

go on to admit the charge? Either he did not understand the charge or he deliberately misrepresented it. The latter is much more likely. The misrepresentation, though deliberate and misleading, was not intended to deceive the audience. But it might have been judicious for Terence to spare himself the pains of going into intricate technicalities before an audience which was, for the most part, illiterate—in Terence's own words, *populus studio stupidus*.

One question may finally be asked. Why did Terence's critics charge him with *contaminatio* as if no playwright before him had been guilty of it? Certainly, as Terence himself suggests, the charge would equally have applied to Plautus, among others. The answer is not far to seek. Plautus wrote in a period and in circumstances different from those of Terence and his contemporaries. Plautus might have prided himself on his freedom to depart from his models and his power to innovate, but Terence could not dissociate himself from his

environment which, indeed, was to him a source of inspiration. The literary atmosphere had changed since Plautus: the day of intellectual patronage had dawned, and, with the enthusiastic embrace of Greek thought and literature by the elite of society, more faithful reproduction in Latin of Greek models fast became a mark of good taste. Terence's *neglegentia* was the result of his critical treatment of his originals; he deplored the uncritical, and therefore puzzling, faithfulness (*obscura diligentia*) of his critic, Lanuvinus, who to him was a good translator but a bad artist.¹⁸ But to the pedantic and malicious Lanuvinus and his friends, Terence's expression of originality—his exercise of freedom to omit characters, passages, or scenes from his Greek models, and also to *invent*—was, even in the name of good artistry, distasteful; it was nothing but *contaminare fabulas*.

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THE FALL OF SEJANUS: TWO PROBLEMS

The reasons which lay behind the apparently dramatic turnabout in relations between Tiberius and the Praetorian Prefect, L. Aelius Sejanus, between the autumn of A.D. 30 and the "long and wordy letter" a year later have been much discussed in recent years¹—as far, that is, as the source material will allow. It is the purpose of this paper not to re-examine the total situation, but to look at two intriguing parts of it.

First, why did Tiberius summon one of the consuls to Capri, and then rebuff Memmius Regulus when he arrived? Second, did the emperor give orders for the release from detention of Drusus, the son of Germanicus, and, if so, for what purpose?

I: The Summoning of a Consul

Suetonius and Cassius Dio² both record that the letter from the emperor, which was read to the senate on October 18, A.D. 31, contained a request that one of the consuls (*alterum e consulibus*; τὸν ἕτερον τῶν ὑπάρχων) should be sent to him on Capri to bring him with military escort to Rome because he, lonely and old as he was, could not otherwise make the journey in safety. The consuls at this time were both *suffecti*, L. Fulcinus Trio and P. Memmius Regulus, the former of whom had assumed office on July 1st, the latter on October 1st.³ Why, then, did Tiberius summon a consul? And further, why, when Regulus went in answer to the summons, was he rebuffed?⁴

1. For example, E. Koestermann, "Der Sturz Seians," *Hermes*, LXXXIII (1955), 350–73; A. Boddington, "Sejanus: Whose Conspiracy?" *AJP*, LXXXIV (1963), 1–16.

2. Suet. *Tib.* 65. 1; Dio 58. 10. 2.

3. *CIL* X. 1233.

4. Dio (58. 13. 3) says that Tiberius also refused to see an

embassy which had been sent to congratulate him. The story of Memmius' being "rebuffed" (ἀπεώσατο) presumably arose from the fact that Tiberius informed him either that he did not now intend to come to Rome, or that he had not intended to be taken literally in the first place (see below).

Suetonius clearly regarded the request as miserable and pathetic,⁵ while Dio understood the emperor's refusal to see Memmius Regulus as evidence that his state of mind was disturbed, and that he was bewildered and shaken by all that had happened. Yet we should note at this point that when, early in the following year, Togonius Gallus⁶ sought to take the emperor up on his request for a military escort, he was treated with ridicule by his fellow senators, and the incident draws forth a telling comment from Tacitus: "crediderat nimirum epistolae subsidio sibi alterum ex consulibus poscentis, ut tutus a Capreis urbem peteret." Tacitus evidently did not believe that the emperor had meant to be taken literally; and Tiberius' calm and sensible reply to Gallus' proposal indicates that Tacitus' assessment is substantially correct.

Dio too—and he provides the only continuous account of the events of A.D. 31—makes it clear that he did not regard the emperor's conduct in the months leading up to the fall of Sejanus as in any way indicating an unbalanced mind. Rather, he sees strict logic behind every step:⁷ Tiberius, he says, was completely aware of Sejanus' perfidy, and was planning how he could ruin him; he was worried, however, that it would be difficult to do this safely and openly. So he adopted a ruse for discovering exactly the feelings of both Sejanus himself and the Roman people in general.

Throughout, Tiberius had to strike a balance between letting Sejanus grow too strong and denouncing him so suddenly as to drive him to a desperate effort to save himself. So the emperor bombarded Rome with missives on various subjects, some of which praised Sejanus, others of which did not mention him; sometimes his friends were honored, sometimes attacked; in one letter the emperor would say that he was about to come to Rome, in another that he was too weak and

sick to make the journey. The result, as intended, was that people were thrown into a state of doubt (*ἐν ἀμφιβόλῳ ἐγίγνοντο*), not so as to do anything dramatic, but, says Dio, *ἰδίᾳ μὲν τῆς ἑαυτῶν ἀσφαλείας διεσκόπουν*.⁸

Toward Sejanus himself the emperor was studiously ambiguous: there were occasional indications of favor, as when he honored him with a priesthood and praised his consular conduct; but there were also less reassuring signs—for example, Tiberius' quashing of the case which Sejanus was trying to bring against L. Arruntius.⁹ Indeed, Dio says that Sejanus was approaching the point of desperation where he might have been tempted to initiate a rebellion, relying on his support among the Praetorian Guard. What prevented him was perhaps the emperor's master stroke—the favors shown to Gaius.

Not only had the youngest son of Germanicus been taken to safety on Capri to protect him from Sejanus' plots against him,¹⁰ but he had also been given a priesthood along with Sejanus and his son. On this occasion, Dio says, *τὸν Γαίον ὁ Τιβέριος ἱερέα ἀποδείξας ἐπήνεσε, καὶ τι καὶ ὡς διάδοχον αὐτὸν τῆς μοναρχίας ἔξων ἐνεδείκνυτο*. Sejanus, we are told, became anxious when he saw how well public opinion received the honors that were being bestowed upon the son of Germanicus. In other words, Tiberius had engineered the one situation that Sejanus had always dreaded and tried to prevent—a union, at least in the public mind, between Tiberius' family and that of Germanicus.¹¹

None of this suggests mental waywardness on the emperor's part; quite the opposite, in fact. The plan was devised to produce the critical situation at a time of the emperor's own choosing; and that time was October, A.D. 31. Fulcinus Trio had just been joined in the consular college by P. Memmius Regulus. This was almost certainly another

5. Suet. *Tib.* 65. 1 (*pudenda miserandaque oratione*). On this, see G. Marañón, *Tiberius: A Study in Resentment* (London, 1956), pp. 138 f.; R. Seager, *Tiberius* (London, 1972), pp. 219 ff.

6. Tac. *Ann.* 6. 2. 2–6.

7. Dio 58. 6. 2.

8. Dio 58. 7. 4.

9. Dio 58. 8. 3. See also Tac. *Ann.* 6. 7. 1.

10. Tac. *Ann.* 6. 3. 4.

11. For assessments of Sejanus' aims, see H. E. Bird, "L. Aelius Sejanus and his Political Significance," *Latomus*, XXVIII (1969), 61–98. Also my articles in *Latomus*, XXVI (1967), 712 ff., and *Historia*, XX (1971), 451 ff.

part of the plan, since the blow against Sejanus was not long in following Memmius' elevation.¹² Memmius was quiet, yet loyal, firm and dependable; so that when, on the evening of October 17th, Macro arrived in Rome with the emperor's instructions, it was to Memmius Regulus and Graecinius Laco, the *praefectus vigilum*, that he communicated them.

The next morning the letter was read to the senate, with Memmius presiding. The letter, according to Dio,¹³ continued the tactics of the previous months, veering from subject to subject, and merely hinting at Sejanus. Regulus' conduct was impeccable: with quiet authority he summoned Sejanus to stand up and come forward, and he acted in an undramatic manner when the reading of the letter was complete. Rather than propose and put to the vote a motion for the death penalty, which might have prompted the feared counter-demonstration, he addressed to a single senator the question of whether or not Sejanus should be put under detention.

Memmius Regulus' part in Rome was crucial. In a situation in which the emperor could not be certain upon whom he could count as his supporters, why should he have summoned away from Rome to Capri one of the few people he could regard as completely dependable—and then rebuff him when he came? Dio, like Tacitus, clearly regards the summoning of a consul as a pretext, and this is apparently confirmed by Tiberius' subsequent action with regard to Regulus. But a pretext for what? And this question raises another: which of the consuls did Tiberius have in mind?

The emperor may not have intended in any case to come to Rome; he certainly did not

need an armed guard. His request would seem rather to have been aimed at getting one of the consuls out of Rome. Regulus, however, as we have seen, was indispensable to the tactics; thus the request may in fact have concerned his colleague, Fulcinus Trio. This hypothesis would at least explain why Regulus was not favorably received when eventually it was he who arrived.

The career of Fulcinus Trio had been very different from that of his colleague. In A.D. 16, he had led the attack on the luckless Libo Drusus,¹⁴ on which occasion Tacitus thus characterizes him: "celebre inter accusatores Trionis ingenium erat avidumque famae malae." For this service, he received a supernumerary praetorship. Four years later, although he was eventually forced into the background by the friends of Germanicus, Trio launched the attack on Cn. Piso;¹⁵ he contributed the opening shots in the character assassination, castigated by Tacitus as full of charges which were *vetera et inania*.¹⁶ Again, however, he got his reward, less tangible this time, although no less important. And he got a warning too:¹⁷ "Fulcinio suffragium ad honores pollicitus monuit ne facundiam violentia praecipitaret."

Dio is sure that Trio's loyalty to Tiberius in A.D. 31 was in doubt; for he says that Memmius' colleague, whom he does not name, was an associate of Sejanus.¹⁸ Doubts about his loyalty will have continued to occupy people's minds for the rest of the year, since he and Regulus appear to have fought a running battle of charge and countercharge over their respective attitudes,¹⁹ a battle which was raked up again the following year by the debauched Haterius Agrippa.²⁰ Clearly, however, the doubts about Trio cannot have been

12. Memmius Regulus succeeded Poppaeus Sabinus as proconsul of Moesia, Achaëa, and Macedonia from A.D. 35 until perhaps 44 (Dio 58. 25. 5); he died in A.D. 61 (*Ann.* 14. 47. 1-2) and receives a favorable obituary notice from Tacitus, who records the anecdote that Nero during an illness had pointed out Memmius Regulus as a man upon whom the republic could rely, should anything happen to himself. (The story probably has some reference to the events of A.D. 31.) Tacitus refers to him in these terms: "auctoritate constantia fama, in quantum praeumbrante imperatoris fastigio datur, clarus . . . vixit tamen post haec Regulus quiete defensus et quia nova generis claritudine neque invidiosis opibus erat."

13. Dio 58. 10. 1-2.

14. Tac. *Ann.* 2. 28. 3-4.

15. Tac. *Ann.* 3. 10. 1.

16. Tac. *Ann.* 3. 13. 2.

17. Tac. *Ann.* 3. 19. 1.

18. Dio 58. 9. 3.

19. Tac. *Ann.* 5. 11. Trio accused Regulus of dilatoriness in the suppression of Sejanus' partisans, while Regulus suggested that Trio should be investigated for being one of those partisans.

20. Tac. *Ann.* 6. 4. 2-5.

based on firm evidence; otherwise he would surely have met his fate there and then, rather than four years later, by which time he had compounded his fault by public attacks on the emperor.²¹

There will then have been some logic in a plan to get Trio away from Rome at the critical moment; if his loyalty was in the least doubtful, he may have been feared as a possible counterbalance to Regulus who, says Tacitus later, was "quiet until roused."²² The plan could have been carried out naturally; for, since Tiberius' request came before Sejanus' fate was clear and at a time when presumably most senators were still expecting some elevation for the emperor's favorite, it would have appeared perfectly natural that the emperor, who was apparently about to set out on a special journey to Rome, should be escorted by a man who not only had the dignity of his consular office, but also was an associate of the man whom most regarded as the protagonist of the proceedings.

Even without the suspicions, however, there would have been reason not to risk Trio in Rome at what might prove to be a delicate period; his violent and fiery rhetoric, about which the emperor had warned him eleven years previously, might just have been the factor to make the whole of Tiberius' carefully constructed plan collapse in confusion.

II: The Presentation of Drusus to the People

Each of our three main sources for this period²³ recounts the rumor that Tiberius had given instructions that, in certain circumstances, Drusus should be released from detention—an apparently odd tactic in the case of a young man who was by most standards uncongenial,²⁴ and whom Tiberius was later to attack as perverted, disloyal, and ruinous to his family.²⁵ As a rumor, which is

how both Tacitus and Dio report it, it could of course have arisen out of the idea that, since Sejanus was ostensibly ruined for what he had done to the children of Germanicus, his ruin should by logic have resulted in at least Drusus' salvation.²⁶ Assuming, however, that the rumor does represent a contingency plan made by Tiberius, what did he hope to achieve by it?

As to the circumstances for the activation of such a plan, Suetonius simply says *si res posceret*, whereas Dio and Tacitus both specify a recourse to arms on the part of Sejanus,²⁷ the very thing that Tiberius feared most. But it was surely no part of Tiberius' plan that in this situation Drusus should be declared *princeps*.²⁸ Tiberius was not, after all, so far as can be seen, planning abdication; his other contingency plan—a flight to one of the legionary groups²⁹—shows that he was prepared to retain his throne by armed force, if necessary.

If Sejanus had had recourse to arms, it would not simply have threatened the civilian authority of Memmius Regulus. It would also have meant that the soldiers in Rome (that is, principally the Praetorian Guard) had remained loyal to their *praefectus*, and that therefore Macro's attempt to secure control of them and Tiberius' donative had failed to lure them away. The situation would thus have required a dramatic response.

Gaius could have been sent from Capri; but he was young (only just nineteen years of age), and to have sent him from Capri with Macro would have exposed him to the kind of danger from which his earlier transference to Capri was designed to save him. To have sent him after Sejanus had managed to take up arms would probably have been too late. But Gaius did have the magic associated with the family of Germanicus and the blood of

21. Tac. *Ann.* 6. 38. 2.

22. Tac. *Ann.* 5. 11. 2: "ille, nisi lacesseretur, modestiae retinens."

23. Tac. *Ann.* 6. 23. 5; Suet. *Tib.* 65. 2; Dio 58. 13. 1.

24. Tac. *Ann.* 4. 60. 5-6.

25. Tac. *Ann.* 6. 24. 1: "quin et invecus in defunctum probra corporis, exitiabilem in suos, infensum rei publicae animum obiecit."

26. Suet. *Tib.* 61. 1. I have discussed elsewhere (*Historia*,

XX [1971], 451 ff.) why Tiberius was not "persuaded" by such logic.

27. "Si arma ab Seiano temptarentur" (Tacitus); ἀντὶ παρακινήσει (Dio).

28. R. Seager (*op. cit.*, p. 221) assumes that this was intended. F. B. Marsh suggests that Drusus was to be joint emperor with Tiberius (*The Reign of Tiberius* [Oxford, 1931], p. 197 and n. 2).

29. Suet. *Tib.* 65. 2.

the divine Augustus, and all that these meant to people and soldiers alike.

His brother Drusus, however, five years his senior, was already in Rome, albeit under detention; and in view of the feelings which Tiberius was later to express about him, he was probably regarded as expendable. But he had the family connection, which had already caused Sejanus anxiety, which would almost certainly undermine the *praefectus*' hold on the senate and people, and which might also release his grip on the troops. That surely was to be his function: Suetonius and Tacitus agree that Drusus was to be *dux*, not a word frequently associated with the emperor's constitutional position. Drusus, it may be surmised, was not to be *princeps*, but rather a kind of temporary Praetorian Prefect, who would have authority to take charge of all troops in Rome. If things had gone so

badly, this course was about the only chance left to Tiberius. What he would have done with Drusus had success attended such a plan can only be a matter of speculation.

In both of these suggested interpretations, then, are indications that, when Tiberius learned the truth about Sejanus, he was far from being driven out of his mind. On the contrary, the evidence shows the careful nature of his tactics, and his provision of a well thought-out emergency plan. The *verbosa et grandis epistola* was not, as Suetonius appears to imagine, a squalid and pathetic thing; it was the culmination of the tactician's art—the sort of planning that Tiberius will have learned years before in Germany, in happier times.

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ZENO, NOT HERACLITUS

(1) While commenting on Aristotle *EN* 7. 5, p. 1146b29 (ἐνιοι γὰρ πιστεύουσιν οὐδὲν ἦττον οἷς δοξάζουσιν ἢ ἕτεροι οἷς ἐπίστανται· δηλοῖ δ' Ἡράκλειτος), the *Anonymus Byzantinus* (in *EN*, p. 417.35 Heylbut, *Comm. in Aristot. Gr.* XX) attributed to Heraclitus denial of the existence of movement: δηλοῖ δὲ καὶ Ἡράκλειτος ὅτι ἐστὶ βέβαιος καὶ ἰσχυρὰ δόξα καὶ οὐ πᾶσα δόξα ἐστὶν ἀσθενής· ἐκεῖνος γὰρ δοξάζων ὅτι κίνησις οὐκ ἔστιν, ἔλεγεν ὅτι ἀκριβῶς οἶδα (B: οἶδε Ald.)... The same denial is repeated in another Byzantine commentary, attributed to Heliodorus of Prusa (in *EN*, p. 139.33 Heylbut, *CAG* XIX): ὥσπερ ὁ Ἡράκλειτος ἂ ἐδόξαζεν ᾧετο ἐπίστασθαι ἀκριβῶς, οἷον ὅτι οὐκ ἔστι κίνησις καὶ τᾶλλα ὅσα ἐτίθει.¹

(2) However, Plato *Cratylus* 402A8 (λέγει που Ἡράκλειτος ὅτι πάντα χωρεῖ καὶ οὐδὲν μένει) and *Theaetetus* 160D6 (κατὰ μὲν Ὅμηρον καὶ Ἡράκλειτον καὶ πᾶν τὸ τοιοῦτον φύλον οἷον ρεύματα κινεῖσθαι τὰ πάντα . . .)

attest Heraclitus as an unchallenged advocate of the theory of constant flux and movement of all things.² No doubt, both Byzantine commentators must be wrong.

(3) I think they have mistaken Heraclitus for Zeno, the source of their error being Eustratius' commentary on *EN* (p. 37.28 Heylbut, *CAG* XX): θέσις γάρ ἐστι παράδοξος ὑπόληψις τινος τῶν κατὰ φιλοσοφίαν γνωρίμων (as opposed to either tradition, παράδοσις, or experience, αὐτὰ τὰ φαινόμενα), ὥς Ἡράκλειτος ἔλεγεν ἐν εἶναι τὰ ἐναντία καὶ Παρμενίδης ἐν τὸ ὄν καὶ Ζήνων μὴ εἶναι κίνησιν. The *Anonymus Byzantinus* has overlooked one line in the text of Eustratius, jumping from the words Ἡράκλειτος ἔλεγεν to the words μὴ εἶναι κίνησιν. Most probably he *did* use Eustratius' commentary on *EN*, Books 1 and 6, for he was trying to complete it by producing commentary on Books 2–5 and 7.

(4) That our *Anonymus* was indeed capable of such a mistake can be proved by another

1. As the part dealing with chapters 4. 15–7. 6 of the *Commentary on EN* (Books 1–8) attributed to Aspasius is not preserved (pp. 126 f. Heylbut, *CAG* XIX), we do not know whether the same mistake was shared by Aspasius as well.

2. The full evidence about the universal flux as attributed to Heraclitus is to be found now in M. Marcovich, *Heraclitus, editio maior* (Oxford, 1967), pp. 194–205.