

# The Difference an Emperor makes: Notes on the reception of the Republican Senate in the Imperial age

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Arguably, the earliest moment at which one might look for a reception of the Roman Republican senate is in the early Imperial age. For if we regard the term ‘Republican’ as designating a particular era and a particular governmental regime, it seems to me that this period and regime must be seen to be over and closed before the question can be posed as to how a governmental organ like the senate functioned, or what its characteristics were, under those circumstances. In this article, I seek to identify some aspects of an early Imperial reception of the Republican senate, focusing in particular on the writings of Tacitus and Pliny the Younger — both senators themselves, writing in the early decades of the second century CE under the emperor Trajan and thus more than a century removed from the fall of the Republic. I begin by discussing the problematic terms ‘Republican’ and ‘Imperial’, and the knotty questions of periodization and perspective that they raise. I then sketch the characteristics of the early Imperial senate — the phase of this body described by Pliny and Tacitus and in which they participated — with attention to its similarities to and differences from the late Republican senate. I proceed to discuss the perspective Tacitus presents in his *Annales* on the senate of the Julio-Claudian age, the emperor’s role in the senate’s operations, and the body’s relationship (as far as he makes this clear) to its pre-Imperial counterpart. Then, I examine Pliny’s quite different perspective on senate’s operations in his own day, and on the emperor’s role therein, as described in his *Epistulae*. To conclude, I consider the implications of Pliny’s and Tacitus’ perspectives for the question of senatorial continuity and change, for the validity of the Republic–Empire periodization, and hence for the very possibility of a ‘reception’ of the Republican senate in the Imperial age.

## ‘Republic’ and ‘Empire’: terminology and the problem of periodization

The nouns ‘Republic’ and ‘Empire’, along with their adjectival counterparts ‘Republican’ and ‘Imperial’, are conventionally used in Anglophone Classical scholarship to periodize Roman history. ‘Republic’ is applied to the period from the expulsion of the kings, traditionally dated to the late sixth century BCE, down to the consolidation of autocratic power by Octavian in the late 30s to early 20s BCE. This period is considered to be characterized by a governmental system in which annually elected magistrates (the executives, more or less) and popular assemblies

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(the legislative and judicial organs) worked in concert with the senate, which was an influential advisory body consisting of ex-magistrates. The term ‘Empire’ or ‘Imperial age’ is applied to the subsequent period, beginning with Octavian/Augustus, in which governmental administration had a monarchic or autocratic character, and the monarch — in English conventionally called the ‘emperor’ — ruled for life. The endpoint of this regime is traditionally, but somewhat arbitrarily, given as 476 CE. Thus, the terms ‘Republic’ and ‘Empire’ are used not only to periodize, but also to mark a *grosso modo* distinction between different types of governmental regime.

These terms, and the distinctions they attempt to articulate, are ‘etic’, embodying a modern perspective that does not align with the Romans’ own understandings. This misalignment leads to confusion regarding both terminology and periodization. Let us begin with terminology. The English term ‘Republic’ derives from the Latin *res publica*, meaning ‘what we hold in common’ (as opposed to our private property, our *res privata*), or ‘commonwealth’; in the latter sense it could also refer to the state (understood as ‘our collective enterprise’) in its inherited form, or to the form of government in general. Romans living in both (what moderns call) the Republican and Imperial ages commonly refer to their current political dispensation as *res publica* in the sense of ‘commonwealth’, or ‘the state as it has been transmitted to us’. On an ‘emic’ understanding, then, the term *res publica* presupposes a public/private or civic/domestic distinction, but in and of itself implies no specific form of government or time period.<sup>1</sup> Meanwhile, the English terms ‘Empire’ and ‘Imperial age’, as well as ‘emperor’, come via Old French from the Latin *imperator*, a military title adopted by many Roman emperors and sometimes used as part of their nomenclature. However, the Romans themselves did not use *imperator* or any derivation of this word to label the time period or governmental system in which emperors ruled. Indeed, Romans applied a variety of terms to their rulers, depending on context, register, whether addressing them or referring to them, and so on. Besides *imperator*, common designations included *Caesar*, *Augustus*, *dominus*, and *princeps*.<sup>2</sup> German scholarship has selected ‘Caesar’ as the conventional term, both for the ruler (‘der Kaiser’) and his age (‘die Kaiserzeit’, i.e. ‘the age of the Caesars’). These are the same concepts designated in English by ‘emperor’ and its derivatives and hence are likewise ‘etic’, lacking close alignment with any Roman usage or concept.<sup>3</sup>

Now for the complexities of periodization. Modern scholars tend to understand the terms ‘Republic’ and ‘Empire’, and the concepts they represent, in relation to one another: they speak of ‘the late Republic’ or ‘the fall of the Republic’,

1 See Stark (1937: 23–6), Meier (1966: 1); also note 7 below.

2 On the terms used for addressing emperors, see Dickey (2002: 99–104).

3 German terminology usefully avoids, however, the confusion arising in English between ‘Empire’ as a temporal span (Germ. ‘die Kaiserzeit’) and ‘empire’ as a politico-geographical entity (Germ. ‘das Reich’).

expressions that presuppose knowledge of an eventual ‘end’ and of the emergence of a new regime; or of the alleged ‘restoration of the Republic’ under the emperor Augustus, a view presupposing that a clear transition had already taken place (see below); or of ‘Republicanism’ in the early Imperial age, a term presupposing a clear distinction between the previous and subsequent systems. Yet, Romans living in (what moderns call) the Republican period, while they assuredly distinguished their system of government from the preceding regime of the kings, and saw their system’s beginning in the kings’ expulsion,<sup>4</sup> obviously could not know that this system would come to an end. Thus, they could not specify its temporal endpoint, nor refine it conceptually by contrasting it with the succeeding system. As for Romans living in (what moderns call) the Imperial age, we might imagine that they could perceive a break between the systems, allowing them to articulate a temporally bounded, conceptually coherent ‘earlier era’ distinct from the present era — the ‘Republic’, in something like the modern sense. If so, it may be possible to imagine an Imperial-era ‘reception’ of the Republic or its institutions. But as we shall see, Romans of the Imperial age do not universally perceive such a break, and even when they do, they do not necessarily agree on when the break occurs, or on the characteristics of the eras before and after. A further problem with periodization articulated by these terms is that the governmental systems so designated underwent enormous change during the five-century spans each is allotted; good cases can be made for breaking these periods up into shorter segments to meet various analytical needs.<sup>5</sup>

When, how, and indeed whether the Latin term *res publica* came to mean ‘Republic’ in something like the modern sense—i.e. a term of art designating a particular Roman governmental system existing within particular chronological bounds—is unclear. Scholars sometimes say that, in the 20s BCE, Augustus and some of his contemporaries spoke of ‘the restoration of the Republic’; the Latin phrase *res publica restituta* is sometimes presented as if it were a slogan of the era. On this view, at least some Romans of this period recognized but sought to dissemble the fact that ‘the Republic’, in something like the modern sense (and designated by the term *res publica*), had ended. In fact, however, neither this Latin phrase nor the idea it is supposed to represent is clearly attested in the Augustan era; besides, *res publica* for Augustus and his contemporaries need only mean a functioning

4 For Republican authors who present the expulsion of the kings as a moment of rupture initiating a new governmental order, see e.g. Livy 1.60.3–2.1.1 (at this moment the city was ‘freed’, annual magistracies began, and the ‘power of laws exceeded the power of men’); Cic. *Rep.* 2.52–57 (on ‘freedom’ from the kings). For a similar articulation in the Imperial age, see Tac. *Ann.* 1.1.1 (‘the beginning of freedom and the consulship’).

5 Hence scholars commonly divide the Republic into ‘early’, ‘middle’, and ‘late’ periods, each with different characteristics: for discussion, and a proposal for a new periodization, see Flower (2010). Similarly, scholars have traditionally divided the Imperial age into sub-periods numbering either three (‘early’, ‘high’, ‘late’) or two (‘principlate’, ‘dominate’).

government *tout court*, with no implications about its specific form (as noted above).<sup>6</sup> Scholars also commonly claim that Tacitus, in his *Historiae* and *Annales*—works written early in the second century CE and discussing events subsequent to the reign of Augustus—uses *res publica* to designate the time period and governmental regime preceding the Caesars, hence as meaning ‘Republic’ in essentially the modern sense. Such usages do occur in Tacitus, but are heavily outweighed by many dozens of others in which *res publica* refers to the configuration of the state under the Caesars, or to the form of government in general. Thus, this term cannot be argued to be a *mot propre* in Tacitus for the Roman state before the Caesars.<sup>7</sup> In other texts too from the early Empire, the term *res publica* when applied to the Roman state overwhelmingly refers to that state as it exists in the author’s or speaker’s own day.<sup>8</sup> Tacitus does exhibit a periodizing impulse in a different respect: he fairly consistently derides the senate as it exists under the Caesars, and characterizes it as fallen from a more glorious past, as we shall see. But other imperial authors, both

6 The phrase *res publica restituta* has been restored in *Laudatio Turiae* 2.25, and *rem publicam restituit* has been restored in the *Fasti Praenestini* for January 13. But these restorations are dubious (Judge 1974: 288–301, 307, n 3). The phrase is widely circulated only because modern scholars have adopted it as a shorthand to refer to Augustus’ reforms of 27 BCE, as described (*inter alia*) in *Res Gestae* 34.1 and Vell. Pat. 2.89.3–4. Its first secure attestation is on the arch of Septimius Severus, ca. 200 CE (*CIL* VI 1033), though I conjecture that Ennius’ famous verse *unus homo nobis cunctando restituit rem* (*Ann.* fr. 363 Skutsch) helps give it spurious currency. On Augustus’ reforms and what *res publica* might mean in that context, see Millar (1973: 61–7), Judge (1974: 301–6), Bringmann (2002), Scheid (2007: 82–92).

7 Tac. *Hist.* 1.16.1, 1.50.3, and *Ann.* 1.3.7 are commonly cited as showing that *res publica* refers to the pre-Imperial or a notionally non-Imperial dispensation (*Ann.* 4.19.3 and 13.28.1 should probably be added to these; see also Stark (1937: 46–7)). And so it does, in these passages. But at *Hist.* 1.50.1, just two sentences before one of these occurrences, *res publica* appears in reference to the state as it exists at the dramatic date of the text, 69 CE. Indeed, throughout the *Historiae* Tacitus makes statements about which leaders, senators, or rivals for imperial power served the *res publica* (i.e. the state they were currently living in) better or worse. Examples of such usages also abound elsewhere in the corpus, as a glance through the ca. 200 Tacitean occurrences the term, collected by Gerber and Greef (1903: 1392–5), makes patent. Tacitus can also refer to the pre-Imperial system as *vetus res publica* (*Ann.* 1.7.3, 11.23.2, 16.22.4), evidently to distinguish it from the (contemporary, Imperial) *res publica* of the dramatic date of his text. My view of these matters differs sharply from Gowing (2005: 4–6; see Roller 2007) and Wilkinson (2012: 12–7). Gallia (2012: 24), discussing the term *libertas*, concisely describes the correct state of affairs regarding *res publica*.

8 Three examples: Augustus says he adopts Tiberius *rei publicae causa* at Vell. 2.104.1 and Suet. *Tib.* 21.3; Claudius says he marries Agrippina for the same reason at Suet. *Cl.* 26.3. A comprehensive diachronic study of the term *res publica* is still needed: Stark (1937) is fairly comprehensive only down to Augustus, while Judge’s excellent semantic sketch (1974: 280–5) ranges later but is not comprehensive.

contemporary with Tacitus and earlier, do not necessarily periodize with a break around the advent of Augustus, nor therefore do they have (or need) special terms for the periods before and after this break.<sup>9</sup> In particular, Pliny the Younger, Tacitus' contemporary and friend, does not periodize in this way. And perhaps not coincidentally, Pliny employs no rhetoric of senatorial decline. His senate, as we shall see, is a vibrant, engaged, serious-minded body, and he himself is a senator with those same characteristics, as he never tires of reminding us.

I am aware, then, of no compelling evidence from the first 150 years or so of (what we call) the Imperial age to suggest that a rupture was generally perceived as having occurred around the advent of Augustus, defining 'before' and 'after' periods that exhibit diverse forms of government. Nor does the term *res publica* seem to have been widely or regularly used to make such a distinction. Nevertheless, in this article I will follow the 'etic' scholarly convention and use the terms 'Republic' and 'Empire'/'Imperial age', capitalized, to refer to specific periods of Roman history and label the distinct governmental regimes associated with those periods. But we must bear in mind that these terms, and the distinctions they imply, are post-antique constructs with little ancient authority: 'emic' periodizations, if any, are conceived and articulated differently.<sup>10</sup>

### A sketch of the Imperial senate

I sketch briefly the Imperial senate's powers and functions, to indicate its chief continuities with and differences from its Republican predecessor (described in Catherine Steel's introductory essay) and to spotlight characteristics salient to its portrayal by Tacitus and Pliny, discussed subsequently.

The Republican senate was a governing body of vast prestige and authority, but with no formal powers. With the emergence of the emperor as an alternative locus of social and political authority, the senate's traditional authority surely suffered infringement. Yet, it is surprisingly hard to say how. Officially, little changed: never

9 E.g. neither Velleius Paterculus nor Valerius Maximus present Augustus as a watershed: Velleius in particular presents a smooth teleological narrative climaxing with Tiberius, whom he suggests has brought the *res publica* to perfection (on periodization in these historiographers see Gowing 2005: 34–62). The poet Lucan assuredly sees a watershed with 'liberty' preceding and 'slavery' following: but for him, that watershed is the civil war of 49–48 BCE, two decades prior to Octavian.

10 How and when the conventional periodization emerged, and how the term 'Republic' came to be attached to the earlier period, remains unclear to me. Here is a guess: Cicero, the most widely read Roman author in the early modern period, throughout his *oeuvre* discusses the status of the *res publica* of his own day. He also explicitly theorizes that *res publica* in his treatises *De Re Publica* and *De Legibus* (Stark 1937: 43–46 collects pertinent Ciceronian usages of the term). Perhaps these Ciceronian texts led their early modern readers associate the term *res publica* with the specifically Ciceronian — and, from their point of view, 'pre-Imperial' — form of the Roman state. Judge (1974: 284) conjectures similarly.

having had formal powers, it could not be deprived of any. Augustus set its membership at 600, up from its traditional Republican size of ca. 300, though this number was not hard and fast.<sup>11</sup> Twenty quaestors per year were created and enrolled in the senate, with an age qualification of 25, providing new blood and replacing deaths. Also, from Claudius onward, emperors occasionally ‘adlected’ men from outside the body to serve as senators, especially at higher ranks.<sup>12</sup> The senate remained, as it had long been, the chief repository of experience and expertise in matters of governing, and the primary venue for debate on most matters of civic concern. Under the early emperors, it served as the formal authorizing body for most actions the emperor initiated.<sup>13</sup>

Indeed, the most striking changes to the Senate’s purview under the early emperors were the *addition* of formal, defined powers — electoral, legislative, and judicial — that it had never previously possessed. Tiberius transferred the election of magistrates into the senate, ending the longstanding popular electoral process whereby candidates canvassed in public and a popular assembly voted.<sup>14</sup> Tiberius also began to select certain senators to hold particular magistracies, especially at the higher levels—this was called “imperial commendation”—while leaving some slots among the lower- and mid-level magistracies open for candidates to pursue by canvassing within the senate. Candidates with commendation entered office without contestation, and the senate voted on the rest.<sup>15</sup> Through these reforms, the *populus Romanus* was stripped of its ancient power to choose magistrates, and hence to influence the membership of the senate over the long term; this power passed to the emperor and senators themselves. Beyond these electoral responsibilities, the Imperial senate also acquired formal legislative powers. Its decrees (*senatus consulta*), which had officially been only advisory in the Republic, gained fully legal force, and in time the senate became a major source of law — even if it often merely ratified the emperor’s proposals.<sup>16</sup> Finally, the early Imperial senate acquired two enormously important legal jurisdictions, entailing that it sometimes convened as a court of law. Specifically, *maiestas* cases (alleged treason against the state or emperor) came under its jurisdiction, as did *repetundae* cases (alleged extortion by provincial governors). Both crimes had already been defined and prosecuted during the late Republic, each under the jurisdiction of a *quaestio* — a standing court presided over by a praetor and judged by a jury comprising senators and equestrians. Since these trials usually involved senatorial defendants, the fact that these cases now came before senators

11 Size: Talbert (1984: 131–4), Eck (2008: 221–2).

12 Adlection: Talbert (1984: 15–6), Millar (1977: 293–4).

13 Authorizing body: Brunt (1984: 425–6) and *passim*.

14 Transfer of elections: Tac. *Ann.* 1.14.4–15.1, Vell. 2.124.3, 126.2, Dio Cass. 58.20.

15 Commendation: Talbert (1984: 11–24, 342–5); Millar (1977: 300–13); Levick (1967: 209–14).

16 Senatorial legislation: Millar (1977: 341–3), Talbert (1984: 431–5).

alone, with no equestrians on the jury panel, meant that the senate gained full and untrammelled power to judge its own.<sup>17</sup>

So where was harm done to the senate's authority as a corporate body, in the transition from Republic to Empire? That so many magistrates and other office holders were appointed or screened by the emperor guaranteed that virtually all senators, and especially the highest ranking ones, would feel personally indebted to the emperor for the honors and offices they had received. Such a sense of obligation patently competed with the sense of corporate solidarity among senators, and in some cases prevented the senate from acting on its own without imperial consultation.<sup>18</sup> The emperor could also exert considerable influence over senatorial debate, if he chose, by having his own motions brought forward (and these were usually, if not always, approved without significant modification or dissent) or by presiding personally. There also arose around the emperor new institutions whose authority further competed with the senate's. Emperors sometimes convened smaller, informal councils of advisers consisting of perhaps ten to twenty individuals, some of whom were senators and others not; such councils vied with the full senate for influence on certain matters.<sup>19</sup> In addition, emperors from Augustus to Trajan progressively took more and more matters traditionally overseen by the senate — state finance, foreign policy, certain religious functions, and military matters — into their own hands. Some of these matters they entrusted to specialists, many of them equestrians, who were part of a bureaucracy responsible the emperor alone.<sup>20</sup> Other key functions were still entrusted to individual senators, but under imperial oversight and by imperial favour. For instance, almost all militarily important roles, from legionary commanders up to provincial governors who oversaw armies, continued to be discharged by senators. But it was the emperor himself, and no longer the senate as a body, who appointed these commanders and decided on war and peace. Overall, then, it is not so much formal powers that shifted as the locus of governing authority and initiative. Whereas the Republican senate had (down to Sulla, at least) itself been the *de facto* governing body, with the elected magistrates as its executive instruments, in the Imperial age it turned into a ratifying body through which decisions made by the emperor and his bureaucracy were formulated and implemented. Hence the very existence of the emperor as a rival locus of authority seems to

17 Senatorial court and its jurisdictions: Garnsey (1970: 17–34, 43–64); Talbert (1984: 460–80).

18 E.g. Tac. *Ann.* 13.26.1, where several senators express opinions on a matter, but the consuls decline to allow formal debate *ignaro principe* (also Talbert 1984: 169).

19 Crook (1955) remains the definitive study of these informal councils.

20 Wallace-Hadrill (2008: 231–58) discusses the relocation of authority and expertise, especially under Caesar and Augustus, in such key domains as calendars and time, divination, law, rhetoric, and language. In these domains, the senate (or senatorial aristocrats) and its traditional modes of discourse were displaced by antiquarians, astrologers, jurists, grammarians, and other specialists employing 'scientific' discourses.

have been the main driver of change in the senate's roles, responsibilities, and prestige. One might even conjecture that the sheer fact of being assigned formal, defined tasks, even highly responsible and honorific ones, caused no inconsiderable damage to the Senate's corporate prestige and authority, precisely by demystifying its role. For to empower the body explicitly within specified bounds is also to disempower it implicitly beyond those bounds.<sup>21</sup>

We can now examine the perspectives of individual senators of the Imperial age, considering their views (if any) about the Republican senate and how it compares to the senate of their own day. I focus on two senatorial authors who were nearly exact contemporaries: Cornelius Tacitus, a highly successful senator under Domitian, Nerva, Trajan, and perhaps Hadrian, and best known to posterity as a historiographer; and Gaius Plinius Caecilius Secundus (a.k.a., the younger Pliny), equally successful as a senator under Domitian, Nerva, and Trajan, and best known to posterity for his letters.

### Tacitus on senate and emperor

Tacitus was born in ca. 56 CE, entered the senate probably in the later 70s, held a suffect consulship in 97, was proconsul of Asia in 112–13, and seems to have been an active presence in the senate for some 40 years. He wrote his last and longest historical work, the *Annales*, in the 110s to (perhaps) 120s CE. This work opens with the death of Augustus in 14 CE and closes with the death of Nero in 68 CE—events occurring 50–100 years prior to the time of writing. In a famous passage, Tacitus says that it accords with the (or a) 'principal duty of historical writing' to record senatorial opinions that were either 'outstanding for virtue or strikingly disgraceful'.<sup>22</sup> Later he emphasizes his interest in the 'disgraceful' end of this polarity, declaring that 'when a senatorial decree attained novelty in its flattery, or was utterly base in its groveling', he would not pass it over in silence.<sup>23</sup> Indeed, throughout the work he describes many such displays of sycophancy by senators — or declares that their actions were actually sycophantic, even if they appeared otherwise.<sup>24</sup> Thus, he declares a particular interest in senatorial abjectness — its falling short of some standard of independence and self-assertion when faced with the emperor.

21 Hölkeskamp (2010: 26) notes that the Republican senate's immense authority derived in part from its very lack of defined powers or competencies — hence it was subject to no limits and could intervene at will in any matter it pleased.

22 *Ann.* 3.65.1: *exequi sententias haud institui nisi insignis per honestum aut notabili dedecore, quod praecipuum munus annalium reor* . . . The syntax and interpretation of this sentence is much disputed: e.g. Woodman (1995), Turpin (2008: 361–3).

23 *Ann.* 14.64.3: *neque tamen silebimus si quod senatus consultum adulatione novum aut patientia postremum fuit*.

24 Tacitus specifically notes displays of sycophancy at (e.g.) *Ann.* 1.7.1, 3.47.3, 4.9.2; longer list in Oakley (2009: 188–90). Vielberg (1987: 105–8) discusses the programmatic character of these statements.

Even his exceptions prove the rule. From the reign of Tiberius, for example, we get a lively description of the senate as it hears and adjudicates rival claims of Greek cities. Tacitus introduces this passage by saying that ‘Tiberius, while tightening his imperial grip, offered the senate a shadow of its past’ by allowing it to handle this matter. Tacitus concedes that the senate ‘put on a good show that day’, examining matters that ‘it was free to confirm or change, as in the old days’.<sup>25</sup> Thus, this otherwise laudatory description of the senate in action is framed, indeed overshadowed, by statements suggesting that such independent, autonomous action was possible only through the emperor’s condescension, and that the standard of senatorial autonomy was set in ‘antiquity’ or ‘the old days’ (*antiquitas, quondam*) — which in turn suggest that it is the emperor who ordinarily prevents the senate from matching that old standard, by not entrusting important matters to it or by constraining its decisions. Hence ‘the old days’ here must refer to a time before emperors. Similarly, Tacitus describes a jurisdictional dispute that arose in the senate between a praetor and a tribune during Nero’s reign; the senators hammered out a solution among themselves, apparently without Nero’s intervention. Even so, Tacitus explicitly contextualizes this episode in relation to the emperor’s power: he introduces the narrative by saying ‘there remained, nevertheless, a kind of shadow of the *res publica*’ (*Ann.* 13.28.1).<sup>26</sup> Here *res publica* may well refer to the period preceding the emperors, when the senate had to sort out its own disputes — especially since this episode immediately follows one in which the senate conspicuously defers to the emperor (13.26–27). In yet another such passage, from early in the work, Tacitus tells of Tiberius watching in silence as an argument erupted between two senators. Tacitus says, ‘these were the phantoms of freedom that Tiberius allowed to the senate’ — ‘freedom’ (*libertas*) apparently arising from the emperor being silent (though present) and allowing the argument to take its own course.<sup>27</sup>

In these passages, and others like them, Tacitus repeatedly and intrusively asserts the criteria by which his reader is to judge the conduct of senators individually and as a body: whether they flatter the emperor; whether and to what extent they debate

25 *Ann.* 3.60.1, 3: *sed Tiberius, vim principatus sibi firmans, imaginem antiquitatis senatui prebebat postulata provinciarum ad disquisitionem patrum mittendo. . . magnaue eius diei species fuit quo senatus . . . introscepit, libero ut quondam quid firmaret mutaretve.*

26 *Ann.* 13.28.1: *manebat nihilominus quaedam imago rei publicae. nam inter Vibullium praetorem et plebei tribunum Antistium ortum certamen, quod . . .* (a second dispute between magistrates is described at 13.28.3).

27 *Ann.* 1.77.3: *intercessit Haterius Agrippa tribunus plebei increpatusque est Asinii Galli oratione, silente Tiberio, qui ea simulacra libertatis senatui praebebat.* His silent presence is said here to promote *libertas* (or its *simulacrum*). Yet just previously, at *Ann.* 1.75.1, his silent presence is said to infringe *libertas*. These claims may be contradictory in their rhetoric, but they are consistent in their substance. The emperor’s silent presence is constraining in relation to the possibility of his being absent altogether (at 1.75.1 the surprise is that he is present at all), but liberating in relation to the possibility of his vocally intervening and asserting his views (as he might have done at 1.77.3, and does do at 1.74.4).

issues that matter; whether debates are self-assertive and independent. All these criteria invoke the emperor's presence or absence, or his influence on individual senators and on the senate as a whole. The emperor, in short, is A Problem. For Tacitus, the senate operates best when there is no emperor at all; or, if he exists, when he is absent; or, if present, when his influence is minimized — in whatever place, time, or way these circumstances can be brought about. Since the Republic is one environment that lacks emperors, it is inevitable that the current senate, operating under an emperor, is represented as having sunk below the standard of its pre-Imperial forebear. To this extent, then, Tacitus provides us with a 'reception' of Republican senate, one marked by an awareness of a transition from a regime without an emperor to a regime with an emperor. There may be some nostalgia for those earlier days, but even the present age offers certain 'emperor-free' or at least 'reduced-emperor' environments that enable the senate and its members better to fulfil their potential.<sup>28</sup>

### Pliny on senate and emperor

The younger Pliny offers a very different view of the relation of emperor to senate. Born in 61 or 62 CE, Pliny entered the Senate as a quaestor in ca. 87, and participated enthusiastically in the social, cultural, and political life of that body for the next quarter century. His career advanced well, as he enjoyed the support of Domitian, Nerva, and Trajan. He was appointed suffect consul in 100 CE by Trajan, and about a decade later was sent to govern the province of Bithynia and Pontus, on the Black Sea. We hear nothing more of him after ca. 111 CE. Pliny's surviving epistolary corpus includes 247 artfully constructed and carefully arranged letters in nine books. The letters in these books date from about 96 CE down to his departure for his province in 109 or 110, though the publication dates of the individual books can be determined only approximately.<sup>29</sup> Following his suffect consulship in 100 Pliny was a fairly high-ranking senator, though not one of the body's leading lights. This is the position from which he illuminates, through his letters,

28 For example, Tacitus attributes Agricola's success as governor of Britain in 77–84 CE partly to the island being, essentially, an 'emperor-free zone': Sailor 2008: 78–80. Also, the autonomy and independence displayed by Thræsea Paetus, Helvidius Priscus, and a few other such figures comes from behaving as if there were no emperor — living, as it were, in an alternative reality: Sailor 32–33. In other domains of aristocratic activity as well, Tacitus suggests that the current standard is lower than previously due to the presence of an emperor: so for historical writing (*Hist.* 1.1.1, where the turning point is the battle of Actium: Sailor 124–32 for discussion) and for oratory, as Maternus contends in the final speech of the *Dialogus* (sections 36–41; Sailor 127–28, Gowing 2005: 115–6).

29 For Pliny's dates, and those of the various books of his letters, see now most conveniently Gibson and Morello (2012: 265–73), with copious bibliography. For current purposes, I can pass over book 10, a special case.

the senatorial activity of his day. To get a taste, let us examine three snapshots of such activity, and of the role he himself plays.

The first snapshot is of an electoral campaign. As noted earlier, Tiberius had transferred the elections for all magistracies into the senate. Thereafter, the emperor ‘commended’ certain candidates for particular magistracies, meaning they were elected without opposition, and he allowed other candidates to compete for the remaining slots by canvassing in the senate. For these candidates it was important to line up influential senior senators as supporters, men who could deliver the votes of other senators. In letter 2.9, addressed to his senatorial colleague Domitius Apollinaris, Pliny describes his own involvement in such a canvass.<sup>30</sup> As a senior senator, Pliny is supporting a younger protégé called Sextus Erucius, who seeks election as tribune of the plebs. Pliny reveals (section 2) that, when Erucius had sought the quaestorship several years previously, Pliny had requested and obtained for him the emperor’s commendation: that is, Pliny’s patronage enabled Erucius to become quaestor as *candidatus Caesaris*, without canvassing. This time, however, Pliny was apparently not successful in obtaining a commendation. But he did gain permission for Erucius to stand for election to one of the remaining slots, requiring him to canvass.<sup>31</sup> Pliny regards the upcoming vote as a referendum on himself no less than on Erucius. For if the senate is not seen to hold Erucius in the same high regard as Pliny does, then Pliny will appear to have misled the emperor about Erucius’ qualities on that earlier occasion, when he obtained the commendation.<sup>32</sup> Therefore, his own standing as an influential senior senator hangs in the balance along with Erucius’ hopes to become tribune: ‘I am wracked with worry, and anxiety I never felt for myself [sc. when I was a candidate] I now endure for my “other self”, as it were. And besides, it’s *my* credibility, *my* reputation, *my* standing, that are at risk’.<sup>33</sup> And because their fates are linked, Pliny himself must canvass vigorously for Erucius — approaching his friends, begging, and the like: ‘I put to the test, with my requests, the degree of my authority and my capacity to call in favors’.<sup>34</sup> Indeed, this very letter presents itself as an intervention in this gift economy. Pliny asks

30 The following discussion of *Ep.* 2.9 is derived from Roller (2011: 200–01), with different emphasis. Most letters from book 2 predate Pliny’s consulship in September–October of 100 CE, but some scholars have argued that *Ep.* 2.9 may date to late 100 or 101: see Sherwin-White 1966 *ad loc.* If so, then Pliny is addressing Apollinaris (suffect consul in 97) as an equal, both now being of consular rank.

31 *Ep.* 2.9.2: *ego Sexto latum clavum a Caesare nostro, ego quaesturam impetravi; meo suffragio pervenit ad ius tribunatus petendi.* On this passage, see Levick (1967: 221–2; though she misunderstands the cause of Pliny’s anxiety).

32 *Ep.* 2.9.2–3: *... quem nisi obtinet in senatu, vereor ne decepisse Caesarem videar. proinde adnitendum est mihi, ut talem eum iudicent omnes, qualem esse princeps mihi credidit.*

33 *Ep.* 2.9.1: *adficio cura et, quam pro me sollicitudinem non adii, quasi pro me altero patior; et alioqui meus pudor, mea existimatio, mea dignitas in discrimen adducitur.*

34 *Ep.* 2.9.5: *itaque presso amicos, supplico, ambio, domos stationesque circumceo, quantumque vel auctoritate vel gratia valeam, precibus experior.*

Apollinaris not just for his vote, but to join him in canvassing for Erucius: ‘Please consider it worthwhile to help me shoulder part of this burden; I’ll return the favor if you ask, or even if you don’t’.<sup>35</sup> Now, elsewhere in his letters Pliny reports allegations of misconduct during senatorial canvassing, which resulted in new rules to curb the influence of gifts and money. As one such measure, Trajan introduced a secret ballot; he also seems to have resurrected a late Republican law on electoral corruption, which originally addressed canvassing before the people. These measures evince the ferocity of electoral competition within the senate in Pliny’s day, as does Pliny’s request for Apollinaris’ assistance and support. In Pliny’s representation, then, the emperor is an essential component of electoral activity in the senate, and indeed underpins the entire system: he sets ground rules for electoral competitions, charts different routes to office for different candidates, and serves as a crucial judge of the status and credit of all participants. Pliny and his protégé are on their mettle to perform better than ever, when the emperor’s judgment is at stake along with that of their senatorial peers.<sup>36</sup> The contrast with Tacitus, for whom the emperor by his very existence casts a pall over senatorial activity, is striking.

The second snapshot of senatorial activity in Pliny’s day is his description, in *Ep.* 2.11, of a trial held in the senate.<sup>37</sup> The defendant is Marius Priscus, a senator and former governor of the province of Africa. Priscus had previously pled guilty to extortion in the province, but via a special and limited procedure. Now he was being tried for accepting bribes to inflict corporal punishment on Roman citizens. This charge entails a full-scale *repetundae* trial, possibly with a charge of *saevitia* (savagery) attached, before the senatorial court.<sup>38</sup> Pliny says that he and Tacitus were assigned to represent the province, meaning that they were prosecuting Priscus. The trial took place over three days in January, 100 CE. Late in this letter Pliny describes his performance as prosecutor, including the speech he delivered. He notes that the senate was well-attended in January, that the case’s gravity aroused particular interest, and that Trajan himself, who held the consulship at the start of the year, presided at the trial (section 10). Pliny modestly confesses some anxiety at the prospect of speaking before such a large, prestigious, highly engaged audience (section 11). In this case, moreover, he faced a particular challenge: Priscus, who was both a priest and an ex-consul (hence a high-ranking senator), and who had

35 *Ep.* 2.9.5–6: . . . *teque obsecro ut aliquam oneris mei partem suscipere tanti putes. reddam vicem si reposces, reddam et si non reposces.*

36 On the electoral efforts of candidates and their senior supporters (*suffragatores*) in senatorial elections, see Plin. *Ep.* 1.14.7; 2.1.8; 3.8; 3.20.3–4; 4.17.6–9; 6.6; 6.9; 8.23.2, 5–6. In general see Millar (1977: 304–7), Talbert (1984: 52–5, 341–5); also Gibson and Morello (2012: 163–4) for a similar situation elsewhere in Pliny’s letters.

37 The following description is derived from Roller (2011: 206–7), again with different emphasis.

38 The legal details are complex, and the chronology of events unclear: general discussion in Sherwin-White (1966: 56–8, 161–3); Garnsey (1970: 54–5).

already confessed to a lesser charge, now inspired sympathy from other senators as a great man brought low (sections 12–13). But once Pliny began to speak, he says, these difficulties evaporated. His speech was well received, and the emperor himself expressed a gratifying concern for the strain that almost five hours of heated oratory placed on Pliny's delicate physique (sections 14–15). At trial's end the defendant was convicted. The consul designate conveyed the senate's thanks to Pliny and Tacitus for effectively discharging their assigned duty, and other senior senators concurred with this opinion (section 19). Throughout this narrative, then, Pliny emphasizes the high stakes of the event, his triumph over the challenges posed by the situation, and the approbation he received from the highest ranking members of the senatorial audience, including the expressions of friendly concern from the emperor. Nor is this the only such letter: four or five others contain equally detailed and self-congratulatory accounts of senatorial trials in which Pliny served as an advocate.<sup>39</sup> The senatorial court is patently a premier venue for oratory in this era. Here the successful orator could expect to win fame and glory, and to enhance his standing within his peer group. In Pliny's case, the renown he gains from being judged positively by his peers and by the emperor presumably produces the desired social outcome, and is also, it seems, intensely satisfying to him.

Our third snapshot of senatorial activity in this era, as seen through Pliny's eyes, involves a series of hearings preliminary to an extortion trial. The details sprawl over six letters distributed across four books, but the chronological range of the activity (apart from the first letter) is limited: it takes place well within the span of one year, perhaps from late 106 into 107 CE.<sup>40</sup> The first letter, *Ep.* 4.9, details Pliny's role in defending an ex-governor of Bithynia, Iulius Bassus, on an extortion charge — a trial dating to 102 or 103 CE. Pliny discusses many legal and procedural complexities, but the heart of the letter is a self-congratulatory account of Pliny's defense speech for Bassus before the senatorial court, and its positive reception by his peers (not unlike *Ep.* 2.11, just discussed). In the second letter, *Ep.* 5.20 — dating to late 106 or early 107 CE, hence some three to four years later — a new chapter is added to the story.<sup>41</sup> The Bithynians are back, preparing to prosecute another ex-governor called Varenus Rufus, and Pliny is again serving as a defense advocate. In this letter he is not so much praising his own oratory as critiquing that of other players in the

39 E.g. *Ep.* 3.4, 3.9, 7.33, 9.13; also 4.9 and 5.20, on which see below.

40 The first four letters are addressed to Cornelius Ursus, and the last two to (probably Caecilius) Macrinus. This consistency of addressees clearly helps to unify the cycle of letters, though the rationale for directing these letters to these particular recipients (both of whom receive other letters as well) is unclear, as is the reason for the change in addressee at the fifth letter of the cycle. For brief discussion of this cycle, see Gibson and Morello (2012: 58–60).

41 On the date, see Sherwin-White (1966: 60–1) and *ad loc.*; if this date is correct, then the phrase Pliny uses to connect the new process with the previous one—*breve tempus a Iulio Basso* (*Ep.* 5.20.1)—is arguably misleading.

upcoming trial (sections 4–6). But he also notes that, in the preliminary hearings, an important procedural point came up: the defendant requested the right to compel witnesses to appear for his defense (section 2). Quintilian tells us (*Inst.* 5.7.9) that, in Imperial-era criminal trials, both sides could summon witnesses who were willing, but only the prosecution could compel unwilling witnesses to appear. So Varenus' request was unprecedented. The presiding magistrate, a consul-designate, duly denied it, but another high-ranking senator, an ex-consul, moved that, in this case, both sides collect evidence under the same rules, and this motion was carried by the majority of the house (sections 6–7). Pliny concludes (section 7), 'we won our point, one not covered by law nor sanctioned by precedent, but just none the less'.<sup>42</sup> Pliny is at pains here to display the precise nature of the point of procedure, along with the arguments and manoeuvres by which an exception to established procedure was allowed by the senatorial court.

Then the drama begins. In *Ep.* 6.5, we learn that, at the very next meeting of the senate, a senator called Licinius Nepos, who had opposed granting the exception, raised the matter again, even though, Pliny says, the matter was closed and a decree of the senate had been made (section 1). Nepos further proposed that the senate consider whether the same powers to summon witnesses should apply to defendants as to accusers in *repetundae* trials in general — hence whether to change the extortion law itself, as it had recently done regarding the law on electoral corruption (section 2).<sup>43</sup> Other senators objected that Nepos had failed to speak against the motion at the prior meeting when it was under debate, so was out of order in speaking now (section 3). The session devolved into an exchange of insults between Nepos and one of the praetors, which some senators found so engrossing that they ran back and forth between the combatants so as not to miss a word, and incited them by calling on the emperor to favour this side or that. Pliny declares his disgust for the whole scene (sections 4–6). But he picks up the thread again in *Ep.* 6.13, dating soon thereafter (perhaps some weeks or months). He reports that the Bithynians, who did not like the change in the witness-calling rules and were therefore attempting to undermine the senate's decree, disparaged it to the consuls and also communicated their complaint to the emperor, who was absent. The emperor

42 *Ep.* 5.20.7: *impetravimus rem nec lege comprehensam nec satis usitatam, iustam tamen*. Garnsey (1970: 55, n 2) offers remarks on the legal point, with Sherwin-White (1966) *ad loc.*

43 It is unclear whether this passage implies that the law on electoral corruption (*ambitus*) already allowed defendants to summon unwilling witnesses, and Nepos is asking whether the *repetundae* law should stipulate the same (which seems at odds with Quint. *Inst.* 5.7.9), or whether the implication is merely that the *ambitus* law had recently been modified somehow, and Nepos is asking whether the senate might therefore modify another major criminal law as well (so Sherwin-White 1966 *ad loc.*, referring to *Ep.* 6.19.3 on a change in the *ambitus* law).

referred them back to the senate.<sup>44</sup> One Bithynian representative made a speech taking the senate to task for its own decree; but Pliny says this time the senate behaved well and that, notwithstanding some vocal opposition, even those who had originally opposed the decree now felt that the senate should abide by it, having decreed it.

We are still not done. In *Ep.* 7.6, reporting events of an indeterminate date subsequent to the previous letter (but probably still in 107 CE),<sup>45</sup> we find the Bithynian delegation in chaos. The provincial council has decided to drop the case against Varenus, and has sent legates to the emperor, to many leading men in Rome, and even to Varenus' advocates (including Pliny), to inform them (section 1). But they apparently neglected to inform their own representatives who were already in Rome, and their own senatorial advocate: these men continued to press the case. At a certain point, these advocates demanded that the consuls compel Varenus produce his account books (section 2). Pliny, who knew the case was to be dropped, says that he stood near Varenus in the guise of a friend, not advocate, and said nothing: for had he spoken, he would have appeared to be acting as Varenus' advocate, at a moment when it was absolutely necessary that Varenus not look like a defendant.<sup>46</sup> After all, there was still no trial going on: all the wrangling to date had been procedural. Pliny does not neglect to congratulate himself for his clever rhetorical move in staying silent (sections 7–8). Eventually, the newly arrived Bithynian legates announce in the senate that they are abandoning the prosecution, and ask the consuls and senate *not* to act, lest they forestall the emperor's decision as to whether the charge can be withdrawn (section 6). The saga ends with one further letter (*Ep.* 7.10) from some weeks later, in which we learn that the rival Bithynian legates — those in favour of pressing charges against Varenus and those opposed — spoke before Trajan on the matter, and Trajan said that he would investigate further what the will of the province was. So Varenus remains in suspense as to whether he will be prosecuted, and if so, under what rules for calling witnesses. But Pliny notes that all this has worked to Varenus' advantage: for he says, it is highly doubtful that Varenus is being accused justly, when it is uncertain whether he is being accused

44 *Ep.* 6.13.2: *Bithyni senatus consultum apud consules carpere ac labefactare sunt ausi, atque etiam absentis principi criminari; ab illo ad senatum remissi non distiterunt.* If these events date to early 107, Trajan may still not have returned from the second Dacian war. This would entail his absence from the previous senate meetings dealing with this matter, and account for his overall lack of involvement. Alternatively, this kind of matter may simply be the senate's to sort out, at least under this emperor (Sherwin-White 1966 *ad loc.*, Garnsey 1970: 56).

45 On the 'book date' of 107 CE for book 7, see Gibson and Morello (2012: 266), with further bibliography.

46 *Ep.* 7.6.3: *adsistebam Vareno iam tantum ut amicus et tacere decreveram. nihil enim tam contrarium quam si advocatus a senatu datus defenderem ut reum, cui opus essent ne reus videretur.*

at all.<sup>47</sup> This is the last we hear of the matter, so perhaps the prosecution was indeed abandoned.

### Towards an Imperial “reception” of the Republican senate

I would underscore two fundamental points that these episodes illuminate regarding the differences between the Imperial senate of Pliny’s day and its Republican predecessor. First, the Imperial senate’s interconnected legislative, judicial, and deliberative functions generate some highly non-Republican political dynamics. In the Varenus episode, the question about rules for summoning witnesses arises during the preliminaries to a trial, when the senate is apparently convened as a court. Immediately it pivots, becomes a deliberative body, and takes a vote regarding the rules for this trial (*Ep.* 5.20.6–7). In the subsequent meeting, the question is expanded to a fully legislative one: whether the senate should make new law with general application regarding the rules for calling witnesses (*Ep.* 6.5.2).<sup>48</sup> Yet, however much the Imperial senate’s legislative, judicial, and deliberative functions run together in practice, crucial conceptual distinctions among these functions apparently remain. When Pliny stands silently by Varenus during the debate about the latter’s account books (*Ep.* 7.6.2–3), he seeks to avoid giving the impression that a trial is going on — suggesting that even senators might be confused about which role they are currently discharging. The manoeuvring that Pliny describes here was unknown to the Republican senate, which had no legal jurisdiction: Cicero would not comprehend the parliamentary virtuosity Pliny claims to have displayed.

The second fundamental point regarding the relationship between the Imperial senate, as Pliny represents it, and its Republican forebear involves the role of the emperor. Though physically absent from all senate meetings on the Varenus matter, psychologically the emperor is present in the actors’ minds as potentially weighing in on this side or that, or taking the matter, in whole or in part, into his own hands.<sup>49</sup> Yet, this sense of imperial ‘presence’ clearly does not prevent the senators or the Bithynian legates from performing their duties with commitment and passion: they see that much rides on their own actions, here and now. Even when the emperor is present, as in our second snapshot of the extortion trial, he does not seem to intimidate the senators or constrain debate: on the contrary, Pliny would have us believe that the opportunity to perform well under the gaze of the emperor as well as of his senatorial peers makes the occasion all the more momentous, and the need to be seen to discharge one’s obligations appropriately the more pressing.

47 *Ep.* 7.10.3: *multum interim Varenus tulit. etenim quam dubium est an merito accusetur, qui an omnino accusetur incertum est!*

48 Cf. Tac. *Ann.* 15.20–22, where a corrective *senatus consultum* is proposed while a trial is going on. Here, the consuls decline to put the proposal to a vote, on the ground that it is *extra relationem*: see Koestermann (1963) *ad loc.* on the procedural details, and Talbert (1984: 259) for discussion and parallels.

49 Emperor’s psychological presence: *Ep.* 6.5.5; 6.13.2; 7.6.1, 6; 7.10.2.

The importance of this judging gaze comes through in our first snapshot as well, the senatorial canvassing in which Pliny sees his standing with his peers and the emperor to be profoundly at risk should his candidate fail.

Pliny's picture of the Imperial senate in action contrasts strikingly with Tacitus' picture. Tacitus, as we have seen, portrays the emperor as an alien presence, weighing upon and interfering with the senate's proper functioning. Both his patronage resources, which elicit flattery and sycophancy from senators, and his capacity to retaliate and penalize, which intimidates and instills fear in them, hinder the autonomy and openness of debate that, in Tacitus' view, are required for the senate to function properly. The emperor's absence is therefore desirable, in whatever way that might be achieved: hence the possibility of valorizing the Republic, a time without emperors, as one situation in which the senate's potential was more fully realized. For Pliny, in contrast, the emperor is always already factored in: far from being an external accretion, he is integral to the proper functioning of the senate and to the full realization of its potential. He sets ground rules, makes final adjudications where necessary, and is one very important judge (along with other senior senators) of the individual performances, virtues, and civic value of each senator. Indeed, Tacitus' exceptional cases—as in *Ann.* 3.60, discussed above, when Tacitus says that Tiberius condescended to entrust to the senate the adjudication of Greek cities' rival claims, and the senate behaved as if it were living in the good old days — would seem to be Pliny's everyday senatorial reality, minus the nostalgia, imperial condescension, and the implication of a senatorial charade. Nothing in Pliny's representation suggests the view that a pre-Imperial senate, or any other circumstance in which the senate might avoid imperial influence, is preferable to the current dispensation. For Pliny, the emperor is No Problem — indeed, he is a Non-Issue. Hence we needn't be surprised that Pliny exhibits no Republican-Imperial periodization, at least regarding the senate's functioning.<sup>50</sup>

This is not to say that Pliny ignores the damage an emperor can do. He makes Tacitean-sounding statements in certain letters and in the *Panegyricus* about the senate's experience of oppression and terror under Domitian. But sitting emperors are regularly praised via denigration of their predecessors.<sup>51</sup> A common mode of denigration is to declare the predecessor a 'tyrant' who 'enslaved' the senate and the rest of society, while asserting that the current emperor is a benevolent monarch who has restored liberty to these previously downtrodden parties. This schema is ideologically potent, but needn't be veridically true.<sup>52</sup> Furthermore, this schema grants that the Imperial order is, or can be, just and benevolent (as it is under the current

50 Alston and Spentzou (2011: 141–68) draw conclusions about these two authors' outlooks that are broadly similar to mine, though based on an entirely different analysis.

51 On predecessor denigration in general see Ramage (1983); for Pliny's denigration of Domitian see e.g. *Ep.* 8.14.8–9; *Paneg.* 54.3–4, 76.3–4.

52 Compare the Plinian passages in the previous note with their sequels—*Ep.* 8.14.10; *Paneg.* 54.5–7, 76.6–9—for the corresponding praise of the reigns of Nerva and

emperor), and that the problems experienced previously are aberrations introduced by a particular emperor who is inadequate to the need. Yet, in Tacitus' schema, the system is normally and naturally oppressive and abusive: the emperor as such is the problem; distinguishing between 'good' and 'bad' emperors is somewhat beside the point.<sup>53</sup> Pliny also, like many Roman authors, occasionally employs the discourse of moral decline, where present-day morals are said to have fallen from the high standards of the good old days. This discourse operates by retrojecting the opposite of whatever qualities offend one in the present onto a morally valorized but historically unspecifiable past. So when Pliny lauds the moral superiority of the good old days, we cannot infer specifically that he prefers the Republic to the Empire, or Julio-Claudian period to the present day, or the like.<sup>54</sup> Indeed, there is no evidence here, any more than in his descriptions of how the contemporary senate works, that he acknowledges a distinction between Republic and Empire in the modern sense, or regards the advent of Augustus as a watershed of significance to the political culture of his own day.<sup>55</sup>

For Pliny, then, we have a negative result: he gives little indication of being aware of a pre-Imperial past as a separate era, let alone one in which a different or 'better' senate can provide a standard or mirror for the senate of his own day. His views about the current dispensation are much better elucidated by his detailed descriptions of the senate's operations (including the emperor's role therein) in letters of the sort we have examined here. For Tacitus, in contrast, the overarching analytical framework of 'emperor as Problem' enables, indeed requires, that he define and distinguish two political systems: one, including a senate, that exists 'before' the Caesars, and another that exists 'after' their advent — though, as we have seen, he uses no consistent terminology for this periodization. In the modern terms of my title, then, we can reasonably speak of an Imperial reception of a Republican senate in the works of Tacitus, though not in the works of his contemporary Pliny.

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Trajan. On the 'bad Domitian/good Trajan' dynamic in these and similar passages, see Beutel (2000: 179–83) (on *Epp.*), 39–44 (on *Paneg.*).

53 Yet Tacitus, like Pliny, employs the discourse of predecessor denigration when speaking of his own (Trajanic) age: see *Agr.* 3.1–3, 44.5–45.2 (on the relationship of these passages to Plin. *Ep.* 8.14, see Whitton 2010: 122–8).

54 Lefèvre (2003a) analyses the rhetoric of moral decline in Plin. *Ep.* 3.20 and 4.25, and pronounces Pliny a 'Republican' on this basis (189, 191); he offers a more nuanced view in 2003b: 273–77 (with further references). Cf. Strunk (2012), Beutel (2000: 253–62).

55 Gowing interprets the word *libertas* in Pliny as referring to the period before the emperors (2005: 121–2), unconvincingly in my view. I do agree, however, with the overall thrust of his analysis (121–31) that Pliny does not find the pre-Imperial past particularly interesting or illuminating for his own day.

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