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Miscarriages of Justice

Enforcing the Law in the Works of Tacitus

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Abstract

Throughout Tacitus' works, the author frequently includes passages related to the law, the importance of which has increasingly been acknowledged in recent years. In particular, Tacitus devotes significant attention to the many different ways in which the enforcement and application of the law could malfunction. The collection and categorisation of these different types of breakdowns of the Roman legal order, it will be argued, can shed an important light on Tacitus' legal thinking and the way in which he relates to wider judicial debates of his time. It will be suggested that Tacitus imbues his texts with a distinct, but ultimately nuanced, sense of legal scepticism and that he, rather than providing his readers with clear-cut answers, challenges them to carefully consider how the law ought to function and how they themselves should relate to it.

Keywords

Tacitus – Roman Law – legal thinking – legal history – *aequitas* – suicide

1 Introduction: Tacitus and the Law

While Tacitus is now primarily known for his historical accounts of the early imperial period, there are good reasons to see him as a legal thinker. He was actively involved in the governance of the Roman empire, holding various

magistracies and other public roles throughout his lifetime. This included a praetorship and a tenure as governor of Asia, both of which would almost certainly have involved him in the administration of justice, as well as the role of prosecutor in the trial against Marius Priscus for extortion alongside Pliny the Younger.¹ In addition, Tacitus' work displays a deep interest in the role of law in Roman society, and legal themes abound throughout his writings.² As Jens Petersen has recently pointed out, the author's discussion of these themes is fundamentally intertwined with his evaluations of the political landscape of the early imperial period and particularly with his analysis of political liberty.³ Such a connection makes sense, both for Tacitus' subject matter and his time of writing: the emergence of the Principate represented not just a major political change, but also a fundamental shift in the Roman legal system, from which the emperor emerged as the empire's supreme legal authority, whose word was quite literally considered to have force of law.⁴ Over Tacitus' lifetime, this power was increasingly reinforced,⁵ and he was likely personally acquainted with at least some of the jurists who operated under the imperial order.⁶ It is therefore little wonder that an author in his position would develop a keen interest in the role of law in Roman society, and particularly the ways in which it was changed and affected by the growing power of the emperor.

The central role of legal themes in Tacitus' works, then, make him a prime candidate to help further our understanding of the interaction between Roman literary and legal discourses.⁷ However, the complexity of his writing makes grasping his legal thinking into a difficult endeavour. The personal opinions underlying Tacitus' work have proved notoriously difficult to discern: his views on the respective merits of republican and imperial government remain

1 Martin 1981, 26-31; Petersen 2019, 35-38. Cf. Plin. *Ep.* 2.11.

2 For the sheer number of trials in the *Annales* alone, see Bablitz 2015.

3 Petersen 2019, 3 and 19.

4 *Dig.* 1.4.1; *Inst. Iust.* 1.2.6. Cf. Gaius *Inst.* 1.5. For the emergence of the emperor's role as supreme judge, see Tuori 2016.

5 See especially the standardisation of the praetorian and provincial edicts at the orders of Hadrian, which seems emblematic of a change that resulted in the Roman legal system becoming more directly controlled by the imperial bureaucracy. See Bauman 1989, 235-237; Mousourakis 2003, 282-283; Schiavone 2012, 367-389; Ibbetson 2015, 33. Important steps towards the standardisation of the edict were likely already made before Hadrian's reign—see Schiavone 2012, 353-361.

6 Syme 1958, 2.761; Ducos 1991, 3185.

7 For the notable lack of attention that has until recently been devoted to the Roman world in the wider field of law and literature, see Ziogas and Bexley 2022, 17-18.

a particularly contentious issue,⁸ and the complex irony and ambiguity of his work has repeatedly been stressed.⁹ There remain, however, valuable points of entry. One particular way to look beyond the debate surrounding Tacitus' personal opinions, which can on occasion appear unresolvable, is to investigate which themes he chooses to highlight. By focussing on recurring motifs in his works, rather than on his evaluation of the specific historical events he describes, it becomes possible to gain an insight into which questions and ideas he wishes to introduce to his readers.¹⁰ In this paper, I will suggest that the enforcement and application of the law is one such key theme, and that the different ways in which Tacitus discusses this topic provide worthwhile insights into his legal thinking.

Tacitus' writings contain a notable number of references to cases in which the law, in one way or another, was not properly enforced or did not have the intended effect. While his handling of legal themes has received some notable scholarly attention in recent years,¹¹ this particular aspect of his work remains underexplored, and by collecting and categorising the different ways in which the enforcement of the law is undermined in Tacitus' works, we can get a better idea of the expectations he had of the Roman legal system and of the complexities of properly managing law and governance in the Roman state as he perceived them. "Law" in this context should be taken to refer not just to the various forms of codified statute law that existed in the Roman empire and that might be designated by such terms as *lex*, *edictum* or *senatus consultum*: while such terms do occur in Tacitus' works, his use of law-related terminology is more frequently non-specific and non-technical in nature. He seems to

8 For the traditional distinction between a "red" (republican, revolutionary) and "black" (monarchist, Machiavellian) Tacitus, see Toffanin 1921, 143-167 and 189-207. For overviews of the different interpretations of Tacitus' political views, see Burke 1969, Kapust 2012, 506-517 and Strunk 2017, 4-6.

9 For a succinct overview, see Baroud 2023. For the idea that difficulty and ambiguity are central to Tacitus' style and serve a didactic purpose by "[exhorting] the reader to try harder, and to fight for the legitimization of her reading", see O'Gorman 2000, 21, who further argues that the many complexities of Tacitus' work serve as a protest against the principate by drawing attention to the perversion of republican language. Cf. Luce 2012, Henderson 1989 and Rutledge 1998, 152-153, especially Henderson's claim that the *Annales* in particular are "always just beyond reach of secure reading" (p. 167). Cf. Syme 1958, 2.520.

10 Cf. O'Gorman 2000, 13, where it is suggested that the complexity of Tacitus' works invites his readers to (mis)read and interpret alongside the historical figures he discusses. One might argue that, in presenting certain legal cases, Tacitus is similarly inviting his readers to take part in legal judgement alongside his characters.

11 See e.g. Ducos 2007; Petersen 2019; Bablitz 2015; González Rojas 2023. Ducos 1991 remains an essential forerunner.

favour terminology referring to law or custom in a more general sense (like *ius* and *mos*), terms related to trial proceedings (like *cognitio*, *crimen*, *flagitia*, *iudex*, *reus*, *damnare* or *convincere*) or more extensive, contextualised descriptions of legal actions and their consequences (like punishments) over the technical phraseology favoured by the jurists.¹² In addition, not all Roman legal proceedings had their basis in laws in the strict sense of the word—as could for instance be the case in *cognitio* trials, which gradually became more prevalent over the course of the imperial period.¹³ For this reason, the following analysis will not just take into account codified laws, but also measures issued by various magistrates in other ways as well as trials and other legal proceedings, like debates in the Senate. Collectively, I will argue, the various “miscarriages of justice” included in his works paint a vivid picture of the many different ways in which legal matters can go wrong and of the risks posed by an improper handling of the law. As such, they also challenge Tacitus’ reader to consider how the law can, and should, be properly applied within Roman society, while defying an easy answer to this complex question.

2 Ineffective Law

The first category of legal malfunctions in Tacitus’ works consists of references to the introduction of new legal measures that soon proved ineffective. Sometimes these references appear simply in passing, but their presence nevertheless serves to alert the reader to the idea that laws did not always work as intended and contributes to establishing the proper functioning of the law, or lack thereof, as a key theme.¹⁴ On other occasions, however, these references to ineffective measures are more closely connected to the surrounding narrative and serve to illustrate the authorities’ inability to resolve pressing difficulties or deal with complex and chaotic situations. A particularly horrific example of this appears in Tacitus’ description of the sack of Cremona during the civil wars of 69 CE, when the commander of Vespasian’s troops issued a

12 For the non-technical nature of Tacitus’ legal vocabulary, which was fairly common for the period, see Ducos 1991, 3195–3196. For his tendency to obscure the workings of the legal system, see Petersen 2019, 5–6.

13 Metzger 2015, 287–288.

14 Tac. *Ann.* 12.52b; 13.31; *Hist.* 1.22. Throughout this contribution, references to Tacitus’ works will sometimes be supplemented by a letter (a; b; etc.). These are used when multiple legal events are discussed in the paragraph in question, which are referenced separately at various points in this piece. An overview of all legal events discussed in this contribution, including their corresponding letters, may be found in the appendix.

ban on the enslavement of the city's inhabitants (Tac. *Hist.* 3.34: *edixit ne quis Cremonensem captivum detineret*). However, his soldiers now regarded their human spoils as useless and decided to kill many of them instead—thereby demonstrating that legal measures are often rendered ineffective in the face of people's worst impulses and may even make things worse without meaning to.¹⁵ This example serves to illustrate the impotence of the law in the face of the cruelty and immorality of civil war and is thus connected not just to a military context, but to a rather extraordinary one at that. However, references to ineffective laws can likewise be intertwined with wider narratives of administrative incompetence and allow Tacitus to draw attention to the ways in which emperors and other members of the government themselves had contributed to the issues they were now failing to resolve. In one such case, Nero is described as attempting to mitigate the effects of his own disastrous spending by issuing an order mandating that those to whom he had previously given money should be sued for repayment (*appellari*),¹⁶ and Tacitus notes that the matter was difficult (*onerosum*) to resolve even for the new committee that had been created specifically for this purpose.¹⁷ In another example, Tiberius is said to have inadvertently caused a financial crisis when attempting to crack down on illegally high interest rates—a practice in which many senators were reportedly involved. The emperor's attempted intervention allegedly caused an acute lack of liquidity and a subsequent *senatus consultum* 'intended to provide a remedy [...] proved the contrary' (*remedio quaesita, [...] in contrarium mutari*).¹⁸ In both passages, Tacitus specifically mentions the chaotic atmosphere in the city in the aftermath of these new legal measures (Tac. *Hist.* 1.20: *inquieta urbs*; *Ann.* 6.17: *ita primo concursatio et preces, dein strepere praetoris tribunal*) and thus reinforces the notion that laws are on occasion so ineffective that they cause problems rather than resolving them. This fear is even reflected

15 Tac. *Hist.* 3.34. Although this is formally a military command, the use of the verb *edixit* and the reference to *flagitia* serve to paint the measure in legal terms. Compare *Ann.* 1.44–45 for another ineffective attempt to enforce military discipline, in which legal terminology is likewise prevalent.

16 For this reading, see Chilver 1979, 82. Unless otherwise indicated, all citations from the *Annales* and the *Historiae* are based on the Oxford Classical Text editions of Fisher 1906 and 1911 respectively. Translations are my own.

17 Tac. *Hist.* 1.20: *bis et viciens miliens sestertium donationibus Nero effuderat: appellari singulos iussit, [...] exactioni triginta equites Romani praepositi, novum officii genus et ambitu ac numero onerosum*.

18 Tac. *Ann.* 6.16–17. Cf. Breckenridge 2023, 377, for the idea that the episode shows the Roman economy's reliance on large-scale imperial interventions in order to resolve crises. For Tacitus' representation of the role of *delatores* in this episode, see Rutledge 2001, 78–79.

in a description of the discussion surrounding potential responses to popular complaints about tax collectors, in which Tacitus allows readers to form their own opinions by presenting contrasting views: Nero's advisors are depicted as initially praising the emperor's plan to abolish indirect taxes to prevent overreach by these *publicani*, but then objecting out of fear that it would result in the abolishment of all taxes and eventually the fall of the Empire.¹⁹

Perhaps the most prominent example of an ineffective law having severely detrimental consequences, however, appears in the third book of the *Annales*. In one of the densest legal passages in Tacitus' works, which also includes his famous digression on Roman legal history,²⁰ the author discusses Tiberius' handling of his predecessor Augustus' marriage legislation. This measure, he notes in no uncertain terms, did not work as intended: *nec ideo coniugia et educationes liberum frequentabantur praevalida orbitate*.²¹ Up to this point, the episode could be read as a somewhat embarrassing legal failure on the part of the new imperial regime, but Tacitus' account appears to be more concerned with the effects the measure *did* have. The *Lex Papia Poppaea* is depicted as fundamentally infringing on the traditional boundary between public and private life²² and as bringing about a host of malicious accusations made by people who sought to obtain some benefit for themselves.²³ These self-interested private accusers form a key theme in Tacitus' works²⁴ and are presented as having had a deeply damaging effect on the Roman legal system throughout his description of the early imperial period.²⁵ Not only was the law ineffective, then—it also served to fundamentally destabilise Roman society. A similar pattern may

19 Tac. *Ann.* 13.50: *sed impetum eius, multum prius laudata magnitudine animi, attinere senatores, dissolutionem imperii docendo, si fructus quibus res publica sustineretur deminuerentur: quippe sublatis portoriis sequens ut tributorum abolitio expostularetur*. See Koestermann 1967, 334, for the rejection of the description *senatores* for Nero's advisors (Fisher 1906, *ad loc.*), in favour of Lipsius' reading *seniores*, which means that Nero's proposed measure should be read as a sign of his immaturity ("Unreife"). For the authorities' professed fears of issuing an ineffective law, see also *Ann.* 3.52–55 and 4.30b.

20 Tac. *Ann.* 3.25–28. This passage is one of the most extensively discussed parts of Tacitus' work. For a number of key analyses, see Leo 1896; Hahn 1933, 5–21; Ducos 1991, 3245–3248; Sage 1991; Mastroianni 2009; Mantovani 2012; Petersen 2019, 165–177.

21 Tac. *Ann.* 3.25. Cf. Petersen 2019, 147. Cf. *Ann.* 3.24, where Tacitus describes Augustus imposing harsh penalties on the *culpa* [...] *vulgata* of adultery, thereby overstepping both his own laws and those of the ancestors, who treated such matters fairly indulgently.

22 Milnor 2007, 12–13.

23 Tac. *Ann.* 3.25. Cf. *Ann.* 3.28.

24 See e.g. Rutledge 2023. For the role of *delatores* in the early imperial period more generally, see Rutledge 2001, esp. 9–16 (for the definition of the term) and 56–59 (for their role in enforcing the *Lex Papia Poppaea*).

25 See especially Tac. *Ann.* 2.27; 3.28.

be observed in Tacitus' accounts of several cases in which emperors sought to limit their subjects' freedom of expression. Both Tiberius and Nero are described as having attempted to confiscate and destroy writings they found objectionable. While the fact that both these measures failed due to the continued popularity of these works in itself seems like a good thing, this does not erase the fact that such imperial censorship did indeed have a chilling effect on the *libertas* of the Roman people, thus showing the negative effects of the principate on the Roman legal system.²⁶ Likewise, Vitellius' attempts to ban all talk of the civil war when it was going against him only hastened his downfall: since the law had made people afraid to tell the truth, it led to a problematic rise in terrifying rumours that only served to heighten public anxiety and was thus deeply harmful.²⁷

In addition, Tacitus makes multiple references to legal ineffectiveness being caused by self-interest. He describes the abolition of a tax on the purchase of enslaved people under Nero as a matter of 'appearance more than force' (*specie magis quam vi*), noting that the sellers, on whom the tax was now levied, simply included this expense in the price—adhering to the letter of the law, but negating its spirit.²⁸ While this story blames the slave-traders targeted by the law for the measure's failure, a discussion of a *senatus consultum* from the time of Galba, which allowed *delatores* to be tried for their malicious accusations, instead lays the blame for the ineffectiveness of legal measures squarely at the door of those who were meant to enforce them.²⁹ The effectiveness of the law, Tacitus suggests, depended on whether the accused was influential or not—and thus on whether the authorities saw any benefit in upholding it (*varie iactatum et, prout potens vel inops reus inciderat, infirmum aut validum*).³⁰ This idea is mirrored in a later discussion of Vitellius' attempt to restore those who had been exiled under his predecessors to their former status, by allowing them to gain control over their freedmen once again. While universally popular, the measure meant very little in practice (*quamquam id omni modo servilia ingenia corrumpebant*).³¹ Many freedmen had hidden away money that gave them

26 Tac. *Ann.* 4.34–35; 14.50. For the former event, see Kapust 2015. Tacitus' interest in imperial censorship, and his personal experience with it, also become clear from *Ag.* 2–3, *Dial.* 2.1 and *Hist.* 1.1 (the first of which likewise implies that the measure was ultimately ineffective).

27 Tac. *Hist.* 3.54.

28 Tac. *Ann.* 13.31.

29 Tac. *Hist.* 2.10b. For the particular animosity against *delatores* during this period, see Rutledge 2001, 121.

30 Tac. *Hist.* 2.10b. Cf. *Ann.* 4.36b; 13.52.

31 Tac. *Hist.* 2.92.

a degree of leverage over their (now presumably impoverished) *patroni*, and some even entered into the imperial household, which rendered them 'more powerful than their own masters' (*quidam in domum Caesaris transgressi atque ipsis dominis potentiores*).³² The emperor's personal favour now meant more than the rights and privileges traditionally ascribed to different social classes, and this implied corruption on the part of the imperial authorities negated any value the law may have had for the returning exiles.

Tacitus' descriptions of ineffective legal measures, then, shed an interesting light on the role legal themes play in his depiction of Roman history and of the Roman state. He makes his readers aware that laws did not always achieve what they were intended to do and could even make things worse—thus seemingly implying that the law was not necessarily a force for good and could easily be rendered meaningless by a lack of innate morality³³ and an excess of self-interest. The law is frequently depicted as a tool for imperial overreach and as being easily misused. This is not to say, however, that Tacitus depicts all legal measures in this way: both in the case of Galba's attempt to put an end to malicious accusations³⁴ and of Vitellius' popular restoration of those who had been unjustly exiled,³⁵ Tacitus' focus on the law being undermined by self-interest instead seems to suggest that laws could potentially be used for good, even if they often failed to do so.

These two contrasting aspects of Tacitus' handling of ineffective laws can be effectively illustrated by two scenes in which potential new legal measures are debated before the Senate and in which the deliberative setting allows the reader, like Tacitus' subjects, to weigh the merits of the respective arguments. The first deals with the possible introduction of sumptuary legislation and showcases the theme of legal scepticism.³⁶ The author includes a letter by Tiberius claiming that harsh measures may be required to curb moral degeneration, but that he was nevertheless unwilling to implement bans on luxury himself for fear of seeming overbearing.³⁷ Tacitus prefaces this by noting in his authorial voice that the emperor was worried not only about the potential harm such measures might do, but also about the potential indignity of imposing a law that could not possibly succeed (*quam indecorum adtrectare quod non obtineret*)—an argument that he later seems to validate by pointing out

³² Tac. *Hist.* 2.92.

³³ Cf. Tac. *Ann.* 3.55.

³⁴ Tac. *Hist.* 2.10b.

³⁵ Tac. *Hist.* 2.92.

³⁶ See Woodman and Martin 1996, 377, for the passage being notably focussed on imperial inaction (emphasis in the original).

³⁷ Tac. *Ann.* 3.53-54.

that a solid moral example is often much more effective than any legal measure could ever be (*obsequium inde in principem et aemulandi amor validior quam poena ex legibus et metus*).³⁸ In the second passage, however, he has Tiberius reject a law forbidding *accusatores* to lay claim to the inheritance of accused persons who had died by suicide before the conclusion of their trial. Here, too, Tiberius is depicted as concerned about the effectiveness and possible detrimental effects of such measures, and the emperor even describes these private accusers as guardians of the laws.³⁹ However, the highly irregular and chaotic nature of the trial proceedings directly preceding this passage, which are described as *miseriarum ac saevitiae exemplum atrox*, and from which the legal measure appears to have resulted,⁴⁰ as well as Tacitus' aforementioned pejorative remarks about self-interested private accusers throughout his works, here seem to lead the reader to the conclusion that this particular law, if properly enforced, would have been a beneficial one.

3 Neglected Law

This proper enforcement, however, seems to be far from a given in Tacitus' works, and in addition to his repeated references to ineffective legal measures, he also includes episodes in which existing laws are ignored, overlooked, or misapplied. Perhaps the most straightforward examples of this are four interconnected passages dealing with the decline of the traditional republican institutions appearing towards the beginning of the *Annales*, which serve to illustrate the legal changes that accompanied the emergence of the Principate.⁴¹ Similarly, we find at least eight references to legal protection breaking down during periods of unrest, especially during the civil wars of the late Republic and 69 CE.⁴² The theme of laws falling into disuse, however, is hardly limited

38 Tac. *Ann.* 3.52 and 3.55.

39 Tac. *Ann.* 4.30b.

40 Tac. *Ann.* 4.28–30a.

41 Tac. *Ann.* 1.1; 1.2; 1.4; 1.15.

42 Tac. *Ann.* 1.2; 1.9; 1.48; *Hist.* 1.80–85; 2.16; 2.91; 3.51; 4.11. Cf. *Ann.* 3.28, where Tacitus describes the period after Pompey's third consulate as having *non mos, non ius*. Tucker 2006, 285, holds that Tacitus sees the presence of laws as characteristic of a state of peace. However, the preceding passage seems to suggest that Tacitus saw an excess of laws as equally problematic—see especially *Ann.* 3.25; 3.27. For the implication that fair legal treatment of vanquished opponents is a mark of civilisation, as voiced by Germanicus, see *Ann.* 2.14. For other instances in which the authorities are unwilling to take legal action, or do so only with a significant delay, see *Ann.* 4.14; 13.25; *Hist.* 3.61; *Ag.* 6.2.

to passages dealing with large-scale breakdowns of the legal order as a result of major societal disruptions, and instead appears throughout Tacitus' writings.⁴³ Rubrius Fabatus, for instance, had been accused of participating in a conspiracy, but was taken back to Rome when he tried to escape to Parthia, where he remained otherwise unharmed *oblivione magis quam clementia*, 'more due to forgetfulness than to mercy'.⁴⁴ While this particular example paints an image of incompetence rather than active malfeasance, Tacitus elsewhere includes specific comments that suggest that laws were not being upheld because officials considered such a lapse to be in their personal interest. This theme of corruption is referenced explicitly in a complaint attributed to the senator Lucius Piso: during a debate in which the Senate rejected new sumptuary laws that would adversely affect its own members, he brought up what he saw as the decline of the legal system, specifically citing the *corrupta iudicia*, and thereby suggesting that not only those who created the laws were governed by self-interest, but those who were supposed to enforce them as well.⁴⁵

Tacitus also depicts Roman officials, particularly members of the Senate, as being very aware that certain requests made by the imperial family were in blatant violation of the law but choosing to go along with them anyway in order to, it is implied, safeguard their own position.⁴⁶ Senators are likewise depicted as allowing laws that might pose a hindrance to them to fall into disuse and as panicking at the prospect of such laws once again being enforced, fearing that they themselves would be targeted if these measures were revived. A particularly notable example of this appears in Tacitus' aforementioned description of the financial crisis under Tiberius. These financial problems, it is noted, were at least in part caused by the fact that a great many senators attempted to avoid punishment for breaking the law on maximum interest—and the passage tellingly ends with the remark that measures taken to resolve the crisis likewise quickly fell into disuse 'with severe beginnings coming, as usual, to

43 This analysis is specifically concerned with the enforcement of existing laws, not laws that were replaced with other, contradictory measures—although Tacitus seems to depict the latter practice as potentially problematic in Tac. *Ann.* 3.27 (*multa et diversa*), which appears to parallel *Ann.* 3.25 (*hanc multitudinem infinitam ac varietatem legum*). For the contrasting idea that legal changes could also serve as a valuable course correction, see especially *Ann.* 3.28 (*exsoluti plerique legis nexus*). For other references to inconsistent legal measures, see *Ann.* 13.28–29; 14.18; 14.60–64; *Hist.* 1.52; 2.62b; 4.44.

44 Tac. *Ann.* 6.14b. Cf. *Hist.* 1.24.

45 Tac. *Ann.* 2.33–34a. For the reading of *ambitum fori* as referring to legal proceedings rather than elections, see Goodyear 1981, 293. Cf. *Ann.* 12.48.

46 Tac. *Ann.* 2.51; 3.29. Cf. *Ann.* 12.5–7, where the incestuous marriage between Claudius and his niece Agrippina is described as a clear breach of long-standing Roman custom, if not the actual law.

a careless end' (*acribus, ut ferme talia, initiis, incurioso fine*).⁴⁷ The idea that self-interest could hinder the enforcement of the law, then, once again seems to be a prominent feature of Tacitus' legal thinking, and the important role of the Senate in these passages furthermore seems to suggest that he did not hold bad imperial governance to be exclusively responsible for the mishandling of the law, but encouraged his (in all likelihood primarily elite)⁴⁸ readership to investigate its own role as well.

4 Interpreting the Law

One of the most central components of Tacitus' handling of legal themes, which may have been particularly relevant for those of his readers who were active in Roman administration, is the question to what extent laws could be reinterpreted in order to better suit contemporary needs and circumstances. Tacitus' handling of this topic sheds a fascinating light both on the questions he wanted his readers to consider and on his relationship with wider societal debates of his time. In her analyses of the themes of law and justice in the works of Tacitus, Michèle Ducos has argued that he, like his contemporaries Pliny the Younger and the jurists Titius Aristo and Iuventius Celsus, was strongly concerned with the topic of *aequitas* (fairness) and the balance between the letter of the law and the *bonum et aequum* (the good and the fair).⁴⁹ Despite the fact that the term is notably rare in his work,⁵⁰ Ducos holds that equity, according to Tacitus, prevented overly harsh adherence to the letter of the law and instead

47 Tac. *Ann.* 6.16-17. Cf. *Ann.* 11.5b-7; *Hist.* 4.6-7 for senators being implicated in the very behaviours they were supposed to punish. The former passage references the Cincian law, which is once again described as being in need of revival in *Ann.* 13.42-43a, suggesting that enforcing it was not consistently seen as beneficial. Cf. *Ann.* 3.54, where Tiberius complains that the sumptuary laws of the Roman ancestors, including Augustus, had now completely fallen by the wayside. He similarly references his predecessors' laws being forgotten in *Ann.* 6.12.

48 Marincola 2009, 12-13.

49 For an analysis of the jurist Celsus' definition of law (*ius*) as *ars boni et aequi* (*Dig.* 1.1.pr.), see Hausmaninger 1976, 402-403. The phrase *bonum et aequum* also refers to a similar concept in Cic. *de Orat.* 3.107, Sal. *Jug.* 35.7; Sen. *Cl.* 2.7.3, all of which were likely familiar to Tacitus.

50 Ducos 1990, 99; cf. Petersen 2019, 548. While Tacitus generally uses *aequus* to mean 'equal', in some cases the use of the term is more ambiguous and may also refer to equitable legal treatment. See e.g. *Ann.* 2.82, 3.27 and 15.21. For more straightforward examples of the use of variations on *aequus* as 'equitable', see Tac. *Ann.* 14.18; 14.44; *Dial.* 31.2. In *Ann.* 16.33a, the term *aequitas* seems to imply indifference.

allowed for a more flexible interpretation that took the specific circumstances of each case into account.⁵¹ In order to illustrate this idea, Ducos particularly highlights the author's frequent references to trials dealing with accusations of *maiestas*, or treason, which she suggests function as key evidence that Tacitus' works present strict legalism as reducing the law to a caricature of itself.⁵²

The idea that Tacitus, while not discussing *aequitas* on a technical level, was deeply interested in different ways of (re)interpreting the law and actively engaged with the idea that it could (or perhaps should) be interpreted according to the spirit rather than the letter, is a highly valuable one. The theme is prevalent in Tacitus' works, particularly in the *Annales*, and Ducos is right in suggesting that his discussions of *maiestas* trials are particularly important in this regard, especially due to the questions they raise regarding the effect of the principate on the Roman legal system. What is less clear, however, is whether Tacitus did indeed attempt to demonstrate the value of flexible legal interpretation, or whether he instead intended his readers to take a more sceptical approach to the subject and challenged them to question the merits of both a strict adherence to the letter of the law and a more flexible approach. Cases dealing with *maiestas* appear with notable frequency over the course of the narrative and as such draw the reader's attention to the highly flexible usage of the charge: Tacitus argues that the measure initially covered things like betrayal of the army, inciting sedition among the *plebs*, or maladministration. He notes that the law was originally specifically directed at behaviour that diminished the majesty of the Roman people (*si quis [...] maiestatem populi Romani minuisset*) and that it only covered deeds, not words.⁵³ He claims, however, that this started to change from Augustus onwards, going so far as to refer to the different iterations of the law as entirely different proceedings under the same name (*cui nomen apud veteres idem, sed alia in iudicium veniebant*), which suggests that he saw the handling of *maiestas* cases as an example of flexible interpretation rather than excessive legal rigidity.⁵⁴ Throughout his account of the early principate, he likewise presents the charge as being applied to all manner of trivial, innocuous behaviours, notably those that could be construed as being offensive to the person of the emperor and his family and as being attached

51 Ducos 1990; Ducos 1991, 3257-3258, especially p. 3258. For the description of *aequitas* as "the recognition of a reality invisible to law", see Humphreys 2023, 98. For the development of both *aequum* and *aequitas*, see Schiavone 2012, 146-153; 299-301; 436-446.

52 Ducos 1990, 101-104; Ducos 1991, 3236-3238.

53 Tac. *Ann.* 1.72. For the reliability of Tacitus' accounts of *maiestas* trials, see Goodyear 1981, 141-150. Koestermann 1955 holds that the biases in Tacitus' account are likely due to the selective nature of his sources.

54 Tac. *Ann.* 1.72.

to so many trials that it was widely regarded as doing more harm than good.⁵⁵ While he sometimes describes emperors rejecting such accusations,⁵⁶ this does not appear to have detracted from the widespread terror the law is said to have caused. Whether an accusation of *maiestas* was accepted or not was in large part due to how successful the accuser was in framing harmless acts as treasonous, and particularly to the whims of the emperor.

Rather than demonstrating the detrimental effects of strict legal rigidity, then, Tacitus' various references to *maiestas* trials seem to draw attention to the expansion of the law beyond its original meaning to better fit with whatever was deemed expedient in a particular situation.⁵⁷ While his accounts of these proceedings do on at least two occasions refer to the idea that the letter of the law should be upheld, these suggestions are either ignored or are represented as deeply disingenuous.⁵⁸ Tacitus' account of the law's development thus seems to point not towards a straightforward admiration of the principle of *aequitas*,⁵⁹ but rather to an interest in its use under the developing imperial

55 See e.g. Tac. *Ag.* 2-3; *Ann.* 1.73; 1.74; 2.50; 3.22-23; 3.24; 3.38; 3.44; 3.49-51; 3.66-69; 3.70; 4.6; 4.21; 4.31c; 4.34-35; 4.42a; 4.52; 6.5-7a; 6.18a; 6.29b; 6.38b-39; 6.47-48; 12.42; 12.52a; 14.48-49; 14.50; 16.14-15; *Dial.* 3.2; *Hist.* 1.77.

56 Tac. *Ann.* 1.73; 1.74; 2.50; 3.22-23; 3.49-51; 3.70; 6.5-7a; 12.42. The notion that the *maiestas* trials in Tacitus' work contribute to a strong rhetorical narrative of legal overreach, and potentially tyranny, has been widely discussed. See e.g. Rogers 1952; Cuff 1964; O'Gorman 2000, 84-86; Tuori 2016, 194; Petersen 2019, 289-399; O'Gorman 2020, 61; Bablitz 2023, 669. For the idea that, according to Tacitus, the senatorial class bore a key part of the responsibility, see Zäch 1971, 68; Harries 2007, 80.

57 Tukker 2006, 251.

58 See especially Tac. *Ann.* 1.72, where Tiberius, when asked if *maiestas* trials should remain possible, responded that the law should be upheld (*exercendas leges esse respondit*). While it has been argued that Tiberius' professed wish to uphold the law in all respects should be taken at face value (Goodyear 1981, 152; Bauman 1996, 45), it is telling that his assertion is presented as being in line not with the original definition of *maiestas* discussed shortly before, but with Augustus' expansion of it, focussing on verbal insults rather than actual threats. See also Marcus Lepidus' argument for the banishment of Clutorius Priscus (*Ann.* 3.49-51), who had been accused of composing a *carmen* about the death of Drusus while he was still alive, which Bauman 1996, 45-46 reads as advocating for strict adherence to the *lex maiestatis* in order to save the life of the accused. While the reading of the *carmen* as a type of spell that would have incurred the death penalty under the Twelve Tables seems implausible, Bauman's idea that Lepidus was arguing for strict adherence to the law on *maiestas* is likely right. Lepidus' proposal, however, is rejected by a majority of senators, and the fact that Tiberius never attempted to use the right to retract the death penalty within nine days granted to him by the Senate in the aftermath of the incident paints him as insincere.

59 For Tacitus' apparent suspicion of jurists, whose profession was deeply intertwined with *aequitas*, see Tukker 2006, 286. For the idea that he instead distinguishes between aristocratic, radical jurists, and imperial, subservient ones, see González Rojas 2023, 164-207.

government and the ways in which it could be perverted. It is notable that most of the *maiestas* trials discussed by Tacitus appear to take place in the form of *cognitio* proceedings under the jurisdiction of either the Senate or the emperor himself, which afforded greater flexibility than trials under the more rigidly structured *quaestio maiestatis* and thus left more room for the particular circumstances of the case.⁶⁰ This flexibility could allow for the introduction of the fairness and justice with which *aequitas* is commonly associated.⁶¹ However, while Tacitus indeed shows the law on *maiestas* being interpreted to better suit the needs of the time, he appears to have been more concerned with the potential for overreach created by the *cognitio* procedure's capacity to allow magistrates, including the emperor, greater direct input into legal proceedings. This sentiment appears to be reflected in the *Dialogus de Oratoribus*, in which all three speakers tellingly comment that trials are no longer as firmly rooted in the law as they once were, and the character of Marcus Aper even argues that oratorical skill has become particularly important now that judges no longer decide matters *iure et legibus*, but through their own *vi et potestate*.⁶²

Even more telling is the fact that Tacitus does not appear to depict the changing interpretation of *maiestas* as benefiting Roman society in general, but instead as better 'protecting' the emperor himself. Meanwhile, passages dealing with the concept that survive in the *Digesta* suggest that jurists were more concerned with those who were in danger of ending up in a precarious position due to strict adherence to the letter of the law and were therefore in need of protection against legal rigidity. Although the relevant authors were generally active after Tacitus' time of writing and may thus demonstrate a later stage in the development of the concept, it is nonetheless telling that their handling of *aequitas* tends to be concerned with "ordinary" participants in the legal process, to the extent that they occasionally single out particularly vulnerable groups like dependent adoptees, those who were unable to pay for legal representation, and sometimes even enslaved people.⁶³ By contrast, the emperor is normally (in both legal works and imperial self-representation) presented as a source of such protection, rather than the recipient of it, and *aequitas* appears as a quintessential imperial virtue from the early Principate

60 Bauman 1996, 5; Harries 2007, 27; Lintott 2015, 322.

61 Bauman 1996, 5; Schiavone 2012, 299-303; Tuori 2012.

62 Tac. *Dial.* 19.5. Cf. *Dial.* 32.3; 32.38. For the idea that Aper's character is referring to the *cognitio* procedure, see Frier 2010, 84-85.

63 E.g. *Dig.* 1.3.25; 1.6.2; 1.7.33; 1.16.9.5; 2.10-11; 2.13.1.pr.; 3.3.33.2; 4.1.7; 29.5.1.30.

onwards.⁶⁴ Tacitus, meanwhile, seems to represent the emperor as both the one to decide if the law should be reinterpreted and as the beneficiary of such reinterpretation, and the telling overlap between these two roles serves to evoke important questions about whose interests this legal flexibility truly served.

Tacitus' works contain a number of important passages that seem purpose-built to evoke a level of discomfort with the flexible use of the law and to encourage the reader to consider whether the outcome of such legal flexibility could be considered just. In these episodes, the author almost seems to turn the principle of *aequitas* on its head: these are not proceedings in which individual circumstances were taken into account in order to affect a more just outcome, but rather cases in which the letter of the law was formally upheld, but its spirit was fundamentally undermined. In his account of the trial against Libo Drusus, he describes Tiberius as an 'ingenious inventor of new jurisprudence' (*callidus et novi iuris repertor*), who managed to evade a long-standing senatorial decree mandating that enslaved people could not be questioned in capital cases against their *dominus*. He did so by ensuring that Libo's slaves were each sold to the treasury, which meant that they could be forced to provide evidence against him without violating the *senatus consultum*.⁶⁵ Elsewhere, Tacitus notes that the emperor had a habit of 'cloak-ing newly discovered crimes in ancient terminology' ([...] *scelera nuper reperta priscis verbis obtegere*)⁶⁶ and accuses him of '[punishing] uncertain or abolished charges as severe and recent offences' (*incerta vel abolita pro gravissimis et recentibus puniret*)—thus once again highlighting the notable difference between the factual nature of these trial proceedings and the legal vocabulary used to describe them.⁶⁷ A particularly gruesome case appears later in the *Annales*, where Tacitus describes the execution of the children of Tiberius' former advisor Sejanus in the aftermath of their father's fall. He evokes the

64 Noreña 2011, 63–66; Tuori 2012; Daalder 2022, 182. For the idea that references to the concept on coinage refer to the fair administration of the imperial mint rather than judicial fairness, see Noreña 2011, 66–71; Manders 2012, 162, 182–185; Hekster 2020, 253–254.

65 Tac. *Ann.* 2.27–32, esp. 2.30. For Tacitus' characterisation of Tiberius as *callidus*, see Ducos 2007, 94; González Rojas 2023, 27–64. Cf. *Ann.* 13.31. An interesting contrast may be found in Vitellius' behaviour in *Hist.* 2.62a, where he is said to have allowed the testaments of those who fell fighting for Otho to stand and allowed the normal legal procedure to be upheld in cases where no testament was available (*rata fuere eorum qui acie Othoniana ceciderant, testamenta aut lex intestatis*).

66 Tac. *Ann.* 4.18–20, esp. 19.

67 Tac. *Ann.* 6.38a.

girl's childish confusion at being taken captive, before appending a story by contemporary sources, who reported that she had been violated (*compressam*) by her executioner before her death in order to allow the execution to go ahead, since the execution of a virgin had been unheard of.⁶⁸

All this is not to say, however, that the merits of an approach to the law that took individual circumstances into account remain entirely unrepresented. It is telling that the increase in *veritas* that resulted from Tiberius' personal attendance of legal cases in the praetor's tribunal is presented as a good thing, even in a passage that is otherwise fairly critical in tone.⁶⁹ *Veritas* in this context seems to refer to Tiberius' commitment to taking into account the reality of individual situations and thus functions very similarly to *aequitas*.⁷⁰ By juxtaposing the term with a contextually much less flattering reference to the emperor's *severitas*,⁷¹ which is described as diminishing those occasions on which he acted justly (*quae rite faceret*),⁷² the passage seems to encourage the reader to consider the beneficial effects of a more individualised approach and a situational mildness. Elsewhere, Tacitus seems to draw attention to the possible ways in which strict legalism could likewise be abused. He recounts an incident in which Valerius Ponticus was banished because he had accepted payment to accuse people before the praetor to protect them from prosecution before the urban prefect, and subsequently ensured that the accused was let off due to a combination of collusion between the opposing factions and legal technicalities (*specie legum*), to which the praetor's court was more prone.⁷³ Strict adherence to the letter of the law, then, is here presented primarily as a tool to prevent actual justice from being done. When combined with other references to the idea that a greater degree of leniency may occasionally be

68 Tac. *Ann.* 5.9: *tradunt temporis eius auctores, quia triumvirali supplicio adfici virginem inauditum habebatur, a carnifice laqueum iuxta compressam*. For this reading of *compressam*, see Koestermann 1965, 236.

69 Tac. *Ann.* 1.75: *Nec patrum cognitionibus satiatus iudiciis adsidebat in cornu tribunalis, ne praetorem curuli depelleret; multaue eo coram adversus ambitum et potentium preces constituta. set dum veritati consulitur, libertas corrumpebatur*.

70 Koestermann 1963, 245; González Rojas 2023, 9 n. 3. Goodyear 1981, 166, interprets the term as denoting 'integrity' instead.

71 Cf. Tac. *Ann.* 4.42b. For the idea that *severitas* illustrates the close proximity of virtue and vice in a Roman context, and the role of *exempla* in getting readers to consider the boundaries between the two, see Langlands 2018, 109–110.

72 Tac. *Ann.* 1.75.

73 Tac. *Ann.* 14.41: *pari ignominia Valerius Ponticus adficitur quod reos ne apud praefectum urbis arguerentur ad praetorem detulisset, interim specie legum, mox praevaricando ultionem elusurus*. For this reading of *specie legum*, see Furneaux 1891, 285.

necessary to prevent the law from becoming repressive,⁷⁴ these passages thus serve to highlight that strict legalism was not without important drawbacks of its own. Similarly noteworthy are a handful of scenes in which Tacitus chooses to foreground historical disagreements and the resulting deliberations about whether strict adherence to punishments and other regulations that were traditionally mandated by law would be justified, or would instead be so severe as to become unjust—the most notable of which is perhaps the oft-discussed debate about the punishment of the enslaved household of the murdered urban prefect Pedanius Secundus.⁷⁵ According to a long-standing legal precedent (possibly the *senatus consultum Silanianum*) they should all be condemned to death for the murder of their *dominus* committed by one of them, but both the Roman people and several members of the Senate believe that this course of action would in this case be unjust, given the vast number of the accused, their disparate ages and genders, and their manifest innocence. In this context, the famous jurist Cassius Longinus argues that ‘every great example contains something of iniquity’ (*habet aliquid ex iniquo omne magnum exemplum*),⁷⁶ in a possible rejection of *aequitas*, but Tacitus’ description of the debate is far from unambiguous, and it is unclear if he intends for his readers to agree with Cassius. His own opinions, in any case, remain firmly under wraps, and instead he seems to encourage his readers to closely analyse the opposing sides’ respective arguments and form their own opinions.

How, then, are we to reconcile these different approaches to legal flexibility? While it may be suggested that Tacitus himself displays a preference for older laws, which are more closely connected to the *mos maiorum*, it has rightly been noted that the adjustment of laws to better fit the changing times is not always depicted as problematic, while the concept of tradition may, conversely, be used as an excuse for immorality.⁷⁷ Jointly, the passages in Tacitus’ works that deal with legal interpretation seem to ask the reader to consider whether the antiquity and standing of legal charges actually mattered in practice or if they, whether old or new, abolished or still valid, could simply be conjured up when

74 Tac. *Ann.* 1.75; 3.31; 4.16; 6.38a. The use of the term *abolita* in the latter passage seems to suggest that Tacitus is here not referring to individual accusations, but rather to specific types of charges. The fact that Tiberius’ revival of these measures is described as part of an account of *domestica mala*, seems to suggest that the disappearance of legal remedies that were no longer useful could be considered a good thing. For the idea that the law was not necessarily a force for good in Roman society, see especially *Ann.* 3.25–28.

75 Tac. *Ann.* 14.42–45. Cf. *Ann.* 3.33–34; 3.49–51; 13.26–27; 14.48–49.

76 Tac. *Ann.* 14.44.

77 Petersen 2019, 72, 74. For Tacitus’ assertion that not everything was better in the past, see Tac. *Ann.* 3.55. Cf. Ginsburg 1993, 86–87.

needed. While Tacitus frequently remains reticent about his own stance in the debates he describes, such deliberative passages do encourage the reader to critically consider the appropriate balance between strict legalism and legal flexibility in each situation, and thereby prompt them to think about what the role of the law in Roman society should be, and the different ways in which both approaches could carry the potential for injustice.

5 Trying the Law

This potential for injustice, Tacitus seems to suggest, went beyond the interpretation of the law itself and into wider legal proceedings. Throughout his works, trials are almost continuously presented as highly fraught affairs, in which proper procedure was frequently breached. This notable prevalence of disruptions of regular legal proceedings is likely at least in part due to the historical subject matter of many of Tacitus' works, but collectively these episodes also provide an important contribution to the more general image of the Roman legal landscape that is presented to his readers. On at least three different occasions, Tacitus makes this connection explicit, placing his descriptions of individual trials in a wider context and remarking that he saw these examples of improper legal proceedings as part of much larger patterns of legal malfeasance under the early Principate.⁷⁸ The breaches of proper legal procedure that Tacitus chooses to discuss take many different forms,⁷⁹ a number of which deserve special consideration. References to people being convicted on the basis of dubious evidence, or even without any trial having taken place at all, occur repeatedly.⁸⁰ This is demonstrated by cases like that of Lollia Paulina, who was convicted by Claudius *inaudita*,⁸¹ and that of Publius Anteius and Ostorius Scapula, who were 'counted among the convicted rather than the accused' (*inter damnatos magis quam inter reos [...]* *habebantur*) immediately after word of their dubiously alleged crime had reached Nero.⁸² Perhaps the most notable example, however, is the aforementioned case against Libo Drusus, which simply abounds with references to shoddy evidence—from

78 Tac. *Ann.* 1.74; 2.27; 6.7b. Cf. *Dial.* 12.2.

79 Instances of improper trial proceedings appear in Tacitus' work so frequently that it would be impossible to cite them all here. For a number of key examples, see Tac. *Ann.* 3.10-19; 3.66-69; 4.18-20; 4.28-30a; 4.31b and c; 5.8; 6.3a and b; 6.23; 6.30a; 11.4-5a; 12.54; 13.23; 13.33a and b; 14.41; 15.44; *Dial.* 38; 40.4; *Hist.* 1.24; 1.58a and b; 1.77.

80 See e.g. Tac. *Ann.* 1.3; 2.40; 3.49; 5.3-5; 11.1-3; 11.4-5a; *Ag.* 41; *Hist.* 1.2; 1.6; 2.10a; 2.84.

81 Tac. *Ann.* 12.22.

82 Tac. *Ann.* 16.14-15.

Libo's entrapment into committing *maiestas* by his friend Firmius Catus, to the description of his actions as 'senseless, vacuous and, if indulgently regarded, pitiable' (*stolida vana, si mollius acciperes, miseranda*) at most, to Tiberius' aforementioned legal innovation that allowed for the questioning of his slaves in spite of a senatorial ban.⁸³

While these examples serve to paint trial proceedings as a dangerous business, in which guilty and innocent alike had little hope of being treated fairly, a second set of cases instead focus on trials in which the verdict, once pronounced, was either overturned or not enforced at all, or in which convicts were protected from punishment because someone had interceded on their behalf. Occasionally, this lack of enforcement is described in positive, if usually rather lukewarm, terms, and thus seems to represent a last-minute reprieve from unjust treatment.⁸⁴ However, these more positive instances are contrasted with a significant number of cases in which the lack of enforcement is instead used to illustrate the theme of imperial overreach, by showing the power of the imperial family to undermine the legal process in order to protect their favourites and associates.⁸⁵ These include personal friends, as in the case of Urgulania, whose friendship with Livia 'raised her above the laws' (*quam supra leges amicitia Augustae extulerat*) and who refused to appear in court, despite the fact that not even the Vestal Virgins had the right to be questioned in the privacy of their own homes.⁸⁶ On other occasions, we find references to people being spared because they had provided some service for the emperor, as in the case of Sextius Paconianus, who was almost convicted until he offered to inform on others,⁸⁷ and the poisoner Locusta, who repeatedly managed to escape punishment due to services rendered to the imperial family.⁸⁸ Such imperial intercessions are often discussed in highly negative terms: Tacitus describes Tiberius' defence of his mother's friend Plancina in the trial against her husband Calpurnius Piso as being made 'with shame and ignominy' (*cum pudore et flagitio*) and later refers to the inquest against her as a 'shadow

83 Tac. *Ann.* 2.27-32.

84 Tac. *Ann.* 3.24; 4.31a; 13.10; 14.12; *Hist.* 1.52; 1.58a. Cf. the case of Marius Celsus in *Hist.* 1.45; 1.71.

85 Tac. *Ann.* 1.13; 4.21; 4.28-30a; 4.31c; 4.36a; 6.5-7a; 6.8-9a; 6.26b; 6.30b; 11.5b-7; 12.42; 13.33a and b; 13.43b; 16.8; *Hist.* 1.59; 1.77; 1.80-85; 2.60. Cf. *Ann.* 3.36 for people clasping the statue of the emperor to escape punishment. See Osgood 2022 for Tacitus' portrayal of women in such passages. For regular people protecting their friends and family, see *Ann.* 3.66-69; 6.18a; 6.40c; 14.28; 16.33c; *Hist.* 1.72.

86 Tac. *Ann.* 2.34b.

87 Tac. *Ann.* 6.3b.

88 Tac. *Ann.* 12.66; 13.15.

of a trial' (*imagine cognitionis*).⁸⁹ Similarly, the fact that Primus Antonius was able to regain his senatorial rank after being convicted for fraud under Nero by pitting the different competing emperors against each other is referred to as being *inter alia belli mala*, 'among the other evils of the war'.⁹⁰ These strong moral judgements are particularly notable when compared to Tacitus' more restrained approach elsewhere, and thus seem to communicate not only his clear disapproval, but also the need for the reader to once more consider the deeply detrimental effects of a legal system in which personal affiliation and status came before justice.

This critical attitude towards trials in which proper procedure was overturned also sheds an interesting light on the frequency with which Tacitus references the theme of judicial suicide—cases in which the accused, either voluntarily or under duress, ended their lives before the official verdict could be enforced, or even pronounced.⁹¹ Suicide is a prominent motif in ancient literature, and both the forced and voluntary variety are frequently described as ways to undergo a "noble death" instead of compromising one's integrity by living on in an unjust world, or indeed to escape not only dishonour, but punishment as well.⁹² Tacitus' handling of the topic has likewise been interpreted in this familiar light, and it has been suggested that the way in which his characters approach their suicides may be seen as a reflection of their moral characters. This results in a somewhat ambivalent picture: on the one hand, Tacitus seems to describe some suicides as noble acts, while also being very critical of the *ambitiosae mortes* of Domitian's reign, which seemed to signify virtue, but were ultimately hollow symbols of an antiquated aristocratic framework.⁹³

89 Tac. *Ann.* 3.17.

90 Tac. *Hist.* 2.86.

91 Corbeill 2023, 1036, counts well over 65 individual suicides in Tacitus' works, at least 45 of which may be confidently described as taking place in a legal context. In addition to the examples that will be cited below, see also Tac. *Ann.* 2.42; 4.34–35; 6.18b; 6.26b; 6.29a and b; 6.38b–39; 6.47–48; 11.5b–7; 12.8; 15.48–73; 16.14–15; 16.17a; 16.17b–19; 16.33b–35.

92 Van Hooff 1990, 131; Hill 2004, 197–198. For the idea that suicide, in a Roman context, was "a death that serves to establish one's status as a moral witness in the community," and can therefore include both voluntary and forced self-killing, see Hill 2004, 184, 195–197.

93 Hill 2004, 205, 254–255; Fögen 2015, 39–47. These seemingly contradictory aspects of Tacitus' discussion of the suicides of the "Stoic martyrs" are reconciled by Sailor 2008, 10–24, where it is argued that Tacitus is trying to critique the veneration of these martyrs, while still conforming to an elite discourse in which these suicides were not only seen as displays of independence and *libertas*, but also as altruistic acts that showed that the Senate still meant something. For this dismissive description of suicide, see Tac. *Ag.* 42.4–5. Cf. *Ann.* 5.8; 6.14a. For the idea that Tacitus was engaging with a wider societal

However, the societal expectation that a self-inflicted death could be used to escape law's repressive force appears to have been a point of legal debate around Tacitus' time of writing,⁹⁴ and when combined with the author's other frequent references to improper legal proceedings, these judicial suicides seem less like symbols of the morality of the accused and more like deeply sceptical reflections on the functioning of the law in Roman society.⁹⁵

Tacitus references the idea that suicide could prevent one's inheritance from being confiscated by the imperial authorities or divided amongst one's accusers during the aftermath of a conviction,⁹⁶ and although this is not a firm rule even within his works,⁹⁷ the imperial court's tendency to claim the inheritance of convicts, and even manufacture accusations for this purpose, remains a strong theme.⁹⁸ Similarly, Tacitus repeatedly leaves it ambiguous whether a certain death was a suicide or a murder⁹⁹ and discusses cases in which people were driven to suicide without a formal trial having taken place,¹⁰⁰ thus once again suggesting that the proper legal order was being undermined. This idea is further strengthened by the fact that emperors are repeatedly said to have claimed that they would have granted the accused a pardon if only they were still alive.¹⁰¹ Such claims may be rightly interpreted as (rather disingenu-

and literary debate on political suicide, see McGuire 1989, 43. The more noble suicide of Cocceius Nerva appears in *Ann.* 6.26a, but is unrelated to any legal proceedings.

94 Van Hooff 1990, 82-84; Hill 2004, 254; Manni 2013, especially pp. 301-316, where significant legal developments on the subject are dated to the time between Tiberius and Hadrian. The particular attention paid to the topic in the time of Hadrian, and possibly Trajan, may explain why the theme of judicial suicide is especially prevalent in the *Annales*.

95 See van den Berg 2023, 211-251, for the idea that Tacitus' descriptions of suicides are a way to reflect on senatorial agency and "the relation between emperor and senator and the nature of imperial oppression." Cf. Sailor 2008, 10-24, for the idea that Tacitus is likewise engaging with contemporary elite culture.

96 Tac. *Ann.* 6.29a. Cf. Petersen 2019, 366, 561; Corbeill 2023, 1036, the first of whom expresses some hesitation as to whether Tacitus' representation of the law is entirely correct.

97 Tac. *Ann.* 4.18-20; 4.30b. See, however, Rutledge 2001, 43, who holds that confiscations of property after a suicide tend to happen after a summary condemnation, which means that the accused would have been unable to take their own lives before the pronouncement of the verdict.

98 Tac. *Ann.* 4.18-4.20; 4.30a; 11.1-3; 12.22; 12.59. Cf. *Ann.* 16.1-3. For related references to strategic bequests, usually to the emperor, to prevent the will from being overturned, see *Ag.* 43.4; *Ann.* 14.31; 15.59; 16.11; 16.17a; *Dial.* 13.6.

99 Tac. *Ann.* 3.14-15; 4.21; 4.22; 6.23; 12.22; 12.52a; 16.7-9.

100 Tac. *Ann.* 6.9b; 6.40b; 11.1-3; 13.25; 13.30; 16.17a; *Hist.* 1.72. For a similar reading of Seneca's suicide, see Bauman 1996, 67.

101 Tac. *Ann.* 2.31; 3.50; 6.29a; 15.35.

ous) attempts by the emperor to evade criticism,¹⁰² but they nevertheless underscore the arbitrary nature of justice during these trials, where a court's verdict could be easily overturned by the emperor's whims. The fact that the accused's suicide in many cases pre-empted formal judgement, meanwhile, creates a sense of events occurring out of their proper order, while the lack of a formal execution suggests that responsibility for upholding the law is shifted away from the proper authorities towards the accused themselves. Perhaps most telling, however, are two notable cases in which the accused's attempts to escape prosecution through their suicide proved utterly ineffective and proceedings rather absurdly continued even after their death, to the point that attempts were made to execute their dead bodies.¹⁰³ Tacitus' works, then, seems to depict judicial suicide not necessarily as a display of liberty, but as miscarriages of justice that fit a wider pattern of disruptions of proper procedure symptomatic of a deeply corrupt legal system.¹⁰⁴

6 Conclusion

The theme of the enforcement and application of the law is undeniably prominent in Tacitus' works and is central to his discussions of Roman society and political life. He illuminates the subject from a variety of angles, and in doing so ties into major legal debates of his day, particularly those surrounding *aequitas* and the status of the testaments of those who had committed suicide before being convicted. The different ways in which the enforcement of the law could be undermined that are depicted in Tacitus' writings, and especially the inclusion of deliberative passages in which he seems to refrain from pronouncing a clear-cut personal judgement, serve as an important indication that he intended for his readers to carefully consider the role of the law in Roman society. Collectively, these legal themes shed a fascinating light on the legal pitfalls he wanted his readers to consider and vividly illustrate the risks posed by an improper handling of the law.

What "improper handling" means, however, is not always easy to discern, and Tacitus' legal thinking seems to defy an easy, straightforward reading. His views are most clear-cut in his depictions of improper trial proceedings, which collectively serve to paint the law as a dangerous arena with uncertain rules,

¹⁰² Corbeill 2023, 1036.

¹⁰³ Tac. *Ann.* 6.40a; 16.10-11. Cf. *Ann.* 2.31-32; 3.15-19, in which additional punishments against Libo Drusus and Piso are proposed after their deaths.

¹⁰⁴ Cf. Corbeill 2023, 1037.

highlighting the different ways in which proper procedure was disrupted or manipulated in order to further the personal interests of both emperors and private individuals—a theme that is further enhanced by his discussions of judicial suicide. In addition, Tacitus’ references to laws that were ineffective, or indeed neglected, furthermore serve to highlight law’s inability to resolve pressing difficulties or deal with complex and chaotic situations. Sometimes these references are linked to large-scale societal disruptions like civil war, but more important are those passages in which Tacitus highlights the authorities’ incompetence, self-interest, and the extent to which they themselves had contributed to the problems they were trying to resolve. Notably, this includes not just the emperors, although they are undoubtedly depicted as having had a significant influence on the legal malfeasance that Tacitus describes, but also Tacitus’ own senatorial class, which is on a number of important occasions depicted as actively hindering the enforcement of laws they believed to be in conflict with their interests. Law’s ability to solve societal problems, Tacitus thereby seems to suggest to the reader, is not guaranteed and is furthermore contingent on a willingness to act towards the common good both within the imperial court and in wider Roman society.

However, he also describes an important number of cases in which the law is not presented as a potentially useful tool that was tragically rendered ineffective, but instead as making matters worse rather than improving them. Again, self-interest is a crucial factor, as is perhaps best illustrated by the *delatores*, who used malicious accusations, often on the basis of deeply repressive laws, to improve their own positions. Some laws, these passages seem to suggest, are better off not being upheld at all. This ambivalence likewise emerges in Tacitus’ treatment of the concept of *aequitas*: both in his discussions of trials regarding treason (*maiestas*) and elsewhere, he seems to evoke a distinct sense of scepticism towards the flexible interpretation of the law to suit particular circumstances: unlike in the works of the jurists, it is often the emperor and his associates, rather than Roman society at large, who are depicted as benefiting most. However, this is certainly not universally the case and on some occasions, Tacitus does seem to depict strict legalism as being potentially equally detrimental, seeming to invite his readers to form their own opinion by inserting deliberative scenes without a clear moral resolution. Tacitus’ works, then, do not provide a clear answer on “how to do law,” and while Tacitus does seem to foreground a strongly law-critical approach, this is hardly simplistically so. Despite his critiques of improper legal enforcement, it would go too far to suggest that Tacitus’ writings are advocating for something akin to the modern concept of the “rule of law,” under which those in power would be unambiguously subject to society’s established legal constraints and everyone could

expect equal legal treatment.¹⁰⁵ Indeed, they too often seem to foreground the theme of law as a tool for repression for us to be able to easily impose such a democratic, human rights-oriented reading on an ancient set of texts, and the view of the law that emerges from these narratives cannot be disconnected from particular human and situational factors. Ultimately, it is up to the reader, and Roman society at large, to carefully consider the problems brought forward in the text and to work towards improvement—even if, as Tacitus' works demonstrate, there are many ways in which things can go wrong.

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¹⁰⁵ For a recent volume that delves deeper into the extent to which the concept of the rule of law was present in Roman society, see Cowan *et al.* 2025.

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Miscarriages of Justice—Appendix

All passages are listed in their order of appearance within Tacitus' works, which in turn have been listed alphabetically. In case multiple different legal events appear in the same paragraph, but are referenced separately in the article, they have been marked as 'a', 'b', etc. in both the appendix and the footnotes to allow readers to more clearly distinguish between them. If they are referenced jointly, however, they are listed in the same row.

Passage	Legal event(s)
Ag. 2-3.	T. discusses the lack of attention to virtue in previous decades by mentioning that, after the deaths of Paetus Thrasea and Helvidius Priscus, the writing of flattering biographies about them by Rusticus Arulenus and Herennius Senectio becomes a capital offense and that the books in question are banned. Philosophers are also expelled and everyday conversation is hindered by the threat of legal inquisitions. These measures are meant as an attempt to suppress the liberty of the people and the Senate, but T. suggests that this is ultimately ineffective due to a change in imperial leadership.
Ag. 6	When reporting on his father-in-law Agricola's early career, T. notes that the proconsul Salvius Titianus is willing to be excessively lenient if his own illegal behaviour (<i>mali</i>) is likewise overlooked.
Ag. 41	After his recall from Britannia, accusations against Agricola are repeatedly presented to Domitian in his absence and dismissed in his absence as well. T. notes that he is in danger not because of any formal accusation of a crime (<i>crimen</i>), or indeed any complaint of harm at all, but only because of the hatred of the emperor.
Ag. 42.4-5	Despite his hatred for Agricola, Domitian still admires him for his prudence and moderation. T. argues that there can be good men under bad emperors and that obedience can also bring glory that others only attain by taking on a risky career, which is useless to the state and ends in an 'ostentatious death'.
Ag. 43.4	Agricola makes Domitian his heir alongside his wife and daughter. It is implied that he does this to safeguard his family's inheritance.

(cont.)

Passage	Legal event(s)
Ann. 1.1	Short description of Roman history. T. notes the initial presence of legal term limits and the short duration of breaches to the established order, but argues that this changes with the advent of Augustus' principate in the aftermath of the civil wars.
Ann. 1.2	T. explains that the provinces are willing to accept Augustus' authority because they were in constant turmoil during the recent civil wars and remarks that the law provided no recourse during this period. This is presented alongside the idea that the remaining <i>nobiles</i> are willing to accept the emperor's authority both because it enhances their safety, but also because they gain financial and political status by it.
Ann. 1.3	Agrippa Postumus is banished without any evidence of criminal behaviour, allegedly at the instigation of Livia.
Ann. 1.4	Juxtaposition of the disappearance of <i>aequalitas</i> and the <i>iussa</i> of the princeps, suggesting that the increased legal power of the emperor leads to a decrease in equality.
Ann. 1.9	Paraphrase of the way in which 'sensible men' respond to Augustus' death, including the argument that the civil wars, during which there was no place for laws, compelled him to take power, while his reign means that <i>ius</i> was restored to the people.
Ann. 1.13	Brief reference to the idea that Tiberius uses various charges to get rid of men who had been designated as possible competition by Augustus or who had somehow offended him. Part of the reason for the emperor's annoyance is said to have been the Senate's insistence that he should take up imperium. Haterius is only saved with the help of Livia.
Ann. 1.15	The <i>comitia</i> are transferred from the Campus Martius to the Senate, thus ending public elections and the ability of the people to vote on proposed laws. The emperor's influence was significant before, but it becomes larger now. The people offer only minimal complaints about this removal of their rights and the senators believe it to be to their own advantage.

(cont.)

Passage	Legal event(s)
Ann. 1.44-45	Description of the trial proceedings against mutineers in Germania, whose punishments are described as excessively harsh. The measures are also not considered entirely effective and resentment remains in the legions.
Ann. 1.48	Continuation of the measures against the mutineers in Germania. Note especially the remarks about war and peace made by general Caecina Severus: proper legal procedure can only be guaranteed in peace time, not in times of war.
Ann. 1.72	Discussion of the <i>Lex Maiestatis</i> , which according to T. was known from ancient times, but was gradually expanded. While the law initially only punished actions, Augustus first expanded it to include slanderous writings and allowed for a trial against Cassius Severus on this basis. When asked by Pompeius Macer if this type of trial should be revived, Tiberius answers that the laws should be followed.
Ann. 1.73	T. discusses the trials against Falanius and Rubrius in order to illustrate the effect of the revived <i>Lex Maiestatis</i> . Both men are accused by unnamed private accusers, but notably Tiberius argues against the validity of the charges.
Ann. 1.74	Caepio Crispinus in particular is said to have ingratiated himself with Tiberius for profit by providing him with information. In this context, he is said to have accused Granius Marcellus of having made improper remarks about the emperor. Marcellus is also accused of having placed his own bust above that of Tiberius. Tiberius is enraged and initially votes to convict, before allowing the accused to be acquitted and referring the charge of extortion to a separate tribunal. T. describes this episode as one in which the Senate still shows some traces of its dying freedom, since Tiberius appears to have been shamed into not pronouncing a verdict.
Ann. 1.75	Tiberius makes a habit of attending the praetor's tribunal, which according to T. benefits <i>veritas</i> , but corrupts liberty.
Ann. 2.14	Germanicus claims that the Germans forget human and divine laws when successful. This is presented as a sign of their inferiority to Rome.

(cont.)

Passage	Legal event(s)
<i>Ann. 2.27-32</i>	Libo Drusus is accused of wanting to take the imperial throne, with Firmius Catus acting as a <i>delator</i> . T. strongly suggests that there is nothing to the case and mentions that enslaved members of Libo’s household are tortured, despite the fact that an old <i>senatus consultum</i> forbade the testimony of slaves when the life of their <i>dominus</i> was at stake. Tiberius devises a new law, allowing slaves to be bought by state agents in such cases, which allows their testimony to be used. Libo commits suicide, after which Tiberius proclaims that he would have allowed Libo to live if only he had not taken his own life, despite his guilt. Catus and the other accusers are rewarded handsomely. T. presents this as the case that started the practice of false accusations, which he presents as devouring the republic.
<i>Ann. 2.33-34a</i>	A vote on sumptuary laws is held in the Senate. The argument against the law wins out, likely because many senators vote out of self-interest. Probably in response, Lucius Piso makes an impassioned complaint about corruption in the legal sphere and announces his intent to leave Rome. After an accusation of self-interest on the part of those who create the law, those who should be enforcing it are now likewise accused of corruption/self-interest.
<i>Ann. 2.34b</i>	Lucius Piso (who had previously accused the legal sphere of corruption), tries to bring Urgulania to trial. T. adds that her friendship with Livia put her above the law and that Tiberius is planning to openly support her case. Urgulania refuses to appear in court and takes shelter with Livia. She continues to be above the law and even refuses to appear as a witness in a trial before the Senate. Instead, she is questioned at home by the praetor.
<i>Ann. 2.40</i>	Tiberius has a pretender to the throne executed, who was pretending to be Postumus Agrippa. He does so in a private part of his palace, rather than ordering a public execution. He also refuses to make a formal enquiry, despite the fact that many members of the Roman elite are said to have helped the pretender.

(cont.)

Passage	Legal event(s)
<i>Ann.</i> 2.42	Archelaus, king of Cappadocia, has failed to pay homage to Tiberius because this was considered to be politically ill-advised while there were still other potential successors. He is told to come to Rome and is there falsely accused of various crimes and tried before the Senate. He dies either by suicide or by natural causes and his kingdom becomes a province.
<i>Ann.</i> 2.50	Continuation of <i>Ann.</i> 1.72, in which the initial expansion of the <i>Lex Maiestatis</i> is discussed. Appuleia Varilia is accused of having insulted Augustus, Tiberius and Livia, and of having committed adultery. The latter accusation is tried under the <i>Lex Iulia</i> , but Tiberius will only accept accusations of having insulted Augustus in the case of the former charge. He explicitly rejects accusations of insults aimed at himself and claims that Livia did the same. In the end, the charge of treason is dropped and Tiberius argues that the accusation of adultery should be dealt with by sending her away from Rome. Appuleia's lover is banished from Rome and Africa.
<i>Ann.</i> 2.51	Dispute in the Senate about the election of a suffect praetor. Germanicus and Drusus favour Haterius Agrippa (a relative of Germanicus), but others point towards a law that states that the candidate with the most children should be favoured. T. notes that the law loses out, but only after repeated attempts, and with a limited majority.
<i>Ann.</i> 2.82	Popular complaints emerge when it becomes clear that Germanicus is gravely ill. The general sentiment, as relayed by T., holds that Tiberius is involved, because he fears that Germanicus, like his father Drusus, wishes to restore Roman liberty <i>aequo iure</i> .

(cont.)

Passage	Legal event(s)
<i>Ann.</i> 3.10-19	Fulcinus Tiro seeks to prosecute Piso for the death of Germanicus but is warned by his friends not to do so. He drops the case and asks for permission to prosecute Piso's previous career instead, which is granted. The emperor is asked to lead the investigation and even Piso agrees with this, reasoning that Tiberius is less susceptible to rumour and would hold back because of his mother's involvement. He also believes that a single judge is more likely to be fair than the Senate or the people, who might be swayed by hate and jealousy. Tiberius initially hears the case (likely in private, as T. mentions the presence of a few close friends and Tiberius' fear of rumours), but ultimately refers it to the Senate. The charges include extortion during Piso's governorship in Spain as well as his attempts at stirring up the legions against Germanicus during his time in Syria, the murder of Germanicus and taking up arms against the Roman state. Only the murder of Germanicus is found not proven and emperor, Senate and people turn against Piso. Plancina obtains a pardon at the secret behest of Livia, while Piso is found dead in his room with his throat cut. There are rumours that he did not commit suicide but was instead murdered at the behest of the emperor. T. neither confirms nor denies this. Piso's son and wife are spared. T. calls the trial against them a mockery. Stronger sentences are proposed by Aurelius Cotta, but held back by Tiberius, who also rewards the accusers.
<i>Ann.</i> 3.22-23	Aemilia Lepida is accused of various offenses, including adultery and consulting astrologers about the welfare of the imperial house. The trial takes place before the Senate, but Tiberius refuses to admit the charge of treason. At the same time, he is seen to release harmful information, which is why T. notes that his behaviour during the proceedings is extremely contradictory. Lepida begs for pity, but her guilt is proven through the torture of enslaved members of her household and she is banished. Others propose a lighter sentence, but only Scaurus (the father of her daughter) obtains the concession that her property will not be confiscated.

(cont.)

Passage	Legal event(s)
<i>Ann.</i> 3.24	Reference to Augustus' banishment of his daughter and grand-daughter and the punishment of their lovers with death or exile. T. notes that adultery was not only common, but it was also treated relatively indulgently by the ancestors, and argues that Augustus not only broke with tradition by naming it a sacrilege, but even went beyond the limits of his own laws. Decimus Silanus, who had been <i>de facto</i> banished for his affair with Augustus' granddaughter, is allowed to come back, and Tiberius notes that this was justified, as his banishment did not have a solid legal basis. Nevertheless, the emperor remained resentful.
<i>Ann.</i> 3.25-28	Reference to Augustus' <i>Lex Papia Poppaea</i> , which was supposed to punish people for being celibate (and, according to T., was meant to enrich the government). T. describes the law as thoroughly ineffective and even harmful, because more people were endangered by <i>delatores</i> . He also notes that the country now suffered from its laws, as it has previously suffered from crimes. This clearly highlights that T. sees the law as something that can be potentially harmful—especially when <i>delatores</i> are involved. The law is ultimately relaxed by Tiberius. In connection to his discussion of this specific law, T. provides an excursus on the origins of law in general, starting from the prehistorical Golden Age, when laws were not needed. The Twelve Tables are described as the <i>finis aequi iuris</i> and an example of good legislation, but law is also frequently described as a tool for oppression and self-interest.
<i>Ann.</i> 3.29	Nero, son of Germanicus, asks if he can be released from service in the vigintivirate and be allowed to stand for quaestor five years before the legal minimum age. This is met with derision, but the request appears to be granted (as suggested by the words <i>additur pontificatus</i> , and more clearly in CIL VI 913).
<i>Ann.</i> 3.31	Domitius Corbulo tries to restore the neglected roads of Italy. T. remarks that this is not to public benefit, but rather to the detriment of many, whom Corbulo targets with 'convictions and auctions [of their property]'.

(cont.)

Passage	Legal event(s)
<i>Ann.</i> 3.33-34	Severus Caecina proposes that provincial governors should not be allowed to take their wives, who were formally restricted by, among others, the Oppian law. He notably refers to ancient custom to support this argument. The proposal is unfavourably received, not in the least because there is no official motion on the matter and because regulations should become more lenient now that Rome is no longer continuously under threat.
<i>Ann.</i> 3.36	Discussion of people clasping statues of the emperor to escape punishment for their actions and using a newfound <i>licentia</i> to make accusations against respectable people. Specifically, the example of Annia Rufilla is used, who had been convicted of fraud.
<i>Ann.</i> 3.38	Antistius Vetus is charged with treason by the emperor himself, having previously been acquitted of adultery.
<i>Ann.</i> 3.44	While various regions are revolting against Roman rule, ‘good men’ (as designated by T.) take this as an opportunity to complain about the fact that Tiberius is more concerned with the accusations made by <i>delatores</i> than with the political upheavals.
<i>Ann.</i> 3.49-51	Caius Lutorius Priscus is accused by an unnamed <i>delator</i> of having written a poem about Drusus’ death before he had actually died and many women give false testimony against him. He is executed at the behest of the consul elect. Marcus Lepidus argues for banishment according to the letter of the law on <i>maiestas</i> instead, arguing that both the emperor, the ancestors, and the senators themselves had frequently granted mercy, and that Tiberius in fact complained that people too often committed suicide before this could be granted. Still, the sentence is carried out. T. claims that Tiberius expresses himself ambivalently about this, saying that the Senate was very loyal, but overly hasty.

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Passage	Legal event(s)
Ann. 3.52-55	A discussion about sumptuary laws grips the Senate. On the one hand, there are fears that measures would be too strict, while the other side argues that mild measures would be ineffective. The Senate refers the matter to Tiberius, who is likewise hesitant to act, but ultimately notes that, while it is certainly disgraceful that the laws are not being upheld, new measures are likely to prove equally ineffective and unpopular. T. likewise notes that internal morality, and especially the example of the emperor, was much more effective than any law in gradually allowing excess luxury to fade out of fashion. He notes explicitly that not everything was better in the past, praising ‘new men’ and Vespasian in particular.
Ann. 3.66-69	Gaius Silanus is accused of extortion by his province and is subsequently charged with <i>maiestas</i> and sacrilege against the <i>numen</i> of Augustus by three accusers. T. notes that the charge of extortion and oppression is likely valid, but that these particular circumstances would be dangerous even to an innocent man. Tiberius is said to greatly influence the proceedings and allows the accused little to no room to respond. The enslaved members of Silanus’ household are also sold to the state so that they can be used as witnesses. The charges of treason ensures that no-one would support him. Silanus gives up on his defence and pleads for mercy. He is later banished to a more pleasant island, as requested by his sister.
Ann. 3.70	Lucius Ennius is accused of <i>maiestas</i> for having melted down a statue of the emperor, but Tiberius refuses to admit the case. Ateius Capito, the jurist, argues that it should be heard, but Tiberius persists in his veto.
Ann. 4.6	T. traces a change in Tiberius’ administration, stating that before this time the laws were properly enforced, with the exception of the law on <i>maiestas</i> .
Ann. 4.14	Tiberius takes measures against actors, who are banished from Italy. He does so only after the praetors have repeatedly (and in vain) requested him to take action.

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Passage	Legal event(s)
<i>Ann.</i> 4.16	Tiberius suggests an amendment to the law according to which the priests of Jupiter are chosen, as it currently requires that the parents of the candidates were married according to an old ceremony that had now fallen into disuse. The emperor argues that it is fine to make such changes because Augustus had done something similar in the past to bring old practices ‘up to date’. This proposal is not adopted, although some changes to the position of the priest’s wife are made.
<i>Ann.</i> 4.18-20	Gaius Silius and Titius Sabinus are accused by Varro (the consul), at the behest of Seianus. Silius asks for a respite, because his accuser is still in office, which Tiberius refuses on the basis that it is common for the consul to bring cases as a private citizen, as it is after all their duty to protect the state. T. complains that Tiberius often cloaks new crimes in ancient terminology to make them seem acceptable. Tiberius demands that the Senate hear the case. T. notes that its legal basis is questionable and that the whole trial is construed as being based on the charge of <i>maiestas</i> . Silius commits suicide before the verdict can be pronounced, after which his property is mercilessly confiscated—but not for the benefit of the provincials. His wife is banished and a far smaller portion of her property than the law requires is given to her children. Lepidus tries to argue for the application of the law.
<i>Ann.</i> 4.21	Calpurnius Piso is charged, who previously complained about informers and brought charges against a friend of Livia’s, whom she had been protecting. The charge is that of <i>maiestas</i> as well as having poison and an illegal weapon in the Senate. This last charge is disregarded, but he is to be tried on the other charges. However, the trial is never concluded because of what T. calls a <i>mortem opportunam</i> .

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Passage	Legal event(s)
<i>Ann.</i> 4.22	Silvanus is brought before the emperor by his father-in-law because he threw his wife out of a window, possibly in a fit of insanity. Silvanus claims that he remembers nothing and that his wife must have killed herself. Tiberius inspects the room, finds proof of a struggle, and reports this to the Senate. As soon as the judges are appointed, Silvanus receives a dagger from his grandmother, who is close to Livia, and takes this as a hint from Tiberius. He kills himself before a trial could take place.
<i>Ann.</i> 4.28-30a	Vibius Serenus Iunior accuses his father, who is already in exile, of conspiring against the emperor. He also implicates Caecilius Cornutus, who commits suicide to escape trial. Serenus senior vehemently denies, however, and even defends Cornutus. He also points out the apparent silliness of setting up a conspiracy with only one co-conspirator. Serenus Iunior then accuses Lentulus and Tubero, both of whom are close friends of Tiberius'. They are both acquitted and the torture of Serenus senior's slaves proves unfavourable to the accuser (his son), who is then consumed with guilt and flees Rome, but is soon retrieved and is forced to go through with the prosecution. Tiberius now drags up his old grudge against Serenus senior, even though evidence for his innocence has already been presented. The Senate proposes to condemn Serenus senior to death according to ancient custom, but Tiberius vetoes the ruling. Banishment to another location is subsequently proposed, but this is once again rejected and Serenus is sent back to his old place of exile.
<i>Ann.</i> 4.30b	After the suicide of Cornutus (see <i>Annales</i> 4.28ff.), it is proposed that informers cannot lay claim to the property of someone who has been accused of treason but has committed suicide before the verdict could be pronounced. This motion is almost approved, but Tiberius vetoes it, claiming that accusers were 'guardians of the laws', whose position should not be endangered, and arguing that any measures against them would be ineffective.
<i>Ann.</i> 4.31a	Gaius Cominius is convicted of having made offensive poems about the emperor but is spared at the request of his brother.

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Passage	Legal event(s)
Ann. 4.31b	Suillius is banished because he has taken payments that influenced his judicial decision. Tiberius demands that he be banished for the good of the state. While this is initially seen as an excessive measure, Suillius' behaviour after his return from exile makes the punishment seem more justified.
Ann. 4.31c	Firminus Catus is exiled because he has issued false accusations of <i>maiestas</i> against his sister. Tiberius, however, prevents the verdict from being carried out because Catus has been the leader of the accusations against Libo Drusus some time earlier, and will only support his expulsion from the Senate.
Ann. 4.34-35	Cremutius Cordus is accused of having written a history in which he praises Brutus and Cassius. T. notes that this is the first time that a charge of this kind is made. Cordus (as presented by T.) notes that only the insults to the emperor and his mother are included under the charge of treason, but that his works do not include these. He commits suicide by starvation before the verdict, as he has decided before even defending himself. The Senate orders his books to be burned. T. notes that this measure is ineffective and that some volumes survive the purge.
Ann. 4.36a	Calpurnius Salvianus seeks to charge Sextus Marius for unknown reasons, but Tiberius intervenes and has Salvianus banished.
Ann. 4.36b	Capito is acquitted (likely of the charge of exploiting his province), of which he was falsely accused by Vibius Serenus. However, Serenus is not punished, according to T. because influential accusers are well-protected against punishment—although their unknown and unimportant counterparts are not.
Ann. 4.42a	Votienus Montanus is charged with having insulted the emperor, but when a joke he allegedly told is repeated in court, this hits home so much that Tiberius immediately promises to defend himself against the accusations apparently made against his person either immediately or before a court. He is held back from doing so by those around him. Votienus is convicted of <i>maiestas</i> .

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Passage	Legal event(s)
<i>Ann.</i> 4.42b	Aequilia is accused of adultery and is convicted by Tiberius himself on this basis, although Gaetulicus argues that she should be tried under the <i>Lex Iulia</i> . Tiberius also removes Apidius Merula from the Senate because he did not wish to swear obedience to the <i>acta</i> of Augustus. T. insinuates that Tiberius is especially harsh because he is still rattled after the accusations levied against him by Votienus Montanus.
<i>Ann.</i> 4.52	Claudia Pulchra is brought to trial by Domitius Afer, who alleged that she committed adultery and tried to poison and curse the emperor, according to T. because he hoped to benefit from it. Agrippina tries to intervene on behalf of her relative, but both Claudia and her alleged lover are convicted. Afer is afterwards highly regarded as an orator.
<i>Ann.</i> 5.3-5	Tiberius makes accusations against his grandson (and less vigorously against his daughter-in-law). T. notes, however, that Tiberius is not able to accuse his grandson of actual violent actions and thus turns to 'shamelessness' and relationships with <i>iuvenes</i> . Despite the harshness of his accusations, however, T. states that Tiberius leaves everything else vague. The matter is only debated in the Senate because a few minor Senators, who according to T. hope to profit from it, demand it, while many others have their doubts. At the instigation of Seianus, Tiberius demands that the ultimate decision should be left up to him personally.
<i>Ann.</i> 5.8	Publius Vitellius is accused of having used his authority over the treasury to support revolution. The case was apparently delayed multiple times, and Vitellius kills himself before the verdict could be pronounced.
<i>Ann.</i> 5.9	The children of Seianus are brought to prison and executed there. His daughter is still very young and T. gives a harrowing account of her childish questions about what she has done and her promises not to do it again. He also remarks that, since there is no precedent for the punishment of a virgin, she is violated by the executioner before being killed.

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Passage	Legal event(s)
Ann. 6.3a	Iunius Gallio is removed from the Senate and then banished because of a proposition regarding honours for praetorian soldiers that is unfavourably received by Tiberius, despite the fact that it was (according to T.) meant to flatter him. When his exile is seen as too comfortable, he is recalled to Rome and held captive in the houses of various officials.
Ann. 6.3b	Tiberius takes action against Paconianus, who is deeply hated due to his association with Seianus. T. remarks that he likely would have been executed, had he not offered to inform on others.
Ann. 6.5-7a	Cotta Messalinus is accused of making all sorts of strange claims about the imperial family. T. notes that he initially manages to refute the accusations against him and seeks the protection of the emperor when the matter is pressed. Tiberius interestingly notes that simple talk cannot be construed as a crime, emphasizing his friendship with Cotta. Instead, Caecilianus, who has accused Cotta, is brought to trial before the Senate, as are Aruseius and Sanquinius, who had accused Lucius Arruntius.
Ann. 6.7b	Quintus Servaeus and Minucius Thermus are accused of having been friendly with Seianus. Tiberius orders Cestius to lead the prosecution, to which T. remarks that it is a mark of the evils of the age that even leading members of the Senate act as informers. The two men are condemned and then turn prosecutor themselves.
Ann. 6.8-9a	Marcus Terentius refuses to deny that he was affiliated with Seianus when charged with being so. According to T., Terentius remarks that Tiberius himself was likewise closely associated with Seianus. This makes an impression and Terentius' accusers are condemned to exile or death.
Ann. 6.9b	Sextus Vistilius is accused by Tiberius, either of having made offensive remarks about Caligula, or because Tiberius believed some false charge. He is excluded from the emperor's company and kills himself after having begged for mercy in vain.
Ann. 6.12	Quintilianus puts an unknown Sibylline book before the Senate, where it is approved with the support of Caninius Gallus from the <i>quindecimviri sacris faciundis</i> . Tiberius rebukes the latter for not following proper procedure, referencing a previous measure by Augustus.

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Passage	Legal event(s)
Ann. 6.14a	Three equites are accused of conspiracy. Of these, Julius Celsus commits suicide in captivity.
Ann. 6.14b	Rubrius Fabatus is dragged back to Rome after attempting to escape a charge of conspiracy by going to Parthia. He is not prosecuted, but T. ascribes this to forgetfulness rather than mercy.
Ann. 6.16-17	A wave of accusations occurs against people who gained wealth through interests on loans. This practice has been limited by a number of precedents, but these have fallen into disuse due to private interests. There are so many accused that the praetor refers the matter to the Senate, but because many senators fear that they, too, would be accused, they beg Tiberius for help, who gives them a year and a half to comply with the regulations. This leads to a lack of liquidity, and while the Senate rules that a portion of the debts should be forgiven, the creditors protest. Many cases are brought before the praetor, and the measure that was supposed to help only makes matters worse. In the end, Tiberius allows interest-free loans from the state for three years, but T. notes that the Senate's decree on the issue is not followed to the letter, adding that initial rigour often turns to negligence.
Ann. 6.18a	Considius Proculus is charged with <i>maiestas</i> . He is taken away from his birthday party, tried before the Senate, and immediately executed. His sister is banished after being prosecuted by Quintus Pomponius, who is trying to protect his brother by gaining imperial favour.
Ann. 6.18b	Pompeia Macrina is exiled for unknown reasons. Her husband and father-in-law have previously been targeted by Tiberius, and her father and brother committed suicide when similarly targeted.
Ann. 6.23	Asinius Gallus dies of starvation, but it is unclear if this is his own choice or if he is forced to. Tiberius claims that this supposed accident prevents him from bringing Gallus to trial, but T. clearly rejects this notion, citing the fact that the emperor had ample time (three years) to do so.

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Passage	Legal event(s)
Ann. 6.26a	Cocceius Nerva, a close associate of Tiberius and an expert in the law, decides to commit suicide. The emperor tries to prevent this but fails. T. ascribes this suicide to the poor situation of the state and suggests that Nerva wants to die while he is still safe.
Ann. 6.26b	Plancina kills herself before the accusations against her can reach their legal conclusion. She previously played an unsavoury role in the trial against her late husband Piso, but was protected by Livia. T. claims that her death was a punishment that was not undeserved, but much delayed.
Ann. 6.29a	Pomponius Labeo kills himself to safeguard his testament and burial after a charge of maladministration. His wife likewise kills herself. Tiberius claims that she too was a criminal but was not in any form of danger at present.
Ann. 6.29b	Mamercus Scaurus is brought to trial for the second time, because, according to Macro, he cited verses that might be seen as an insult to Tiberius, while his other accusers alleged magical acts and adultery with Livia. In order to forestall the verdict, he kills himself at the instigation of his wife, who follows his example.
Ann. 6.30a	Servilius and Cornelius are banished because they accepted money from Varius Ligur for dropping a prosecution against him. This is presented as an example of <i>delatores</i> who are themselves targeted by legal proceedings.
Ann. 6.30b	Abudius Ruso charges Lentulus Gaetulicus with having wanted to marry his daughter to a son of Seianus. However, the charge is unsuccessful, and Ruso himself is banished from the city. T. notes that Lentulus is extremely popular and repeats the rumour that he was able to write to Tiberius to remind him that he had sought out the marriage at his advice.
Ann. 6.38a	T. suggests that, even after the death of Seianus, Tiberius keeps punishing ‘uncertain or abolished charges as severe and recent offences’.

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Passage	Legal event(s)
<i>Ann.</i> 6.38b-39	Granius Marcianus kills himself after having been accused of <i>maiestas</i> . Tarius Gratianus is executed on a similar charge. Trebellienus Rufus is accused, likely of <i>maiestas</i> , and commits suicide. Sextius Paconianus is accused, likely of treason, after having written insulting poems about the emperor, and is strangled in prison. This is part of a description of Tiberius punishing doubtful or forgotten accusations.
<i>Ann.</i> 6.40a	Vibulenus Agrippa kills himself in the Senate, right after his accusers have finished their case. Attempts are made to execute his dead body regardless.
<i>Ann.</i> 6.40b	Gaius Galba is denied the province allotted to him by Tiberius and kills himself. Similarly, the priesthoods promised to the brothers Blaesus are taken away by Tiberius. They see this as a sign of their impending doom and commit suicide. While no explicit legal terminology is used, the fact that these cases are included in a list of harsh or dubious trials suggests that the victims may have been attempting to escape formal prosecution.
<i>Ann.</i> 6.40c	Aemilia Lepida, who repeatedly made accusations against her husband Drusus, remains unpunished so long as her father lives, despite her notoriety. Afterwards, she is accused of adultery and kills herself without even attempting to defend herself.
<i>Ann.</i> 6.47-48	Albucilla is accused of irreverence towards the emperor, alongside her lovers. It is believed that Macro, who supervised the interrogation of the witnesses and the torture of the accused's enslaved household, acts out of self-interest, due to his hatred of Arruntius. This appears to have delayed proceedings, but while Domitius and Marsus continue to live longer, Arruntius has already killed himself. Albucilla attempts to do the same, but fails and is brought to prison at the behest of the Senate. Two people who helped her are likewise punished—one with banishment, the other with the loss of his senatorial rank.

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Passage	Legal event(s)
<i>Ann.</i> 11.1-3	Messalina is resentful because she believes that Valerius Asiaticus is a former lover of Poppaea and at the same time wants to own his beautiful gardens. She asks Suillius to accuse them both and he manipulates Claudius into believing that Asiaticus presents a threat to the state. He is not granted a hearing before the Senate but in the emperor's private chambers. His defence appears to be effective, but Messalina is unwilling to give up and tells her associate Vitellius to not let the man escape, before driving Poppaea to suicide. Claudius intends to pardon Asiaticus, but Vitellius (pretending to be Asiaticus' friend) suggests that he should be allowed to choose his own death, as if this were the merciful course of action. Asiaticus indeed kills himself.
<i>Ann.</i> 11.4-5a	The Petra brothers are brought to trial by Suillius. T. draws a distinction between the real reason for their arrest (hosting meetings between Poppaea and her lover Mnester) and the accusation levied at them (a dream supposedly predicting the death of Claudius). They are condemned to death, and T. notes that their accuser becomes more fervent after this.
<i>Ann.</i> 11.5b-7	Samius finds out that Suillius, who acted as his advocate, has colluded with the opposition despite being paid a significant amount, and stabs himself in Suillius' house. In response, the consul-elect Silius demands the enforcement of the Cincian law, which forbids receiving gifts or money in return for pleading a cause. His argument is well received and a motion is proposed to punish those engaged in such practices under the law against extortion. Suillius, and others like him, immediately turn towards the emperor for forgiveness, fearing not so much a trial but immediate punishment. The advocates argue that this law was clearly made for rich advocates, but not for people with a plebeian background. They also mention precedents of previous advocates who were in fact paid. Claudius finds these arguments less noble but reasonable and limits the maximum fee without fully abolishing payment. Anyone who accepts higher fees can be charged with extortion.

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Passage	Legal event(s)
<i>Ann.</i> 12.5-7	The Senate supports the match between Claudius and his niece Agrippina, arguing that marriage between uncle and niece may be a novelty in Rome, but is common elsewhere, and furthermore not against the law. The people, too, vehemently (even violently) favour the match. At Claudius' request, the Senate issues a measure allowing similar marriages for others as well.
<i>Ann.</i> 12.8	Silanus is accused by Vitellius of having an incestuous relationship with his sister (see <i>Ann.</i> 12.3-4) and is expelled from the Senate. His engagement to Octavia is broken off. Silanus kills himself and his sister is banished.
<i>Ann.</i> 12.22	Agrippina arranges for an accuser to charge Lolliia Paulina with divinatory and magical consultations about the emperor's marriage. Claudius does not even hear the case and claims that she has nefarious plans against the state. She is banished and stripped of her property, after which Agrippina arranges for her suicide.
<i>Ann.</i> 12.42	Vitellius, an associate of Agrippina, is accused of <i>maiestas</i> and imperial ambitions by Iunius Lupus. Claudius is inclined to find him guilty but is prevented from doing so by Agrippina. Instead, he banishes the prosecutor.
<i>Ann.</i> 12.48	Radamistus usurps the throne from Mithridates, an old ally of Rome, and murders his whole family. Despite his alliance with Rome, Quadratus and his council refuse to intervene, arguing that Armenia will be all the weaker for it, which will be safer for Rome. In order to avoid the appearance of having agreed with a crime, though, they send a request to Pharasmanes to ask his son to vacate the territory.
<i>Ann.</i> 12.52a	Furius Scribonianus is exiled after a trial that likely revolved around the charge of <i>maiestas</i> , having allegedly attempted to predict the emperor's death. His mother Vibia (or Iunia) is likewise banished. Claudius' refusal to execute him is described as an attempt to be seen as merciful, but Scribonianus soon dies of poisoning. T. states that it is unknown whether this is self-inflicted or not.
<i>Ann.</i> 12.52b	The Senate issues an ineffective measure banning astrologers from Italy.

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Passage	Legal event(s)
<i>Ann.</i> 12.54	Felix and Ventidius Cumanus, shared governors of Judea, almost cause a revolt due to their mismanagement of the province and are charged as such. Quadratus, the governor of Syria, is commanded to deal with the case, but he allows Felix to be a judge in Cumanus' case to take the wind out of the prosecutors' sails. T. therefore holds that Cumanus is condemned for both men's crimes.
<i>Ann.</i> 12.59	Agrippina enlists Tarquitiu Priscus to accuse Statiliu Tauru, according to T. because she wants to lay claim to his beautiful gardens. Tauru is accused of extortion of his former province, but especially of being involved in magic. Tauru kills himself before the Senate can pronounce a verdict and Priscu is expelled from the Senate.
<i>Ann.</i> 12.66; 13.15	Brief reference to a poisoner named Locusta, who becomes involved in poisoning Claudiu. T. notes that she was previously convicted for poisoning but remained employed in imperial circles rather than being punished. Locusta is later mentioned again with regard to the poisoning of Britannicu—apparently having escaped punishment in the meantime. The attempted poisoning seems to fail, after which Nero orders her execution (alongside that of his agent Iuliu Pollio)—not because she was a poisoner, but because by failing she prolonged his anxiety regarding his competitor. She, however, manages to escape punishment again.
<i>Ann.</i> 13.10	Nero rejects the accusations of an enslaved man against Carinu Celer as well as an accusation against Iuliu Denu, who allegedly preferred Britannicu to be emperor. T. seems to see this as a sign that he has not yet descended into corruption.
<i>Ann.</i> 13.23	Pallu and Burru are accused by Paetu of wanting to make Corneliu Sulla emperor. Both men are acquitted, although T. notes that Burru votes in Pallu's case despite being on trial himself. The accuser is banished.
<i>Ann.</i> 13.25	Nero roams around Rome disguised as an enslaved person, committing violence and stealing. This encourages others to do the same, and their actions go unchecked. Iuliu Montanu beats the emperor back, but afterwards recognises him and begs for mercy. However, he is forced to kill himself, without any indication of a formal trial being held.

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Passage	Legal event(s)
<i>Ann.</i> 13.26-27	The Senate discusses a motion that masters should be allowed to “take back” the manumission of their freedmen if they find them unworthy. The consuls are reluctant to put the issue to a vote without informing the emperor, but Nero is hesitant when it is put before him. He is told by some of his advisors that former masters have very little recourse against the former enslaved members of their household because the law courts are open to both equally. The opposing side notes that there are different forms of manumission, which makes this new motion unnecessary. Nero is swayed by this last line of thinking and claims that the Senate should look at each case individually when freedmen are accused by their masters. No general rights should be infringed.
<i>Ann.</i> 13.28-29	Helvidius Priscus, tribune of the plebs, accuses quaestor Obultronius Sabinus of merciless punishment of the poor. The emperor then transfers authority over the public accounts from the quaestors to the prefects. T. notes that this set of rules was subject to frequent change and gives an overview.
<i>Ann.</i> 13.30	Clodius Quirinalis is accused of causing unrest through his spending and cruelty but commits suicide before he can be tried.
<i>Ann.</i> 13.31	A tax on the sale of enslaved people is abolished, although T. notes that this has little effect, because it is now imposed on the seller rather than the buyer and thus included in the price.
<i>Ann.</i> 13.33a	Publius Celer is prosecuted by the province of Asia, likely for the murder of his predecessor Silanus (<i>Ann.</i> 13.1). T. notes that Nero cannot acquit him and therefore delays the case until Celer dies of old age.
<i>Ann.</i> 13.33b	Eprius Marcellus is accused by the province of Lycia but has so much (corrupt) support that his accusers are exiled. T. explicitly states his belief that this is a legal atrocity.
<i>Ann.</i> 13.42-43a	Publius Suillius, who was responsible for a number of accusations under Claudius, is now accused and condemned himself. The Senate revives the Cincian law to do this, accusing Suillius of having received a reward for pleading legal cases. Half of Suillius’ property is confiscated and he is banished.

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Passage	Legal event(s)
Ann. 13.43b	Nerullinus, son of the notorious accuser Publius Suillius, is accused of extortion, according to T. because people hated his father. Nero prevents this trial from taking place.
Ann. 13.50	Nero considers abolishing indirect taxes, and while his advisors' response is initially enthusiastic, they then dissuade him from the notion, arguing that the law will not just be ineffective, but will have a deeply detrimental effect by leading to the abolishment of all taxes and therefore the fall of the empire. It is, however, acknowledged that tax collectors should be restricted.
Ann. 13.52	Pompeius Silvanus is acquitted by Nero of the charges dealing with his administration of the province of Africa (likely extortion), which was brought against him <i>en masse</i> . T. suggests that it is his wealth, age and childlessness that ensures his acquittal—although he outlives the fortune hunters who helped him do so.
Ann. 14.12	Nero grants mercy to a number of people who have been exiled—according to T. in order to prove that his mother was a bad influence.
Ann. 14.18	Cyrene accuses Acilius Strabo of mishandling a legal case about the ownership of certain lands which had been granted to Rome but had been usurped by Cyrene. The Senate is unsure what Claudius' orders were and consults Nero. Nero confirms Strabo's verdict, but grants the lands to Cyrene anyway.
Ann. 14.28	Vibius Secundus is accused of extortion by the province of Mauritania and is exiled as a result. T. notes that he escapes harsher punishment with the help of his brother.
Ann. 14.31	Prasutagus, king of the Icenii, makes the emperor his heir along with his two daughters, hoping that this will protect them.
Ann. 14.41	Valerius Pontius is exiled because he brought people to trial before the praetor, so that they could not be charged before the city prefect. He then used various means (initially the law, then collusion) to have the case dismissed, which seems to mean that he followed the law to the letter only to get people off on a technicality. The Senate adds a clause to its decree, saying that people who are guilty of such things should be punished as if they made false accusations.

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Passage	Legal event(s)
Ann. 14.42-45	City prefect Pedanius Secundus is killed by an enslaved member of his household. T. notes that all enslaved people who live under the same roof should be executed according to ancient custom, but the Roman population protests vigorously against what they see as an excessive cruelty. The issue is debated in the Senate, which is split on the issue. C. Cassius argues that he believes older rules to be better by default and warns that no senator may in the future be safe if the rule is ignored. He concludes by arguing that every great precedent is in some way <i>iniquus</i> and that the good of individual people should be disregarded in favour of public welfare. T. notes that no-one dares openly oppose Cassius although protests are heard. The argument for execution gains the majority in the Senate but cannot be carried out because the people resist violently. Nero strongly rebukes the populace and has the execution carried out anyway. Cingonius Varro suggests that the freedmen of the household should likewise be banished, but Nero prevents this.
Ann. 14.48-49	Antistius composes some insulting verses about the emperor and is charged with <i>maiestas</i> . His accuser, Cossutianus Capito, has recently been re-admitted to the Senate with the help of his father-in-law. T. notes that the law against <i>maiestas</i> has fallen into disuse but is now revived. He adds that there is fairly little evidence against Antistius, but that the Senate nonetheless convicts him to death ‘in the ancient manner’ as well as the loss of his praetorship. Praetus Thrasea argues for banishment and confiscation of property instead, suggesting that execution has long since been done away with and arguing that Antistius should instead serve as an example for public clemency. Thrasea’s proposal carries the day, but T. notes that the consuls do not dare to ratify the vote and instead send its results to the emperor. Nero claims that he agrees and even notes that he would have intervened had the punishment been too severe, but T. seems to suggest that he did not mean it. As such, both the accusation and the proposal of banishment remain in effect.

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Passage	Legal event(s)
Ann. 14.50	Fabricius Veiento is accused because of writings against the senators and the pontiffs, but notably not the emperor. His accuser, Talius Geminus, argues that he also sold the emperor's favour, which causes Nero to act as judge himself. Veiento is convicted and banished from Italy. His writings are burned, but T. notes that they are still very popular and that the measure is not enforced.
Ann. 14.60-64	Poppaea accuses Nero's wife Octavia of adultery with one of the enslaved members of her household. The enslaved members of Octavia's household are tortured and while some (falsely) confess her guilt, most do not. Nero divorces Octavia and gives her a house but afterwards banishes her. The people protest against this and Nero takes her back as his wife. When the people express joy at this, Nero changes his mind again. Poppaea then claims that Octavia wants to have her murdered and Nero decides to charge her with revolutionary plots. He convinces Anicetus (one of his own associates) to confess, notably during a private hearing, and subsequently banishes him—although he lives in apparent luxury. Nero then accuses Octavia of having had an abortion and banishes her. She is killed in exile.
Ann. 15.20-21	Senator Paetus Thrasea argues that Claudius Timarchus should be banished from Crete, and T. presents his speech. Thrasea notes that good laws find their origins in the misdeeds of others and gives examples of this. He proposes a measure that is befitting of Rome, which will also provide protection for provincials. He suggests that they should retain the ability to prosecute bad governors, but that flatteries should be restricted. That way, he argues, provinces will be governed both <i>aequabilis</i> and <i>constantius</i> .
Ann. 15.35	Torquatus Silanus is accused of wasteful spending and of attempting to overthrow the emperor. Torquatus kills himself before he can be convicted, but Nero afterwards claims that he would likely have allowed him to live if he had only awaited the emperor's verdict.

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Passage	Legal event(s)
<i>Ann.</i> 15.44	Nero is accused of having started the Great Fire of Rome for his own benefit and accuses the Christians of having done so to divert attention. The order of events is confusing and the phrase ‘those who confessed were arrested’ seems to suggest that a degree of mob-justice and irregularity is at play. The same holds true for the assertion that the Christians are not so much tried on the basis of the official accusation (<i>crimen</i>) of arson, but rather because of a rumour that they hate humanity in general. T. also notes that the punishments are so excessive that it is difficult to claim that Nero imposes them for the public good, rather than to satisfy his own cruelty.
<i>Ann.</i> 15.48-73	A large-scale conspiracy against Nero is set up, under the leadership of Piso. After the conspiracy has been betrayed, Nero first orders one of the women, Epicharis, to be tortured, but she refuses to confess and kills herself. T. notes that, by contrast, many illustrious senators betray everyone. Nero puts the capital and the surrounding areas under military supervision, including German troops. Masses of people are arrested and even the smallest interaction with the conspirators is construed as a crime. Piso and various other conspirators kill themselves before a trial can take place and Nero orders the murder or suicide of various others, including Seneca. An attempt is made to arrest Vestinus, the consul, who has not been formally accused, but he kills himself before this can occur. Something similar happens to Lucan and various others. Some of the informers are rewarded, while others accused of being involved are banished or kill themselves (some in spite of their acquittal).
<i>Ann.</i> 16.1-3	Caesellius Bassus tells Nero that the location of a gigantic treasure has come to him in a dream. Nero believes him and starts spending significant amounts of money in anticipation, but the treasure never materialises. Bassus kills himself to avoid disgrace, and T. notes that some claim that he was initially arrested and only released when he gave up his wealth in repayment.

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Passage	Legal event(s)
<i>Ann.</i> 16.7-9	Nero accuses Gaius Cassius and Lucius Silanus of trying to overthrow him, citing specific behaviours for both, and tries to have them both banished. Cassius' wife is subsequently accused of incest with her nephew and of involvement in horrible religious rites. Three alleged accomplices are also accused but manage to escape after appealing to Nero. The matter is brought before the Senate and Cassius and Silanus are banished. Cassius dies of old age, but Silanus is ordered to commit suicide and dies resisting the soldiers sent to force him. Nero, meanwhile, judges the case against Lepida. Her fate is left unmentioned.
<i>Ann.</i> 16.10-11	Lucius Vetus, his mother-in-law and his daughter are accused by Vetus' freedmen Fortunatus and Claudius Demianus, whom Vetus once imprisoned when he was governor of Asia. Vetus' daughter tries to speak to Nero to save her father but is rejected. Meanwhile, the trial before the Senate goes against Vetus, and he and his family commit suicide before the verdict can be pronounced. Strangely, they are prosecuted after their burial and condemned to death. At this, Nero pronounces his veto, allowing them to die as they choose. T. indicates that this procedure is a farce, as the accused were already dead. Before his death, Vetus refuses to leave the emperor a great part of his estate, which he is told might allow his grandchildren to inherit the rest.
<i>Ann.</i> 16.14-15	Antistius Sosianus, who at one point was banished for satirical verses about the emperor, makes friends with the similarly banished astrologer Pammenes and on the basis of his predictions accuses Publius Anteius and Ostorius Scapula of wanting to take the imperial throne. T. notes that they are treated as if they are already condemned, rather than accused, and both men commit suicide.

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Passage	Legal event(s)
<i>Ann.</i> 16.17a	Annaeus Mela, who is related to Iunius Gallio and Seneca, both of whom were accused of being part of the Pisonian conspiracy, vigorously calls in debts due to his son's estate after he died. This leads Fabius Romanus to accuse him of having planned a conspiracy alongside his son, and he forges a letter to prove it. Nero sends this letter to Mela, according to T. to gain access to his wealth, and Mela commits suicide. In his testament, he denies the charges against him. He accuses Cerialis Anicius and Rufius Crispinus in the process and strategically leaves money to some of Nero's close friends to prevent his will from being overturned. Crispinus, however, was banished to Sardinia on charges of conspiracy and is already dead. Anicius commits suicide.
<i>Ann.</i> 16.17b-19	Petronius is accused of having been friends with Scaevius, who was involved in the Pisonian conspiracy by a jealous Tigellinus. Petronius commits suicide.
<i>Ann.</i> 16.33a	Cassius Asclepiodotus is stripped of his property and driven into exile because he refuses to reject his friend Barea Soranus. T. notes that the gods regard both good and bad examples with <i>aequitas</i> .
<i>Ann.</i> 16.33b-35	Paetus Thrasea resisted Nero in a number of ways in the past and is accused by Capito Cossutianus, whom he previously helped convict for extortion in Cilicia. He asks Nero for a way to defend himself but is ultimately summoned to appear before the Senate. He is ordered to commit suicide and does so, as do Soranus and his daughter Servilia, against whom Nero also held a grudge.
<i>Ann.</i> 16.33c	Curtius Montanus is accused of having made slanderous verses about the emperor during the trial of Paetus Thrasea (<i>Ann.</i> 16.28-29). He is spared due to his father's intervention but is excluded from political life.
<i>Dial.</i> 2.1	T. hints that Curiatius Maternus wrote a play about Cato, which puts him in danger of offending people in high places.
<i>Dial.</i> 3.2	Secundus asks Maternus if he is editing his play <i>Cato</i> to make sure that it cannot be misinterpreted. This seems to be an oblique reference to <i>maiestas</i> trials dealing with subversive texts.
<i>Dial.</i> 12.2	While extolling the virtues of poetry, Maternus describes rhetoric as aimed at profit and blood.

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Passage	Legal event(s)
Dial. 13.6	Maternus expresses the desire not to have to make a will to secure his wealth.
Dial. 19.5	Aper notes that eloquence is particularly important in front of judges that do not employ the law (<i>non iure aut legibus</i>) but instead act on their own authority (<i>vi et potestate</i>).
Dial. 31.2	When discussing that being accomplished in oratory is not enough, Messalla argues that a good orator should be concerned with virtue as well. In particular, he mentions that legal oratory should be concerned with <i>aequitas</i> , although it may overlap with the focus on <i>utilitas</i> and <i>honestas</i> , on which deliberative and laudatory rhetoric should be focussed.
Dial. 32.3	Messalla complains that modern orators have no knowledge of the law and even go out of their way to deride it.
Dial. 38	In arguing that restrictions on the speaking time imposed by Pompeius Magnus served to curb eloquence, Maternus notes that at least court cases were at that time still held in the forum, according to the laws and in front of the praetors, rather than before the centumviral court. This suggests that laws may later have become less relevant.
Dial. 40.4	Maternus describes the civil wars as a period in which the law courts were at war and there was no moderation in legal judgements.
Hist. 1.1	T. discusses how historiography declines after the advent of the principate, at least in part due to a need to flatter the emperor.
Hist. 1.2	T. describes the civil wars of 69 CE and notes how people are accused for all sorts of irrelevant reasons—whether status and wealth or honours that they had either accepted or declined. He also notes the continued influence of <i>delatores</i> and the negative effect they have on society.
Hist. 1.6	Cingonius Varro and Petronius Turpilianus are executed by Galba—the former because he was allegedly in league with the emperor’s opponent Nymphidius, the latter because he was affiliated with Nero. T. notes that they do not receive a hearing or a defence.

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Passage	Legal event(s)
<i>Hist.</i> 1.20	Nero has spent a great deal of money and issues a command mandating that those who received this money should be officially sued to make them give it back, but are allowed to retain one tenth of the profit. When this proves impossible, a committee is set up to recover the funds. T. notes that this is an especially difficult task.
<i>Hist.</i> 1.22	When describing the influence of astrologers on Otho, T. notes that the practice will always be banned, yet will always be retained—hinting at the apparent ineffectiveness of measures against the group.
<i>Hist.</i> 1.24	In an attempt to gain supporters, Otho buys the entire estate of a man who is currently entangled in a dispute about property boundaries with Cocceius Proculus, one of Otho’s associates. T. notes that the matter is entirely overlooked by the prefect.
<i>Hist.</i> 1.45; 1.71	After Otho takes the throne, the populace demands that one of Galba’s primary associates, Marius Celsus, be executed. T. notes that the man is punished for his virtues and sees this as the opening of massacres and proscriptions. Otho, not having the authority to prevent this, orders Celsus to be brought to prison in chains, allegedly to be later executed in a more severe way. T. notes that this prevents Celsus from being executed immediately but also comments on its insincerity. Later, T. remarks that he pleaded guilty during a hearing, but that Otho not only forgave him, but admitted him to his closest confidence.
<i>Hist.</i> 1.52	During his takeover of the legions in Germany, Vitellius apparently reverses certain punishments imposed on soldiers by his predecessors. T. notes that he generally does this to get soldiers on his side but sometimes is right in his assertions.
<i>Hist.</i> 1.58a	Iulius Burdo is accused of having participated in the plot to kill Capito (<i>Hist.</i> 1.7-1.8). He is saved from execution by being put in prison and is released after Vitellius has come to power. T. ascribes his conviction to the bloodlust of the troops.
<i>Hist.</i> 1.58b	Crispinus is accused of having participated in the plot the kill Capito (<i>Hist.</i> 1.7-1.8) and is executed—according to T. due to the bloodlust of the troops.

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Passage	Legal event(s)
Hist. 1.59	Unlike many Romans who were convicted by Vitellius, Iulius Civilis is spared. T. notes that this was because Vitellius does not want to alienate the Batavian tribes.
Hist. 1.72	Sophonius Tigellinus is deeply hated because of his various atrocities, mainly perpetrated during the time of Nero. T. reports that during the reign of Galba, he was protected by Vinus, who claimed that he had rescued his daughter. However, the mob eventually turns against Tigellinus and he kills himself. It is unclear whether this is actually a trial or an example of mob justice during the period of the civil war.
Hist. 1.77	Otho restores three governors to the Senate, who were banished for extortion under Claudius and Nero. T. seems to suggest that those who wished to see them pardoned pretended that they were not convicted on the basis of extortion, but rather on charges of <i>maiestas</i> , which he claims is now so hated that the very mention of them even overturns convictions on the basis of good laws, thus suggesting that the charge of extortion is indeed a valuable one.
Hist. 1.80-85	A riot breaks out among the soldiers, who turn against Rome's wealthy citizens. Otho manages to restrain them, which makes the soldiers feel so guilty that they demand punishment of the riot's leaders. Otho refuses to do this and claims that the soldiers only wished to support him and simply obeyed the orders of their commanders, which he argues is essential. T. notes that Otho punishes only two officers and that this lack of severity is completely ineffective.
Hist. 2.10a	Vibius Crispus brings Annius Faustus to trial before the Senate due to his role as an informer during the time of Nero. Crispus manages to convince a large part of the Senate to convict Faustus without a trial. Some object however and demand proper procedures: time to speak, specific charges, and a right to be heard. The latter group wins out and the trial is postponed. In the end, Faustus is condemned, although not by a large majority.
Hist. 2.10b	During the time of Galba, the Senate issues a law that states that it should hear cases against accusers. The law is not consistently enforced and is a source of terror.

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Passage	Legal event(s)
<i>Hist. 2.16</i>	Decumus Pacarius is murdered by followers of Otho. T. notes that there is so much crime going on during the civil war that they are neither rewarded for this action by Otho nor punished by Vitellius.
<i>Hist. 2.6o</i>	Trachalus is put to trial, likely due to his role in Otho's administration, but is protected from punishment by Vitellius' wife.
<i>Hist. 2.62a</i>	Vitellius makes no attempt to confiscate the inheritance of those who fell in the service of Otho, allowing normal legal procedures to take their course.
<i>Hist. 2.62b</i>	Vitellius bans the <i>equites</i> from appearing in public games, which previous emperors encouraged.
<i>Hist. 2.84</i>	T. notes that Vespasian's faction, at the instigation of his primary associate Mucianus, tries to obtain funds for their campaign by confiscating the property of wealthy men. T. notes that this happens with no regard for law or truth.
<i>Hist. 2.86</i>	Primus Antonius encourages his legion to join Vespasian's faction. T. relates that he broke the laws and was convicted of fraud under Nero, but nevertheless regained his position as Senator during the civil war.
<i>Hist. 2.91</i>	T. describes Vitellius' lack of decorum, claiming that he respects neither human nor divine law.
<i>Hist. 2.92</i>	Vitellius issues a measure that allows people who have been recalled from exile to be in charge of their freedmen once again. T. notes that this means very little in practice, because freedmen have taken money from their absent masters and some even surpass their patrons in status due to being in the emperor's favour.
<i>Hist. 3.34</i>	Vitellius' troops are defeated and the city of Cremona is plundered by Vespasian's soldiers. Their commander Antonius is deeply embarrassed by the brutalities and issues an edict that citizens of Cremona could not be taken captive. Many of the enslaved captives, who are now unsellable, are murdered in response, although others are ransomed.
<i>Hist. 3.51</i>	T. illustrates the idea that the soldiers no longer have a concept of right or wrong by describing the case of a soldier who kills his brother and demands a reward in return.

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Passage	Legal event(s)
Hist. 3.54	Vitellius bans any talk of the war, which according to T. has the unintended negative effect of encouraging people who otherwise would simply tell the truth to tell exaggerated lies.
Hist. 3.61	T. notes that treason goes unpunished in Vitellius' faction.
Hist. 4.6-7	Helvidius Priscus, who was previously banished, returns under Galba and immediately brings charges against Marcellus Eprius, who previously accused Priscus' father-in-law Thrasea, resulting in his suicide. T. describes this as a notable and just act of revenge but adds that it divides the Senate because they are afraid that it will lead to a great number of other accusers also being brought to trial.
Hist. 4.11	T. describes the state of chaos after Vespasian's victory as a time when there are no laws.
Hist. 4.44	Many <i>delatores</i> who were exiled under Nero are allowed to return. However, in order to make sure that not all things from that time seem to have been done with impunity, some of the worst offenders, Octavius Saggita and Antistius Sosianus, are sent back to the island to which they were banished. T. argues that this does nothing to mitigate the general fear of accusers.