

REMEMBERING CREMUTIUS CORDUS: TACITUS ON HISTORY, TYRANNY AND MEMORY*

Abstract: Tacitus' account of the treason trial of the historian Cremutius Cordus under Tiberius has long been recognised as a statement about the freedom of speech of a historian under a repressive regime. This paper offers a full interpretation of the passage, *Annals* 4.34–5, seen as part of the tightly woven texture of the beginning of the work. Its main problem is the perceived implausibility of Cremutius' claim that his praise of Brutus and Cassius ought not to have provoked the emperor's anger. It is here argued that this can be solved by a new interpretation of the preceding digression on historiography under the empire, a passage often assumed to expose the disingenuousness of Cremutius'/Tacitus' claim; the concept of figured speech, often invoked, is shown to be irrelevant to the issue. Moreover, as it memorialises Tiberius' guilt as well as Cremutius' courageous frankness, the passage is a demonstration of the power of history, in accordance with the programmatic statement in 3.65.1.

1. Introductory

Cremutius Cordus is a familiar name among students of ancient historiography. This is, of course, due to his speech and death as they appear in Tacitus' famous account of his treason trial in *Annals* 4.34–5—all the more remarkable because Cremutius is mentioned nowhere else in Tacitus.¹ This is not to say that his appearances in other authors are unimportant, as we will see. But the passage in the *Annals* is highly significant, and has accordingly drawn much scholarly attention. For it is

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¹ He may of course have been mentioned in the lost books on Gaius, who permitted recirculation of Cremutius' work (Suet. *Calig.* 16.1); this will not have changed the picture. For the text of the *Annals*, I follow Goodyear (1972–1981) for Books 1–2; Woodman–Martin (1996) for Book 3; Martin–Woodman (1989) for Book 4 (except at 4.33.2: below, n. 115); and Heubner (1994) for the other Books. All translations are my own unless otherwise indicated.

clear that in portraying Cremutius, the historian who was brought to trial in AD 25 for praising Caesar's assassins Cassius and Brutus in his work, Tacitus is making a pronouncement about his own predicament and task.

Despite the volume of relevant scholarship on the passage—some of it very recent—, crucial problems and gaps remain. It has usually been acknowledged that any interpretation needs to take account of other pivotal passages in the *Annals*, especially from the preceding portion, but the nature and strength of the connections with the earlier parts have not been properly brought out. My analysis therefore begins, in §2, with an examination of the relevant themes, as well as of a series of conspicuous passages that occur before and immediately after the account of the trial, and that must be assumed to be 'accessible' to readers of this account. It will appear that the place of the passage in the texture of the first four books is crucial for an understanding of the passage itself and its implications. In §3, I offer a close analysis of Tacitus' presentation of the trial and its aftermath. I then (§4) turn to Cremutius' main argument, which has received a number of conflicting interpretations. Cremutius claims, problematically, that he should not have been brought to trial because his praise of Cassius and Brutus is merely a matter of words, not deeds, and because they lived so long ago that praising them should not upset anyone. It has long been clear that this claim is bound up with Tacitus' well-known digression on historiography under the principate that immediately precedes (*Ann.* 4.32–3), but this link has in fact tended to deepen the problems: the end of the digression seems to indicate that Cremutius' argument is disingenuous. I will offer a re-interpretation of the digression and the historiographical principles set out there, and argue that in that context Cremutius' claims make sense; and that the rhetorical concept of figured speech has been fundamentally misinterpreted in much of the modern scholarship, and has no relevance to the problem.

A short section follows, about the real Cremutius as he emerges from our scanty sources, and the light this throws on Tacitus' treatment (§5). Finally, the emphasis on memory in the passage is interpreted in the light of the well-known programmatic statement in 3.65.1 about memorialisation, of virtues as well as vices, as the 'pre-eminent task of annals'. Tacitus is making a claim for the power of history-writing, while at the same time shaming Tiberius and leaving a tribute to Cremutius Cordus.

2. The Prominence of the Cremutius Passage

The historiographical theme and Tacitus' expression of anger at the end are enough fully to justify the importance generally attached to the two chapters

on Cremutius.² This is underlined by the obvious link with the very first, programmatic chapter of the *Annals*, where pressure on historians to avoid offending the emperor is a central concern. By his claim to write *sine ira et studio* (1.1.3), Tacitus contrasts his own work with that of historians who were (near-)contemporaries of the Julio-Claudian emperors: *Tiberii Gaique et Claudii ac Neronis res florentibus ipsis ob metum falsae, postquam occiderant recentibus odiis compositae sunt* ('the accounts of events under Tiberius, Gaius, Claudius and Nero were untruthful because of fear while they were alive, and after their death written under the influence of recent feelings of hatred', 1.1.2). While Cremutius' case is obviously different from that of the latter, the problem of writing under political pressure is thus one of the issues underpinning the enterprise of the *Annals* from the start. And this, in turn, is an important aspect of the more general problem that drives most of Tacitus' writings: how should a Roman of his class, who should be striving for distinction in the public and political sphere, behave under the autocracy of the empire, especially if the emperor is in effect a tyrant?³

There are, however, many more features in the *Annals* that show that Tacitus wanted his readers to regard his account of Cremutius' trial as highly significant, and, on arriving at the passage, to expect something of general import. Some of these features occur in the account itself, but most are a matter of context, particularly that formed by the preceding three-and-a-half Books. A discussion of these contextual elements will show how thoroughly the passage is embedded in the structure of the *Annals*.

The central role that the architecture of the *Annals* must play in its interpretation is now generally acknowledged, especially after the brilliant work of Ginsburg and Martin.⁴ The latter showed clearly the extent to which implicit links between passages, strategic positioning of episodes and comments (such as at the beginning and end of books and years), gradual development of themes, and other structural features contribute to the articulation of Tacitus' views and his interpretation of historical events and processes.⁵ The former's careful analyses demonstrated, in particular, that the selection and positioning of events in each year reflect central themes,

² True regardless of whether one takes his outburst as a genuine expression of emotion or not; see below §6.2.

³ Defined as Tacitus' central question, e.g., by Martin (1981/1994) 9.

⁴ Ginsburg (1981); Martin (1990).

⁵ Martin (1990), who warns against a purely literary ('artistic') interpretation of Tacitean structure (*ib.* 1513). A particularly telling example is his analysis of the political implications of 'the manner in which Thraxea Paetus is integrated in the structure of *Annals* 13–16' (1570–74; quotation, 1574).

sometimes resulting in chronological dislocations.⁶ As this description illustrates, there are many features that can legitimately be regarded as ‘structural’. I will begin by examining how some themes relevant to the passage (apart from the central one of historiography under the principate) have been developed in what precedes it. Then I will turn to what may be called ‘landmarks’: shorter and longer passages emphasised by, for instance, their position or content, and for that reason ‘accessible’ to readers of the account of Cremutius’ trial; some of these will further underline the themes discussed earlier.

2.1 Context I: Further Themes

The charge against Cremutius was (*minuta*) *maiestas*, and such trials have rightly been called a ‘Leitmotiv’ of the Tiberian books.⁷ We find the first discussion of *maiestas* in a well-known passage (1.72–74) that is not only emphasised by its length, but also by its position at a structurally marked location, viz., at the end of Book 1.⁸ The tone is set by its beginning: the re-introduction of the law by Tiberius cancelled out his modest-sounding refusal of high honours offered him by people and senate (*non tamen ideo faciebat fidem civilis animi: nam legem maiestatis reduxerat*, 1.72.2). The sequel continues in this vein: the Augustan beginnings of the inappropriate stretching of the concept to include ‘defamatory writings’ (*primus Augustus*

⁶ Ginsburg (1981). It must be noted that—rightly in my view—she nowhere suggests that such dislocations amount to misrepresentation: Tacitus nowhere puts a precise date within the year upon ‘dislocated’ elements, merely globally dating them in the year in question. See, e.g., 1.55.1 (15 AD), *Druso Caesare C. Norbano consulibus decernitur Germanico triumphus manente bello* (a disputed case: Ginsburg (1981) 67–72; Martin (1990), 1522 n. 65). Martin seems more equivocal on the issue: (1990) 1510–12, 1564, 1566, 1567.

⁷ Martin (1990) 1523; see his discussion of 1.72–5 at 1523–5. On *maiestas* under the principate see Baumann (1974), Goodyear (1981) 141–50, and on the Tacitean side still Koestermann (1955). The (mostly older) literature is predominantly focused on historical issues, sometimes to the (detrimental) neglect of Tacitus’ aims and presentation; Syme’s criticism ((1958) 419 n. 3) is still relevant.

⁸ The very ends of Books are obviously more marked, and Tacitus uses them accordingly, as is well known (below, nn. 41–2). But the ‘extended end’ of Book 1 (1.72–81), the account of *res internae* of AD 15, stands out as well, mirroring the crucial *res internae* at the beginning of Tiberius’ reign in 1.6–15 (Martin (1990) 1513; 1520–21); in between, we have been given a mere two chapters, 1.53–4, on internal affairs (at the close of Tiberius’ first year, AD 14). Note also that the conspicuous comment, *manebant etiam tum vestigia morientis libertatis* (1.74.5, in the context of Granius Marcellus’ *maiestas* trial) is echoed by the even more conspicuous last sentence of the Book at 1.81.2, *quantoque maiore libertatis imagine tegebantur, tanto eruptura ad infensius servitium*.

cognitionem de famosis libellis specie legis eius tractavit, 1.72.3);⁹ Tiberius' sinister, studied equivocation in response to the praetor Pompeius Macer's question whether *maiestas* cases should be admitted to court:¹⁰ *exercendas leges esse* ('the laws must be upheld', 1.72.3);¹¹ the first hesitant application of the law, with the comment that it grew to monstrous proportions later (1.73.1);¹² the portrait of Romanius Hispo as the harbinger of the *delatores* (1.74.1–2);¹³ and the combination on Tiberius' part of conspicuous leniency in one case (1.73) with inordinate anger in another, with an awkward exchange with Cn. Piso as a result (1.74.4–6)¹⁴—confirming hints that even at this early stage of Tiberius' reign, a defendant's fate was, in the end, in the emperor's hands.¹⁵ All these elements are echoed in Cremutius' trial.

Tacitus stresses the development for the worse in the next two cases, both in Book 2. He prefaces the account of Scribonius Libo's trial by *eius negotii initium ordinem finem curatius disseram, quia tum primum reperta sunt quae per tot annos rem publicam exedere* ('I shall give a fairly precise account of the beginning, development, and outcome of this affair, since it was then that the practices were established that for so many years consumed the *res publica*', 2.27.1). That of Appuleia Varilla is introduced by a striking change of subject after examples of beneficial decisions by Tiberius in other areas: *adolescebat interea lex maiestatis* ('Meanwhile, the treason law was coming to

⁹ It is immaterial here whether the *lex Iulia* in question was an Augustan creation or whether the coverage of the older Caesarian one was extended (cf. Goodyear (1981) 141–5).

¹⁰ For the role of the praetor see below, n. 29.

¹¹ Tacitus clearly implies that this ostensible support for the rule of law hid a desire to have the *lex maiestatis* at his disposal as a tool for suppression (similarly Koestermann (1963) ad loc., and Cuff (1964) 136). This interpretation is strongly suggested by Tacitus' negative opening and by his reminder that the law—as Tiberius knew!—was easily stretched according to an emperor's policy or whim; and again by the immediate sequel (1.72.4; 73.1, *Tiberii arte*). This is true even if one is prepared to accept that the reply when uttered by the real Tiberius (as it probably was: cf. Suet. *Tib.* 58.1) was not ambiguous. Goodyear (1981) ad loc. rejects Koestermann's view, but seems to miss the point.

¹² The precise interpretation is a well-known crux; cf., e.g., Goodyear (1981) ad loc.

¹³ The transmitted text is ambiguous, but Romanius must be meant, not Granius Marcellus' main prosecutor Caepio Crispinus: Goodyear (1981) ad loc. (*pace*, e.g., Koestermann (1963) ad loc.). The ambiguity is resolved by Nipperdey's very slight correction *insimulaba<n>t*, which editors are strangely reluctant to print.

¹⁴ For interpretations of Tiberius' attitude in the latter case see Goodyear (1981) ad 1.74.4, *ad quod* (whose note, however, somewhat blurs the distinction between the real and the Tacitean Tiberius). The negative view (*ib.* p. 164) is surely what Tacitus is implying.

¹⁵ Further reinforced in a more general context at 1.75.1, *sed dum veritati consulitur, libertas corrumpebatur*.

maturity', 2.50.1). The *maiestas* trials in Books 2 and 3 are in fact almost certainly a selection made for the purpose of illustrating the development. Such selectivity must, I think, be assumed for the whole of the *Annals*, although this is a contested issue.¹⁶ In any case, Tacitus maintains the focus on the gradual worsening of the situation, as Koestermann showed long ago.¹⁷ For instance, apropos of Caesius Cordus' *repetundae* trial he notes that a charge of *maiestas* was added, *quod tum omnium accusationum complementum erat* ('which at the time was attached to all accusations', 3.38.1);¹⁸ and this phenomenon is further illustrated in the last major trial of Book 3, that of Silanus (3.66–9).

Tacitus' summary of the situation up to AD 23 (*ad eam diem*, 4.6.1), near the beginning of Book 4, is restrained: *leges ... (si maiestatis quaestio eximeretur) bono in usu* ('The laws, if one excepts investigations into *maiestas*, were applied in a proper manner', 6.2). But the second part of Tiberius' reign brings rapid deterioration, signalled especially by two significant cases of AD 24.¹⁹ That of Silius and his wife Sosia (18–20) is the first that is part of Sejanus' secret campaign (18.1, 19.1), although Tiberius' role in the proceedings is certainly not minimised. The case against Vibius Serenus (28–30) conjures up a particularly dark and gruesome picture (cf. *miseriarum ac saevitiae exemplum*

¹⁶ Below, with nn. 23–5.

¹⁷ See Koestermann (1955), who offers a discussion of all *maiestas* cases in Books 1–3; his overall analysis of the dynamics of Tacitus' presentation stands despite some problems of detail. The cases are also helpfully listed by Martin–Woodman (1989) 108–9; note also the debate about the abuse of the asylum afforded by images of the emperor in 3.36, linked to *maiestas* (Koestermann (1955) 95–7, Woodman–Martin (1996) *ad arrepta imagine Caesaris*).

¹⁸ In mentioning this case, Tacitus—tellingly—shows himself more interested in illustrating this sinister development of adding *maiestas* to other charges, than in choosing a case which led to conviction on *maiestas* itself: the outcome, which is mentioned only later, in 3.70.1, was conviction on the extortion charge—implying non-prosecution or acquittal of *maiestas* (Rogers (1935) 70; Woodman–Martin (1996) *ad* 3.70.1). It does not follow that Tacitus had only weak and limited evidence for his contention that *non ... Tiberius, non accusatores fatiscabant (ib.)*, as Woodman–Martin maintain ((1996) *ad* 3.38.1, *et*): he implies he knows other cases (below, n. 24), and also, the spurious addition of *maiestas* to other charges is surely a sinister development in its own right, tellingly picked up in the Silanus case (3.66–9; cf. esp. 67.3; below, n. 35).

¹⁹ The cases in Book 4: one in AD 23: the double case of Carsidius Sacerdos and C. Gracchus (13.2–3; charge not specified but certainly *maiestas*); and in AD 24 Silius and Sosia (18–20); L. Calpurnius Piso (21.1–2); Cassius Severus (21.3; a second condemnation, after his earlier exile under Augustus); Vibius Serenus and Caecilius Cornutus (28–30); C. Cominius (31.1–2); P. Suillius (31.3; not *maiestas* as such, but its inclusion in the charges may be implied: cf. 3.38.1, quoted above); Firmius Catus (31.4: implicated in trapping Libo (2.27.2), now condemned for bringing false *maiestas* charges against his sister).

atrox, 28.1). Though already in exile, Serenus was accused by his own son, but no sympathy is evoked: we are reminded that he was one of Scribonius Libo's accusers, and are told that he had afterwards written to Tiberius to complain of his meagre reward. Tiberius now brought up this complaint at the trial (29.3), and in the aftermath defended the pecuniary rewards for accusers in cases where the defendant committed suicide (30.2). And Tacitus' conclusion about this encouragement of the *delatores* is couched in 'apocalyptic' language (30.3).²⁰ After a *maiestas* case where Tiberius surprisingly shows clemency (31.1–2), the year is rounded off by three further condemnations, at least two of which are connected with *maiestas*. After the well-known digression (32–33), which takes its cue from the depressing nature of Tacitus' seemingly unimportant subject matter, follows Cremutius' trial.

This overview will seem to some to presume too much or too little, but it should make clear that Cremutius' *maiestas* case is fully embedded in Tacitus' sketch of the development of these trials. A detailed analysis will in fact show that virtually the whole of the brief introductory description of the trial in 4.34.1–2 mirrors the picture that he gives of the aberrations gradually introduced into the application—or stretching—of the law.²¹ This is not to claim that Cremutius' trial is, or is meant to be, the low point of all the treason trials in the Tiberian hexad. The spate of trials (on *maiestas* and other charges) of the later years is, collectively, probably more important in this respect.²² But it can be seen as the low point in Tacitus' depiction of the developments until now, and this is one important factor that contributes to marking the passage as a central one in the work.

That it does indeed represent the nadir to date is strongly suggested by what comes immediately after it. Unfortunately, interpretation is not straightforward. Tacitus writes: *ceterum postulandis reis tam continuus annus fuit, ut ...* ('Furthermore, the year [i.e., AD 25] saw such an unbroken succession of prosecutions of defendants, that ...', 4.36.1). However, no extensive illustration is added, and the number of cases he records here is accordingly relatively low. This has been taken to show that the statement about 'an unbroken succession of prosecutions' is a 'disingenuous generalisation' at odds with the facts, deemed typical of Tacitus.²³ But this does not follow.

²⁰ Martin–Woodman (1989) ad 30.3, *genus hominum publico exitio repertum*.

²¹ Below, §3.

²² The year AD 32 (covered *Ann.* 6.1–14) has the largest number of trials (of whatever kind) mentioned, viz. 25: Rogers (1935) 128.

²³ Martin–Woodman (1989) ad loc. They quote Rogers (1935) 86: 'fewer [sc. criminal charges] are recorded in this year than in the preceding or any of several others, notably 32'.

The statement is presented as a summary, and Tacitus thus implies that he knew (many) more cases than he reports, as he occasionally does elsewhere.²⁴ Distrusting the statement because it is not backed up by actual cases mistakes the *Annals* for a collection of evidence rather than an interpretation of the history of the period: Tacitus nowhere implies that he aims for completeness in such respects.²⁵ And somewhat paradoxically, this focus on Tacitus' veracity, or lack of it, obscures questions of interpretation. His relative restraint here must be a conscious choice, and we must ask what the reason for this choice is. It is, I suggest, not far to seek. Presenting details of further, less powerful cases would be an anti-climax; the general description allows us instead to linger a little longer over what we have just read. It thus gradually lowers the tension, and preserves the climactic function of Cremutius' case and the bitter and programmatic comments that follow it. We should also remember that in the recent digression, Tacitus has conspicuously remarked upon the feelings of satiety induced by the monotonous series of prosecutions he has been presenting (4.33.3). In the same vein he now seems to say that for the moment, giving details of the glut of cases that followed would serve no further purpose: the sombre implications of Cremutius' trial are clear enough.

Cremutius' alleged crime, as he emphasises throughout his speech, was a matter of words, not deeds. And in fact, the threat of charges of verbal treason is a major sub-theme in Tacitus' presentation of the string of *maiestas* cases. It is the practical (legal or pseudo-legal) aspect of the issue of free speech that is signalled as central to the historian's concerns at the beginning of the *Annals*. Rather than being gradually developed, it is present from the start as an undercurrent: the first mention of the re-introduction of the *lex*

²⁴ 2.50.1 *et Appuleiam Varillam*; 3.38.1 *et Ancharius Priscus*; 4.66.1 *corripueratque*; 6.10.1 *ne feminae quidem ... necataque est anus Vitia*. The cases then actually mentioned in these passages do not serve (merely) as examples, as is often assumed: each of them illustrates the general deterioration mentioned above, often by showing a new step in the process. Note esp. 3.38.1, quoted above.

²⁵ Martin–Woodman, *l. c.*, therefore misrepresent the issue by failing to consider the possibility that Tacitus (avowedly) presents a selection (likewise ad 4.6.2, (1989) 108–9; ad 4.66.1, *corripueratque*). Contrast Goodyear's recognition of Tacitus' implication in 2.50.1 (*et Appuleiam Varillam*) that 'he could cite other cases' ((1981) ad *et*; cf. 148–9)—his view that 'we cannot tell' whether this is true is strictly correct. (Woodman–Martin (1996) ad 3.38.1 have moved to this position, though in addition they also express their strong view that Tacitus' claim is in fact untrue.) However, to me the case for Tacitus' selectivity seems exceedingly strong; see already Koestermann (1955) *passim* (with 97 n. 57 on 4.36.1). Note, e.g., that Hispo, implied at 1.74.2 to have developed into a *delator*, is mentioned nowhere else in Tacitus. Selectivity is explicit and undisputed in the area of senatorial debate: 3.65.1.

maiestatis in 1.72.2 is immediately followed by a contrast between its original scope (*apud veteres*) and Augustus' specious inclusion under it of defamatory writings (*famosis libellis*). Yet he was at least prompted by Cassius Severus' slandering of 'distinguished men and women' in general (*viros feminasque illustres*); Tiberius, writes Tacitus, encouraged the use of the law because he was vexed by anonymous poems about himself and his relationship with his mother (1.72.2–4). Tacitus makes sure almost immediately to mention the prosecution of Granius Marcellus (1.74), in which the charges included 'adverse comments about Tiberius' (*sinistros de Tiberio sermones*, 1.74.3); he was acquitted, but only after Tiberius was manoeuvred into swallowing his initial anger (1.74.4–6).²⁶

While the threat is thus felt from the start, Tacitus does not, it seems, seek to imply any clear development in this area, and he mentions only some five cases actually based on such charges, most ending in acquittal.²⁷ Bauman detected charges of 'verbal treason' in two further, conspicuous cases that did lead to condemnation, that of Silius and his wife Sosia (4.18–20) and that of Vibius Serenus (4.28–30), but almost certainly wrongly: in both cases, Tiberius was offended, and this is implied to have been crucial to their condemnation, but not part of the charges.²⁸ However, this possibility of reading official charges into Tiberius' feelings is significant: offending him was dangerous, Tacitus implies, even if it did not lead to explicit charges. And three of the actual cases and Bauman's two all occur in a virtual cluster in Book 4, not much before Cremutius' trial (4.18–21 and 28–31). The scene is thus set.

The trial took place in the senate,²⁹ and the attitude of the senate in its relationship with the emperor is another theme in the *Annals* that is relevant

²⁶ See above, with n. 14.

²⁷ Granius Marcellus (1.74; acquitted: above); Appuleia Varilla (2.50; acquitted); (L.) Calpurnius Piso (4.21.1–2; suicide; other charges [*multa*] are also mentioned); Cassius Severus' second condemnation (4.21.3); C. Cominius (4.31.1–2; initially convicted but pardoned).

²⁸ Silius and Sosia: Bauman (1974) 115–20; but Martin–Woodman (1989) ad 4.19.4, *nec dubie ... haerebant* are clearly right that the context there implies two other charges: Silius' offensive boasts are mentioned only in 4.18.2–3. Vibius Serenus: Bauman (1974) 115; the offensive letter of eight years earlier, mentioned only near the end (4.29.3), seems not to have been added to the charges.

²⁹ In practice, even if not formally, the senate functioned as a court of law. The 'legal' basis of this role of the senate has long been a puzzle, which was virtually solved by Richardson's brilliant application to it of a passage from the *SC de Cn. Pisone patre* (Richardson (1997)): the *quaestio*, presided over by the praetor, was still in charge of 'the operation *de iure* of the law but the decision *de facto* as to whether it should be applied in a

here.³⁰ It is important virtually from the beginning, their tendency to ‘slavery’ signalled as early as in 1.7.1 (*ruere in servitium consules patres eques*), and the first senatorial debates (1.8, 11–14) confirming the picture.³¹ However, the theme comes into its own only later, after another dominant theme, Tiberius’ rivalry with Germanicus, has been put to rest by the latter’s death and the account, in 3.1–19, of his funeral and the trial of Piso in AD 20; and after two chapters about the war with Tacfarinas in Africa ensure closure (3.20–21). The proportion of senatorial business in the narrative then rises sharply, with AD 22 as a high point (85%);³² in compositional terms, the text-blocks dealing with *res internae* by far dominate the years AD 21–24, with AD 23 being even exclusively devoted to them.³³

Tacitus’ picture of the growth of senatorial adulation in this part of the *Annals* is well-known.³⁴ It is given particular emphasis by his pronouncement that he intends to report only senatorial *sententiae* that stand out as honourable or particularly shameful (3.65.1), especially because this leads to the conspicuous programmatic statement about the function of annals (*ib.*). The point is then clinched by his bitter comments about *adulatio* that follow

particular case’ now rested with the senate (*ib.* 516–7). This also explains that in *Ann.* 1.72.3 it is a praetor who consults Tiberius about the application of the law (*ib.* 510–12; 517).

³⁰ For the structural issues see again Ginsburg (1981) 87–95, 143; Martin (1990) 1518–9, 1526, 1533, 1538–9, 1540, and the summary, 1577. For Tacitus’ much-discussed views of proper and improper senatorial behaviour in general see now Oakley (2009), with literature at 194.

³¹ The appearance of the catchword *adulatio* in the first chapter (1.1.2, *gliscente adulatione*) may already point to the senate despite the different context, for even if the notion is applied to historians, the reference itself may be more general. And most historians were, of course, senators.

³² Figures for each year in *Ann.* 1–6 in Ginsburg (1981) 142 (those for the second half of AD 20 are not separately given).

³³ This shift after Germanicus’ death is often commented upon, see e.g. Syme (1958) 268 (but with an oddly rosy view of these early years); Martin (1990) 1533, 1538–9; on AD 23 also Martin–Woodman (1989) 77. It can be clearly seen in the overviews of the years in Ginsburg (1981) 56–62 (AD 20), 131 (AD 21), 132–3 (AD 22), 140–1 (AD 23), 133–4 (AD 24).

³⁴ In 3.22–4.33, *adulatio* explicitly characterises specific (sets of) proposals only in 3.47.3, 57.1 and 2, 69.1; 4.9.2, 17.1; but in most of these cases, the implication is clearly that *adulatio* was the dominant attitude, and cases elsewhere also fit the pattern. For the relevance of Tacitus’ fairly long account of the senatorial investigation of provincial demands in 3.60–3 (‘a grand spectacle’ (or ‘semblance’?!): *magnaue eius diei species fuit*, 3.60.3) see Ginsburg (1981) 90–2 (*contra* Syme (1958) 285; cf. 268); the case for a positive interpretation is well put by Woodman–Martin (1996) 430–31, 433, but in the end unconvincing (see 3.63.1, *fessi*). The summary of 4.6.2 condemns the senate (esp. *in adulationem lapsos cohibebat ipse*), and bodes ill for the future.

(3.65.2–3), which include Tiberius’ famous exclamation *o homines ad servitutum paratos!* (‘O men ready to be slaves!’).

It is here that the theme is most clearly linked with the senators’ conduct in trials, which is the aspect most relevant to the Cremutius passage. For immediately after this he prefaces the account of Silanus’ trial by even sharper criticism: *paulatim dehinc ab indecoris ad infesta transgrediebantur* (‘After this, their behaviour gradually passed from the shameful to the savage’, 3.66.1); and the reason for this criticism is that it was now high-ranking senators instead of *delatores* who acted as prosecutors for *maiestas*.³⁵ In Book 4, the senators’ behaviour in the unremitting series of trials in AD 24 (4.18–22 and 28–31) is, in most cases, similarly characterised by their role in the prosecutions and their proposals of harsh sentences.³⁶ The singular, honourable moderation of M. Lepidus is to an important extent defined in contrast to precisely this dishonourable behaviour: *pleraque ab saevis adulationibus aliorum in melius flexit* (‘he steered many issues away from others’ cruel flattery to a better outcome’, 4.20.2). After all this, the reader expects the senatorial judges in Cremutius’ trial to be unsympathetic and even hostile—as they will in fact turn out to be.

2.2 Context II: Landmarks; the Position of the Cremutius Passage

By definition, Tacitus’ themes recur frequently. This means that they will be retained, consciously or not, by most readers when they approach a particular passage such as that about Cremutius Cordus. That is, knowledge of thematic concerns like *maiestas* is ‘accessible’ to readers of our passage and will be activated in interpreting it. But themes are not the only contextual elements influencing readers’ interpretations: individual earlier passages are obviously also relevant. The preceding digression is a well-known, uncontested instance. However, in such cases it is not always made clear why a specific passage can legitimately be used in interpreting a later one; the assumption sometimes seems to be that any link that we may discern is relevant. However, even ‘ideal readers’ cannot be supposed to have all of

³⁵ Woodman–Martin (1996) 458–9 (and 450) accuse Tacitus of making the case appear more heinous than it was, as the *maiestas* charge was only an addition to the original charge of *repetundae* (3.66.1, 67.3), and as the judgement of the senate was not based on *maiestas* (3.68.1–2). However, the addition of *maiestas* was surely heinous in itself, esp. as it was unnecessary (cf. 3.67.1; see above, n. 18); and the focus is on the base behaviour of the three senators who brought the *maiestas* charge: note their extended and immediate character assassination (3.66.2–4). See the good analysis in Koestermann (1955) 102–3.

³⁶ For the cases see above, n. 19.

the preceding three-and-a-half Books at their fingertips.³⁷ In the following, I will enumerate the passages that I think are accessible to readers of our passage, and specify the features that make them stand out. These are typically conspicuous language, content, or position; in some instances, significant intertextual links help to underline the importance of a passage, though such cases are in my view much rarer than is assumed in some of the scholarship, particularly in Moles' important article in *Histos*.³⁸ I will call such conspicuous passages 'landmarks'.

The first, well-known one has already been mentioned—Tacitus' statement about the 'pre-eminent task' of annals (3.65.1):

exsequi sententias haud institui nisi insignes per honestum aut notabili dedecore, quod praecipuum munus annalium reor, ne virtutes sileantur utque pravis dictis factisque ex posteritate et infamia metus sit.

Rehearsing senatorial *sententiae* in detail is certainly not my policy, except those that stand out for being honourable or by notable shamefulness, because I believe it is the pre-eminent task of annals to ensure that virtues are not passed over in silence and that crooked words and deeds are attended by fear of posterity and disgrace.

³⁷ Unless the ideal reader is defined precisely as having a 'total recall' of all that precedes, which would in fact make the notion of (ideal) readership superfluous.

³⁸ Moles (1998). For the current, stimulating debate on the nature of intertextuality in historiography see, e.g., Marincola (2010), and Pelling's recent piece in *Histos* (2013). The intertextual links canvassed by Moles (1998) (esp. 105–23) are of course with the Cremutius passage itself and the digression, not with preceding passages. In my view, many of these are not valid because there are no triggers of context, content or wording to activate them (such as there are, e.g., at the beginning of Book 4, where clear verbal echoes point to Sallust's portrait of Catiline, a famous passage known to readers); or because they are not significant, as they cannot be shown to 'do' something for, and to, Tacitus' text. The case most strongly advocated by Moles (1998) 106–9, and *passim*, is the parallel between Cremutius and Theramenes' death in 404/3 BC, following his condemnation for treason in a trial engineered by the Thirty, as related in Xenophon's *Hellenica* 2.3.23–56 (which, admittedly, Cic. *Tusc.* 1.96 shows to have been well known: Moles (1998) 106 n. 14). However, the correspondences, while present, seem to me too general (an oppositional figure brought to death by a tyrannical regime, etc.), and the differences too big: e.g., the conduct of the trial, with the *boulê* shouting its approval after Theramenes' speech and the ensuing need for Critias to intervene to prevent acquittal (2.3.50–1), creates an atmosphere totally different from that of our passage, where the outcome is the unavoidable culmination of senatorial subservience and other thematically crucial developments. Some verbal parallels are valid and may point to influence, rather than to an intertextual relationship.

The precise relevance for our passage will be analysed in some detail below (§6). What matters here is that while being occasioned by the context, the sentence still stands out from it. The narrative, which continues until the end of 3.64, is interrupted by a sudden, emphatic first-person statement. The general, bitter comments that follow the sentence quoted, as well as the authorial comment that forms the transition back to the narrative in 3.66.1 (above), also serve to make the passage memorable. Most importantly, the initial statement of policy on senatorial *sententiae* is widened into a pronouncement about annals, which draws attention to itself as a general principle. As we have seen, the conspicuousness of the passage helps to underline the theme of the growth of senatorial adulation. But the sentence itself can also be expected to stick in readers' minds, and therefore to be accessible as part of the context for interpreting later passages, such as that on Cremutius.

The latter is certainly the case with another famous chapter, that on the funeral of Junia (3.76), important for Cremutius' trial on several counts. Tacitus chooses to mention that she was niece of the younger Cato, wife of Cassius, and sister of Brutus; and to enhance these republican connections by dating her death by Philippi (*sexagesimo quarto post Philippensem aciem anno*, 'in the sixty-fourth year after the battle of Philippi', 3.76.1).³⁹ After Tiberius' unassuming, almost republican acceptance of his omission from her testament (*civiliter*), and the mention of twenty distinguished *imagines* in her funeral procession, comes the shock-effect of the conspicuousness of Cassius and Brutus 'on account of the very fact that their portraits were not to be seen': *sed praeifulgebant Cassius atque Brutus eo ipso quod effigies eorum non visebantur*.⁴⁰ This paradox bodes ill by its suggestion of Tiberius' implicit pressure—or even explicit interference—to remove these reminders of the republic. It is all the more memorable because it occurs at the very end of the Book⁴¹ and—as becomes clear at the beginning of the next—at the end of the first, 'better' half of Tiberius' reign.

³⁹ This dating is significant enough in itself, but even more so in contrast to 'official' datings by Augustus' victory at Actium, as Woodman–Martin (1996) ad loc. point out.

⁴⁰ The reference to *imagines* and *effigies* has, in turn, been well prepared for: see Woodman–Martin (1996) ad loc.

⁴¹ Cf. Martin (1990) 1541 on this chapter. Tacitus' use of book-boundaries for emphasis in the Tiberian books is well-known: see Syme (1958) 266–7 on the endings. The beginnings of 1, 3, 4, and 5 are also clearly significant; that of Book 2 (on Parthia and Armenia) seems to anticipate Germanicus' command in the East (Koestermann (1963) 258). The same applies to the later books (least clearly at the beginning of 15; for 13.57–8 see Koestermann (1967) 347 and 349).

That beginning of Book 4 is one of the most conspicuous landmarks in the *Annals*, dividing the Tiberian hexad in two, and emphasised by numerous verbal, stylistic, and intertextual markers.⁴² Its claim that this year represented the definitive turn for the worse, with the dominance of Sejanus ushering in the true tyranny of the ‘second half’ of Tiberius reign, sets the tone for the book as a whole. Further emphasis on the change is lent by the survey of the empire in 4.5, which takes its cue from Tiberius’ similar survey in the senate (4.4.3), and then by the quasi-natural addition of the summary of the other aspects of the *res publica*. The latter is appropriate (*congruens*) here, Tacitus writes, *quoniam Tiberio mutati in deterius principatus initium ille annus attulit* (‘because it was this year that brought the beginning of the change for the worse in Tiberius’ principate’, 4.6.1). The relatively positive description (with the ominous exception of the *lex maiestatis*, 4.6.2: above, p. 304) is thus heavily loaded: it was not to remain so ‘good’. All this supports the themes, sketched above, of the now fast-developing threats of *maiestas* and the inexorable erosion of the senate’s independence.

The depressing stream of *maiestas* trials sketched by Tacitus in what follows is interrupted by an unexpected case of *clementia* on Tiberius’ part, which brought some relief (*his tam adsiduis tamque maestis modica laetitia intericitur*, 4.31.1). The case is that of C. Cominius, who had been convicted of writing a poem that was insulting to the emperor (so clearly of *maiestas*). Tacitus’ wording underlines the unexpectedness, which is in itself heavily ironic: while coinage claimed *clementia* as typical of Tiberius,⁴³ his actual exercise of this virtue causes surprise. Then, with a new twist, Tacitus comments not on this surprise (‘why did he suddenly show clemency?’) but, so to speak, on the opposite one: ‘why didn’t he do so more often?’ (4.31.2):

quo magis mirum habebatur gnarum meliorum, et quae fama clementiam sequeretur, tristiora malle. neque enim socordia peccabat; nec occultum est quando ex veritate, quando adumbrata laetitia facta imperatorum celebrentur.

⁴² Cf. Martin–Woodman (1989) 14 and 77, and Martin (1990) 1514–9, on the incision between these books. *Saevire* (4.1.1) is one of the catchwords for tyranny (see the former’s note ad loc.). The two halves of the hexad, of course, cover unequal time periods (8½ vs 14½ years), and the division of the hexad into two is a striking device, involving compression and expansion; see Martin (1990) 1506 n. 23, 1541, and for a good example of ‘elaboration’ elsewhere, 1555.

⁴³ Martin–Woodman (1989) ad loc. (also for the *ara clementiae* later in the reign); and esp. Levick (1976/1999) 87–8. For the related virtue of *moderatio* see below, p. 343, with n. 162.

It was thought all the more surprising that, though aware of what was better and of the reputation that followed on clemency, he preferred the grimmer options. For he did not do wrong out of stupidity; nor is it difficult to see when an emperor's actions are praised sincerely, when with feigned pleasure.

The passage therefore stands out as unexpected on two different levels. So while it does not seem memorable enough to be a proper 'landmark' in the larger context of the *Annals*, it is certainly conspicuous in its immediate context, and therefore still accessible when we reach Cremutius' case, just three chapters onwards. And as I will argue, its picture of Tiberius as making the wrong choices is highly relevant to the interpretation of the Cremutius passage, in conjunction with the intervening digression.⁴⁴

As has been widely recognised, this digression (4.32–3) is another clear landmark, with its extensive characterisation of Tacitus' own history-writing, its usefulness and pitfalls. His contrast between the historians of old and himself pertains both to external and internal affairs, and on both counts fits the position of the digression. As to the former, his lament for the loss of scope due to the lack of glorious Roman exploits abroad is given particular point, as Martin has observed, by the recent end of the war against Tacfarinas (4.23–6).⁴⁵ As to the latter, Tacitus emphasises the difference between the old, interesting internal conflicts, such as between consuls and tribunes, on the one hand, and his own dark subject matter of continuous prosecutions and treacherous behaviour on the other (4.33.3, 4); this clearly picks up the dominant themes of *maiestas* trials and base senatorial attitudes.⁴⁶

The digression is immediately marked off from the preceding as a general reflection on the nature of his own *Annals* (*annales nostros*, 4.33.1): it begins with an asyndeton, and its first words signal the transition to the general level: *pleraque eorum quae rettuli quaeque referam* ('most of the things that I have recounted and that I will recount', 4.32.1). Likewise, its end is explicitly marked by *sed ad inceptum redeo* ('but I return to my subject', 4.33.4)—a conventional marker, but emphasised by its Sallustian ring.⁴⁷ Martin has

⁴⁴ For the specific echo of *socordia* see below, n. 207.

⁴⁵ Martin (1990) 1543.

⁴⁶ Cf. Luce (1991) 2915 on Tacitus' implied senatorial readership.

⁴⁷ Sallust, while also heavily present elsewhere (esp. 4.1), is probably referenced here to invoke his general tone of moral pessimism, but especially as the master of well-placed moralising digressions (for which cf. Syme (1964) 67–8). Of course, similar phrases for a return to the main subject occur frequently elsewhere (cf. e.g. Fraenkel (1957) 98), but *inceptum* in this sense occurs only in Sall. (*Cat.* 7.7; *Jug.* 4.9 *nunc ad inceptum redeo*; 42.5) and

called attention to the digression's unusual position, 'at the year's end in place of the usual *fine anni miscellanea*'.⁴⁸ In fact, in view of the unequivocal formal break from the context, it is better seen as standing outside the narrative altogether.⁴⁹ The main function of this formal separation is surely not the separation of these two years, but to emphasise the importance of the digression itself in terms of content.⁵⁰ However that may be, it is evident that it is highly relevant to Cremutius' trial (and vice versa), and meant to be: a discussion of historiography under the conditions of the empire cannot fail to be linked to an immediately following trial of a historian for alleged disrespect of the emperor.⁵¹ The precise nature of the link, however, is not generally agreed upon, and will be discussed below (§4).

The sequel to 4.34–5 has a different status, as it cannot prepare the reader for the passage. It must nevertheless be taken into account, because while the passage is still fresh in readers' minds, its interpretation may still be coloured by new considerations. The beginning of the immediately following chapter continues the sombre tone but lowers the tension, as argued above. Then two noteworthy trials are added, closed by a bitter comment about the 'sacrosanctity' of aggressive *delatores* (4.36.3); this continues a theme highly relevant to the Cremutius passage. The link of the latter with the next two chapters (4.37–8), however, is still tighter. Cremutius had ended his speech with the prediction that his own memory would be preserved, and Tacitus had added comments about the bad reputation that bad rulers will have with posterity. Now Tiberius is made to address similar

Tac. (*Ann.* 6.22.4): *OLD* s.v., 1b; *TLL* s.v. *incipio* 922.70–4. It may have additional point here: having 'begun' his work, Tacitus carries on with it despite all the drawbacks set out in the preceding.

⁴⁸ Martin (1990) 1543.

⁴⁹ It is usually taken as formally belonging to the previous year, e.g. by Ginsburg (1981) 133 (whose classification of it under the *res internae* is the logical but clearly undesirable consequence); Furneaux (1896) 489; Martin–Woodman (1989) 16.

⁵⁰ Similarly Martin (1990) 1543. An additional sign of separation between these years (one of the functions according to, e.g., Martin–Woodman (1989) 169) is hardly necessary, given the consular dating formula in 4.34.1; and unlikely, given the links between Cremutius' trial and the foregoing. Contrast Ginsburg (1981) 49–50, who sees the digression as facilitating the transition between these years—likewise hardly a plausible aim in itself.

⁵¹ Koestermann (1965) 117, while recognising a link, is strangely (and uncharacteristically) equivocal on whether it is intended. Moles (1998) 123 (followed by McHugh (2004) 394) assumes that the formal status of the passage as a digression would normally imply irrelevance (or limited relevance): this formal status 'is challenged by the clear thematic links between the digression and its surrounds'. But no challenge is implied: cf. below, n. 108.

issues, in reaction to a request by Further Spain to be permitted to build a shrine to himself and his mother: he rejects such flattery and reflects upon the value of a truly good reputation in the present and, again, with posterity.

The passage about Cremutius' trial thus has strong links with the preceding digression and with the following chapters, and Cancik-Lindemaier and Cancik⁵² are clearly correct to regard 4.32–8 as a triptych. In it, the same nexus of issues—historiography, repression, memory—is seen from the different perspectives of the writer himself, of an earlier historian who was punished for his words, and of the emperor—with Tacitus of course firmly in charge of all three. Significantly, a sharp incision is indicated after the passage on Tiberius' speech: *at Seianus* begins the very different episode about Sejanus' letter to Tiberius asking for Livilla's hand (4.39–41).

The position of this 'triptych' in the book may also be significant: the middle of Book 4 is formed by 38.4, the beginning of Tacitus' short comments immediately after Tiberius' speech.⁵³ This is somewhat difficult to interpret, because no passage clearly occupies the middle of the book, in contrast with, notably, the position of the great digression in Sallust's *Catilina* in 'the precise centre of the monograph' (*Cat.* 36.4–39.4).⁵⁴ However, the incision at *at Seianus* may be regarded as the middle of the book, as it occurs just a few lines after the 'mathematical' middle. And it is likely that this position mirrors the importance of the passages on either side, the 'triptych' as well as the passage about Sejanus' new move.⁵⁵

When we come to the actual passage, the reader's attention is drawn to its importance by specific features of the text itself (below), but also by yet another structural feature: the construction of the narrative of the year. In the first place, the trial is mentioned at the opening of AD 25, which does not

⁵² Cancik-Lindemaier and Cancik (1986) 17, 22–4; cf. also Martin (1990) 1545–6.

⁵³ This follows from a word-count of the text of *Ann.* 4 available at <http://www.thelatinlibrary.com> (accessed 9 September 2013); and from line-counts in C. D. Fisher's OCT (1896) and E. Koestermann's Teubner (31971). All three yield a location of the middle in 38.4 (*secretis, quod alii*) or immediately after it (38.5 *optimos*).

⁵⁴ Syme (1964) 68; confirmed, e.g., by a page-count in A. W. Ahlberg's old Teubner (ed. min., 1926), with its standard page-length.

⁵⁵ Chapters 4.39–41 do not 'occupy what is virtually the mathematical centre of the book', as Martin–Woodman (1989) 17 claim (cf. 193): see above, n. 53. Their view that they (also) occupy 'the structural centre of the year's narrative' (193) is arbitrary, being dependent on their identification (16) of five building blocks of Tacitus' account of AD 25: such identifications are very insecure.

imply an early date (it is not dateable within the year), but lends emphasis.⁵⁶ Moreover, as Martin–Woodman have pointed out, the structure of the year is highly unusual, as it is wholly devoted to *res internae* until the brief report of one foreign incident at the end (4.45);⁵⁷ and this draws attention to Tacitus’ comments in the digression about the dearth of significant foreign events and the depressing nature of domestic ones.⁵⁸

In summary,⁵⁹ Cremutius’ trial occurs in a part of the *Annals* where the focus has increasingly been on depressing domestic affairs, and it is preceded by a digression interpreting such historiographical focus as an ominous sign of imperial times. Tacitus has presented a tightening plot, by depicting parallel developments of repression through *maiestas* trials and of senatorial impotence and adulation, recently compounded by the growth of Sejanus’ power;⁶⁰ and he has emphasised these developments by means of a number of ‘landmarks’. His own authorial presence has also been on the rise, particularly marked by his two recent reflections on imperial history-writing, one short (3.65.1) and one long (4.32–3), setting the scene for his predecessor’s demise.

3. The Passage

For the convenience of the reader, I here print the text of the passage as given by Martin–Woodman.⁶¹ A translation follows. Footnotes to the latter touch on some minor interpretative matters. I then offer comments on

⁵⁶ For the use of the opening of the year for emphasis see Ginsburg (1981) 10–30. The trial is not dateable within the year (*ib.* 134; cf. above, n. 6). Tacitus prefers the ablative absolute (used in 14 out of the extant 20 cases in *Ann.* 1–6; here *Cornelio Cosso Asinio Agrippa consulibus*, 4.34.1), the least specific of the dating formulae available (*ib.* 11), and its use here is surely no coincidence.

⁵⁷ Martin–Woodman (1989) 176: this structure has ‘no parallel in the Tiberian or Neronian books’. Syme (1958) 309–10 suggests that 4.45 has been added to form a transition to the beginning of the following year. Cf. Ginsburg (1981) 54 for Tacitus’ structuring of the extant Tiberian years (including three wholly devoted to internal affairs). Puzzlingly, she includes AD 25 in the list of years patterned *res internae–externae–internae*; thus at 134, despite her own analysis there.

⁵⁸ Martin–Woodman (1989) 204.

⁵⁹ Some of the elements are concisely noted by Syme (1958) 309.

⁶⁰ The last of these has not been discussed above, as being obvious and uncontested.

⁶¹ The text itself has no significant variants, but, importantly, Martin–Woodman’s text (1989) is superior to others in its paragraphing, which well brings out the progression of the argument (cf. ad 34.2, *in hunc modum*).

themes and presentation, before, in the next section, addressing the problem of Cremutius' argument.

(34.1) Cornelio Cosso Asinio Agrippa consulibus Cremutius Cordus postulatur, novo ac tunc primum audito crimine, quod editis annalibus laudatoque M. Bruto C. Cassium Romanorum ultimum dixisset. accusabant Satrius Secundus et Pinarius Natta, Seiani clientes. (2) id perniciosabile reo et Caesar truci vultu defensionem accipiens, quam Cremutius, relinquendae vitae certus, in hunc modum exorsus est: 'verba mea, patres conscripti, arguuntur: adeo factorum innocens sum. sed neque haec in principem aut principis parentem, quos lex maiestatis amplectitur: Brutum et Cassium laudavisse dicor, quorum res gestas cum plurimi composuerint, nemo sine honore memoravit.

'(3) Titus Livius, eloquentiae ac fidei praeclarus in primis, Cn. Pompeium tantis laudibus tulit ut "Pompeianum" eum Augustus appellaret; neque id amicitiae eorum offecit. Scipionem, Afranium, hunc ipsum Cassium, hunc Brutum nusquam latrones et parricidas (quae nunc vocabula imponuntur), saepe ut insignis viros nominat. (4) Asinii Pollionis scripta egregiam eorundem memoriam tradunt, Messalla Corvinus imperatorem suum Cassium praedicabat; et uterque opibus atque honoribus perviguere. Marci Ciceronis libro, quo Catonem caelo aequavit, quid aliud dictator Caesar quam rescripta oratione, velut apud iudices, respondit?

'(5) Antonii epistulae, Bruti contiones falsa quidem in Augustum probra, sed multa cum acerbitate habent; carmina Bibaculi et Catulli referta contumeliis Caesarum leguntur; sed ipse divus Iulius, ipse divus Augustus et tulere ista et reliquere, haud facile dixerim moderatione magis an sapientia: namque spreta exolescunt; si irascere, adgnita videntur. (35.1) non attingo Graecos, quorum non modo libertas, etiam libido impunita; aut si quis advertit, dictis dicta ultus est.

'sed maxime solutum et sine obtrectatore fuit prodere de iis quos mors odio aut gratiae emisisset. (2) num enim armatis Cassio et Bruto ac Philippenses campos obtinentibus belli civilis causa populum per contiones incendio? an illi quidem septuagesimum ante annum perempti, quo modo imaginibus suis noscuntur (quas ne victor quidem abolevit), sic partem memoriae apud scriptores retinent? (3) suum cuique decus posteritas rependit; nec derunt, si damnatio ingruit, qui non modo Cassii et Bruti sed etiam mei meminerint.' (4) egressus dein senatu vitam abstinentia finivit.

libros per aediles cremandos censuere patres; set manserunt, occultati et editi. (5) quo magis socordiam eorum inridere libet, qui praesenti potentia credunt exstingui posse etiam sequentis aevi memoriam. nam contra punitis ingeniis gliscit auctoritas, neque aliud externi reges aut qui eadem saevitia usi sunt nisi dedecus sibi atque illis gloriam peperere.

(34.1) In the consulship of Cornelius Cossus and Asinius Agrippa, Cremutius Cordus is prosecuted on a new and at that time unheard-of charge: that, having published annals and praised Marcus Brutus, he had called Gaius Cassius the last of the Romans. The prosecutors were Satrius Secundus and Pinarius Natta, clients of Sejanus. (2) That was fatal for the accused, as was the grim look on the emperor's face as he listened to the defence, which Cremutius, certain of departing life, began in the following way: 'It is my words, Senators, that are accused, so innocent am I of deeds. But not even these words are directed at the princeps or the princeps' parent,⁶² who are the ones included in the treason law. It is said that I praised Brutus and Cassius, whose deeds, though many have written about them, no-one has recalled without honour.

'(3) Titus Livius, eminently outstanding for his eloquence and trustworthiness, praised Gnaius Pompeius so highly that Augustus called him a Pompeian; but that was no obstacle to their friendship. Scipio, Afranius, this very Cassius and this Brutus—nowhere does he name them bandits and parricides (the designations nowadays imposed on them), but often as distinguished men. (4) The writings of Asinius Pollio pass on a splendid memory of these same men, while Messalla Corvinus used to declare that Cassius was his commander—and both continued to thrive in wealth and honours. As to Marcus Cicero's book, in which he praised Cato to the skies, what else did Caesar do in reply (even as dictator)⁶³ but to write a responding speech, as if before a court of law?

'(5) Mark Antony's letters and Brutus' *contiones* contain abuse against Augustus which, false though it is, is expressed with much bitterness; poems of Bibaculus and Catullus are still read that are full of slander against the Caesars. But the divine Julius himself, and the divine Augustus himself,⁶⁴ bore them and let them be—and I could

⁶² 34.2 *principis parentem*: often taken to refer to the princeps' mother, but his father, i.e. Augustus, is clearly meant: Moles (1998) 136 n. 76.

⁶³ 34.4 *dictator Caesar*: see below, p. 342, with n. 154.

⁶⁴ 34.5 *ipse divus Iulius, ipse divus Augustus*: see below, p. 342, with n. 155.

not easily say whether they acted rather out of moderation or wisdom. For things spurned fade away; if you become angry they seem to be acknowledged. (35.1) I make no mention of the Greeks, among whom not only free speech but even licence⁶⁵ went unpunished; or if anyone took punitive action, he avenged words with words.

‘But what was most particularly allowed, and had no detractors, was giving an account of people whom death had placed beyond hatred or favour. (2) For surely it is not the case that Cassius and Brutus are under arms and holding the fields of Philippi and that I am stirring up⁶⁶ the people in *contiones* to incite them to civil war? Is it not rather the case that they were actually killed seventy years ago, and that just as they are known by their images⁶⁷ (which even their conqueror did not banish), they also retain part of their memory in the works of historians? (3) Posterity gives everyone his due honour; and if condemnation is closing in on me, then there will be no lack of those who not only remember Cassius and Brutus but also remember me.’ (4) Then he left the senate, and ended his life by fasting.

As to his books, the senators decreed that they should be burnt by the aediles; but they survived, concealed and circulated. (5) Which gives us all the more freedom⁶⁸ to mock the stupidity of those who believe that today’s power can also extinguish the memory of later ages.⁶⁹ For on the contrary, if talents are punished, their authority waxes, and the only thing that foreign tyrants [*reges*], or those who

⁶⁵ 35.1 *libertas ... libido*: cf. Moles (1998) 137 n. 78, supplemented by Leeman–Pinkster–Wisse (1996) ad *De Or.* 3.4.

⁶⁶ 35.2 *incendo* is not a living metaphor: below, p. 326.

⁶⁷ 35.2 *imaginibus*: not only ‘the family *imagines*’ (Martin (1990), 1544). These must of course be included (below, p. 344, with n. 165), but *noscuntur* and the logic of the argument imply that images were constantly to be seen, while family *imagines* were usually kept in the house. The story of Augustus’ conspicuously lenient attitude towards the statue of Brutus in Milan (Plut. *Comp. Dio Brut.* 5, mentioned by Furneaux (1896) ad loc. and other commentators) must have been well known, and this passage presupposes that more statues were on view.

⁶⁸ 35.5 *libet* (cf. Moles (1998) 154–5): sharply ironic, and conspicuously so (one would perhaps expect *licet*). Quite in tune with the angry tone of Tacitus’ comment, this helps to drive home the point that tyrants cannot suppress people’s ‘freedom’ to despise them.

⁶⁹ 35.5 *sequentis aevi*: not ‘the next generation’ (Martin (1990) 1545) or even ‘succeeding generations’ (Yardley (2008)), but ‘time to follow’: restriction to the next generation makes little sense chronologically or as an argument, and the two non-late parallels confirm the required meaning (both are, tellingly, poetic): Verg. *Ecl.* 8.27; Luc. 8.623; cf. also Amm. Marc. 17.4.9, *ad aevi quoque sequentis aetates*; 30.4.6, *per varias aevi sequentis aetates*.

behaved with the same brutality, have ever produced is dishonour for themselves and glory for their victims.

Postulatur, in the first sentence, comes as a surprise. Tacitus, of course, uses the historic present often,⁷⁰ but it seems not to have been noticed that the combination with the dating formula in the ablative absolute, which after all locates events firmly in the past, is rather unexpected. And in fact, such a combination occurs only twice more in the extant Tiberian books, and in both cases it is clear that something very significant is highlighted. In AD 15 this is the award of a triumph to Germanicus despite the continuation of the war in Germany (*Druso Caesare C. Norbano consulibus decernitur Germanico triumphus manente bello*, 1.55.1).⁷¹ In AD 19, it is the beginning of Germanicus' travels in Egypt (*M. Silano L. Norbano consulibus Germanicus Aegyptum proficiscitur cognoscendae antiquitatis*, 2.59.1), which earned him the sharp disapproval of Tiberius (2.59.2–3) and allowed Piso back in Syria to undo his measures, which in turn brought their conflict to a head (2.69); and generally, in the year of Germanicus' death (2.70–3) the enhanced focus on him at the beginning of the year is surely no coincidence.⁷² Cremutius' trial, then, already emphasised by its position at the start of the year, is immediately highlighted as worthy of the reader's special attention.

The most crucial reason why this should be so is not left in doubt either: the mention of Cremutius' annals as central to the charge immediately provides a parallel between him and Tacitus himself, continuing the focus on historiography of the preceding digression. Further parallels are suggested. Some of Tacitus' comments in the digression clearly apply also to Cremutius, as he too did not write about the grander subjects available to historians of Rome's glorious, earlier period. The latter's actual subject, civil war, is at first sight different from Tacitus', but readers may again have perceived a link. For as Keitel has shown, Tacitus describes the reign of Tiberius (and later, that of Nero) in terms of civil war, with both the

⁷⁰ E.g., this particular form, with this meaning, is found twice more in Tacitus: *Ann.* 4.52.1; 6.29.3.

⁷¹ This event has quite possibly also been transferred to the beginning of the year for emphasis: cf. above, n. 6.

⁷² Of the 20 extant year-beginnings in the Tiberian books (not counting AD 20), 14 employ the ablative-absolute formula, and of these only the three cases mentioned have a present-tense verb. For the other six, cf. Ginsburg (1981) 14–7. Of the 19 extant year-beginnings in the later books, 17 start with the ablative absolute, of which again three use a present-tense verb for the first event mentioned: AD 50 (12.25.1: Nero's adoption), AD 52 (12.52.1: Furius Scribonianus' exile, a puzzling case), and AD 66 (16.14.1: not a particularly significant event—significantly, as leading to 16.16).

emperor and most senators behaving in ways not fundamentally different from those typical of the internal conflicts at the end of republic.⁷³ Again, the period of seventy years that Cremutius says separates Cassius and Brutus from their own time (35.2) is comparable to Tacitus' own distance to his subject. The illustrious predecessors listed by Cremutius in his defence (34.3–4) are also Tacitus' predecessors. Cremutius has *obtretractores* ('detractors') because his work is interpreted as passing judgement on the present (35.1–2), which echoes Tacitus' use of the same word in the digression, when he was describing the same phenomenon. Finally, what he says about Cassius and Brutus in this context (... *iis quos mors odio aut gratiae exemisset*, 35.1) is very close in language and thought to Tacitus' *sine ira et studio*.⁷⁴

The opening of the passage is remarkably dense in references to the major domestic themes developed in the work until now (4.34.1–2). It is economically phrased: we are not even told at the outset that this is a *maiestas* trial. For us, the mention of *maiestas* in Cremutius' speech is a welcome confirmation (34.2), but it is clearly not slipped in for this reason: after all that has happened, the reader is supposed to understand.⁷⁵ That the law was stretched in this case, and was to be stretched further in the future, is immediately made clear: the charge was 'new and at that time unheard-of' (*novo ac tunc primum audito crimine*, 34.1); Cremutius will also use this notion at the beginning of his speech (34.2). When the charge is then specified, the names of Brutus and Cassius call to mind the ominous ending of Book 3. It also links the trial with two interrelated themes, the pressures exerted on historians and the threat of charges of verbal treason, with the latter being suddenly and shockingly stepped up. The same associations are evoked by Cremutius' claim that 'it is my words ... that are accused, so innocent am I of deeds' (*verba mea, patres conscripti, arguuntur: adeo factorum innocens sum*, 34.2); for this echoes Tacitus' own description of the original scope of the *maiestas* law in 1.72.2 (*facta arguebantur, dicta impune erant*, 'deeds were accused, things said went unpunished')—a scope spuriously widened by Augustus and then

⁷³ Keitel (1984).

⁷⁴ On this parallelism see below, §4.4. On the parallel between Cremutius and Tacitus generally cf. Moles (1998) 138. We may add that *Ann.* 1.2.1 (*postquam Bruto et Cassio caesis nulla iam publica arma*) implies a judgement very similar to (if less emotively phrased than) Cremutius' opinion that Cassius was the last of the Romans (4.34.1); but it seems at best unclear whether this judgement can be assumed still to be accessible to readers.

⁷⁵ Rather similarly in the trial of Silius and Sosia (4.18–20): 19.4, *quaestione maiestatis*. In that of Vibius Serenus (4.28–30) the charge is not mentioned until after the trial itself (30.2), though the nature of the accusations already ensure that it was *maiestas*.

Tiberius (1.72.3–4).⁷⁶ Sejanus and the *delatores* are also prominently mentioned—that the latter two, though senators, are *clientes* of the *eques* Sejanus underlines the shamefulness of the situation.⁷⁷ And Tiberius' increasingly sinister role is echoed in what is virtually the only direct reference to him in the passage:⁷⁸ *Caesar truci vultu defensionem accipiens* ('the emperor listening to the defence with a grim look on his face', 34.2). The outcome is predictable from the start and then anticipated by *perniciabile* ('fatal', 34.2), but in a kind of summing up its inevitability is again stressed by the mention of Cremutius' certainty that he will die (34.2).

The theme of the abuse of *maiestas* trials is also suggestively developed through Cremutius when he says that Caesar replied to Cicero's praise of Cato by a written counter-speech, *velut apud iudices* ('as if before a court of law', 4.34.4). Cremutius, of course, is in a court of law,⁷⁹ which ironically underlines the lack of parallelism: while Cicero was treated as if he were a defence advocate in court, in opposition to Caesar's 'prosecution' of Cato, Cremutius himself is the accused.⁸⁰ And despite this lack of parallelism (or perhaps because of it), the mention of the courts of the past should probably not fail to suggest that the present court is a fraud, recalling Tacitus' earlier, bitter comments apropos of Silius' trial: *quasi aut legibus cum Silio ageretur aut Varro consul aut illud res publica esset* ('as if Silius' trial were based on the laws, or Varro were really a consul, or that really a republic', 4.19.3).

The notion of senatorial lack of backbone (or worse) is also taken further, though less directly. Cremutius addresses the senators formally by *patres*, as expected (4.34.2). But this is echoed at the end of the passage, when the senators (*patres*) are said to have decreed the burning of his books (35.4). In earlier cases, decisions are not seldom preceded by debate (e.g., 3.49–51), and what are clearly senatorial verdicts are usually formulated impersonally, such as in the case of C. Cominius, who is simply said to have been 'convicted' before Tiberius intervened (*C. Cominium ... convictum*, 4.31.1).⁸¹ Here no debate, no vagueness: Tacitus presents the senators as fully

⁷⁶ Even if the wording is not conspicuous enough for the verbal echo to be noted, the conceptual echo stands out.

⁷⁷ See Martin–Woodman (1989) ad 2.3, *clientes eqs.* (note the identical gibe Sen. *Cons. Marc.* 22.4); Koestermann (1965) ad *accusabant eqs.* well remarks that this is a step up from the already shameful case of the consul Varro's being 'set upon' (*immissus*) Silius and Sosia (4.19.1).

⁷⁸ Virtually: see 4.34.2, *in principem aut principis parentem*.

⁷⁹ See above, n. 29.

⁸⁰ Similar interpretations in Suerbaum (1971) 77; Moles (1998) 144.

⁸¹ For the earlier cases see above, nn. 17, 19.

implicated in this decision, and thus suggests their subservience to Sejanus' influence and Tiberius' grim presence.⁸²

The introductory description not only ties the trial to Tacitus' thematic concerns, it also serves to draw in the reader. The detail of the look on Tiberius' face introduces a relatively rare visual element,⁸³ and the economy of the phrase ensures that the emperor's grimness hovers over the proceedings, and that any lingering doubts about the outcome of the trial are dispersed—Tiberius' wavering, to which Tacitus drew attention earlier, will be central to Cremutius' argument,⁸⁴ but has no place here. Immediately preceding this, Tacitus refers to Cremutius by the word *reo* ('the accused'), and to the emperor, not by *Tiberius*, but by the more official *Caesar* (4.34.2).⁸⁵ This style of naming and the visual description of Tiberius' face combine to suggest that the proceedings are now seen through the eyes of those present at the trial. Then the focalisation subtly shifts further, as we get a glimpse of the thoughts of Cremutius (now called *Cremutius*) while he begins his speech: he was *relinquendae vitae certus* ('certain of departing life', 34.2).⁸⁶

Tacitus' economy is clear, but becomes even more apparent from his omissions. In Suetonius and Dio, who also mention Cremutius' trial, the absurdity of the charge is underlined by the fact that Augustus knew and approved of (portions of) Cremutius' history.⁸⁷ Tacitus has chosen not to

⁸² While the main blame is squarely laid on Tiberius (below, p. 324, pp. 340–7, and p. 354; also, 4.35.5), Tacitus does not, then, excuse the senate (*pace* Suerbaum (1971) 96 n. 94).

⁸³ I owe this point to Dr Cora Beth Knowles (née Fraser). See Ginsburg (1981) 93–4 with n. 31 for Tiberius' frequently noted presence at trials (20 cases, including Cremutius'); among these, she lists only four other cases where the effect of this presence is mentioned, and in three of these his facial expression is mentioned or implied (2.29.2, 3.15.2, 3.67.2).

⁸⁴ See below §4.4 on Tiberius' choice.

⁸⁵ There seems to be no study of Tacitus' use of the various names for Tiberius or his successors. Rubincam (1991), who is helpful about the naming of Julius Caesar and Augustus, makes no distinctions between the uses of *Caesar* and *Tiberius* (170).

⁸⁶ For the significance of this phrase see below, pp. 327–8. In context, this must surely be the meaning (not 'resolved upon leaving his life' (Yardley (2008)) *vel sim.*, as it is most often taken): cf. Moles (1998) 135. Note that *relinquere vitam* refers to dying as such (cf., e.g., Lucr. 4.761; Verg. *Georg.* 3.546; Sen. *Ep.* 4.5), whether by suicide (e.g., Sen. *Herc. Oet.* 892; [Quint.] *Decl. min.* 337.6) or not.

⁸⁷ Suet. *Tib.* 61.3, *obiectum est poetae, quod in tragoedia Agamemnonem probris lacessisset; obiectum et historico, quod Brutum Cassiumque ultimos Romanorum dixisset; animadversum statim in auctores scriptaque abolita, quamvis probarentur ante aliquot annos etiam Augusto audiente recitata*; Dio 57.24.2–3 ... τῆ ἱστορία, ἣν πάλαι ποτέ περὶ τῶν τῷ Αὐγούστῳ πραχθέντων συνετεθείκει καὶ ἦν αὐτὸς ἐκείνος [MSS; ἐκείνω Peter, cf. Suet. *l.c.*] ἀνεγνώκει (implies Augustus knew the work, either having read it (ἐκείνος) or having had it read to him (ἐκείνω)). The natural

allude to this, either in his own voice or through Cremutius, thus focusing the issue more clearly on the principles involved. More importantly, as we know from Seneca's *Consolatio* addressed to Cremutius' daughter Marcia, Sejanus had 'handed' Cremutius 'over' (*dedit*) to the prosecutors out of anger, provoked by a joke at his expense (22.4). Tacitus does not even hint at this. The reader is given no opportunity to pause and ask why Sejanus would have wanted to attack Cremutius; in fact, the passage is easily taken as suggesting that Sejanus himself was offended by, or worried about, the praise of Brutus and Cassius. The obvious—and obviously intended—effect is a concentration on the issue of a historian's freedom to write as he thinks fit. This does not mean Tacitus' picture is necessarily false,⁸⁸ certainly not in his own eyes: he clearly saw (or wished to see) this issue as the real heart of the matter, as Suerbaum argues.⁸⁹ The latter compares Tacitus' account of the second trial of Mamercus Scaurus, in AD 34 (*Ann.* 6.29.3–4). There Sejanus' 'successor', Macro, veils his personal reasons for bringing Mamercus to trial by drawing Tiberius' attention to a tragedy of his, particularly some verses that could be applied to the emperor.⁹⁰ A similar scenario is entirely plausible in Cremutius' case, especially as it fits Tacitus' emphasis on Tiberius—which deserves notice regardless of what really happened. Sejanus' machinations are mentioned, and the senators are characterised as by now no more than instruments in the hands of the powerful, but the focus of the passage is on the crucial role of the emperor in curbing free expression.

inference from our passage is that publication was recent, but this is (significantly?) not expressly stated; Dio implies an Augustan date. As the latter may be a mere inference from Augustus' knowledge of the work, we cannot be certain (see Furneaux (1896) and Koestermann (1965) *ad editis annalibus*; Suerbaum (1971) 80–1 is too confidently speculative). Whatever the case, Tacitus steers clear of these details.

⁸⁸ Note that Sejanus, according to what used to be the *communis opinio*, was offended by allusions in the fables of Phaedrus (*Phaedr.* 3.pr.33–50). The stories spun around Phaedrus' biography have been radically challenged by Champlin (2005), to a large extent successfully; but his point (101) about a reference to 'a Sejanus' (rather than the real one) seems vulnerable. *Non liquet*.

⁸⁹ Suerbaum (1971) 70–1.

⁹⁰ Suerbaum (1971) 70 n. 24. Dio 58.24.3–5, without mentioning Macro's hatred, also makes the tragedy the hub of the matter, adding specifics about Tiberius' anger (even though he adds, like Tacitus, that the official charge(s) was (were) again different). *Suet. Tib.* 61.3 only mentions the tragedy (a reference to the same case is likely, but no name is mentioned).

Cremutius' speech consists of four parts.⁹¹ His introduction makes the two points that the charge concerns merely his words, and that these were not directed against the emperor or Augustus, but written in praise of Brutus and Cassius (4.34.2). Both are then developed in conjunction. He argues that such praise had in the past been permitted, mentioning Augustus' tolerance of writers who praised Brutus and Cassius, and Caesar's similar attitude towards Cicero's laudation of Cato; his comments on the latter case stress the use of words instead of judicial retaliation⁹² (34.3–4). Even outright criticism was tolerated by Augustus and Caesar, he goes on to say, adding a general claim about the Greeks, which allows him again to end with a clear emphasis on the involvement of mere words (*dictis dicta*). It is in this section on criticism that he says that Caesar's and Augustus' forbearance showed *moderatio* or *sapientia*; *a fortiori*, this applies to tolerance of praise (34.5–35.1). A clear break (*sed*) begins the final section (35.1–3). This includes his central appeal, stylistically marked, as it consists of two rhetorical questions, the second with a markedly more complex sentence structure than its surroundings (35.2); and his final prediction of his own lasting memory, which returns to incisive brevity (35.3). Tacitus' even briefer report of Cremutius' suicide follows without a clear break (35.4); and after the fate of the man, the fate of his books, announced by *libros* in contrastive front position at the start of the next sentence, and giving rise to Tacitus' impassioned condemnation of repressive tyranny (35.4–5).

The senate decreed that Cremutius' books 'should be burnt' (*libros per aediles cremandos censuere patres*, 4.35.4). Tacitus' laconic brevity underlines this radical attempt at obliterating Cremutius' voice. It would not be surprising if it were also emphasised by other means, and Moles in fact supposes that the verb used, *cremare* ('cremate'), is a pun on Cremutius' name. However, the verb does not stand out: it is regularly used for the burning of books, and at least once, in Livy, it is part of what looks like the language of a *senatus consultum*: *senatus censuit ...; libros ... cremandos esse* ('the senate decreed ... that the books should be burnt', Liv. 40.29.13).⁹³ The language of our passage is

⁹¹ Thus basically already Columba (1901) 365 (*non vidi*; cf. Suerbaum (1971) 72 n. 29). Cf. again Martin–Woodman (1989) ad 34.2, *in hunc modum*; however, the case of Cicero's praise of Cato, rather than being transitional, firmly belongs with the preceding, allowing Cremutius to pair Augustus with Caesar.

⁹² Above, p. 322.

⁹³ Full searches of a number of verbs (in any form) in combination with forms of *liber* or *scriptum* in *BTL*–2 show that *cremare* is used for book-burning 7 times (Liv. 40.29.13, 14; Val. Max. 1.1.12; Plin. *NH* 13.88; Tac. *Ann.* 4.35.4; Suet. *Aug.* 31.1; *Vir. Ill.* 3.2); *comburare* 9 times, not in Tac. (Liv. 39.16.8 ['official?']; Sen. *Contr.* 10.pr.5, 7; *Suas.* 7.4, 11 [*bis*]; Sen. *De ira* 3.23.6; Plin. *NH* 13.86, 87 ['official?']), *urere* twice (Sen. *Contr.* 10.pr.8; Tac. *Agr.* 2.1 *libros*

strikingly similar (and may well go back to the *acta senatus*); so Tacitus' text carries no hint that the pun should be activated. Moreover, even if it is, its significance is difficult to see: at most a hint at the irony of the situation.⁹⁴ Another play on 'burning' is assumed by Martin–Woodman, who connect it with Cremutius' point that he is not 'stirring up the people in *contiones*' (*num ... populum per contiones incendio?*, 4.35.2): the verb used is *incendere*, and this reference to his alleged incendiarism makes the burning of his books 'a talionic punishment'.⁹⁵ But *incendere* is such a standard verb for 'inciting' an audience that the (sunken) metaphor does not stand out, and can hardly be activated by a reference to real fire after three long and intense sentences have intervened. Moreover, rather than being significant, this would obscure the unjustness of the charge regarding Cremutius' praise of Cassius and Brutus, as well as the strong links with the earlier charges of verbal treason.

However, the idea of burning is clearly echoed in Tacitus' authorial comment, which immediately follows his brief statement that the books were to be burnt but nevertheless survived. This, he says, shows the folly of those *qui praesenti potentia credunt extinguere posse etiam sequentis aevi memoriam* ('who believe that today's power can also extinguish the memories of later ages', 4.35.5). The metaphor *extinguere* does stand out, and underlines the contrast between lasting memories and the pitifully temporary effect of attempts at suppressing them.

Finally, whatever we are to make of Cremutius' speech and its implications, it must be noted—especially in view of a recent attempt to interpret the speech as a failure—that Tacitus intends to leave us in no doubt that Cremutius is admirably courageous and, in the end, right in what he argues.⁹⁶ As Moles reminds us,⁹⁷ Cremutius' failure to persuade his judges

..., ... *ut monumenta ... urerentur*); and *ustulare* once (Catull. 36.7–8). *Abolere* is also found (Suet. *Tib.* 61.3; *Calig.* 16.1; and probably elsewhere; cf. Tac. *Agr.* 2.2), but this is more generally 'destroy' (cf. the addition of *igni* in *Ann.* 2.49.1, *deum aedes vetustate aut igni abolitas*; 16.6.1).

⁹⁴ Cf. Moles (1998) 134, 153–6; none of his points seems specifically enhanced by the putative verbal echo. Generally, the principles of activation and significance that apply to intertextual links (above, n. 38) also apply to punning, and most puns canvassed in Moles (1998) 134; 152–9 seem to me to fail on either or both of these criteria. For an exception (*ib.* 154–5) see above, n. 68.

⁹⁵ Martin–Woodman (1989) ad 35.4; thus Moles (1998) 153.

⁹⁶ McHugh (2004) argues that Tacitus 'demonstrates how not to speak through the negative example of Cremutius Cordus, whose attempt at figured speech fails' (*ib.* 392). Martin–Woodman (1989) regard the speech's argument as flawed on a number of counts, but they assume it is Tacitus' composition (*ib.* ad 4.34.2, *in hunc modum*), and treat its views as interchangeable with Tacitus'.

is irrelevant to this issue, as Tacitus stresses at the outset that condemnation was unavoidable. A first sign that we must be firmly on his side is his innocence. This is already implied by Tacitus' bitter description of the dominant subject of his *Annals* in the preceding digression: *nos saeva iussa, continuas accusationes, fallaces amicitias, perniciem innocentium et easdem exitii causas coniungimus* ('I am offering a string of cruel orders, unremitting prosecutions, treacherous friendships, the destruction of innocent people, and causes of their downfalls that are always the same', 4.33.3); the phrase *perniciem innocentium* is even tellingly echoed in the introduction to Cremutius' trial (*perniciabile*, 'fatal', 4.34.2). That he is innocent is clear as well from the critical description of the charge, and the role of Sejanus (4.34.1). Unreserved sympathy for Cremutius is also suggested by the position of the passage, for if the analyses in §2 are accepted, it stands at the culmination of multiple developments, all unambiguously deplored by the author: *maiestas* trials, their inclusion of defamation, senatorial adulation; and this is underlined by the tight links with these themes that are created particularly at the passage's opening. Of course, Tacitus' obvious sympathy for Cremutius does not immediately imply that he endorses the speech. However, the parallelism between Cremutius and Tacitus, noted above, and the authorial outburst at the end (4.35.4–5) bring author and 'character' closer than perhaps anywhere else in Tacitus. The analysis in §4, moreover, will show a remarkable degree of compatibility between Cremutius' arguments and Tacitus' own views.

I suggest, however, that we are already encouraged to accept the speech as a valid analysis by the three words describing Cremutius' certainty, as he begins his speech, that he will die: *relinquendae vitae certus* (4.34.2).⁹⁸ At the least this surely implies that he will be giving us honest and valuable 'last words'—it is difficult to see what other reason Tacitus may have had for inserting the phrase. He has nothing to lose.⁹⁹ This idea, that those close to death have no fear of speaking out against the powerful, is also found elsewhere.¹⁰⁰ A final consideration then elevates the speech further. 'Last words' do not always evoke the associated notion of the swan song, true and

⁹⁷ Moles (1998) 138; and see 135 for the following point, the parallelism with 4.33.3.

⁹⁸ For the meaning, see above, n. 86.

⁹⁹ Similarly McHugh (2004) 403, but this is inconsistent with the rest of her argument (and supported by a faulty paraphrase of Sen. *Cons. Marc.* 22.4(ff.)).

¹⁰⁰ Similarly Suerbaum (1971) 72, without examples. Ahl (1984) 202 mentions two examples (both involving old men), viz., Stat. *Theb.* 3.216–7, *unde ea libertas? iuxta illi finis et aetas / tota retro, seraeque decus velit addere morti*; Philostr. *VS* 561 *γέρων ὀλίγα φοβείται*; and writes that 'we often find [the idea] in Roman imperial writers', but gives no further instances.

prophetic,¹⁰¹ but they do here: it can be no coincidence that Cremutius' speech ends with the true prophecy of the survival of his own memory.

4. Criticising the Powerful

4.1 The Problem: Criticism

If, then, the speech is so significant, what is it saying, and what is Tacitus saying by means of it? Cremutius' main claim, emphasised by the style, is that his praise of Brutus and Cassius was relatively innocuous, as they died so long ago. This is of course not unproblematic. As Martin–Woodman, adducing Tacitus' immediately preceding digression, put it: 'In one sense the dead were of course less liable to rouse passions than the living (this is the very platform upon which the *A.* is based: 1.1.3 'sine ira et studio, quorum causas procul habeo' ...); yet at 33.4 ... T[acitus] has just pointed out that things are hardly so straightforward.'¹⁰²

This part of the digression, at its very end, is worth quoting in full. Tacitus has just said that his own type of history, with its endless and depressing trials, is less enjoyable than 'ancient history', with its tales of foreign lands and battles fought. He then adds another reason why his task is particularly difficult, in terms of possible responses to his work (4.33.4):

tum quod antiquis scriptoribus rarus obtrectator, neque refert cuiusquam Punicas Romanasne acies laetius extuleris; at multorum, qui Tiberio regente poenam vel infamias subiere, posterī manent; utque familiae ipsae iam extinctae sint, reperies qui ob similitudinem morum aliena malefacta sibi obiectari putent. etiam gloria ac virtus infensos habet, ut nimis ex propinquo diversa arguens. sed <ad> inceptum redeo.

Then there is the fact that 'ancient historians' rarely have detractors, and it makes no difference to anyone whether you praise the Carthaginian or the Roman battle-lines more lavishly. By contrast, many who suffered punishment or disgrace under Tiberius have descendants living today; and even if their families are now extinct, you will come across people who, on account of their own similar behaviour, think that the misdeeds of others are held up as a reproach

¹⁰¹ First found in Aesch. *Ag.* 1444–5, alluding to Cassandra's prophetic powers. See Cic. *De Or.* 3.6 for an application in the political sphere, and Leeman–Pinkster–Wisse (1996) ad loc. for references and a brief analysis.

¹⁰² Martin–Woodman (1989) ad 4.35.1, *quos mors ... exemisset.*

to them; even glory and virtue have their enemies, as accusing their opposites from too close at hand. But I return to my subject.

The relevance of this passage to the speech is clinched by the echo of *obtrektor* in Cremutius' similar reference to critics (4.35.1 *sine obtrektore*): the word is fairly rare, and even rarer in the singular.¹⁰³

Readers, Tacitus implies here, often took historiography to be relevant to themselves, and could take it quite personally. This leads Martin–Woodman to claim, in a further note, that ‘Cordus’ argument ... is flawed and (we may suspect) disingenuous. For T[acitus] has just been careful to remind us that readers were alive to double meanings in works of history (33.4 ...) ... It would not have been difficult to interpret Cordus’ narrative as criticism of the principate and a call to arms.’¹⁰⁴ And indeed, since Brutus and Cassius were powerful symbols of the republican opposition to Caesar, it was natural to take praise of them as amounting to criticism of Caesar’s successors.

However, distinctions are important. That praising Caesar’s assassins and calling Cassius the last of the Romans implies criticism is not in doubt. In fact, Cremutius himself seems to acknowledge as much when after adducing parallels for his praise (4.34.3–4), he extends the argument by also listing explicit critics of Augustus and Caesar as precedents, and then adding the critical ‘licence’ of the Greeks (34.5–35.1). But this is not in any realistic or meaningful sense a ‘call to arms’: it is indeed relevant that Brutus and Cassius died seventy years ago, and Cremutius’ words are indeed, in a crucial sense, merely that.¹⁰⁵ This distinction is reinforced by an intertextual link: Cremutius is not the first historian to be given a speech in a historical work, as we also have the *contio* of Sallust’s Licinius Macer. At first sight, the difference between a tribune addressing the people and a historian on trial for his work is too fundamental to assume that Tacitus here in fact alludes to Sallust. However, Moles convincingly points to Macer’s ‘historical’ use of precedents to support *his* case for *libertas*, which links the two. This parallelism then activates the contrast between his speech and Cremutius’:

¹⁰³ *BTL*–2 lists 36 cases up to AD 200, of which 7 are in the singular. In the Tiberian hexad, the word occurs only in these two passages. Tacitus has three more cases, all in the plural (*Ann.* 13.49.1; 16.28.2; *Dial.* 18.4).

¹⁰⁴ Martin–Woodman (1989) ad 4.35.2, *num enim ... belli civilis eqs.*

¹⁰⁵ Thus Moles (1998) 147; cf. also Martin (1990) 1545 n. 117.

Macer's words are in fact rousing the people in a *contio*, Cremutius' are not.¹⁰⁶

Yet, perhaps even criticism is problematic, for Cremutius also claims that his words were not 'directed at the princeps or the princeps' parent' (4.34.2). The question, then, must be how justified an emperor, or any reader, would be in taking such criticisms personally.

4.2 The Digression (4.32–3)

The above passage from the digression seems to furnish a clear answer: those who take umbrage merely 'think' (*putent*) that the mention of misdeeds from the past is directed against them personally; and something similar must apply to those who dislike accounts of glory and virtue. Woodman, however, rejects this notion—interestingly, in terms similar to those of his and Martin's rejection of Cremutius' claim: 'Tacitus ... implicitly claims a lack of intent on his own part; (...) but many readers may feel that the claim is disingenuous'.¹⁰⁷ This seems plausible: in saying that his history is useful, as he does earlier in the digression (4.32.2; 33.2), he is saying that it is relevant to the present, so surely he would expect, or even want, contemporaries to take his exposure of past bad behaviour as indirect criticism?

Yet an examination of the argument of the digression points in another direction.¹⁰⁸ It consists of four sections.¹⁰⁹ In the first (4.32), Tacitus contrasts his own depressing, insignificant subject matter with that of the historians of the republic's glorious foreign exploits and interesting internal conflicts. His regret for the loss of these great subjects is unmistakable,¹¹⁰ but has

¹⁰⁶ The similarity to Macer (Sall. *Hist.* 3.48) was pointed out by Marincola (1997) 251. For the intertextual interpretation see Moles (1998) 136, 141. On the interplay between parallelism and contrast in intertextuality see, e.g., Pelling (2013) 7–19.

¹⁰⁷ Woodman in Kraus–Woodman (1997) 93.

¹⁰⁸ The influential notion that 'digressions were regarded as a traditional means of entertaining one's readers' cannot be discussed here (Woodman (1988) 184–5; thus, e.g., Martin–Woodman (1989) 170; McHugh (2004) 395; similar assumptions, Moles (1998) 123; cf. above, n. 51). It is seriously misleading, if only because other functions were recognised (cf. esp. Cic. *De Or.* 2.80). It also sits more than uncomfortably with Sallust's digressions, surely a relevant consideration here (see above, p. 313, with n. 47).

¹⁰⁹ Koestermann's analysis ((1965) 111–7) is very similar to mine, though somewhat hidden. The basic articulation of the passage offered in Woodman (1988) 180–6 and Martin–Woodman (1989) 169–76 (and text) is also the same, apart from one telling detail (below, n. 114); the interpretation differs. Moles' analysis ((1998) 96–101; 123–34) does not pronounce on the structure.

¹¹⁰ Cf., e.g., Syme (1958) 320, 'a strain of melancholy' (the other side is duly signalled *ib.* 374). See also above, p. 313, with n. 45.

sometimes been over-emphasised.¹¹¹ For from the very beginning he clearly signals that the insignificance is a matter of appearances only:¹¹² *pleraque eorum quae rettuli quaeque referam parva forsitan et levia memoratu videri non nescius sum: set nemo annales nostros cum scriptura eorum contenderit, qui veteres populi Romani res composuere* ('I am well aware that most of what I have recounted and will recount perhaps seems small and unimportant to recall; but no-one should compare my annals with the writings of those who have composed the ancient affairs of the Roman people', 4.32.1). *Parva* ('small') is immediately followed by *forsitan* ('perhaps'); the use of *videri* ('seem'), not *esse* ('be'), cannot escape notice; and it is the latter that is underlined by *non nescius sum* ('I am well aware'). From this, a reader will be expecting an explanation of why the contrast is only 'seemingly' valid. This is picked up at the end of this first section: *non tamen sine usu fuerit introspicere illa primo aspectu levia, ex quis magnarum saepe rerum motus oriuntur* ('Yet it will not be useless to examine¹¹³ those at first sight [!] unimportant things', 4.32.2).¹¹⁴

The second section (4.33.1–2) then duly explains (*nam*) why his work is useful, using the well-known theory of the three main forms of government. In the past (*olim*), when the people or the senate were dominant, one needed to have knowledge of their nature; those who did could be politically effective—those who understood the senators were 'believed to have a shrewd understanding of the times and to be wise' (*callidi temporum et sapientes credebantur*, 4.33.2). 'Likewise', he continues, 'with the situation changed, and the Roman state being no different than if one man ruled it, it will be

¹¹¹ Especially by Woodman (1988) 180–6; 193 n. 49. Martin–Woodman's introduction to the digression ((1989) 169–70) likewise concentrates solely on the idea of insignificance, at the expense of Tacitus' claim of the usefulness of his work; their detailed notes do the same.

¹¹² Thus Moles (1998), esp. at 126; but I do not think that the digression 'teaches us that what "seems" "at first sight" is likely to be wrong' *in general*: the scope of the contrast between 'seeming' and truth is, on the contrary, very clearly defined. Martin–Woodman (1989) ad 32.1, *parva ... et levia memoratu* leave out the element of 'seeming' altogether; and similarly McHugh (2004) 395–6.

¹¹³ The cases listed in *OLD* s.v. *introspicere* 3 show that this verb is not uncommonly 'used of "introspection" into inner character', but not 'characteristically', *pace* Moles (1998) 131 (citing Martin–Woodman (1989) ad loc., who go less far).

¹¹⁴ The same view of the structure in Koestermann (1965) ad 32.2, *non tamen eqs.*: 'Damit ist ein Bogen zum Kapitelanfang gespannt'; and ad 33.1, *Nam*. Martin–Woodman, while acknowledging the echo ((1989) ad *illa primo aspectu levia*), print this sentence as the beginning of the next paragraph, obscuring the centrality, to the whole section, of the idea that the insignificance is only apparent. They then neutralise the reference to potential significance in *ex quis magnarum ... oriuntur* by calling it a 'commonplace' ((1989) *ex quis eqs.*).

relevant for my subject matter to be collected and passed on, since few men can distinguish what is honourable from what is worse, or the useful from the harmful, by their own intelligence: more learn from the experiences of others' (*sic converso statu neque alia re Rom<ana>*¹¹⁵ *quam si unus imperitet, haec conquiri tradique in rem fuerit, quia pauci prudentia honesta ab deterioribus, utilia ab noxiis discernunt, plures aliorum eventis docentur*, 4.33.2). Tacitus, then, regards his annals as useful because they will provide examples of politically responsible and irresponsible conduct, but especially of good and bad moral behaviour that others can learn from—much like Livy in the famous pronouncement in his *Preface* (10).¹¹⁶

¹¹⁵ Lipsius' *re Ro<mana>* (for the Medicean's *rerum*), if correct, must be a pointed variant of *re publica*: the avoidance of the latter indicates that the state is not a *res publica* anymore. Moreover, the phrase is Ennian, and the allusion to esp. *Ann.* 156 and 363 (Skutsch) is heavily ironical (156, *moribus antiquis stat res Romana virisque*; 363, *unus homo nobis cunctando resituit rem*; cf. Liv. 9.16.19, with Oakley (2005) ad loc.). Bringmann (1971) argues that 'das ennianische *res Romana* ... weder bei Tacitus ... noch sonstwo die innere Ordnung des römischen Staates [bezeichnet]'; but Cic. *Rep.* 5.1 (Powell = 5.1–2 Ziegler), where the former verse is quoted, treats the phrase as equivalent to *res publica*. The conjecture *rerum <salute>* (Bringmann (1971)), accepted by Martin–Woodman and others, is untenable. That it is 'prejudicial' (Moles (1998) 117) makes it unlikely but not perhaps impossible (significant words are not immune to copyists' errors). However, the idea lacks clear parallels in Tacitus (1.9.4 (Bringmann (1971) 378) is similar but hedged with contextual provisos) and its introduction here jars (Moles *l.c.*; it could possibly be rescued by assuming heavy irony, induced by the context of the *maiestas* trials: Bringmann (1971) 378). Finally, the chronology does not fit: the expression *neque alia rerum <salute> quam ...* should refer to the time of the transition to the principate, but the actual reference is to the established principate, and the change in the situation in fact happened long ago: *converso statu* (similarly, 1.4.1, *verso civitatis statu* refers to the period after the change). If another solution is felt to be necessary, *<condicione> rerum* could be considered (cf. Plin. *Pan.* 62.3; *Ep.* 6.27.4 (where *rerum* is coupled with *temporum*, as it would be here); and also Liv. 44.24.1; Sen. *De ira* 3.26.3; *Ep.* 107.7); but Lipsius' is surely better.

¹¹⁶ See also Sall. *Jug.* 4.1, 5–6; Chaplin (2000) 29 n. 112. Of the two aspects (*honesta ab deterioribus* and *utilia ab noxiis*), the moral one is more prominent, as being more unexpected (below, pp. 333–4) and more clearly expressed. The latter (*utilia ab noxiis*) is in fact puzzling: useful and harmful to whom? Given the repeated emphasis on senatorial conduct, *utilia* probably refers to the standard (rhetorical and philosophical) category for deliberative speeches, so to 'things useful to the state' (if so, with *noxiis* Tacitus is avoiding technical terminology); hence my paraphrase in terms of politically (ir)responsible conduct. Moles (1998) 130 takes it as referring to self-preservation (so, useful to oneself), which seems unlikely. Koestermann (1965) ad loc. takes the two aspects together and the function of Tacitus' work as contributing to a proper balance between the honourable and the useful (comparing Cic. *Off.*)—whether for the individual or the state is unclear. In any case, neither aspect of the usefulness of Tacitus' work focuses on the acquisition of power.

One thing to note is that Tacitus does not say that this exemplary function of history is its main function. This ties in well with Luce's argument that its 'highest function' (*praecipuum munus annalium*) was, rather, commemorative, as set out in 3.65.1. However, even if Luce is right in this (as I believe), the present passage shows that Tacitus does value the capacity of history to exhibit moral examples.¹¹⁷

His way of indicating this, however, is not straightforward: the argument in this second section shows a 'swerve', as O'Gorman has astutely pointed out.¹¹⁸ Tacitus has defined the usefulness of history under a democracy and aristocracy in terms of the political usefulness of understanding those who hold the power. So we now expect him to say that under what is virtually a monarchy, it is useful to understand the monarch. Instead, he says that in this case, history provides a moral beacon. This inconcinnity invites the reader's interpretation. O'Gorman's own view that it 'undermines the reader's faith in the formal properties of argumentation' is rather blandly postmodern, and implausible in a passage devoted to defining Tacitus' own type of history.¹¹⁹ Moles holds that given the tyrannical nature of the monarchy, 'it would be positively dangerous for the historian explicitly to exhort his readers to understand the inner character of the monarch'.¹²⁰ It is unclear why this should be so in a work that is full of much clearer criticism, including the author's outburst, two chapters on, at the end of the Cremutius passage, and including his present claim that Rome is now virtually a one-man rule.¹²¹ Convincingly, Syme sees the avoidance of a concentration on the emperor (made conspicuous by the swerve) as a sign

¹¹⁷ Luce (1991); see further below, §6.1. The present passage, then, shows that he is wrong to deny (2911) that exemplarity is among Tacitus' central concerns.

¹¹⁸ O'Gorman (2000) 98–9; Moles (1998) 129 (following O'Gorman's then unpublished dissertation) also discusses this swerve. Bringmann (1971) 376–7 already recognised it ('seine—verschleiert ausgesprochene—Absicht'); on Syme see below, n. 122.

¹¹⁹ O'Gorman (2000) 100. The constructive part of her interpretation depends on a link with the digression on astrology and fate in 6.22, but the combination with the postmodern approach seems problematic, nor is it clear what reading strategy is available to make this work for someone who has just reached 4.32–3. Cf. Moles (1998) 129 n. 63.

¹²⁰ Moles (1998) 130; cf. 157; and 169, where the swerve is categorised as figured speech.

¹²¹ The statement *neque alia re Rom<ana> quam si unus imperitet* leaves no room for doubt about Tacitus' meaning, and includes the strong suggestion, validated by the beginning of the work, of the deceitful pretence that the '*princeps*' is not an all-powerful ruler (cf. above, n. 115). So this is no indirect criticism, let alone 'figured speech' (see below, p. 339). Sailor's attempt to deny that we can know this ((2008) 266) seems futile.

that Tacitus does not want his *Annals* ‘to degenerate into a dynastic chronicle’: the focus on the senate upholds republican values.¹²²

But there is more. Surely the difference between republic and empire must also be seen in the predominantly moral terms that are here so strikingly introduced: Tacitus implies that the empire needs histories with a moral focus more than the republic did.¹²³ And this, in turn, not only means that the usefulness of Tacitus’ own history, now defined in terms of exemplarity, is enhanced. It also implies that morality—in the elite, particularly the senate—must be in decline. This is of a piece with the developments seen in the work until now. It is also reinforced, for those readers who notice it, by an intertextual link with Thucydides. *Converso statu* (‘with the situation changed’) is a striking phrase, and echoes the equally striking phrase *verso civitatis statu* in the description of Rome at the end of Augustus’ reign in 1.4.1:¹²⁴ *verso civitatis statu nihil usquam prisca et integri moris* (‘with the situation of society changed, there was no trace anywhere of the ancient, upright morality’). This, in turn, calls to mind the account of *stasis* in Thucydides 3.82–3 (famous at the time as it is now), both on account of the words *status*–*στάσις*, and because of the sentiment that the old morality had been destroyed.¹²⁵ As in the times of *stasis* described by Thucydides, and even more than was already the case just before Tiberius’ accession, Rome’s moral values are topsy-turvy. Lessons about the acquisition or retention of power, appropriate during the dominance of people and senate, are therefore not in order; it is history’s exemplary function that is needed more than ever.

¹²² Syme (1958) 374. His acknowledgement of the ‘swerve’ is oblique but seems implied in this interpretation; cf. O’Gorman (2000) 99 n. 25.

¹²³ This is of course hardly self-evident from a republican point of view: Tacitus has sharpened the contrast by playing down the moral usefulness of republican history.

¹²⁴ O’Gorman (2000) 99 n. 23; thus Moles (1998) 111–2. The latter’s other echoes (*ib.* n. 27) are verbally much less striking, and seem rather to indicate thematic continuity. On the implications of *status*, see Martin–Woodman (1989) *ad loc.*

¹²⁵ On the relevance of civil war to Tacitus and the link with Thucydides 3.82–3 see again Keitel (1984) (on 4.33.3 esp. 323–4). Gowing (2009) 17 is too sceptical about the link. (Discussions of Thucydidean connections are rare; Häussler (1996) analyses the similarities and differences between the two authors at a high level of abstraction, not immediately relevant here.) That Thuc. 3.82–3 was well known is clear from Sall. *Cat.* 38.3; 52.11 (also *Jug.* 41–2; *Hist.* 1.12M); Dion. Hal. *Thuc.* 29–33; *AR* 6.38.2–3; 9.53.6. The destruction of old, peace-time morality is described throughout the Thucydidean passage; the closest singular parallel is 3.83.1. The link of 1.4.1 with Thucydides (as well as that of 4.33.2 with 1.4.1) seems clear, also without the unconvincing wordplays canvassed in O’Gorman (2000) 20 and Moles (1998) 113–5; in particular, I do not believe that a Latin-speaking reader would be tempted to interpret *versus status* as ‘translated *stasis*’.

The third section (4.33.3) seems to go over the same ground as the first, as it again contrasts Tacitus' series of depressing trials with the exciting battle narratives that, as he has indicated, are found in historians of the republic. It has in fact been regarded as simply a repetition of 4.32.1, which undermines Tacitus' defence of the usefulness of his work by again emphasising its deficiencies.¹²⁶ But the difference is important: the first section was about the (apparent) insignificance of his subjects, this about their (real) failure to give the reader pleasure:¹²⁷ *ceterum ut profutura, ita minimum oblectationis adferunt* ('Yet, although bound to be advantageous, they provide very little pleasure', 4.33.3). Their usefulness is in no way denied or underplayed; Tacitus explains why readers may nevertheless be repelled by them.

The fourth section (4.33.4), quoted above, starts abruptly: 'Then there is the fact that ...' (*tum quod* ...); there is no unambiguous sign of how it is to be connected with the preceding. It is sometimes taken as an anacoluthically added sequel to the first section, introducing a second reason why his work cannot be compared to that of the old historians. Furneaux, Koestermann and others already rightly rejected this view.¹²⁸ For if the analysis given above is correct, the main point of the first section, the only apparent insignificance of Tacitus' subjects, was closed off by its explicit rejection, in the second section, in favour of their usefulness in terms of exemplarity. It is this type of usefulness that, thanks to the length and emphatic nature of that second section, is now in full focus. The third and fourth sections then give two reasons why some readers may nevertheless not appreciate Tacitus' work.

Both these reasons must, then, be seen in the light of the exemplary function of Tacitus' annals. This is why it is in fact wrong for his readers to take his criticisms personally and to 'think that the misdeeds of others are held up as a reproach to them', or to be offended at the display of virtues as exposing their vices (4.33.4). Examples in historical works are, indeed, by definition relevant for the present, but they are not directed at specific

¹²⁶ Martin–Woodman (1989) ad 4.33.4, *Tum quod* ('simply a repetition'); ad 33.3, *ut profutura eqs.* ('preoccupation with its alleged lack of pleasurable elements'); Woodman (1988) 183 ('effectively undermined'); O'Gorman (2000) 101.

¹²⁷ 'Real' according to Tacitus' comments here. As these may be one-sidedly highlighting the challenges inherent in his own task, it need not be real in other senses.

¹²⁸ The view is reported as Joh. Müller's (Furneaux (1896) and Koestermann (1965) ad loc.). That of Martin–Woodman (1989) ad *Tum quod* is very similar: they assume this is the third argument (presumably, for the difference from 'ancient' history and for 'the difficulty of writing Tiberian historiography'), after the first in 32.1–2 (repeated, in their view, in 33.3) and the second in 33.1–2.

individuals. They are even meant to be relevant for the future, and in the present, as Martin writes, the cap ‘might fit both Tacitus’ senatorial colleagues and the emperor himself’.¹²⁹ Many readers, Tacitus implies, will in fact appreciate this: his *reperies qui ...* (‘you will come across people who ...’) indicates that those who do not are a minority, even if an annoying—and potentially dangerous—minority.¹³⁰ Tacitus’ claim of a lack of intent, then, is not disingenuous.

But why do readers fail to appreciate Tacitus’ aim? Those who are looking for entertainment only are perhaps merely inept. But those who take the historical ‘examples’ personally are a different matter. They do so *ob similitudinem morum*, ‘on account of their own similar behaviour’—similar, that is, to past misdeeds; or because they feel criticised as exhibiting the opposites of glory and virtue. That is, their reason for being offended is their own bad conscience.¹³¹

4.3 Figured Speech

At this point a reference to the rhetorical theory of ‘figured speech’ (*λόγος ἐσχηματισμένος*)¹³² may seem to some to be long overdue. For it is there that questions about offending those in power, and how to avoid doing so, are addressed at a ‘theoretical’ level,¹³³ and Ahl’s influential article from 1984 about ‘the art of safe criticism’ popularised the concept in the study of especially Latin literature. And indeed, the theory plays a large part in much of the recent scholarship about both the digression and the nature of

¹²⁹ Martin (1981/1994) 38.

¹³⁰ It is only by ignoring this point that O’Gorman (2000) 99–100 can claim that Tacitus here denies that a historian can control what future readers make of his history’s meaning (from which other, similar claims then follow). Note also that the readers envisaged in 4.33.4 are contemporaries.

¹³¹ This is precisely parallel to what Phaedrus writes in the prologue to his third book of fables (cited by Woodman in Kraus–Woodman (1997) 114 n. 29), viz., 3.pr.45–7 (text and transl. Champlin (2005) 100): *suspicione si quis errabit sua, et rapiet ad se quod erit commune omnium, stulte nudabit animi conscientiam* (‘If anyone goes astray in his own suspicion and applies to himself what really pertains to all alike, he will foolishly expose his own bad conscience’).

¹³² In Latin, *oratio figurata* is surprisingly rare, and in this sense only found in Sen. *Contr.* 10.pr.10 (*BTL*–2).

¹³³ With just a few untypical exceptions (e.g., Aristotle, Cicero), rhetoric was only theoretical in the restricted sense of being *about* practice. It hardly offered any properly theoretical reflections, but merely prescriptions, often in a very mechanical way.

Cremutius' argument.¹³⁴ Unfortunately, to all intents and purposes it is a red herring in this context. This is not the place for a technical treatment of the notion,¹³⁵ but a brief, relatively dogmatic discussion may serve to suggest the reasons for this claim.

Figured speech is described by Quintilian as a device 'in which it is our goal, by raising some suspicion, that people should understand what we are not saying—not necessarily the opposite (as in irony) but something hidden and, so to speak, left to the hearer to discover' (*in quo per quamdam suspicionem quod non dicimus accipi volumus, non utique contrarium, ut in εἰρωνεία, sed aliud latens et auditori quasi inveniendum*, 9.2.65). In the rest of his treatment (9.2.65–99), Quintilian often stresses that the intended meaning must be genuinely hidden, and only 'suspected' by the hearer; and like our other (relatively) early source for the theory, 'Demetrius' *On Style*, he ridicules the use of crudely obvious suggestions as belonging in the schools, not in reality.¹³⁶

Ahl's analyses, on which the views about figured speech in the Tacitean scholarship are generally based, are problematic on a number of counts, some quite relevant here. One is the widely accepted notion that *emphasis* (ἐμφασις) is a technical term for figured speech; the concepts, while related, in fact differ, and *emphasis* is rather 'suggestion' (in all or most of its nuances—including that of a 'clear suggestion').¹³⁷ This confusion contributes to obscuring the 'hidden' nature of figured speech itself; as a consequence, anything that is in any way indirect or non-explicit often tends, uninformatively, to be called figured speech. The picture is blurred further (though not fatally for our purposes) by Ahl's repeated suggestion that figured speech was ubiquitous in rhetoric. But while it was clearly much in vogue in theory as well as in (declamatory) practice by Quintilian's day (9.2.65), the only earlier evidence for its existence as a rhetorical concept is 'Demetrius', of uncertain date, and the doctrine itself is probably post-Ciceronian.¹³⁸

¹³⁴ Esp. Moles (1998) 131–2; 169; and *passim*; McHugh (2004); Sailor (2008) 23–4; 264–8. Cf. also Martin–Woodman (1989) ad 4.33.4, *reperies eqs.*; Sinclair (1991) 2818–20.

¹³⁵ For helpful discussions of a paper on some of the technical aspects I must thank an audience at the 2013 Chicago conference of the International Society for the History of Rhetoric (ISHR), especially, as usual, Chris Craig. See, e.g., Craig (2008), with further bibliography.

¹³⁶ Genuinely hidden: e.g., 9.2.67–71; 75; 78; obvious suggestions ridiculed: e.g., 67–9; 81–4; Demetr. *Eloc.* 287.

¹³⁷ Relevant passages include Auct. Her. 4.67; Cic. *De Or.* 3.202; Quint. 9.2.3; also see Quint. 9.2.65; Demetr. *Eloc.* 287.

¹³⁸ Dates proposed for Demetr. *Eloc.* range from the third century BC to the first century AD (an excellent survey in De Jonge (2009)). In my view, a date in Augustan

Indirect ways of criticising tyrants certainly appear in the theory, but it is precisely in this area that Ahl's views are most problematic, in that he believes that Quintilian discusses criticism of real tyrants ((1984) 189–90; 192–4). Quintilian (9.2.67) is supposed to be saying that it was quite possible to attack these, provided one used figured speech; and that this did not at all mean that the tyrant did not understand the criticism, because it did 'not matter if you offend[ed] him' ((1984) 193), as long as the statement was ambiguous, so that the speaker could deny the criticism. However, this very influential complex of ideas rests on a rather radical misreading of Quintilian. For he does not recommend this technique for dealing with tyrants in real life, but ridicules it as being possible only in the unreal, secluded atmosphere of the schools: 'you can speak with success against those declamation tyrants (*illos tyrannos*) as openly as you please' in this way.¹³⁹ In real life, he implies, it is, on the contrary, crucial to avoid giving offence.

The notion that one can criticise the powerful as long as the criticism is deniable is sometimes explained in the scholarship by the idea that a tyrant could not acknowledge the criticism without acknowledging its force. The idea itself is not absurd; it is akin to the principle behind 'The Emperor's New Clothes'.¹⁴⁰ Cremutius makes a similar point when he says, *spretata exolescunt; si irascere, adgnita videntur* ('things spurned fade away; if you become angry they seem to be acknowledged', 4.34.5). Ahl does mention it, although less clearly than one would expect.¹⁴¹ Interestingly, however, in this case he gives no reference to Quintilian or 'Demetrius'. And indeed, it does not in fact appear in either. (Its presence in the scholarship might ultimately be due to our passage.)

The recourse to rhetorical theory is symptomatic of a tendency to believe that rhetoric could or should somehow provide a template, or theoretical justification, of literary practice or political behaviour. The same tendency is behind the view, associated with Wiseman and especially Woodman, that historiography was a rhetorical genre, to a large extent governed by the rules and conventions of the theory. But there is no reason to believe that rhetoric is a 'key' to ancient practice, or that such a key is

times, or later, is likely; and Cicero's silence on the theory is strong evidence that it did not yet exist.

¹³⁹ Quint. 9.2.67–9, as translated in Russell (2001). Ahl (1984) 190 explicitly rejects the objection that *illos tyrannos* refers to tyrants in the schools, but without any argument about the text. His view that Quintilian in §67 advocates the relevance of 'what is taught in the schools' (*ib.*) is likewise based on a misreading.

¹⁴⁰ Adduced, in a different way, by Ahl (1984) 198.

¹⁴¹ Ahl (1984) 199, where he indicates no link with his interpretation of Quint. 9.2.67; somewhat more clearly Ahl (1976) 31. The idea is clearly brought out by Moles (1998) 131.

needed in the first place.¹⁴² These generalities apart, when examined more closely each of the alleged figured-speech features of the Tacitean passages discussed here turns out not to belong under that category, either because it is not hidden or because it is not criticism of a specific person, or both.

Cremutius' praise of Brutus and Cassius in his history has been taken as figured, or, at least, the charge against him as resting on 'a figured-speech interpretation of his history'.¹⁴³ But surely, the criticism of the principate implied in praising the symbols of anti-Caesarian opposition is not in any way hidden, and calling Cassius 'the last of the Romans' makes its meaning bluntly clear.¹⁴⁴ This is a good example of criticism that may be indirect and not entirely explicit, but that is not figured. The lack of a specific target is another reason why this is not figured speech: Caesar, Augustus, and Tiberius are all criticised, as well as any future emperors, and senators are not exempt either—in line with one of Tacitus' own themes in the preceding books.

Cremutius' speech is also sometimes regarded as figured,¹⁴⁵ and it is in fact specifically directed against Tiberius. However, its criticism is unmistakable; for instance, no-one could doubt that the examples of Caesar and Augustus are meant to show Tiberius in a bad light. That the latter is hardly mentioned, and the criticism therefore in some sense indirect, is immaterial in this respect.

Tacitus himself does not apply or refer to figured speech either. In the digression, most of his criticisms are generally applicable,¹⁴⁶ and more importantly none, however convolutedly expressed, is unclear in its implications.¹⁴⁷ As discussed above, the end of the digression, where Tacitus

¹⁴² See also above, n. 108, on the assumption that digressions were subject to 'traditional', rhetorical conventions. The notion of 'theoretical justification', e.g., in Moles (1998) 131. For the general 'rhetoricising' tendency see especially Wiseman (1979) and Woodman (1988); their reading of *De Or.* 2.51–64, central esp. to the latter's argument, is untenable: see Leeman–Pinkster–Nelson (1985) 248–52; Wisse (2002) 361; also the vigorous reaction of Lendon (2009), with further bibliography.

¹⁴³ McHugh (2004) 399–400; Moles (1998), quoted from 131–2. None of the references in this and the following footnotes are meant to be exhaustive.

¹⁴⁴ Cf. Moles himself ((1998) 145): 'implies the most radical of political claims'.

¹⁴⁵ McHugh (2004) repeatedly suggests that Cremutius' speech is a (failed) attempt at figured speech, but is unspecific as to why; at 403 she seems to conflate history and speech. Moles (1998) 150–1 regards it as figured in a different way.

¹⁴⁶ An exception is 4.32.2, *immota quippe aut modice lacescita pax, maestae urbis res, et princeps proferendi imperi incuriosus erat.*

¹⁴⁷ See above, p. 333, with n. 121. McHugh at one point ((2004) 396) goes so far as to interpret the *appearance* that Tacitus' subjects are trivial (4.32.1) as an application of figured speech.

complains that some readers will take offence, has been taken as referring to ‘hidden’ or ‘double meanings’ (§4.1);¹⁴⁸ but apart from the general applicability of the examples exhibited in his annals, exemplarity is among the characteristics of ancient historiography, so cannot count as hidden (§4.2). McHugh ((2004) 398) writes as if Tacitus here implies that by using figured speech one can avoid offending people in this way. However, the implication is rather the contrary: there will always be people who will feel offended. Her view that Tacitus is faulting Cremutius for being too direct, that is for failing to apply figured speech properly—already highly implausible on other grounds¹⁴⁹—, therefore lacks all foundation.

Tacitus’ own, final comment in the Cremutius passage itself is particularly telling: *neque aliud externi reges aut qui eadem saevitia usi sunt nisi dedecus sibi atque illis gloriam peperere* (‘the only thing that foreign tyrants [*reges*], or those who behaved with the same brutality, have ever produced is dishonour for themselves and glory for their victims’, 4.35.5). This should surely do away with any impression that he is trying to write in an indirect, ‘figured’ way.

4.4 Taking it Personally: an Emperor’s Choice

We can now return to the question about Cremutius’ argument posed above (§4.1). How much sense does it make for him to argue that his words were not ‘directed at the princeps or the princeps’ parent’ (4.34.2)? Or, to approach the issue from another angle—and this is Cremutius’ underlying question—, how can Tiberius be so worked up about them? As we have seen, there are clear signals that the end of the digression, about readers who will take offence at the examples in Tacitus’ work, is crucial here. Its proximity and the use of the word *obtrektor* underline the similarity of the problem involved; it is no coincidence that the claims in both passages have been called disingenuous. As argued above, in the digression Tacitus says that the reason why some readers of his work will take offence is their own bad conscience. So by taking offence at Cremutius’ work, it is strongly suggested, Tiberius is likewise exposed as having a bad conscience.¹⁵⁰

The situations are indeed closely parallel. Tacitus’ annals offer examples, which are meant to be generally relevant to emperors and

¹⁴⁸ Martin–Woodman (1989) ad 4.35.1 and 2, as quoted in §4.1; *ib.* ad 4.33.4, *reperies eqs.*; Moles (1998) 131.

¹⁴⁹ See esp. the parallelism Tacitus–Cremutius (§3).

¹⁵⁰ Pelling (2010) 367, I find, interprets the parallelism in the same way (‘perverse morality produces perverse reactions’), but he does not apply it to the interpretation of Cremutius’ speech, as this is not the focus of his argument.

senators alike, in the present and the future, but that are not personally aimed at anyone in particular (§4.2). Cremutius' praise of Brutus and Cassius, as suggested just now (§4.3), implies criticism not only of the present emperor, but also of Caesar and Augustus, and of senators and elite families as well. In this sense, Cremutius' criticism is indeed not 'directed at the princeps or the princeps' parent' (*neque haec in principem aut principis parentem*).

The parallel goes further. If, as Cremutius himself acknowledges, his treatment of the liberators nevertheless implies criticism and is thus relevant to the present, it may seem odd for him to claim so emphatically that they belong to the past (4.35.1–2).¹⁵¹ But Luce has convincingly demonstrated that in the view of many ancients, those who have no personal links to particular people from the past, and therefore no personally motivated emotions about them, should normally be free from bias for or against them.¹⁵² This is the basis of Tacitus' claim to write *sine ira et studio*: he is free from the resentments and partisanship that hampered (near-)contemporaries. In Tacitus' case, it is obvious that this does not mean that he regards his work as 'belonging to the past' in the sense of being irrelevant to the present—on the contrary. What it means is that he is able to see the past with an unprejudiced eye and thus, if anything, to make it more effectively relevant to the present. That this complex of ideas is highly problematic hardly needs saying. But it is central to his thinking; the idea at the end of the digression, that only those with a bad conscience will take offence at his examples (instead, one assumes, of calmly learning from them), is its negative corollary. We have seen that Cremutius' argument is partly based on the latter point about conscience, but he also offers a version of *sine ira et studio*: his emphatic claim of the distance to Brutus and Cassius in time is introduced by the notion that 'what was most particularly allowed, and had no detractors, was giving an account of people whom death had placed beyond hatred or favour' (*sed maxime solutum et sine obtrectatore fuit prodere de iis quos mors odio aut gratiae exemisset*, 4.35.1). Analogously to Tacitus, he is not claiming that they are irrelevant to the present, but that the distance in time ought to make it possible not to feel unduly emotional about them, and to accept praise of their greatness without being personally offended.

This, then, is what Tiberius ought to have done. He ought not to have taken the criticism personally, in the sense of being directed specifically at himself, but to have seen its general relevance without feeling offended, and

¹⁵¹ This is the hub of Martin–Woodman's comments ((1989) ad 4.35.1, *quos mors ... exemisset*), quoted above (§4.1). See also O'Gorman (2000) 102: Tacitus' claim, in the digression, of contemporary relevance 'forecloses on Cremutius' claim that praise of the tyrannicides has *only* to do with the past' (her emphasis).

¹⁵² Luce (1989).

have amended his behaviour. Realistically or not (and he knew it was not), Cremutius presents this as a possible choice. And Tiberius' failure to choose the right thing, Cremutius implies (helped by the surrounding Tacitean context), is driven by his bad conscience.

Cremutius' long and emphatic contrast between the attitude of Tiberius to criticism and that of Caesar and Augustus drives home this point about choice.¹⁵³ That the latter serve as a foil for Tiberius is, while implicit, of course quite clear in general terms, but their exemplary conduct is underlined by the way in which Cremutius names them. *Dictator Caesar* implies 'Caesar, although he was dictator (and thus had the power to retaliate more aggressively)' (4.34.4)¹⁵⁴—he too had the choice. The repetition in *ipse divus Iulius*, *ipse divus Augustus* then expresses the reverence due, according to Cremutius, to the tolerance that was appropriate to their powerful status (4.34.5).¹⁵⁵ However, as Moles has emphasised, this picture of Augustus is clearly too 'rosy';¹⁵⁶ after all, it is he who had first stretched the *maiestas* law to include verbal offences (1.72.3–4). This problem is somewhat mitigated by the fact that the examples of his tolerance are taken from his early, relatively moderate period. Also, both Senecas praise Augustus in similar terms, which shows that at least some time after Cremutius' trial and possibly earlier, people may have taken such praise seriously as applying to Augustus *tout court*.¹⁵⁷ Yet no reasonably attentive reader of Tacitus' text could think that he also took it seriously, at least without heavy qualification: particularly the indictment of Augustus in 1.2–3 is clear and conspicuous, and the echo of 1.72.2 in Cremutius' speech is a recent reminder of Augustus' role in the development of the kind of trial we are witnessing as readers. And given the emphatic parallelism between Tacitus and Cremutius, the reader is probably supposed to believe that the latter is equally sceptical.¹⁵⁸ So, while Tacitus does not generally shun such

¹⁵³ As is already shown by Moles (1998) 148–9, who likewise emphasises (147–51) the element of choice, though on different grounds, if I understand his argument correctly.

¹⁵⁴ Cf. Rubincam (1991) 168–9; thus Koestermann (1965) ad loc. For this word order see Heubner (1963) ad *Hist.* 1.90.3, who contrasts the normal order used, e.g., in *Ann.* 2.41.1, where *Caesar dictator* merely identifies him and dates the occasion. The doubts in Furneaux (1896) and Martin–Woodman (1989), ad loc., are unnecessary.

¹⁵⁵ Cf. Rubincam (1991) 168 and 169. Both Senecas, when commending Augustus' forbearance, also call him *divus Augustus* (*Contr.* 2.4.12–3 (bis); *De ira* 3.23.4–8), but this is not significant, as they almost always designate him thus (see *BTL*–2).

¹⁵⁶ Moles (1998) 144; 148. Thus already Suerbaum (1971) 79–80.

¹⁵⁷ See the passages cited above, n. 155.

¹⁵⁸ Most of this is in agreement with Moles (1998) 144.

complexities,¹⁵⁹ the tension between the positive and negative sides of Augustus is remarkable. As, again, Moles has seen, this underlines how pivotal it must be to Cremutius' argument to create a clear contrast between Tiberius and his predecessor(s).¹⁶⁰ And indeed, such a contrast, if accepted, was seriously embarrassing to Tiberius, who claimed to model his principate on that of Augustus.¹⁶¹ For if Augustus and Caesar chose to be tolerant, he should have done the same.

A similar embarrassment lurks in the implication that a lack of tolerance shows a lack of *moderatio* (4.34.5), as this was one of the virtues that Tiberius claimed to exhibit in his rule; for instance, coins with this catchword were issued at some time during his reign. In fact, Tacitus frequently mentions it as a characteristic of Tiberius, though often ambiguously, implying that it was not sincere or not consistent.¹⁶² Cremutius, by implying that Caesar and Augustus' attitude showed *moderatio*, is denying Tiberius this virtue, thus confronting him with the inconsistencies in his own behaviour—again, he could and should have chosen differently.

Tiberius is of course in reality (at least in the reality of the *Annals*) past the point where such choices were still open to him, as Tacitus has shown through the steady deterioration of his rule and especially the beginning of its 'second half' at the beginning of Book 4. In the microcosm of the trial, the outcome is likewise inescapable (4.34.1–2).¹⁶³ The point is reinforced by the implications of Cremutius' analogy between the images of Brutus and Cassius and the histories in which they appear. The latter, he says, preserve part of their memory, 'just as they are known by their images (which even their conqueror did not banish)' (*quo modo imaginibus suis noscuntur (quas ne victor quidem abolevit)*, 4.35.2). The parenthesis again reinforces the contrast between Augustus and Tiberius, and the theoretical possibility of choice. The clause 'as they are known by their images' implies that images were in fact still to be seen, presumably also in the form of statues;¹⁶⁴ on one level,

¹⁵⁹ Cf. Pelling (2010) 374 on the criticisms of Augustus in 1.9–10, which are more ambiguous than usually assumed.

¹⁶⁰ Moles (1998) 148.

¹⁶¹ Cf., e.g., 1.77.3; 4.37.3, *qui omnia facta dictaque eius vice legis observem*, and the literature cited by Martin–Woodman (1989) ad loc.

¹⁶² On *moderatio* and Tiberius see esp. Woodman–Martin (1996) ad 3.50.2 (with full references); Levick (1976/1999) 89. Tacitus indicates ambiguities, e.g., in 3.12.1, *meditato temperamento*; 69.5 *prudens moderandi, si propria ira non impelleretur* (below, p. 344). On the use of *moderatio* by Cremutius cf. also Moles (1998) 144; 149.

¹⁶³ Accordingly, unlike his annals, Cremutius' speech does constitute direct criticism of Tiberius.

¹⁶⁴ Cf. above, n. 67.

Cremutius is arguing that it makes no sense to attack historians for preserving their memory, because their images are there for all to see anyway. But readers will think back to the end of Book 3 and the conspicuous absence of those special *imagines* of Brutus and Cassius, their funeral masks, from Junia's funeral procession.¹⁶⁵ They are thus aware (as Cremutius is probably supposed to be) that Tiberius has already been restricting the public visibility of the liberators. Cremutius' trial, and its aftermath of book-burning, represents the analogous step of trying to restrict their literary visibility as well. There is no turning back.

Yet the existence of choice in principle is clear. It ties in with the occasional glimpses of another side of Tiberius that Tacitus has given us. Two important earlier passages in particular deserve mention. In the debate about Silanus' sentence, L. Piso proposes relegation to the island of Gyarus, and this is generally accepted (3.68.2); then Cornelius Dolabella, reaching new heights of adulation (*dum adulationem longius sequitur*), proposes that the emperor should be given the power to exclude morally unsuitable individuals from provincial governorships (3.69.1). Tiberius rejects the latter, giving clearly sound reasons and rejecting such additions to the powers of a *princeps* (3.69.2–4). Tacitus comments, *quanto rarius apud Tiberium popularitas, tanto laetioribus animis accepta* ('the rarer Tiberius' attempts at gaining popularity, the greater the feelings of joy with which they were received', 3.69.5). Then Tiberius adds that Gyarus is too grim and proposes relegation to Cythnus instead. This addition is introduced as follows: *atque ille—prudens moderandi, si propria ira non impelleretur—addidit ...* ('and he—prudent in being moderate, as long as he was not driven by feelings of personal anger—added ...').¹⁶⁶ Tiberius, then, knew how to be truly reasonable and to show genuine *moderatio*. This should not be taken as a rare reflection of the 'real' Tiberius that Tacitus is otherwise trying to suppress:¹⁶⁷ he is explicitly clear about the existence of both sides of the man, and about the relationship between the

¹⁶⁵ 3.76; cf. above, §2.2. The link with that passage is well known, see e.g. Martin (1990) 1544 n. 111a, who points out that the two passages are the only ones in the *Annals* where Philippi is mentioned (in both cases conspicuously and in relation with dates; see above, p. 311, with n. 39). Martin–Woodman (1989) 184 think that the tension with 3.76 undermines the analogy in our passage (and that Cremutius and/or Tacitus are unaware of this?). Cf. now Pelling (2010) 366–7: history is implied to outdo physical representations.

¹⁶⁶ On Silanus' trial see above, p. 309, with n. 35. Woodman–Martin (1996) ad loc. convincingly propose that the combination of *moderandi* (here translated 'being moderate', to bring out the link with *moderatio*) and *impelleretur* may suggest 'the metaphor of storms of anger'; this makes the description stand out.

¹⁶⁷ True even if we think that the real Tiberius was genuinely different from Tacitus' version, a question not under discussion here.

two opposites. The events until now complete the picture: Tiberius is usually ruled by anger, resentment and the like, even if he is on occasion capable of better things.

Tacitus has made sure to suggest to the reader that this picture is relevant to Cremutius' trial. As mentioned above (§2.2), just before the digression stands a conspicuously reported occasion of Tiberius' *clementia* (4.31.1–2). It echoes 3.69.5 by its reference to (moderate) joy (*modica laetitia*) in reaction to Tiberius' rare good behaviour. What is added is a short but explicit discussion of the choices open to Tiberius, and of his tendency to choose the worse course despite being aware of the better. The notion of choice is perhaps somewhat difficult to detect in the Cremutius passage if read in isolation, but after 4.31, it is not.

The picture is completed and enhanced by the last part of the triptych of which our passage forms the middle panel. After the brief chapter about other trials following Cremutius' (4.36), Tacitus mentions the request by delegates from Further Spain for permission to erect a shrine to Tiberius and his mother.¹⁶⁸ Tiberius is then given a speech explaining why he is rejecting the request. As has often been recognised, his reasons are sound in themselves, even noble.¹⁶⁹ Moreover, Tacitus goes out of his way to show that Tiberius is sincere, especially by emphasising how consistently he kept rejecting such honours, even 'in private conversations' (*secretis ... sermonibus*, 4.38.4).¹⁷⁰ It is therefore sometimes supposed that the speech simply gives a positive image of Tiberius, which balances the negative one that emerged from Cremutius' trial.¹⁷¹ This interpretation, however, can only be maintained if the speech is read in isolation.

Cremutius has exposed Tiberius' inconsistency in behaving so differently from Caesar and Augustus, pointedly calling the latter *divus Augustus* in 4.34.5. Now, Tiberius begins his speech by saying that he has been faulted for a lack of consistency (*constantiam meam a plerisque desideratam*, 4.37.2); and in his first substantive statement he mentions *divus Augustus*, and claims that he 'observes all his deeds and words as if they were law' (*qui omnia facta dictaque eius vice legis observem*, 4.37.3). In what follows, he expatiates upon the way that he hopes people will remember him, using a cluster of 'memory' words very

¹⁶⁸ Above, §2.2.

¹⁶⁹ Syme (1958) 315; Cancik-Lindemaier and Cancik (1986) 23–4; Martin–Woodman (1989) 186; Martin (1990) 1546.

¹⁷⁰ Pelling (2010) 374.

¹⁷¹ Martin–Woodman (1989) 186–7; cf. Cancik-Lindemaier and Cancik (1986) 23–4.

much like that in Cremutius' speech.¹⁷² He also says that he hopes that the memories of his good qualities will serve as his temples in people's hearts, as his portraits (*effigies*), and that they will survive (*mansurae*) (4.38.2). This recalls Cremutius' comments on the images of Brutus and Cassius, as well as Tiberius' suppression of their *effigies* at the end of Book 3, and the survival of Cremutius' books (*manserunt*, 4.35.4). Nor can we be supposed to forget the strong condemnation, in the author's own voice, of Tiberius' attempt at repressing memories, which makes him no better than a foreign tyrant (4.35.5). The speech, that is, is clearly set up to be read in the light of the Cremutius passage, which undermines it almost sentence by sentence.¹⁷³ At the end of the passage, Tacitus mentions critics of Tiberius who thought he should have been eager to endorse the Spanish proposal. It has been convincingly argued that this criticism is quite unfair and not endorsed by Tacitus.¹⁷⁴ But this unfairness does not prove Tiberius right. Depressingly, even Tiberius' critics fail to focus on the real problem.

This real problem is not that Tiberius is being hypocritical; his sincerity precludes the idea.¹⁷⁵ Instead, it seems that he is exposed as painfully out of touch with reality. Again, he is shown to be capable of sound judgement and sincere modesty, but we are made to understand that where it matters most, he makes the wrong choices.

In short, our passage envisions a proper middle course for an emperor:¹⁷⁶ while no real return to the republic is suggested, a moderate and tolerant, quasi-republican attitude to criticism, perhaps on the model of Augustus' real or imagined earlier behaviour, would crucially mitigate the repressive aspect of the principate. The choice—unfortunately—is the emperor's.

To sum up, when interpreted in context, and particularly in the context of Tacitus' historiographical principles as they can be extracted by a careful reading of the digression, Cremutius' central arguments, while provocative, make sense. His words are not a call to arms, although they do constitute

¹⁷² 4.38.1, *meminisse posteros, memoriae meae*; 2, *mansurae; iudicium posterorum*; 3, *recordationibus*; for such words and the emphasis on memory in the Cremutius passage see below, §6.

¹⁷³ Cf. Pelling (2010) 377–8, who notes some 'uncomfortable features ... even ... in Tiberius' speech'.

¹⁷⁴ Syme (1958) 315; Martin–Woodman (1989) 186–7, and ad 4.38.5; Martin (1990) 1502–4, 1545–6; and esp. Pelling (2010) 371–5.

¹⁷⁵ Contrast Catiline's speech in Sall. *Cat.* 20. This is comparable in that it might have seemed relatively reasonable but for his unequivocal condemnation in the preceding. But there, the speech illustrates the speaker's insincerity, which has been emphatically highlighted in 5.4 (cf. 10.5; 31.5 and 7; 34.3; 38.3; 52.11; 54.6).

¹⁷⁶ This follows Moles' interpretation, (1998) esp. 147–52.

criticism. But such criticism must be seen in the light of history's exemplary function, which Tacitus also claims for his own *Annals* and which is, he implies, sorely needed in the morally degenerate times of the principate. Criticism found in history, as implied in examples of good and bad behaviour, always has wider application; taking it personally, that is, as specifically directed against oneself, is a sign of a bad conscience. Tiberius, then, should have chosen the right path and let Cremutius' praise of Brutus and Cassius go, led by the examples of Augustus and Caesar, the principle of *moderatio*, and the proper (but already crumbling) attitude to images. Instead, in allowing Cremutius to be brought to trial, he exposes his own bad conscience. Neither Tacitus in the digression nor Cremutius in his argument is disingenuous. It is a historian's task to give examples and to interpret historical characters, situations and developments. People who feel personally criticised only have themselves to blame.

5. Tacitus and the Real Cremutius Cordus

'The speech is all Tacitus.' Syme was not the first to think so, but his pronouncement on Cremutius' oration is often repeated. Despite conventions about speeches in ancient historiography, others, such as the legal historian Bauman, see this as a 'rejection' (of Tacitus' veracity), and think it more likely that the speech is, or contains, Cremutius' real defence. And much older scholarship regarded not only the speech, but many or all elements of Tacitus' account as a culpable distortion of the truth.¹⁷⁷ Such questions are not unimportant, but can only be touched upon here to the extent that they throw light on Tacitus' own treatment.

As to the facts of the case, other sources were often said to imply a version of events essentially different from Tacitus', particularly Dio's brief report (57.24.2–4) and passages in Seneca's *Consolatio* to Cremutius' daughter Marcia.¹⁷⁸ However, Steidle already showed that the confident indictments of Tacitus' 'distortions' lack proper foundation.¹⁷⁹ One detail—a telling one

¹⁷⁷ Syme (1958) 337 n. 10. Repetition, verbally or in paraphrase: Luce (1989) 30; Martin (1990) 1544; Martin–Woodman (1989) ad *in hunc modum*; Moles (1998) 138. Cf. Cichorius (1901) 1703.43–4 ('natürlich von Tacitus selbst verfasst'); Koestermann (1965) 119 ('frei stilisiert': only referring to style?). Bauman's view: (1974) 100. Distortion: e.g., Gelzer (1918) 516–7 (516.45–6: 'verdreht ... in ... perfider Weise'); further references in Steidle (1965) 105.

¹⁷⁸ In Sen. *Cons. Marc.*, Cremutius is mentioned/discussed esp. in 1.2–4; 22.4–7; 26.

¹⁷⁹ Steidle (1965) 105–10; cf. Suerbaum (1971) 65–6. See above, p. 324, with n. 90, for a likely scenario, in which the 'real' reason for the trial, Cremutius' insulting remark about Sejanus, was never part of the charge.

in Tacitus' narrative—deserves mention here: the 'grim look' on Tiberius' face while he listened to the speech (*truci vultu*, 4.34.2). How does Tacitus know, and does this not indicate that he made matters up? For whatever he found in the *acta senatus*, it cannot have included this. However, Seneca's treatise contains many details not in Tacitus that cannot have been in the *acta* either: the manner of Cremutius' death (1.2; 22.6), the insulting remark about Sejanus that apparently gave rise to the trial (22.4), and the reactions when he was about to elude his prosecutors by his suicide, viz. their anger on the one hand and general pleasure on the other (*publica voluptas*) (22.7). Dio mentions his old age (57.24.2). The picture that emerges is of a *cause célèbre*, much written and talked about. Whether Tiberius' facial expression was part of these conversations we cannot know, but it is far from impossible. And if so, we cannot know either whether it represented an eye-witness observation or was generated by the gossip itself; but this is immaterial to the question of Tacitus' techniques and sources.

It can be added that Tacitus' outburst at the end of the passage resembles a passage in Seneca the Elder who, apropos of the burning of Labienus' books under Augustus, attacks the savagery (*saevitia*) of book-burning in general (*Contr.* 10.pr.5–8, esp. 7; see below, §6.2). Similar sentiments are found in some declamatory passages in Seneca's *Suasoria* 7, on the theme of whether Cicero should burn his writings if that can make Mark Antony spare his life. Here also belongs Tacitus' own well-known bitter attack on the burning of works of Arulenus Rusticus and Herennius Senecio under Domitian in AD 93 (*Agr.* 2.1–2). Further exploration of these similarities might well be fruitful, but cannot be pursued here. It seems clear, however, that there was a discourse about book-burnings, and that it may well have covered the case of Cremutius. And whatever its precise dates, and the precise route it took, it seems certain that it reached Tacitus.¹⁸⁰

As to the speech, no other source mentions it, not even Seneca's *Consolatio*. But as Suerbaum has pointed out, the latter would have had no particular interest in it.¹⁸¹ It seems very unlikely that Cremutius should not have made a speech in the senate, and Tacitus could have used the version presumably preserved, in some form, in the *acta senatus*.

There is of course no doubt that Tacitus moulded whatever he may have found there into a form that suited him. The style is broadly Tacitean,

¹⁸⁰ The passages from Seneca are mentioned by Suerbaum (1971) 93 with n. 85, who reports that they are more often cited, and adds *Aur. Vict. Caes.* 20.1–4. He concludes (94 n. 86) that book-burning had become a theme in the schools of rhetoric, but is rightly hesitant about the nature of the possible influence of this genre on Tacitus. On the general interest in trials like Cremutius' see also Steidle (1965) 106.

¹⁸¹ Suerbaum (1971) 65–6; cf. Steidle (1965) 105–6.

despite oratorical elements such as the repetition in 4.34.5 (*ipse divus Iulius, ipse divus Augustus*) and the rhetorical questions and complexity found in Cremutius' appeal in 4.35.2 (above, p. 325). But far more important is the complete integration of the argument of the speech not only into the immediate context, but into the whole work up to here. The point is clinched by the extensive parallels between Tacitus and Cremutius.¹⁸²

This does not mean, however, that there are no significant traces of the real Cremutius or his actual speech. In the well-known case of Tacitus' treatment of Claudius' speech about the admission to the senate of men from Gallia Comata, which we can compare with the official version on the Lyon tablet, many of the essentials of the latter are preserved despite extensive reworking (*Ann.* 11.23–4).¹⁸³ Admittedly, Claudius' case is different, if only because he was emperor. Nevertheless, it shows that we should not too easily assume a lack of historical basis in any Tacitean speech. For Cremutius, the material is of course scanty. Yet a few things stand out.

Cremutius' *libertas* ('free speech, frankness') is explicitly mentioned by Quintilian (10.1.104) and the younger Seneca (*Cons. Marc.* 1.4)¹⁸⁴; the latter also calls him *indomitus* (1.3), the former writes that one can find 'plenty of lofty spirit and bold *sententiae*' in his work (*elatum abunde spiritum at audaces sententias*).¹⁸⁵ Describing his history, Seneca speaks of the *incorrupta rerum fides* ('uncorrupted trustworthiness [in his account] of events', 1.3).¹⁸⁶ The general character of the man and his work was clearly in complete harmony with the picture given by Tacitus.

Most striking, however, is the general characterisation of the *ingenium* ('talent') he employed in his writing, given by Seneca in the last chapter of his *Consolatio*: *illo ingenio, quo civilia bella deflevit, quo proscribentis in aeternum ipse proscripsit* ('the talent by which he lamented the civil wars, by which he in turn proscribed the proscribers for eternity', 26.1). His interest in, and strong

¹⁸² This paragraph expands on Suerbaum's reasoning, who lists a number of factors that show that the ideas of the speech must be Tacitean (style, the fact that he selected the speech for inclusion, the link with the digression, correspondences with Tacitus' own views, and endorsements by Tacitus: (1971) 66–7); he then proceeds to examine the text in this light. Cf., e.g., Martin (1990) 1544 n. 109, who notes the deliberate echo of 1.72.2 in 4.34.2 (above, p. 321–2, with n. 76).

¹⁸³ Griffin (1982).

¹⁸⁴ The latter probably refers to his general behaviour as well as his work; cf. *ib.* 22.4, *liberius* (his dangerous insulting comment about Sejanus).

¹⁸⁵ Quint. *l.c.*, as translated in Russell (2001). The reading of the name in *Cremuti libertas* rests on a (generally accepted) conjecture by Nipperdey; the MSS have *remuti libertas* (see the apparatus in M. Winterbottom's OCT).

¹⁸⁶ Cf. the comments on Livy in the speech of the Tacitean Cremutius, 4.34.3.

feelings about, the proscriptions are confirmed by two passages in Seneca the Elder (*Suas.* 6.19 and 23). The first is a fragment in which he describes Mark Antony as having sated himself with citizen blood, praises Cicero, and laments his death; the second mentions his eulogy of Cicero (apparently another, full one), from which Seneca finds only two sentences worth quoting. But what is remarkable about the younger Seneca's description is the notion that the historian shames wrongdoers by recording their crimes for posterity. Since the idea is not at all central to Seneca here, it seems quite probable that the formulation goes back to Cremutius himself. It is very close to the purport of Tacitus' closing words at the end of our passage (4.35.5), and one of the very few parallels for Tacitus' conspicuous contention in 3.65.1 that 'it is the pre-eminent task of annals to ensure that virtues are not passed over in silence and that crooked words and deeds are attended by fear of posterity and disgrace'.

Tacitus, then, may well have found a number of ideas in Cremutius' work that were close to his own, and the speech may accordingly be far closer to what the real Cremutius said in the senate than is usually supposed. We will never know. This in no way undermines the analysis of the speech in its Tacitean context. It does mean that for Tacitus and his readers, the presence of the real Cremutius in the text may have been quite conspicuous, and the passage accordingly far richer in intertextual connections than we are now able to see. So, perhaps paradoxically, the question of the historicity of the Tacitean Cremutius matters—or at least mattered—for the literary interpretation of Tacitus' text.

6. Remembering: How Dangerous is History?

6.1 The Importance of Commemoration

We should end by asking what the Cremutius passage is meant to be doing. Or, to convert the issue into perhaps old-fashioned terms, what is Tacitus' aim? The analysis of Cremutius' argument and of Tacitus' preceding digression given above furnishes some answers. Tacitus, by showing that an emperor has alternatives to choosing an authoritarian stance, presents a picture of a 'good', or at least tolerable, ruler. Crucially, this is defined in particular by such a ruler's attitude to free expression, especially by historians. Exemplarity, emphasised in the digression, must also play its part: Tiberius, Sejanus and his henchmen, and the senate of the time are held up as bad examples, Cremutius as a model of courageous behaviour, particularly relevant to historians.

A further and perhaps even more important concern is suggested by the conspicuous clustering in the passage, and especially at its end, of 'memory'

words. Cremutius says of Brutus and Cassius that ‘no-one has recalled [them] without honour’ (*nemo sine honore memoravit*, 34.2); Pollio’s writings ‘pass on a splendid memory’ of them (*egregiam eorundem memoriam*, 34.4); they ‘retain part of their memory in the works of historians’ (*partem memoriae apud scriptores retinent*, 35.2); he then mentions ‘posterity’ (*posteritas*, 35.3), and the last word of Cremutius’ speech, to which the preceding parts of the final complex sentence have been building up, is *meminerint* (‘remember’).¹⁸⁷ Tacitus then comments, caustically, on the inadequacy of those who try, by their power, to ‘extinguish the memory of later ages’ (*sequentis aevi memoriam*, 35.5).

It is here that the emphatic programmatic statement of 3.65.1 comes into play:

exsequi sententias haud institui nisi insignes per honestum aut notabili dedecore, quod praecipuum munus annalium reor, ne virtutes sileantur utque pravis dictis factisque ex posteritate et infamia metus sit.

Rehearsing senatorial *sententiae* in detail is certainly not my policy, except those that stand out for being honourable or by notable shamefulness, because I believe it is the pre-eminent task of annals to ensure that virtues are not passed over in silence and that crooked words and deeds are attended by fear of posterity and disgrace.

This sentence has been much discussed recently.¹⁸⁸ Woodman’s radical re-interpretation, if correct, would remove, or at least seriously diminish, its programmatic status: he proposes to reduce its function to no more than an apology for the monotony of the senatorial debates reported in the immediately preceding context.¹⁸⁹ This is based on a re-interpretation of the Latin: Woodman brackets *quod ... reor* and takes it to refer only to the selection of senatorial material, translating: ‘... (which I reckon to be a very great responsibility of annals), lest virtues be silenced ...’.¹⁹⁰ However,

¹⁸⁷ Repeated in the translation above, p. 319, to convey the emphasis of its position in the original.

¹⁸⁸ Luce (1991) offers the most incisive analysis.

¹⁸⁹ Woodman (1995) (cf. Woodman–Martin (1996) 451–6); to be precise, he argues that the reference is to 3.56–9 and 60–3 together. The discussion in Moles (1998) 159–69 is rather too circumspect. Kirchner (2001) 62–4 offers arguments against Woodman.

¹⁹⁰ Woodman (1995) 116.

praecipuus means ‘foremost, chief’, not ‘very great’,¹⁹¹ and the selection of senatorial *sententiae*, important though it is, cannot be the chief task of annals. Moreover, with the *quod*-clause bracketed out, these *sententiae* are implied to consist not only of words but also, surely unacceptably, of deeds (*dictis factisque*).¹⁹² This interpretation is therefore, I think, impossible,¹⁹³ and in accordance with its prominence, the sentence must retain its function of an important statement of intent.¹⁹⁴

Luce has shown how unusual the statement is.¹⁹⁵ Its purport is often taken to be virtually identical to the important but rather common notion that history provides good and bad moral examples for imitation and avoidance, as seen in Livy’s *Preface*;¹⁹⁶ history shares this exemplary function with other genres and practices, including potentially ephemeral ones such as speeches. Here, however, Tacitus focuses on what is particular to history, viz., that it puts words and deeds on permanent record for posterity to read. It can thus, he says at the end, act as a deterrent to wrongdoers. Although the idea is rarely attested, and it is unclear where it originated and how well-known it was, Tacitus himself was not the first to formulate it. Luce cites a few passages in Diodorus Siculus,¹⁹⁷ and as we have seen, Cremutius Cordus himself may well have made the very similar claim that by recording their crimes in his history, he ‘proscribed the proscribers for eternity’ (*proscribentis in aeternum ipse proscripsit*: above, §5).

¹⁹¹ *OLD* s.v. (*contra*: Woodman (1995) 117 n. 28; the issue is signalled by Martin–Woodman (1996) ad loc.). Adams (1972) 361 n. 7 mentions three Tacitean cases where it does not have superlative force, but (a) the normal meaning is superlative; and (b) in these three cases, the meaning of the noun excludes a superlative interpretation (e.g., *Ann.* 13.30.2 *praecipuae ... opes*); the same pattern emerges from *TLL* s.v.

¹⁹² A hint at this point in Mayer (1997) 315; see also Kirchner (2001) 63–4. Of course, in some real sense *sententiae* are deeds, especially if they involve condemnations in trials. Yet, as the sequel shows (3.66), many ‘crooked deeds’ are not *sententiae*, so the statement would be awkwardly out of balance.

¹⁹³ The meaning of (*haud*) *institui* also tells against Woodman’s interpretation: not ‘it has not been my practice’, but ‘I have not made it my practice’ (see Kirchner (2001) 63, *pace* Woodman (1995) 116 and Moles (1998) 163). I will not discuss *quod*, which could be the causal conjunction or the relative pronoun; I prefer the former, but this makes no difference to the main interpretative problem at issue.

¹⁹⁴ For its prominence in context, see above, §2.2.

¹⁹⁵ Luce (1991).

¹⁹⁶ Above, p. 332, with n. 116.

¹⁹⁷ Luce (1991) 2913; Diod. 1.1.5; 14.1.1–3; 15.1.1.

However that may be, the *Annals* themselves are replete with passages naming the names of senators implicated in disgraceful flattery and worse.¹⁹⁸ It is no coincidence that when the narrative is resumed shortly after the statement about ‘crooked words and deeds’, it begins with the trial of Silanus and the disgraceful prosecuting role in it of three explicitly named senators, who are then subjected to a thorough character assassination (3.66).¹⁹⁹

Remarkably, while Tacitus in 3.65.1 thus explicitly sets out the (desired) effect of recording ‘crooked’ behaviour, he refrains from doing the same for the commemoration of virtues. Luce, who draws attention to this fact, argues that the aim implied for the latter is in fact not to spur on the reader to virtue, but ‘quite simply, commemoration’; in the case of victims of tyranny, ‘to ensure that what they did and suffered will not be forgotten’.²⁰⁰ It has been objected that in societies as agonistically focused on reputation as those of Greece and Rome, it is implausible that ‘rivalrous imitation’ should be excluded, also in view of the exemplary function of history found not only elsewhere but also in Tacitus (viz., in the digression).²⁰¹ Also, the parallelism between the positive and the negative in 3.65.1 may suggest that the recording of virtues is meant to have an effect analogous to that of vice, by holding out the promise of future fame, enshrined in works of history. Yet, even if commemoration can have that effect, and the passage does not seem to exclude it, the possibility of ‘pure’ commemoration should not be lightly dismissed.

To start with, its plausibility can be supported by a general consideration.²⁰² While deterrents to ever-threatening authoritarianism and adulation are clearly relevant also in more ‘peaceful’ times such as Tacitus’ own, we may wonder whether courage in extreme situations, such as Cremutius’, can be as immediately relevant as models to his contemporary readers. Given his well-known reservations about ostentatious but useless courage (*Agr.* 42.3–4), one could even suppose a conscious restraint in holding up ‘martyrs’ as examples. There are, however, also more text-based reasons. Luce is able to support his view by some other passages from

¹⁹⁸ See Luce (1991) 11–3.

¹⁹⁹ See above, p. 309, with n. 35.

²⁰⁰ Luce (1991) 2907–11; quotation from 2910, where he adduces *Agr.* 45.1 (Helvidius, Mauricus, Rusticus, and Senecio).

²⁰¹ Moles (1998) 164–5.

²⁰² Modern parallels can also at least support the plausibility of the idea: interviews with Chinese dissidents often emphasise their fear that their efforts and courage will just be forgotten. See also George Orwell, *Nineteen Eighty-Four*, as quoted by Cancik-Lindemaier and Cancik (1986) 22 n. 16.

Tacitus, particularly the famous reflection on the monotony of the series of deaths under Nero that he has been recording (strongly reminiscent of the description of the series of Tiberian trials in the digression, at 4.33.3): he stresses that this is a concession to the posthumous reputation (*posteritati*) of the distinguished men involved, whose own, individual memory will thus be preserved (*detur hoc inlustrum virorum posteritati, ut, quo modo exsequiis a promisca sepultura separantur, ita in traditione supremorum accipiant habeantque propriam memoriam*, 16.16.2).²⁰³

None of this perhaps excludes the possibility that in Tacitus, commemoration almost always goes hand in hand with the promise (or threat) that future good and bad behaviour will also be put on record. At the very least, however, it is clear that there are cases of good behaviour where the former takes very clear precedence over the latter, and the text of 3.65.1 allows for that possibility. The balance in the Cremutius passage is likewise clear: the build-up of ‘memory’ words, not least the fact that Tacitus makes *meminerint* the last word we hear from Cremutius himself, make commemoration the central concern of the end of the passage.

6.2 Memorials and Readers

None of the ‘memory’ words is applied to Tiberius, but it is clear that one aim of the passage is to expose the emperor and put his guilt on record for posterity. His role in the trial is a culmination of the tendencies seen so far. Sejanus and the senate are far from exculpated, but it is Tiberius whose presence hovers over the proceedings and who is at the centre of Cremutius’ speech, which depicts him as fully responsible for the trial and the repression of free expression. He is seen as hypocritical and inconsistent, as making bad choices, and accordingly, as having a bad conscience.

Tacitus’ own outburst at the end underlines this. His mockery of Tiberius and generally of vain attempts to destroy the memory of writers is enhanced by the very commemoration of Cremutius in the passage: this in itself is a slap in the face of the emperor. It is of course based on the survival of Cremutius’ books, which he brings out by his selective account of the facts—in line with the earlier omissions in his brief sketch of the circumstances of the trial (above, §3). The other sources tell us that copies were hidden by Cremutius’ daughter Marcia (and by others, according to Dio), that they were republished with the emperor Gaius’ approval, but

²⁰³ Luce (1991) 2907–11. Parallels cannot prove either view, as the issue is Tacitus’ clearly atypical passage; Luce (1991) 2910–11 accordingly uses Herodotus’ *Preface* only as illustration (*pace* Moles (1998) 164).

(according to Quintilian) that the offending parts were cut out.²⁰⁴ Only the essentials are admitted into Tacitus' extremely and effectively compressed report: the books, despite the burning of copies by the aediles, *manserunt, occultati et editi* ('they survived, concealed and circulated', 4.35.4). By the omission of the agents, and especially of Gaius' role, he focuses attention on the survival itself, which is thus made to seem an autonomous, inevitable process. The cutting out of parts of the text—which, admittedly, did not prevent Quintilian from detecting spiritedness and boldness in it—is another element that would have disturbed the clear picture of a triumph over the book-burners, and is accordingly left out.

Tacitus' outburst itself bears some resemblance to one by Seneca the Elder, mentioned above (§5). It occurs in his description of the caustic Labienus, who had made many enemies and whose books were burnt under Augustus (*Contr.* 10.pr.5–7):²⁰⁵

in hoc primum excogitata est nova poena; effectum est enim per inimicos ut omnes eius libri comburerentur: res nova et invisitata supplicium de studiis sumi. (6) ... ista in poenas ingeniorum versa crudelitas ... (7) facem studiis subdere et in monumenta disciplinarum animadvertere quanta et quam non contenta cetera materia saevitia est! di melius, quod eo saeculo ista ingeniorum supplicia coeperunt, quo ingenia desierant!

It was for him that there was first devised a new punishment: his enemies saw to it that all his books were burnt. It was an unheard-of novelty that punishment should be exacted from literature. (6) ... this cruelty that turns to punishing talent ... (7) How great is the savagery that puts a torch to literature, and wreaks its vengeance on monuments of learning; how unsatisfied with its other victims! Thank god that these punishments for talent began in an age when talent had come to an end!

As already suggested, both passages seem to belong to the same discourse. However, the difference in tone is instructive. In Seneca, the involvement of Augustus is not mentioned, and Labienus' enemies are blamed; his anger is not directed at anyone in particular.²⁰⁶ Tacitus directs his anger

²⁰⁴ Sen. *Cons. Marc.* 1.3–4; Dio 57.24.4; Suet. *Calig.* 16.1; Quint. 10.1.104.

²⁰⁵ Text and translation (the latter adapted) from Winterbottom (1974).

²⁰⁶ The date of the work is obviously important for an understanding of Seneca's tone. It is usually, plausibly, assumed that his writings as well as his son's *Cons. Marc.* were published under the emperor Gaius, because it was he who allowed the recirculation of

unequivocally at those who abuse their power to suppress books, and does so in the strongest terms: he mocks their stupidity (*socordiam ... inridere*),²⁰⁷ exposes their short-sightedness, associates them with *externi reges* ('foreign tyrants') and their *saevitia*,²⁰⁸ and claims they bring *dedecus* ('dishonour') on their own heads.

Martin has suggested that Tacitus' anger is a ploy: 'Perhaps Tacitus, while asking the reader to admire his own outspokenness, is paying a deft compliment to his own times when such freedom of speech need not bring with it the fate of a Cremutius Cordus'.²⁰⁹ Yet whatever his deepest motives, such an interpretation of our passage is highly implausible. A writer making the demands upon his readers that Tacitus makes, expecting them to see through superficial and even non-superficial pretence, could hardly expect to convince them with such crude ploys. The consistent logic of his own analyses implies that all emperors are potentially problematic:²¹⁰ if an emperor's position is such that he can choose between a right and a wrong course, as Tacitus suggests, then there is no guarantee which choice he will make. Syme was therefore right to stress that 'Tacitus was not oblivious of the present', and to see in Tacitus' outburst a real warning to the reigning emperor.²¹¹ In accordance with the programmatic statement of 3.65.1, Tacitus here lays down his claim for the power of history to immortalise any emperor's tyrannical, repressive acts.

The passage ends, however, with a reference to the glory that such repressive acts have conferred on Cremutius and other writers who were punished for what they wrote. Tacitus has made Cremutius prepare for this move at the end of his speech: whereas all 'memory' words before this refer to Brutus and Cassius, the last sentence shows a significant shift: *suum cuique decus posteritas rependit; nec derunt, si damnatio ingruit, qui non modo Cassii et Bruti sed etiam mei meminerint* ('Posterity gives everyone his due honour; and if condemnation is closing in on me, then there will be no lack of those who

Cremutius' work, mentioned in both (above, pp. 354–5, with n. 204); see esp. Griffin (1976/1992) 396–7. However, the date of *Cons. Marc.* was challenged by Bellemore (1992), who argues for a date under Tiberius, between 34 and 37.

²⁰⁷ Tiberius, then, although 'he did not do wrong out of *socordia*' (4.31.2: above, §2.2), exhibited *socordia* after all—of a deeper kind.

²⁰⁸ Suerbaum (1971) 96 n. 92 points out that at least in our evidence, there seem to be no actual cases of foreign rulers who punished writers and had their books burnt: Tacitus mentions them in order to link Tiberius (and others like him) with tyranny.

²⁰⁹ Martin (1981/1994) 137.

²¹⁰ Thus Steidle (1965) 110–11; Moles (1998) 149.

²¹¹ Syme (1958) 517, who believed this was Hadrian; the point is also valid if it was Trajan, as most scholars assume.

not only remember Cassius and Brutus but also remember me', 4.35.3). First, the preceding consideration of the memory of Brutus and Cassius gives way to the general claim about *posteritas*, and this is then applied to Cremutius himself. He prophesies that he will be remembered precisely on account of his condemnation.²¹²

The memory of Cremutius will at least partly survive, Tacitus implies when he turns to the fate of his books, in the form of his historical work, which will gain in authority because he was condemned. However, because of the parallelism between Tacitus himself and Cremutius, and because of the mention of the survival of books, readers are reminded once more of the commemorating force of history outlined in 3.65.1. They will, then, realise that Tacitus here again makes a claim for the power of history. For in a more important sense it is he himself, by giving an account of Cremutius' trial in this very passage of his *Annals*, who is making the prophecy come true.

At the same time, these last sentences of the passage are full of references to the afterlife of historical works, that is, to their life and influence after the author's own lifetime: *posteritas*, books and their physical survival, and their capacity to be alive in the memory of later ages (*sequentis aevi memoriam*). Tacitus thus turns our attention to the role that readers have to play in commemoration. It is the writer of history who records memories for posterity; it is his readers who keep them alive by reading his work. So it is we, Tacitus' readers, who have the task of remembering Cremutius Cordus. We should not stop doing so.

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²¹² So he is not saying that he will be remembered by his books *despite* his condemnation, as Suerbaum (1971) 92–3 assumes: 'Selbst wenn er verurteilt werden sollte, ...'; 'Selbst' is not in the text and not implied. Syme (1958) 338 also seems to assume that this is solely a reference to the survival of his books.

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