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Thomas E. Strunk
Xavier University - Cincinnati

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SAVING THE LIFE OF A FOOLISH POET: TACITUS ON MARCUS LEPIDUS, THRASEA PAETUS, AND POLITICAL ACTION UNDER THE PRINCIPATE

THOMAS E. STRUNK

Abstract: This paper explores Tacitus' representation of Thrasea Paetus. Preliminary to analyzing this portrayal, I discuss two passages often cited when exploring Tacitus' political thought, *Agricola* 42.4 and *Annales* 4.20. I reject the former's validity with regard to Thrasea and accept the latter as a starting point for comparing Tacitus' depictions of Marcus Lepidus and Thrasea. Tacitus' characterizations of Thrasea and Lepidus share the greatest resemblance in the trials of Antistius Sosianus and Clutorius Priscus, both of whom wrote verses offensive to the regime. Thrasea and Lepidus both came to the defense of their respective poet in an attempt to spare the poet's life. In light of these trials, I conclude that Tacitus sought to reclaim the legacy of Thrasea and to cast him anew as a principled moderate rather than a reckless dissident.*

In the consulship of Gaius Suetonius and Luccius Telesinus, Thrasea Paetus, in the company of a philosopher friend, his son-in-law, and the consul's quaestor, opened his veins and offered his blood as a libation to Jupiter the Liberator. Thrasea, the son-in-law of the condemned dissidents Caecina Paetus and Arria the Elder, had championed the cause of the senate, which he had wished to restore to its traditional *libertas*.¹

* I would like to thank Drs. James G. Keenan, Jacqueline Long, and John Makowski who read and offered insightful comments on various drafts of this paper. A version of this paper was delivered at the 2004 APA conference in San Francisco where I also received helpful comments from the other presenters and audience members.

¹ Caecina Paetus and Arria the Elder committed suicide in the aftermath of the failed revolt against Claudius led by Camillus Scribonianus in AD 42. Lacking the account of Tacitus, the events surrounding the rebellion are obscure, though see Tac. *Hist.* 1.89, 2.75; *Ann.* 12.52; Plin. *Ep.* 3.16; Suet. *Claud.* 13.2, 35.2; Dio Cass. 60.15–16. Thrasea married their daughter Arria the Younger and took the unusual step of adopting his father-in-law's cognomen.

Thrasea's challenges to Nero's authority that arose from advocating the rights of the senate resulted in his conviction on charges of treason, and he faced the same penalty as his parents-in-law and many dissidents under the Principate, a death of his own choosing.

The *Annales* break off just before Thrasea dies, robbing us of Tacitus' final thoughts on him: quite a loss given Tacitus' propensity for summative obituaries. Into this lacuna, scholars have stepped, striving to shed light on Tacitus' interpretation of Thrasea's life. Broadly speaking, two interpretations prevail: Tacitus represents Thrasea either as an intractable idealist who refused to acknowledge the realities of the Principate, thereby violating the author's sense of moderation; or alternately as the defender of senatorial *libertas* condemned unjustly by the tyrant, thereby warranting Tacitus' admiration.² This paper seeks to buttress the arguments of the latter, first by examining two passages often cited as evidence for Tacitus' view of Thrasea as an extremist, and then by exploring Tacitus' representation of Thrasea and his affinity with Marcus Lepidus, the Tiberian senator who receives Tacitus' undiluted praise. I shall argue that Tacitus did not depict Thrasea as a reckless adversary of the *princeps* who died as a martyr for an abstract cause, but rather as a thoughtful dissident whose persecution revealed the extremism and decadence of the Neronian principate.

AGRICOLA 42.4 AND ANNALES 4.20

Two passages from Tacitus' corpus are invariably raised in discussions of Tacitus' political thought and his interpretation of Thrasea: *Agricola* 42.4 and *Annales* 4.20.³ Although *Agricola* and Lepidus, not Thrasea, inspire these passages, it is best to address them at the outset.

Near the close of the *Agricola*, Tacitus seeks to justify the political career pursued by *Agricola* as a legitimate alternative to that pursued by the martyrs (42.4):

² For Thrasea as an intractable idealist, see Baldwin 70–81; Furneaux, vol. 2 80, 293–94; Ginsburg 539; Murray 59 n. 105; Oakley 190–91; Ogilvie and Richmond 296–97; Rutledge 118; Sailor 10–35; Shotter (1991) 3270–71, 3315, 3325; Stådele 110, 126–27; Walker 229–32. For Thrasea as the defender of *libertas*, see Benario 115–16; Heldmann 211–30; Percival 124–25; Martin (1981) 176–77, 186–87; Rudich 52–54; Syme (1958) 558–62; Wirszubski 138–43.

³ See most recently Oakley 190–94; Sailor 11–33.

sciant, quibus moris est illicita mirari, posse etiam sub malis principibus magnos viros esse, obsequiumque ac modestiam, si industria ac vigor adsint, eo laudis excedere, quo plerique per abrupta sed in nullum rei publicae usum ambitiosa morte inclaruerunt.

Let those know, for whom it is accustomed to wonder at illicit acts, that even under bad *principes* it is possible for there to be great men, and that compliance and discretion, if hard work and vigor accompany them, bring men to the same level of praise as that achieved by many who through steep paths have grown famous by a death ostentatious though of no use to the republic.

Though no one is mentioned by name, it would be difficult to argue that Tacitus is not referring to martyrs such as Thræsea and his circle.⁴ The passage provides a type of ring composition to the *Agricola*, as Tacitus had made mention of the martyrs at the opening of the work, where they are treated with some respect (2.1). Based on the passage at 42.4, Dylan Sailor has argued recently that Tacitus wrote the *Agricola* in part as a response to the hagiographic biographies of the martyrs.⁵ Unfortunately, those hagiographic biographies do not survive.⁶ In their absence though, we need to be careful not to substitute Tacitus' own historical writings as hagiographic comparanda for the *Agricola*.

There are inherent difficulties in applying a passage from the *Agricola* to Tacitus' portrayal of individuals in his historical works, particularly Thræsea. First there is a generic problem. The *Agricola* is attempting without a doubt to establish Agricola's career as a model that should be admired and emulated. Further, the *Agricola* is indeed competing with the biographies of the martyrs, and to do so Tacitus must critique them. Yet in the *Annales*, this is not Tacitus' purpose at all. To be certain, in the *Annales*, Tacitus does assign praise and censure upon individuals and institutions, but he is seeking to fit them into a broader, more complex historical narrative.

⁴ Baldwin 74–75; Ogilvie and Richmond 296–97; Shotter (1991) 3270–71, 3315, 3325–27; Walker 229–32.

⁵ Sailor 10–35. See also Ogilvie and Richmond 13–14.

⁶ For the rise of the genre of *exitus illustrium virorum*, see Pliny *Ep.* 1.17.3, 5.5.2, 8.12.4. Pliny's letter to Tacitus on his uncle's death during the eruption of Vesuvius provides a fine example of the genre. See further Marx; Sailor 12–13; Syme (1958) 297–98.

The chronological relationship between the *Agricola* and the *Annales* presents another difficulty. While I would not want to argue that Tacitus underwent a profound political conversion in the years intervening between the *Agricola* and the *Annales*, it is important to recognize that more than a decade, perhaps nearly two by the time he came to write of Thrasea, had elapsed between the publication of the *Agricola* and the *Annales*. Much had changed in the Roman world in that time, and even if Tacitus had not changed, his literary milieu certainly had. The *Agricola* was written and published when the memory of those who had died under Domitian was much contested. By the time Tacitus was composing the *Annales*, the prosperous and liberal reign of Trajan was well underway. It is hard to imagine that this passage of time had absolutely no influence on Tacitus' political and literary thought, which should give pause to those looking to use the *Agricola* for evaluating Tacitus' portrayal of individuals in the *Annales*.

One aspect of Tacitus' interpretation of Agricola and Thrasea that I believe must have matured in this intervening period is a greater appreciation for the difference in the careers of Agricola and Thrasea. If a reader were to look in the *Annales* for individuals to compare and contrast with Agricola, most likely one would not choose Thrasea, but rather military commanders such as Germanicus or Domitius Corbulo. In the *Annales*, and the *Agricola* for that matter, there appears to be a general distinction between military affairs and senatorial affairs. Military commanders such as Germanicus and Corbulo are rarely, if ever, portrayed in a senatorial setting; likewise senators such as Lepidus and Thrasea are seldom depicted outside the senate house.⁷ Military commanders and senators could both achieve fame and incur the anger of the *princeps*, yet the ways in which military commanders and senators won glory and came into conflict with the *princeps* seem to be clearly delineated in the *Annales*, providing few transferable lessons to the other arena. Thus, Tacitus can portray Corbulo (or Agricola) as a military

⁷ I do recognize that military and civil careers overlapped considerably; yet Tacitus seems to restrict most individuals whom he develops at any length to one of the two arenas. For example, we read very little of Germanicus' time in Rome (*Ann.* 2.51), while readers unfamiliar with Lepidus' career outside the *Annales* might be surprised to learn that he had once been a formidable military commander earning the *ornamenta triumphalia*. An exception to this distinction is Drusus, the son of Tiberius, who is portrayed both in military settings (1.16–30, 2.44–46) and in Rome (1.76, 2.51, 3.33–37).

commander whose successes on the battlefield represent a threat to the *princeps* (*Ann.* 11.19–20, 14.58). This is a rather different situation from that of Thrasea, whom Tacitus depicts as earning the enmity of the *princeps* for encroaching on his legal authority in Rome (14.48–49). Tacitus' portrayal of the advantages and pitfalls of each career appears more distinct than the passage from the *Agricola* may suggest. Seen from this perspective, it would seem rather inappropriate to compare the behavior and careers of Thrasea and Agricola, unless one were to argue more generally about what is the proper career for a Roman of the political class, the military or the senate.

The last point I would like to consider in arguing that Tacitus' remarks in the *Agricola* should not be applied to his portrayal of Thrasea in the *Annales* actually comes from the other passage often cited in discussions of Tacitus' view of Thrasea and proper political behavior, *Annales* 4.20. In book four of the *Annales*, Lepidus speaks in favor of decreasing the confiscation of Gaius Silius' property following his suicide (4.20.2).⁸ While other consuls were eager to join the prosecution or speak for greater confiscations, Lepidus bravely spoke for restraint and motioned to reduce the amount of the confiscation to the legal minimum, reserving the rest for Silius' family. For this act, Lepidus merits Tacitus' earnest praise (4.20.2–3):

hunc ego Lepidum temporibus illis gravem et sapientem virum fuisse comperior: nam pleraque ab saevis adulationibus aliorum in melius flexit. neque tamen temperamenti egebat, cum aequabili auctoritate et gratia apud Tiberium vigerit. unde dubitare cogor fato et sorte nascendi, ut cetera, ita principum inclinatio in hos, offensio in illos, an sit aliquid in nostris consiliis liceatque inter abruptam contumaciam et deforme obsequium pergere iter ambitione ac periculis vacuum.⁹

This Lepidus I consider to have been for his times a man dignified and wise, for he turned many things away from the harsh adulation of others towards the better. Nor did he lack judgment, since he thrived equally with influence and favor under Tiberius. Therefore, I am compelled to question whether it is by fate and the chance

⁸ For the distinct identities of Marcus Lepidus and Manius Lepidus, I follow Syme 1955.

⁹ Latin text for the *Annales* is from Koestermann 1965.

of our birth, as in other matters, that *principes* are inclined toward some and offended by others, or whether there may be something in our own designs which allows for us to travel a path between sheer defiance and degrading compliance free of ambition and dangers.

The similarities between *Agricola* 42.4 and *Annales* 4.20 are granted. Yet this passage actually undermines *Agricola* 42.4 in at least one regard. In the *Agricola*, Tacitus suggests there is something to be gained from *obsequium*, yet in the *Annales* Tacitus states that *obsequium* is degrading and should be avoided.¹⁰ I would not want to suggest that Tacitus no longer admired his father-in-law or thought that his achievements were not laudable, but it is important to recognize the discrepancy in the passages, particularly for an author who chose his words so carefully.

It is necessary to return to the present passage and Lepidus, the focus of Tacitus' admiration, for it too is often marshaled as an argument against Thrasea's conduct. Scholars have done so with some justification, for it does not contradict any of the arguments that were outlined above for discounting *Agricola* 42.4: the passage is from the same period and the same literary work, and moreover, Lepidus and Thrasea, as far as the *Annales* are concerned, operate in the senate of Rome.

In *Annales* 4.20, Tacitus seems to be suggesting that Roman senators had some control, and therefore responsibility, over their political actions, and with some wisdom they could act to benefit the state and moderate the senate and *principes*. To emphasize Lepidus' political wisdom, Tacitus bestows the descriptive *sapiens* upon him, making him the only individual Tacitus so styles.¹¹ He again remarks upon Lepidus' wisdom (*sapientia*) in his brief obituary for Lepidus, in which he also notes his *moderatio* (6.27.4).

For Tacitus, Lepidus clearly serves as an exemplum of moderation to his readers. Although Lepidus held the highest offices of the state and was even *capax imperii* (*Ann.* 1.13), he did not use that power to attack or endanger others. Instead he used his power and ability to mitigate the violence of the Principate. Throughout the *Annales*, Tacitus portrays Lepidus as an enthusiastic defender of those in need. In 20, he defended

¹⁰ Heldmann 221–22.

¹¹ Martin and Woodman 150. Tacitus uses the word two other times: Nero uses *sapiens* ironically to deride Seneca (*Ann.* 14.56.2); Maternus describes Vespasian as *sapientissimus*, though the usage here can also be read ironically (*Dial.* 41.4).

Cn. Calpurnius Piso against charges of poisoning Germanicus at a time when many others were finding reasons to decline the request of the beleaguered senator (*Ann.* 3.11.2). In the following year, Lepidus attempted to save the life of Clutorius Priscus; his oration is the first in the *Annales* by someone outside the imperial family in *oratio recta* (3.49–51).¹² He plays such a vital role for Tacitus in the Tiberian hexad that Ronald Syme writes, “Lepidus in the *Annales* is a bright serene character to be set against the vice or sloth, the corruption or the subservience of so many *nobiles*. But he is not merely that. He is Tacitus’ hero.”¹³

THRASEA LEPIDUS AND MARCUS PAETUS

Since Thrasea was condemned by the senate and *princeps* and compelled to commit suicide, while Lepidus died peacefully at an advanced age, we might expect to find that Tacitus constructed their characters in two radically different ways. Yet upon examination Thrasea appears similarly motivated to moderate the extremes of the *princeps* and senate. Similarities between Thrasea and Lepidus can be discerned even in *Annales* 4.20.2. Tacitus praises Lepidus for turning matters to the better (*flexit in melius*) in language rather similar to that used when he credits Thrasea with turning affairs to the public good during a speech in the senate on curbing the haughtiness of wealthy provincials (*quam occasionem Paetus Thrasea ad bonum publicum vertens*, 15.20.2).

Nowhere is the similarity more evident than in two analogous trials, in which a poet is charged with writing verses deemed offensive to the imperial family. In the earlier trial, Lepidus argued for clemency on behalf of Clutorius (*Ann.* 3.49–51); in the second, Thrasea did likewise for Antistius Sosianus (14.48–49). These two episodes in the *Annales* reveal much about Tacitus’ opinions on proper political action under the Principate, at least for the senate house.

Tacitus dramatically narrates Thrasea’s actions in the senate in 62 during the trial of Antistius, who was charged with *maiestas* by Cosutianus Capito, the son-in-law of Ofonius Tigellinus, for composing verses hostile to the *princeps*. Antistius had read the poems at the house of Ostorius Scapula, who, when pressed, denied hearing anything (*Ann.* 14.48.2). The consul designate, Junius Marullus, however, moved that

¹² Woodman and Martin 365.

¹³ Syme (1955) 33.

Antistius should be stripped of his praetorship and executed according to the *mos maiorum*. While all others were expressing their assent, Thrasea strongly opposed the resolution. Thrasea, after condemning the poet and praising the *princeps*, argued for the milder sentence of exile. He reasoned that the executioner and noose had been forgotten under an honorable *princeps* (*egregius princeps*, 14.48.3), and a senate freed from coercion (*nulla necessitas*). Thrasea ended his speech with the argument that by exiling Antistius rather than executing him the senate would provide an example of *publica clementia* (14.48.4), a phrase that is first attested here in Latin literature.¹⁴ The senate was swayed by Thrasea's arguments and voted to exile Antistius.

The consuls, however, refused to ratify the vote before consulting Nero, since they correctly foresaw a dispute with the *princeps*. Tacitus writes that the charge was brought against Antistius solely for the purpose of showcasing Nero's *clementia* (*Ann.* 14.48.2). It could be suggested that the senate knew of Nero's intention to pardon Antistius and that Thrasea's insistence on not voting to execute Antistius was an act of self-serving resistance. This view seems misguided in a number of ways. First, Tacitus' text does not supply the evidence to make the claim that anyone beyond the initial accusers knew of Nero's intentions. Further, the charge of *maiestas* was here being renewed, and given the charge's sordid history, one could reasonably argue that Thrasea showed great foresight in trying to nip its revival in the bud. Pliny the Younger writes that Thrasea advocated accepting three types of cases: those that involved one's friends, those where the accused was left defenseless, and those that would establish a precedent (*Ep.* 6.29.1).¹⁵ Surely the trial of Antistius would fall into the third category. Lastly, the logic could be turned on its head: if the *princeps* did not deem the accused worthy of execution, why then should the senate go through the degrading charade of sentencing him to execution?

Nero was backed into a corner and consequently experienced much consternation over the senate's deliberations and the actions of Thrasea. Since the *princeps* represented the virtue of *clementia*, Nero could not overturn the senate's decision, and he reluctantly recognized the sen-

¹⁴ Ginsburg 538 n. 32.

¹⁵ Pliny *Ep.* 6.29.1: *praecipere solitum suscipiendas esse causas aut amicorum aut destitutas aut ad exemplum pertinentes*. Pliny then adds that one should also accept cases that enhance one's *gloria* and *fama*, a motivation Pliny does not attribute to Thrasea.

ate's right to offer a mild sentence or even to acquit Antistius; the latter option was a feeble attempt by Nero to salvage the opportunity and appear more clement than the senate (*Ann.* 14.49.2). Tacitus conveys Nero's displeasure in the *princeps'* response, in which he uses the word *licentia* instead of *libertas* to refer to the power of the senate to decide the case (14.49.2).

Throughout the passage, Tacitus depicts Thrasea as skillfully exploiting the language of imperial ideology, *clementia* and *moderatio*, to courageously save the life of a fellow Roman. *Clementia* was a complex notion under the Principate, and this episode reveals a challenge over the ownership of the term. From the time of Caesar, whose famed *clementia* was dedicated a temple (Plut. *Vit. Caes.* 57.4; App. *Civ.* 106; Dio Cass. 44.6.4), the term could have connotations of tyrannical power, and at least was perceived as a virtue belonging to the *princeps* above all others, as demonstrated by its inclusion on the *clipeus virtutum* offered to Augustus in 27 (*Res Gest.* 34).¹⁶ Yet the concept also had less autocratic antecedents as demonstrated by Cicero's claim to the virtue (*Cat.* 1.4.13–14; *Att.* 5.16.3). In the trial of Antistius, Thrasea was seeking to wrest control of *clementia* away from the sole possession of the *princeps* and to create a parallel public virtue, as shown by Tacitus' use of the phrase *publica clementia* (*Ann.* 14.48.4). Thrasea's re-appropriation of *clementia* from the *princeps* to the senate put to the test some of the foundational tenets of the Principate and imperial ideology, namely that the senate was free to deliberate as it chose, and that the *princeps*, the embodiment of all virtues, protected its lofty deliberations from a respectable distance. Thrasea's actions challenged the senate and the emperor to recognize the dissonance between ideology and actual practice, for in reality the senate rarely decided matters without the consideration of the *princeps*, who possessed virtues and vices oft-times in unequal measure. The consuls' hesitancy to ratify the vote of the senate revealed explicitly that the senate was not free to debate as it chose, and that the *princeps* did not want free deliberation in the senate, but rather manipulated proceedings that resulted in the glorification of the *princeps*. To be certain, this was a radical maneuver by Thrasea, but Tacitus' decision to include this episode in his history, which he did not need to do, as its absence from our other sources demonstrates, may reveal more about his own political thought and literary designs. Thus, it is really Tacitus, not Thrasea,

¹⁶ For a recent discussion of *clementia*, see Konstan.

who highlights the contradictions of imperial ideology by narrating the episode in such a way as to suggest that the senate could practice the virtue of *clementia* as well.

Tacitus comments at the end of Thrasea's speech that he inspired the senate to act with a sense of independence rather than the customary servitude: *libertas Thraseae servitium aliorum rupit* (*Ann.* 14.49.1). Tacitus portrays this new-found *libertas* in stark contrast to the *adulatio* of Aulus Vitellius, *adulatione promptissimus*, who during the proceedings harassed each best man, *optimus quisque*, who supported Thrasea and the vote for clemency. Tacitus' mention of the *adulator* and future *princeps* is consistent with how he frequently contrasts the independent behavior of Thrasea with the sycophancy of other senators, thereby highlighting the actions of each (13.49, 14.12).

Tacitus' narrative of the case of Antistius is closely mirrored in a case under Tiberius in 21 involving Lepidus and the poet Clutorius Priscus, who composed a poem commemorating the life and death of Drusus Caesar (*Ann.* 3.49–51). Clutorius, who had prematurely written the poem while Drusus was ill, could not keep quiet about his poem although Drusus recovered, and he unwisely recited it at a banquet.¹⁷

Tacitus' narration of the two cases is marked by a strikingly similar framework. Both Clutorius and Antistius were charged with composing verses considered disrespectful and dangerous to the imperial family (*Ann.* 3.49.1, 14.48.1). In both cases the verses were read at a dinner party. When confronted by the informer, the witnesses agreed with the accusations except for one courageous individual (Vitellia/Ostorius Scapula) who denied hearing anything (3.49.2, 14.48.4). The matter was brought before the senate, and a motion was put forth by the consul-designate (Haterius Agrippa/Junius Marullus) to execute the poet (3.49.2, 14.48.4). Just as the entire senate was about to assent to the motion, a voice for clemency was heard from the crowd (3.50.1, 14.48.5).

Tacitus portrays Lepidus and Thrasea as arguing for clemency with remarkable similarity. They condemned the misguided behavior of their respective poets (*Ann.* 3.50.1, 14.48.3), and they also lavishly praised the *princeps* for his *moderatio* and *clementia* (3.50.2, 14.48.4). Citing the clemency of their ancestors and the disappearance of the prison,

¹⁷ Dio Cassius (57.20.3–4) records a brief account of the trial, which follows the outline of Tacitus' account but omits mention of Lepidus.

noose, and executioner (*neque carcer neque laqueus*, 3.50.1; *carnificem et laqueum pridem abolita*, 14.48.4), both men suggested a lighter punishment, exile instead of execution (3.50.5, 14.48.4). The more moderate sentence was politically dangerous and was not readily accepted. The majority of the senate favored the motion of Thrasea, but the consuls refused to authorize the decree before writing to the *princeps* (14.49). In the case of Lepidus, only one consular, Rubellius Blandus, voted for exile (3.51.1). The risk that Lepidus ran by opposing the execution of Clutorius should not be underestimated. While Tiberius was outside Rome, his son Drusus was overseeing activities in Rome and did not see fit to intervene by virtue of his *tribunicia potestas* or even to suggest clemency for Clutorius.¹⁸ It is important to note, therefore, that Tacitus' words at 4.20.2–3 are not equivalent to a passive acceptance of political events, but rather suggest an engagement in public affairs that involved both skill and risk.

The cases differ in several meaningful ways. Most significantly Thrasea succeeded where Lepidus failed. Clutorius was quickly rushed off to jail and executed, while Antistius was exiled rather than executed (*Ann.* 3.51.1, 14.49.3). Lepidus was unsuccessful in convincing his fellow senators (3.51.2), whereas according to Tacitus, Thrasea managed to break through the *servitium* of his colleagues and inspired them by his demonstration of *libertas* (14.49.1). There is also a contrast in the emperors. Tiberius was away in Campania, while Nero was actually present in the city and corresponded by letter with the senate during the trial of Antistius. Since Lepidus failed to persuade the senate to vote for clemency, Tiberius' own opinions on the proceedings are much more difficult to discern, unlike Nero's, about which Tacitus fairly explicitly writes that the offense was clear, *offensione manifesta* (14.49.3). Tacitus reports that Tiberius responded with his customary ambiguity, *solitis sibi ambagibus*, once he learned of Clutorius' execution, praising Lepidus but not chastising Agrippa, who brought the charge, and lauding the senate's *pietas* for avenging the injuries against the *princeps* (3.51.1). Tacitus writes that although a senatorial decree was passed granting a delay of execution for future cases, the senate did not have the freedom to be lenient and Tiberius was not inclined to be softened by the interval, *sed non senatui libertas ad paenitendum erat, neque Tiberius interiectu temporis mitigabatur* (3.51.2).

¹⁸ Shotter (1969) 15.

Despite these differences, scholars have emphasized with good reason the unmistakable resemblances.¹⁹ Robert S. Rogers traces a “genealogy of rhetoric” from Sallust’s account of the senatorial debate on the Catilinarians in 63 BC to Lepidus’ speech in AD 21 to Thrasea’s speech in AD 62.²⁰ Judith Ginsburg sees Tacitus’ account of Clutorius’ trial as alluding to Sallust’s passage on the debate over the Catilinarian conspirators in order to show the ineffectiveness and impotence of the senate under the Principate in contrast to its counterpart under the Republic, while the trial of Antistius thus alludes to the trial of Clutorius in order to stress the change in emperors and the Principate.²¹ Yet whether Tacitus’ technique is seen as through a genealogy of rhetoric or as allusion, there still remains the question of why Tacitus portrays the actions of Thrasea as evoking so clearly those of Lepidus.

Modern scholars have rightly accepted Tacitus’ portrayal of Lepidus as a moderate and generally consider Lepidus among the most admired by Tacitus for his caution and restraint.²² Typical is D. C. A. Shotter, who commenting on Lepidus’ actions in the trial of Clutorius writes,

The tenor of Lepidus’ argument is based on commonsense, a desire to preserve the life of a man who presented little, if any, real danger, and to prevent the senate committing an error it might regret...it required courage to speak and act as he did, a point emphasised by the fact that he found only one supporter in the Clutorius Priscus trial. This was the difference between true service and political trimming.²³

¹⁹ Rogers; Martin (1981) 231; Ginsburg 539; Epstein 868–71; Woodman and Martin 357–59, 362–74.

²⁰ Rogers 716–17 provides the best outline of the similarities of the trials, along with the connections to Sallust’s senatorial debate over the Catilinarian conspirators (*Cat.* 50–53), which remain outside the scope of this paper. I should only note here that Thrasea, who so often is connected to Cato Uticensis, actually parallels the role of Caesar, another indication that Tacitus is creating a much more nuanced character than is often appreciated.

²¹ Ginsburg 529–35.

²² Haüssler 282; Shotter (1991) 3325; Sinclair 163–84; Syme (1955), (1958) 526; Walker 196; Wirszubski 166.

²³ Shotter (1991) 3325.

Given the similarities between Tacitus' account of the two trials, it would seem that Thrasea could be substituted for Lepidus in the above quotation. Yet, while Thrasea succeeded where Lepidus failed in saving the life of a Roman citizen, Thrasea's actions have been disparaged by modern scholars. Shotter, who above praises the courage of Lepidus for defending Clutorius, describes the actions of Thrasea, who saved Antistius' life, as having "achieved nothing."²⁴ B. Walker, who writes of Lepidus that "Tacitus speaks of him always in sober terms of praise," characterizes Thrasea's conduct as "worse than useless."²⁵ Ginsburg remarks of Thrasea's actions, "It is extremely unlikely that Tacitus would advocate overt opposition of this sort or that he thought such action could change the essential nature of the senate."²⁶ Yet we know from Tacitus' portrayal of Lepidus in the trial of Clutorius that Tacitus did not inherently disagree with such overt opposition. Tacitus' description of the conduct of Lepidus and Thrasea in the aforementioned passages, however, indicates that Tacitus wished to depict them as similarly moderating the irrational and harsh behavior of the senate and *princeps*.

It is important not to oversimplify the comparison between Lepidus and Thrasea. Lepidus had achieved great distinction under Augustus and Tiberius and came from a distinguished family.²⁷ In contrast, Thrasea was a *novus homo*. Lepidus had held the consulship in AD 6, and afterwards he earned the *ornamenta triumphalia* for his services in AD 6–9 during the rebellion in Illyricum where he must have become close to Tiberius (Vell. Pat. 2.114–15). When Augustus died, Lepidus was legate in Hispania Tarraconensis with its three legions (2.125.5). Lepidus is introduced very early in the *Annales* as one of the senators whom Augus-

²⁴ Shotter (1991) 3315.

²⁵ Walker 196, 229–30.

²⁶ Ginsburg 539.

²⁷ Lepidus' family, like many under the early empire, struggled between opposition and collaboration. His father, Paullus Aemilius Lepidus, was proscribed in 43 BC, but survived to become consul in 34 BC and censor in 22 BC. Lepidus' elder brother, Lucius Aemilius Paullus, married Julia, granddaughter of Augustus, before he was charged with conspiracy and executed in AD 8 (Suet. *Aug.* 19.1). His uncle, Marcus Aemilius Lepidus, a nephew of Marcus Brutus and son of the triumvir, was accused by Maecenas of plotting against Octavian upon his return from Actium in 30 BC and subsequently executed. See further Sinclair 34; Syme (1939) appendix IV.

tus believed to be a possible rival to Tiberius (*Ann.* 1.13.2), describing Lepidus as capable of rule, but rejecting it, *capax imperii sed aspernans*, to be distinguished from those who were desirous yet incapable and those who were capable and daring, if the opportunity presented itself. Surely, Thrasea would never be categorized as *capax imperii*, except perhaps by his accusers Cossutianus Capito (16.21–22) and Eprius Marcellus (16.28). Yet Tacitus' similar composition of the two trials overcomes these distinctions, most of which come from outside Tacitus' text, to connect the senators Lepidus and Thrasea in a profound and rhetorically effective manner.

TACITUS ON THE RETIREMENT, TRIAL, AND DEATH OF THRASEA PAETUS

The memory of dissidents like Thrasea was contested terrain, as demonstrated by the execution of Arulenus Rusticus under Domitian for writing a life of Thrasea (*Agr.* 2.1). Arulenus' books were burnt, but Tacitus lived to enjoy a more moderate regime under which he could revise the legacy of Thrasea and reclaim it from those who under an earlier regime had declared him a criminal.

Thrasea did unquestionably assert the freedom of the senate, *senatoria libertas* (*Ann.* 13.49.12), and he did challenge the actions of the senate and *princeps*. During the meeting of the senate in which thanks were decreed to the gods for revealing Agrippina's conspiracy, Thrasea walked out of the senate—an act, as Tacitus writes, that placed him in great danger and yet did little to rouse the *libertas* of others: *exit tum senatu, sibi causam periculi fecit, ceteris libertatis initium non praeuit* (14.12.1). Others have cited this passage to indicate that Thrasea was reckless and that Tacitus was not an admirer of such rash and useless tactics.²⁸ Such an interpretation fails to notice that Tacitus' comment is directed in part at Thrasea's senatorial counterparts, who languished in their adulation. Furthermore, the statement cannot be read in isolation, for it contrasts sharply with what Tacitus writes of Thrasea later in the same book, specifically that Thrasea's *libertas* broke through the servitude of others (*libertas Thraseae servitium aliorum rupit*, 14.49.1). Taken together, these two passages reveal that Tacitus is developing Thrasea as a character, and his point seems to be that Thrasea's sense of independence finally inspired his fellow senators to shrug off their

²⁸ Walker 230; Shotter (1991) 3315.

adulation at least temporarily in the trial of Antistius.²⁹ Simply put, Tacitus' comment at *Annales* 14.12.1 does not negate his comment at 14.49.1, and given that the statements follow in such close proximity to one another, Tacitus seems to be distinguishing the two actions, the former as risky and not laudable, the latter as courageous and worthy of imitation.

Nero could not tolerate the independence of Thrasea for long. Trouble began for Thrasea in the sycophantic euphoria following the birth of Nero's daughter, when the entire senate proceeded to Antium to vie in their adulation. Thrasea was prohibited from attending, an affront Tacitus refers to as a harbinger of Thrasea's impending destruction (*praenuntia imminētis caedis*, 15.23.4). Following Nero's insult at Antium, Thrasea quietly retired from public life. Consequently, Thrasea did not attend the senate from 63 to 66. Vasily Rudich is unnecessarily harsh when he writes of Thrasea's retirement: "In fact, his attempt to adjust the ideal to the real failed him, leading him to a rejection of reality by way of withdrawing from it, and, by way of extension, even to his suicide" (165). Unlike his departure from the senate in 59, Thrasea's retirement in 63 was not ostentatious. The distinction needs to be reinforced, for the two events are often conflated: Thrasea's departure in 59 from the senate (14.12) was a temporary and isolated act, and as Tacitus points out, potentially dangerous, but Thrasea's retirement in 63 (15.23) was under compulsion and not of his own choice, but rather dictated by the *princeps*. For this withdrawal, Thrasea does not earn Tacitus' censure. In fact, Tacitus writes that Thrasea handled the affront without emotion (*immutus animus*), carefully negotiating the way *inter deforme obsequium et abruptam contumaciam*.³⁰

Thrasea was finally accused of *maiestas* in 66. Tacitus devotes at least fifteen chapters, perhaps more, to the events surrounding the trial and suicide of Thrasea, a length surpassing that of any other individual (*Ann.* 16.21–35). Tacitus' admiration for Thrasea is clear when he describes Nero's unprovoked attack on him as an assault on virtue itself, *trucidatis tot insignibus viris ad postremum Nero virtutem ipsam excindere concupivit*

²⁹ See Devillers, who eloquently argues that Tacitus has very deliberately constructed his depiction of Thrasea and that his appearances in the *Annales* need to be taken in sequence. Too often the statement at 14.12.1 is emphasized as conclusive; for one such example, see Oakley 191.

³⁰ Heldmann 226.

interfecto Thrasea Paeto et Barea Sorano ("With so many noble men cut down, at last Nero desired to extirpate virtue itself with the murder of Thrasea Paetus and Barea Soranus," *Ann.* 16.21.1). Sailor (20–23) has suggested that Tacitus views Thrasea as just another in a long line of suicides following the Pisonian conspiracy; yet the statement at 16.21.1 along with the length of the narrative devoted to Thrasea's trial and suicide demonstrate that Tacitus is highlighting and distinguishing the trial and the death of Thrasea. Tacitus does express his own weariness at recording the seemingly endless deaths from the failure of the Pisonian conspiracy onward (16.16); yet for Tacitus, Thrasea is not simply another senator who had an interesting suicide worthy of note. Thrasea is a recurring character in Tacitus' narrative since book thirteen (and perhaps earlier) and is arguably the most important individual for Tacitus' account of senatorial politics in the Neronian books.

Tacitus provides a version of Thrasea's offenses focalized through his accusers Cossutianus Capito and Eprius Marcellus. They mention his departure from the senate during the debate on Agrippina and his proposal of a milder penalty for Antistius, both of which Tacitus had mentioned elsewhere in his narrative (16.21.1–2). Cossutianus adds two other offenses previously unmentioned: Thrasea had been absent at the vote of divine honors for Poppaea, and he refused to assist at her funeral. Tacitus writes that these offenses were kept fresh by Cossutianus, who had been the accuser of Antistius and had become a sworn enemy of Thrasea (16.21.3). This passage suggests that Tacitus saw Thrasea's condemnation more as a result of personal hatred and private accusation than as a necessary outcome to Thrasea's actions.

Tacitus' account of Cossutianus' accusations are a tour de force, full of the commonplaces leveled against dissidents under the Principate, such as Cremutius Cordus (*Ann.* 4.35.2–4) and Helvidius Priscus (*Hist.* 4.8.3). In addition to classing Thrasea with Cato, Brutus, and Cassius, Cossutianus cited an array of actions that demonstrated Thrasea's insubordination: Thrasea avoided the customary oath introducing the year; although a priest, he did not partake in the vows, nor did he sacrifice for the *princeps'* well being (*Ann.* 16.22.1). Cossutianus goes on to add that Thrasea had ceased attending the senate three years prior, refusing most recently to participate in the condemnation of Lucius Silanus and Lucius Vetus (16.7, 10). While these accusations are rhetorically effective, they are not thereby made true. Most of all, they reveal the twisted

logic of the Neronian principate, for Nero had isolated Thrasea and was now seeking his condemnation based on that isolation.³¹

Following these accusations, which are not the historian's and need not be regarded as factual statements, Tacitus presents a moving image of Thrasea consulting his friends about which path to take, whether to defend himself in the senate or to receive the senate's verdict at home (*Ann.* 16.25–26). Tacitus' portrayal of this discussion is significant, for it centers on the matter of *gloria*, which scholars have frequently claimed Thrasea pursued too aggressively and narrow-mindedly.³² To be certain, *gloria* could be a double-edged sword, part vice and part virtue, something to strive for but just short of the point of naked ambition. Thus Tacitus' comment at the close of the trial of Antistius, that Thrasea would not back down from his proposal lest his *gloria* diminish (14.49.3), can be read in two ways.³³ But the charge of recklessly pursuing *gloria* at the expense of common sense cannot in the end stick, as demonstrated by Tacitus' account of Thrasea's trial and suicide.

Thrasea's companions who argued for a spirited defense claimed that he would only enhance his *gloria* through a display of determination. Those who spoke against entering the senate argued that Thrasea should spare the senate the disgrace of condemning him, and that he would find *gloria* in dying in a dignified manner commensurate with which he lived (16.26.2). He also ran the risk of harming his family. Both arguments recorded by Tacitus strive to maintain Thrasea's *gloria*, and yet Tacitus presents the former as headstrong and aggressive, while the latter is portrayed as an act of moderation. In the end, Thrasea took the more moderate action and refused to attend the senate. Arulenus Rusticus, a headstrong youth (*flagrans iuvenis*), offered his tribunician

³¹ For Nero as the isolated tyrant driving others into isolation, see Galtier 312–21.

³² For those reading Tacitus' reference at 14.49.3, *sueta firmitudine animi et ne gloria interciderent*, as a criticism of Thrasea, see Furneaux, vol. 2 293–4; Walker 229–30; Ogilvie and Richmond 297; Koestermann (1968) 119–20; Baldwin 74; Ginsburg 540 n. 37; Sailor 19; Städele 119; Mellor 75. For those who do not read the comment as a reproach, and with whom I agree, see Syme (1958) 561 nn. 3, 8; Martin (1981) 176 n. 25, who writes "*gloria* does not here mean that Thrasea was moved by a spirit of vainglory, but by the desire to be seen remaining true to the principles that had already won him renown. Such an aim was wholly within the realm of public Roman virtues."

³³ In the *Historiae*, Tacitus records how some regarded Thrasea as an exemplar of true glory, *Thraseam ad exemplar verae gloriae* (2.91.3).

veto (16.26.4). Tacitus depicts Thrasea as recognizing this for what it was, empty and useless for the accused and deadly for the wielder. Thrasea dissuaded the young tribune from the plan and advised his young admirer to use caution and consider his future career in such an age (16.26.5).³⁴ The scene clearly indicates that Tacitus did not wish to portray Thrasea acting heedlessly and unmindfully of his friends and family. By portraying Thrasea as acting with moderation in his final moments, Tacitus seems to be responding to accusations of reckless extremism against Thrasea, originally generated by Nero's regime and recorded by Tacitus in the speeches of Cossutianus (16.21–22) and Marcellus (16.28).

Although Thrasea is generally regarded as a target of Tacitus' criticism of ostentatious deaths (*Agr.* 42.4), Tacitus depicts Thrasea's suicide, which he calmly accepts, as a modest affair (*Ann.* 16.34.1). Thrasea is found in his garden conversing with his guests and discussing with Demetrius the Cynic the nature of the soul and the separation of body and spirit. The setting clearly evokes the death scenes of Socrates and Cato Uticensis, and like them Thrasea would end his life quietly and in thoughtful reflection.

When the quaestor brought news of the senate's verdict, Thrasea sent his guests away to protect them. He encouraged his wife, Arria the Younger, not to follow him in suicide (*Ann.* 16.34.3). Thrasea expressed his happiness that his son-in-law Helvidius had only been forced into exile (16.35.1). Then accompanied by Demetrius, Helvidius, and the quaestor, Thrasea retired to his bedroom where he opened his veins and poured a libation to Jove the Liberator. Thrasea bid the quaestor to watch so that he might strengthen his spirit by the example of fortitude: "*libamus*" inquit "*Iovi liberatori. specta, iuvenis; et omen quidem dii prohibeant, ceterum in ea tempora natus es, quibus firmare animum expediat constantibus exemplis*" ("We are pouring a libation to Jupiter the Liberator," he said. "Look, young man. Indeed, may the gods forbid the omen, but you have been born into such times in which it is useful to bolster the spirit with models of endurance."). The words of course are immediately directed to the quaestor, but Tacitus is also directing them to a second audience, his readers, who are to take inspiration from the example of Thrasea.

³⁴ Shotter, (1991) 3270, notes that the decision of Agricola, who was also tribune in 66, not to use his own tribunician veto was a mark of political wisdom. If this is so, then certainly Thrasea's request that Arulenus Rusticus not employ his tribunician veto is equally a sign of moderation and wisdom.

In his account of Thrasea's trial and death, Tacitus fulfills one of his stated purposes for his *Annales*, that virtue must not be silenced, *ne virtutes sileantur* (*Ann.* 3.65.1). As J. C. Leake writes, "[T]he history itself attempts to rectify the old wrongs of the public realm by presenting an account of those evil days in which the wrongs done by those in power are recognized as wrongs and the good deeds that went unrecognized are praised as they deserve" (266). By recording Thrasea's death in the manner he does, Tacitus negates Nero's attempt to extirpate virtue itself (16.21.1).

However Nero and his regime might have viewed Thrasea, Tacitus consistently portrays him as a principled moderate. I have argued that Tacitus' depiction of Thrasea is comparable in a number of ways to his representation of Lepidus, the standard for moderation and dignity in Tacitus' *Annales*. Indeed, the actions of Thrasea resulted in charges of treason and ultimately his death, but Tacitus makes clear that he is not critical of the actions themselves, as demonstrated in part by the fact that Lepidus behaved in a like manner. Rather Tacitus' critique is against the principate of Nero, which responded with undue severity and violence against someone acting out of a sense of moderation, dignity, and independence. Nero's regime had branded Thrasea a reckless traitor and subsequently condemned him. Tacitus' account reveals that Thrasea was not a traitor, but a patriot who strove admirably to diminish the extremism of Nero's principate.

DEPARTMENT OF CLASSICS
XAVIER UNIVERSITY
3800 VICTORY PARKWAY
CINCINNATI, OH 45207
STRUNKT@XAVIER.EDU

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