

CATALINA REDIVIVUS:
VALERIUS MAXIMUS ON SEJANUS
(9.11.EXT.4)*

Abstract: The diatribe by Valerius Maximus against an unnamed conspirator at 9.11.ext.4 exhibits clear intertextual links with one of the author's chief sources: Cicero. These verbal clues, when added to the historical coincidence of both the Catilinarian conspirators and Sejanus being condemned in the Temple of Concord in Rome, lend further support to the identification of L. Aelius Sejanus as the enemy of Tiberius in this *exemplum*.

Keywords: Valerius Maximus; Cicero; Sejanus; Catiline

On 18 October AD 31, having been denounced by an imperial epistle from Capri, L. Aelius Sejanus, Cassius Dio (58.11.4) tells us, was later that same day condemned to death at a meeting of the Senate in the Temple of Concord. He was then executed and his body cast down the *Scalae Gemoniae*, where it was abused by the people and finally tossed into the Tiber.¹ Nearly a century before this event, in 63 BC, the Temple of Concord had already bore witness to Cicero's condemnation of the Catilinarian conspirators.² Taking over Sallust's description of the conspirator in his monograph on the topic, it was probably Tacitus (Ann. 4), more famously than any other imperial author, who invoked Catiline in his presentation of Sejanus.³ Earlier imperial authors, such as Velleius Paterculus (2.127), had done the same, also suggesting this

*) I thank David Wardle for his comments on an earlier draft of this note.

1) Cf. Dio 58.9.1–11.7; Juv. 10.85–6; Sen. Tranq. 11.11.

2) In 121 BC the temple had also been the site of L. Opimius' suppression of C. Gracchus and M. Fulvius Flaccus by order of the Senate (see R. Morstein-Marx, *Mass Oratory and Political Power in the Late Roman Republic*, New York 2004, 102–3; B. M. Levick, *Tiberius the Politician*, London 1976, 36–7, 177–8).

3) Tacitus' invitation to see Sejanus as a second Catiline is expertly examined most recently by A. J. Woodman, *The Annals of Tacitus: Book 4*, Cambridge, 2018, 4–9, 59, 62–8, 70.

comparison, albeit allusively.⁴ But it was Velleius' Tiberian contemporary, Valerius Maximus, who recalled and employed Cicero's own passionate denunciation of conspiracy, as he sought to cast Sejanus as a 'latter-day Catiline', imparting to his own work the rhetorical authority and force of one of its major sources.⁵ While the physical location of condemnation could simply reflect a coincidence of historical fact and furthermore, while Valerius' language employs a standard repertoire used in defaming a political opponent (and Ciceronian vocabulary more generally), it is the central argument of this paper that when considered together, these points support the claim that Sejanus was the unnamed conspirator of Val. Max. 9.11.ext.4.

The *exemplum* on Sejanus comes as the climactic example in a chapter describing wicked words and criminal deeds (*dicta improba aut facta scelerata*).⁶ In typical fashion, Valerius has organised the chapter into two sections: Roman examples precede foreign ones, and are generally laid out in chronological order, with the Roman examples outnumbering the foreign ones. Despite seeming disparate, the *exempla* upon closer inspection reveal a number of thematic similarities and are joined together by various recurring motifs across the chapter: madness as the motivating factor behind the actions of the exemplars (cf. 9.11.3; 9.11.4; 9.11.ext.1; 9.11.ext.4), the dissolution of the bonds of friendship (cf. 9.11.4; 9.11.ext.4),

4) G. V. Sumner, *The Truth about Velleius Paterculus: Prolegomena*, HSCPh 74, 1970, 257–297, at 294.

5) I take the phrase from Levick (n. 2) 178. For Cicero as a source in the *Facta*, see W. Martin Bloomer, *Valerius Maximus and the Rhetoric of the New Nobility*, Chapel Hill / London 1992, 59–146.

6) While the chapter heading specifies *aut*, the wording of the praef. indicates *et*; it is most likely, however, that the chapter headings are not original (see e. g. R. Helm, *Valerius Maximus*, RE 8A.1, 1955, 97; D. Wardle, *Valerius Maximus: Memorable Deeds and Sayings*, Book I, Oxford 1998, 6 n. 22; but cf. the comment of Bloomer [n. 5] 18 n. 7); the discrepancy of conjunctions between chapter title and text is noticeable elsewhere in the work, e. g. 9.3.praef. (with *apparatus*). The transposition of *facta* and *dicta* from the title of the work, could suggest the priority within this chapter of words over deeds, but this is not borne out in the examples themselves. More generally, the linking of words and deeds is an obvious hallmark of Valerius' work as a whole; cf. 1.praef.; 4.1.12; 6.2.praef.; 6.4.praef.; 7.2.praef.; 7.3.praef.; 9.3.praef.; 9.5.4.

and most importantly, parricide (cf. 9.11.1; 9.11.3; 9.11.5; 9.11.6; 9.11.ext.2; 9.11.ext.3; 9.11.ext.4).⁷

This *exemplum* has been central to debates over the date of Valerius' work. The *communis opinio* places final publication after October AD 31; heterodox opinion suggests a date from earlier in Tiberius' reign (AD 14–16).⁸ If the unnamed villain of 9.11.ext.4, however, is indeed Lucius Aelius Sejanus, as the current consensus holds ("Briscoe's discussion should have settled all doubts about whether the nameless conspirator really was Sejanus"), and not M. Scribonius Libo Drusus, or some such other unknown conspirator, then a date after October AD 31, at least for Book 9, is necessary, and not in the early years of Tiberius' reign.⁹

Andrea Themann-Steinke has recently argued for the earlier date.¹⁰ Jane Bellemore, in support of her arguments for an earlier date of the work (and following the arguments of C. J. Carter), emphasises that 9.11.ext.4 is placed among the *exempla externa*, and should therefore require the exemplar to be a non-Roman conspirator.¹¹ However, while it may be a general rule in Valerius' organising principles, complete separation between Roman and foreign *exempla* is not hard and fast, as Bellemore herself concedes.¹² In-

7) 9.11.7 records a wife's betrayal leading to the death of her husband; 9.11.ext.1 features a case of fratricide.

8) See, principally, C. J. Carter, Valerius Maximus, in: T. A. Dorey (ed.), *Empire and Aftermath: Silver Latin II*, London 1975, 26–56, esp. 30–33; J. Bellemore, When did Valerius Maximus write the *Dicta et Facta Memorabilia*, *Antichthon* 23, 1989, 67–80; J. Briscoe, Some Notes on Valerius Maximus, *Sileno* 19, 1993, 395–408; R. Combès, Valère Maxime: Faits et Dits Mémorables, Tome I, Paris 1995, 8–11; Wardle (n. 6) 1–6; D. R. Shackleton Bailey, Valerius Maximus: Memorable Doings and Sayings, Cambridge 2000, 1–3; A. Themann-Steinke, Valerius Maximus: ein Kommentar zum zweiten Buch der *Facta et Dicta memorabilia*, Trier 2008, 17–28; J. Briscoe, Review of Andrea Themann-Steinke, Valerius Maximus: ein Kommentar zum zweiten Buch der *Facta et Dicta memorabilia*, *ExClass* 14, 2010, 379–382.

9) The quote is taken from Shackleton Bailey (n. 8) 2 n. 2; Bellemore (n. 8) 67–80, argues for M. Scribonius Libo Drusus, or some other unknown conspirator.

10) Themann-Steinke (n. 8) 17–28; her arguments improve upon those made by Carter (n. 8) 26–56 and Bellemore (n. 8) 67–80; cf., however, further rebuttal by Briscoe (n. 5) 380–381.

11) Bellemore (n. 8) 78 n. 3.

12) Bellemore (n. 8) 78 n. 43; cf. e.g. 4.7.ext.2b, where Valerius refers to his friendship with Pompeius in the *externa* section of the chapter, along with 2.6.8, 7.7.4.

deed, it is better to view this *exemplum* as a conclusion to the chapter as a whole, and “not an ill-fitting addition to the non-Roman items”.¹³ In fact, it could plausibly be argued, as this *exemplum* not only concerns a contemporary event from Tiberius’ reign but also rehearses a number of themes (e. g. *providentia* and punishment of vice) from the work’s preface, that it really concludes the work as a whole, and that the remaining *exempla* of the final four chapters of the work constitute a kind of miscellaneous afterward, or an appendix of sorts.¹⁴

Despite much commentary on the *exemplum* in relation to the debate over the date of the *Facta et dicta memorabilia*, few scholars have appreciated the Ciceronian rhetoric that Valerius employs in casting Sejanus as a conspirator.¹⁵ The only scholar to note it at all, to my knowledge, is Andreas Weileder, who simply states: “Eine Person wird angeredet und völlig verdammt; diese rhetorisch durchstilisierte Invektive läßt Anklänge an Ciceros Angriffe gegen Catilina wie auch an offizielle Verurteilungen unter Tiberius erkennen”, citing two passages from Cicero’s *Catilinarians* as parallel passages.¹⁶ But as this paper argues below, the Catilinarian conspiracy, and in particular Cicero’s characterisation of it in his speeches, inform Valerius’ depiction of Sejanus as a conspirator. Indeed, Valerius’ intertextual allusions bolster his presentation of Sejanus as a criminal worse than Catiline.

Given on 8 November 63 in the Temple of Jupiter Stator, the peroration of Cicero’s first speech against Catiline bids him to

13) Briscoe (n. 8) 401.

14) See F. Römer, *Zum Aufbau der Exempelasammlung des Valerius Maximus*, WS 103, 1990, 99–107, at 106 for a similar suggestion. Valerius refers to his work as *opus nostrum*, cf. 4.8.1, 5.4.7 or *hoc opus* (8.13.praef, 8.14.praef). No differentiation of parts may suggest an author conscious of a unity, even if its parts were published (or written) at different times. Cf. 9.15.1 where Valerius inserts a cross-reference to his earlier treatment of Equitius at 9.7.1 and by using *huiusce libri* strongly indicates that we have to conceive of the whole of our extant Book 9 as a *liber*; this does not, however, affect the notion of 9.1–11 as a separate treatment of *vitia*.

15) In-depth discussion of this *exemplum* is found in M. Nasta, *Valerio Máximo y la conspiración de Seyano (Facta et dicta memorabilia 9.11.ext.4)*, *Anales de Filología Clásica* 27, 2014, 81–97. For further discussion on the date of Valerius’ work, see n. 8 above.

16) A. Weileder, *Valerius Maximus: Spiegel kaiserlicher Selbstdarstellung*, Munich 1998, 62; the passages he cites are Cic. Cat. 1.33 and 2.29.

depart from Rome, denouncing his pursued war as impious and wicked (*ad impium bellum ac nefarium*), and labelling his fellow conspirators' activity as both a 'crime and parricide' (*qui se tecum omni scelere parricidioque iunxerunt*) – *parricidium* especially featuring among the words in Cicero's standard 'lexicon of abuse' (cf. e.g. Vat. 35, Sull. 6.12, Phil. 4.5); Cicero's use here is justified on the grounds that the *patria* is the *parens omnium* (Cat. 1.17).¹⁷ In concluding the speech, Cicero invokes Jupiter, calling upon him for protection, requesting him to expel the enemy (*hostis patriae*) from all temples and indeed the city itself – affirming that Jupiter, indeed, will punish both the living and the dead with eternal punishments (*aeternis suppliciis*). Similarly, Valerius opens the *exemplum* with a rhetorical question, which casts Sejanus' conspiracy as *parricidium*. As in Cicero's prayer to Jupiter for protection of Rome (1.33), so Valerius refers to the protection of the city afforded by the vigilant eyes of gods (*vigilarunt oculi deorum*) and the potency of stars (*sidera ... vigorem*).¹⁸ The altars, couches, and temples, were protected by present divinity (*praesenti numine*); in similar language Cicero, in the *Second Catilinarian* (2.29), refers to the gods who defend the temples and the city's buildings by their divine presence (*sed hic praesentes suo numine atque auxilio sua templa atque urbis tecta defendunt*).¹⁹ Tiberius, although unnamed, is addressed as author and guardian of Rome (*auctor et tutela*). While *auctor* may elicit in the observant reader's mind Cicero's designation of Caesar as *auctor* (Cic. Cat. 4.9), it is applied in the imperial period more generally to the *princeps* in his recommendations to the sen-

17) A. R. Dyck, *Cicero: Catilinarians*, Cambridge 2008, 99.

18) See J. Murray, *Valerius Maximus and the language of stars*, in: R. Evans (ed.), *Prophets and Profits: Ancient Divination and Its Reception*, New York 2018, 106–113. Cicero's vigilance is linked with his concern for the safety of the republic (Cat. 1.8: *iam intelleges multo me vigilare acrius ad salutem quam te ad perniciem rei publicae*); similarly, Valerius highlights the vigilance of the eyes of the gods, linking it too with the *salus* of the Roman state; cf. Cic. Cat. 2.19 and 3.3: Cicero connects his vigilance with his *providentia* of the republic; and 2.27.

19) The *providentia* of the gods in relation to the suppression of conspiracy occurs elsewhere in Cicero; cf. e.g. Cat. 3.1, 3.18–22; Sull. 40; along with Quint. Inst. 11.1.23 (MacDonald LCL trans., 1977, 98 n. a).

20) D. Wardle, *Suetonius and Augustus' 'Programmatic Edict'*, RhM 148, 2005, 190: "Examples principally from Cicero show that *auctor* was commonly

ate.²⁰ Here *auctor*, specifically, may make Valerius' readers think of Augustus and the meaning of his name, as well as the fact that it was a part of Tiberius' official nomenclature despite his expressed wishes.²¹ In *tutela* Valerius uses a key term associated with the role of the emperor in the early principate.²²

Valerius casts Sejanus in two comparative roles, both equally damning: as more savage than a barbarian; because Sejanus was declared *hostis* (cf. ILS 157), he was indeed worse than a barbarian; and as less able than Tiberius in his imperial pretensions (*tu videlicet efferatae barbariae immanitate truculentior habenas Romani imperii ... capere potuisti*).²³ Cicero (Cat. 3.25) also uses the term *barbarus* in his description of Catiline's conspiracy. Similarly, *immanitas* is used descriptively by both Cicero (Cat. 1.14, 4.11,13) and Valerius – by whom it is used only here. Valerius also characterises Sejanus' state as one of being out of his mind (... *amentibus propositis furoris tui repraesentare et vincere voluisti*); Catiline's *amentia* was one of his leading characteristics (cf. e.g. Cic. Cat. 1.8,25, 2.11,25) as was his *furor*.²⁴ Right from the opening words of his speech against Catiline, Cicero not only characterises him as 'mad', but also describes his activities as in this way (*furor*, 'a madness'; cf. e.g. Cat. 1.1,2,22,25; 2.25). The threat of *furor* to the stability of the state, and indeed its links with civil war, is seen not only in

used in Republican political language of a leader who exercised powerful influence through intellectual qualities or military might, frequently in connection with *princeps*, of one who took the initiative to preserve the state."

21) Wardle (n.20) 190–2; earlier in the *exemplum* Valerius had already referred to Tiberius' 'august life' (*pro capite augusto*) – Valerius, in using the adjectival form and thus attributing the name to Tiberius only indirectly, avoids direct contradiction of Tiberius' expressed wish not to be called Augustus (Suet. Tib. 26).

22) The term is used of Tiberius, cf. e.g. Vell. 2.105.3, 2.128.4; Tac. Ann. 1.12.1; elsewhere in Valerius it is used of, for example, Caesar (1.6.13), the senate (2.7.praef.), the personification of *Verecundia* (4.5.praef.), and Augustus (7.6.6); cf. D. Wardle, Valerius Maximus on the Domus Augusta, Augustus, and Tiberius, CQ 50, 2000, 479–493 at 487; and now also A. Dalla Rosa, Cura et tutela: Le origini del potere imperiale sulle province proconsolari, Stuttgart 2014.

23) Weileder (n.16) 62. On *efferatae barbariae*, cf. Val. Max. 4.6.ext.2; 5.1.ext.6; 9.2.4; 9.2.ext.1.

24) Dyck (n.17) 111.

Cicero's speeches, but is also used in these ways by the Augustan poets.²⁵ Valerius picks up on this terminology here, by rhetorically questioning whether if Sejanus had 'succeeded in his madness the world would have remained in its place' (*aut te compote furoris mundus in suo statu mansisset?*). This induces Valerius to enumerate a list of important Republican disasters for Rome.²⁶

Valerius' *totius orbis ruina* is reminiscent once more of Cicero's language in the *Catilinarians* and elsewhere: at Cat. 1.14 Cicero refers the ruin of Catiline's fortunes (*praetermitto ruinas fortunarum tuarum . . .*); in the *Pro Murena* (51), Cicero reports Catiline's words to Cato: *si quod esset in suas fortunas incendium excitatum, id se non aqua sed ruina restincturum*, again invoking the vocabulary of ruin. Earlier in the same chapter, Valerius (9.11.3) had already covered this ground: *L. vero Catilina in senatu M. Cicerone incendium ab ipso excitatum dicente, 'sentio' inquit 'et quidem illud, si aqua non potuero, ruina restinguam'. quem quid aliud existimemus quam conscientiae stimulis actum reum se incohati parricidii peregissee?* In that *exemplum*, while Cicero's account may be his ultimate source for the event, Valerius (along with Florus 2.12.7) also appears to follow Sallust (Cat. 31.9), who has Catiline utter these words to Cicero just before his departure from Rome: *tum ille furibundus 'quoniam quidem circumventus,' inquit, 'ab inimicis praeceps agor, incendium meum ruina restinguam'*; Florus 2.12.7: *quam ut hostis evaderet seque tum palam ac professe incendium suum restincturum ruina minaretur*. For Bloomer, "Valerius' words arise from Cicero's text; his version of the events seems to follow Sallust's".²⁷ The passage in the *First Catilinarian* comes directly after Cicero has related Catiline's murder of a former wife in order to make way for his new bride, recounted as an example of his *libido*. A variant of this story, too, is related earlier in the ninth book of Valerius' work (9.1.9), in a chapter *de luxuria et libidine*: there, Valerius has Catiline kill his

25) For the use of *furor* in Cicero by enemies of the state, see A. Taldone, *Su insania e furor in Cicerone*, BSL 23, 1993, 3–19; by the Augustan poets, see D. Hershkowitz, *The Madness of Epic. Reading Insanity from Homer to Statius*, Oxford 1998.

26) Indeed, even Valerius' mention of the Gallic sack in 390 BC in this list could elicit in the attentive reader's mind allusively the involvement of the Allobroges in foiling the Catilinarian conspiracy.

27) Bloomer (n. 5) 109–10.

own son in order to make way for Aurelia Orestilla. His version of events clearly is taken up from Sallust's account (Cat. 15.2–3), while also sharing verbal similarities with Cicero's.²⁸

Catiline's actions in Cicero's speech, Cicero claims, threaten the safety of Rome (Cat. 1.14: *sed ad summam rem publicam atque ad omnium nostrum vitam salutemque pertinent*). Similarly in Valerius, Sejanus' actions threaten the stability of Rome, which is maintained by Tiberius: Valerius, in an extended apostrophe, rhetorically asks of the unnamed conspirator whether he is able to take the reins of the Roman Empire, preserving its safety as Tiberius as *princeps parens* has done.²⁹ This idea is picked up later in the same *exemplum* when Valerius again refers to the safety that Tiberius brings to Roman Empire (*nostrae incolumitatis*). Likewise, in the *exordium* to the *Second Catilinarian*, Cicero records the significance of Catiline's exodus from Rome, commenting in part that this occurred through his own (that is, Cicero's) efforts, claiming

28) Cf. Sall. Cat. 15.2–3: *postremo captus amore Aureliae Orestillae, cuius praetor formam nihil unquam bonus laudavit, quod ea nubere illi dubitabat, timens privignum adulta aetate, pro certo creditur necato filio vacuum domum sceleris nuptiis fecisse*; Cic. Cat. 1.14 (however, note that the reading of βγ *domum* rather than αη's *locum* is to be preferred): *nuper cum morte superioris uxoris novis nuptiis locum vacuefecisses, nonne etiam alio incredibili scelere hoc scelus cummulavisti?* Along with commentary by P. McGushin, C. Sallustius Crispus. *Bellum Catilinae: A Commentary*, Leiden 1977, 110–12.

29) Tiberius never adopted the title of *pater patriae*; on at least three occasions he is recorded as rejecting it: in AD 14–15 (Suet. Tib. 26.2, 67.2–4; Tac. Ann. 1.72.1; Dio 57.8.1); AD 19, after his intervention over the corn price (*parentis patriae*; Tac. Ann. 2.87.2); and after Sejanus' fall in AD 31 (Dio 58.12.8); it is likely that he was offered the title also in AD 33, after his currency reforms and suppression of informers (Dio 58.22.1; however the title is not specifically mentioned). The title, however, was used occasionally in inscriptions and on coins in the empire, e. g. an inscription found at Leptis Magna, which records the title; the editors suggest that the reason that the inscription bore this title was perhaps because it was cut soon after Augustus' death and before the official titles of the new emperor were known (IRT 329); cf. also the Gytheion inscription, which also records this *cognomen* (SEG XI no. 922); along with M. Grant, *Aspects of the Principate of Tiberius: Historical Comments on the Colonial Coinage Issued Outside Spain*, New York 1950, 44, who lists further examples. Valerius fully appreciates official titulature, and is able to circumvent Tiberius' wishes by the cognate *parens*, in order to present him in heroic terms, as the saviour of Rome (D. Wardle, *The Heroism and Heroisation of Tiberius: Valerius Maximus and his Emperor*, in: P. Defosse [ed.], *Hommages à Carl Deroux. 2, Prose et linguistique, médecine*, Brussels 2002, 433–440, at 437).

that in his departure, Catiline left the city standing and the citizens unharmed (Cat. 2.2: *quod incolumis civis, quod stantem urbem reliquit*).

The physical location, then, of Sejanus' condemnation – the Temple of Concord – coupled with Valerius' verbal echoes of Cicero's denunciation of Catiline's conspiracy, provide even further proof that the unnamed conspirator of 9.11.ext.4 was indeed Sejanus. And just as Cicero was granted the title *pater patriae* for his role in saving the Republic, so too, for Valerius, Tiberius is *parens* of the Fatherland, for his part in safeguarding the Roman Commonwealth – despite even his official rejection of the title.³⁰

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30) For Cicero, cf. Cic. Pis. 6, Sest. 121; Plut. Cic. 23.6. For Tiberius, see Val. Max. 9.11.ext.4: *tu videlicet efferatae barbariae immanitate truculentior habenas Romani imperii, quas princeps parensque noster salutari dextera continet, capere potuisti?*