Cheating the Public, or: Tacitus Vindicated¹

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On the 10th of December, in the year 20 AD, the most spectacular trial of the early principate ended. The defendant was charged with nothing less than the murder in Syria of Germanicus, adopted son and declared heir of the emperor Tiberius. The accusation was made against Cn. Calpurnius Piso and his wife Plancina, who had both been in Syria at the same time as Germanicus. The princeps' son had been put in charge of the reorganisation of the eastern provinces of the empire from the beginning of the year 18 AD.² at which time Piso had been governor of Syria, with its four legions and many auxiliary units. At the same time Piso was made adiutor to Germanicus. We cannot be sure what this title actually entailed, but basically Piso should have acted as his advisor on political and military matters. Piso was 58 years old, much older than the 33-year old Germanicus. Later it was claimed that Piso was supposed to keep an eye on Germanicus³ which may not have been far from the truth. During the year 18, tensions were already apparent between the son and the legate of the Emperor. By the summer of 19, these tensions had exploded into open conflict. When Germanicus fell ill, he supposed that Piso had caused his illness by having slow poison put in his food. So Germanicus formally renounced the political friendship of his advisor, whereupon Piso left the province. Later, it was said that Germanicus had driven Piso out of the province — which may have been true, even if Germanicus had not ordered it in so many words.⁴ A short time later the Emperor's son died, on 10th October 19 AD. When Piso heard of his death, he tried to return to Syria, and to this end assembled some troops. But Sentius Saturninus, the new governor of Syria, who had been nominated by the friends of

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For the subject see chiefly W. Eck, A. Caballos and F. Fernández, Das senatus consultum de Cn. Pisone patre, Munich 1996 (henceforth Eck-Caballos-Fernández); A. Caballos, W. Eck and F. Fernández, El senatus consultum de Cn. Pisone patre, Seville 1996; W. Eck, 'Mord im Kaiserhaus? Ein politischer Prozeß im Rom des Jahres 20 n. Chr.', Jb. Histor. Kollegs 1996, 99ff.; idem, 'Die Täuschung der Öffentlichkeit. Der Prozeß gegen Cnaeus Calpurnius Piso im Jahre 20 n. Chr.', in U. Manthe and J. von Ungern-Sternberg (eds.), Große Prozesse der römischen Antike, Munich 1997, 128ff. See also some important and interesting contributions in the special issue of AJPh 120, 1999, devoted to the senatus consultum de Cn. Pisone patre.

On this cf. recently F. Hurlett, Les collègues du prince sous Auguste et Tibère, Rome 1997, 180-206.

³ Tac. Ann. 3.3.

⁴ Tac. Ann. 2.70.2: addunt plerique iussum provincia decedere.

Germanicus, refused him entry into the province. The result was a battle between the two sides, and Piso's small force was defeated. Nevertheless, as a high-ranking senator, and the trusted friend of Tiberius, he was allowed to return to Rome by himself, and not under armed guard.

Meanwhile, Agrippina, the widow of Germanicus, arrived in Rome. The body of her husband had been cremated in Antioch. Only his ashes were buried in Rome, in the Mausoleum of Augustus, in spring of the year 20. The people participated in the funeral with a huge show of emotion. According to Tacitus, they even accused Tiberius and his mother Livia of being the real causes of the death of Germanicus. 'Proof' of this was that Tiberius, Livia and other members of the Emperor's household had hardly appeared in public, which was seen as unwillingness to expose their lack of sorrow to the public gaze.⁵ The hysterical reaction to what seemed improper reserve on the part of the imperial family can be paralleled to the reactions, in London in summer 1997, to the death of Princess Diana.⁶

Piso, who was directly accused, returned to Rome only late in 20, to answer before the Senate. Germanicus' friends laid a charge of murder, but they were unable to prove this during the trial. Nevertheless, the accusation did not collapse, because a number of further, very serious charges were brought. Above all, Piso was accused of inciting Roman troops to fight each other in Syria, in other words, of instigating civil conflict. The accused saw no chance of getting off free. After the fifth day of the trial, he took the only way out, and committed suicide. He was found in his bedroom, with his throat cut, the following morning. The trial nevertheless continued: after two more days, the senate gave their verdict: Piso would have been sentenced to death, if he had not forestalled them. But his wife Plancina, and his son Marcus, who had been accused with him, were set free, because Tiberius, and especially his mother Livia, intervened on their behalf.

This is a brief summary of what has long been known about this episode, which took place nearly 2000 years ago. Latin and Greek historians and biographers, such as Velleius Paterculus, Cassius Dio and Suetonius, all wrote on the subject, between the years 30 and 229. Above all, the Roman historian Cornelius Tacitus described this affair of Tiberius, Germanicus and Piso at great length. Since his *Annals* were rediscovered in 1508, and put into print in 1515, the world has known about the story in detail. Tacitus rarely wrote in such detail about any other event as he does on the years 17-20.8 We do not have such a full picture from him of any other trial. He clearly thought that this trial was of fundamental importance, particularly for understanding the personality of Tiberius. When nineteenth-century historical criticism began, one of the questions raised was that of the reliability of this greatest historian of imperial Rome as an analyst of political power. Of course, Tacitus writes of himself that he is reporting *sine ira et*

⁵ Tac. Ann. 3.3.

⁶ Cf. W. Eck, 'Mysteriöser Tod im Kaiserhaus', *Damals* 2, 1998, 35-41.

For the date of the trial see Eck-Caballos-Fernández, 109ff., and below n. 57; see also W.D. Lebek, 'Das Senatus consultum de Cn. Pisone patre und Tacitus', *ZPE* 128, 1999, 183ff., esp. 202ff.

Tacitus' account is to be found in *Ann.* 2.41.2-43, 53-61, 68-83; 3.1-19. For the passages of book 3, already viewed in contrast with the text of the *senatus consultum de Cn. Pisone patre*, cf. A.J. Woodman and R.H. Martin, *The Annals of Tacitus. Book 3*, Cambridge 1996.

studio. But anyone who reads his works immediately gets the impression that ira et studium do have a perceptible influence on them. Tacitus created an ambiguous portrait of Tiberius. He demonstrated how absolute power, on the one hand, and almost absolute servility, on the other, could lead to corruption. Tiberius and Germanicus, in particular, father and son, seemed to him to represent two options for the use of power, in the Roman context. On the one hand there was the reserved, misanthropic autocrat, who for political reasons had to present himself otherwise, and did not want to look like an absolute monarch. On the other hand, there was the young, open, friendly, often rash prince, outgoing and loved by all. It was against this background that historical criticism had to attempt to get through to the historical reality, to what really happened, to the real intentions of the actors in the drama around Germanicus. Tacitus demonstrates that he can keep his distance from everybody, even from Germanicus and from his friends, who accused Piso in the Senate. He is not simply a partisan of Germanicus. However at the end of his account of the trial, Tacitus' considerable lack of sympathy for Tiberius, and his fundamental, but not uncritical, sympathy with Germanicus, become evident again. Although he makes it clear that the charge of murder was rebutted, thereby exonerating Tiberius as well, he concludes his description of the trial with the remark: 'thus ended the avenging of Germanicus'. 9 In this way he reinforces the suggestion that the death of the emperor's son was at the heart of the trial. In the later books of the Annals too, he hints that Germanicus was murdered. In other words, Tiberius is still held responsible, in essentially the same way as elsewhere in the ancient sources.

What must modern historians do in such a situation? How can they know what really happened? How can they arrive at their own, independent, judgement of what took place? There is a particular problem for the modern historian, in that Tacitus himself was not a witness to the events he describes, but wrote about a hundred years later. He depends basically on written material, especially the works of earlier historians, which are no longer extant. 10 These historians, who presented their own picture and analysis of Tiberius, and of the events of the year 19/20, all wrote long after the event. They were therefore inevitably influenced by subsequent developments, especially the deteriorating relationship between the senate and Tiberius, and the latter's growing dependence on the praetorian prefect Seianus and all the consequences of that. Tacitus himself had experience of politics, and had seen the tensions between emperor and senate under Domitian, when he himself was a member of the senate. From this experience he knew how the senate bestowed honorary decrees on the emperor, decrees which many of the senators disliked, because they knew or sensed a discrepancy between word and deed. At least this was the explanation given, after the assassination of Domitian. Such personal experiences must necessarily have influenced his writing of history. They will have created the perspective from which he viewed the events, and even the analytical criteria for the way in which he dealt with the history of the earlier emperors. He would not have denied that he was presenting his reader with his own particular view of the past,

⁹ Tac. Ann. 3.19.2: is finis fuit ulciscenda Germanici morte.

There is much controversy about Tacitus' sources; see recently M.M. Sage, 'Tacitus' Historical Works. A Survey and Appraisal', *ANRW* II 33, 2, Berlin 1990, 949ff., and for the sources of the *Annals*, *ibid*. 997ff.

but at the same time he still claimed that he was writing *sine ira et studio*, and that all the characters involved were presented fairly.

For modern historians this is not enough. They must include the other side, indeed all sides, if they can. Above all, the actors, and what they actually did, or pretended to do, must be part of the historical analysis. The ancient historian, when he presented his interpretation of events, may simply not have understood, or may even have falsified, what happened. How can modern historians include all sides? Where can they find direct statements by the protagonists? In general we do not possess such materials. A document like the so-called Tabula Lugdunensis stands out very much as an exception. This bronze tablet preserves part of the speech made by Claudius in the year 48, where he deals with the legal problem whether the Gallic aristocracy should be allowed to sit in the Roman senate.¹¹ Tacitus had also dealt with this problem, in his Annals, using the original speech by Claudius. 12 In this case, it is possible for the modern historian to compare the wording and content of Claudius' speech with Tacitus' treatment of the speech, and to see how the latter handles an original text. We can thus judge the similarities and differences between Tacitus and his source, and see how trustworthy his treatment and his judgement are, at least in so far as Claudius' text is preserved — because the Tabula Lugdunensis is incomplete. The beginning and end of Claudius' speech are lost. Such a double tradition, from both a contemporary official document, and the well-worked up treatment of an ancient historian, is exceptional. In normal circumstances, the modern historian must be content with a single historiographical record.

Not long ago, this was the situation also for the affair of the death of Germanicus and the trial of Piso. Only Tacitus gave a detailed report; the other ancient authors were not relevant. At the end of 1996, the situation concerning the sources available to us changed dramatically. An ancient document written on a bronze tablet, found in 1989 in southern Spain, was published. The text is the original version of the *senatus consultum* which ended the trial about the alleged murder of Germanicus.¹³ This is documentary material, contemporary with the events, and it comes directly from a group of people, including the emperor himself, who took part in the trial.

Before going into the contents of the document, the unusual circumstances of its find, to a certain extent not less extraordinary than the text itself, must be briefly described. The senate's decree was transmitted on bronze tablets. This form of publication—quite unusual in itself, but determined by the political character of the trial—was prescribed by the senate itself at the end of the document. We possess not only one copy of the decree, but, quite exceptionally, seven and probably eight copies. 15 All the

¹¹ CIL XIII 1668 = ILS 212.

¹² Tac. Ann. 11.23-25; see recently M. Griffin, 'Claudius in Tacitus', CQ 84, 1990, 482-501.

See the literature cited in n. 1 above. The citations from the text of the *senatus consultum* follow the reconstruction in Eck-Caballos-Fernández, 138-51.

Lines 165-173; commentary in Eck-Caballos-Fernández, 254ff.

A tiny fragment representing yet another copy of the inscription was found after the publication of the other seven copies in Eck-Caballos-Fernández; see A.U. Stylow and S. Corzo Pérez, 'Eine neue Kopie des senatus consultum de Cn. Pisone patre', *Chiron* 29, 1999, 23ff. This copy too came from the province of Baetica (modern province of Jaen); consequently the find spot must be either in the Conventus Cordubensis or in the Conventus Astigitanus.

copies come from southern Spain, from the modern province of Sevilla, which corresponds to what used to be part of the Roman province of Baetica. The text of one of the copies, known as copy A, was found broken into twenty-four pieces. However, the reassembled tablet, which measured originally 1.19 x 0.46 m, yielded a complete text — in itself quite unusual for an inscription on bronze. No other decree of the imperial period is as long (176 lines and almost seven printed pages in the first publication); above all it contains all the appropriate formulae for a senatus consultum. Another bronze tablet, copy B, is only partly preserved, with about 70% of the original text. The other five copies, C-F, as well as the recently published one, 16 are represented by very tiny fragments, some centimeters in diameter, with 3 or 4 lines of text.¹⁷ Without copies A and B, which together constitute the basis for the reconstructed text, it would have been impossible to identify the other six tiny fragments as remains of copies of a senatus consultum. For establishing the text these fragments are useless, but for understanding the political climate in Baetica at the time when the senatus consultum was published there, they are decisive. Not one of the copies was found in the course of controlled excavations; all were found by antiquities robbers who used metal detectors to discover them for the purpose of selling them in the antiquities markets. Only copy B was found by chance in the course of road works which more or less removed an entire Roman city. Finally six copies, above all copies A and B, reached the Archaeological Museum in Sevilla, where they were cleaned and made available for scholars and for the public in general.18

Normally senatus consulta are simply instructions to magistrates, and thus did not need to be made public at all, because the magistrates would have been present at the meeting when the instruction was given. Only when there were instructions to the public were they published. This document, however, has no instructions for the public. Why then was it published? The document itself contains the explanation:

And in order that the course of the proceedings as a whole may be more easily transmitted to the memory of future generations, and that these may know the senate's judgement concerning the exceptional restraint of Germanicus Caesar, and the crimes of Cn. Piso Senior, the senate has decided that the speech which our Princeps delivered, and also these decrees of the senate, inscribed on bronze, should be set up, in whatever place seems best to Tiberius Caesar Augustus, and that likewise this decree of the senate, inscribed on bronze, should be set up in the most frequented city of each province, and in the most frequented place in that city, and that likewise this decree of the senate should be set up in the winter quarters of each legion, where the standards are kept. ¹⁹

For the political climate in the Baetica see now W. Eck, 'Der Blick nach Rom. Die Affäre um den Tod des Germanicus und ihr Reflex in der Baetica', *Carmona Romana. Actas del II Congreso de Historia de Carmona, Carmona 29 Septiembre a 2 de Octubre de 1999*, ed. A. Caballos, Carmona 2001, 543ff.

¹⁶ See preceding note.

D. Potter expressed grave doubts about Eck-Caballos-Fernández' placing of frgs. E and F in the text (*JRA* 11, 1998, 438f.), but did not come to grips with the arguments presented for the proposed placement; I see no reason to accept his scepticism.

¹⁸ The new fragment is in private hands in Andalusia.

¹⁹ Lines 165-173: Et quo facilius totius actae rei ordo posterorum memoriae tradi posset atque

This document was obviously intended to create a collective memory, indeed, to create history. For history is only what exists in the collective memory; everything else happened, but no longer exists. What was to be preserved in the collective memory for future generations was the sequence of events, and the senate's opinion of the singularis moderatio — the exceptional moderation — shown by Germanicus, and the scelera Cn. Pisonis patris — the wickedness of Piso. The publication was to be three-fold: in Rome, in every provincial capital, and in the winter quarters of every legion. In Rome, all the decisions made during the trial were to be published separately, together with Tiberius's opening speech. In the provincial capitals, and in the legionary camps, there was to be one continuous text made up of all the senatus consulta, and composed specially for this purpose. It is clear that the senate wanted to have the long-term effect of creating a collective memory, which would include its own perspective, and its own version of its behaviour during the trial. It is also clear that the decision to publish the senatus consultum on imperishable material was a deliberate act carefully considered, 20 which should make us the more sensitive to the contents.

What does the text say, and how were the contents formulated? The senatus consultum presents the protagonists of the affair, in sharp black and white contrast: there are no transitional shades of grey. The pronouncements are clear and unambiguous: no room is left for doubt. On one side stand Tiberius and Germanicus: on the other side stands Piso. The close relationship between Piso and Tiberius, implied by all the ancient historical sources,²¹ is completely absent. We shall see why this is so. The very first sentence of the account sets the tone of the whole document.²² It emphasizes the singularis moderatio — the exceptional moderation of Germanicus, and his patientia. It is made clear from the very beginning that his role in the affair is totally passive, that he did not contribute anything to the tensions, that he was not one of the reasons — and certainly not the reason — for what happened. Against this is set the feritas morum, the wild and inhuman character of Piso. Inevitably, in such a confrontation, Germanicus was at a disadvantage. The senatus consultum makes this very clear from the start. Because of this, Germanicus was right to make a formal renunciation of his friendship with Piso. We shall come back to this topic later.

hi scire<nt>, quid et de singulari moderatione Germ(anici) Caesa(ris) et de sceleribus Cn. Pisonis patris senatus iudicasset, placere uti oratio, quam recitasset princeps noster, itemq(ue) haec senatus consulta in {h}aere incisa, quo loco Ti. Caes(ari) Aug(usto) videretur, ponere<n>tur, item hoc s(enatus) c(onsultum) {hic} in cuiusque provinciae celeberruma{e} urbe eiusque i<n> urbis ipsius celeberrimo loco in aere incisum figeretur, itemq(ue) hoc s(enatus) c(onsultum) in hibernis cuiusq(ue) legionis at signa figeretur.

²⁰ See W. Eck, 'Documenti amministrativi: Pubblicazione e mezzo di autorappresentazione', in Epigrafia Romana in area Adriatica, ed. Gianfranco Paci, Macerata 1998, 343ff. = 'Administrative Dokumente: Publikation und Mittel der Selbstdarstellung', in W. Eck, Die Verwaltung des römischen Reiches in der Hohen Kaiserzeit 2, eds. R. Frei-Stolba and M.A. Speidel, Basel 1998, 359ff.

²¹ See e.g. Suet. Tib. 52.3; Cal. 2; Cassius Dio 57.18.10.

Lines 26f.: <senatum> drb'i<t>rari singularem moderationem patientiamq(ue) Germanici Caesaris evictam esse feritate morum Cn. Pisonis patris.

There follows a list of Piso's crimes.²³ He was totally oblivious to the fact that he had only been assigned as adiutor to Germanicus. Germanicus had been given full responsibility for restoring order to the eastern provinces, and therefore he had been given greater imperium than all the other provincial governors.²⁴ Piso, however, did not recognise Germanicus' status, although he had no imperium of his own. Ouite the opposite — he behaved as if everything was at his disposal in Syria, and tried to stir up war with Armenia and Parthia. He did this by failing to exile King Vonones, who had been driven out of Armenia, and who was an object of suspicion to the Parthians. Even though mandata from Tiberius, and many letters from Germanicus, instructed him to exile Vonones,²⁵ he allowed him instead to make plans to kill the new king of Armenia, who had been installed by Germanicus. Above all, he had tried to instigate civil war, when he attempted to return to Syria after the death of Germanicus. But it should be clear to everybody that Augustus and Tiberius had put an end to civil wars, so that in this Piso was acting against the founder of the principate himself and his heir.²⁶ The soldiers were naturally reluctant to engage in civil conflict, so Piso forced them to join in the fighting through deeds of unparalleled cruelty, even crucifying a centurion who was a Roman citizen. He also bribed the soldiers by giving them money from the fiscus, which he distributed in his own name.²⁷ This undermined the discipline of the army, as he allowed the soldiers to ignore the commands of their direct superiors. He was delighted to see that the soldiers who obeyed him were called Pisoniani, while those of the other side were called Caesariani.²⁸ Piso is here presented like a party leader from the time of the civil wars, when the Pompeiani fought the Caesariani.29

This is not the end of the list of accusations. Piso is also accused of inhuman behaviour after the death of Germanicus. The whole world was mourning the dead prince, even kings from outside — from 'the limits of empire' — but Piso sent an accusatory report about Germanicus to his father Tiberius. He should have known what was appropriate to the son of the princeps. He should have known, indeed, that hatred should not extend beyond the grave.³⁰ That he rejoiced in the death of Germanicus was also clear from the following evidence: wicked sacrifices were offered by him, his ships were decorated, and he re-opened the temples of the gods which had been closed in mourning

²³ Lines 29-70.

Note that only proconsuls are mentioned in the senatus consultum lines 24f.: ut in quamcumq(ue) provinciam venisset, maius ei imperium quam ei, qui eam provinciam proco(n)s(ule) optineret, esset; the governors appointed by Tiberius, the legati Augusti pro praetore, are left out.

Lines 38-40: quod neq(ue) ex mandatis principis nostri epistulisq(ue) frequentibus Germ(anici) Caesar(is), cum is abesset, Vononem, qui suspectus regi Parthorum erat, longius removeri voluerit.

Lines 46-47: iam pridem numine divi Aug(usti) virtutibusq(ue) Ti. Caesaris Aug(usti) omnibus civilis belli sepultis malis.

Lines 54-55: sed etiam donativa suo nomine ex fisco principis nostri dando.

Lines 55-56: quo facto milites alios Pisonianos, alios Caesarianos dici laetatus sit.

In Tac. Ann. 2.55.5 we find only that Piso allowed himself ut sermone vulgi parens legionum haberetur. The military slogan Pisoniani is absent from his account.

Lines 59-61: oblitus non tantum venerationis ... ceterum humanitatis quoq(ue), quae ultra mortem odia non patitur procedere.

for Germanicus. Finally, the messenger who told him of the death of Germanicus was given money.

Someone will perhaps ask where in the *senatus consultum* is the charge that Piso had poisoned Germanicus? The answer is simply that it is not there. The very word *venenum* is not to be found in the *senatus consultum*. Only at the beginning of the document is there a report that Germanicus, on his deathbed, had said that Piso was the cause of his death:³¹ this is Germanicus' own testimony, presented as a subordinate clause. And with this subordinate clause, the subject is finished. This accusation, which is so central in the literary tradition, is not repeated by the senate, and is nowhere mentioned as a basis for the sentence pronounced against Piso.³²

Nevertheless, even without this accusation, the list of crimes which the senate presents to the public is long. So it comes as no surprise that the final sentence is so harsh; there was no place for mercy. By committing suicide, Piso only avoided a much worse sentence.³³

In the light of all these crimes, it is surprising that Piso's son Marcus is granted full impunity even though he had accompanied his father to Syria and helped him while there. Even more surprising is the full mercy granted to Piso's wife Plancina, who was accused of serious crimes, gravissima crimina. Tiberius had intervened on behalf of both of them several times.³⁴ For Plancina, he was under pressure from his mother Livia, as the senatus consultum makes very clear. Both members of Piso's family were treated very mildly. The mildness is most apparent in the fact that the senate, having confiscated Piso's property, returned it to Piso's sons immediately after the condemnation of the father.³⁵

The whole weight of guilt is clearly concentrated on Piso *pater*. He is the only one formally found guilty. He had failed in every way: as a man, since he had acted counter to *humanitas*; as a Roman citizen, since people outside the empire had mourned the son of the princeps, while he showed no signs of grief; as the legate of Tiberius because he had acted in serious dereliction of duty; above all, against Tiberius, whose orders he had countermanded.³⁶ From the *senatus consultum* we have a very clear picture of the two opposing sides: on the one side Tiberius and Germanicus, who are in total harmony, since Germanicus follows both the example and the advice of his father; on the other side, Piso acting against both. This clear picture, without the smallest trace of doubt, is presented by the senate, which gives it permanent form in a *senatus consultum* and preserves it for present and future generations. Thus on 10th December 20 AD history was created.

Was this history written by the senate in order to present the facts as they occurred, or was this history written in order to present a case?

Line 28: quoius mortis fuisse caussam Cn. Pisonem patrem ipse testatus sit.

³² Tac. Ann. 3.14.1.

³³ Lines 71-73.

³⁴ Lines 7-10, 100-101, 111-120.

³⁵ Lines 85-86, 93, 102-103.

³⁶ Eck-Caballos-Fernández, 289ff.

Let us compare the *senatus consultum* with what Tacitus wrote a hundred years later.³⁷ At the same time we shall take an overall look at what the *senatus consultum* actually says — or deliberately refrains from saying.

Everywhere in Tacitus' account we sense his general mistrust of Piso. This could either be Tacitus' own mistrust, or a reflection of the mistrust shown by others. From the moment Tacitus begins to talk about Piso's appointment as governor, he refers to his violent personality, inherited, according to Tacitus, from his father, who was also unable to accept a subordinate position. He immediately makes it clear that Piso had no doubt that he had to go to Syria in order to act as a check on Germanicus' excessive ambition. This must mean that Tiberius was behind Piso's actions, and that he thought that someone was needed to act as a check on Germanicus. This close connection between Tiberius and Piso is a constant feature of Tacitus' reports. Tacitus makes this clear partly by referring to rumours, and partly by insinuations about the longstanding relationship between Tiberius and Piso. Some of these rumours develop into accusations against Tiberius and his mother, that they had put Piso and Plancina up to getting rid of Germanicus. Tacitus reports all this as rumour — fama. Tacitus reports all this as rumour — fama.

If we look at what actually happened in Syria, there are clear differences between what is written in the *senatus consultum* and what Tacitus writes. The conflict in Syria is depicted by Tacitus also in terms of Germanicus' aversion to Piso and his family. Tacitus underlines the involvement of Germanicus' friends, and their bad influence on him. They blew up Piso's remarks, and mixed truth with lies. This influenced Germanicus, so that he could not relate naturally to Piso when they met for the first time in the east, when Germanicus arrived from Armenia in the summer of 18. On the contrary: Piso was immediately aware of Germanicus' antagonism to him, his aggressive spurning of him, in spite of the fact that Germanicus tried to conceal it. Tacitus speaks of Germanicus' dissimulatio — dissimulation, a term which he uses elsewhere as a characteristic of Tiberius.⁴⁰ As a result, the meeting ended in disaster, and both left clearly hating each other. Tacitus makes it clear that the initiative for the deterioration of the relationship came more from Germanicus than from Piso.⁴¹

According to the *senatus consultum*, Piso did not remove Vonones far enough away from the borders of Armenia and Parthia to prevent his escape. Tacitus reports differently. According to him, after the intervention of the Parthian king, Germanicus himself exiled Vonones to a place from which he later escaped, and he did this to offend Piso, who had good relations with Vonones.⁴²

After his expedition to Egypt in 19, Germanicus also treated Piso with *contumelia*—contemptuously—by cancelling or countermanding all the orders which Piso had given as governor of Syria.⁴³ It is very likely that the orders which Germanicus gave, to the

See the juxtaposition now in R.J.A. Talbert, 'Tacitus and the Senatus consultum de Cn. Pisone patre', AJPh 120, 1999, 89ff.

³⁸ Tac. Ann. 2.43.2-4.

³⁹ Tac. Ann. 2.43.4, 72.1, 82.1.5; 3.3-6, 10.2, 15.1, 16.1.4, 17.1-2.

⁴⁰ G. Zecchini, 'La tabula Siarensis et la "dissimulatio" di Tiberio', ZPE 66, 1986, 23ff.

⁴¹ Tac. Ann. 2.57: discesserunt apertis odiis.

Tac. Ann. 2.58.1-2: datum id non modo precibus Artabani, sed contumeliae Pisonis.

⁴³ Tac. Ann. 2.69.1.

army at least, had no legal basis, because the army in Syria was clearly under the sole command of Piso, not Germanicus. This regulation seems to have been a precautionary measure of Tiberius, in the light of his previous experience of Germanicus on the Rhine front. The legions in 14 AD had wanted to acclaim Germanicus as emperor, instead of his father. The princeps knew well the influence Germanicus had over the army. That Germanicus had no actual command over the troops in Syria is clear from what took place in the early summer of 18. Germanicus was in Armenia, and instructed Piso to send troops to him there. Piso, however, did not do this — but his inactivity had no consequences. This is also not mentioned in the *senatus consultum*. This can only be understood if Piso was told by Tiberius not to give Germanicus any troops. When Germanicus, in the summer of 19, gave orders to the troops in Syria, he obviously overstepped his mandate. But even though Germanicus was the formal superior of Piso, a general cancellation of the governor's orders in his own province was a real affront to his position. This was obviously Germanicus' intention.

At the peak of the crisis of relations between these two, in late summer 19, Germanicus made a formal *renuntiatio amicitiae* — renunciation of friendship with Piso. That meant that Piso, who had been made *adiutor* of Germanicus by Tiberius, could no longer carry out this function. Tacitus provides us with yet another important piece of information: there were many reports that Germanicus actually ordered Piso to leave the province.⁴⁵ This was not only a formal renunciation of *amicitia*, but, by making it, he usurped an authority that belonged to Tiberius alone.

Piso was his legate, not Germanicus'. Only Tiberius could order him to leave the province, Germanicus could not. Germanicus had obviously overstepped his mandate. Tacitus makes a direct connection between the *renuntiatio amicitiae* and Piso's leaving the province; the *senatus consultum* separates the two events. Leaving the province is denounced in the *senatus consultum* as an example of bad behaviour on Piso's part. There is no trace in the senate's account of the possibility that Germanicus may have caused Piso's leaving of the province, or that he may have been personally responsible for this. But for the events which followed, Piso's enforced exit from the province was of the utmost importance.

However, the most important differences between the *senatus consultum* and Tacitus are centered on the main point, the reason why Piso was finally found guilty: the incitement to civil conflict. According to the *senatus consultum*, Piso had to force Roman soldiers to fight each other. He terrorised his soldiers by using the death penalty, without listening to his legal advisors and without pronouncing formal sentence. We have to conclude from this that when Piso decided to return to his province, he had also made a deliberate decision to incite civil war. He therefore forced the soldiers to follow him, although — according to the *senatus consultum* — they did not want to.⁴⁷ Tacitus reports something very different. Straight after the death of Germanicus, centurions from the Syrian army met Piso on the island of Cos, where he was staying on his way from

⁴⁴ Tac. Ann. 2.57.1: (Piso) qui iussus partem legionum ipse aut per filium in Armeniam ducere utrumque neglexerat.

⁴⁵ See above n. 4.

Lines 27-28: renuntiatio amicitiae; 47-49: leaving the province.

⁴⁷ Lines 45-52.

Syria to Rome. These centurions persuaded him to go back to take up his command over Syria, from which he had been wrongfully driven out. The legions in Syria, according to the centurions, were only waiting to be under his command once more.⁴⁸ Piso must have got the impression that he had only to return, and everything would be as it had been before. He could not have expected that it would be necessary to fight or that there would be civil war.

This scenario fits the facts better, and goes with what we know of Piso as a clever politician. He never demonstrates an irrational or radical position in the senate, although he freely expresses his opinions vis à vis Tiberius. ⁴⁹ He knew very well that it was impossible for Roman troops to fight each other under the principate and that this would mean civil war. He would have been a fool if he had not taken this basic principle of early imperial policy into account. But Piso was not a fool. Tacitus reports that he had even written to Tiberius, to tell him of his intention before he returned to Syria. ⁵⁰ It is incomprehensible that he should do this if it had been clear to him that it would lead to civil war, as this was something that Tiberius simply could not accept. Piso must have seriously misinterpreted the situation. When he realised at the Syrian border that the legions were not prepared to join him, it was already too late. His fate was sealed.

In the senatus consultum there is no trace of this situation; there, everything is clear and unambiguous. Piso intends civil war and forces the event. The senate had only to keep quiet about certain facts which it knew, and to put its own interpretation on others. In this way they had the case they needed to condemn Piso. This is also true of other accusations in the senatus consultum, quite apart from the formal charges. The senate underlines the fact that Piso had sent Tiberius a letter, after the death of Germanicus, with charges against Germanicus.⁵¹ According to Tacitus, and according to general probability, in this letter he reported, from his own point of view, the behaviour of Germanicus in Syria, which could even be described as rebellious towards Tiberius. Piso naturally reported how Germanicus had not allowed him to carry out his duties, and that Germanicus had sent him away from the province, an action which was outside his mandate.⁵² Piso had no reason to spare Germanicus. Why should he? But even a simple, objective report about these events could be seen as an affront after the death of the prince, and could be used accordingly. We only have to think of London in 1997 when it was almost dangerous to talk critically about Lady Diana's extravagance, or, even more cynically, about what has been called her 'welfare tourism', her journeys to Third World centres of poverty and deprivation with convenient stops to be photographed for television all over the world. This was also the situation in Rome. Piso's report, presumably factual, at least from his point of view, was seen as an inhuman offence to the dead.

Even everyday social custom could be used against Piso. A messenger bringing any sort of report was always rewarded with money. In Piso's case, this normal action in

⁴⁸ Tac. Ann. 2.76.1: adfluebant centuriones monebantque prompta illi legionum studia: repeteret provinciam non iure ablatam et vacuam.

⁴⁹ Tac. Ann. 1.74.5; 2.35.1.

Tac. Ann. 2.78.1: curam exercitus eadem fide, qua tenuerit, repetivisse.

⁵¹ Lines 58-61

Tac. Ann. 2.78.1: seque pulsum, ut locus rebus novis patefieret.

paying the messenger who brought the report of Germanicus' death was used as evidence to condemn him for cruel rejoicing at his enemy's death.⁵³

General considerations, and Tacitus in particular, give a very different picture of the relations between Germanicus and Piso in Syria, and of Piso's behaviour after Germanicus' death. This behaviour is by no means unambiguous, and often indeed open to different interpretations, but many facts or plausibilities make it probable that Piso acted properly, at least from his point of view. Germanicus had contributed — even actively — to increasing the tensions. He had overstepped the boundaries of his mandate, just as he had done when he travelled to Egypt in the spring of 19, disobeying the Augustan regulations, which forbade any of the ruling classes to enter Egypt without the authorisation of the princeps. Germanicus had done this *consciously*, and Tiberius accordingly reprimanded him severely.⁵⁴ This is a clear sign that Tiberius did indeed have good grounds to use Piso to hold Germanicus in check in the East. Piso had this mandate, and behaved accordingly.

This constellation — the very close ties between the emperor and Piso, and also the possibility of criticising Germanicus — would have worked, if Germanicus had not died, and if Piso had not tried to return to his province by force. But the combination of these events changed the rules. The dead man could no longer be criticised — at least in public — and Tiberius had to drop his legate in Syria for essentially political considerations. Civil war, in the form of Romans fighting Romans, could not be — could not be allowed to be — an option in politics, for it threatened the very basis of imperial power.

No less importantly, Tiberius himself came under considerable pressure in Rome, less from the senate than from the public. The public was as convinced as before that Germanicus' death was no accident. Piso was unquestionably guilty, but Tiberius was behind him. Proofs seemed manifold. After Agrippina arrived in Italy, at the beginning of 20, with Germanicus' ashes, every eye was on Tiberius, to see how he behaved in public. 55 And Tiberius' behaviour in no way lived up to their expectations. The princeps was too reserved; he did not appear in public; he did not demonstrate any sorrow at the loss of his son, so beloved by the people. He refused to participate in the hysterical public grief. The people could not forgive him, and some members of the senate thought no differently from the plebs. This was proof enough for them that he did not feel any sorrow, that he rejoiced, and had even wanted Germanicus' death. This belief was strengthened when Piso failed to return to Rome for a long time in order to stand trial. Only in October of the year 20, almost twelve months after Germanicus' death, did he arrive in Rome. Tiberius, in his opening speech, made it very clear that he wanted a

Lines 65-66: quod dedisset congiarium ei, qui nuntiaverit sibi de morte Germanici Caesaris.

Tac. Ann. 2.59.2: Tiberius ... acerrime increpuit, quod contra instituta Augusti non sponte principis Alexandriam introisset.

⁵⁵ Tac. Ann. 3.3.

See H.S. Versnel, 'Destruction, *Devotio* and Despair in a Situation of Anomy: the Mourning of Germanicus in a Triple Perspective', in *Perennitas. Studi in onore di A. Brelich*, ed. G. Piccaluga, Rome 1980, 541ff.

The *senatus consultum* names 10 December of the year 20 as the day on which the senate's decision was issued. Everything in the text implies that the text as we now have it was drawn up as soon as the trial was over, that is, towards the end of November or the

fair trial for Piso, who however was already as good as guilty in the eyes of the public. The emperor even suggested that Germanicus himself could have contributed to the fateful outcome. Thus it was obvious to those who thought that they were in the know that Tiberius and Piso were acting in concert. Both of them were — secretly — in league with each other against Germanicus, and Livia and Plancina were together against Agrippina.

In Rome there were riots of the plebs against Piso, whose statues were overthrown before the end of the trial; this emotion was also directed against Tiberius. Of course, this did not result in an anti-monarchist movement as in Britain in 1997; there was no viable alternative. But the senate, or rather prominent speakers in the senate, realised that the plebs was creating a problematic and dangerous situation, and that they had to do something about it. The public in Rome and the provinces, and the army, had to be shown that Germanicus had been avenged, and that there had been no dissent at all between Tiberius and Germanicus. Accordingly they formulated the senatus consultum. Germanicus had always done what Tiberius wanted, so that Piso had acted, not against Germanicus, but in reality against Tiberius.⁵⁹ Why then should the princeps have protected his antagonist - nay, his enemy? On the contrary: he himself had been very much injured by Piso. The death of Germanicus had affected Tiberius even more than anyone else, and still did so, up to that very day. The senate did not merely pronounce sentence on Piso; it also, with considerable emphasis, in a long gratiarum actio, thanked all the members of the imperial household for their part in the Germanicus-Piso affair, and above all Tiberius himself.60 His behaviour had been exemplary. He had mourned as nobody else, so much so that he had almost forgotten his main function, to take care of everyone else. The senate begged him to end his mourning, and to appear once more in public.61 Furthermore, the senate declared that all classes of society, above all the

beginning of December of the year 20 — not, as has hitherto been deduced from combining information found in Tacitus with information from the Fasti Ostienses, before 28 May of the year 20 (see Eck-Caballos-Fernández, 109ff.). Nevertheless, M. Griffin (*JRS* 87, 1997, 249ff.) and D. Potter (*JRA* 11, 1998, 437ff.) give preference to Tacitus' dating in their respective reviews of Eck-Caballos-Fernández. I have one methodological point to add to A. Yakobson's lucid and convincing riposte published in this journal ('The Princess of Inscriptions: *Senatus consultum de Cn. Pisone patre* and the Early Years of Tiberius' Reign', *SCI* 17, 1998, 206ff.): one must first refute all the evidence from a contemporary document that favours a date for the trial in the weeks immediately before 10 December 20, before falling back on the Tacitean dating. Nothing of the sort is done in the two reviews just mentioned. The possibility that Tacitus, for whatever reason, made such a 'mistake' cannot be excluded out of hand.

Tac. Ann. 3.12. Tiberius' remarks, it may be suggested, go back to the information sent him by Piso.

⁵⁹ See Eck, 'Die Täuschung der Öffentlichkeit' (n. 1), 144.

⁶⁰ Lines 123-151.

Lines 123-126: item cum iudic<ar>et senatus omnium partium pietatem antecessisse Ti. Caesarem Aug(ustum) principem nostrum tant i et tam aequali<s> dolor i se eius indiciis> totiens conspectis, quibus etiam senatus vehementer motus sit ...; lines 130-132: quo nomine debere eum finire dolorem ac restituere patriae suae non tantum animum, sed etiam voltum, qui publicae felicitati conveniret.

equites and the plebs, had been of one mind with the princeps, united in the grief they felt at the injustice done to the princeps and his son.⁶² The senate proclaimed concordia and consensus. The fact that the death of Germanicus had opened the way for wide dissension was plastered over with many fine words.

All this, the trial and sentence of Piso, and the thanks to the *domus Augusta* and to politically relevant groups, was collated in one *senatus consultum*, which was published in the provinces and in army camps. This *senatus consultum* did not try to give an objective report of what really happened, but deliberately created its own picture of events. People reading or hearing the text would not get raw material for the formation of their own opinion, but were fed the senate's version of how to understand the events. The senate left no ambiguities, but gave a clear assertion which was not to be doubted.

However, we can now see just how the senate deliberately manipulated the affair, and then published its own version of it.⁶³ Cassius Dio, who wrote his *Roman History* at the beginning of the 3rd century, underlines how difficult it was to write history under the new conditions of a monarchy, when he reports on the year 27 BC, the year when officially the principate began.⁶⁴ He has serious doubts about the possibility of giving any sort of trustworthy report about what happened. The main difficulty, he finds, is in the unreliability of the information made available to the public. It is almost impossible to know whether something is true or not. On the contrary, all words and deeds reported were phrased according to the wishes of the emperor. Everything that had happened was accessible only in a version which did not correspond to the facts. He knew this from his own experiences in the senate, under Commodus and Septimius Severus. Dio thus writes that he intends to present everything in accordance with what was published, regardless of whether things had actually happened differently.

Cassius Dio is extreme and one-sided. Naturally, not everything emperor and senate made public was necessarily distorted. However, his main insight is important, namely that the public could be deliberately deceived for political ends. Before the publication of the *senatus consultum* in 1996, we had no way of telling, from any actual case, how far events were deliberately and with official sanction manipulated and falsified, in order to mislead both contemporary and future readers, and to create history. ⁶⁵ We were unable to tell how far the senate, led by a few of its members, participated in this manipulation. This is the most important new insight derived from the discovery of this *senatus consultum*.

But a historian living in the imperial period was under normal conditions entirely dependent on information of the type provided by this *senatus consultum*, as Cassius Dio himself makes very clear. And if he, or other historians, used this sort of document in order to write their histories, we, who are dependent on them, are necessarily also

⁶² Lines 151-165.

Of course only the comparison with Tacitus' text makes this possible; from the text of the senatus consultum alone no such conclusions could have been drawn.

⁶⁴ Cassius Dio 53.19.1-4.

Eck-Caballos-Fernández (n. 1) 289ff. Pliny the Younger's *Panegyricus* is yet another example of how reality could be adroitly manipulated by a member of the senate. Alas, no full account from another source exists to expose Pliny's manipulation of the evidence, which therefore can be detected only occasionally.

misled, as the Roman public in the year 20 were misled or at least as they were intended to be led astray. And indeed we should have been misled too, at least partly, had we this single official document as our only source. Only because Tacitus' full report about this incident is preserved can we see that the senate's report, signed and sealed by Tiberius, ⁶⁶ is only a half-truth, and that some facts are suppressed, others distorted.

How then did Tacitus come by his information? He was not a contemporary, but wrote one hundred years later. Of course, there can be no doubt that he used the work of earlier historians.⁶⁷ But these were in the same situation as the later historian; they were also confronted with the official version of events. How, for example, could they know that Germanicus had overstepped his mandate in Syria or that the atmosphere had been poisoned by Germanicus' friends, or that centurions of the legions in Syria had taken Piso's side? How could they know that the accusation of poisoning had been refuted? Indeed, for all the rest of the historical tradition, the poisoning is an undoubted fact.⁶⁸ Where could a tradition so favourable to Piso have been preserved, for Tacitus to find and oppose to the published version?

Immediately after the trial, the version favourable to Piso could not have become part of the historical tradition. This would have meant that the senate's final sentence was at least in part wrong, or that it was a deliberate falsification. It would also have made Tiberius responsible for this falsification. Even after Tiberius' death it was impossible to rehabilitate Piso: Caligula, his successor, was Germanicus' son. The next emperor, Claudius, was his brother, and Nero was his grandson, on his mother's side. Germanicus' name had a prominent place in Nero's filiation, in public documents and inscriptions. In such circumstances, it was almost impossible to take Piso's side and tarnish the shining image of the prince. Where could such a counter-tradition as Tacitus found have been preserved?

Ronald Syme, the late Oxford historian, always claimed that Tacitus must have made systematic use of the archive of the senate, especially in the first six books of his *Annals*, where he writes about the reign of Tiberius.⁶⁹ Quite a number of philologists, and historians as well, have been very sceptical about Syme's view, and others have rejected it out of hand.⁷⁰ But the finding of this *senatus consultum* demonstrates quite clearly that Tacitus must have gone through the senate's archives systematically.⁷¹ There he

His subscriptio in lines 174-176 reads: Ti. Caesar Aug(ustus) trib(unicia) potestate XXII manu mea scripsi: velle me h(oc) s(enatus) c(onsultum), quod e<s>t factum IIII idus Decem(bres) Cotta et Messalla co(n)s(ulibus) referente me scriptum manu Auli q(uaestoris) mei in tabellis XIIII, referri in tabulas pub<l>icas.

⁶⁷ See in detail Sage (n. 9) 997ff.

⁶⁸ Plin. NH 11.187; Suet. Tib. 52.3; Cal. 1.2; 2.1; 3.3; Jos. AJ 18.54; Cassius Dio 57.18.9.

R. Syme, *Tacitus* I, Oxford 1958, 271ff.; idem, 'Tacitus: Some Sources of his Information', JRS 72, 1982, 68ff. esp. 72ff. = Roman Papers IV, Oxford 1988, 199ff., esp. 207ff. Cf. also F.R.D. Goodyear, *The Annals of Tacitus. Book 2*, Cambridge 1981, pp. 136, 352.

See above all A. Momigliano, The Classical Foundation of Modern Historiography, Berkeley 1990, 110ff.; D. Flach, Tacitus in der Tradition der antiken Geschichtsschreibung, Göttingen 1973, 71; idem, 'Die taciteische Quellenbehandlung in den Annalenbüchern XI-XVI', MH 30, 1973, 88ff., particularly 101; B. Levick, Tiberius, the Politician, London 1976, 222; cf. Woodman-Martin (n. 7) 114ff.

Eck-Caballos-Fernández, passim, esp. 293ff. Cf. also M. Griffin, JRS 87, 1997, 258ff.

would have found the opening speech of Tiberius, as well as the orations of the defence and the prosecution, the sentence proposed by one of the consuls, and the interventions by Tiberius which led to Marcus Piso and Plancina escaping the penalty. In a word: in the archive of the senate Tacitus must have found, as in some vast treasure trove, all the sides who participated in the trial: the positions against Piso and for Germanicus, but also for Piso and against Germanicus. Naturally the defenders had to tarnish the image of the prince during the trial, and this must have been recorded in the protocol. Tacitus did not withhold what he found, nor did he hide the conclusions he drew from his findings. Of course, he did not completely rewrite the traditional account of Piso and Tiberius and the trial, and he allows it to be assumed that he regards the 'conspiracy' against Germanicus as a possibility, even as a probability. But now that we can compare his report with the official version, his stresses, his detailed and carefully differentiated factual reports, become exceptionally meaningful; in fact it is only now that we notice them for what they are. We can see what really happened on various levels, and in this way our picture of what happened is more likely to be a true one. This has become possible because Tacitus used not only the senatus consulta which were published at the end of the trial but also the unpublished proceedings in the senate's archives in his attempt to understand what happened. Thus all the sides participating in the trial can be heard.⁷² Since not only the senatus consultum has survived, but also Tacitus' Annals, the implicit impartiality of the historian has triumphed over the political message of the senate.⁷³ After 2000 years, the senate has not succeeded in deceiving the public.

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In the city of Rome only the individual senatus consulta mentioned in lines 169f. were displayed on bronze tablets; the content of the individual decrees was later combined and reproduced in the single composite senatus consultum which has reached us. The latter was published officially by decree only outside Italy. It is thus pointless to speculate with Woodman and Martin (n. 7) 115f., whether or not Tacitus could have read our senatus consultum somewhere in Rome. Hoc senatus consultum (cf. line 170), was not displayed in public in Rome and could be read only in the Senate's archive. Lebek (n. 7) 183ff. altogether denies that Tacitus was acquainted with our senatus consultum. This, however, is irrelevant: Tacitus had all the material deposited in the senate's archive at his disposal, all of which he would use as a corrective to an account of the trial and its antecedents that by his time was deeply entrenched, but all too one-sided. Reducing the discussion to hoc senatus consultum alone does not do it full justice.

Even if achieving impartiality with regard to the Germanicus affair was only an unintended by-product of the historian's quest. G. Zecchini ('Regime e opposizioni nel 20 d.C.: dal S.C. "de Cn. Pisone patre" a Tacito', in *Fazioni e congiure nel mondo antico*, ed. M. Sordi, Mailand 1999, 309-35) goes too far in thinking that in Eck-Caballos-Fernández it was suggested that Tacitus' 'scopo primario' was to achieve and demonstrate objectivity in regard to Germanicus. Nowhere is that said, nor could it be. But it is the case that in his effort to let everyone have his say, Tacitus' objectivity got the better of his aversion to Tiberius. It is precisely here that the historian's 'objectivity' is to be found. On the other hand I find the claim that the *senatus consultum* is 'meno squilibrato di quel che si potrebbe aspettare' (Zecchini, p. 334), quite astounding: the one-sided hostility towards Piso is brutal and manifest throughout; one wonders in fact how it could have been made *più squilibrato*.