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1987

## Tacitus, Roman Wills and Political Freedom

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### Recommended Citation

Keenan, JG. "Tacitus, Roman wills and political freedom" in *Bulletin of the American Society of Papyrologists* 24(1-2), 1987. pp. 1-8.

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TACITUS, ROMAN WILLS AND POLITICAL FREEDOM\*

In a well-known letter to his friend Rufinus (8.18), Pliny the Younger opens with, and then develops, a remark about the will of one Domitius Tullus. There seems to have been a popular belief (*quod creditur vulgo*), formulated as an aphorism, to the effect that "men's wills are a mirror of their characters" (*testamenta hominum speculum esse morum*). But Tullus, a man of low repute who had assembled his estate by shady practices and who had tempted the legacy hunters, turns out to have made a fine will, characterized by *pietas* toward his adopted daughter whom he named heir, by generous legacies to his grandsons and great-grandson, and by generous provisions for the wife of his infirm old age. All this notwithstanding, Rome was alive with gossip (*ergo varii tota civitate sermones ...*), much of it malicious, speculating on the motives behind this paradox of the bad man who had made so good a will.<sup>1</sup>

In another, even more famous letter (7.20), Pliny writes to Tacitus and in doing so, comments on various aspects of their literary and personal friendship. Among other things, Pliny is delighted that whenever conversation turns to the subject of literature, he and Tacitus are named together (*una nominamur*) and that whenever Tacitus himself is the subject of conversation, Pliny's own name inevitably gains mention. As a special mark of their closeness, Pliny, near the close of his letter, points to the fact that he and Tacitus are often named together as legataries in wills: "Even in wills you must have noticed that unless by chance (sc. the testator) is a much closer friend to one or the other of us, we always receive the same legacies and in equal shares."<sup>2</sup>

Pliny and Tacitus were therefore beneficiaries of, if not active participants in, a game popular among the elite of imperial Rome. We presume – or hope – that their involvement was honorable and did not entail the kinds of legacy-hunting excesses scorned by the satirists.<sup>3</sup> Pliny's interest in such things as wills and legacies is apparent in these

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\* In a longer, more discursive form, this paper was given to a class at Bar-Ilan University, Ramat Gan, Israel, May 20, 1986, at the invitation of Professor Ranon Katzoff; to whom I owe many thanks. In a much more concise form, corresponding closely to what is being printed here, the paper was re-presented at the 118th Annual Meeting of the American Philological Association in San Antonio, Texas, December 29, 1986. Still more recently, this final version has benefited from a close re-reading of the Pisonian and related passages of the *Annales* in a graduate seminar being conducted during the current semester (spring 1987) at Loyola University of Chicago. I owe a great deal to Arthur Spisak and John Thomas for their detailed questions and observations. The rough edges and mistakes that remain are mine alone.

<sup>1</sup>On wills and rumor at Rome, cf. also *Ann.* 3.76 on the will of Junia: *testamentum eius multo apud vulgum rumore fuit*.

<sup>2</sup>*Quin etiam in testamentis debes adnotasse: nisi quis forte alterutri nostrum amicissimus, eadem legata et quidem pariter accipimus*. The words *quidem pariter* are something of a problem. See J. W. Tellegen, *The Roman Law of Succession in the Letters of Pliny the Younger I*, *Studia Amstelodamensia ad Epigraphicam, Ius Antiquum et Papyrologicam Pertinentia XXI* (Zutphen 1982) 129.

<sup>3</sup>Especially Horace in *Sat.* 2.5; cf. John Crook, *Law and Life of Rome* (Ithaca, N.Y., 1976) 121.

two letters just mentioned, and in others, recently collected and discussed by J. W. Telle-  
gen.<sup>4</sup> Tacitus' interest in wills and in other features of legal succession similarly appears  
throughout his writings, beginning in the minor works and including often-cited (and  
sometimes distorted) excerpts in *Germania* chapter 20 on what were, to a Roman, peculiar  
aspects of the Germanic kinship system and inheritance customs.<sup>5</sup> More significant for  
Tacitus, however, because of his direct personal concern, is the reference to the will of his  
father-in-law at *Agricola* 43.4: "It was sufficiently agreed that after the reading of Agri-  
cola's will, in which he had inscribed Domitian as co-heir to his most excellent wife and  
most pious daughter, Domitian rejoiced as if from an honor and a (favorable legal) judge-  
ment."<sup>6</sup>

Tacitus here presents the situation as a commentary on Domitian's warped men-  
tality. Agricola's dilemma in drafting his will is only implied, but is easily reconstructed  
from passages in the *Annales*.<sup>7</sup> For Agricola not to have named Domitian co-heir was to  
risk having the entire estate confiscated; better to compromise, better to commit some –  
even a large share – of the estate to Domitian so as to save the balance for his wife and  
daughter.

In principle, however, the legal capacity to make a will (*testamenti factio*) was the  
highest private-law privilege available to a Roman citizen, and Romans in drafting their  
wills traditionally exercised what Schulz has called a "generous freedom of disposition."<sup>8</sup>  
It is true that this freedom was hedged in by a number of substantial and formal require-  
ments,<sup>9</sup> but once these were accounted for, the Roman could dispose of his estate as he  
liked. The feared and actual claims of certain first-century emperors must have greatly im-  
pinged upon the Roman will-makers' sense of testamentary freedom, at least among those  
who were of the elite, the wealthy and politically active in Rome.<sup>10</sup> The early kindnesses

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<sup>4</sup>Op.cit. above, n. 2.

<sup>5</sup>Cf. F. Engels, *The Origin of the Family, Private Property and the State*, ed. E. B. Leacock (repr. New  
York 1975) 82; *Myth, Religion, and Mother Right: Selected Writings of J. J. Bachofen*, Bollingen Series  
LXXXIV (repr. Princeton 1973) 78. Really at issue is what modern social anthropologists have come to  
call the "avunculate" (cf. R. Fox, *Kinship and Marriage* [Harmondsworth 1967] 230-35, I. M. Lewis, *Social  
Anthropology in Perspective* [Harmondsworth 1976] 241, 235-36), the special bond between a male  
and his mother's brother and its ramifications in strongly patriarchal societies.

<sup>6</sup>*satis constabat lecto testamento Agricolae, quo coheredem optimae uxori et piissimae filiae Domitianum  
scripsit, laetatum eum velut honore iudicioque.*

<sup>7</sup>Cf. *Ann.* 14.31, 16.11, 16.17.

<sup>8</sup>F. Schulz, *Principles of Roman Law* (Oxford 1936) 156.

<sup>9</sup>It is enough here to refer to the series beginning at Gaius, *Institutes* 2.114.

<sup>10</sup>On the extent of testacy at Rome, cf. D. Daube, *Roman Law: Linguistic, Social, and Philosophical As-  
pects* (Edinburgh 1969) 71-75.

of Augustus or Tiberius<sup>11</sup> soon gave way to the excesses of Gaius, Nero and Domitian.<sup>12</sup> Even in ordinary times under Gaius or after the early years of Nero and Domitian, the testator supposedly had to calculate the chance of his will's being challenged or invalidated by the emperor, even if the will was technically and legally correct. Such problems were intensified in times of crisis. There, in addition to naming the emperor heir or legatary, the testator might stoop to including servile flatteries. If faced with a capital charge, the testate Roman might be driven to suicide to avoid the juristic condemnation that would have entailed loss of status and the *ipso facto* invalidating of his will.<sup>13</sup> Nowhere are the possibilities presented as abundantly and in so tight a cluster as in *Annales* Book 15 (starting at chapter 48) and in the remains of Book 16, where are detailed the deaths of those Romans implicated in the Pisonian conspiracy and other treasons charged in the years 65 and 66. Tacitus' fascination with the behavior of men and women facing death in crisis is too well-known to require comment.<sup>14</sup> Such times, in Tacitus' world, offered a last chance to display one's freedom and dignity or one's servility, the opportunity to cap a dignified life with an appropriate end or to die in a way that reversed expectations from the earlier pattern of one's life. Of interest is that in seven or eight of these final extant cases in the *Annales* Tacitus makes reference to some aspect of the condemned man's last will or codicils, and in some of these cases, the very wills or codicils become vehicles for final demonstrations of freedom or servility.

1. *Ann.* 15. 54-55. The day before the planned assassination of Nero, the conspirator Flavius Scaevinus, a man of senatorial rank (*Ann.* 15.49), among other activities, sealed his will, conducted a dinner more sumptuous than usual, rewarded his favorite slaves with freedom and gave money gifts to the rest. Next day, when the conspiracy was uncovered and Scaevinus had to offer a defense, he boldly maintained that he often revised his will without attention to dates, that he had on earlier occasions given freedom and

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<sup>11</sup>For all this, see the evidence collected and discussed by R.S. Rogers, "The Roman Emperors as Heirs and Legatees", *TAPA* 78 (1947) 140-58, cf. F. Millar, *The Emperor in the Roman World* (Ithaca, NY, 1977) 153-58. For Tiberius' lack of cupidity, see esp. *Ann.* 2.48, cf. 1.75 (*erogandae per honesta pecuniae cupiens; quam virtutem diu retinuit, cum ceteras exueret*), and more generally, for Tiberian generosity and clemency, 3.17-18, with Peter Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford 1970) 37-39; *Ann.* 6.19 for a late instance of Tiberian greed.

<sup>12</sup>See Rogers (preceding note). Gaius: Suet. *Gaius* 38; Nero: Suet. *Nero* 32, 34, Tac. *Ann.* 14.31, 16.14, but cf. Rogers 148-50; Domitian: Suet. *Dom.* 12, cf. 9, Rogers 151-52, Tac. *Agr.* 43.4.

<sup>13</sup>See esp. *Ann.* 6.29: Pomponius Labeo and his wife Paxaea commit suicide, thus (apparently) insuring their burials and safeguarding their estate for their heirs: *quia damnati publicatis bonis sepultura prohibebantur, eorum qui de se stauiebant humabantur corpora, manebant testamenta, pretium festinandi*.

<sup>14</sup>"Die Art, wie jemand dem Tode entgegenggeht, ist für Tacitus immer ein Gegenstand höchsten Interesses gewesen, das in den letzten Büchern der Annalen nunmehr überall mit fast schmerzhafter Deutlichkeit hervortritt." – E. Koestermann, *Cornelius Tacitus Annalen IV* (Heidelberg 1968) 268 (hereafter cited as Koestermann). Cf. R. Martin, *Tacitus* (Berkeley/Los Angeles 1981) 183-84.

money to his slaves, but was even more inclined to do so now because he was unsure of his will's effectiveness: his estate was small and his creditors were pressing hard.<sup>15</sup>

2. *Ann.* 15.59. C. Calpurnius Piso, from whom the conspiracy gets its name, a man of old and distinguished family,<sup>16</sup> displayed his slavishness through a will that, out of love for his wife, a worthless woman in Tacitus' view, commendable *only* for her beauty, contained sickening flatteries of Nero.<sup>17</sup>

3. *Ann.* 15.62. When news of his death decree was brought to Seneca, "he calmly requested the tablets of his will" (*ille interritus poscit testamenti tabulas*). He must have wanted, in the presence of his friends, to make some changes or additions to an existing will.<sup>18</sup> The centurion in charge refused Seneca's request; at which, Seneca, in a blend of bravado and dark humor,<sup>19</sup> "turned to his friends and called them to witness (*testatur*) that since he was forbidden to thank them (sc. with monetary legacies *aut sim.*) in proportion to their merits, he was leaving them the only thing, but nevertheless the most beautiful thing he still had: his life's pattern. If they were mindful of this, they would gain a reputation for moral worth, the fruit of a steadfast friendship."<sup>20</sup> His will, we learn two chapters later, already had codicils, ordering that his corpse be cremated without ceremony:

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<sup>15</sup>*respondit tabulas testamenti saepius a se et incustodita dierum observatione signatas, pecunias et libertates servis et ante dono datas, se ideo tunc largius, quia tenui iam re familiari et instantibus creditoribus testamento diffideret.* Scaevinus is probably lying through his teeth; but if he is telling the truth (or coming close to it), then he convicts himself of violating the Lex Aelia Sentia (A.D. 4) with its provisions against manumissions in defraud of creditors (cf. *Dig.* 50.9 passim, Gaius, *Inst.* 2.37, 47), and of violating strictures against *donationes* for that purpose. See J. A. C. Thomas, *Textbook of Roman Law* (Amsterdam/New York/Oxford 1976) 375-76, 400, A. Berger, *Encyclopedic Dictionary of Roman Law*, Trans. Amer. Philos. Soc., n.s. 43, pt. 2 (Philadelphia 1953) 477 s.v. *fraus*. Scaevinus' manumissions were certainly informal, and probably (the Tacitean text is unclear on this) effected *inter amicos* or *convivio*. See H. Furneaux, *The Annals of Tacitus*<sup>2</sup> II (Oxford 1907) 187 (note on *Ann.* 13.27), Pliny, *Ep.* 7.16.3, Thomas, *Textbook* 398-99. In either case, their efficacy would have hinged entirely upon praetorian guarantees.

<sup>16</sup>See P. Fabia, *Onomasticon Taciteum* (Hildesheim 1964) 535-36, esp. the ref. to *Ann.* 15.48.

<sup>17</sup>*testamentum foedis adversus Neronem adulationibus amori uxoris dedit, quam degenerem et sola corporis forma commendatam amici matrimonio abstulerat.* Commentators (Furneaux ad loc., Koestermann 295) speculate that Piso also named Nero heir to half share of the estate; but this is unprovable.

<sup>18</sup>Koestermann 301.

<sup>19</sup>Furneaux' romanticized interpretation of the Senecan death episode (*Annals* II p. 76) will no longer do. There is much that is "histrionic" in the pertinent chapters, going well beyond what is to be found in the "final gesture", the libation to Jupiter the Liberator (Martin, *Tacitus* 184). In fact, there is so much that is histrionic that the modern reader may be inclined to find in 15.61-64 a comic parody of a tragic death scene, the very type of scene Seneca himself loved to write. Among other things, the reader is easily lulled into thinking that Seneca is dead by the end of chapt. 63 only to find him still alive (though no longer kicking) in the middle of 64. That Seneca's death scene is, however, primarily modeled on Socrates' is well-known. For some brief remarks on Tacitus as parodist, see Sir Ronald Syme, *Ten Studies in Tacitus* (Oxford 1970) 137.

<sup>20</sup>*conversus ad amicos, quando meritis eorum referre gratiam prohiberetur, quod unum iam et tamen pulcherrimum habeat, imaginem vitae suae relinquere testatur, cuius si memores essent, bonarum artium famam fructum constantis amicitiae laturos* (Furneaux's text, accepting the emendation *fructum* proposed by Halm).

*sine ullo funeris sollemni crematur. ita codicillis praescripserat, cum etiam tum praedives et praepotens supremis suis consuleret* (15.64).

4. *Ann.* 15.68 (Koestermann 315-16). Faenius Rufus, co-prefect of the praetorian guard (cf. 15.50) and an especially duplicitous conspirator, despite an esteemed reputation (*vita famaue laudatum*), lacked the courage exhibited by the centurion Sulpicius Asper. "He even carried his laments over into his will" (*sed lamentationes suas etiam in testamentum contulit*).

5. *Ann.* 16.11 (Koestermann 355). Some people advised L. Antistius Vetus, not a Pisonian but endangered for other reasons, to name Nero heir to a large share of his estate (*magna ex parte heredem Caesarem nuncupare*) so as to save the balance for his grandsons. But this former governor of Upper Germany and recent proconsul of Asia rejected this advice "lest he pollute a life lived as close as possible to freedom (*vitam proxime libertatem actam*) by a last-minute deed of servility (*novissimo servitio*)." He gave gifts of money to his slaves and allowed the furniture of his house to be carted off by whoever could take it. No doubt this was intended so as to leave Nero as little as possible to confiscate and to make the scattered property as hard as possible for him to recover.

6. *Ann.* 16.14. P. Anteius Rufus, of senatorial rank, once named to govern Syria (*Ann.* 13.22), was indicted along with Ostorius Scapula for a treason not linked to the Piso affair. His indictment becoming common knowledge and his conviction a certain outcome, because of prevailing fears (presumably of guilt by association), he could get no one to seal his will.<sup>21</sup> He was "saved" from this dilemma by the intervention of Tigellinus, Nero's henchman and colleague of Faenius Rufus as co-prefect of the praetorian guard, a notorious inheritance and legacy hunter in his own right. Tigellinus had advised Anteius "not to delay his will" (*ne supremas tabulas moraretur*); or, by another, less likely interpretation of the Latin, not to delay making final dispositions in a will already drawn. In either case, this kind of advice, coming as it did from Tigellinus, was surely a (euphemistic) warning to Anteius of his coming conviction. Tigellinus' help no doubt had its price (a share of the estate), but now it seems Anteius had no trouble getting witnesses for his will. Tigellinus, by one interpretation of the word *auctor*,<sup>22</sup> may even have led the little parade of witnesses, seven being required for the standard mancipatory will.

7. *Ann.* 16.17. Annaeus Mela, a Roman knight of senatorial rank, father of the poet and Pisonian conspirator Lucan and brother to Seneca, got himself into trouble by

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<sup>21</sup>*ac vulgato eius indicio inter damnatos magis quam inter reos Anteius Ostoriusque habebantur, adeo ut testamentum Antei nemo obsignaret.*

<sup>22</sup>In the phrase *nisi Tigellinus auctor extitisset*. See *Oxford Latin Dictionary* s.v. *auctor* 3c, cf. 2c.

calling in too vigorously debts that had been owing to his son.<sup>23</sup> A forged letter now implicated Mela in his son's conspiracy. The family estate was a large one, Nero had been "gaping at its wealth" (*Nero ... opibus eius inhians*). Mela committed suicide, but not before adding codicils in which he assigned (*erogabat*) large sums of money to Tigellinus and to Tigellinus' son-in-law (Cossutianus Capito) so the rest might remain intact for his testamentary heirs.<sup>24</sup> Included at the end of these codicils, or in a second set of codicils, possibly forged, were laments about the unreasonableness and unfairness of his death.<sup>25</sup>

8. *Ann.* 16.18-19. Finally, a certain Petronius, despite an erratically dissolute lifestyle, ended his life with a boldly dramatic flair. He conversed with friends on casual topics and listened to them as they recited light verse. He gave gifts of money to some of his slaves, but had others whipped. "Not even in his codicils, as did most of the dying, did he toady to Nero or Tigellinus or anyone else in power. Instead, he wrote out in detail the emperor's vice-ridden deeds under the names of his male and female prostitutes, and their innovation in each act of debauchery. He sent them under seal to Nero. Then he broke his signet ring lest it soon be used to create dangers (sc. for others)."<sup>26</sup>

Even if this Petronius, as seems likely, is identical with the author of the *Satyricon*, recent scholars have been disinclined to see any direct link between that work and the "codicils" mentioned by Tacitus in the *Annales*.<sup>27</sup> There is too much uncertainty to clinch the connection. Likewise, it seems to me, there are problems with recent attempts to see in Petronius' codicils something other than reference to codicils to an actual last will and testament; to see in them, as has been suggested, some kind of account book of Neronian sins or a satirical pamphlet with a forerunner in the *Codicilli* of Aulus Fabricius Veiento (*Ann.* 14.50).<sup>28</sup> A number of considerations are germane:

<sup>23</sup>*quo* (sc. *Lucano*) *interfecto dum rem familiarem eius acriter requirit* (sc. *Mela*), *accusatorem concivit Fabium Romanum, ex intimis Lucani amicis* The passage makes best sense on the following assumptions. Lucan's wealth was not wholly independent; rather the term *rem familiarem* refers in a general way to Lucan's *peculium*. Since Lucan was in Mela's *potestas*, was not *sui iuris* and was therefore unable to make his own will, the *peculium* on Lucan's death reverted to his father. Lucan had made loans to his friends which he was not very concerned about calling in.

<sup>24</sup>*scriptis codicillis, quibus grandem pecuniam in Tigellinum generumque eius Cossutianum Capitonem erogabat, quo cetera manerent.* But what about Nero's designs on Mela's riches?

<sup>25</sup>*additur codicillis tamquam de iniquitate exitii querens ita scripsisse, se quidem mori nullis supplicii causis ...* For the possibility of forgery, see Furneaux, *Annals* II, notes on pp. 449-50. The *tamquam* clause is bracketed in Heubner's recent (1983) Teubner edition.

<sup>26</sup>*ne codicillis quidem, quod plerique pereuntium, Neronem aut Tigellinum aut quem alium potentium adulatus est, sed flagitia principis sub nominibus exoletorum feminarumque et novitate cuiusque stupri perscripsit atque obsignata misit Neroni. fregitque anulum, ne mox usui esset ad facienda pericula.*

<sup>27</sup>Koestermann 375, K. F. C. Rose, *The Date and Author of the Satyricon*, *Mnemosyne* suppl. 16 (Leiden 1971), cf. R. Bagnall, *YCS* 28 (1985) 88 ff.

<sup>28</sup>Respectively, C. Corbato, in *Miscellanea di Studi Classici in Onore di Eugenio Manni* (Rome 1980) 563-572, and J. P. Sullivan, in the *Petronian Society Newsletter* 7 (1976) 2, cf. *idem*, *Literature and Politics in the Age of Nero* (Ithaca, NY, 1985) 34 n. 35.

(a) Neither of the proposed alternatives accounts seriously enough for the implications of the words *quod plerique pereuntium*. These would have to signify, by the alternatives, that most of the dying had kept account books of Neronian sins or had written satires of the same genre and perhaps with the same title as the one earlier written by Veiento.<sup>29</sup>

(b) Various "lists" of Neronian sins were in the air, but they did not find their homes in documentary accounts. The most compelling list, the one that, according to Tacitus, had the greatest impact on Nero, was the brief oral listing, given directly to Nero by the tribune Subrius Flavus.<sup>30</sup> But there were others.<sup>31</sup>

(c) Petronius' gifts to, and punishments of, his slaves directly precede mention of a banquet. This association (banquet, final dispositions) comes very close to finding a parallel in the setting in which Flavius Scaevinus rewarded his slaves (*Ann.* 15.54).<sup>32</sup>

(d) Petronius' breaking of his signet ring makes best sense if his codicils were an appendix to an actual last will and testament.<sup>33</sup>

(e) Freedom of expression in wills, the inclusion of slanders, boasts, laments, flatteries, curses, was the order of the day (Koestermann 316) and had earlier been protected by Augustus in an exercise of the tribunician *intercessio* (*Suet. Aug.* 56). If Tacitus presents the reader with a forerunner to the contents and framework of Petronius' codicils, it is probably to be found in the will of L. Fulcinus Trio, with its nasty remarks about Tiberius and his inner circle.<sup>34</sup>

(f) If a different sense for *codicilli* is needed here, it is not to be found in another specialized sense, but rather in a more generic meaning. It is better to liken them in form to the "codicils" (i.e. petition) by which Sextus Vestilius begged Tiberius' mercy (*Ann.* 6.9: *precatusque per codicillos*) and to the "codicils" Thrasea Paetus sent to Nero, boldly de-

<sup>29</sup>It may be worth mention that in the crucial passage (*Ann.* 14.50) Veiento's damaging remarks (*multa et probrosa*) are said by Tacitus to have been directed *in patres et sacerdotes*. There is no reference to Nero.

<sup>30</sup>*Ann.* 15.67: Flavus replies to Nero's questioning: *odisse coepi, postquam parricida matris et uxoris, auriga et histrio et incendiarius extitisti*.

<sup>31</sup>In *Ann.* 15.68 the centurion Sulpicius Asper alludes, in Nero's presence, to *tot flagitiis eius*. More sophisticated critics put their "sin lists" into verse form, e.g., the *carmina adversus principem probrosa* of the praetor Antistius (*Ann.* 14.48, cf. 16.21). See also the (alleged) *detestanda carmina* of Curtius Montanus (*Ann.* 16.28), *Suet. Nero* 19 ff., 26, 39, and Juvenal, *Sat.* 8.211 ff.

<sup>32</sup>Crucial for this is the emendation in *Ann.* 16.19 of the Mss. reading *et vias* to *epulas*, accepted by modern editors. Cf. also the will of Trimalchio, recited at his banquet, freeing all his slaves (*Satyricon* 71).

<sup>33</sup>"It was an old Roman custom that freeborn men wore rings *signandi causa*, i.e., for sealing written instruments they made or witnessed (e.g., last wills)." – Berger, *Encyclopedic Dictionary of Roman Law* 364 s.v. *anulus*.

<sup>34</sup>*Ann.* 6.38: *eo metu Fulcinus Trio, ingruentis accusatores haud perpessus, supremis tabulis multa et atrocita in Macronem ac praecipuos libertorum Caesaris composuit, ipsi fluxam senio mentem et continuo abscessu velut exilium obiectando*.



manding to know the charges against him so he could adequately make his defense (*Ann.* 16.24).<sup>35</sup>

(g) That Petronius' codicils would probably have been annulled by Nero is probably irrelevant. The aim was to deliver one final, showy insult to the emperor. In this, Petronius clearly succeeded. (See further Pliny, *H.N.* 37.20.)

There is one last point. That an ancient historian like Tacitus paid little or no attention to the economic contents of the wills and codicils he refers to, even those of the fabulously wealthy Annaei (Seneca, Mela), is not unusual; that he leaves so many obscurities and questions about their legal forms and consequences is quite another matter, which cannot be taken up here.<sup>36</sup> What is not obscure or questionable is Tacitus' primary interest in the moral implications of these wills and codicils, and the fact that, throughout his work, Tacitus finds it difficult if not impossible to pass up the chance to point up the irony of a given incident or sequence of events. In Petronius' codicils, we apparently have proof of a bad character who is exceptionally free – maybe too free – in his last legal statements;<sup>37</sup> others, like Piso himself or like Faenius Rufus, despite noble birth or esteemed character, resorted in the end to slavish flatteries of the emperor or to whimpering laments. Such examples go to show that Tacitus would have agreed with, and in fact has lent proof to, the observation of his friend Pliny, cited at the beginning of this paper: Wills were not – or at least not always – "a mirror of men's characters".

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<sup>35</sup>Cf. also *Ann.* 3.16: *recitat codicillos a Pisone in hunc ferme modum compositos*. These codicils were certainly petitionary, though not overly adulatory; they might have been affixed to this Piso's will, but they might equally well have been transmitted as a separate document.

<sup>36</sup>But cf., e.g., nn. 15 and 23 above.

<sup>37</sup>Of the examples in this series, Tacitus seems most to admire L. Antistius Vetus' dignified rejection of friendly advice at *Ann.* 16.11 (but provides no insight on its familial and economic consequences).