (*adroganti moderatione*).¹⁰³ Perhaps we are meant to recall the *vetere atque insita Claudiae familiae superbia*,¹⁰⁴ or to recognize what Tacitus views as inherent hypocrisy in Tiberius' character.¹⁰⁵ *Adroganti* could indicate Tiberius' determination to prevail over the senators, but I think it more likely to be a Tacitean assessment—that Tiberius' *moderatio* in regards to his own position was duplicitous. Tacitus also writes that his first proclamation as emperor, regarding Augustus' funeral, was delivered

¹⁰² Tac. *Ann.* 3.56.2.

¹⁰³ Tac. *Ann.* 1.8.5; Goodyear (1972) *ad loc.*

¹⁰⁴ Tac. *Ann.* 1.4.3.

¹⁰⁵ See, for example, *Ann.* 5.2.1, where Tacitus relates that Tiberius diminished the honors at the funeral of Livia *quasi per modestiam*; cf. Suetonius, who adds that Tiberius' display of *moderatio* in the beginning of his principate was a strategy to court popularity and a way to cover his *saeva ac lenta natura: etiam inter initia cum adhuc favorem hominum moderationis simulatione captaret* (*Tib.* 57.1).

before the senate “with very modest feeling” (*sensu permodesto*),¹⁰⁶ but Tacitus adds that Tiberius acted as emperor in every way, despite refusing imperial titles:

sed defuncto Augusto signum praetoriis cohortibus ut
imperator dederat; excubiae arma, cetera aulae; miles in forum,
miles in curiam comitabatur. litteras ad exercitus tamquam
adepto principatu misit, nusquam cunctabundus nisi cum in
senatu loqueretur.¹⁰⁷

The accounts of Suetonius and Dio coincide to a large degree.¹⁰⁸ Even so, the maintenance of *moderatio/modestia* does appear to have been an important aspect of Tiberius’ public image. The principle appears consistently in the *Annales*, and at times is attributed to Tiberius by the same narrative voice that tends to focus on its underlying hypocrisy.

Tacitus attributes *moderatio/modestia* to Tiberius not only in regards to his own position, but to his immediate family members as well. For example, when the Senate discussed honors for Livia in the aftermath of Augustus’ death, Tiberius “kept saying that women’s honors should be restrained,” and that the same *temperantia* would also apply to himself; immediately Tacitus states his assessment of Tiberius’ true reason for this exercise of *moderatio*:

ille moderandos feminarum honores dictitans eademque se
temperantia usurum in iis quae sibi tribuerentur, ceterum
anxius invidia et muliebre fastigium in deminutionem sui
accipiens.¹⁰⁹

¹⁰⁶ Tac. *Ann.* 1.7.4; cf. *Ann.* 1.11.1: *Versae inde ad Tiberium preces. et ille varie disserebat de magnitudine imperii sua modestia. solam divi Augusti mentem [esse] tantae molis capacem [dixit].*

¹⁰⁷ Tac. *Ann.* 1.7.5.

¹⁰⁸ See especially Suet. *Tib.* 24.1: *principatum, quamvis neque occupare confestim neque agere dubitasset, et statione militum, hoc est vi et specie dominationis assumpta, diu tamen recusavit... nunc precantem senatum et procumbentem sibi ad genua ambiguis responsis et callida cunctatione suspendens*; cf. Dio 57.2.

¹⁰⁹ Tac. *Ann.* 1.14.2.

Tacitus could not be more forthright—he believes that Tiberius was worried about the encroachment upon his *dignitas* and *auctoritas* from those who were close to him. In the case of Germanicus, he possessed not uneasiness but fear:

causa praecipua ex formidine ne Germanicus, in cuius manu tot
legiones, immensa sociorum auxilia, mirus apud populum
favor, habere imperium quam exspectare mallet.¹¹⁰

In light of not only the restriction of Livia's honors, but also Tiberius' attitude to Augustus' funeral, as I have discussed above, it may not have been surprising that Tiberius once again sought to exercise moderation in the discussion of posthumous honors for Germanicus. One of the honors mentioned by Tacitus was that a large golden shield be dedicated and placed *inter auctores eloquentiae*.¹¹¹ Tiberius' reaction, especially with *satis inlustre*, appears to be a function of his *moderatio*: *adse<ve>ravit Tiberius solitum paremque ceteris dicaturum: neque enim eloquentiam fortuna discerni, et satis inlustre, si veteres inter scriptores haberetur*.¹¹²

As I have mentioned above, Tiberius exercised *moderatio* at the funeral of Augustus himself, and thus may have appeared to be following his own precedent in bestowing honors on his late adopted son. If *moderatio* formed the sole criterion for determining suitable funeral honors, Germanicus would likely have approved of the arrangements made for the arrival of his remains in Rome in 20 CE; the first instance of *moderatio* in the *SCPP* is attributed to Germanicus, and forms a stark contrast with Piso's character: *a|rb|i<t>rari <senatum> singularem moderationem patientiamq(ue) Germanici Caesaris evic- / tam esse*

¹¹⁰ Tac. *Ann.* 1.7.6; cf. Dio 57.13.6.

¹¹¹ Tac. *Ann.* 2.83.3, a periphrasis for *oratores*; cf. *Ann.* 2.37.4: *Hortensii inter oratores sitam imaginem, modo Augusti intuens*; cf. *TS frag.* iib, 20-21. For the placement of the *imagines* of both Germanicus and his father Drusus, see Weinstock (1957) 144-46.

¹¹² Tac. *Ann.* 2.83.3.

feritate morum Cn. Pisonis patris.¹¹³ In Chapter 2, I will discuss how Tiberius' *moderatio* interacts with his attention to *pietas*, and how a tension between the two principles may be reflected in the *TS*; but first, I will briefly discuss *pietas*. As the one principle that the Senate attributes to all *ordines* in both the *TS* and the *SCPP*, *pietas* is especially important for my overall discussion.

IV. *Pietas*

As I mentioned in the Introduction, in the *TS*, the Senate clearly states the purpose for the decree's wide publication: "so that the *pietas* of all orders toward the *domus Augusta* and unanimity of all citizens in honoring Germanicus' memory might be more easily visible."

The sentiment coincides with its stipulations for publication:

Item senatum uel- / le atque aequom censere, quo facilius
pie|t|as omnium ordinum erga domum Augustam et consen- /
su|s| uniuersorum ciuium memoria honoranda Germanici
Caesaris appareret, uti co(n)s(ules) hoc / s(enatus) c(onsultum)
sub edicto suo proponerent... [et] ut quam celeberrimo loco
figeretur.¹¹⁴

Although the *SCPP* is not nearly as succinct, the decree does credit every *ordo* with *pietas*, from Tiberius and the imperial family down to the plebs. The Senate attributes *pietas* to the *princeps* specifically because of his grief over the death of Germanicus, and even states that he "surpassed the devotion of all parents" (*omnium par<en>tium pietatem antecessisse Ti. Caesarem Aug(ustum)*) through his expression of grief.¹¹⁵

¹¹³ *SCPP* 26-27; cf. Tac. *Ann.* 2.73.3: *tanto promptius adsecuturum gloriam militiae quantum clementia temperantia, ceteris bonis artibus praestitisset.*

¹¹⁴ *TS* frag. iib, 21-23, 27.

¹¹⁵ *SCPP* 123-125: *item cum iudic<ar>et senatus / omnium par<en>tium pietatem antecessisse Ti. Caesarem Aug(ustum) principem nostrum / tant|i| et |t|am aequali<s> dolor|is| <eius indicis> totiens conspectis.*

Tacitus' account could not be more distinct. Tiberius was scarcely able to conceal his delight at Germanicus' death: *aberat quippe adulatio, gnaris omnibus laetam Tiberio Germanici mortem male dissimulari*.¹¹⁶ Tacitus also writes that both Tiberius and Livia refused to appear in public, under the pretence that grief was best expressed privately; but this is interpreted by Tacitus as proof of their deceit.¹¹⁷ In addition, as I will discuss further in Chapter 2, there were complaints that Germanicus' funeral honors were inappropriate for a man of his status.¹¹⁸ If Tacitus accurately describes the public mood surrounding Germanicus' funeral in Rome, Tiberius had exceptional need for public confidence at a time when it was sorely lacking:

plena urbis itinera, conlucentes per campum Martis faces. illic miles cum armis, sine insignibus magistratus, populus per tribus concidisse rem publicam, nihil spei reliquum clamitabant, promptius apertiusque quam ut meminisse imperitantium crederes.¹¹⁹

In spite of his presentation, Tacitus does not wholly condemn the *princeps*, since Tiberius expresses the necessity of ending grief (*referendum iam animum ad firmitudinem*) and of following the examples of Julius Caesar and Augustus, who "suppressed their sadness" (*abstruserint tristitiam*) at the deaths of Julia and of Gaius and Lucius Caesar, respectively.¹²⁰

¹¹⁶ Tac. *Ann.* 3.2.3.

¹¹⁷ Tac. *Ann.* 3.3.1.

¹¹⁸ Tac. *Ann.* 3.5.1.

¹¹⁹ Tac. *Ann.* 3.4.1.

¹²⁰ Tac. *Ann.* 3.6.2. We should be cautious not to overstate the affection Augustus held for his grandsons. In Suetonius' account, even though Augustus' will expressed his grief over the deaths of Gaius and Lucius (*quoniam atrox fortuna Gaium et Lucium filios mihi eripuit, Tiberius Caesar mihi ex parte dimidia et sextante heres esto*, Tib. 23.1), Suetonius writes elsewhere that Augustus was not "broken" by their deaths (*nam C. Lucique casu non adeo fractus*, Aug. 65.2). Dio (55.9.1-5) emphasizes Augustus' hesitation about the early conferral of honors on Gaius and Lucius, as well as his disapproval of their lifestyles; cf. *Res Gestae* 14.2; Tac. *Ann.* 1.3.2-3.

Germanicus had died over a year previously, and as Woodman and Martin remark, Tiberius was likely invoking the language of the *consolatio* to explain his present conduct.¹²¹ In light of this interpretation, I find the letter of *consolatio* written by Servius Sulpicius Rufus to Cicero, which followed the death of his daughter Tullia in 45 BCE, to be especially relevant to *Annales* 3.6. Although he sympathizes with Cicero's grief, Sulpicius reminds him that a limit must be observed as well: *at vero malum est liberos amittere. malum, nisi hoc peius est, haec sufferre et perpeti.*¹²² He also states that no grief cannot be mitigated by the passage of time, but he immediately admonishes Cicero for allowing any significant time to elapse instead of allowing his *sapientia* to establish an appropriate limit:

nullus dolor est quem non longinquitas temporis minuat ac molliat. hoc te exspectare tempus tibi turpe est ac non ei rei sapientia tua te occurrere.¹²³

In addition, Sulpicius reminds Cicero that Tullia's *pietas* that should prevent him from extending his period of mourning:

quod si qui etiam inferis sensus est, qui illius in te amor fuit pietasque in omnis suos, hoc certe illa te facere non vult. da hoc illi mortuae, da ceteris amicis ac familiaribus, qui tuo dolore maerent, da patriae, ut, si qua in re opus sit, opera et consilio tuo uti possit.¹²⁴

If Tiberius held a similar sentiment in mind in 20 CE—even if not sincerely, as Tacitus suggests—he would have had sufficient precedent to justify his behavior. Tiberius likely viewed the *cessation* of grief as the best means of exhibiting *pietas*. Even if the people questioned Tiberius' devotion to the memory of Germanicus, Sulpicius had urged Cicero to

¹²¹ Woodman and Martin (1996) *ad loc.*

¹²² Cic. *Epist. ad Fam.* 4.5.3.

¹²³ Cic. *Epist. ad Fam.* 4.5.6.

¹²⁴ Cic. *Epist. ad Fam.* 4.5.6.

put the interests of the state before his own grief (*da patriae, ut, si qua in re opus sit, opera et consilio tuo uti possit*), and Tiberius may have acknowledged the same necessity ([*monuit*] *principes mortales, rem publicam aeternam esse*).¹²⁵ According to Tacitus, Tiberius also sought to distinguish what amount of grief was proper for a man of Germanicus' standing, and as I have mentioned above, he expressed a preference for *moderatio*.¹²⁶ However, the expectation of what constituted appropriate posthumous recognition was undergoing significant change, and for members of the imperial family in particular. In Chapter 2, I will discuss the possibility that Tiberius' application of *moderatio* at Germanicus' funeral could be viewed as compromising his possession of *pietas*.

Devotion to the memory of Germanicus is also communicated in the *SCPP*, but as I will argue in Chapter 3, the Senate's self-proclaimed *pietas* extends not only to the memory of Germanicus, but to the preservation of the state and the principate. *Pietas* is attributed to every *ordo*, but the only group (excepting, of course, Piso and his family) for whom the Senate does not express complete approval is a certain segment of the soldiers, and presumably, those whom it labels *Pisoniani* (*SCPP* 55-57). As I will discuss further in Chapter 3, the Senate may also imply—in a passage where it praises the *equester ordo* “because it had loyally understood how great a matter, and how greatly relevant to everyone's safety and devotion, was being discussed”¹²⁷—that Piso's attempt to instigate civil war did not merely compromise the *pietas* of these so-called *Pisoniani*.

¹²⁵ Tac. *Ann.* 3.6.3.

¹²⁶ Tac. *Ann.* 3.6.1; see above, p. 30.

¹²⁷ *SCPP* 151-153: *item equestris ordinis curam et industriam unic[ue] senatui probari, / quod fideliter intellexisset, quanta res et quam ad omnium salutem pietatemq(ue) / pertinens ageretur.*

While the *SCPP* may indicate that the *pietas* of the Roman people, and not just a portion of the soldiers, had been compromised, Tacitus' account does not rely on mere implication: the people's devotion toward the *princeps* was in serious doubt because of their grief for Germanicus and their sympathy for Agrippina. As Tacitus writes:

nihil tamen Tiberium magis penetravit quam studia hominum
accensa in Agrippinam, cum decus patriae, solum Augusti
sanguinem, unicum antiquitatis specimen appellarent versique
ad caelum ac deos integram illi subolem ac superstitem
iniquorum precarentur.¹²⁸

Even if Tiberius did deliver what was essentially a Republican *consolatio*, and one that was meant to confirm his active attention to matters of state, the death of Germanicus and the trial of Piso presented a situation that could have undermined that stated intention. The Senate's attribution of *pietas* to every social order, which, as I will discuss in Chapter 3, appears to be an expression of unity, may indicate not only that Tiberius' very position was threatened, but also that a central message of the *SCPP* was to dispel such thoughts in Rome, at the source of the emperor's power, before such a threat could be disseminated throughout the empire.

As I will discuss further, the *virtutes* of the *princeps*, his family, and of every order does appear to have occupied a foremost position in the dialogue of 19-20 CE, as reflected in the *SCPP* especially, and to a lesser degree in the *TS*. Given that Tiberius' adherence to *iustitia* and *clementia* would have been under close scrutiny in a case like that of Piso, his trial likely presented a circumstance where the *princeps* could rely only on the force of law; again, in light of both Tacitus' account and the *SCPP*, *clementia* for Piso was never considered. Finally, the events surrounding the trial of Piso may have compromised the *pietas* of the Roman people toward the *princeps*, and it was thus vital to the message of both decrees that Tiberius had shown *pietas* toward his late adopted son. Tiberius' possession of

¹²⁸ Tac. *Ann.* 3.4.2.

Augustan *virtutes* was undoubtedly important in terms of his position and the public perception of its legitimacy, but given Tacitus' narrative, the extent to which he embodied those principles must remain in doubt. In what follows, I will discuss the presence of *virtutes* in the *TS* and the *SCPP*, in order to illuminate the contents of each in light of the rather disparate account in Tacitus' *Annales*.

CHAPTER 2

‘*PIETAS*’ AND ‘*MODERATIO*’ IN THE *TABULA SIARENSIS*

In this chapter I intend to discuss the interaction between *pietas* and *moderatio* in the *TS*, and an apparent tension between the two principles. However, due to the physical state of the document, my arguments must remain conjectural. By Gutiérrez’s estimation, the three columns of the decree each contained approximately seventy to seventy-five lines, with about seventy to seventy-five letters per line: of that, seventeen complete lines are extant (*TS* fr. iib, 15-31), and sixty-five are fragmentary. Overall, approximately one-quarter of the document is all that remains.¹

While *pietas* does appear in the extant fragments of the decree (*TS* fr. iib, 18), it is not attributed directly to Tiberius, but to his son Drusus Caesar—nonetheless, I will discuss how the principle may be reflected in the Senate’s account of Tiberius’ actions following Germanicus’ death. As for *moderatio*, although the principle is absent from the extant portions of the decree, I will discuss what I believe to be the most convincing conjecture to date, that of Vinko Hinz (1993), which was later accepted by Gutiérrez (1999). When compared with the relevant historical sources (Tacitus’ *Annales* especially), the decree may present two *virtutes* that are commonly attributed to Tiberius, yet that appear to conflict with one another within the context. In order to give the public impression that he was honoring

¹ Fragment I contains thirty-three incomplete lines and four that are almost completely lost; Fragment II, Column A contains fourteen incomplete lines; and Fragment II, Column B has seventeen complete and fourteen incomplete lines. For the purposes of this paper, I will not discuss *TS* fr. iic, which overlaps with significant portions of the *Tabula Hebana*; see Gutiérrez (1999) 3-14, 305; cf. Crawford (1996) 507-547.

Germanicus sufficiently, it is likely that Tiberius would have been presented with the necessity of a strong display of devotion, of *pietas*; it is also likely that the *princeps* was expected to comply with a new standard of posthumous honors, a more lavish one, that had begun to develop during Augustus' principate. Thus, while a suitable display of devotion was essential for Tiberius, especially given the apparent fragility of his position in the immediate aftermath of Germanicus' death, such a display may have compromised the emperor's claims to possessing the utmost *moderatio*.

I. The role of the *princeps* and the Senate in conferring posthumous *honores*

In the *relatio* of the *TS*, the Senate outlines the general purpose of publishing the decree: the beginning of the first fragment of the *TS* likely belongs to the *relatio*, and since the overall aim of the decree is to relate the *honores* granted to Germanicus upon his death, the conjectures of both González and Fernández ([*ad conseruandam memoriam Germanici Caesaris*]) and Gutiérrez ([*co(n)sules u(erba) f(e)cerunt de memoria honoranda Germanici Caesaris*]) seem rather plausible.² The Senate may then provide, with [NU]NQVAM DEBVIT (*TS* fr. i, 2), a value statement about Germanicus' death:

[Quod M. Silanus L.] Nor[banus Balbus co(n)s(ules) u(erba)
f(e)cerunt de memoria honoranda Germanici Caesaris qui] /
mortem obire nu]nquam debuit [...]³

González and Fernández, and Gutiérrez as well, are in agreement on the signification of *debuit*, though the inclusion of the verb *obire* lends credence to Gutiérrez's suggestion in

² *TS* fr. i, 1; González and Fernández (1981) 5; Gutiérrez (1999) *ad loc.*

³ *TS* fr. i, 1-2, Gutiérrez (1999) *ad loc.*

particular.⁴ Here the Senate expresses its own opinion (and what is perhaps a strong statement) despite the predominance of the *princeps*; in other words, *debut* suggests that the Senate's assessment is not entirely subsumed by that of Tiberius. It is also possible that with this verb alone the Senate conveys regret, or even grief, over the death of Germanicus.⁵

In what follows, the Senate not only records its own suggestions to Tiberius on the possible *honores* to be implemented on Germanicus' behalf, but also expresses approval at the commemoration that had already been initiated by the *plebs*.⁶ On the *honores* suggested by the Senate, Rowe writes that the body "is concerned to rest on precedent or to follow the emperor. This is the logic of loyalism"; and on honorific decrees in general he writes that they "represent a significant deformation of political culture in that they were a new institution and advertised slavish loyalty."⁷ We should be wary of accepting so ardent an interpretation, at least as it applies to the *honores* outlined in the surviving fragments of the *TS*. Of these, the most conspicuous are the honorific arches intended to be situated in locations that were closely associated with Germanicus and his accomplishments: in Rome itself; on Mt. Amanus in Syria; and along the Rhine, where Germanicus had spent the majority of his military career.⁸ Rowe's assessment—that the Senate "advertised slavish loyalty" to the *princeps* by suggesting honorific arches for Germanicus—seems overly

⁴ Gutiérrez (1999) *ad loc.* González and Fernández (1981) achieve a similar sense, though they do not conjecture a verb: [*Germanici Caesaris qui / morti nu]nquam debuit* (5).

⁵ Cf. Tac. *Ann.* 3.2.3: *et senatus et magna pars populi viam complevere, disiecti et ut cuique libitum flentes*.

⁶ *TS* fr. iib, 7-11: *itaque place- / [re senatui: uti (tot) statuæ — — Germa]nici Caesaris cum ueste triumphæ- / [li sumptu plebis urbanae — — ponerentur] in eis ar<e>is publicis in quibus Divus Aug(ustus) / [et populus Romanus — —] posuissent, cum inscriptione plebis urbanae / [XXXV tribuum]*.

⁷ Rowe (2002) 60; 59.

⁸ *TS* fr. i, 9-34. Germanicus was first sent to Germania in 11 CE, along with Tiberius (Dio 56.25.2). Suetonius records that Germanicus was not given full command over the legions on the Rhine until 13 CE, after the end of his first consulship in 12 (*Calig.* 8.3).

conditioned by Tacitus' account; but somewhat surprisingly, Rowe does not discuss Tacitus' portrayal in the *Annales* of the senators' frequent flattery (*adulatio*). At the beginning of the work, Tacitus explicitly states that *adulatio* toward the *princeps*, beginning under Augustus, was motivated by a recognition that imperial rule was beneficial (and profitable) for those who had survived the civil wars.⁹ For Tacitus, unrestrained *adulatio* in the senatorial order was a trend that progressively worsened;¹⁰ he even relates, in direct speech, Tiberius' attitude toward this tendency: *memoriae proditur Tiberium, quotiens curia egrederetur, Graecis verbis in hunc modum eloqui solitum 'o homines ad servitutem paratos!'*¹¹ Even so, I think Rowe's assessment that the senators willingly sought a slavish position compared to their role in the Republic seems exaggerated. Of course, the Senate was actively engaged in the political discourse of Tiberius' principate, in "the language of power" to use Andrew Wallace-Hadrill's terms,¹² but as I will discuss, participation in such a discourse does not automatically imply "slavish loyalty" in the truest sense: I contend that the Senate's active and willing participation in bestowing *honores* on Germanicus was rather a function of its prominent role in an altered political discourse, but one in which the primacy of the principate—the institution that had proved most capable of quelling the threat of civil war—was of the utmost importance.

⁹ Tac. *Ann.* 1.2.1: *Caesar [Octavianus] dux reliquos... 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.*

¹⁰ Tac. *Ann.* 3.65.2: *ceterum tempora illa adeo infecta et adulatione sordida fuere, ut non modo primores civitatis, quibus claritudo sua obsequiis protegenda erat, sed omnes consulares, magna pars eorum qui praetura functi multique etiam pedarii senatores certatim exsurgerent foedaque et nimia censerent.*

¹¹ *Ann.* 3.65.3.

¹² See Wallace-Hadrill (1990) 147-49.

The funeral honors for Augustus proposed in the Senate provide a point of comparison for examining Tiberius' possession of *moderatio*. According to Tacitus, the discussion among the senators in 14 CE tended toward the extravagant: *tum consultatum de honoribus; ex quis maxime insignes [visi]*.¹³ The first suggestion was that his funeral procession should proceed through the triumphal gate (as Tacitus writes, *ut porta triumphali duceretur funus*); Suetonius records the proposal as well, and according to Dio, it was carried out in accordance with a senatorial decree (κατὰ τὰ τῇ βουλῇ δόξαντα).¹⁴ It is noteworthy that the *porta triumphalis* was, in all likelihood, an existing structure, and was not built specifically for the occasion.¹⁵ Tacitus also relates another suggestion—that the oath of loyalty should be annually renewed—but labels it a display of *adulatio* and clearly distinguishes it from the senators' unanimous desire to carry Augustus' body themselves:

addebat Messala Valerius renovandum per annos sacramentum
in nomen Tiberii... ea sola species adulandi supererat.
conclamant patres corpus ad rogum umeris senatorum
ferendum.¹⁶

It is clear, as Tacitus presents it, that some senators regarded the honor of carrying Augustus' body with all seriousness, and were willing to put forth a show of independence in order to secure it; but as I have mentioned above, Tiberius attempted to exercise *moderatio*, and somewhat forcefully, in order to dismiss the suggestion:

remisit Caesar adroganti moderatione, populumque edicto
monuit ne, ut quondam nimiis studiis funus divi Iulii

¹³ Tac. *Ann.* 1.8.3.

¹⁴ Tac. *Ann.* 1.8.3; Suet. *Aug.* 100.2-4; Dio 56.42.1.

¹⁵ A permanent structure is suggested by Cicero (*in Pis.* 23.55). For its location, see Goodyear (1972) *ad loc.* and Swan (2004) 340.

¹⁶ Tac. *Ann.* 1.8.4-5.

turbassent, ita Augustum in foro potius quam in campo Martis,
sede destinata, cremari vellent.¹⁷

Similarly, according to Suetonius, “a limit was applied to the honors” for Augustus (*verum adhibito honoribus modo*), presumably by Tiberius.¹⁸ Whatever the case, both Suetonius and Dio record that the senators prevailed despite the resistance of the *princeps*: *ac senatorum umeris delatus in Campum crematusque*.¹⁹

Similar displays of autonomy are notably (and understandably) limited in the official record of the *TS*, at least from the extant portions. The Senate may attempt to retain some degree of independent assessment with [NU]NQVAM DEBVIT (*TS* fr. i, 2), and to assert its traditional position as an advisory body, as it had been during the Republic (*TS* fr. i, 3-6). While the Senate ultimately referred all decisions to Tiberius (*TS* fr. i, 4-8), any suggestions ultimately rejected by Tiberius would not have been preserved in the final version of the decree. I believe it was vital, for the sake of political stability, that the Senate maintain a public image of deference to the *princeps*, especially in a matter that so intimately involved the *domus Augusta*, and for a general like Germanicus who enjoyed a high degree of troop loyalty; we should recall Tacitus’ claim that some of the mutineers along the Rhine in 14 CE would have supported him if he had wished to depose Tiberius.²⁰ Within the discussion of

¹⁷ Tac. *Ann.* 1.8.5.

¹⁸ Suet. *Aug.* 100.3.

¹⁹ Suet. *Aug.* 100.3. Dio records that it was “the same men as before” (οἱ αὐτοὶ οἵπερ καὶ πρότερον, 56.42.1) who carried Augustus’ funeral couch; he must refer to the *magistratus designati* (τῶν ἐξ νέωτα ἀρχόντων) who had previously carried it from the imperial palace to the rostra (56.34.2).

²⁰ Tac. *Ann.* 1.35.3: *fuere etiam qui legatum a divo Augusto pecuniam reposcerent, faustis in Germanicum ominibus; et si vellet imperium promptos ostentavere*. On the significance of *fausta omina*, Goodyear (1972) comments that they “are particularly in place at the beginning of a reign or of a ‘coup d’état’, but also appropriate at any time for addressing... the *princeps*” (*ad loc.*).

posthumous honors for Germanicus (*Ann.* 2.83), Tacitus implies only one instance of Tiberius' *moderatio*, though he does not name the principle outright.

II. The '*pietas*' and '*moderatio*' of Tiberius

Tacitus devotes a passage of considerable length to recounting the *honores* for Germanicus, and since it largely corresponds to the official record of the *TS*, and suggests that he consulted the decree closely, it is worth quoting in full:

(1) Honores, ut quis amore in Germanicum aut ingenio validus, reperti decretique: ut nomen eius Saliari carmine caneretur; sedes curules sacerdotum Augustalium locis superque eas querceae coronae statuerentur; ludos circenses eburna effigies praeiret; neve quis flamen aut augur in locum Germanici nisi gentis Iuliae crearetur. (2) arcus additi Romae et apud ripam Rheni et in monte Syriae Amano cum inscriptione rerum gestarum ac mortem ob rem publicam obisse; sepulchrum Antiochiae ubi crematus, tribunal Epidaphnae, quo in loco vitam finierat. statuarum locorumve, in quis coleretur, haud facile quis numerum inierit. (3) cum censeretur clipeus auro et magnitudine insignis inter auctores eloquentiae, adse<ve>ravit Tiberius solitum paremque ceteris dicaturum: neque enim eloquentiam fortuna discerni, et satis inlustre, si veteres inter scriptores haberetur. (4) equester ordo cuneum Germanici appellavit, qui iuniorum dicebatur, instituitque uti turmae idibus Iuliis imaginem eius sequerentur. pleraque manent: quaedam statim omitta sunt aut vetustas oblitteravit.²¹

In my view, the implication at *Ann.* 2.83.3 is that Tiberius attempted to exercise *moderatio* during the discussion of Germanicus' funeral honors; but notably, he did not reject the proposed *clipeus auro et magnitudine insignis* outright, but only sought to temper the suggestion. The implication of *solitum paremque ceteris* is that he deemed a golden shield inappropriate, perhaps since a shield dedicated posthumously to Augustus had been

²¹ Tac. *Ann.* 2.83.1-4.

fashioned in silver;²² an inscription from 22 CE records that the younger Drusus was honored similarly, with a *clupeus argenteus*.²³ We cannot determine with certainty which of the honors that Tacitus specifies were immediately disregarded (*quaedam statim omisa sunt*), but it seems likely that many honors corresponding to those listed in the *TS* were carried out (*pleraque manent*).²⁴

One of the most remarkable features of the Senate's presentation of Tiberius in the *SCPP* is that he is consistently credited with *virtutes*—not only those that received the most emphasis during the principate of Augustus, but *moderatio* as well. In the *TS*, however, there is no specific attribution of imperial *virtutes* to Tiberius in the extant portions of the document, though the Senate does praise the *pietas* of Drusus Caesar and of every social order, as I have mentioned.²⁵ Nonetheless, with ADSV[.]ETA (*TS* fr. i, 5) the Senate likely refers to an accustomed behavior of the *princeps*, and within the context of his decision regarding appropriate posthumous honors for Germanicus. The tablet reads:

EA RE CONSILIO TI CAESARIS AVG PRIN[...]
COPIA SENTENTIARVM IPSI FIERET ATQVE IS ADSV[.]ETA SIBI [...]
HONORIBVS QVOS HABENDOS ESSE CENSEBAT SENATVS LEGERET.²⁶

And on these lines Gutiérrez conjectures:

[atque de] ea re consilio Ti(beri) Caesaris Aug(usti) prin[cipis
nostri ageretur et cognoscendarum] / copia sententiarum ipsi

²² Charisius *Ars Gramm.* 2.222; cf. *Scriptores Historiae Augustae Anton. Pius* 5.2.

²³ *CIL* VI.31200, lines 6-7: *utique clupeus argenteus c[um imagine Drusi Caesaris praeferretur equitibus Romanis... transvehe-] / rentur.*

²⁴ Tac. *Ann.* 2.83.4.

²⁵ *TS* fr. iib, 21-26.

²⁶ *TS* fr. i, 4-6. Gutiérrez cites approximately 65-70 letters per line of text; in line 5, approximately 20-25 letters are missing (77).

fieret atque is, adsu[e]ta sibi [moderatione, ex omnibus iis] /
honoribus, quos habendos esse censebat senatus, legeret.²⁷

Regardless of the noun one might speculate to accompany ADSV[.]ETA, the Senate clearly recognizes that the final decision on what constitutes appropriate *honores* for Germanicus ultimately lies with the *princeps*.²⁸ with two optative subjunctive clauses the Senate not only expresses the wish to participate as an advisory body (COPIA SENTENTIARVM IPSI FIERET), but also its willingness to concede to Tiberius' judgment (ATQVE IS... HONORIBVS QVOS HABENDOS ESSE CENSEBAT SENATVS LEGERET). If Gutiérrez is correct that *cognoscendarum* should be supplied at the end of the fourth line, and modify *sententiarum*, the Senate may have yielded completely, and conceded that the *princeps* possessed ultimate control of the decision.²⁹ Nevertheless, the image is not one of a political body animated by slavish loyalty, but of one seeking to fulfill its traditional, advisory role in the affairs of state, as it had during the Republic. In my view, the *relatio* of the *TS* does not advertise a completely subservient Senate, but one that openly asserts a substantial yet cooperative role in the political discourse.

²⁷ See Gutiérrez (1999) 50, who translates these lines: “y por ello que se tratara este asunto con el parecer de Tiberio César Augusto nuestro príncipe [y que se le] diera la posibilidad [de conocer] las opiniones, y que él, con su [moderación] acostumbrada, de todos los honores que el senado pensaba que habían de tenerse, eligiera” (51). Evidently Gutiérrez reads SIBI as a dative of possession, but it could also be read as a dative with ADSV[.]ETA; see OLD, *assuesco*, 2b: “to become accustomed, get used [to] (w. dat.).” Thus, in my reading, *atque is, adsu[e]ta sibi [moderatione]... legeret* could be translated either as “and he should choose, through his accustomed moderation,” retaining Gutiérrez’s dative of possession, or, with SIBI dependent on ADSV[.]ETA, “and he should choose, through the moderation accustomed to him(self).”

²⁸ Cf. Dio 56.47.1, who writes that the Senate’s decisions regarding Augustus’ funeral honors were passed by the Senate “in word,” but by Tiberius and Livia “in deed”: Ἐπὶ μὲν οὖν τῷ Αὐγούστῳ τοσαῦτα, λόγῳ μὲν ὑπὸ τῆς γερονσίας ἔργῳ δὲ ὑπὸ τε τοῦ Τιβερίου καὶ ὑπὸ τῆς Λιουίας, ἐνομίσθη.

²⁹ Consider, for example, Maternus’ use of *cognoscere* from his well-known statement in Tacitus’ *Dialogus de Oratoribus*: *quid enim opus est longis in senatu sententiis, cum optimi cito consentiant? ... quid invidiosis et excedentibus modum defensionibus cum clementia [principis] cognoscentis obviam periclitantibus eat?* (41.4). See especially González (2002) 145-49.

The possible implications of ADSV[.]ETA have received considerable attention. Although the noun it modifies is missing, on its own the participle suggests that the Senate attempted to explain the emperor's motivation in determining *honores* for Germanicus. The first proposal for the missing noun was that of González and Fernández, who in 1981 surmised *indulgentia*, though without comment—a reasonable suggestion, if we are meant to assume that the Senate wished to absolve Tiberius from any implication of guilt in Germanicus' death.³⁰ In 1986, Lebek proposed *prudencia*, since Tiberius' possession of this quality “was most often praised” (“wird öfter gepriesen”) in the accounts of the ancient historians.³¹ However, the passages that Lebek cites from Suetonius and Velleius attribute *prudencia* to Tiberius in his capacity as a military commander,³² while the passage from Tacitus appears in the context of the *maiestas* case of C. Silanus.³³ Thus, Lebek's conjecture does not fit this particular context, and is likely not the characteristic implied by ADSV[.]ETA. I prefer the suggestion first proposed by Hinz in 1993. To explain his conjecture, Hinz proposed three rather sensible criteria: first, the missing word must be a noun, and is likely a virtue (“Tugend”); second, ADSV[.]ETA suggests that the virtue must be typical of Tiberius; and third, logically it should correspond to his acceptance or refusal of honors, including those proposed for members of the imperial household.³⁴ Gutiérrez, in agreement with Hinz, provides what I see as the most convincing reconstruction to date.

³⁰ González and Fernández (1981) 5.

³¹ Lebek (1986) 34, who also offers *diligentia* without significant comment.

³² Suet. *Tib.* 21.5; Vell. Pat. 2.111.4; 2.129.

³³ Tac. *Ann.* 3.69.5: *atque ille prudens moderandi, si propria ira ira non impelleretur, addidit insulam Gyarum immitem et sine cultu hominum esse.*

³⁴ Hinz (1993) 60.

atque is, adsu[e]ta sibi [moderatione, ex omnibus iis] /
honoribus, quos habendos esse censebat senatus, legeret eo[s]
quos ipse uellet et Iulia] / Augusta mater eius et Drusus Caesar
materque Germanici Ca[esaris Antonia consilio] / adhibita ab
eis et deliberationi, satis apte posse haberi exist[umarent].³⁵

As I have discussed in Chapter 1, Tacitus consistently attributes *moderatio* to Tiberius, and what is most relevant, the *princeps* is shown exercising the principle within the context of his acceptance or refusal of *honores* for members of the imperial family. Furthermore, just as the *SCPP* portrays the image of an exceptionally unified imperial family, the *TS* accomplishes this message as well, as is evident from the Senate's inclusion of Livia, the younger Drusus, and Germanicus' mother Antonia.³⁶

The question remains: does Tiberius embody *moderatio* in his selection of funeral honors for Germanicus, according to the official record of the *TS*? In a certain sense, yes: the possibility remains that honors were proposed by the Senate and were subsequently rejected by the *princeps*, and thus are neither mentioned by the ancient historians nor were included in the decree. However, if Tacitus accurately assesses the public reaction toward Tiberius when Germanicus' remains arrived at Rome—he writes that the *princeps* could scarcely conceal his delight at the sight of the funeral procession,³⁷ and that the people had lost all faith in his ability to maintain his position as head of state³⁸—it would have been more important that Tiberius honor Germanicus' memory at whatever cost, rather than retain his accustomed appearance of moderation. Although the Senate's decree may attribute *moderatio* to Tiberius, the wide distribution of the honorific arches is comparable to that of the decree itself, and

³⁵ *TS* fr. i, 5-8.

³⁶ Note that Tacitus finds Antonia's name lacking in the records of the official events, and writes that she was detained by Tiberius and Livia (*Ann.* 3.3.2-3).

³⁷ Tac. *Ann.* 3.2.3: *aberat quippe adulatio, gnaris omnibus laetam Tiberio Germanici mortem male dissimulari.*

³⁸ Tac. *Ann.* 3.4.1; see above, pp. 35-39.

may contradict Tiberius' potential claims to *moderatio*. Granted, the physical scale of the monuments would not allow as wide a distribution as the decrees, but it is clear that both Senate and *princeps* deemed the honoring of Germanicus crucial, and notably, in places outside Rome that were associated with his life (and that required a constant military presence): Syria and the Rhine.

III. Honorific arches as posthumous *honores* for Germanicus

While Tiberius consistently claimed *moderatio*, especially during the initial years of his principate, the occasion of Germanicus' death all but demanded an overt display of *pietas* toward his memory; in Tacitus' presentation, the appearance of Tiberius' *pietas* toward the memory of Germanicus was seriously in doubt. It does appear that, beginning in the principate of Augustus, the definition of what constituted the proper fulfillment of posthumous honors was undergoing significant change, and understandably so: the establishment of empire created a persistent focus on the imperial household, and although the honorific arches that were decreed for Germanicus were not a normal occurrence by Republican standards, they may have been expected for a man of Germanicus' standing. In light of Tacitus' account, the Roman people may have considered Germanicus' funeral honors inadequate, and if so, Tiberius' possession of *pietas* would have been considered inadequate as well, or even insincere. Perhaps, in the case of both funeral honors and posthumous honors, Tiberius sought to maintain his devotion to *moderatio* at the expense of his public image of devotion—of *pietas*—to Germanicus. As I will now discuss, the nature and placement of the honorific arches for Germanicus, as transmitted by the *TS*, would likely

not have been considered a testament to Tiberius' *moderatio*, and perhaps to his *pietas* as well; this impression is strongest for the arch to be placed on Mt. Amanus in Syria.

It should be noted that during the Republic the construction of honorific arches was a private initiative.³⁹ The precedent for senatorial participation in their conferral was created during Augustus' principate, and in general, the Senate voted such honors for recent military accomplishments. The earliest recorded discussion in the Senate on the conferral of honorific arches was in 36 BCE, to commemorate Octavian's defeat of Sextus Pompey. Dio, in his account of that year, emphasizes the immediacy of the measure: the Senate rewarded Octavian an arch bearing war trophies (ἀψῖδά τε τροπαιοφόρον) immediately following his victory (ταῦτα μὲν εὐθύς σφισι μετὰ τὴν νικὴν [ἢ βουλὴ] ἔδοξεν).⁴⁰ Subsequent victories were commemorated similarly, but the first recorded instance of an honorific inscription on an arch authored by the Senate is from the Actium arch of 29 BCE. The Senate's authorial role is displayed prominently:

Senatus populusque Romanus / Imp(eratori) Caesari divi Iuli
f(ilio) co(n)s(uli) quinct(o) / co(n)s(uli) design(ato) sext(o)
imp(eratori) sept(ies) / re publica conservata.⁴¹

In subsequent years, Augustus' coinage would memorialize his triumphal arches even further: two noteworthy examples are the coins that commemorated his victory at Actium,⁴² as well as the recovery of Crassus' standards from the Parthians in 19 BCE. In the latter case, the Senate's participation is made clear from a coin minted in Rome and bearing the

³⁹ Wallace-Hadrill (1990) 146-47.

⁴⁰ Dio 49.15.1-2.

⁴¹ *CIL* VI.873.

⁴² Coins commemorating Actium feature an arch topped by a triumphal chariot and bearing the inscription IMP CAESAR: see *BMCRE* 624; cf. Dio 51.19.1 (ἀψῖδα τροπαιοφόρον).

inscription S.P.Q.R. IMP CAE L. VINICIVS.⁴³ Citing these precedents especially, Wallace-Hadrill is certainly correct in his assertion that, beginning with Augustus, “arches [became] a standard part of the honorific vocabulary of the Empire.”⁴⁴

However, before 19 CE, the first instance of the Senate bestowing an honorific arch within a *funerary* context was, as far as we know, in 9 BCE, in honor of the elder Drusus: *praeterea senatus inter alia complura marmoreum arcum cum tropaeis via Appia decrevit et Germanici cognomen ipsi posterisque eius*.⁴⁵ Notably, honorific arches were not included among the funeral honors for Augustus, and while they continued to be granted for recent military accomplishments in the initial years of Tiberius’ principate,⁴⁶ it was not until Germanicus’ death that the Senate once again decreed that arches should be included among the funeral honors for a member of the imperial family. It may have been expected that Tiberius would elect to display *moderatio* in conferring posthumous *honores* on Germanicus, since the principle guided his decision to impose limits at the funeral of Augustus.⁴⁷ However, in my reading of the *TS*, Tiberius might be credited only with slight restraint in the case of Germanicus, since the placement and appearance of the honorific arches gives the impression of rather sumptuous display. As is evident from the *TS* and the corresponding

⁴³ *BMCRE* 77; cf. *BMCRE* 428.

⁴⁴ Wallace-Hadrill (1990) 147.

⁴⁵ Suet. *Claud.* 1.3; here Suetonius also records that both Germanicus and Tiberius were honored with an arch for the recovery of Varus’ standards (16 CE). Tacitus writes that the Senate decreed that both Germanicus and Drusus Caesar should receive arches and an *ovatio* in 19 CE; he attributes direct involvement to the Senate: *decrevere patres, ut Germanicus atque Drusus ovantes urbem introirent. structi et arcus circum latera templi Martis Ultoris cum effigie Caesarum* (*Ann.* 2.64.1).

⁴⁶ See Tac. *Ann.* 2.41.1.

⁴⁷ See esp. Tac. *Ann.* 1.8.

passage from Tacitus' *Annales*, Tiberius allowed the majority of the proposed *honores* for Germanicus to be passed by a senatorial decree (*honores... reperti decretique*).⁴⁸

The Senate's first suggestion in the *TS* is that an arch should be erected in the Circus Flaminius, where statues had previously been dedicated both to Augustus and to the *domus Augusta*:

Placere uti ianus marmoreus extrueretur in circo Flaminio
pe[cunia publica, posi-] / tus ad eum locum, in quo statuae diuo
Augusto domuique Augus[tae publice positae es-] / sent ab
G(aio) Norbano Flacco.⁴⁹

Fernández and González think it likely that the *arcus Germanici* is represented in a fragment of the *Forma Urbis Romae*.⁵⁰ If they are correct,⁵¹ the monument would have been located in the circus' northeast corner, between the *Porticus Octaviae* and the *Theatrum Marcelli*. In this case, the monument would have been prominent for its proximity not only to Augustus' statues, but also to monuments that previously had been dedicated to members of the imperial family. Gutiérrez notes that the placement of the arch would correspond to where the *pompa triumphalis* regularly formed,⁵² and thus the monument would have received regular attention in subsequent years. In addition, Javier Arce, citing the etymological connection between the term *ianus* and the god Janus, has conjectured a significant religious

⁴⁸ Tac. *Ann.* 2.83.1.

⁴⁹ *TS* fr. i, 9-11.

⁵⁰ See T. Najbjerg and J. Trimble, "Porticus of Octavia (*porticus Octaviae*) with the Temple of Iuppiter Stator (*aedis Iovis Statoris*); Circus Flaminius (*circus Flaminius*) with the Arch of Germanicus (*arcus Germanici*)."
FUR, fr. 31u: <http://formaurbis.stanford.edu/fragment.php?slab=81&record=19> (accessed 20 October 2009).

⁵¹ Fernández and González (1981) 11. See also A. Viscogliosi ("Circus Flaminius," *LTUR* vol. 1: 269-72) who writes that the arch to Germanicus, confirmed by the *TS*, is "probably the one visible on the fragment 31u of the *FUR*" ("La scoperta della *TS* ha confermato la presenza in circo di un arco dedicato a Germanico, probabilmente quello visibile sul frammento 31u della *FUR*") (272); cf. Gros (1987) 329-332.

⁵² Gutiérrez (1999) 107-108.

connotation in the implied demarcation of sacred space.⁵³ The placement of the arch, as well as its decoration, suggests a multifaceted significance. In the *TS*, with a conspicuous causal clause (*cum... ob rem p(ublicam) mortem obisset*), the Senate explains at least one possible motivation for decreeing the arch in Rome, while grammatically subordinating Germanicus' successful campaigns along the Rhine:

senatum populumque Romanum id monum[entum aeternae
dedi-] / casse memoriae Germanici Caesaris, cum i{i}s
Germanis bello superatis et [deinceps] / a Gallia summotis
receptisque signis militaribus et uindicata fraud[ulenta clade] /
exercitus p(opuli) R(omani), ordinato statu Galliarum,
proco(n)s(ul) missus in transmarinas pro[uincias] / in
conformandis iis regnisque eiusdem tractus ex mandatis
Ti(berii) Caesaris Au[g(usti), dato re-] / ge Armeniae, non
parcens labori suo, priusquam decreto senatus [ouans urbem
ingre-] / deretur, ob rem p(ublicam) mortem obisset.⁵⁴

From the sentence's construction, Germanicus' previous accomplishments are presented as secondary to his mission to the eastern provinces—and perhaps not surprisingly, since, as Tacitus reports, he had already celebrated a triumph in 17 CE for his successful campaigns in Germania, and had received a triumphal arch for his recovery of the standards lost by Varus in 9 CE.⁵⁵

What is most interesting is that the Senate decrees the arch in Rome specifically for Germanicus' mission to the eastern provinces, and even more specifically “because he died for the sake of the Republic” (*cum... ob rem p(ublicam) mortem obisset*).⁵⁶ Tacitus' account corresponds to some extent, since he writes that a similar phrase appeared on the arch's

⁵³ Arce (1984) 150-51; cf. Gutiérrez (1999) 95-96; for a discussion of the most common terms (*fornix*, *arcus*, *ianus*) see Wallace-Hadrill (1990) 144-47.

⁵⁴ *TS* fr. i, 12-18.

⁵⁵ Tac. *Ann.* 2.41.1-2.

⁵⁶ *TS* fr. i, 13, 18.

inscription—but because of a lacuna (*TS* fr. i, 11), we cannot verify whether Tacitus is correct or the decree itself was the sole medium for this particular message; Tacitus writes:

*arcus additi... cum inscriptione rerum gestarum ac mortem ob rem publicam obisse.*⁵⁷

Whatever the case, the phrase indicates that a primary purpose of the arches was to publicly proclaim that Germanicus died for the worthiest of causes, that his appointment to the eastern provinces was a necessity—in essence, that his was a politically useful mission. Granted, the circumstances in the East (including, but not limited to, those in Armenia and Cappadocia) all but demanded a strong presence, but as Seager has argued, the simultaneous appointment of Piso would have communicated to Germanicus that Tiberius lacked confidence in his abilities, or even that he feared an inevitable shift in troop loyalty, which could have occurred among the legions stationed on the Rhine.⁵⁸

Even if Tiberius' motives were not treacherous, he involved the Senate in appointing Piso—*auctore senatus* in Tacitus' terms, or as the Senate itself states in the *SCPP*, *ex auctoritate huius ordinis*⁵⁹—which was a wholly unnecessary measure for governors of imperial provinces, and in fact the only such instance reported in the *Annales*.⁶⁰ Thus, at the same time that the *princeps* sought to involve the Senate in appointing Piso, he may have created an outlet through which he could divert responsibility for what transpired.⁶¹ Given Tacitus' account, it is certainly possible that Tiberius wished to dispel any rumors of an

⁵⁷ Tac. *Ann.* 2.83.2; cf. *CIL* VI.31199. For the various conjectures on *TS* fr. i, 11, see Gutiérrez (1999) 111-12; cf. Rowe (2002) 63.

⁵⁸ Seager (2005) 83; cf. Koestermann (1958) 338.

⁵⁹ Tac. *Ann.* 3.12.1; *SCPP* 30.

⁶⁰ Woodman and Martin (1996) note this distinguishing aspect of Piso's appointment (141).

⁶¹ On *auctore senatus*, see Woodman and Martin (1996): "the phrase... carries the convenient implication that Tib[erius] had not been solely responsible for the desperate situation which had developed since Piso accompanied Germanicus to the east" (141).

insidious motivation in appointing Piso to the governorship of Syria.⁶² Additionally, we may be able to detect Tiberius' direct intervention in the composition of *ob rem p(ublicam) mortem obisset*. If the Senate's own opinion was that Germanicus' death never should have occurred, as I have discussed above with the possible implications of [NU]NQVAM DEBVIT (*TS* fr. i, 2), the probability of the *princeps*' compositional intervention becomes even greater. The implication is that the *princeps* and the Senate collaborated in formulating this portion of the decree.

The *TS* stipulates that two other two arches should be erected for Germanicus, and that they should be placed in locations that were, in effect, components of the *finis imperii*. The first of these was to be located on the slope of Mt. Amanus in Syria (*alter ianus fieret in montis Amani iugo*), "or another place in those areas that seemed more suitable to Tiberius Caesar Augustus, our *princeps*" ([*siue qui*] / *alius aptior locus Ti(berio) Caesari Aug(usto) principi nostro [uideretur in iis regionibus]*).⁶³ If Gutiérrez's conjecture is correct, the Senate designated the other arch to be erected either along the Rhine or beside the *tumulus* for his father Drusus:

tertius ianus uel ap[ud ripam Rheni uel prope eum tumulum
fieret] / quem Druso, fratri Tib(eri) Caesaris Aug(usti), pr[imo
sua sponte excitare coepisset totus exerci-] / tus.⁶⁴

⁶² See especially Tac. *Ann.* 2.43.4: *credidere quidam data et a Tiberio occulta mandata*; cf. *Ann.* 2.5.1, where Tacitus writes that Tiberius appointed Germanicus "in order to expose him to treachery and calamities" (*ut... [eum] dolo simul et casibus obiectaret*).

⁶³ *TS* fr. i, 22-23. González (1984) believes the Amanus range may have been suitable because it formed the boundary between not only between Syria and Cilicia, but Syria and Commagene as well, which had been added as a province under Germanicus' direction (67-68); see Tac. *Ann.* 2.56.4. Cf. Gutiérrez (1999) 138-39.

⁶⁴ *TS* fr. i, 26-28. Gutiérrez largely bases his reconstruction on the honors for the elder Drusus: "Efectivamente, con algunas diferencias, el texto de la Siarensis es un reflejo del decreto con el que Augusto había ordenado los honores a Druso en el Rin" (152). See especially Suet. *Claud.* 1.3: *ceterum exercitus honorarium ei tumulum excitavit, circa quem deinceps statim die quotannis miles decurreret Galliarumque civitates publice supplicarent*; cf. Dio 55.2.3 and *CIL* VI.31199.

Unlike the arch dedicated in Rome, the language describing the placement of the arches in Syria and Germania is qualified in varying degrees, but the difference between the possible locations in Germania (marked by *uel... uel*) is somewhat negligible, since either would have firmly established the memory of Germanicus alongside that of his natural father. Thus, I identify two indices that definitively establish Germanicus' memory in both Rome and Germania, and that distinguish these *honores* from his commemoration in the East. The first of these is the remarkable prominence given to Germanicus' position within the imperial family: the Senate decrees that a statue of Germanicus in a triumphal chariot should crown the arch in Rome, and that it should be flanked by statues of his immediate family members;⁶⁵ in Germania, not only would the location of Germanicus' monument invoke his own accomplishments, as well as those of his father, but the decree also states explicitly the elder Drusus' close connection to the *princeps*—*Druso, fratri Ti(beri) Caesaris Aug(usti)*—and by extension closely associates Germanicus with Tiberius.⁶⁶ The second index is the decree's relative precision on where the monuments should be placed: as I have discussed, the decree is extremely specific on the location of the arch in Rome, and in Germania, it is likely that the Rhine marked the location of the commemorative arches for both Germanicus and his father Drusus.⁶⁷

In contrast, the specifications for the arch in Syria (*TS* fr. i, 22-26) are qualified by a phrase which does not appear for the other arches: [*siue qui*] / *alius aptior locus Ti(berio)*

⁶⁵ *TS* fr. i, 18-21: *supraque eum ianum statua Ger[manici Caesaris po-] / neretur in curru triumphali et circa latera eius statue D[rusi Germanici patris ei-] / us, naturalis fratris Ti(berii) Caesaris Aug(usti) et Antoniae matris ei[us] et Agrippinae uxoris et Li-] / uiae sororis et Ti(berii) Germanici fratris eius et filiorum et fl[iliarum eius].*

⁶⁶ *TS* fr. i, 27.

⁶⁷ Gutiérrez (1999) comments that Germanicus' arch was likely situated in Mogontiacum (149). For the placement of the *honores* (τιμαί) for Drusus in 9 BCE, see Dio 55.2.3, and below.

*Caesari Aug(usto) principi nostro [uideretur in iis regionibus].*⁶⁸ In addition, this is the only case where the Senate does not take measures to associate Germanicus with other members of the *domus Augusta*. Even if, as David Potter remarks, the arch “could not be associated with another monument to the family [since] none existed in Syria,”⁶⁹ the Senate, as far as we know, makes no attempt to include *statuae* of imperial family members alongside that of Germanicus, nor does it link the monument to the imperial family in any way. The Senate states only that the Syrian arch should include a statue of Germanicus, and that his accomplishments should be engraved upon it: *item statua eius poneretur et titulus conue[niens rebus ab eo gestis fronti eius iani in-] / sculperetur.*⁷⁰ Also notable is that his specific accomplishments in the East are not commemorated in the existing parts of the decree, though Cappadocia and Commagene became provinces in 18 CE.⁷¹ In contrast, the Senate prescribes that both the arch in Rome (*TS* fr. i, 11-18) and to a lesser degree that in Germania (*TS* fr. i, 28-29) should portray significant detail of his accomplishments. While the proposed locations outside Rome itself were considered the *finis imperii*, the phrasing of the *TS* qualifies only the placement of the Syrian arch. Perhaps this qualification implies that the location of Germanicus’ memory was deemed more appropriate in Rome and along the Rhine, where the unity of the imperial household, and Germanicus’ central position within it, is conveyed clearly.

Granted, the Senate’s qualified stance on the placement of the Syrian arch could be attributed to the fact that no definitive boundary existed between the eastern provinces and

⁶⁸ *TS* fr. i, 22-23.

⁶⁹ Potter (1987) 273.

⁷⁰ *TS* fr. i, 25-26.

⁷¹ Tac. *Ann.* 2.56.4.

the Parthian empire, while the Rhine had been portrayed rather differently since the time Caesar's *Commentarii Belli Gallici* were published in the mid first-century BCE.⁷² Tacitus does give a general idea of the *fines imperii* in the *Annales*, but does not specify what he considers the “distant rivers” that surrounded the empire.⁷³ Like Caesar, however, he opens the *Germania* by identifying the Rhine as a definitive boundary: *Germania omnis a Gallis Raetisque et Panoniis Rheno et Danuvio fluminibus... separatur*.⁷⁴ For the eastern arch, a comment of Strabo, who completed his *Geographia* during Tiberius' principate, is particularly relevant: though he does call the Euphrates a boundary (ὅριον δ' ἐστὶ τῆς Παρθυαίων ἀρχῆς ὁ Εὐφράτης), Strabo notes that the loyalties of the local inhabitants were divided between the Romans and Parthians (οἱ μὲν μᾶλλον ἐκείνοις [τοῖς Πάρθοις], οἱ δὲ τοῖς Ῥωμαίοις προσέχοντες).⁷⁵ Thus, it is possible, as Potter writes, that the Senate “did not have a clear idea of what Tiberius would consider appropriate” in terms of the placement of the Syrian arch.⁷⁶ Or perhaps the Senate's suggestion was motivated by its desire to place the arch in an area with sufficient military oversight. Since no remnants of the arch have been found, Potter suggests that it was likely located in an area firmly under Roman control, and was visible from a major road: based on these criteria, Potter conjectures that the arch was constructed at the southern end of the Amanus range near Pagrae, along the road leading from Antioch to Alexandria ad Issum.⁷⁷ However, the Senate's clear qualification for the

⁷² See, for example, Caesar *BG* 1.1.

⁷³ Tac. *Ann.* 1.9.5: *mari Oceano aut amnibus longinquis saeptum imperium*.

⁷⁴ Tac. *Germ.* 1.1.

⁷⁵ Strabo 16.1.28; cf. Tac. *Ann.* 13.34.1-2.

⁷⁶ Potter (1987) 275-76.

⁷⁷ Potter (1987) 271-72; see Talbert (2000) p. 67, C3 and C4.

arch (ALIVS APTIOR LOCVS TI CAESARI)⁷⁸ may be repeated for other honorific structures, and again, only in eastern locations.

Admittedly, the latter portion of Fragment I is badly damaged, and has led modern editors to rely almost exclusively on the testimony of Tacitus;⁷⁹ in this case it seems appropriate to consider his account, since it is likely that he consulted the *TS* in composing *Annales* 2.83: *arcus additi... [et] sepulchrum Antiochiae ubi crematus, tribunal Epidaphnae, quo in loco vitam finierat.*⁸⁰ Based on this passage, and two corresponding inscriptions on the funeral honors for Germanicus and the younger Drusus,⁸¹ Gutiérrez offers the following reconstruction:

[Ite]m placere uti m[onumentum aeternae Germanici Caesaris
memoriae fieret Antio-] / [chi]ae in foro, [ubi corpus
Germanici Caesaris crematum esset siue qui alius aptior lo-] /
[cus Ti(berio)] Ca[esari Aug(usto) principi nostro uideretur
itemque Epi Daphne ubi Germanicus] / Caesar expirasset
tribunal marmoreum constitueretur
— — —].⁸²

Given that Tacitus likely offers an abbreviated account at *Annales* 2.83, the corresponding lines from the *TS* probably presented the honors in greater detail. Nonetheless, in both the placement of the Syrian arch and this fragmentary section as well, Gutiérrez detects a “clear

⁷⁸ *TS* fr. i, 23.

⁷⁹ See González (1984) 60; Gutiérrez (1999) 164ff.

⁸⁰ Tac. *Ann.* 2.83.2.

⁸¹ *CIL* VI.31199, lines 13-14 ([*item placere uti marmoreum sepulchrum memoriae Germanici Caesaris exstrueretur Antiochiae in foro ubi corpus Germanici*] / *Caesaris cremat[um esset at]qu[e Epidaphnae ubi Germanicus Caesar expi]rasset trib[unal constitueretur*]). *CIL* VI.31200b, lines 8-9 ([*p*]lacere uti statua eques- / [*tris ibi fieret ubi principi no*]stro videretur) and 13-14 (*poneretur quo loco Ti(berio)* / [*Caesari Aug(usto)* videretur]).

⁸² *TS* fr. i, 35-38; Gutiérrez (1999) *ad loc.*

characteristic of the relations between Tiberius and the Senate,” whereby the emperor is given the power to choose the honors for members of his immediate family.⁸³

If Gutiérrez is correct, and the placement of the *sepulchrum* at Antioch and the *tribunal* at Epidaphne are qualified in the same way as the arch on Mt. Amanus, the repetition of the phrase *siue qui alius aptior locus Ti(berio) Caesari Aug(usto) principi nostro uideretur* may convey several interesting implications. First, I propose that firmly establishing Germanicus’ memory in the East, where he undoubtedly conflicted with Piso, and where he died under uncertain circumstances, may not have been a high priority for either the Senate or the *princeps*. Furthermore, although Tacitus writes that Germanicus’ funeral in Antioch was well-attended, he also reports that it occurred *sine imaginibus et pompa*.⁸⁴ These components would probably not have been expected for a funeral outside Rome—but such honors certainly would have been expected at Germanicus’ funeral in Rome. As I discuss below, they are conspicuously absent in Tacitus, who reports that the *pompa imaginum* was not held in Rome when Germanicus’ remains arrived there in 20 CE.⁸⁵ Tacitus implies that Tiberius took little initiative to ensure a funeral for his stepson that would have been standard for Roman aristocrats, not to mention a member of the imperial family.

In addition, while the site on Mt. Amanus likely represented a suitable location for the Syrian arch because it was a relatively stable area under Roman control, I think it is unclear why the placement of a *sepulchrum* at Antioch would require qualification, since it had been annexed by Pompey Magnus in 64 BCE and had been the provincial capital of Syria ever

⁸³ On *CIL* VI.31200b, Gutiérrez (1999) writes, “[Este texto] hace patente también esta característica de las relaciones entre Tiberio y el senado” (172).

⁸⁴ Tac. *Ann.* 2.73.1.

⁸⁵ Tac. *Ann.* 2.73.1.

since. Whatever the case, in determining the placement of the honorific structures for Germanicus in the East, the Senate defers the final decision to the *princeps*. Tiberius may have deemed that the memory of Germanicus was more suitably located in Rome and near the Rhine, and if so, it was an opinion that the Senate was willing to accommodate. The *princeps* may have wished to create the impression that Germanicus' memory was sufficiently honored both at the center of the Empire and at its outermost borders, but perhaps his attempt could be viewed as inadequate. I find it more likely that Germanicus' memory was established less definitively in the East, or deemphasized, in order to draw attention away from an area that had become associated with the most unfortunate circumstances, and with an imperial scandal of the highest order.

IV. The reconciliation of *pietas* and *moderatio* in *TS* Fragment II, Column B

I propose that the death of Germanicus and the honors carried out in his memory, as presented in the *TS*, provide crucial insight into the relationship between Tiberius' claims to the principles of *moderatio* and *pietas* and the expression of these principles. In 20 CE, when Agrippina returned to Rome carrying Germanicus' remains, Suetonius writes that Tiberius was faced with a populace mired in the utmost grief, a grief that "could be restrained neither by consolation, nor by edicts."⁸⁶ According to Tacitus, however, the emperor insisted (by means of an edict, no less) that their grief should be limited.⁸⁷ It is possible that Tiberius did not provide a suitable funeral in Rome, since as Tacitus reports, "there were some who asked for the procession of a public funeral" (*fuere qui publici funeris pompam requirerent*), and

⁸⁶ Suet. *Calig.* 6.2: *Et ut demum fato [Germanicum] functum [esse] palam factum est, non solaciis ullis, non edictis inhiberi luctus publicus potuit.*

⁸⁷ Tac. *Ann.* 3.6.1.

who said openly that Germanicus had not received his due honors (*at Germanico ne solitos quidem et cuicumque nobili debitos honores contigisse*).⁸⁸

Thus, if Tiberius wished to display his *moderatio* in 20 CE, he may have done so at the expense of other aspects of his public image, namely *pietas*, since the funeral of Germanicus may have been perceived as inadequate to his status and renown. Granted, the existence of a *sepulchrum* at Antioch that is recorded by Tacitus (*Ann.* 2.83.2), and that may be included in the *TS* (fr. i, 35-37), was not Germanicus' final resting-place, since Tacitus writes that his ashes were interred in Augustus' Mausoleum.⁸⁹ The *sepulchrum* was a memorial only, a cenotaph. In this respect the funeral honors do resemble those given to his father Drusus, since in both cases a cenotaph was dedicated to commemorate the place of death: on the honors for Nero Drusus, Dio writes καὶ τιμὰς καὶ εἰκόνων καὶ ἀψῖδος κενотаφίου τε πρὸς αὐτῷ τῷ Ῥήνῳ λαβών.⁹⁰ However, Germanicus' funeral differs from that of his father in one interesting respect: Dio also relates that in 9 BCE Tiberius traveled all the way to the Rhine and accompanied Drusus' body back to Rome personally (Dio 55.2.1-3). In 20 CE, however, perhaps because Tiberius was generally avoiding public appearances (*Ann.* 3.3.1), Tacitus writes that he sent two praetorian cohorts to accompany Agrippina from Brundisium, and expressed the wish that magistrates from Calabria, Apulia, and Campania “should perform the last rites for the memory of his son.”⁹¹

Although extant sections of the *TS* record additional funeral honors for Germanicus—those in Fragment IIa, which includes provisions for annual sacrifices, the erection of a

⁸⁸ Tac. *Ann.* 3.5.1; cf. *Ann.* 2.73.1-4. See especially Millar (1988) 14-16.

⁸⁹ Tac. *Ann.* 3.4.1; see also Zanker (1988) 72-77.

⁹⁰ Dio 55.2.3.

⁹¹ Tac. *Ann.* 3.2.1: *miserat duas praetorias cohortes Caesar, addito ut magistratus Calabriae Apulique et Campani suprema erga memoriam filii sui munia funderetur*.

bronze boundary marker, the suspension of public business, and the postponement of the *ludi Augustales scaenici*⁹²—I will not discuss these honors in detail, since none could have achieved anything close to the permanent and opulent display of the honorific arches. In addition, Tacitus mentions none of these minor honors, and of those included at *Annales* 2.83, he writes that “most remained, [but] certain ones were immediately disregarded, or long duration caused [them] to be forgotten.”⁹³ Thus, while it might have appeared to the casual observer that Tiberius had fulfilled his duties in honoring the memory of Germanicus appropriately, I find it more likely that his actions, presented publicly under the pretext of *moderatio*, would have appeared insufficient for the honoree.⁹⁴ In addition, as I have argued, if Tiberius is credited with *moderatio* explicitly in the *TS*, it would likely apply more to the honorific monuments constructed in the East than those in Rome and on the Rhine. Perhaps, if Tiberius wished to divert attention away from the eastern provinces, and to deemphasize the significance of Syria in the preservation of Germanicus’ memory, he was not exercising the principle of *moderatio* in its fullest sense, but when and where it was politically convenient.

In Fragment IIb of the *TS*, the Senate provides examples of how Tiberius attempted to display *pietas* to Germanicus’ memory, even if it does not attribute the principle to him directly.⁹⁵ The Senate first records that Tiberius recited a poem in Germanicus’ honor, and

⁹² *TS* fr. iia, 1-14.

⁹³ Tac. *Ann.* 2.83.4: *pleraque manent: quaedam statim omisa sunt aut vetustas obliteravit.*

⁹⁴ As Arce (1988) writes, “los funerales [para Germánico] fueron prácticamente inexistentes o, al menos, disminuidos en ceremonial y significado” (43). For Arce’s discussion of the funeral honors presented in *TS* fr. iia, see 46-50.

⁹⁵ Drusus Caesar is credited with *pietas* at *TS* fr. iib, 18; immediately preceding is the section on Tiberius’ *laudatio*, and preceding that are approximately 50 lines of lost text, in the third column alone.

recommends that it should be inscribed in bronze and set up wherever the *princeps* thinks best:

[Item placere uti car]men, quod Ti(berius) Caesar
Aug(ustus)... / [de laudando Germanico filio] suo proposuisset,
in aere incisum figeretur loco publico / [...quocumque ipsi]
placeret.⁹⁶

Tacitus clearly doubts that such a *carmen* was ever delivered; the same people who first questioned Tiberius' proper attention to Germanicus' funeral honors ask: *ubi illa veterum instituta, propositam toro effigiem, meditata ad memoriam virtutis carmina et laudationes et lacrimas vel doloris imitamenta?*⁹⁷ If Tacitus accurately relates the popular reaction in 19 CE, perhaps the Senate mentions a *carmen* in the *TS* in order to augment the public image of Tiberius' *pietas*.

The Senate also comments on the personal relationship between Tiberius and Germanicus (*TS* fr. iib, 13-17), and appears to reconcile Tiberius' *pietas* and *moderatio*. Gutiérrez interprets these lines as follows:

idque eo iustius futurum arbitrari senatum, quod / [animus
Ti(beri)] Caesaris Aug(usti) intumus et Germanici Caesaris
f(ili) eius non magis laudatio- / nem quam uitae totius ordinem
et uirtut[is] eius uerum testimonium contineret, / aeternae tradi
memoriae et ipse se velle non dissimulare eodem libello
testatus / esset, et esse utile iuuentuti liberorum posterumque
nostrorum iudicaret.⁹⁸

⁹⁶ *TS* fr. iib, 11-13. As Lebek (1986) points out, this *carmen* could not have been a proper *laudatio funebris*, as González first interpreted it in 1984, since the *laudatio* was traditionally a prose form (39-40). On the reconstruction [car]men, González (1984) believes it is written “con el significado de elogio fênebre” (75). See also Gutiérrez (1999) 233-34.

⁹⁷ Tac. *Ann.* 3.5.2; cf. Suet. *Tib.* 70.2, who writes that Tiberius composed a poem (*carmen lyricum*) on the occasion of Lucius Caesar's death, but does not mention anything comparable for Germanicus.

⁹⁸ *TS* fr. iib, 13-17. Gutiérrez (1999, 241) accepts the reading of *animus* in line 14, which was first proposed by Schillinger-Häfele (1988, 76).

While I agree with Gutiérrez's assertion that "the words *eodem libello* necessarily must refer to the noun [already] mentioned" (i.e. [*car*]men, *TS* fr. iib, 11), I must disagree with his conjecture of *animus* (*TS* fr. iib, 14).⁹⁹ As Gutiérrez writes,

en el documento el senado quiso dejar constancia de que Tiberio se había mostrado tal como era en el *carmen* que hizo público, y esto gracias a que era su *animus intumus* el contenido esencial de las palabras del emperador.¹⁰⁰

Such an interpretation must rely on two assumptions: first, that the contents of the alleged *carmen* were a sincere reflection of the emperor's feelings toward Germanicus; and second, that the Senate was able to definitively ascertain the *animus* of the *princeps*. Tacitus' assertion that Tiberius deliberately concealed his feelings (*Tiberioque... suspensa semper et obscura verba [erat]*), and that the senators feared giving the appearance of fully understanding him (*at patres, quibus unus metus si intellegere viderentur, in questus lacrimas vota effundi*), casts doubt on the inclusion of *animus* in this passage of the *TS*.¹⁰¹ I propose that the Senate does not attempt to ascertain the true feelings of the *princeps*—thus attempting to present the possible reality inherent in *animus*—but that necessarily it can present only an appearance of that uncertain reality. The Senate employs the verb *contineret* (*TS* fr. iib, 15), which may suggest the need for a more tangible noun: therefore, I accept the

⁹⁹ Gutiérrez (1999): "las palabras *eodem libello* deben referirse necesariamente al sustantivo mencionado" (239).

¹⁰⁰ Gutiérrez (1999) 242.

¹⁰¹ Tac. *Ann.* 1.11.2; cf. *Ann.* 6.51.3, where Tacitus describes the "diverse periods of [Tiberius'] *mores*" (*morum quoque tempora illi diversa*)—on the initial years of his principate, up to 23 CE, Tacitus writes [*illi erat*] *occultum ac subdolum fingendis virtutibus, donec Germanicus ac Drusus superfuere*. For general discussion, see especially Martin (1981) 104-143.

conjecture of *libellus* first proposed by González,¹⁰² which I believe has been dismissed too hastily by Gutiérrez, among others.¹⁰³

In effect, I argue that the Senate's method of composition likely operates within the realm of reality—a realm in which it can account only for Tiberius' published or spoken opinions—and not within an interpretive realm that would be required by *animus*. If the Senate refers to a *libellus*, or even to a *sermo*, it is reporting actual events that have taken place, and is offering little interpretation of the emperor's intentions. I think that this scenario is considerably likelier than the contrary. In this way, the Senate can better assert the existence of a *laudatio* for Germanicus. Thus, the Senate would definitively attribute to Tiberius the *pietas* that may have been perceived as inadequate, if we are to believe Tacitus. In addition, it appears to reconcile *pietas* with the principle of *moderatio*, the principles which, as I have argued, may be at variance in the first fragment of the decree. The comparative clause introduced by *non magis... quam* (*TS* fr. iib, 14-15) allows the Senate to speak definitively of Tiberius' *pietas*, while simultaneously asserting that he did not breach his standard of propriety, of *moderatio*.

In sum, the presentation of the posthumous honors for Germanicus in the *TS* may help expand our understanding of the role of imperial *virtutes* in the discourse of Tiberius' principate; the Senate certainly exercised considerable care and attention in composing the decree. What could be considered the most conspicuous examples of Tiberius' expression of *pietas* in the *TS* are the honorific arches, but as I have discussed, his possession of the principle may have been called into question, especially if we compare the Senate's language

¹⁰² See González (1984) 75, who mainly bases his conjecture of *libellus* in line 14 on *eodem libello* in line 16.

¹⁰³ See Gutiérrez (1999) 238-242; Lebek (1986) 44ff., who bases his opposition on the lack of a similar context for instances of *intumus libellus* as listed in the *TLL*. Cf. Schillinger-Häfele (1988) 75-78, who agrees with Lebek's reservations, but discusses another tangible conjecture, *sermo*.

describing the placement of monuments in the East to those in Rome and along the Rhine. Nonetheless, it appears that the Senate wished to maintain the public image that Tiberius possessed and embodied the principles of *pietas* and *moderatio* equally, as I have argued for Tiberius' *laudatio* of Germanicus. As I will now discuss, Tiberius' devotion to the memory of Germanicus is certainly emphasized in the decree of the following year, but in my view the principle of *pietas* takes on considerably more significance in light of how the Senate presents its judgments in the *SCPP*.

CHAPTER 3

IUSTITIA AND PIETAS IN THE SENATUS CONSULTUM DE CN. PISONE PATRE

The prevalence of imperial *virtutes* in the *SCPP* has attracted considerable scholarly attention, which has focused primarily on the specific *virtutes* that are stated in the decree, and, not surprisingly, on comparing the contents of the decree with Tacitus' account in *Annales* II-III. In my opinion, Cooley offers one of the most convincing interpretations of the presentation of imperial *virtutes* in the *SCPP*, especially in light of the Senate's stated purpose for the decree's wide publication throughout the empire;¹ Cooley writes: "In relating these virtues and vices, the Senate is not merely descriptive, but prescriptive," and in doing so, it "has a didactic purpose, to outline what sort of behaviour is expected of Roman citizens."² In addition, Cooley identifies Tiberius, and correctly in my opinion, as the source of virtuous behavior: "the Senate describes how appropriate behaviour is initiated by Tiberius and Iulia Augusta, and is then adopted by other members of the imperial family, only to trickle down through the rest of Roman society via the *equites* and *milites*, ending up with the *plebs*."³

With Cooley's observations in mind, in this chapter I will focus particularly on the Senate's presentation of two imperial *virtutes* in the *SCPP*. First, I will examine how the

¹ *SCPP* 165-170: *Et quo facilius / totius actae rei ordo posterorum memoriae tradi posset atque hi scire<nt>, quid et / de singulari moderatione Germ(anici) Caesa(ris) et de sceleribus Cn. Pisonis patris / senatus iudicasset, placere uti oratio, quam recitasset princeps noster, / itemq(ue) haec senatus consulta in {h}aere incisa, quo loco Ti. Caes(ari) Aug(usto) vide- / retur, ponerentur.*

² Cooley (1998) 200.

³ Cooley (1998) 208.

Senate presents the exercise of *iustitia*: the discussion will focus mainly on the interaction of that principle with other imperial *virtutes*, and the apparent differences that arise through the application of *iustitia* to the various defendants. Second, I will discuss the Senate's overt emphasis on the threat of renewed civil war that Piso represented. As I will show, *pietas* not only motivates the Senate's judgment of him, but can also be viewed as an expression of unity in the face of that perceived threat.

I. The perceived threat; the roles of the *princeps* and the Senate

Although the Senate consistently attributes *virtutes* to Tiberius in the *SCPP*, and ostensibly offers praise to both *princeps* and the imperial family as a whole, it clearly emphasizes that the publication of the decree was prompted by a grave situation. Following the *relatio* (*SCPP* 4-11),⁴ the Senate thanks the immortal gods “before everything” (*ante omnia*) for their protection of *tranquillitas*, and specifically “because they did not allow the peace of the present state of the Republic to be disturbed by the abominable plans of the senator Cn. Piso”:

Senatum populumq(ue) Romanum ante omnia dis immortalibus
gratias agere, / quod nefaris consilis Cn. Pisonis patris
tranquillitatem praesentis status / r(ei) p(ublicae), quo melior
optari non pote|e|t quo beneficio principis nostri frui contigit, /
turbar|i| passi non sunt.⁵

Immediate emphasis is placed on the danger and the inherent evils of civil war. Later in the decree, the Senate credits Tiberius' *virtutes* and the *numen* of Augustus for the maintenance of peace, where it writes that Piso “even tried to incite civil war, though the evils of civil war

⁴ For a discussion of senatorial judicial procedure as reflected in the *SCPP*, see Richardson (1999) 514-17; for general discussion, see especially Talbert (1984) 460-487.

⁵ *SCPP* 12-15.

had long since been buried by the divine will of the deified Augustus and by the virtues of Tiberius Caesar Augustus” (*bellum etiam civile excitare conatus sit, iam pridem numine divi Aug(usti) virtutibusq(ue) Ti. Caesaris Aug(usti) / omnibus civilis belli sepultis malis*).⁶ Here, Tiberius is credited with possessing qualities that are closely linked to a central message of Augustus’ principate—the maintenance of *pax*, of *tranquillitas*, and the end of civil war once and for all. The Senate implies that Tiberius is equipped to maintain the empire according to Augustan principles, which would have been a vital public message for Tiberius, especially given the rumors of his personal involvement with Piso’s actions in the East.⁷

In my view, at *SCPP* 12-15 the Senate introduces two ideas that are meant to be kept in mind throughout the decree. First, it presents Piso’s actions as a genuine threat to Rome’s political stability, and second, it implies that Tiberius’ principate was not invulnerable to potential disruption. With the phrase *tranquillitatem praesentis status / r(ei) p(ublicae)* (13-14)—a precise phrase that is unattested elsewhere in the epigraphic record⁸—it appears that the Senate credits Tiberius directly with preserving a state of *tranquillitas*.⁹ The original editors view this passage, apparently without reservation, as the Senate’s utmost praise of the *princeps*, as well as its recognition of his active participation in suppressing Piso:

Doch schon die Verteilung des Dankes: Z. 12-15 für die Götter, Z. 15-22 für Tiberius zeigt, wer der eigentliche Adressat dieser *gratiarum actio* ist, der *princeps*. Denn der Grund für den Dank an die Götter ist zwar die Bewahrung des ungestörten

⁶ *SCPP* 46-47.

⁷ See especially Tac. *Ann.* 2.43.4: *nec dubium [Piso] habebat se delectum qui Syriae imponeretur ad spes Germanici coercendas. credere quidam data et a Tiberio occulta mandata.*

⁸ Even so, Eck et al. (1996, 141-42) note that a similar phrase is found in the coinage of Augustus; see *RIC* I, p. 75, no. 160: I(OVI) O(PTIMO) M(AXIMO) S(ENATUS) P(OPULUS)QUE R(OMANUS) V(OTUM) S(USCEPIT) P(RO) S(ALUTE) IMP(ERATORIS) CAE(SARIS), QUOD PER E(UM) R(ES) P(UBLICA) IN AMP(LIORE) ATQ(UE) TRAN(QUILLIORE) S(TATU) E(ST).

⁹ *OLD*, *tranquillitas*, 2: a quiet condition or state of affairs, tranquillity, calm. Cf. Vell. Pat. 2.103.5.

staatlichen Zustands, der als so optimal beschrieben wird, daß er besser nicht gewünscht werden könne. Schon hier wird deutlich gemacht, daß auch dieser *optimus status rei publicae* als ein *beneficium* des *princeps* angesehen werden muß, der gänzlich von ihm abhängt.¹⁰

The editors conclude: “Das politische Vokabular... ist durchaus konventioneller Natur.”¹¹

Surely these lines of the decree are meant to depict the *princeps* favorably, but I believe the Senate is careful to attribute to Tiberius a peripheral role in suppressing the threat posed by Piso. The phrase *praesentis status rei publicae* logically (and grammatically) refers to the state of imperial rule itself, which was secured by Augustus. This is what Tiberius was concerned to maintain, and it had come to be characterized by relative peace and stability. Here, the Senate specifically credits the immortal gods with maintaining order (*quod tranquillitatem... turbare non passi sunt*), and while it praises Tiberius’ abilities to maintain the state of peace that he had inherited from Augustus (*quo beneficio principis nostri frui contigit*), he is credited only indirectly with maintaining *tranquillitas*. Tiberius’ contributions are subordinated: since the antecedent of the first instance of *quo* must be *praesentis status*, the Senate credits the *princeps* only with maintaining the current political system and social structure,¹² and only to the point *preceding* Piso’s treasonous actions. It is unlikely that *tranquillitatem praesentis status rei publicae* specifies the course of events in 19-20 CE,

¹⁰ Eck et. al (1996) 139 (“Now the distribution of the thanks: lines 12-15 show [thanks] for the gods, lines 15-22 for Tiberius, the *princeps*, who is the actual addressee of these *gratiarum actio*. For, the reason for the thanks to the gods is admittedly the preservation of the unimpaired national condition, which is described as so optimal that one could not wish it better. Here, it is already made clear that this should be regarded as the *optimus status rei publicae*, as a *beneficium* of the *princeps*, [and] which completely depends on him”).

¹¹ Eck et al. (1996) 141.

¹² Cf. Suet. *Aug.* 28.2: “Ita mihi salvam ac sospitem rem p. sistere is sua sede liceat atque eius rei fructum percipere, quem peto, ut optimi status auctor dicar et moriens ut feram mecum spem, mansura in vestigio suo fundamento rei p. quae iecero.” Eck et al. (1996) cite this passage to establish *tranquillitatem praesentis status / r(ei) p(ublicae)*, *quo melior optari non pote* (SCPP 13-14) as precedent for the phrase being “durchaus konventionelle.” I do think we should keep in mind, especially in light of *ut optimi status auctor dicar et moriens ut feram mecum spem*, that Suetonius reports, in *oratio recta*, Augustus’ view of himself as the very source of political stability. Cf. Vell. Pat 2.131.1-2.

which led to Germanicus' death and Piso's indictment. Perhaps, in attributing primary agency to the gods, the Senate expresses relief that Piso's attempts at provoking civil war had been unsuccessful. We should also recall Tacitus' report that it was not Tiberius, but the *de facto* governor of Syria, Cn. Sentius Saturninus, who actually suppressed Piso's uprising.¹³

The Senate does not rely merely on divine intervention to communicate the threat that had been posed by Piso. While Tacitus frequently mentions Piso's alleged involvement in poisoning Germanicus,¹⁴ and writes that the conclusion of Piso's trial "was the end of avenging Germanicus' death,"¹⁵ in the *SCPP*, the Senate's most serious charge against Piso was his attempt to instigate civil war. In support of that charge, the Senate cites Piso's departure from and re-entry into the province, and that he coerced Roman soldiers to fight one another:

bellum etiam civile ex- / citare conatus sit, iam pridem numine
divi Aug(usti) virtutibusq(ue) Ti. Caesaris Aug(usti) / omnibus
civilis belli sepultis malis repetendo provinciam Syriam post /
mortem Germanici Caesaris quam vivo eo pessumo et animo et
exemplo re- / liquerat, at(que) ob id milites Romani inter se
concurrere coacti sunt.¹⁶

Such behavior fell under the purview of Republican *maiestas* laws, most notably Sulla's *lex Cornelia de maiestate* of 81 BCE,¹⁷ in addition, if the jurist Ulpian is correct, the *lex Iulia*

¹³ See Tac. *Ann.* 2.74-81; cf. *PIR*² S 295.

¹⁴ See especially Tac. *Ann.* 2.69.3; 2.79.1. Tacitus does establish considerable doubt that Piso was involved in poisoning Germanicus, since he relates that this was the only charge brought unsuccessfully by his prosecutors: *solum veneni crimen visus est diluisse* (*Ann.* 3.14.1). Tacitus also reports Tiberius' doubt, in his speech at the beginning of Piso's trial (*Ann.* 3.12.4).

¹⁵ Tac. *Ann.* 3.19.2: *is finis fuit ulciscenda Germanici morte*. See Woodman and Martin (1996) *ad loc.*, who remark on the unusual ablative gerundive *ulciscenda... morte*, where we would expect a genitive or dative following *finis*.

¹⁶ *SCPP* 45-49.

¹⁷ We cannot verify that the actions of provincial governors were included in *maiestas* laws prior to Sulla's *lex Cornelia de maiestate* of 81 BCE, but it seems rather certain that this *lex* established such jurisdiction; see Bauman (1967) 59. For example, in his defense of Aulus Cluentius in 66 BCE, Cicero mentions the charge of

maiestatis was formulated similarly.¹⁸ Even though the above passage adequately invokes the civil wars of the late Republic, the perceived severity of the charges against Piso is best revealed later in the decree, where the Senate invokes the factionalism that had led to previous outbreaks: *milites alios Pisonianos, a- / lios Caesarianos dici* [Cn. Piso pater] *laetatus sit*.¹⁹ Such terminology is found throughout Caesar's *Bellum Civile*, where he consistently refers to Pompey's men as *Pompeiani*.²⁰ By specifying Piso's corruption of Roman soldiers in this way, the Senate emphasizes the gravity of the threat he had posed. Granted, the threat of full-scale civil war was successfully averted, but the Senate does attest (with *milites Romani inter se concurrere coacti sunt*, SCPP 49) that actual combat had occurred.

Whatever his level of involvement, Tiberius was likely motivated to emulate the image of peace that had prevailed during Augustus' principate, and to uphold Augustus' claim in his *Res Gestae* that he had destroyed the threat of civil war (*bella civilia exstinxeram*).²¹ The focus on the serious threat of civil war in the SCPP suggests that both Senate and *princeps* were concerned with allaying any fears of its renewal. In my view, the Senate employs the language of *virtutes* to emphasize that the threat posed by Piso had been

compromising the loyalty of soldiers, while speaking of only a single *lex maiestatis*: *fateor, sed etiam legionem esse ab eo sollicitatam... quod crimen erat proprium illius quaestionis et quae res lege maiestatis tenebatur* (Cic. *Chu.* 35.97). On *sollicitatam*, see Chilton (1955) 74, and cf. *Dig.* 48.4.1. Likewise, in his invective against Lucius Piso in 55 BCE, Cicero writes: *mitto exire de provincia, educere exercitum, bellum sua sponte gerere, in regnum iniussu populi Romani aut senatus accedere, quae cum plurimae leges veteres, tum lex Cornelia maiestatis, Iulia de pecuniis repetundis planissime vetat* (Cic. *Pis.* 50). Without any evidence that Sulla's law was later repealed, it was likely upheld by Julius Caesar's *lex Iulia de maiestate*, or subsumed entirely.

¹⁸ Ulpian writes (*Dig.* 48.4.1) that "whoever bears arms against the republic" (*quis contra rem publicam arma ferat*) is guilty of *maiestas*, or who compromises with the loyalty of Roman soldiers for subversive purposes (*quique milites sollicitauerit concitaueritque, quo seditio tumultusque aduersus rem publicam fiat*).

¹⁹ SCPP 54-56. The SCPP is more precise than Tacitus: [*Piso*] *eo usque corruptionis proventus est, ut sermone vulgi parens legionum haberetur* (*Ann.* 2.55.5).

²⁰ See *Caes. B.C.* 1.15.5; 1.28.1; 1.40.2; 2.17.1; 3.35.2; 3.42.3; 3.44.4; 3.46.3, 5; 3.48.2; 3.51.1, 6; 3.53.1; 3.58.1; 3.63.6; 3.65.1; 3.66.2; 3.67.4; 3.72.1; 3.84.2, 4; 3.93-95; 3.97; 3.101.7; 3.107.1.

²¹ *Res Gestae* 34.1.

averted by the position of the *princeps*, and by the principles that had come to characterize that position. As David Potter writes,

the specific virtues that are adduced in connection with the *domus Augusta* offer a reading of the history of the late Republic that is intended to show how the *domus* stands between the Roman state and the chaos of Cicero's generation; the selection of virtues advertised in the *senatus consultum* of 10 December is intimately connected with the justification of what we should now learn to call the *statio* of Augustus and Tiberius. Piso himself is cast in the role of a man who threatened to bring back the horror of the past.²²

I believe Potter is correct, but in my view the Senate emphasizes Tiberius' *principles* as the active suppressor of the threat, and thus may avoid crediting the *princeps* directly: *iam pridem numine divi Aug(usti) virtutibusq(ue) Ti. Caesaris Aug(usti) omnibus civilis belli sepultis*.²³ Perhaps because only Augustus could have been credited with actually quelling civil war, the Senate, with the concessive ablative absolute *omnibus civilis belli sepultis malis* (upon which the instrumental ablative *virtutibus* must rely), technically attributes to Tiberius only the possession of virtuous *qualities* that would have been required to counter the evils inherent in civil war. Tiberius' involvement is not merely indirect, but is presented in wholly abstract terms. As I will discuss below, although the Senate does invoke individual *virtutes* in relating the charges against Piso and its proposed punishments for him (*SCPP* 23-90), it does not attribute anything more specific than *virtutes* to the *princeps* (46).

The Senate's affirmation of Tiberius may be due largely to his status as *princeps* and to his close association with Augustus—but nevertheless, especially since Tiberius is depicted alongside Augustus, the *SCPP* conveys the message that the *virtutes principis* were a crucial element in countering any threat of civil disturbance. Perhaps, so as not to

²² Potter (1999) 70-71.

²³ *SCPP* 46-47.

misrepresent the outcome of the events, the Senate here (*SCPP* 45-49) does not attribute to Tiberius particular qualities, but relates in the most general terms a significant aspect of its methodology for presenting the *domus Augusta* as the safeguard of the state: its consistent focus on imperial *virtutes*. In the process, the Senate presents itself as actively engaged in supporting the *princeps*, and helps reinforce the image of the principate as the political framework most capable of, and perhaps ideal for, combating civil war.

On the Senate's role as a supporter of imperial ideology under Tiberius, Cooley makes two assertions that are especially relevant to the present discussion: first, she writes that the Senate "exerts itself to praise the emperor and his mother unreservedly, thus taking an active part in creating the ideology which justified the supremacy of the *domus Augusta* in Roman society"; and second, that "[m]embers of the *domus Augusta* all share a large number of *virtutes* which they display for the benefit of the rest of society. The Senate is an active promoter of this view of the imperial household."²⁴ Cooley's assessment of the Senate's authorship of the *SCPP* is accurate, but I believe the Senate is as concerned with its own public presentation as it is with that of the imperial family. In introducing its decisions regarding Piso's sons, the Senate states openly that both Augustus and Tiberius succeeded in maintaining traditional Roman *virtutes*, it identifies Tiberius as the present source of virtuous behavior, and admits that he had a substantial influence on the senatorial order:

item senatum, memorem clementiae suae ius- / titiaeq(ue)
 <atq(ue)> animi magnitudinis, quas virtutes qu[om] a maioribus
 suis acce- / pisset, tum praecipue ab divo Aug(usto) et Ti.
 Caesare Aug(usto) principibus suis didicisset / ... aequom
 humanumq(ue) censere.²⁵

²⁴ Cooley (1998) 199, 207.

²⁵ *SCPP* 90-93.

By presenting itself as genuinely influenced by the principles that were used to define the principate publicly, the Senate only strengthens the rhetorical effect of focusing on imperial *virtutes* throughout the decree. As I will discuss further below, the Senate portrays its own *virtutes* most prevalently in relating the charges against Piso and his punishments (*SCPP* 23-90), the portion of the decree where Tiberius is portrayed in a peripheral role, and the same portion where his possession of *virtutes* is stated in the most general terms (*SCPP* 46-47).

II. *Aequitas* and *clementia*: the *iustitia* of the *princeps*

According to Tacitus, although Tiberius was asked to conduct the investigation at Piso's trial personally (*petitumque est a principe cognitionem exciperet*), initially he chose to recuse himself from direct involvement in the trial, and to allow the Senate full jurisdiction in the case (*integramque causam ad senatum remittit*).²⁶ The *SCPP* generally coincides on these points, as seen in the *relatio*: *Ti(berius) Caesar... ad senatum rettulit qualis causa Cn. Pisonis patris visa esset*.²⁷ As I have discussed in Chapter 1, Tacitus presents Piso's *maiestas* case as the first known of Tiberius' principate in which the *princeps* did not intervene directly to secure acquittal for the defendant; the only exception was the case of Libo Drusus in 16 CE, for whom, as Tacitus writes, Tiberius swore openly (*iuravitque*) that he would have sought acquittal if not for the defendant's suicide.²⁸ Despite the similarity of the charges against Libo to those that would later be brought against Piso²⁹ (and despite L. Fulcinus

²⁶ Tac. *Ann.* 3.10.1; 3.10.3.

²⁷ *SCPP* 4-6.

²⁸ Tac. *Ann.* 2.31.3.

²⁹ See above, p. 23.

Trio's demand that Libo immediately be tried before the Senate),³⁰ Tiberius expressed his intention to acquit Libo, and likely desired to display his *clementia* publicly.³¹

I also discussed in Chapter 1 a trend in Tiberius' behavior, as presented by Tacitus: the *princeps*' intimate involvement in every *maiestas* case before 20 CE seems to coincide with his consistent exercise of *clementia*. As I have argued, in Tacitus' account of 20 CE, he implies that Tiberius had to restrain any outward appearance of pity for Piso.³² In the *SCPP*, any indication of the emperor's *dissimulatio* is entirely absent: in fact, the Senate thanks Tiberius expressly, *quod earum rerum / omnium, quae ad explorandam veritatem necessariae fuerunt, co- / piam senatui fecerit* (*SCPP* 15-17). Although Tacitus gives us reason to doubt Tiberius' transparency,³³ the *SCPP* includes the Senate's admiration of Tiberius' impartiality and patience (*aequitatem et patientiam*):

co- / piam senatui fecerit, cuius aequitatem et patientiam hoc
quoq(ue) nomine / admirari senatum, quod, cum
manifestissima sint Cn. Pisonis patris scelera / et ipse de se
supplicium sumpsisset, nihilominus causam eius cognosci
volue- / rit filiosq(ue) eius arcessitos hortatus sit, ut patris sui
causam defenderent, ita ut / eum quoq(ue), qui ordinis senatori
nondum esset, ob eam rem introduci in senatum vellet et /
copiam utriq(ue) dicendi pro patre et pro matre ipsorum et pro
M. Pisone faceret.³⁴

³⁰ Tac. *Ann.* 2.28.3: [Fulcinus Trio] *statim corripit reum, adit consules, cognitionem senatus poscit. et vocantur patres, addito consultandum super re magna et atroci.* The same Fulcinus Trio would bring charges against Piso in 20 CE (*Ann.* 3.10.1; 3.13.1; 3.19.1); see *PIR*² F 517.

³¹ Cf. Tac. *Ann.* 3.50.2: *saepe audivi principem nostrum conquerentem, si quis sumpta morte misericordiam eius praevenisset.*

³² On *ne quo adfectu perrumperetur* (Tac. *Ann.* 3.15.2) and *Caesar flexo in maesitima ore* (*Ann.* 3.16.2), see above, Chapter 1, Section II.

³³ Tacitus clearly indicates (even though the passage is likely corrupt) that certain written evidence was withheld by the *princeps*: *** †*scripsissent expostulantes*† *quod haud minus Tiberius quam Piso abnuere* (Tac. *Ann.* 3.14.3). Woodman and Martin (1996) mark a possible lacuna with ***, and provide detailed discussion (159-162).

³⁴ *SCPP* 16-22.

The original editors translate *aequitas* as the *princeps*' "striving for justice" ("sein Bemühen um Gerechtigkeit"),³⁵ and indeed, it seems that the Senate surely intended to present Tiberius as facilitating the legal process, and as exercising *iustitia*.

However, there is a disparity between the Senate's decree and Tacitus' narrative in regards to how each presents the sequence of events during Piso's trial. Despite the fact that *aequitas* and *patientia* appear toward the beginning of the *SCPP*, and that the Senate explicitly says that it was *Piso*'s case that the emperor wished to be investigated, its admiration of Tiberius' possession of these principles is temporally located *after* Piso had already committed suicide: in my opinion, it is likely that the Senate did not compose this section in reference to the opening of Piso's trial.³⁶ Since the legal circumstances changed considerably following Piso's death, I suggest that *aequitas* reflects a careful choice of terms on the part of the Senate: *aequitas* here may be viewed not only as its assessment of Tiberius' approach to the entire trial, but also, given the context, to the continuation of the defense after Piso's suicide.³⁷ The term, akin to the Greek concept of ἐπιείκεια, is "governed by benevolence, while *iustitia* yields to another only what is strictly due."³⁸ The Senate does present Tiberius' *aequitas* as an expression of his *iustitia*, but as I will show, the principle refers more to Piso's family than to the primary defendant. *Clementia* was never an option

³⁵ Eck et al. (1996) 39.

³⁶ As Talbert (1999) writes, "the *SCPP* has no direct bearing on the proceedings prior to Piso's suicide" (96).

³⁷ On *patientia*, Eck et al. (1996) write: "Diesen beiden Eigenschaften, vor allem der *patientia*, wird es vom Senat zugeschrieben, daß der *Princeps* überhaupt eine Untersuchung zugelassen habe" ("The Senate attributes to these two characteristics, above all *patientia*, that the *princeps* had permitted an investigation at all") (140).

³⁸ *L&S*, *aequitas*, iia. Cf. *OLD*, *aequitas*, 4a: fairness, impartiality, justice; also, impartial indifference. On ἐπιείκεια, see *L-S*, 2: "equity, opp. strict law." Cf. Plut. *Caes.* 57.3, where Caesar is voted a temple of Clemency (καὶ τό γε τῆς Ἐπιεικείας ἱερὸν... ψηφίσασθαι) in the aftermath of the battle of Munda in 45 BCE.

for Piso, and in his case the Senate defines its own sense of *iustitia* rather differently—through its *pietas* and *severitas*.

Tacitus provides few indications of the passage of time during the trial itself (*Ann.* 3.13.1-3.19.2), and relies on his readers to ascertain the sequence of events according to the intervals he provides: *Exim biduum criminibus statuitur utque sex dierum spatio interiecto reus per triduum defenderetur*.³⁹ This passage immediately follows Tiberius' opening speech, which Tacitus reports was delivered "with considered balance" (*meditato temperamento*), and in which the *princeps* stated that Piso's case "must be decided with sound minds" (*integris animis diiudicandum*).⁴⁰ As Tacitus presents it, Tiberius expressed his desire that Piso be tried impartially before the prosecution commenced. If Tacitus remains consistent with his time frame for the trial itself, we should read his abrupt shift from *Annales* 3.13 to 3.14—abrupt since the charges of the prosecution constitute all of 3.13, and Tacitus begins 3.14 with the defense's reaction (*defensio in ceteris trepidavit... solum veneni crimen visus est diluisse*)—as a gloss of the six days that intervened between those set aside for the prosecution and defense.⁴¹ As Talbert writes, Piso committed suicide "after the first or second day of those three [that were assigned for his defense]."⁴²

³⁹ Tac. *Ann.* 3.13.1.

⁴⁰ Tac. *Ann.* 3.12.1.

⁴¹ Tac. *Ann.* 3.14.1. Woodman and Martin (1996) comment that "the wording... (*Defensio... diluisse*) indicates that the prosecution has finished its case and that the defense has begun" (160) In anticipation of possible objections to this chronology—especially where Tacitus writes [*Piso*] *durat mentem senatumque rursum ingreditur; redintegratamque accusationem, infensas patrum voces, adversa et saeva cuncta perpessus* (3.15.2)—they write that we should interpret *redintegratamque accusationem* "not as an otherwise unexplained return to the formal prosecution but as a resumption of the personal hostilities which Piso had experienced at [Ann.] 4.13 before he left for home: indeed the same two antagonists are mentioned in each place (4.13 *Caesar ... senatus... , 15.2 patrum ... Tiberium ...*)" (160-61).

⁴² Talbert (1999) 90. I prefer the interpretation that Piso's suicide occurred following the first day of his defense, and not the second, since Tacitus writes of Piso: *relatus domum, tamquam defensionem in posterum*

The *SCPP* shares with the *Annales* an unclearly defined chronology. The topic has received considerable attention, mostly in terms of the specific timing of the trial in 20 CE and the overall extent of time apportioned to it,⁴³ but my primary focus will be the trial's *relative* chronology, since I believe the circumstances are crucial to understanding the Senate's use of *aequitas* in reference to Tiberius (*SCPP* 17), as well as its own *pietas* and *severitas* (72). It may appear that the Senate expresses its admiration of Tiberius' *aequitas* and *patientia* only in regard to the case of Piso himself: according to the decree, Tiberius, "although the crimes of the senator Cn. Piso were most evident... nonetheless wanted his case to be tried."⁴⁴ The sentiment fits *aequitas* closely enough, and with *eius* the Senate identifies that it is Piso's case that is under discussion. However, the second thought expressed in the *cum*-clause indicates that Piso committed suicide *before* Tiberius expressed his desire that Piso's trial be conducted impartially: the Senate's relative chronology is perfectly clear, through its juxtaposition of the pluperfect verb in the *cum*-clause (*cum... ipse de se supplicium sumpsisset*, 18-19) with the perfect-tense verb in the causal clause (*quod... nihilominus causam eius cognosci voluerit*, 18-20). The same chronological distinction

meditaretur (*Ann.* 3.15.3), and since I think it unlikely that Tacitus would have omitted the first day set aside for the defense from his account.

⁴³ Eck et al. (1996) base their chronology on the duration of Piso's trial indicated at Tac. *Ann.* 3.13.1, and conclude that, since the decree is dated December 10, 20 CE, and since Tacitus allots eleven days for the trial, "Dann wäre der Prozeßbeginn der 30. November, bzw. bei Berücksichtigung eines Tages für die oratio principis sowie die organisatorischen Fragen der 29. November" ("Then the trial would begin on November 30, or with consideration of one day for the *oratio principis* as well as organizational questions, on November 29") (151). The other major chronological problem, on the trial's timing in 20 CE, is based on Tacitus' chronology in relating the *ovatio* of the younger Drusus *after* Piso's trial (*Ann.* 3.19.3), though its date, according to the *Fasti Ostienses* (= EJ² p. 41), was May 28, 20 CE. The original editors reject Tacitus' chronology (109-121); for the opposite view, that Piso's trial ended before Drusus' *ovatio*, see Griffin (1997) 258-60. Cf. Barnes (1998) 129-132, and Talbert (1999) 90-95, who concludes that "we should see the entire process from Trio's first approach to the consuls to the passing of the *SCPP* on 10 December as spread over several months, with breaks of varying length intervening" (95).

⁴⁴ *SCPP* 18-20: *cum manifestissima sint Cn. Pisonis patris scelera / ... nihilominus causam eius cognosci volue- / rit*.

appears in the *relatio*, where the Senate writes, *ad sena- / tum rettulit qualis causa Cn. Pisonis patris visa esset et an merito sibi mor- / tem conscisse videretur*.⁴⁵

Given that the *SCPP* is not entirely clear in regards to the chronology of Piso's trial, the Senate's admiration of Tiberius' *aequitas* and *patientia* (*SCPP* 17-18) can be interpreted as being directed at Piso specifically. However, since *aequitas* implies benevolence, as well as *clementia*, the term is likely not analogous to *iustitia* in Piso's case. As I will show, at no point does the Senate suggest benevolence in its presentation of Piso's judgment (71-73).

The case of Libo Drusus could have been cited as a precedent during Tiberius' principate of a *maiestas* hearing continuing after the defendant's suicide: as Tacitus writes, *ad gemitum conlabentis adcurrere liberti, et caede visa miles abstinit. accusatio tamen apud patres adseveratione eadem peracta [est]*.⁴⁶ However, Miriam Griffin has noticed the likely implication of *tamen*: the continuation of any trial after the defendant's death was the exception rather than the rule.⁴⁷ In light of *Annales* 6.29.1 (where Tacitus relates the suicide of Pomponius Labeo in 31 CE),⁴⁸ Griffin maintains that Tacitus "gives it as a convention that those who took their own lives before condemnation avoided, unlike the condemned, the denial of proper burial and the invalidation of their wills and the confiscation of their property," and also that "this rule was in force under the Republic."⁴⁹

⁴⁵ *SCPP* 5-7. With the perfect infinitive *conscisse*, the Senate attests that Piso's suicide occurred before Tiberius referred the decision to the Senate, while the verbs in the indirect question (*visa esset; videretur*) are contemporaneous with the primary verb, *rettulit*.

⁴⁶ Tac. *Ann.* 2.31.3.

⁴⁷ Griffin (1997) provides an excellent overview in a section titled "The Suicide of the *Reus* in cases of Treason" (261-63).

⁴⁸ Tac. *Ann.* 6.29.1: *nam promptas eius modi mortes metus carnificis faciebat, et quia damnati publicatis bonis sepultura prohibebantur, eorum qui de se statuebant humabantur corpora, manebant testamenta, pretium festinandi*.

⁴⁹ Griffin (1997) 261-62, emphasis added.

Later jurists attest to this “convention,” as Griffin calls it, but also remark on exceptions that are relevant to the present discussion. Ulpian⁵⁰ writes that most defendants who died during their trial (apparently by whatever means) were exempt from having their property confiscated—*except* in cases of *maiestas*, in which case the defendant’s inheritance became the property of the imperial *fiscus* (*hereditas fisco vindicatur*) unless he was later found innocent. Ulpian also distinguishes between cases of *maiestas* and *perduellio*: in his conception the latter constituted a more serious charge, wherein the accused was “inspired by a mind hostile against the state or the *princeps*” (*hostili animo aduersus rem publicam uel principem animatus*); as Ulpian implies, *perduellio* was more likely to carry the punishment of posthumous property confiscation than comparatively minor *maiestas* charges. Although the *SCPP* does not state explicitly that Piso was charged with violating either *maiestas* or *perduellio*, Piso’s seditious actions could have been interpreted under Ulpian’s conception of *perduellio* (though not necessarily so). In addition, while the jurist Modestinus records that the confiscation of property only applied to the defendant’s heirs if the trial was completed and ended in a guilty verdict, he identifies extortion and treason as the only exceptions to that rule (*excepto repetundarum et maiestatis iudicio*), and that in those cases property could be claimed for the imperial *fiscus*, even if the defendant were already dead (*etiam mortuis reis... bona eorum fisco uindicentur*).⁵¹

⁵⁰ Dig. 48.4.11: *Is, qui in reatu decedit, integri status decedit: extinguatur enim crimen mortalitate. nisi forte quis maiestatis reus fuit: nam hoc crimine nisi a successoribus purgetur, hereditas fisco uindicatur. plane non quisque legis Iuliae maiestatis reus est, in eadem condicione est, sed qui perduellionis reus est, hostili animo aduersus rem publicam uel principem animatus: ceterum si quis ex alia causa legis Iuliae maiestatis reus sit, morte crimine liberatur.*

⁵¹ Dig. 48.2.20: *Ex iudiciorum publicorum admissis non alias transeunt aduersus heredes poenae bonorum ademtionis, quam si lis contestata et condemnatio fuerit secuta, excepto repetundarum et maiestatis iudicio, quae etiam mortuis reis, cum quibus nihil actum est, adhuc exerceri placuit, ut bona eorum fisco uindicentur.*

By assigning all blame to Piso alone, and by ordering his trial to continue even after he had committed suicide, the ideal opportunity was created for Tiberius “to demonstrate his clemency publicly,”⁵² as Dowling has suggested, and in particular for Plancina and her sons. The continuation of the trial, even if it was technically unnecessary,⁵³ ensured that there would be verifiable proof of Piso’s guilt—the confiscation of his property and its appropriation by the imperial *fiscus*—and would not have compromised the ability of the *princeps* to exercise *clementia* if he so chose. The speech that Tacitus attributes to Tiberius, which stressed the need for impartiality throughout the entire trial,⁵⁴ may be the same one mentioned at the end of the *SCPP* (168);⁵⁵ however, besides Tacitus’ presentation (*Ann.* 3.12), there are no surviving copies of that *oratio*, and the decree provides no clues as to the contents or tone of the speech. Within the *SCPP* itself, the Senate’s admiration of Tiberius’ *aequitas* and *patientia* (16-17) can, in my opinion, help define not only his general approach to Piso’s trial, but what I think is more likely, his sense of justice specifically in the cases of Plancina, the younger Cn. Piso, and M. Piso.⁵⁶ Tiberius’ sense of impartiality toward Piso’s family, his *aequitas*, seems influenced by his desire to exercise *clementia* on their behalf.

In addition, the Senate’s attribution of *aequitas* to Tiberius at the beginning of the decree may foreshadow its later claim—that *clementia*, *iustitia*, and *animi magnitudo* motivated the Senate’s decision to reward Piso’s sons their inheritance:

⁵² Dowling (2006) 171.

⁵³ Tacitus mocks the proceedings following Piso’s suicide, calling them a “phantom of a trial”: *biduum super hac imagine cognitionis absumptum urgente Tiberio liberos Pisonis matrem uti tuerentur* (*Ann.* 3.17.3).

⁵⁴ Tac. *Ann.* 3.12.1-7.

⁵⁵ *SCPP* 168-70: *senatus iudicasset, placere uti oratio, quam recitasset princeps noster, / itemq(ue) haec senatus consulta in {h}aere incisa, quo loco Ti. Caes(ari) Aug(usto) vide- / retur, ponere<n>tur.*

⁵⁶ As Dowling (2006) writes, “Tiberius’s insistence that these witnesses be heard and his urging of clemency for the family of Piso were intended to display his *iustitia*” (171).

item senatum, memorem clementiae suae ius- / titiaeq(ue)
 <atq(ue)> animi magnitudinis, quas virtutes {quas} a
 maioribus suis acce- / pisset, tum praecipue ab divo Aug(usto)
 et Ti. Caesare Aug(usto) principibus suis didicisset, / ex bonis
 Cn. Pisonis patris publicatis aequom humanumq(ue) censere,
 filio eius / Pisoni maiori...⁵⁷

Here, the Senate presents itself as having assimilated these principles, and where it writes *tum praecipue ab divo Aug(usto) et Ti. Caesare Aug(usto) principibus suis didicisset*, it identifies the principate as the source of its *virtutes*. It is noteworthy that this is the only appearance of *clementia* in all of the *SCPP*, and that it refers explicitly to Piso's sons. The younger Cn. Piso was likely never present in the East,⁵⁸ and in his case, Tiberius' *aequitas* that was prominent in the beginning of the decree is once again applied, but now reflects the Senate's opinion (*senatum... aequom humanumq(ue) censere*). In Marcus' case, the Senate states the decision to acquit as its agreement with the *moderatio* and *humanitas* of the *princeps*: *M. etiam Pisoni, qu<o>i inopunitatem senatus humanitati et mode- / rationi principis sui adsensus dandam esse{t} arbitraretur*.⁵⁹ As I have discussed in Chapter 1, *moderatio* appears to have shared a close association with *clementia* during Tiberius' principate, and if Tacitus accurately accounts for Marcus' involvement,⁶⁰ Tiberius likely considered both sons to be worthy of *clementia*.

⁵⁷ *SCPP* 90-105.

⁵⁸ Tacitus reports that Piso's letter, which Tiberius read in the Senate following his suicide, contained an alibi for the younger Cn. Piso: *Cn. Piso qualicumque fortunae meae non est adiunctus, cum omne hoc tempus in urbe egerit* (*Ann.* 3.16.3). The *SCPP* states that "nothing had been said about him" (*de quo nihil esset dictum*, 94), but also that he had been a *quaestor Caesaris* (*qui principis nostri q(uaestor) fuit*, 94). Thus, the younger Cn. Piso would have been near Tiberius, in Rome, when the events in question occurred; see Talbert (1984) 17.

⁵⁹ *SCPP* 100-101.

⁶⁰ Tac. *Ann.* 2.76.2: *igitur quid agendum consultant M. Piso filius properandum in urbem censebat: nihil adhuc inexplabile admissum*; cf. *Ann.* 3.16.3.

In the portion of the *SCPP* regarding Piso's family (90-120), the Senate implies that Tiberius became progressively more involved in the proceedings. As I have discussed, the Senate presents Tiberius and Augustus as a direct influence on its own *clementia* and *iustitia* for Piso's sons; in the case of M. Piso, the Senate cites the opinion of the *princeps* himself (100-101). The Senate states that Tiberius became involved directly on Plancina's behalf: although *clementia* is not mentioned specifically, she is presented as a beneficiary of the emperor's *aequitas* at the beginning of the *SCPP* (22), and later the Senate writes that "she confessed that she held all hope in the pity of our *princeps* and of the Senate" (*confiteretur se omnem spem in misericordia {m} / principis nostri et senatus habere*).⁶¹ While Tacitus presents Plancina as equally culpable for her husband's actions,⁶² in the *SCPP* Piso is the sole focus of the Senate's punishments, with only minor exceptions.⁶³ The Senate states that Tiberius interceded at Livia's request, and secured Plancina's acquittal because of *iustissimas causas* (*SCPP* 114).

In relating its decisions regarding Piso's family, the Senate provides further definition of Tiberius' *aequitas*—through his *iustitia*, *clementia*, *moderatio*, *humanitas*, and *misericordia*, whether by influence or direct intervention. However, the Senate separates Piso not only from his own family, but also from humanity itself. At the same time that the Senate presents itself as the primary opponent to Piso, it exhibits a rather different conception of *iustitia*, one defined by its *severitas* and *pietas*.

⁶¹ *SCPP* 110-111.

⁶² See especially *Ann.* 2.71.1, where Germanicus implicates Piso and Plancina together: *nunc scelere Pisonis et Plancinae interceptus ultimas preces pectoribus vestris relinquo*; cf. *Ann.* 2.43.4, 2.55.6, 2.58.2, 2.74.2, 2.75.2, 2.80.1, 2.82.1.

⁶³ The Senate requested that the younger Cn. Piso change his *praenomen* (*SCPP* 98-100); it also asks that Piso's legates Karus and Bassus be tried in the *quaestio de maiestate* and receive the standard punishment, *aqua et igni interdictio* (120-123).

III. *Severitas* and *pietas*: the *iustitia* of the Senate

Piso could not have been acquitted: he had trouble securing advocates in the first place;⁶⁴ he could not rely on Tiberius to come to his defense; and most importantly, the description of his crimes in the *SCPP* (*manifestissima... scelera*, 18) attests that absolute guilt was the public message preferred by both the Senate and the *princeps*. In light of the juristic sources I have discussed above, it is likely that Piso would have had to be proclaimed innocent if he hoped for his sons to retain their inheritance; but it is also likely that Piso's suicide would have proven futile as a means of securing that inheritance.⁶⁵ the case of Libo Drusus suggests that laws like those described by Ulpian and Modestinus were in effect in 16 CE, not only because his trial continued after his death, but because his property was confiscated despite his suicide.⁶⁶ Even so, Piso may have considered suicide the best available option for securing a favorable outcome for his children.⁶⁷ However, the Senate does record that Piso's property was confiscated—*itaq(ue) iis poenis, quas a semet ipso exegisset, adicere... utiq(ue) bona Cn. Pisonis patris publicarentur*⁶⁸—and it is here that the

⁶⁴ Tac. *Ann.* 3.11.2.

⁶⁵ According to Tacitus (*Ann.* 3.16.1), the possibility existed that Piso had not committed suicide at all, “but was killed when an assassin was sent in”: *nec illum sponte extinctum, verum immisso percussore*. Tacitus attempts to identify a trustworthy source—“I remember that I heard from older men [*seniores*] that a *libellus* was seen rather often in Piso's hands,” which as Woodman and Martin (1996) comments, may be an example of the literary convention of “fictive memory” (168-70)—but also writes that the *seniores* only *saw* the *libellus*, while its *contents* were attested only by Piso's friends (*sed amicos eius dictitavisse...*). Although Tacitus attempts to validate the reliability of the *seniores* (*neque tamen occulere debui narratum ab eis, qui nostram ad iuventam duraverunt*), his account of the *contents* of the *libellus* still relies on the biased testimony of Piso's *amici*. On Tacitus' use of rumor in the Piso-Germanicus episode, see especially Shatzman (1974) 563-67.

⁶⁶ Tac. *Ann.* 2.32.1.

⁶⁷ Tacitus (*Ann.* 3.16.3-4) writes that Piso excluded Plancina from the tablets (*codicillos*) which conveyed his final wishes, but begged Tiberius and Livia to look after his children: *vosque oro liberis meis consulatis* (3.16.3).

⁶⁸ *SCPP* 73, 84.

Senate officially pronounces Piso guilty of *maiestas*, since, as the original editors remark, a full *publicatio bonorum* was required to verify that a guilty verdict had been reached.⁶⁹

In the space devoted to relating the charges against Piso and the Senate's decisions on his punishments (*SCPP* 23-90), the Senate does not present Tiberius as taking an active part in the proceedings—perhaps not surprisingly, since Tacitus writes:

haud fallebat Tiberium moles cognitionis quaque ipse fama
distraherentur. igitur paucis familiarium adhibitis minas
accusantium et hinc preces audit integramque causam ad
senatum remittit.⁷⁰

Tacitus may imply, with *hinc preces audit*, that the defense (or even Piso himself)⁷¹ begged Tiberius to exercise *clementia* before the trial formally began; but with *quaque ipse fama distraherentur*, Tacitus does seem to credit Tiberius with considerable prudence and caution, despite his overt criticism of the *princeps* throughout the affair. In the *SCPP*, Tiberius is not directly involved in this portion of the decree (23-90), and as I have discussed above, the Senate also speaks of his *virtutes* in only the most general and abstract terms. Nonetheless, specific imperial *virtutes* are not entirely absent, since the Senate states that one of the sources for its judgment of Piso are its *pietas*. In my opinion, given the severity of the charges against Piso, as well as the Senate's overt condemnation of his character, the public message of the decree could not bear any trace of *clementia* for the primary defendant.

⁶⁹ As Eck et al. (1996) remark, “Zunächst muß der Konsul die vollständige *publicatio bonorum* beantragt haben, da sonst die Strafsentenz des *s.c.* nicht möglich wäre” (202) (“First of all the consul must have requested the complete *publicatio bonorum*, because otherwise the sentence of punishment of the *senatus consultum* would not have been possible”). Tacitus, on the other hand, records that the consul Cotta proposed that only *half* of Piso's property should be confiscated, while the other half should be granted to the younger Cn. Piso (*Ann.* 3.17.5).

⁷⁰ Tac. *Ann.* 3.10.3.

⁷¹ On *hinc*, Woodman and Martin (1996) note only “*hinc* = *Pisonis*” (*ad loc.*).

As Miriam Griffin has written: “The key to the language used of Piso’s suicide [in the *SCPP*] may lie in the [Senate’s] attempt *to provide justification for the harsh penalties* imposed posthumously on the deceased defendant, in particular, for confiscation of his property for the state.”⁷² Perhaps, but Piso’s depravity is so clearly identified in the *SCPP*—his utter lack of *virtutes*, and even of *humanitas*, stands in stark contrast with Tiberius and the rest of the imperial family. In my view, the fact that a case with such serious charges was continued after his death, and that resulted (however temporarily) in the full confiscation of his property, may be the most substantial expression of Tiberius’ attention to the law, to the full exercise of *iustitia*, that the Senate relates in the *SCPP*. Under the circumstances, I think it likely that any perceived severity in the penalties imposed posthumously on Piso would not have required justification. As Tacitus relates, the Senate itself had expressed the utmost grief when Germanicus’ remains arrived in Rome,⁷³ and as for the *plebs*, not only had they strongly voiced a lack of confidence in Tiberius when Agrippina returned to Rome in 20 CE,⁷⁴ but they could also be heard outside the *curia* at Piso’s trial, demanding a guilty verdict and threatening Piso if he escaped sentence.⁷⁵

Given the circumstances surrounding Piso’s trial, when the attention of all *ordines* was fixed on the *princeps*, Tiberius must have recognized the necessity of projecting a strong public image. As Tacitus presents it, the *princeps*’ appearance at Piso’s trial was severe and

⁷² Griffin (1997) 262, emphasis added.

⁷³ Tac. *Ann.* 3.2.3: *consules... et senatus et magna pars populi viam complevere, disiecti et ut cuique libitum flentes.*

⁷⁴ Tac. *Ann.* 3.4.1: *populus per tribus concidisse rem publicam, nihil spei reliquum clamitabant.*

⁷⁵ Tacitus reports (*Ann.* 3.14.4) that Tiberius did manage to maintain order: *simul populi ante curiam vocs audiebantur: non temperaturos manus, si patrum sententias [Piso] evasisset. effigiesque Pisonis traxerant in Gemonias ac divellebant, ni iussu principis protectae repositaeque forent.*

pitiless (*sine miseratione, sine ira*).⁷⁶ In the *SCPP*, immediately after it describes the charges against Piso (23-70), the Senate claims that there could have been no greater punishment than the one threatening him *ab pietate et severitate iudicantium*, not even his death:

Quas ob res arbitrari senatum non optulisse eum se de|b|itae
poenae, sed maiori / et quam inmin|e|re sibi ab pietate et
severitate iudicantium intellegeba{n}t / subtraxisse.⁷⁷

As I mentioned in the Introduction, *severitas* is rather fitting for a judicial context: in the *pro Caecina*, Cicero writes that “all legal processes have been found [to exist] for the sake of either breaking up disputes or punishing crimes,” and that *maleficia* “are most severe, since [they] relate to rather serious matters, and call not for a friend’s voluntary effort, but the *severitas* and force of a judge.”⁷⁸ In my reading of the *SCPP*, the Senate maintained an appearance of *severitas* toward Piso in order to advance the perception that acquittal was never an option,⁷⁹ and perhaps to appease the public and improve popular opinion. Previously in the decree the Senate completely isolates Piso in regards to his character.⁸⁰ The Senate writes that the *moderatio* and *patientia* of Germanicus were overcome by Piso’s *feritas morum*; in Cooley’s words, *feritas* is a term “more often used of mythological monsters or barbarian tribes than of a member of the Roman elite... [and] reduces Piso to

⁷⁶ Tac. *Ann.* 3.15.2.

⁷⁷ *SCPP* 71-73.

⁷⁸ Cic. *pro Caec.* 6: *omnia iudicia aut distrahendarum controversiarum aut puniendorum maleficiorum causa reperta sunt, quorum... alterum est vehentissimum, quod et ad graviores res pertinet et non honorariam operam amici, sed severitatem iudicis ac vim requirit.*

⁷⁹ OLD, *severitas*, 1: strict and uncompromising conduct in dealing with offenders, sternness, severity.

⁸⁰ See especially Cooley (1998), who writes that “the reason why the Senate takes pains to isolate Piso is the fact that he had presented a real threat to Tiberius’ authority. The Senate wishes to imply that only someone with as flawed a character as Piso would have embarked upon such a treasonable course of action” (200-201).

subhuman status.”⁸¹ The Senate also writes of his unparalleled cruelty (*crudelitas unica*), which allowed him to inflict the death penalty without trial and to crucify a Roman centurion.⁸² It is presented as a natural consequence that the Senate counters Piso’s *feritas morum* (and his implied *inhumanitas*), as well as his *crudelitas unica*, with *pietas* and *severitas*. In isolating Piso from the rest of society, the Senate cites its own *pietas* and *severitas* in order to provide a definition of *iustitia* that would separate the case of Piso himself from that of his family.

On *severitas*, the original editors surely are correct in their assertion that “the one-sided picture of Piso sketched before *demands* the *severitas* of the Senate, which at the same time also owes such a sentence out of *pietas* towards Germanicus.”⁸³ However, I think it is unclear why we must identify Germanicus as the sole intended object of the Senate’s *pietas*, as it is stated here: the Senate cites its justification for condemning Piso (with *severitate*) alongside its *pietas*, but does not state the specific object of its devotion. Granted, the editors argue convincingly that the Senate’s *pietas* (SCPP 72) is an expression of devotion to the memory of Germanicus.⁸⁴ The only previous instance of *pietas* in the SCPP occurs where the Senate reports the evidence that Piso “rejoiced in [Germanicus’] death.”⁸⁵ In addition to abominable sacrifices and his inappropriately adorned ships, Piso “opened the temples of the immortal gods, which the most steadfast *pietas* of the entire Roman empire had shut”:

⁸¹ SCPP 26-27: <senatum> ar|b|i<t>rari singularem moderationem patientiamq(ue) Germanici Caesaris evic- / tam esse feritate morum Cn. Pisonis patris; Cooley (1998) 200.

⁸² SCPP 49-52.

⁸³ Eck et al. (1996) 192: “Das vorher entworfene, einseitige Bild Pisos fordert die *severitas* des Senats, der ein solches Urteil gleichzeitig auch der *pietas* gegenüber Germanicus schuldig ist” (emphasis added).

⁸⁴ See Eck et al. (1996) 183-85.

⁸⁵ SCPP 62-68.

cuius mortem gavisum esse eum his argumentis senatui
apparuerit: quod nefaria / sacrificia ab eo facta, quod naves,
quibus vehebatur, ornatae sint, quod reclu- / serit deorum
immortalium templa, quae totius imperi Romani pietas
clauserat.⁸⁶

The original editors point out that this specific act of *pietas* was indeed meant to display devotion to Germanicus, as attested in the *Tabula Hebana*: *uti[q(ue), cum cautum sit, uti quoad ossa Germanici] / Caesaris in tumulum inferrentur templa deor(um) clauderentur*.⁸⁷ However, when the Senate expresses its own *pietas* (SCPP 72), that devotion has no explicit object: *pietas* is presented, along with *severitas*, as the source of the Senate's judgment on all the charges related previously. The Senate must have written *Quas ob res* (71) in reference to the entire case that had been brought against Piso—from *feritate morum* (26-27), to his attempts at inciting civil war (45-49), to his violation of the *numen* of Augustus (*numen quoque divi Augusti violatum esse ab eo arbitrari senatum*, 68). If *ab pietate et severitate iudicantium* is read as an ablative of source (and I believe it must be), the Senate clearly identifies *pietas* as an impetus for deciding Piso's punishments (71-73). In addition, given its choice of verb (*inmin|e|re*, 72), the Senate presents itself, in possession of *pietas* and *severitas*, as a primary opponent of Piso.

I am not suggesting that Germanicus should be excluded from the Senate's *pietas*; rather, I propose that the principle, as it is stated here (SCPP 72), applies to a larger context than Germanicus alone: since *pietas* is presented as the source of the Senate's judgment of Piso, and as the opponent to the threat of civil war, the principle likely relates to the overall message of the SCPP. In stating that its judgment of Piso is motivated by *severitas* and

⁸⁶ SCPP 59-65.

⁸⁷ *Tab. Heb.* 54-55 (= RS #37); see Eck et al. (1996) 190-92. The *Tabula Hebana* also records that the temple doors should be shut every year on the anniversary of Germanicus' death (57-59).

aequitas, the Senate not only clarifies its own exercise of *iustitia*, but creates a structure in the decree that warrants consideration. The first half of the decree clearly emphasizes the threat of civil war as represented by Piso, and the Senate's expression of *pietas* and *severitas*, which follows immediately after the description of Piso's crimes, seems to be distinguishable from Tiberius' *aequitas* that is stated at the beginning of the decree. While *severitas* is appropriate to the context, it is the Senate's inclusion of *pietas* that most interests me. I argue that *pietas* serves not only to identify devotion to the memory of Germanicus, but is defined as an aspect of the Senate's *iustitia*. In the process, the Senate implicitly expresses its devotion to the principate, since it is identified as the entity most capable of combating the threat of civil war. In my reading, *pietas* and *severitas* may constitute a conceptual "hinge," whereby the Senate not only expands the significance of *pietas*, but may foreshadow its use of the principle later in the decree, when every *ordo* is credited with maintaining its devotion. Perhaps the Senate's devotion is expressed not merely for Germanicus, but for everything that stands opposed to Piso, and in particular, for the unity provided by the political framework of the principate.

In my view, it has been demonstrated sufficiently that Germanicus' death is not the central focus of the charges against Piso, as presented in the *SCPP*.⁸⁸ While Tacitus reports that murder was the only charge of which Piso was acquitted,⁸⁹ the formal charge of murder is absent from the decree. Nowhere does the Senate mention Piso's alleged use of poison, nor does *venenum* appear in the document.⁹⁰ In addition, Tacitus' theme of vengeance for

⁸⁸ See especially Damon (1999) 155-160; cf. Eck (2002) 156 and *passim*.

⁸⁹ Tac. *Ann.* 3.14.1: *solum veneni crimen visus est diluisse*.

⁹⁰ Tacitus never verifies that Piso had poisoned Germanicus, and actually expresses doubt about the charge: see especially *Ann.* 2.73.3, 3.14.1-2; cf. 2.69.3, 2.79.1, 3.12.4, 3.13.2. On Piso's use of magic, see Tac. *Ann.* 2.69.3,

Germanicus' death,⁹¹ which is so prevalent in *Annales* II-III, and which motivates both Agrippina and Germanicus' closest associates, as well as the Roman people,⁹² is never explicitly addressed in the *SCPP*. Tacitus records that one senator proposed the erection of an *ara ultionis*, and that another wished the imperial family to be thanked "because of their vengeance for Germanicus" (*ob vindictam Germanici*),⁹³ but these suggestions are not found in the decree. The Senate records only that Germanicus had identified Piso as the cause of his death, and thus his *renuntio amicitiae* was done *non inmerito*.⁹⁴ Potter is likely correct when he writes that the Senate "*wanted* to believe [Germanicus]," but without a formal charge, I think Cynthia Damon's claim may be more accurate: "In the *SCPP* the Senate, in effect, disavows any interest in the cause of Germanicus' death."⁹⁵ Granted, Germanicus is presented as the primary object of *pietas* among members of the imperial family: the Senate states that Tiberius "had exceeded the devotion of all parents" (*iudicaret senatus / omnium par<en>tium pietatem antecessisse Ti. Caesarem Aug(ustum) principem nostrum*), and specifically because of his "grief so great and so constant" (*tant|i| et |t|am aequali<s>*

3.13.2, and cf. *SCPP* 62-63 (*nefaria consilia*), which the Senate presents not as a cause of Germanicus' death, but as proof that Piso had rejoiced in it.

⁹¹ See especially *Ann.* 3.19.2: *is finis fuit ulciscenda Germanici morte*.

⁹² On Agrippina, see Tac. *Ann.* 2.75.1: *At Agrippina, quamquam defessa luctu et corpore aegro, omnium tamen quae ultionem morarentur intolerans, ascendit classem*. On Germanicus' *amici*, see *Ann.* 2.71.5: *iuravere amici, dextram morientis contingentes, spiritum ante quam ultionem amissuros*. On the *plebs*, see *Ann.* 3.7.1: *Drusus Illyricos ad exercitus profectus est, erectis omnium animis petendae e Pisone ultionis et crebro questu*.

⁹³ Tac. *Ann.* 3.18.2-3.

⁹⁴ *SCPP* 26-29: *<senatum> ar|b|i<t>rari singularem moderationem patientiamq(ue) Germanici Caesaris evic- / tam esse feritate morum Cn. Pisonis patris, at(que) ob id morientem Germanicum Cae- / sarem, quouis mortis fuisse causam Cn. Pisonem patrem ipse testatus sit, non inme- / rito amicitiam ei renuntiasset*. Cf. Tac. *Ann.* 2.69.3: *saevam vim morbi augebat persuasio [Germanici] veneni a Pisone accepti*.

⁹⁵ Potter (1999) 73 (emphasis added); Damon (1999) 158.

dolor|is|).⁹⁶ Likewise, Iulia Augusta and Drusus are credited with displaying *pietas* to Germanicus' memory.⁹⁷ However, while the *pietas* of the other *ordines* is displayed for the imperial family, and certainly is applicable to Germanicus, the Senate also projects the image of a society unified under the principate, and unified against the renewal of civil war.

In my opinion, the *SCPP* reveals that the Senate was less concerned with addressing Piso's alleged involvement in Germanicus' death than it was with presenting a convincing picture of his guilt. Piso's incitement of civil war, and the ability of the *princeps* to avert that threat through his *virtutes*, is certainly a central message of the *SCPP*. The Senate relates that Piso had neglected the *maiestas* of the *domus Augusta* and public law,⁹⁸ which the original editors identify as the legal basis for charges to be brought against Piso under the *lex Iulia maiestatis*,⁹⁹ though the law is not stated explicitly; it is remarkable that the law *is* named directly, but only in relation to Piso's legates Karus and Bassus.¹⁰⁰ Even so, there is evidence to suggest that Piso's actions fell within the scope of the *lex Iulia*. Most notably, the jurist Marcian writes that any military operation performed *iniussu principis* was included under the *lex*: *eadem lege tenetur et qui iniussu principis bellum gesserit dilectumue habuerit*

⁹⁶ *SCPP* 123-25.

⁹⁷ *SCPP* 132-36.

⁹⁸ *SCPP* 32-33: *neglecta / maiestate domus Aug(ustae), neglecto etiam iure publico*.

⁹⁹ Eck et al. (1996) 162: "Der Verweis auf die *maiestas domus Aug(ustae)* sowie auf das *ius publicum* zeigt u.a., auf welcher gesetzlichen Basis der Prozeß gegen Piso im Senat geführt wurde. Es ist die *lex (Iulia) maiestatis*, nach der sowohl Vergehen gegen den Princeps und seine «Familie» als auch Vergehen gegen die Pflichten von Amtsträgern verfolgt werden konnten" ("The reference to the *maiestas domus Aug(ustae)* as well as to *ius publicum* shows, among other things, on what legal basis the process against Piso was held in the Senate. It is the *lex (Iulia) maiestatis*, according to which offenses against the *princeps* and his 'family' as well as offenses against the obligations of office-holders, could be pursued").

¹⁰⁰ At *SCPP* 120-23 the Senate recommends the punishment of banishment, but refers the case to the praetorian *quaestio*: *Visellio Karo et Sempronio Basso comitibus Cn. / Pisonis patris et omnium malificiorum socis ac ministris, aqua et igne interdici oportere / ab eo pr(aetore), qui lege{m} maiestatis quareret*.

exercitum comparauerit.¹⁰¹ The phrase *iniussu principis* is noteworthy: even if Piso was acting under Tiberius' direct orders in undermining Germanicus—we should recall that both Tacitus and Suetonius specifically mention Tiberius' *mandata* to Piso¹⁰²—it is unthinkable that the *princeps* would have condoned the instigation of civil war.¹⁰³

After the *SCPP* addresses all the charges introduced in the *relatio*, we find what I see as an excellent example of the Senate's didactic purpose in the decree, as described by Cooley:¹⁰⁴ at the end of the *SCPP*, the Senate identifies the display of *pietas* as the behavior most appropriate to every order. The principle also, in my opinion, unifies the *ordines*, and that unity is, in turn, directed at the *princeps* himself. On the contributions of the *ordo equester*, the Senate writes:

item equestris ordinis curam et industriam unicuique senatui
probari, / quod fideliter intellexisset, quanta res et quam ad
omnium salutem pietatemque / pertinens ageretur, et quod
frequentibus adclamationibus adfectum animi sui / et dolorem
de principis nostri filique eius iniuriis ac pro rei publicae
utilitate testatus sit.¹⁰⁵

This passage reveals further implications of *pietas* that I believe the Senate conveys in the *SCPP*. Loyalties could have been compromised by Piso's attempt to instigate civil war, and the Senate thus praises the *equester ordo* not only for their faithful attention to the matter (*quod fideliter intellexisset*), but for their recognition of “how great a matter and how

¹⁰¹ Dig. 48.4.3.

¹⁰² Tac. Ann. 2.43.4: *nec dubium [Piso] habebat se delectum, qui Syriae imponeretur ad spes Germanici coercendas. credidere quidam data et a Tiberio occulta mandata*; cf. Ann. 3.16.1; Suet. Tib. 52.3.

¹⁰³ Tacitus reports that Piso's alleged instructions from Tiberius were “against Germanicus” (*mandata in Germanicum*, Ann. 3.16.1). Tacitus also writes that Piso's letter to Tiberius (in which he accused Germanicus of *luxus et superbiae*) contained the result clause *seque pulsum, ut locus rebus novis patefieret* (Ann. 2.78.1). As Tacitus presents it, Piso may have assumed that his *mandata* allowed for revolutionary acts, perhaps as a natural consequence of subverting Germanicus' *imperium*; cf. Damon (1999) 148-51.

¹⁰⁴ See Cooley (1998) 208, and above, p. 70.

¹⁰⁵ *SCPP* 151-54.

relevant to the safety and loyalty of all was taking place” (*quanta res... ageretur*, 152-53).

Here, *quanta res* logically refers to the threat posed by Piso, and since *salus* and *pietas* are so closely linked syntactically, the clause may imply that civil war not only threatened the safety of the Roman people, but compromised their loyalty as well. By citing the faithful attention of the *ordo equester* specifically to *salus* and *pietas*, the Senate invokes implications of *pietas* that are distinct from the memory of Germanicus: *pietas* is the Senate’s source for determining Piso’s punishments, and describes its opposition to the threat represented by him. Thus, I think we are meant to think of *pietas* not only as an expression of fidelity to the memory of Germanicus, but as a symbol of unity; perhaps the Senate wishes to convey the message that only a unified society could counteract the threat of civil war, and in this case, one unified behind the principate.

Immediately following its recognition of the *equester ordo*, the Senate praises the *plebs* for their *pietas*; by grouping them with the equestrians, it indicates that both orders maintained their fealty.¹⁰⁶ In fact, the only group in the *SCPP* (except, of course, Piso and his family) for whom the Senate does not express complete approval is a certain segment of the soldiers—presumably those who had obeyed Piso and were called *Pisoniani* (*SCPP* 55-57). With the verb *probare* (as elsewhere)¹⁰⁷ the Senate explicitly expresses approval, especially in light of *frustra*, for those soldiers who had remained loyal despite Piso’s overtures: *item senatum probare eorum militum fidem, quorum animi frustra sollicita- / ti essent scelere Cn.*

¹⁰⁶ *SCPP* 155-56: *plebem quoq(ue) laudare senatum, quod cum equestre ordine consenserit pietatemq(ue) / suam erga principem nostrum memoriamq(ue) fili eius significaverit.*

¹⁰⁷ Cf. the Senate’s praise (*item senatum laudare magnopere*) of the *moderatio* of Livia and Drusus Caesar (132f.), its approval (*probare*) of their grief *et in dolore moderatione* (145-46), its approval (*probari*) of the equestrian order’s *cura et industria* (151), and its praise (*laudare*) of the *plebs’ pietas* (155-56).

Pisonis patris.¹⁰⁸ However, the Senate likewise recognizes the lack of *pietas* among some of the soldiers, and expresses not approval but merely hope (with *sperare*) that their *fides* and *pietas* would continue into the future: *omnesq(ue), qui sub auspiciis et imperio principis / nostri milites essent, quam fidem pietatemq(ue) domui Aug(ustae) p|raesta|rent, eam sperare perpetuo praestatueros*.¹⁰⁹ Nonetheless, the Senate concludes the thought by reminding the soldiers of their *cura* and *officium*, and specifically toward the *princeps*:

senatum arbitrari eorum curae atq(ue) officii esse, ut apud eos ii,
/ qui quandoq(ue) e|is| praeessent, plurimum auctoritas
<haberent>, qui fidelissima pietate / salutare huic urbi
imperioq(ue) p(opuli) R(omani) nomen Caesarum coluissent.¹¹⁰

Here, in the final instance of *pietas* in the decree, the Senate identifies this principle as the primary instrument of the principate's maintenance of safety—the *nomen Caesarum* is literally presented as providing salvation (*salutare*) for Rome and for the empire. By identifying Tiberius as the source of *pietas*, which, as I have argued is the Senate's own expression of opposition to the threat of civil war, the Senate not only reminds the *milites* of their duty to uphold their loyalty, but it reminds its readers of one of the most fundamental messages of the decree.

By portraying the universal possession of a single principle, *pietas*, I argue that the Senate presents all of Roman society as unified against the threat posed by Piso, and also unified in this expression of the Senate's *iustitia* that is reserved for him alone. The Senate not only contrasts Piso's character with that of the imperial family, but it also contrasts the threat of factionalism and civil war with its own sense of *pietas*. Surely, Germanicus is

¹⁰⁸ *SCPP* 159-160.

¹⁰⁹ *SCPP* 159-162.

¹¹⁰ *SCPP* 163-165.

included as an object of devotion, but the meaning of *pietas* is also strongly related to another fundamental message of the decree. Potter may put it best when he writes: “The spirit of the new age is based upon *consensus omnium*. *Consensus* is manifestly the opposite of *bellum civile*, and it rears its head at various crucial points in the developed ideology of the regime.”¹¹¹ The unity implied with *pietas* is not merely that of a Senate and people in harmony with one another: however indirectly Tiberius’ role is presented, the *princeps* inevitably must be the focal point of that expression of unity.

¹¹¹ Potter (1999) 75.

CONCLUSION

In all likelihood, Piso was not as serious a threat as the *SCPP* would have us believe. In Tacitus' presentation, his attempted stand in Cilicia proved to be completely ineffectual. His "legion" was comprised of deserters, recruits, and slaves,¹ and while both sides exhibited *asperitas*, Piso's band had "no spirit, not hope, not even weapons, except rustic ones or those hurried into emergency use" (*non animus, non spes, ne tela quidem nisi agrestia aut subitum <in> usum properata*).² As Damon writes, "Piso's civil war... is presented as hopeless from the start and negligible in its effect."³ Why would the Senate go to such lengths to isolate Piso, and to present him as a definitive threat? Why would it summon images of the factionalism that had threatened Rome in the past? Why call Piso's men *Pisoniani* and depict their leader as the embodiment of cruelty?

The purpose of the *SCPP* must entail quite a bit more than simply providing proof of Piso's guilt: at the same time that the Senate ensures its audience that their virtuous leader has delivered them from danger, it reminds them that such threats had not been completely obliterated. Although the Senate writes that "all the evils of civil war had long since been buried by Tiberius' *virtutes* and Augustus' divinity" (*SCPP* 46-47), it consistently emphasizes that the same evils still existed.

¹ Tac. *Ann.* 2.80.1: *nam admixtis desertoribus et tirone nuper intercepto suisque et Plancinae servitiis auxilia, quae reguli miserant, in numerum legionis composuerat.*

² Tac. *Ann.* 2.80.3, trans. Woodman (2004).

³ Damon (1999) 158.

Perhaps, just as Tiberius viewed the case of Plancina and her sons as an opportunity to display *clementia*, the Senate approached the composition of the *TS* and the *SCPP* as opportunities to depict the emperor and the Roman people favorably following a time of perceived crisis. As I have shown, the Senate consistently employs imperial *virtutes* in order to assess the actions of those involved. In the case of Germanicus' sudden death in 19 CE, and the apparent outburst of *dolor*, the official response was the composition of the *Tabula Siarensis*. The decree reflects that grief, but primarily communicates the need for *pietas* as a means of honoring the memory of Germanicus; as I have discussed, although *pietas* is not attributed to Tiberius in the existing fragments of the decree, I think it likely that the Senate at least implies his *pietas* in the document. My arguments on the possible tension between Tiberius' *moderatio* and *pietas* in choosing Germanicus' funeral honors must remain speculative, and even if such an interaction can be detected in the *TS*, it is not the decree's primary focus. In the case of the *SCPP*, the Senate openly acknowledges Tiberius' *pietas* toward Germanicus as shown through his grief, but as I have argued, the principle's significance is continuously expanded throughout the decree. In my view, *pietas* guides the Senate's judgment of Piso, and along with *severitas*, is a means of defining its expression of *iustitia*. At the same time, these principles can be distinguished from Tiberius' *aequitas*, a more benevolent form of *iustitia*, which, along with *clementia*, is presented as guiding the decisions for Piso's sons and Plancina. Finally, I believe *pietas* can also reflect another central message of the decree. With this principle the Senate expresses its devotion to a state of *tranquillitas*, it exhorts its audience to do the same, and in effect, it expresses confidence in the continuation of that state through the *virtues* embodied by the *princeps*.

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