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Verbal Agency in the Speech of Cremutius Cordus (Tacitus *Annals* 4.34-5)¹

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Abstract: This article analyzes the agency (or lack thereof) in the verbs of the speech of Cremutius Cordus at Tacitus *Annals* 4.34-5. Cordus divests himself of agency in order to grant it to written works of literature, which can carry an author's legacy and authority into posterity even if the author himself is punished with death. By their very existence, such works, imbued with agency and power by their authors, stymie the efforts of book-burners and the authors' enemies to efface cultural memory.

Keywords: Tacitus, *Annals*, Cremutius, Cordus, agency, Tiberius

Quo magis socordiam eorum inridere libet qui praesenti potentia credunt extingui posse etiam sequentis aevi memoriam. Nam contra punitis ingeniis gliscit auctoritas, neque aliud [externi reges aut] qui eadem saeuitia usi sunt nisi dedecus sibi atque illis gloriam peperere. (Tac. *Ann.* 4.35.5)

All the more, it is pleasing to mock the folly of those who believe that by means of their present power, the memory of a subsequent age can be snuffed out. For rather, *auctoritas* grows when talent is punished, and [foreign kings or] those who have made use of the same savagery have gained nothing other than disgrace for themselves and glory for the talent.²

These lines close Tacitus' brief yet vitally important account of the trial, defense, and suicide of the historian Cremutius Cordus in 25 C.E., who was brought to trial on a charge of *maiestas* grounded in his seeming encomium of the Caesarian tyrannicides, Cassius and Brutus.³ Tacitus bills the charge as a novel one;⁴ whether true or not, from

¹ This article began as a presentation at the 2015 CANE Annual Meeting. I thank the conference participants for their comments; Aaron Seider, *NECJ*'s editor-in-chief, and the anonymous referee for their insights and suggestions; and Timothy Joseph, Dominic Machado, and Ben Leonard for their help, patience, and guidance as this article took shape. Any remaining errors are my own.

² All translations are my own unless otherwise specified. Latin passages from *Annals* 4 are from Woodman 2018; *Agricola*, Woodman 2014; *Annals* 14-15, Wellesley 1986; *Dialogus de Oratoribus*, Winterbottom and Ogilvie 1975.

³ "...because in his published annals, he had praised M. Brutus and said that C. Cassius was the last of the Romans" (... *quod editis annalibus laudatoque M. Bruto C. Cassium Romanorum ultimum dixisset*, 4.34.1)

⁴ "...a charge that was new and heard first at that time" (*nouo ac tunc primum audito crimine*, 4.34.1). See Peachin 2015, 17-46, for evidence of the novelty of the charge. Woodman 2018, 189, connects this claim of novelty to the opening of Cicero's *Pro Ligario* both linguistically and thematically.

this point on, explicit praise of the tyrannicides becomes grounds for suspicion and condemnation.⁵ Multiple sources record the fate of Cordus,⁶ but only Tacitus provides a speech of Cordus in *oratio recta* (surely authored by Tacitus himself).⁷ As such, three entities take part in the dramatic construction of the trial, as Hubert Cancik and Hildegard Cancik-Lindemaier write: the speaker, Cordus; the writer, Tacitus; and the reader who navigates the narratological distance between (or conflation of) the two.⁸ Tacitus' decision to attribute direct speech to Cordus makes him vivid to that reader, who must imagine Cordus delivering the speech before an audience that included the *princeps* himself. Indeed, Tiberius' aspect makes the outcome of the trial clear in Cordus' mind: "Tiberius, taking in the defense speech with a hostile visage" (*Caesar truci uultu defensionem accipiens*, 4.34.2). Cordus, as a result, knew that his execution was preordained: "certain that he would 'leave life'" (*relinquendae uitae certus*, 4.34.2). Tiberius holds the power over life and death in this match-up between historian and prince.

This disparity of power, I argue, is reflected in Cordus' direct speech at *Annals* 4.34-5, which contains syntax and verbs that illustrate Cordus' lack of agency. After defining agency, I demonstrate how Tacitus divests Cordus of agency by making him a verbal subject or agent only in cases where the verb is negated, static, or passive. Rather, Tacitus concentrates agency in physical texts and writings. I conclude that in the milieu of the imperious *princeps* who exercises his immense power over literature and the elite, though authors find their own agency sapped, they can nevertheless imbue their literature with it. They generate the records of the past and the media of memory that can carry their agency into posterity. This process is already at work in Cordus' own syntax.

Agency as Action

Possessing agency means that one's actions or words are not circumscribed by external limitations, like social expectations or the commands of an emperor. The agent does something, rather than allowing the status quo to remain static or waiting passively to be swept up into the action of others. An agent has autonomy, exhibits control of his or her own actions, and executes those actions with intentionality.⁹ Timothy Melley argues that in restrictive or hostile environments, like those created in the aftermath of war, individuals can take anxiety over the circumscription of their free will and autonomy (their

⁵ See, for example, the exile of C. Cassius, who wrote a laudatory inscription for a bust of his namesake and ancestor, and the assassination of L. Solanus, punished for his association with the Neronian Cassius (16.7-9).

⁶ Dio 57.24.2-4; Suet. *Tib.* 61.3; Sen. *Ad Marc.* 1.2-4, 22.4-7, 26.1, 26.3. Cf. McHugh 2004, 402-3, and Rogers 1965.

⁷ See Levene 2009, 212, on the social influences on and the authorial motivations behind the creation of such speeches: "Historians found it very natural to interpret history through the presentation of speeches that both discussed and putatively influenced that history, and indeed to insert speeches largely or entirely of their own composition to illustrate key themes underlying historical events" (emphasis mine). As Syme (1958, 337 n. 10) states, "The speech is all Tacitus."

⁸ Cancik and Cancik-Lindemaier 2006, 345.

⁹ For different components of this definition of autonomy and agency from primarily philosophical viewpoints, see Davidson 1980, 43-61; Dennett 1984, 50-73, esp. 52-7; Enç 2003; Lowe 2009; Taylor 1985.

agency) to the level of “agency panic,” defined as “intense anxiety about an apparent loss of autonomy or self-control — the conviction that one’s actions are being controlled by someone else, that one has been ‘constructed’ by powerful external agents.”¹⁰ Romans under Tiberius and Sejanus undoubtedly lived in such a restrictive or hostile environment, but for agents throughout Tacitus’ historiographic works who resist the absolute power of the *princeps*, “agency panic” was not an issue, since the question of external control was never in doubt. Rather, because the emperor’s circumscription of individual autonomy was a given, agents concerned themselves with modes of either combatting or submitting to that circumscription.

Many agents engage in resistance to the tyrannical power of the *princeps* and his associated deputies throughout the *Annals*. A few well-known examples illustrate this pattern of resistance. The warrior queen Boudica (14.31-7) marshals an active opposition to the rapacious excesses of the Romans occupying Britain. The conspiracy of Piso (15.48-70) comprises powerful personalities and individual agendas aimed at the deposition of the *princeps* and the acquisition of his power for personal ends. The Stoic suicides littered throughout *Annals* 15 and 16 exhibit an ultimate type of action that sends a clear signal to the *princeps* that death is preferable to living under his rule. Those willing to die take fate into their own hands and effect an outcome that ameliorates their own personal disgrace and, more importantly, intensifies that of the emperor.¹¹

These active resisters exercise their agency not only thematically but linguistically. We can see Tacitus’ attribution of agency to these actors through his choices of diction and morphological or syntactic manipulations.¹² Boudica, motivated by personal and familial outrage, states that she aims at vengeance: “She declared . . . that she was taking revenge not as a woman born to great ancestors for her kingdom and wealth, but as a lone woman from the crowd for her lost freedom, her body inflicted with lashings, the infected chastity of her daughters” (*testabatur* . . . *non ut tantis maioribus ortam regnum et opes, uerum ut unam e uulgo libertatem amissam, confectum uerberibus corpus, contrectatam filiarum pudicitiam ulcisci*, 14.35.1). While Boudica speaks in *oratio obliqua* (versus Cremutius’ *oratio recta*), Tacitus looms in the background as an author and dramaturge, as it were, crafting the words and portrayals of each of these characters to suit his larger ends. Here, her words, though filtered through Tacitus’ omniscient perspective, nevertheless convey the active force with which she undertakes her resistance, and the grammatical syntax makes that force readily apparent. She acts as the subject of *testabatur* and the accusative-infinitive structure dependent on it, so both the act of declaring her motivations (*testabatur*) and the

¹⁰ Melley 2000, 12.

¹¹ For more on early imperial political suicides, see Edwards 2007, 113-43; Plass 1995, 81-134, esp. 87-91 on game theory in political suicides.

¹² Tacitus’ penchant for illustrating theme through morphology or syntax is not limited to these episodes; for example, Pigoñ 2008, esp. 295-303, explores the use of the passive voice to exculpate Germanicus in the Roman army’s troubles in Lower Germany.

act of gaining vengeance (*ulcisci*) are hers. The two deponent verbs (*testari* and *ulcisci*) highlight the tension between passive acceptance of the Romans' aggressions and active resistance against them. Further, Tacitus underscores Boudica's agency by describing her as one out of the crowd (*unam e uulgo*), a singular, lone woman taking the initiative while all the others do nothing.¹³

To take another example, Afranius Quintianus, one of the Pisonian conspirators, wants to avenge a slight to his reputation by Nero: "Quintianus, infamous for the passivity of his body and slandered in a shameful ditty by Nero, entered the conspiracy to avenge the insult" (*Quintianus mollitia corporis infamis et a Nerone probroso carmine diffamatus contumeliam ultum ibat*, 15.49.4). There is a fraught contrast between Quintianus' supposed sexual passivity (*mollitia corporis*) and the action that he takes (*ultum ibat*, an accusative supine after a verb of motion), though the latter is emphasized by its placement at the end of the sentence. Quintianus attempts to perform his masculinity through activity (*ultum ibat*) to prove that he is not passive, a trait imputed to him by the term *mollitia corporis* and even the syntax of the sentence; he receives the action of defamation from the passive participle *diffamatus*, and the agent of that action is Nero himself (*a Nerone*). But the structure of the sentence leads Quintianus from passivity to activity; he stands as the subject of *ibat*, just as Boudica stands as the subject of *testabatur* and *ulcisci*.¹⁴

In both cases, vengeance acts as a clear motivator for the program of resistance. Tacitus portrays both characters as taking the initiative, formulating or taking part in a plan of resistance defined by actions taken to subvert the existing power structure. More importantly, verbal agency underscores the characterizations of Boudica and Quintianus as agents of resistance. It is precisely this type of verbal agency that I argue Cordus lacks in his speech.

Cremutius Cordus and His Lack of Agency

Before an analysis of Cordus' speech at the level of individual verbs and phrases, some statistics about those verbs as a whole will help provide context for the granular details. In Cordus' speech, there are 38 conjugated verbs.¹⁵ If we expand the count to other

¹³ See Gillespie 2018, 63-8, on Boudica's thematic and linguistic connections to Livy's Lucretia and Verginia; *ibid.*, 100-4, on Boudica as a *dux femina* figure; and Adler 2011, 122-7 and 130-9, on the narrative structure of Boudica's speech and its condemnation of Roman colonialism and imperialism.

¹⁴ For detailed analysis of the Pisonian conspirators, their various motivations, and the structure of Tacitus' narrative, see Pagán 2004, 68-90.

¹⁵ In order: *arguuntur*, *sum*, *amplectitur*, *dicor*, *composuerint*, *memorauit*, *tulit*, *appellaret*, *offecit*, *imponuntur*, *nominat*, *tradunt*, *praedicabat*, *peruigere*, *aequauit*, *respondit*, *habent*, *leguntur*, *tulere*, *reliquere*, *dixerim*, *exolescunt*, *irascere*, *uidentur*, *atingo*, *impunita [est]*, *aduertit*, *ultus est*, *fuit*, *exemisset*, *incendo*, *noscuntur*, *aboleuit*, *retinent*, *rependit*, *derunt*, *ingruit*, *meminerint*. I include in this count clear elisions of *esse* (e.g., *impunita [est]*, 4.35.1).

verbal forms, there are also two infinitives¹⁶ and 11 participles.¹⁷ Of the 51 total forms, three express state or status; 17 are passive;¹⁸ and 31 are active or deponent. Cordus serves as the agent or subject of the verbs in his speech on only five occasions;¹⁹ of those five, one is static, one is passive, and three are active.

Those three active verbs that take Cordus as their subject are each negated, counter-intuitively making it clear that Cordus does *not* act. First, Cordus muses on Caesar's and Augustus' reasons for leaving Furius Bibaculus and Catullus unpunished for their insulting poems: "I would **hardly** easily **say** whether more out of moderation or wisdom" (*haud facile dixerim moderatione magis an sapientia*, 4.34.5). Next, he passes in *praeteritio* over the free-spoken and libidinous Greeks: "**I do not touch on** the Greeks, whose not only freedom of speech but also license went unpunished" (*Non attingo Graecos, quorum non modo libertas, etiam libido impunita*, 4.35.1). Finally, he speaks about the impossibility of his being partisan for Cassius and Brutus with the introduction of a leading interrogative particle: "For **surely I am not rousing up** the people for the sake of civil war through harangues at the moment when Cassius and Brutus are in arms and occupying the fields at Philippi, **am I?**" (*Num enim armatis Cassio et Bruto ac Philippenses campos obtinentibus belli ciuilis causa populum per contiones incendo?* 4.35.2).²⁰ Each of these verbs indicates some kind of waffling or unreal situation; in none of these cases does Cordus exhibit agency, defined as the performance of some sort of intentional action. First, his indecision in imputing Caesar's and Augustus' (in)action to *moderatio* or *sapientia* allows him not to take a decisive stance; the subjunctive mood of *dixerim* highlights the fact that he does not do so. In the second example, the force of speech-act inherent in the declaration of *atingo* is undercut by the negation of *non*; Cordus declares not what he is doing but what he is not doing. In the last example, the rhetorical nuance of *num* points to an action that to both speaker and audience is clearly not reality. Though Cordus is the subject of the active verbs *dixerim*, *atingo*, and *incendo*, in none of these instances does he actually act.

Cordus acts as subject to two other verbs earlier on in his speech, but in one case, the verb is a declaration of a static state, and in the other, the action is passively levied against himself. First, the static verb: "My words, conscript fathers, are accused; so innocent of deeds **am I?**" (*Uerba mea, patres conscripti, arguuntur, adeo factorum innocens sum*, 4.34.2). The dichotomy between *uerba* and *facta* is an important signpost for illustrating the lack of agency in Cordus. It is not he but his words that have given cause for the charge. He argues that *uerba* are not sufficient grounds for accusation

¹⁶ *laudauisse, proderere*.

¹⁷ *conscripti, scripta, rescripta, referta, adgnita, dictis, dicta, solutum, armatis, obtinentibus, perempti*. I count as participles here words that are used substantively (e.g., *scripta*, 4.34.4).

¹⁸ These passive forms include participles that clearly have an adjectival sense, rather than any actual sense of action being performed upon the noun described (e.g., *conscripti, solutum*).

¹⁹ One might argue for a sixth in the infinitive *laudauisse*, on which see below.

²⁰ For the miscellaneous interpretations of this sentence, see Martin and Woodman 1989, *ad loc.*; Woodman 2018, *ad loc.*; and Moles 1998, 140-1 n. 82.

against their speaker or writer, but the distinction between *uerba* and author or authorial action (*facta*) is not as clear-cut as he makes it seem here, as I will explore in the next section of this article. The etymology of *innocens* (*in-* = negative, *nocere* = to harm) may undermine my characterization of this paraphrastic construction as static, but even if the participle is taken in an active sense, the negation of the prefix aligns this example with the three above, namely a lack of action through negation; the point is precisely that he has not harmed anyone.

Second, Cordus expresses the accusation against him in a passive construction: “**I am said** to have praised Brutus and Cassius, whose deeds, though many have written on them, no one has recounted without honor” (*Brutum et Cassium laudauisse dicor, quorum res gestas cum plurimi composuerint, nemo sine honore memorauit*, 4.34.2). By means of the passive *dicor*, Cremutius disowns the charge: he did not praise, but he is said to have praised. The phrasing is deliberately slippery; by shifting into the passive, he avoids admitting to the charge of actually doing anything. The infinitive *laudauisse* is active and would logically take Cordus as an agent due to its dependence on *dicor*, but that very dependence precludes a definitive completion of that infinitive’s action; my being said to have done something does not mean that I actually did it. Cordus attributes the act of praising the tyrannicides, rather, to the countless others (*plurimi*) who have not only taken action to write (*composuerint*) the tyrannicides’ *res gestae* but have never done so without encomiastic tones (*sine honore*). Assimilating the deeds of the tyrannicides to those of Augustus by the use of the loaded *res gestae* would indeed be a dangerous undertaking, one that others, not Cordus, have undertaken. For Cordus, the act remains a charge made by others; he does not admit to doing anything.

Literature as Agent

Who or what, then, exhibits agency in the speech? I offer that it is not only other authors who do so (as seen above) but, even more importantly, their works of literature. At 4.34.3-5, Cordus offers a laundry list of authors and works who have not only committed the very crime for which Cordus stands accused, namely praise of Caesarean or imperial enemies, but even escaped punishment:

[3] **Titus Liuius**, *eloquentiae ac fidei praeclarus, in primis Cn. Pompeium tantis laudibus tulit ut Pompeianum eum Augustus appellaret; neque id amicitiae eorum offecit. Scipionem, Afranium, hunc ipsum Cassium, hunc Brutum nusquam latrones et parricidas, quae nunc uocabula imponuntur, saepe ut insignis uiros nominat.* [4] **Asinii Pollionis scripta** *egregiam eorundem memoriam tradunt, Messalla Coruinus imperatorem suum Cassium praedicabat; et uterque opibus*

atque honoribus peruigere. Marci Ciceronis libro quo Catonem caelo aequavit, quid aliud dictator Caesar quam rescripta oratione uelut apud iudices respondit? [5] *Antonii epistulae, Bruti contiones falsa quidem in Augustum probra, set multa cum acerbitate habent; carmina Bibaculi et Catulli referta contumeliis Caesarum leguntur; sed ipse diuus Iulius, ipse diuus Augustus et tulere ista et reliquere...*

[3] **Titus Livy**, distinguished for his eloquence and trustworthiness, extolled among the foremost Gnaeus Pompey with such great praise that Augustus called him a Pompeian; and that did not obstruct their friendship. Scipio, Afranius, this very Cassius, this Brutus — nowhere does he call them robbers and parricides (which names are now set upon them), as often as he calls them distinguished men. [4] **The writings of Asinius Pollio** hand down an excellent memory of the same men, **Messalla Corvinus** declared that Cassius was his *imperator*; and each of these thrived in wealth and honors. How else did the dictator Caesar respond to **Marcus Cicero's book** in which he equated Cato to the heavens except by writing a speech back, as though in the presence of judges? [5] **The letters of Antony, the harangues of Brutus** contain insults against Augustus, false indeed but with much severity; **the poems of Furius Bibaculus and Catullus**, crammed with insults against the Caesars, are read; but divine Julius himself, divine Augustus both put up with these things and let them be...

The list of *exempla* begins with an author; Livy's partisanship with Pompey was not only unpunished by Augustus but even hardly a deterrent to their friendship. Cordus uses another author as an example later on; Messalla Corvinus extolled Cassius as his *imperator*. These examples, however, are woven amongst six examples of the authors' written works performing actions objectionable to the emperor. Asinius Pollio does not hand down an excellent record of Brutus and Cassius; his *scripta* do: *Asinii Pollionis scripta egregiam eorundem memoriam tradunt*. Caesar responds not to Cicero but to the book in which he equated Cato with the heavens: *Marci Ciceronis libro quo Catonem caelo aequavit ... dictator Caesar ... respondit*. Rebukes against Augustus are conveyed not by Antony and Brutus but by Antony's letters and Brutus' harangues: *Antonii epistulae, Bruti contiones*.²¹ The songs of Furius Bibaculus and Catullus, not the authors themselves, were crammed with insults against the Caesars: *carmina Bibaculi et Catulli referta contumeliis Caesarum leguntur*.

Livy and Messalla Corvinus are two of the eight examples offered, and the mixture of authors with literature without noting a difference between the two seems deliberate.

²¹ I assume here that these *contiones* survived into Cordus' time in some kind of written form. The insertion of (verbal) harangues into a list of scripted media would be difficult to rationalize otherwise.

The interlocking order of examples ends with a heavy concentration of literature as opposed to authors: Livy, then the writings of Asinius Pollio, then Messala Corvinus, then the remaining five examples of written works. The movement of the paragraph starts with authors but aims towards the preponderance of written works, and this movement precisely encapsulates the transference that I argue is present in Cordus' speech. The ability to cause offense and do harm to those in power lies not in authors but in the works of literature that they produce. Therefore, any anti-imperialist readings of that literature or subversive exhortations are the production of the reader, not the intention of the author.

Nevertheless, the desire to punish the author is understandable, given the coextensive nature of the relationship between the author and his work. This kind of slippage between author and work is ubiquitous in Roman literature,²² and indeed, Tacitus nods to the coalescence at the beginning of the *Agricola*:

legimus, cum Aruleno Rustico Paetus Thrasea, Herennio Senecioni Priscus Helvidius laudati essent, capitale fuisse, neque in ipsos modo auctores, sed in libros quoque eorum saeuitum, delegato triumuiris ministerio ut monumenta clarissimorum ingeniorum in comitio ac foro uerentur.

We read that it was a capital crime when Thrasea Paetus and Helvidius Priscus had been praised by Arulenus Rusticus and Herennius Senecio, and that there was savage treatment not only against the authors themselves but also against their books; the triumvirs were allotted the duty of burning the monuments of the most brilliant talents in the *comitium* and forum. (*Ag.* 2.1)

The coordination of *auctores* and *libros* by the correlative *neque ... modo / sed ... quoque* puts them on an equal level. Dylan Sailor is particularly instructive on the simultaneous delineation between and coalescence of author and work: "The conceit that not only authors but also their books were destroyed nominally acknowledges a distinction between author and text, but by assigning them the same fate aligns them and equates them."²³ The author's work is coextensive with the author himself; as such, the dangers threatening one must necessarily threaten the other.²⁴ Furthermore, in the act of reading (*legimus*), the readers exercise the power to construct meaning in the author's words; the author may provide the words, but the readers complete the picture by reading (and reading into) what the author has put in writing.²⁵

²² See, for example, Hor. *Carm.* 2.20.16-20, 3.30.10-14; Ov. *Am.* 1.15.31-42; Ov. *Met.* 15.877-9; Mart. 1.1, 9.97.2. See also Clay 1998 and Mayer 2003 on the coalescence of author and persona in ancient literature (or the lack thereof, according to modern definitions).

²³ Sailor 2004, 148. Useful and insightful also is Sailor 2008, 275-91.

²⁴ For historical surveys of book burning from the Republic to late Empire and the often concomitant punishment of the book's author, see Howley 2017 and Rohmann 2013.

²⁵ On the various interpretations of the verb *legimus* in terms of tense and implications for Tacitus' biography, see Woodman 2014, 76-7.

An alternative view to this one-to-one correspondence focuses on the idea of books as objects brought into being by their authors. John Moles suggests a parent-offspring relationship by wittily intuiting puns involving *liber*: “Implicit in all this are two crucial puns, namely that between *liber/liber*: books are guarantors of freedom—and that between *liber/liberi*: books are a person’s children.”²⁶ Just as children are reflections of their parents and have the potential to embody certain traits of their parents, books are reflections of their authors, and they can carry the author’s essence in their pages.

We may draw a parallel here to another Tacitean writer in danger, Curiatius Maternus of the *Dialogus de Oratoribus*, the writer of a *Cato* that caused offense to powerful imperial enemies.²⁷ Julius Secundus, upon meeting Maternus in his study, asks him whether he will stand behind his work or edit it:

tum Secundus, “nihilne te,” inquit, “Materne, fabulae malignorum terrent quominus offensas Catonis tui ames? an ideo librum istum apprehendisti ut diligentius retractares et, sublatis si qua pravae interpretationi materiam dederunt, emitteres Catonem non quidem meliorem, sed tamen securiorem?”

Then Secundus said, “Maternus, does the chatter of ill-wishers not deter you at all from cherishing the offense caused by your *Cato*? Or have you for that reason taken that book of yours in hand to revise it more carefully and, after removing those things that have given fodder for a crooked interpretation, to publish a *Cato* that is indeed not better but nevertheless safer?” (*Dial.* 3.2)

Secundus’ wording simultaneously draws a distinction between and combines author and work. He highlights the materiality of the *Cato* when he notes how Maternus has taken the *liber* in hand (*apprehendisti*), but the adjective used to describe what Secundus hopes a revised book would be (*securior*) applies simultaneously to the work itself and to its author; the act of making the material in the work more palatable to those in power and thus more free from censure in turn makes the author more gratifying to those in power and thus more free from danger.

With regard to author and work, however, the destruction of one does not necessarily warrant the destruction of the other. The author may die, but his works, if shielded from the violence of the author’s enemies, will live on, and he will live on through those works. Indeed, if the works survive, the sentiments and characters contained therein live on as well. Cordus seems to write himself into his own histories by making himself

²⁶ Moles 1998, 153.

²⁷ “Then, on the next day after Curiatius Maternus had recited his *Cato*, when he / it was said to have offended the spirits of those in power, seeing that in the plot of the tragedy he forgot his own situation and had thought only of Cato...” (*nam postero die quam Curiatius Maternus Catonem recitauerat, cum offendisse potentium animos diceretur, tamquam in eo tragoediae argumento sui oblitus tantum Catonem cogitasset...*, Tac. *Dial.* 2.1). The passive *diceretur* can take as subject either the *Cato* or, just as easily, Maternus himself.

parallel with the subjects of his writing, Brutus and Cassius: “Nor will there be lacking, if *damnatio* assails, those who will remember not only Cassius and Brutus but also me” (*nec derunt, si damnatio ingruit, qui non modo Cassii et Bruti sed etiam mei meminerint*, 4.35.3). The present indicative force of *ingruit* chimes with the earlier assertion of Cordus’ awareness of the trial’s outcome (*relinquendae vitae certus*, 4.34.2). Cordus’ coordination of Cassius and Brutus with himself seems almost to set him in the same echelon of Caesarean and imperial resisters, but that connection must be made by Cordus’ readers, those who are supposed to remember (*meminerint*). Cordus stands as object, not subject, of the verb. His readers will be the ones to exhibit agency, and they hold the power to construe meaning and construct memory from his words.

The effacement inherent in the term *damnatio* proves a threat to Cordus and his works, but both did survive the threat of cremation and obliteration due to the intervention of Cordus’ daughter, Marcia: “Later, they were published again, for others, and especially his daughter Marcia, hid them, and they became far more worthy of interest because of Cordus’ fate itself” (ὕστερον δὲ ἐξεδόθη τε αὐθις (ἄλλοι τε γὰρ καὶ μάλιστα ἡ θυγάτηρ αὐτοῦ Μαρκία συνέκρυπεν αὐτά) καὶ πολὺ ἀξιοσπουδαστότερα ὑπὸ αὐτῆς τῆς τοῦ Κόρδου συμφορᾶς ἐγένετο, Dio 57.24.4). Tacitus’ version of the preservation of Cordus’ works, however, divests Marcia and these unnamed others of agency: “The senators voted that the books should be burned by the aediles; but they remained, hidden and then published” (*libros per aediles cremandos censuere patres; set manserunt, occultati et editi*, 4.35.5). The books act as the subject of *manserunt*, though at the same time, they passively receive the action of the participles *occultati* and *editi*. Agents in this passage include the aediles, the senators, and the books themselves.

Here, the situation contrasts with that in the *Agricola* prologue, in which the “voice of the Roman people and the freedom of the Senate and the conscience of humankind” (*vox populi Romani et libertas senatus et conscientia generis humani*) survived *despite* the cremation of the books containing them. The actual *uerba* of the author exist in a corporeal form, not simply in intangible *memoria*. It is important to note, however, that Cordus’ works, at least by the end of the 1st century C.E., were redacted, as Quintilian notes: “The license of Cremutius has its admirers, not undeservedly, though the sentiments that it harmed him to have said were excised. But you can catch his abundantly lofty spirit and his bold feelings still in those parts that remain” (*habet amatores — nec inmerito — Cremuti libertas, quamquam circumcisis quae dixisse ei nocuerat; sed elatum abunde spiritum et audaces sententias deprehendas etiam in iis quae manent*, *Inst.* 10.1.104). We will take this fact into consideration in the final section.

With Cordus, the primacy of texts and books as vehicles for the past, as its “bearers or even embodiments,”²⁸ is particularly pointed, and we may now note its resonance with the above-quoted section of the *Agricola*. It is not simply that we know about the capital

²⁸ Sailor 2004, 151.

crimes and the charges against Arulenus Rusticus and Helvidius Priscus but that we *read* them: *legimus*. Tacitus invites his readers by means of the first-person plural verb to join him in constructing meaning and understanding from texts. The survival of Cordus' texts, then, allows the knowledge contained therein to be passed on throughout posterity to future readers. By creating a historical account meant to be read, Cordus empowers not only the written work with agency but also the readers: those who read the work construct meaning and interpret what lies latent between the lines, which may include something of the author himself. As Timothy Joseph writes, "Political boldness, then, seems to have cost Cremutius his life. But another type of audacity, the literary kind, was available to him and was able to survive and live on, uncut from the copies of his text that made their way to Quintilian."²⁹

The onus of promulgating *memoria* rests primarily, however, in the books themselves. The burning of the books could not accomplish that at which the book-burners aimed, the destruction of the author's *memoria*. As Christopher Pelling notes, "Destroying memory is difficult; distorting it is easier—and that is what makes memory so difficult to control. That is what Cremutius' book-burners found, failing to heed what they might have remembered, that others who had done the same had achieved nothing except their own disgrace and their enemies' glory."³⁰ It is the texts that educate later generations in the absence of the author; it is the texts that exhibit agency. Even if Cordus' texts, or the objectionable material in them, were destroyed, the fact that Quintilian can reference their existence at some point in time suggests that their materiality and reception by an audience ensures their survival in at least memory, if not physicality.

Libri Manserunt

Many scholars have written about the connections (and differences) between Tacitus and Cordus, a historian writing in dangerous times.³¹ Mary McHugh, for example, points out how Cordus' mistake was not sufficiently obscuring his censure of Tiberius in his praise of Brutus and Cassius: "By speaking too openly (although this does not seem so obvious to us), Cremutius sealed his own fate. If Cremutius intended to use figured speech, he has failed, because his use of it was detected."³² But Tacitus' very act of writing Cordus' speech into existence gives him a voice that seems intended to characterize Cordus as free-spoken, an agent of resistance. Cordus is able to speak in a way that Tacitus (wants his readers to believe that he) cannot.³³

²⁹ Joseph 2014, 145.

³⁰ Pelling 2010, 367

³¹ See, e.g., Edwards 2007, 140-1; McHugh 2004, 397-8 and 404-5; Moles 1998, 142-7; Sailor 2008, 291-313.

³² McHugh 2004, 398. See, however, Wisse 2013, 336-40, on the misapplication of the concept of figured speech to this episode, and *passim* for a more positive view of the speech: "Whatever we are to make of Cremutius' speech and its implications, it must be noted—especially in view of a recent attempt to interpret the speech as a failure [namely, McHugh 2004]—that Tacitus intends to leave us in no doubt that Cremutius is admirably courageous and, in the end, right in what he argues" (326).

³³ For the relative security that Tacitus experienced in the post-Domitianic era, see Haynes 2006; Ahl 1984, 207;

Dylan Sailor has investigated the enduring memory of Cordus in Quintilian and how Quintilian sums up Cordus' essence with the word *libertas*.³⁴ This association of Cordus with freedom pertains even though, as mentioned previously, the objectionable material in Cordus' work was probably excised by the time the work made its way to Quintilian. Nevertheless:

Quintilian's copy of the history was thus the embodiment of radical *libertas* despite no longer containing anything that could be characterized as an expression of radical *libertas*. At the same time, just as in Seneca, the book becomes an avenue of access to the man: you feel in it that *libertas* with which Cremutius had conducted his life, and the process of reading is here a matter of hunting through the text to "catch" the writer's "amply exalted spirit/nature/disposition" — and *spiritus*' common meaning of "life-breath" or "life" may suggest, again as in Seneca, that the book's survival has brought the author back to life as well.³⁵

Books, in Sailor's estimation, are important not so much because of the words they contain but rather because of the power with which the author imbues those words and the book. In Tacitus' comments at the end of the Cordus narrative (the epigraph to this article), he claims that such personal power, *auctoritas*, grows despite the actions executed by those who possess legal power, *potentia*.³⁶ Even if the author's enemies capitalize on their *potentia* to enact violence against or even efface problematic passages, the spirit of the author's *libertas* lives on even in parts of the work that could be construed as inoffensive to the *princeps*. Such violence and effacement are immaterial because the author's enemies can never quench the author's *libertas* and *memoria*. The mere existence of books as the physical embodiments of an author's power, even if the books are later destroyed or edited, is enough to plant the author firmly in social memory. Again, the very fact that Quintilian knows about the editing of Cordus' works testifies to the inefficacy of book-burning; a later generation's knowledge of the unedited version and the spirit of the author's *libertas* that led to the editing proves that the books had already granted the author his place in social memory.

This transference of *auctoritas* from the author to the book can then augment the *auctoritas* of the eventual reader, to whom Tacitus cedes the power of interpretation at the end of his famous digression on history in 4.32-3: "Even glory and virtue have enemies, as

and Tac. *Hist.* 1.1: "But if life should allow, I have set aside for my old age the principate of divine Nerva and the rule of Trajan, richer and safer material thanks to the rare happiness of this period of time when it is allowed to feel what you want and to say what you feel" (*quod si vita suppeditet, principatum divi Nervae et imperium Traiani, uberiorem securioremque materiam, senectuti seposui, rara temporum felicitate ubi sentire quae velis et quae sentias dicere licet*).

³⁴ Sailor 2008, 280-1.

³⁵ Sailor 2008, 280-1

³⁶ For the difference between *auctoritas*, personal authority, and *potentia / potestas*, the power(s) granted by legal sanctions, see Cooley 2009, 271-2.

alleging the opposite from too much proximity” (*etiam gloria ac uirtus infensos habet, ut nimis ex propinquo diuersa arguens*).³⁷ The very act of lauding praiseworthy characteristics, however positively the author may have originally intended it, could be interpreted as an attack by and on later generations. Ellen O’Gorman notes, rightfully, that Tacitus here undercuts Cordus’ argument that contemporary readers who detect condemnation of Tiberius in Cordus’ depiction of the tyrannicides are misreading: “Tacitus ends his digression with a statement which denies ultimate control of meaning to the historian; his history’s meaning is determined by future readers regardless of his intentions.”³⁸ But this effacement of the author and the misinterpretation or willful ignorance of his intentions, I argue, is the very point that the syntax of Cordus’ speech illustrates: authors divest themselves of power by imbuing their works and, by extension, their readers with it.

Tacitus finds risible the idea that the burning ordered against Cordus’ books (*cremandos*, 4.35.5) could destroy with them the memory of a subsequent age (*extingui posse sequentis aevi memoriam*, 4.35.5). The idea is *socordia*, folly, which resides in assuming that the books, during the time of their unedited existence, have not already actively done their job, namely educating an audience with knowledge that can be passed on to later generations. The book is the vehicle by which *libertas* and *memoria* come down to later generations, and Tacitus through Cordus empowers the book and writing with agency through the agency of the speech’s verbs.

Cordus is innocent of deeds (*adeo factorum innocens sum*, 4.34.2), save for the deed of writing encomiastic words about the tyrannicides. But perhaps the location of a charge in *uerba* as opposed to *facta* is the entire point, both for the imperial court and for Tacitus.³⁹ Words and their vehicles, namely books, memorialize the past, whether it includes positive or negative *exempla*, pro- or anti-Caesarean or imperialist characters, the emperor or his detractors. They can act as weapons against entrenched and unjust power, and those weapons, if construed as such, cause the damage, not the weapons’ wielders, as the syntax of Cordus’ speech makes clear in the attribution of agency to many other entities except Cordus himself. The destruction of words and books does not necessarily mean the obliteration of *memoria*, and their survival aids the promulgation of *memoria* throughout the ages, into our own.

³⁷ 4.33.4, translation by O’Gorman (2000, 102).

³⁸ O’Gorman 2000, 102. See, however, Wisse 2013, 328-47, which convincingly reconciles the seeming disingenuousness of Cordus’ claims (as depicted by Tacitus) with the digression that precedes it by shifting the onus of blame onto Tiberius himself: “Neither Tacitus in the digression nor Cremutius in his argument is disingenuous. It is a historian’s task to give examples and to interpret historical characters, situations and developments. People who feel personally criticised only have themselves to blame” (347).

³⁹ Historiographic anxiety over the performance of deeds versus the recording of them is present also in Sallust *Cat.* 3 and, to an extent, Livy 31.1; he highlights the fact that he is merely writing about these martial events rather than taking part in them himself: “It pleases me too to have come to the end of the Punic War, as though I myself had a share in the labor and anger” (*me quoque iuuat, uelut ipse in parte laboris ac periculi fuerim, ad finem belli Punici peruenisse*).

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