

## DIO LIX. 25. 5<sup>b</sup>, A NOTE

The return of the Emperor Gaius to Rome in A.D. 40 heralded what appears to have been a new round of persecutions, and although our sources for the period, preserving a hostile tradition, expound on Gaius' outrageous cruelty, we have no reason to suppose that his victims were undeserving<sup>1</sup>). Certainly his prolonged absence from the city will have given the Senate ample time to recover from the sudden disclosure of the "Lepidus-Gaetulicus conspiracy" and will have provided enough freedom for the more recalcitrant members of that body to discover each other's discontent. It is not therefore wholly unexpected that Dio, Seneca and Suetonius preserve record of several *maiestas* convictions.

Surprisingly however, three of these trials concern a father and his son, thereby lending themselves to the anecdotal treatment they receive from the sources. For example, the story told by Seneca of the otherwise unknown equestrian Pastor, invited to dine with Gaius on the night of his son's execution<sup>2</sup>).

That is without complication, but not so the report of another trial and execution which, because of the contradiction between two authorities, Seneca and Dio<sup>3</sup>), has not yet been fully explained<sup>4</sup>. The Dio account, although more detailed, is misleading as it comes down to us via the epitomator Zonaras.

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1) Sen. *De ira* ii. 33.3 f., iii. 18.3; Dio lix. 10.4, 25.5-6; Suet. *Gaius* 26.3 and 27.4, although M.P.Charlesworth, "The Tradition about Caligula", *C.H.J.* iv (1935), pp. 110-111 dismisses these incidents as typical of the anti-Caligula tradition.

2) Sen. *De ira* ii. 33.3 f.

3) Sen. *De ira* iii. 18.3 and Dio lix. 25.5 (Zonaras xi. 6; Petr. Patr. *exc. Vat.* 29).

4) The incident was noticed by H. Willrich, "Caligula", *Klio* iii (1903), p. 455 who failed to solve the difficulties. M. Gelzer, *R.E.* X (1918), col. 413 attempted to reconcile the sources by postulating that Cerialis was the step-father of Papinius. This was ignored by J.P.V.D.Balsdon, *The Emperor Gaius* (Oxford, 1934), p. 99f. who knew only that they were not related and that Papinius was executed. Error or ignorance has subsisted since, c.f. most recently A. Garzetti, *From Tiberius to the Antonines* (London, 1974), p. 100.

καὶ ἐφώρασε τὴν ἐπίθεσιν, καὶ συλλαβῶν Ἀνίκιον Κερεάλιον καὶ τὸν υἱὸν αὐτοῦ Σέξτον Παπίνιον ἐβάσανισε· καὶ ἐπει μὴδὲν ἐξελάλησεν, ἀνέπεισε τὸν Παπίνιον, σωτηρίαν αὐτῷ καὶ ἄδειαν ὑποσχόμενος, κατεπειν τινῶν ἢ ἀληθῶς ἢ ψευδῶς, καὶ ἐκείνον αὐτίκα καὶ τοὺς ἄλλους ἐν ὀφθαλμοῖς αὐτοῦ ἀπέκτεινεν (Zonar. xi. 6)

The Vatican epitomy by Petrus Patricius states in a parallel passage that Cerialis and his son Papinius were both Senators, that both refused to turn informer, and that both were executed.

ὅτι ὁ αὐτὸς Γάιος συλλαβῶν Κεριάλιον καὶ τὸν υἱὸν αὐτοῦ Παπίνιον βουλευτὰς ἐτιμωρήσατο, ὥστε ἐξεπειν τὰς κατ' αὐτοῦ γινόμενας ἐπιβουλάς. καὶ ὁ μὲν Κεριάλιος παντελῶς οὐδὲν εἶπεν, παραχρῆμα δὲ ἐπ' ὄψεσιν αὐτοῦ ἀηρέθησαν. (Exc. Vat. 29)

Thus, as it comes down to us along varying paths, we have two similar but divergent accounts of what was originally in Dio, an incident in a conspiracy of some importance<sup>5</sup>).

Leaving aside the trial of the family group (Betilienus Capito and son) for the moment<sup>6</sup>), the differences of the two epitomies notwithstanding, it would appear that Cerialis was indeed the father of Papinius and that both were slain. If this concurrence on paternity were correct then one would assume the relationship to have been adoptive<sup>7</sup>). Against this however is the passage in Seneca.

*Modo C. Caesar Sex. Papinium, cui pater erat consularis, Betilienum Bassum quaestorem suum, procuratoris sui filium, aliosque et senatores et equites Romanos uno die flagellis cecidit. De ira iii. 18. 3*

However, no consular Anicii Cerialis are known before A.D. 65<sup>8</sup>), whereas a Sextus Papinius appears as *suffectus* in A.D. 36<sup>9</sup>).

The coincidence of *nomina* combines with the Senecan passage to allow almost certainly the identification of the victim of A.D. 40 as the surviving son of the *suffectus* of A.D. 36 mention-

5) The incident was omitted by Xiphilinus but has been located after Xiph. 167.22 (Dind.) because in Zonaras it directly precedes his account of the Betilienus trial, summary of which is given by Xiphilinus at 167.23-27 (Dind.).

6) Although because of the proximity of the accounts in both Zonaras and Seneca it is undoubtedly connected with the conviction of Papinius.

7) C. f. Gelzer, *op. cit.*, col. 413 and Garzetti, *op. cit.*, p. 100.

8) Broughton, *M. R. R.* and *P. I. R.*<sup>2</sup> s. v. 'Anicius'. Tac. *Ann.* xvi. 17 and *C. I. L.* IV. 2551 name him as consul, the latter as *suffectus* with C. Pomponius.

9) Tac. *Ann.* vi. 40.

ed elsewhere in the *Annals*<sup>10</sup>). Furthermore, Tacitus reveals that the Dio epitomies are mistaken about the identity of the informer for he records of the consul Anicius Cerialis, '*neque enim multo post vim sibi attulit, minore quam ceteri miseratione, quia proditam C. Caesari coniurationem ab eo memineraunt.*'<sup>11</sup>)

It can thus be seen that the Dio-based accounts, even in those places where they concur, are inaccurate and in need of correction. If we assume, quite reasonably<sup>12</sup>), that Cerialis was consul some time in his late forties, then he would have been in his early twenties in A. D. 40 and thus probably similar in age to Papinius. This parity in age, and the difference in rank, the latter being a *nobilis*, combine to argue against adoption. But all that ensues from this argument is not negative. Two young Senators of similar age, (Papinius and Cerialis), and probably a third, Betilienus Bassus, the quaestor of Gaius, are linked, at least temporally, in an attempt to overthrow Gaius. A credible pattern begins to emerge, of a conspiracy within and without the Senate, involving several young Senators of roughly the same age as Gaius (and perhaps boon companions of his) and several of their fathers<sup>13</sup>).

It is apparent from the proximity and the subject matter of the accounts concerning Cerialis and Betilienus in the Dio-based passages that originally they were two parallel incidents, father and son anecdotes, in a narrative intent upon demonstrating Gaius' monstrosity<sup>14</sup>). On these grounds the Papinius episode must, in Dio's original account, have contained a father-son betrayal which would contrast neatly with the connected Betilienus episode. And, in terms of effect, what better than the antithetical betrayal of a father by his son. This consideration, and the insistence of the Dio-based accounts that a father was involved, indicate that the affair had involved either the father of Papinius, or the father of Cerialis, since the relationship between these two was not filial.

Had the missing father been none other than the consular Sex. Papinius we may be sure that Seneca, at pains to highlight

10) Ibid. vi. 49.

11) Ibid. xvi. 17.

12) That age would be quite normal for one who was neither patrician nor noble, who had been involved in a conspiracy and is not known to have made any signal contributions to the Roman state.

13) The age and status of Pastor's son is unknown but it is tempting to include him in this group of young rebels, see note 2.

14) Cf. Charlesworth, *op. cit.* and Dio lix. 10. 3-4.

the viciousness of Gaius, and preoccupied with the rank of his victims, would not have omitted such a notorious fact.

Thus by elimination we must conclude that Dio's tale involved three personalities, Anicius Cerialis and an homonymous son, and Sex. Papinius the younger. Little imagination is required to see how inadvertance or scribal carelessness could easily result in the conflation of persons and confusion of relationships and functions. And, in fact, only the slightest addition to the two accounts is necessary to obtain the three people I propose took part in the proceedings; *καὶ συλλαβὸν Ἀνίκιον Κερεάλιον καὶ τὸν υἱὸν αὐτοῦ <καὶ> Σέξτον Παπίνιον ἐβασάνισε* (Zonar): *ὅτι ὁ αὐτὸς Γάιος συλλαβὸν Κεριάλιον καὶ τὸν υἱὸν αὐτοῦ <καὶ> Παπίνιον βουλευτὰς ἐτιμωρήσατο* (*Exc. Vat.*)

Not only is the emendation minimal but it can be seen that the omission did not render the text nonsensical, which does much to explain how it originally occurred<sup>15</sup>). The language of both Zonaras and the Vatican excerpt would seem to indicate that they are little more than blunt and careless abbreviations of what had stood in Dio. This is immediately evident on comparison with the much fuller and more detailed account of the case of Betilienus Capito and his son. This fact, and the total omission of the Papinius-Cerialis story by Xiphilinus, despite its obvious importance and connection with the other trial, indicates to me that the sense of the Betilienus affair was much more accessible and more readily appealing to the sensibilities of the authors<sup>16</sup>),

15) The unreliability of the text overall may be cited to further support the argument. A quick check through Dio books lv–lx (ed. Boissevain), all of which are incomplete and require heavy supplementation from the epitomies, shows that Boissevain found it necessary to make a total of fifty-six insertions in the text. Of the words inserted, the only one to have dropped from the text more than twice is 'καὶ'. Not counting the present instance, Boissevain recognizes that it fails in seven places; lv. 10.19 (Boiss. p. 493 1.7), lv. 15.7 (p. 501 1.7), lix Index (p. 615 1.6), lix. 23.4 (p. 643 1.27), lix. 24.7 (p. 646 1.5), lx. 6.3 (p. 669 1.6), lx. 15.6 (p. 677 1.18); while also noting that other editors have inserted the same word in a further six places; lvi. 40.2 (p. 550 1.29), lviii. 20.4 (p. 607 1.24), lix. 24.8 (p. 646 1.6), lx. 7.3 (p. 670 1.15), lx. 20.4 (p. 682 1.7), lx. 26.1 (p. 687.1.6). This indicates a significant possibility that it could also have fallen out of the original Dio manuscript. The loss of a single word from a text is usually only discovered when its absence renders the sentence incomplete. In this case, as can be seen, it does not, although the loss undoubtedly contributed to the obscurity recognized by the epitomators.

16) In the *Exc. Vat.* these events are related in the book entitled "περὶ γνωμῶν". Zonaras, usually the more perceptive of the two, has here come closer to the original sense of the Papinius-Cerialis episode.

and that the tradition of Dio's account of the Cerialis trial had already been sufficiently corrupted to obscure the detail of the anecdote even by the time of Petrus Patricius.

Thus, in keeping with a practice commonly followed by epitomators, the sentence "ὅτι ὁ ..... ἐπιβουλᾶς" could be a direct quotation from the opening sentence of the account which Petrus had before him in his Dio text<sup>17</sup>). What follows in his rendition is then a gloss of the proceedings which were unintelligible to him on account of textual corruption, but which he nevertheless turned to some account by interpreting accordingly as it appealed to him. Zonaras, finding similar obscurity, introduces the episode with a similar (but probably not verbatim) sentence and, in so doing has, like Petrus, unwittingly transmitted one of the very mistakes which had contributed to the obscurity in the passage. Being then unable to disentangle Dio's thread, he has used his reason, having regard to the context, and seen that Dio meant this episode to be similar but in contrast to the ensuing Betilienus affair, the former having a son inform on his father while in the latter, the roles are reversed with a less favourable result for the informer. Excepting that Petrus may preserve more of Dio's original words than Zonaras, the latter seems to have come closer in sense to Dio's original intention, to whom the nicety of such a contrast could not have failed to appeal.

The evidence is already strong enough to carry the case but yet another piece of evidence can be summoned to finalize the argument. Writing of the night when the Betilieni, Anicius and Papinius were tried and executed, Seneca says that Gaius executed, among others, three senators<sup>18</sup>). Of the known victims of this *Soiree*, Betilienus Capito was Gaius' procurator, and hence not a senator; his son Bassus however was, as were Papinius and Cerialis. But since the latter is known to have survived, a third senatorial victim is necessary to satisfy Seneca. Who better for this purpose than the elder Anicius Cerialis whose involve-

17) Excepting the omission of the two names Ἀνίκιος and Σεξτος. Further to this, see Boissevain's comparison of the faithfulness of Petr. Patr., *exc. de leg.* G I to Dio, lviii. 26.2-4 (vol. iii p. 775). Elsewhere Boissevain shows that it is not uncommon for the excerpta to quote Dio verbatim and, occasionally to quote only the opening sentence of an episode, the contents of which are to be summarized, (vol. iii pp. 767-775).

18) Sen. *De ira* iii. 19.2, *si tres senatores quasi nequam mancipia inter verbera et flammam divisit*. Note also that the account of Petrus Patricius speaks of those involved in the incident as *βουλευταί*.

ment is now not only implied but actually demanded by the evidence<sup>19</sup>).

Thus the episode probably happened as follows; four senators, Betilienus Bassus, Sextus Papinius and the two Anicii Cerialis (father and son) were implicated in a plot against the life of Gaius, along with others of various ranks. At the inquisition of these four senators the younger Anicius Cerialis after being tortured (see n. 18) took advantage of an amnesty offered to informers and obtained his own deliverance and the conviction of both his father and the young noble, Papinius, and possibly of Betilienus Bassus also<sup>20</sup>). Tacitus, when noticing the death of the younger Cerialis many years later, makes a brief reference to the betrayal, but did not find it necessary to mention the parricide because, he probably covered the event more fully in the lost books on Gaius<sup>21</sup>).

### *Conclusion*

The argument above has shown that the accounts of both Zonaras and Petrus Patricius are corrupted and that previous attempts to explain the events have not taken full cognizance of the evidence available on other sources nor have they considered the inference to be drawn from the varying corruption of the accounts or, in the case of Xiphilinus, from omission. This explanation also lends support to the claim by sources (six) that Gaius did indeed execute sons before their fathers' eyes and vice versa, thereby indicating that such sources are not necessarily hostile for having generalized the charge<sup>22</sup>). Further, there is the existence of yet another Julio-Claudian senator, the date and

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19) It has already been noted that there were no consular antecedents of Anicius Cerialis but Broughton, *M. R. R.* ii. 487 knows of a certain C. Anicius in the Senate between 57 and 44 B.C. Although no cognomen appears for the victim of Gaius that does not hamper the suggestion that the republican is a forebear, in which case it might be posited that his praenomen was also Caius.

20) Gaius' insistence on Capito's presence at his son's execution would seem to suggest that he also was in some way involved and not above suspicion.

21) Tac. *Ann.* xvi. 17.8, cf. Furneaux's comment *ad loc.* In the same way that this passage is the postscript to the affair, the rather gossipy episode at *Ann.* vi. 49 provides a brief sketch of the family background of the Papinius who was to appear shortly when Tacitus narrated the plots against Gaius.

22) It must also be added that the consular Papinius was quite possibly present at the execution of his errant son.

circumstance of whose demise can be postulated with reasonable assurance. But, perhaps the most important aspect of this argument is the implications it has for the textual tradition of the Dio manuscripts. For clearly it carries the implication that corruption at least in this particular place, occurred very early in the tradition and was transmitted by succeeding generations of manuscripts. That such a corruption, although in this case it may have been insignificant, can occur so early in a tradition and affect later versions so significantly is not always recognized although implicitly obvious.

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