

MAGIC AND THE ROMAN EMPERORS

(1 Volume)

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Abstract

Roman emperors, the details of their lives and reigns, their triumphs and failures and their representation in our sources are all subjects which have never failed to attract scholarly attention. Therefore, in view of the resurgence of scholarly interest in ancient magic in the last few decades, it is curious that there is to date no comprehensive treatment of the subject of the frequent connection of many Roman emperors with magicians and magical practices in ancient literature.

The aim of the present study is to explore the association of Roman emperors with magic and magicians, as presented in our sources. This study explores the twofold nature of this association, namely whether certain emperors are represented as magicians themselves and employers of magicians or whether they are represented as victims and persecutors of magic; furthermore, it attempts to explore the implications of such associations in respect of the nature and the motivations of our sources. The case studies of emperors are limited to the period from the establishment of the Principate up to the end of the Severan dynasty, culminating in the short reign of Elagabalus. The late Republican background of magic will also be explored as an introduction, since it is important to the understanding of the connection of emperors and magic in our imperial sources.

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INTRODUCTION

Roman emperors, the details of their lives and reigns, their triumphs and failures and their representation in our sources are all subjects which have never failed to attract scholarly attention. Therefore, in view of the resurgence of scholarly interest in ancient magic in the last few decades, it is curious that there is to date no comprehensive treatment of the subject of the frequent connection of many Roman emperors with magicians and magical practices in ancient literature.¹

The aim of the present study is to explore the association of Roman emperors with magic and magicians, as presented in our sources. This study explores the twofold nature of this association, namely whether certain emperors are represented as magicians themselves and employers of magicians or whether they are represented as victims and persecutors of magic and, furthermore, it attempts to explore the implications of such associations in respect of the nature and the motivations of our sources. The case studies of emperors are limited to the period from the establishment of the Principate up to the end of the Severan dynasty, culminating in the short reign of Elagabalus. The late Republican background of magic will also be explored as an introduction, since it is important to the understanding of the connection of emperors and magic in our imperial sources.

¹ Massoneau (1934:119-32) offers a brief and rather dated account of the association of several prominent Roman personalities with magic, from the Roman time of kings well into the Dominate, including many of the emperors this thesis is concerned with. There have been precious few recent studies on the connection of the emperors Caligula (Gury 2003) and Nero (Méthy 2000) with magic in ancient literature, but there is no attempt to draw a more general pattern on the relationship of emperors and magic in them. Cramer's seminal study (Cramer 1954) remains invaluable, though slightly dated, but only deals with the issue of astrology in Roman politics.

1.1 Magic

Many scholars have already outlined in their studies of the subject the process by which the concept of Magic emerged in the Greek world of the 5th century BC and the adoption of the concept by the Romans later on, so there should be no need for reiteration here other than pointing to the relevant studies.² For the purposes of this study I believe it will be sufficient to state my positions on the matter and define what is meant under “magic” in such an approach to the subject as the present thesis proposes to convey.³ The etic approach to the category of magic applied to our study of the ancient world is, in my opinion, not a useful one;⁴ modern western thought possesses a concept of magic which is significantly different from that of the ancients and indeed seemingly has evolved among certain circles, those of rationalists and proponents of a scientific world view, to include patterns of thought, beliefs and actions which do not conform to any understanding of the world which would not rest on the scientific method.⁵ If such is the route the modern evolution of the concept is to take, it should be apparent that the etic approach is of no use to studies of the ancient concept of magic. In fact, since our own popular concept of magic is apparently evolving and not static, by virtue of its not being fixed for us, it shows that it has even less application to the study of the ancient world.

The emic approach seems to be the only viable option. Since magic is a distinct category of Roman thought by the time of the establishment of the Principate,⁶ it is appropriate, put simply, to treat as magic what our sources treat as such. Even so, it is

² See e.g. Graf 1997:20-35; Bremmer 1999; Dickie 2001:18-46.

³ E.g. Smith (1995) argues that the term and the category is problematic and should be dispensed with; Hoffman (2002) discusses the critiques leveled against the usefulness of the term; Versnel (1991) argues strongly not only for the necessity of the category in scholarship, but also for an etic approach in its application to our subjects of study. See also Stratton (2007:4-12) for a recent discussion.

⁴ *Pace* Versnel (1991:184-5), I do not see why it would be impossible to think in the categories of a foreign culture, if those and their interrelations are sufficiently well known to the observer. Admittedly the etic approach is useful in the study of an alien culture, if we are to apply e.g. our scientific terms to explain natural phenomena not understood in the same manner by the culture in question, or terms which are analytical tools of social and historical study, such as the notion of “class struggle”. “Magic” belongs to neither of these categories, it is merely a culture-specific group of associated ideas descriptive of certain practices or modes of thinking, more often than not in non-neutral terms. Cf. Dickie 2001:19-20; Stratton 2007:12-5.

⁵ See also Styers 2004:14, 24ff; Stratton 2007:4.

⁶ For the evolution of the concept in Rome see Garosi 1978:33-73; Graf 1997:36-60; Beard North and Price 1998:154-6; Gordon 1999:164-5, 207, 229-31; Dickie 2001:124-41.

impossible to extrapolate from our sources an objective definition of what exactly would have constituted magic for any resident of the Roman Empire. This is best exemplified by the fact that such a debate was current even amongst the ancients; Apuleius professes quite openly to be a devotee of *magia*,⁷ but then again, in his words, not of what is *vulgarly* meant by this term; two letters of Apollonius also illustrate that very same viewpoint;⁸ the objective of Philostratus' defence of Apollonius of Tyana is to demonstrate that he was not a sorcerer, but nevertheless he has his hero perform the very same miraculous acts his detractors would have cited to brand him as such; in the same manner Jesus is nothing if not a sorcerer for Celsus⁹ and likewise Simon is a sorcerer for the Christian sect to which the author of Acts belongs.¹⁰

If “magic” then has no universally agreed upon meaning even for the ancients, then what is the purpose of us applying the emic approach to it? It is evident that even if “magic” had no objective meaning for the ancients, nevertheless, for the class of authors this study is mostly concerned with, i.e. the senatorial elite, it constituted a group of associated ideas and practices which either as stand-alones or in combination could be employed to designate one as a magician in the Roman world; rituals performed in secrecy, the employment of means such as *deuotiones* and *defixiones*, the invocation of unknown, alien deities, impiety towards the established Roman pantheon, the coercion of in contrast to supplication to the gods as a means of achieving results, certain miraculous feats disrupting the natural order such as drawing the moon down to earth, certain techniques of divination such as necromancy, and human sacrifice¹¹ all seem to have been accusations leveled against persons designated as sorcerers. It is particularly important to note the attitude of the senatorial class towards the practice of human sacrifice during the imperial period, as exemplified by the views expressed by Pliny. Despite the fact that witches and magicians, when depicted as resorting to human sacrifice, usually do so to

⁷ *Apol.* 26-7. See Graf 2002:94

⁸ *Epist.* 16: τῷ αὐτῷ. Μάγους οἶει δεῖν ὀνομάζειν τοὺς ἀπὸ Πυθαγόρου φιλοσόφους, ὧδέ που καὶ τοὺς ἀπὸ Ὀρφέως. ἐγὼ δὲ καὶ τοὺς ἀπὸ τοῦ δεινὸς οἶμαι δεῖν ὀνομάζεσθαι μάγους, εἰ μέλλουσιν εἶναι θεῖοι τε καὶ δίκαιοι. and 17: τῷ αὐτῷ. Μάγους ὀνομάζουσι τοὺς θεῖους οἱ Πέρσαι. μάγος οὖν ὁ θεραπευτὴς τῶν θεῶν ἢ ὁ τὴν φύσιν θεῖος, σὺ δ' οὐ μάγος, ἀλλ' ἄθεος. Cf. Garosi 1978:84-5.

⁹ Origen *c. Cels.* 1.6.

¹⁰ Acts 8.9-11. See Tuzlak 2002:420-6; Stratton 2007:125-30.

¹¹ Cf. Beard, North and Price 1998:233-4.

achieve specific results, such as necromantic divination or the creation of a malevolent spirit bound to the will of the necromancer, Pliny seems to regard the very practice of sacrificing a human being as magical. Indeed, Pliny considers the practice of human sacrifice as a diagnostic of magic¹² to the degree that he remarks that, given how widespread this practice is in his contemporary Britain, one would think that magic originated in the West, whence it spread to Persia, the latter being in his view the actual cradle of magic.¹³ Even more telling of his views on the matter is his remark about the role of Rome as a champion of civilization on account of her opposition to magical practice, which took form as the outlawing of human sacrifice by *senatusconsultum* in 97 BC and as the suppression of druidic religion¹⁴ under the Principate. Pliny offers further evidence of the senatorial view of human sacrifice as a typically magical practice when he lists Nero's pleasure in sacrificing human beings among the factors that should have enabled him to make magic work (others being the ease in procuring whatever obscure ingredients required on account of his status), had it not been for the fact that magic is an ultimately fruitless pursuit.¹⁵ Pliny therefore seems to imply that performing human sacrifice is a task which a magician would perform on a routine basis. It is for these reasons that I consider human sacrifice to be an issue that was inextricably linked with magic in the minds of Romans in the imperial era and references to human sacrifice in our sources to be relevant to the subject of this thesis.

¹²Cf. Beard, North & Price 1998:234.

¹³NH 30.13: *Britannia hodieque eam (sc. magiam) adtonita celebrat tantis caerimoniis, ut dedisse Persis uideri possit.*

¹⁴NH 30.12: *Extant certe et apud Italas gentes vestigia eius in XII tabulis nostris aliisque argumentis, quae priore volumine exposui. DCLVII demum anno urbis Cn. Cornelio Lentulo P. Licinio Crasso cos. senatusconsultum factum est, ne homo immolaretur, palamque fit, in tempus illud sacra prodigiosa celebrata. Cf. also NH 30.13: nec satis aestimari potest, quantum Romanis debeatur, qui sustulere monstra, in quibus hominem occidere religiosissimum erat, mandi uero etiam saluberrimum.* It should be noted that the druids, known in antiquity, among other things, for performing human sacrifices, are considered to be magicians by Pliny: NH 16.249: *...Druidae-ita suos appellant magos (sc. Galli).*

¹⁵NH 30.16: *nihil membris defuit. nam dies eligere certos liberum erat, pecudes uero, quibus non nisi ater colos esset, facile; nam homines immolare etiam gratissimum.*

1.2 Astrology

It is necessary to add a few comments here about the manner in which our sources treat astrology and astrologers, a practice and a group of professionals who somehow appear frequently on the penumbra of magic. The debate raged among scholars and philosophers of the imperial era about whether this pseudo-science was an accurate way of predicting the future or whether it was mere learned nonsense.¹⁶ Nevertheless the fatalistic world view, which a belief in astrology advanced, was a useful tool for legitimizing imperial power acquired by any given emperor, as his accession to the purple obviously would have to be written in the stars and not much could be done to change that;¹⁷ imperial propaganda as found on artifacts such as coins and medallions or in literature could be replete with astrological references serving to point out the emperor's legitimate status on the throne of the empire.¹⁸ Unsurprisingly, since it had gained such vogue as an accurate method of divination, virtually all emperors employed the best astrologers of their time in their court, while a few of them are reported to have been adept astrologers themselves. The corollary however to putting such faith in the accuracy of astrology is that an astrological prophesy about the immanent fall of the emperor, due to any reason whatsoever, could be given equal credence and create political instability; Augustus probably realized this near the end of his life and by what is referred to as “the Augustan edict of 11 AD” he declared any attempt at astrological divination concerning the Emperor or members of the imperial family an offence punishable as treason.¹⁹

Astrology in and of itself was not considered magic. This should be clear from the fact that what was considered as magic was almost invariably seen, at least by the Roman gentlemen who serve as our authorities, as an outrage of one kind or another, while astrology and the accuracy of its tenets received wide endorsement. It is however

¹⁶ Cramer (1954:44-80) provides an extensive summary of the conversion of Roman to astrological beliefs and of the opposition such ideas encountered. See also Barton 1994:52-7.

¹⁷ For the correlation of the rise of astrology and increase of autocracy see Barton 1994: 38-9, 62-3. Potter 1994: 146-7. Barton (1994:42) astutely notes in reference to Tiberius' connection with astrology in our sources that “where tyrants appear, astrology is a leitmotiv in the literature”.

¹⁸ See e.g. Barton 1994: 40 ff.

¹⁹ Dio Cass. 56.25.5. Cf. Cramer 1951b:9. See Beard, North and Price 1998:231-2.

undeniable, that astrology was conceptually connected in some manner with magic;²⁰ Pliny considers it one of those disciplines the union of which gave birth to magic in the first place;²¹ the best of astrologers, such as Nigidius Figulus or Thrasyllus, regularly seem to have a few more tricks up their sleeves than plain astral knowledge;²² *sagae* are not oblivious to the workings of the stars either²³ and witches can pluck the moon from the sky, which could be a poetic metaphor for predicting a lunar eclipse;²⁴ furthermore one could not hope to make effective magical potions out of herbs unless one knew their special affinities with the heavenly bodies and collected them when the stars were appropriately aligned.²⁵ Clearly astrology was a useful discipline for the would-be magician to master. On the other hand not every astrologer would have to be a magician by default; after all Pliny did consider astrology a progenitor of magic, but he considered medicine to be so too.

However, when attempting to assess the the connection between astrology and magic in Roman thought, it is well to keep in mind Garosi's astute observation, namely that Romans probably did not connect astrological divination with magic simply on theoretical grounds, but rather because they notionally lumped astrology together with forms of magical divination, when those were used towards illegal and subversive purposes, such as the attempt to determine the date of the emperor's death.²⁶ Therefore, if astrology was considered magic by association to other practices of magical divination that could be used towards illegal purposes, one can see the rhetorical value of associating an opponent with this practice.

The level of credence our main authorities appear to give to astrology varies.²⁷ For Tacitus it is quite clearly a form of *superstitio*²⁸ and astrologers are a perfidious class of

²⁰ See also Graf 1999:294

²¹ *NH* 30.2

²² For Nigidius see chapter I.2. For Thrasyllus see Chapter II.1.

²³ see also Philostr. *VA* 7.39.

²⁴ e.g. Virg. *Buc.* 8.70: *Carmina uel caelo possunt deducere lunam*; cf. Cramer 1954:196.

²⁵ Cf. the story of Thessalus of Tralles in *De uirtutibus herbarum* 1-28 in Friedrich 1968:43-53.

²⁶ Garosi 1976:76.

²⁷ For extensive treatment see Fögen 1993: 89-181.

²⁸ *Hist.* 2.78. Cf. Grodzynski 1974:52-3. In the *Annals* however he seems somewhat less sceptical on the issue of fatalism and prepared to accept that there might be something in astrology. See Barton 1994:52-3. For *superstitio* see next section.

parasites which the Empire cannot or will not get rid of,²⁹ so far as the association of emperors with them goes, he is very critical.³⁰ Suetonius, Dio and the SHA on the other hand generally seem to report the fulfillment of various astrological predictions with the conviction that astrology is a valid form of divination. What is of interest however is that all of our authorities connect astrology with magic in various ways; emperors interested in astrology rarely stop at that in their attempt to know about the future; astrologers are often confused with magicians; certain astrologers seem at times to suggest courses of action very much in line with what would be considered magic. It is for these reasons that I consider astrology relevant to the discussion of the connection between magic and the Roman emperors in our sources.³¹

1.3 Superstitio

An important term used in Latin to delineate practices and beliefs such as those mentioned above is *superstitio*. Although long debates, which need not concern us here, have been conducted amongst scholars about the etymology of the word,³² its semantic field seems nonetheless relatively clear; one describes by it, almost always in a derogatory way, religious practices which fall outside the norm of Roman official religion,³³ i.e. the religious practices a member of the senatorial class would ideally be expected to observe. Since divination and prayer for results is a major part of religious practice, we find *superstitio* applicable to those as well. Magic, being largely conceptualized as an improper way of conduct of humans towards the divine³⁴ and a mockery of proper Roman religion, is often defined in terms of falling under *superstitio*

²⁹ *Hist.* 1.22.

³⁰ Cf. Fögen 1993:110-2.

³¹ See section 1.4.

³² See Janssen 1975 for exhaustive discussion and bibliography.

³³ Cf. Calderone 1972:383; Grodzynski 1974:44-8; Salzman 1987:174; Rives 2007:184. See also the discussion in Beard, North and Price (1998:221-5) on varying attitudes of our authorities towards *superstitiones*.

³⁴ This can indeed include what we would today call excessive religiosity; Suetonius e.g. describes Domitian's fanatical devotion to his patron deity Minerva as *superstitio* (Suet. *Dom.* 15.3: *Minerua, quam superstitiose colebat...*); cf. Grodzynski 1974:41-4.

or indeed is synonymous with it.³⁵ Therefore this link between what is seen as *superstitio* and what is considered as magic in our sources will be taken into account in this study when I attempt to explore the connection of emperors to magic and practitioners of magic.

1.4 Magic as Discourse

Given the inexistence of a universally agreed upon theoretical definition of magic and the overwhelmingly negative outlook of our sources towards what they consider magic and its practitioners, I believe the most fruitful way of treating this concept is as a form of discourse, that is a group of stereotypes, accusations and counterlegislation.³⁶ The of terms and concepts which make up the semantic field of magic is consistently employed as a device of delegitimizing persons social groups and practices by virtue of its negative, antisocial and anti-establishment associations. The employment of magic as a discourse and a device of marginalization (or “othering”) in antiquity against certain social groups of lower standing or rival groups has been explored in general by Stratton and others in more specific cases.³⁷ I believe this approach is of great interest and use to scholars interested in matters such as social standing and discrimination against groups of low standing in the ancient world; nonetheless it comes as a surprise when one sees the same type of discourse being employed in our sources against men of the highest standing, namely the emperors.³⁸ In this study I therefore propose to explore the employment of the magic discourse against the emperors, but also by the emperors in the form of anti-magic legislation and measures, and explore its implications from as many angles as possible.

³⁵ Grodzynski 1974:39, 53.

³⁶ On the notion of discourse as utilized here see Foucault 1972:23-79; Stratton 2007:15-8.

³⁷ See Stratton 2007:39-69.

³⁸ Possibly a case could be made from a structural anthropologist point of view that this is an instance of what is called the “lonely marginal at the top”. See Vernant & Vidal-Naquet 1981:103ff; Bremmer 1983:304ff; Stern 1991; Versnel 1993:64ff.

1.5 Emergence of the Roman Concept of Magic

Since one of the subjects this thesis will attempt to deal with is the formation of the discourse of magic, it will be useful to give an exposition of when I believe that the Romans began to operate with a concept of magic. However, given that this thesis is concerned primarily with the era of the Principate and draws on senatorial historians as its principal sources, what I will consider as magic is what I believe the senatorial elite would have considered as such. In the above I gave a list of practices and ideas which the elite in the imperial era considered to be the domain of magicians; some of the salient features of what was conceptualized as magic in that sense would be a) a mostly ineffectual attempt through certain secret means such as *uenena*, *carmina*, *deuotiones* etc to affect reality and disrupt the natural order to the magician's benefit or to divine the future and b) the opposition of such practices to normal religious attitude towards the divine and their barbaric and foreign³⁹ nature which ran contrary to Roman civilized conduct and piety. This at least briefly summarizes Pliny's opinion of magic, I believe, not only as that of an individual, but also as a representative of the worldview of his class during the period in question, namely the Principate.

The concept of affecting persons and the natural world by means of spells, incantations and potions is undoubtedly one of significant antiquity among the Romans, no different than it is for any other ancient people. The same applies to private divination by people such as wise women and itinerant prophets. The earliest literary evidence from Rome shows, however, that such practices were viewed as neutral in nature; *carmina* and *uenena* could be either *bona* or *mala*⁴⁰ and the word *ueneficium* is neutral in tone,⁴¹ meaning simply the concoction of potions, either maleficent or beneficiary. It is evident that at least from the time of Plautus a *ueneficus* would be viewed with suspicion,⁴² but it is only common sense to be wary of persons with exceptional powers which they could use to cause harm in an unpredictable manner. From the point of view of our culture such

³⁹ As Graf (1996:56) points out there is no compelling evidence that magic was originally thought of as a typically foreign practice in Rome.

⁴⁰ *Dig.* 56.10.256. Cf. Huvelin 1903:38, 83 and Fraenkel 1925:196.

⁴¹ See also Dickie 2001:136-7.

⁴² Dickie 2001:133.

practices obviously would constitute magic and they doubtless formed a particular conceptual category in ancient Roman thought, which for lack of a better word or reasons of convenience is often described as "magic" in modern scholarship. This concept is however a precursor of the concept of magic which the senatorial class operated under from the time of the Principate and on. The reason why those two should be regarded as forming separate conceptual categories is that we do not encounter the concept of religious deviance in the earliest sources as a salient feature of that ancient concept of magic.⁴³ Indeed, magic in that sense plays no role in a case of infamous religious deviance and persecution such as that of the Bacchanalian cult.⁴⁴ Even more significant, on account of its relative lateness, is Cicero's speech *in Vatinius*, in which the author accuses the defendant Vatinius of criminal religious deviance in the form of human sacrifice in service to the latter's cult.⁴⁵ Cicero does not once accuse Vatinius of *ueneficium*, instances of which were by then punishable under the *Lex Cornelia*; the reason for this could well be that human sacrifice was not normally connected with *ueneficium* or what we would call "magic" by that time.⁴⁶ Cicero's concept of magic then was not the same as that which was current during the Principate.

The first literary instance, to the best of my knowledge, in which we see the old "magical" practice of *ueneficium* being conceptually connected with notions of religious deviance and barbarous inhuman practices, is to be found in Horace's fifth Epode which deals with the workings of Canidia and her coven of witches. Horace depicts Canidia not only as a sinister *uenefica*, who murders a Roman youth for the purposes of concocting a love potion, but also as priestess of a cult, as she evokes Diana and Night (*Nox*)⁴⁷ in her magic-working. Canidia is more cruel than the proverbially savage Thracians⁴⁸ and the magic she and her accomplices work is presented as foreign (e.g. the reference to *uoce Thessala*⁴⁹). Furthermore, the youth's entreaties make it clear that such actions are

⁴³ See also Dickie 2001:133.

⁴⁴ See Chapter V.1.b.

⁴⁵ *In Vat.* 14.

⁴⁶ Cf. Graf 1996:39-40.

⁴⁷ Hor. *Epod.* 5.51

⁴⁸ Hor. *Epod.* 5.11-14

⁴⁹ Hor. *Epod.* 5.45

frowned upon by Iuppiter,⁵⁰ while he claims that he will return as a ghost to avenge himself upon the witches.⁵¹ Herein one can see several of the defining features of the type of the magician as they appear in Roman thinking under the Principate; resort to human sacrifice, opposition to Roman religion and morality, exotic and harmful magical practices are often attributed to magic and magicians in poetry of the Augustan era.⁵² The development of the negative discourse on magic and the concept of magic as was current among members of the Roman aristocracy in the imperial era appears to have its roots in this period.

2. The Sources

The bulk of ancient sources I have explored in the course of this study consist mainly of Roman historians and authors mostly of senatorial rank or, with the exceptions of Suetonius⁵³ and possibly Herodian, authors mostly reflecting the world view of the senatorial elite. The senate never became irrelevant in the time period under examination, but nonetheless its powers and authority were significantly curbed under the emperors. Therefore it is to be expected that senatorial historiography reflects an almost uniform view of the office of the *princeps* and the establishment of the Principate as a necessary evil;⁵⁴ nevertheless, as is the case with ancient historiography, its focus is more on the great or influential men as the makers of history and servants of the traditional institutions which conduced to the growth and greatness of the empire and much less so on the role of factors such as the economy and the masses within any notion of historical *Prozess* the intellectuals among the Roman elite worked under. Therefore much of history consists in fact of moralistic biography focusing on the virtues and vices of

⁵⁰ Hor. *Epod.* 5.8

⁵¹ Hor. *Epod.* 5.89 ff

⁵² E.g. the suggestion that magic-working is frowned upon by the gods in Virg. *Aen.* 4.492-3 and the warnings against love filters which coerce the goddess of Love, Venus, against her will and may be harmful to the consumer in Ovid's *Ars Amatoria* 2.105, 419.

⁵³ Suetonius often reflects senatorial views in his writings; see July 2005 for more specific examples of this in his biography of Nero.

⁵⁴ Cf. Christ 1978:451, 464-70. See Tac. *Ann.* 1.1-10; Dio Cass. 53.19.

emperors, the influential men who embodied the Roman state in their person. The fates of the senatorial class are thus directly ruled by the extent of the emperor's moral strengths and weaknesses and if their class falls on hard times, it only follows that the emperor's moral flaws and abandonment of ancient aristocratic Republican values is to blame. For this reason senatorial historiography seems to have operated under a uniform canon of "good" and "bad" emperors; the more a *princeps* deviated from the senate-serving oligarchical principles of the Republic or his actions diminished the power of the senatorial class and increased his own, the more he was liable to be cast as a tyrant,⁵⁵ a *malus princeps*⁵⁶ by authors following the senatorial line of historiography. In this study I will attempt to demonstrate how the association of certain emperors with magic in senatorial historiography contributes to the consolidation of their image as Roman tyrants.

While senatorial historiography focuses on the figure of the emperor employing magic as a delegitimizing form of discourse, there also exists a smaller body of works and references which follow the inverse procedure; these sources I term "magical literature" and they consist of works or oftentimes second-hand accounts which utilize the prestige of the emperor's figure to give legitimacy to what could be described as magical practice; such accounts most often cast the emperor as a witness to a demonstration of the efficacy of a magical ritual or the power of a certain magician. In this study I will attempt to show that the existence of such accounts, however, has more implications for the image of an emperor than simply being opportunistic pieces of propaganda on the part of the authors of "magical literature" for the purpose of peddling their "goods". Oftentimes one can trace a tendency on the part of the official imperial propaganda to absolve an emperor from such associations.

⁵⁵ For the purposes of clarity, I do not maintain that anyone of those authors were proponents of a return to the Republic by any stretch of the imagination. The essence of the tyranny they deplore in their writings is despotic arbitrariness on the part of a *princeps* resulting in the loss of *libertas* of the senatorial class; cf. Roberts 1936:11-2. Tacitus called *libertas* and the Principate incompatible until the reign of Nerva and Trajan, under whom he is writing (*Agr.* 3). See also Hammond 1963.

⁵⁶ The term is used with more of a direct reference to Domitian by Tacitus in *Agr.* 42: ... posse etiam sub malis principibus magnos uiros esse ... In the SHA *Life of Aurelian* there is a catalogue of things that make emperors bad; *Aur.* 43.1: 1 Et quaeritur quidem, quae res malos principes faciat: iam primum, mi amice, licentia, deinde rerum copia, amici praeterea improbi, satellites detestandi, eunuchi auarissimi, aulici uel stulti uel detestabiles et, quod negari non potest, rerum publicarum ignorantia. See also Bird 2003.

The part of this study dealing with more historically concrete claims concerning anti-magic legislation, magic trials and expulsions of astrologers and the like, inevitably draws mainly upon senatorial historians, mostly Tacitus and Cassius Dio, who again have an agenda to pursue in their presentation of the procedure of magic trials, as well as sources such as the *Sententiae Pauli*, the *Codex Theodosianus* and the *Codex Iustinianus*, which contain non readily dateable evidence. I will attempt an exposition of the difficulties posed by our sources on this subject as well as an extrapolation from them of information relevant to this study.

3. Structure

This study consists of two main parts; the first deals initially with case studies of certain late Republican figures of senatorial rank (Chapter I) who came to be associated with magic in their time and subsequently in imperial literature, while its main focus is naturally the case studies (Chapter II) of emperors from Tiberius to Elagabalus and their connection with magic in our sources. This part deals with the representation of those figures as magicians and employers of magicians and the motives of the authors presenting us with this association. I treat these accounts as anecdotal, in the sense that their content consists of what could be considered as anything ranging from unverified hearsay to downright slander at times. Our sources most often utilize such accounts to cast their subjects, especially the emperors in question, in a negative light, namely as hostile propaganda. My interest in such accounts is primarily in establishing their rhetorical purpose in a given narrative; establishing their historical accuracy on the other hand is, generally speaking, not an issue I will concern myself with in this thesis. In fact the anecdotal nature of such accounts warrants an agnostic attitude towards their historicity, if not, in fact, outright doubt.

The second part deals, broadly speaking, with the legal status of magic during the period this study covers. Chapter III acts as a connection between the studies on representation of imperial association with magic and the repression of magic by the

emperors; it deals with the accounts of two magic trials before emperors and explores the rhetorical purposes of the magic-trial account in senatorial historiography. Chapter IV deals with the evolution of Roman counter-magic legislation from the XII tables to the early Christian era, as the discussion of the subject would be complete without reference to the early Christian legislation. The discussion focuses on the degree to which religious considerations entered into the pre-Christian counter-magic legislation with a view to religion serving as an instrument of centralization of power and advancing imperial authoritarianism. Chapter V deals with mass persecutions of groups connected with religious deviance in the Republic and with unsanctioned and subversive divinatory practices under the Principate and the early Christian Empire.

CHAPTER I

THE ROMAN ARISTOCRACY AND THE EMERGENCE OF MAGIC AS AN INSTRUMENT OF POLITICAL DISCOURSE IN THE LATE REPUBLIC

Introduction

In this chapter I will attempt to review the cases of three late Republican figures, Appius Claudius, Nigidius Figulus and Sextus Pompeius, all members of the Roman aristocracy, in regard to their connection with magic in contemporary and imperial sources. Through this exposition I will attempt to show the manner in which the concept of magic began to be utilized as an instrument of political discourse against one's opponents either on the senate floor or in wartime; it will be shown that being branded a magician in such a context is invariably coupled with accusations of insanity and barbarous and un-Roman behaviour, thus making magic the nexus for a set of powerful accusations in order to delegitimize an opponent and his cause. Finally it will also be shown that the late Republican era is the period in which the two opposing views on the status of magic first make their appearance, the minority view regarding it as a pious and scholarly pursuit, in the model of the actual Persian *magi*, and the majority view, at least as represented in our sources, which regards it as a practice worthy only of demented criminals or charlatans.

1. Appius Claudius Pulcher

Appius Claudius Pulcher is known to us as an expert in matters of divination through numerous references in the works of Cicero with whom he maintained correspondence

and, apparently, friendship. We also possess a piece of fiction by Lucan⁵⁷ in which Claudius' historically attested⁵⁸ consultation of the Pythia at Delphi a short while before the battle at Pharsalus is treated in Lucan's usual lurid style when it comes to divination scenes.

The references relevant to him paint a picture of his being a highly knowledgeable scholar in matters of religion and augury;⁵⁹ he was a member of the college of augurs and had written a book on the subject of augury⁶⁰ which had apparently come to be regarded as a reference work.⁶¹ He was one of those members of his college who took their trade in earnest and consequently had come to be regarded, despite his vast erudition, as naively superstitious by his more rationalist colleagues,⁶² among whom Cicero himself probably numbered.⁶³ What renders his case of interest to us is his consistent representation as a diligent researcher into various areas of what we would today term, for lack of a better word, as "occult" or "supernatural" and what makes him more interesting is that his researches seem to have led him to the investigation of fields beyond the limits of Roman experience.⁶⁴ What makes him strictly relevant to this research is that one encounters the assertion of Cicero twice in his works that Claudius had an interest in and practiced

⁵⁷ *Phar.* 5. 67-236.

⁵⁸ Val. Max. 1.8.10; Orosius 6.15.11; cf. Ahl 1969: 333.

⁵⁹ Cic. *Brut.* 267.

⁶⁰ Cic. *Ad Fam.* 3.4.1.

⁶¹ Cf. Ahl 1969: 333.

⁶² *De Diu.* 1.105, cf. Pease 1963: 289, Dickie 2001: 169.

⁶³ Pease 1963: 133.

⁶⁴ Cf. Münzer 1899:2853 for epigraphical evidence on Claudius' relations with the Oracle of Amphiaraos and his restoration of the ancient entrance hall of the temple of Demeter in Eleusis. According to Dickie (2001: 169) this could point towards his initiation in the mysteries. His consultation of the Oracle at Delphi is only to be seen as another manifestation of his seeking of exotic religious activities.

In this light the slur directed against him by his rationalist colleagues than he was "a Pisidian and a Soran augur (Cic. *De Diu.* 1.105: *tum Pisidam, tum Soranum augurem esse dicebant*)" could have originated not only as an allusion to the fact that the Pisidians and the Marsi had become a byword for superstition, but because Claudius had probably studied their systems of augury and made comparisons with the Roman in his book on augury; cf. Rawson 1985:302. It is in fact difficult to imagine that a man of his disposition would not have had studied at least the Pisidian system of augury, since he had every opportunity to do so while he was governor of Cilicia. This becomes all the more probable if one takes into account the fact that Cilicians and Pisidians were credited to be among the first peoples to have developed this particular kind of divinatory technique; cf. *De Diu.* 1.92, 94.

necromancy,⁶⁵ a practice invariably seen as peculiar to sorcerers⁶⁶ by the Romans of his age.

As far as imperial literature is concerned, it is Lucan's representation of Claudius which merits some examination. Claudius visits the Oracle of Delphi at the start of the Civil War to find out about his fate.⁶⁷ The Pythia, Pemonoe, is reluctant actually to allow herself to become possessed by Apollo in order to give a real prophesy, as this experience is often fatal, as Lucan informs us. Claudius realizes that the Pemonoe is faking her possession and threatens her with retribution if she does not allow herself to become genuinely possessed by the god; Pemonoe in terror complies with Claudius' demands and Apollo delivers a prophecy to Claudius through her, that he will escape the brunt of the war by staying in Euboea; the reader perceives the irony of the prophecy, as Claudius historically died a short while after. The fate of Pemonoe is unclear, though we might assume that she does not survive the experience.

The structural similarities between the divination scene at Delphi and the necromancy scene of book 6 of the *Pharsalia*⁶⁸ have already been pointed out by Ahl.⁶⁹ The two scenes exhibit a structural correspondence with Claudius filling the role assumed by Erictho and the Pythia filling the role assumed by the resurrected Pompeian soldier; Claudius' threats to the Pythia parallel those of Erictho to the gods of the Underworld and Claudius' violent manhandling of the Pythia parallels the lashing of the Pompeian soldier's corpse by Erictho utilizing a live snake. On the a whole, Claudius' consultation of the Oracle is closely paralleled to a magical ritual.⁷⁰

⁶⁵ *Tusc. Disp.* 1.37, *De Diu.* 1.132. It is of interest that this practice is not connected with impiety in either passage, and Cicero seems to be remarkably calm in ascribing to his friend a practice which was generally dreaded and luridly depicted in Rome of his time. Cf. his own slandering of Vatinius (*In Vat.* 14) as a necromancer, which purports that Vatinius sacrificed children to the gods of the Underworld and the depictions of the witch Canidia in Horace's *Epodes* 5 and 17.

⁶⁶ Dickie 2001: 168.

⁶⁷ *Phar.* 5.102-95.

⁶⁸ *Phar.* 6.413-830.

⁶⁹ Ahl 1969:339.

⁷⁰ Ahl (1969:333) seems to miss the significance of *sacerdos* attributed to Claudius in 5.145; it should be taken as a simile meaning "like a priest" not as an actual reference to his priestly status. The scene is somewhat reminiscent of the preparation of human sacrifice in *Aen.* 2.132-3: the fact that we are told that the prophetess' life is threatened or at least shortened each time she becomes possessed by Apollo to deliver prophecy (5.116-120) and the fact that Claudius himself equips her with a *uitta* (5.143, cf. *Aen.* 2.133) which he ties her hair with before coercing her to prophecy, likens the Pythia to a sacrificial victim and Claudius to the one who performs the sacrifice, that is a *sacerdos*. It is notable that human sacrifice was

What is most striking to the reader of Lucan is the violent manner in which Claudius treats such a sacred person as the Pythia of Delphi; this could be there as a portrayal of the actual character of the historical Claudius.⁷¹ On the other hand, if Lucan took violent nature and impiety⁷² as hallmarks of the sorcerer (and his portrayal of Erictho shows that he evidently did), the reason why he portrays Claudius treating the Pythia in such a manner could well be in line with a conception, common perhaps among Romans of his time and earlier, that Claudius had in fact been a sorcerer. Furthermore, Lucan's apostrophe to him as a "consultor operi"⁷³ seems to echo Cicero's comment about the curiosity of Nigidius⁷⁴ which impelled the latter to explore that which is hidden in Nature. Lucan's Claudius could thus be seen as an example of the sorcerer type, and his historical conception of him as such certainly influenced his representation.

2. Nigidius Figulus and the "*sacrilegium Nigidianum*"

Nigidius Figulus, reportedly the greatest Roman polymath of his time after Terrentius Varro, is a significant late Republican figure in terms of his importance for the history of the evolution of the concept of magic in Rome and its association with educated members of the senatorial class. Nigidius along with other personalities of the late Republic, such as Sextus Pompey and Claudius Pulcher, discussed elsewhere in this study, belong to the type aptly termed by Dickie as "learned magicians".⁷⁵ These highbrow students of magic were portrayed as collectors of magical lore from a variety of sources and as having an analytical approach towards the subject in contrast to magicians of low classes, such as

regarded as the domain of necromancers in Roman thought, so this might point towards another parallel between the Oracle and the necromancy scenes.

⁷¹ Claudius was evidently a violent and ruthless man especially when it came to treating provincials see Cic. *ad Att.* 6.1.2. Cf. Constans 1921: 117; Carcopino 1951: 321-2; technically the Pythia is one of his subjects, as at the time of the consultation he was governor of Achaia (Val. Max. 1.8.10, Orosius 6.15.11).

⁷² It is not far-fetched to think that Claudius is punished by Apollo for his impiety in handling his priestess by being led astray by typical Delphic *ambages*. His very death might well be seen as his punishment in the epic, since Lucan has earlier suggested that god's word might be what shapes, not merely predicts, the future (5.92-3).

⁷³ *Phar.* 5.187.

⁷⁴ See next section.

⁷⁵ Dickie 2001:168-175

the *sagae* or the oft derided itinerant diviners which Cato warns against employing, thought to have more of a charismatic link to their powers than pure knowledge of how they operate.⁷⁶

Nigidius' own writings, which are extant in the form of short, scarce fragments or as testimonies,⁷⁷ reveal some interests which could be marginally indicative of magical interests⁷⁸ in the sense that some focus on divine hierarchies and identifications⁷⁹ the etymology and true names of deities;⁸⁰ this subject appears to be of great importance to magicians in the interest of their invocation of deities, as the claim of magicians in both literature and in actual magical texts is that the efficacy of their spells rests on knowing the true secret names of the deities invoked.⁸¹ He also appears from his writings to have been one of the first Romans to have dedicated themselves to the study of the quasi-magical discipline of astrology and other forms of divination. The existence of such passages in Nigidius' works does not however conclusively link him to practices thought of as magical by contemporary and later authors; Nigidius' link with magic, as usual, depends on his perception by others.⁸²

Nigidius is linked with magic or occult interests in both republican and imperial sources. In his introduction to his translation of *Timaeus*, Cicero pays a compliment to Nigidius stating that he revived the Pythagorean tradition of old. At the same time he states that Nigidius was a diligent researcher of all things terrestrial and divine even those which were intended to be hidden.⁸³ As has been noted,⁸⁴ this is a veiled suggestion that Nigidius was after forbidden lore or that he was over-curious about subjects best left

⁷⁶ *Agr.* 5.4; cf. Dickie 2001:162-164.

⁷⁷ For editions of testimonies on Nigidius and fragments of his work see Swoboda 1889 and more recently Liuzzi 1983.

⁷⁸ Nigidius actually seems to cite the *magi* in his works. Cf. Dickie: 1999:172. On the identity of the *magi* see Dickie 1999:172-7.

⁷⁹ Serv. Dan. ad *Bucol.* 4.10 (Swoboda 1899: 83).

⁸⁰ See Swoboda 1889:83-91. Macrobius *Sat.* 1.9.6.: pronuntiauit Nigidius Apollinem Ianum esse Dianamque Ianam, adposita D littera, quae saepe I litterae causa decoris adponitur...

⁸¹ The instances in the *PGM* are simply too numerous to list; as examples see *PGM* 1.36, 216, 2.127 etc. See also Lucan *Phar.* 6. 730-4 where Erictho threatens to use the true names of certain infernal deities in order to force them to do her bidding.

⁸² See also Cramer 1954:64-5.

⁸³ *Tim.* 1.

⁸⁴ Cf. Dickie 2001:171

untouched, this being a characteristic applied later, as we will see, to people of similar pursuits, such as Septimius Severus and Caracalla.

Nigidius apparently had formed a circle of like minded individuals with an interest in his Pythagorean revival, members of which were subject to invective for engaging in impious rites. Cicero's attack on Vatinius is the most famous example; in his *In Vatinium*, he accuses Vatinius of hiding his barbarity behind the name of "a most learned man" and performing necromantic child sacrifices to the gods of the Underworld in the context of his contempt for the established sacred practices of the Republic.⁸⁵ An ancient commentator⁸⁶ provides us with the information that the sect here meant by Cicero, with his reference to the *doctissimus homo*,⁸⁷ is the Pythagorean sect of Nigidius, which was not infrequently the target of such attacks. Nevertheless given that, according to the same commentator, he absolved Vatinius of all such implications of impious conduct in his later speech in the latter's defence, it is unlikely that he employed this type of accusation with the expectation to be taken much in earnest. This kind of accusation of being affiliated with the suspect group of Nigidius appears to have been a short-lived *topos* of political invective as evidenced not only by the commentator's remark that the sect did in fact have a number of critics, but also by a similar reference in the pseudo-Ciceronian *Inuectiua in Sallustium*; among a barrage of stereotypical invective accusations, Sallust is in passing said to have joined the "sacrilegious sect of Nigidius".⁸⁸

Magic is not mentioned as a category in any of the above passages; however several aspects of the later conceptualization of magic and magical practice are foreshadowed by these references. The starting point of Cicero's harangue against Vatinius is that the latter ignored the Roman sacred traditional divinatory practice of augury in favour of the impious and criminal practices promoted by his sect; one finds here an illustration of the juxtaposition of established religious practice and its political significance for Rome and "barbarous", i.e. un-Roman, marginal, cultic practices of the

⁸⁵ *In Vat.* 14

⁸⁶ *Schol. Bob. in Vat.* 14 (p.146 St.).

⁸⁷ Dickie (2001:170) considers this to refer to Pythagoras, but it is possible that it could refer to Nigidius himself as the spiritual leader of the sect in question.

⁸⁸ *Inuectiua in Sallustium*: 14. Carcopino (1927:196ff) argues that Nigidius' pythagorean organization was of a political as well as a religio-philosophical. The hostility of Caesar and his faction could then be the source of this sort of invective. Cf. Musial 2001:344-67.

type that would become connected with magicians. The confusion between philosophy, especially Pythagoreanism, and magic also presents itself here and will become more apparent in the following centuries in cases such as the portrayal of the 1st century Pythagorean sage Apollonius of Tyana as a full-blown sorcerer, Apuleius' defence of philosophy against association with witchcraft and events such as simultaneous expulsions of astrologers and philosophers from Rome in times of crisis; it is appropriate to mention here Jerome's characterization of Nigidius as "a Pythagorean and a *magus*"⁸⁹ which appears to have been the established perception of Nigidius in imperial times. Furthermore necromancy and child and human sacrifice is a practice regularly associated with magicians; Horace attributes it to Canidia and her cabal of *sagae* in his fifth *Epode*, which is not of a much later date than Cicero's speech.

The accusation of ritual child sacrifice was also a libellous charge that could be applied to suspicious fringe groups with a mystical agenda, such as the early Christians or that of Nigidius apparently, as well as individuals accused of magical pursuits. This was obviously the detractors' point of view, while the apologists set forth a different representation of the employment of children as instruments of divination, namely that of children being apt mediums for such purposes. Later on, we will see the case of the emperor Didius Julianus being accused by the hostile Dio of child sacrifice, while his apologist SHA biographer maintains that he only employed children as mediums in catoptromancy rituals.⁹⁰ Similarly, there seems to have been a parallel tradition to that of child sacrifice practiced by the Nigidians already mentioned by Nigidius' contemporary, Terrentius Varro, if Apuleius is to be trusted;⁹¹ Apuleius mentions reading in Varro that Nigidius had helped Fabius to find fifty denarii he had lost, by putting a boy in trance and employing him as a medium, thus finding out the lost coins. Furthermore, Cato the philosopher had possessed one of those coins, which Apuleius presents as an endorsement of such divinatory practices by philosophers in general. Apuleius mentions the episode in his defence of what he considers actual Magic, that is the ancient tradition of divine knowledge of the Median *magi*, as opposed to what is vulgarly called magic by

⁸⁹ Jer. *Chron.* 156 H.

⁹⁰ See Chapter II.9.

⁹¹ *Apol.* 42.

uneducated people such as his accuser. Apuleius' account shows that Nigidius and his sect were considered in imperial times, by those of similar inclination, as philosophers who followed in the steps of the *magi* in their pursuit of secret lore and practice⁹² of the knowledge they possessed⁹³ while their detractors would have simply regarded them as sacrilegious magicians.

Nigidius' reputation for expertise in divination comes however mainly from two famous astrological predictions attributed to him. The first one is reported by both Suetonius and Dio in very similar terms;⁹⁴ on the day the Senate was in session concerning Catiline's conspiracy, Octavius, the father of Octavian Augustus, arrived late in the Senate because his wife had just given birth; at that point Nigidius, learning the reason for Octavius' delay, examined the astrological circumstances of Octavian's birth and instantly knew that a despot had been born to the world, and according to Dio he even shouted this out to Octavius when he saw him; when the latter expressed his wish to kill the child, Nigidius said that this would be impossible as it was not fated to happen. The second astrological prophecy attributed to Nigidius can be found in Lucan's epic,⁹⁵ and it is the second out of three prophecies predicting the evils of the immanent civil war. Lucan claims that Nigidius was more learned in astrology even than the Egyptian priests of Memphis and the prophecy he delivers is given in a highly technical manner that could be appreciated by those with a real knowledge about how this pseudo-science was supposed to work.⁹⁶

What those two prophecies have in common is that in essence both deal with pivotal events connected to the end of the Republic and ultimately the birth of the Principate. As will be shown, astrology became greatly popular in imperial times and came to be connected with individual emperors as a tool of imperial propaganda and as a form of private divination too powerful for its use to be left unchecked; as autocracy grew, the traditional forms of public divination of augury and *haruspicium* gave way

⁹² Cf. Dickie 1999:171. It might be worthwhile mentioning in connection to this that there survives a brontosopic calendar in Greek attributed to him, probably dating from the early Byzantine era; see Piganiol 1951.

⁹³ Cf. Dickie 2001:171-2

⁹⁴ *Aug.* 92, Dio Cass. 45.1.3.4.

⁹⁵ *Phar.*: 1.639-665.

⁹⁶ For the specifics of the prophecy see Getty 1941, Getty 1960, Floratos 1958.

before astrology, which the rulers also saw fit to control by legislating topical restrictions in its use. Evidently the theme of the connection between astrology and autocracy already emerges here in stories told about Nigidius, one of the first Roman astrologers.

Appius Claudius and Nigidius Figulus are early representatives of the type of the “learned magician” in Rome of the late Republic. As noted earlier, their perception as either diligent researchers into every facet of the natural and the divine⁹⁷ or as members and leaders of sacrilegious cabals of sorcerers marks the beginning of the divide between the pro-magic discourse of what I have termed “magical literature” in the introduction and the contra-magic and heavily politicized discourse exemplified by senatorial historians, which will be examined in more detail in the section to follow as well as the second chapter in this study.

3. Sextus Pompeius

The overview of the evidence for the connection of Nigidius Figulus and Appius Claudius with magical practices illustrates the emergence of the type of the learned magician in the late Republic and its further development during the Empire; evidently magic and *superstitio* would no longer be the exclusive domain of *sagae* and itinerant charlatans, namely representatives of the lowest social strata. Furthermore this connection of Roman aristocrats with magic has been shown to have had political overtones in the form of the standard forms of invective against the *sacrilegium nigidianum*; the emergent concept of magic with its associations of impiety, sacrilege and child sacrifice had already entered Roman political life as a staple of political invective.

The connection of Pompey the Great’s son, Sextus Pompey, with magic is another and more telling case in point; it is well to keep in mind that Sextus was one of the major enemies of the Second Triumvirate, and especially Augustus, in the last days of the Republic; therefore it seems safe to assume that, since most stories connecting him to magical practices, necromancy specifically, are set in the background of the Civil Wars,

⁹⁷ Cf. Rawson 1985:94.

they originated as or were somehow connected with Augustan propaganda against him.⁹⁸ In the following I will attempt an exposition of the various accounts connecting Sextus with magical practices and trace their origins wherever possible.

The best known story about Sextus' interest in magical practices, is to be found in the famous necromancy scene in the sixth book of the *Pharsalia*;⁹⁹ Lucan has Sextus, "the unworthy son of a great man",¹⁰⁰ accompanied by his unnamed partners in crime, pay a visit to the Thessalian witch Erictho on the eve of the battle of the battle of Pharsalus, in order to enquire as to the outcome of the imminent struggle. Erictho is happy to oblige and by performing a ghastly necromantic ritual, that has been suggested to contain far too many references to actual rather than fictitious and literary magical practice,¹⁰¹ she reanimates the body of a fallen soldier and has him reveal what the future holds for Pompey; ultimately no definitive answer is given other than that the prospects are rather bleak for the Pompeian faction. The scene is however worthy of a closer examination regarding the image of Sextus. The unworthy son of Magnus who later turns a "Sicilian pirate" is evidently well versed in the magical arts himself;¹⁰² the reason he seeks answers in the unholy necromantic practices of Erictho rather than trying legitimate and pious forms of divination is that he considers it more effective¹⁰³ and that he is himself impious. Impiety towards the gods expressed as contempt towards the apparatus of state religion, an attempt to coerce the divine into obedience and the reversal of natural

⁹⁸ Cf. the reference to him as a "Sicilian pirate" in *Phar.* 6.422. The reference is to Sicily as his base of operations against the regime of Augustus in Rome during the period of 42-36 BC. Labeling an opponent as a "pirate" was evidently not new to Roman political invective; cf. Cicero's labeling of Mark Anthony as an "*archipirata*", a "Pirate King" (*Philip.* 13.18). Sextus' styling as a pirate seems to have become a rhetorical commonplace by the time of Quintilian (*Inst.* 3.8.44), owing probably to the neat antithesis with his father having been the scourge of piracy in his days of glory. Cf. Massaro 1980: 409.

⁹⁹ *Phar.* 413-830.

¹⁰⁰ Augustan literature is generally favourable towards Pompey the Great; cf. Syme 1960: 317. For a discussion of Pompey the Great's standing as a character and hero of the *Pharsalia* see Marti 1945: 367ff. Fauth (1975: 330) correctly notes that Sextus' unworthiness as proclaimed by Lucan is closely linked to him being devoted to magic.

¹⁰¹ Cf. Volpilhac 1978. See also Ogden 2002a: 198-9.

¹⁰² *Phar.* 430-3: *ille supernis detestanda deis saeuorum arcana magorum nouerat et tristis sacris feralibus aras, umbrarum Ditisque fidem*

¹⁰³ Tesoriero (2002:236) astutely notes that this is in line with the theme of *innovation*, which is characteristic of Caesar in the *Pharsalia* and an overall trait of the tyrant, the enemy of *libertas*. Cf. Borzsák 1987:293.

law¹⁰⁴ is a major theme in the representation of Erictho and is regularly brought up when magicians are mentioned in Roman political oratory, as exemplified by the case of the “*sacrilegium nigidianum*” already discussed.¹⁰⁵

Sextus’ consultation of Erictho is in all probability a complete fiction attributable to Lucan, to the best of our knowledge; however some of the rhetoric the poet employs to paint Sextus as a villain, such as his being branded as a “Sicilian pirate”,¹⁰⁶ is very likely to echo the Second Triumvirate’s propaganda against him. The question poses itself; are any of the magic related associations of Sextus dateable to similar sources or at least to the period of the civil wars? Certainty in such matters is of course impossible, but nevertheless the necromancy scene of the Pharsalia does not seem to be devoid of context in regard to Sextus’ interest in and practice of necromancy. Pliny relates a story about how Gabienus, a soldier of the Augustan faction, was captured by the Pompeians during the Sicilian War and executed in a curious manner; his throat was slit close to the point of decapitation, by Sextus’ specific order, and he was left on the beach until the sun set; when night fell the soldier came back to life, uttered a prophecy of victory for the Pompeians, namely that they were favoured by the gods of the underworld and that they would prevail, and after delivering his message he promptly died a second time. The moral Pliny draws from this is that prophecy is not always accurate and should be taken with a grain of salt.¹⁰⁷

It is however plausible to assume that this prophecy originally was meant to be taken in earnest by its recipients; it most likely was a piece of Pompeian propaganda promulgated during the war to raise the morale of the Pompeian soldiers, based on the widely accepted belief that the dead as sources of divination were either all knowing or that they would not lie.¹⁰⁸ In this respect it belongs to the same stock as the story found in Phlegon of Tralles’ book of wondrous tales about the Syrian general Bouplagos’ spontaneous reanimation to deliver a prophecy of doom to the Romans, namely that they

¹⁰⁴ Cf. Fauth 1975:337.

¹⁰⁵ See also Beard, North and Price 1998:219-20.

¹⁰⁶ Cf. Tesoriero 2002:232ff on the issue of piracy and negative character traits of Sextus Pompey as elements of hostile propaganda against him.

¹⁰⁷ *NH* 7.178-9.

¹⁰⁸ Cf. Schilling 1977:229; Ogden 2001:231-2 and 2002b:250-2; Beagon 2005:399.

would be driven out of Greece, after they had vanquished him and his army;¹⁰⁹ again the most likely explanation for the existence of such a tale is that it would serve as a piece of anti-Roman propaganda for the Greek resistance to Roman sovereignty.¹¹⁰ Several details of the Gabienus story as found in Pliny however seem problematic and very much divergent from the clean-cut type of account the Bouplagos story presents us with. First, the prophetic revenant in the Gabienus story is evidently not spontaneously reanimated; it is not possible to know if Pliny had a notion that the details he provides for the manner of Gabienus' execution actually point to a necromantic ritual taking place; this however has already been pointed out by several scholars, who have actually argued that on account of this the Gabienus story served as the inspiration to Lucan for involving Sextus in the necromancy scene of the *Pharsalia*.¹¹¹ The act of decapitation or slitting of the throat short of that point, seems to have had some necromantic significance in ancient thought;¹¹² evidently the salient point of connection between the Gabienus story and the necromancy scene of the *Pharsalia* is that the prophetic revenants in them have been jugulated.¹¹³

The story of Gabienus might very well be the inspiration for the Sextus of the *Pharsalia*; however as a piece of Pompeian propaganda it is very problematic as it stands in Pliny. The reason is that it seems to me highly unlikely that it would have been considered good for the morale of Pompeian soldiers to imagine their leader as a necromancer or that their faction was the one favoured by the gods of the Underworld. The Underworld was evidently associated in Roman thought with the forces of all that is negative;¹¹⁴ it is admittedly hard to imagine a whole army that would happily fight with the blessings of the forces of Evil, rather than fight on the side of perceived Justice. I

¹⁰⁹ Περί Θαυμάτων 3, 4. Cf. Hansen 1996:104. Hansen argues that there is essentially the same core to the Gabienus and Bouplagos accounts and describes it as a “migratory legend”.

¹¹⁰ Cf. Hansen 1996:104.

¹¹¹ Grenade 1950: 38-9, Ahl: 1969: 342, Volpilhac 1978: 284.

¹¹² Cf. Ahl 1976: 133-7, Ogden 2001: 206ff.

¹¹³ See *Phar.* 6.637: “*electum tandem traiecto gutture corpus*”.

¹¹⁴ E.g. *Discordia*, the bringer of war is described as of being of *corpore tartarino* (*Enn. Ann.* 7.220), presumably hailing from *Tartarus*; in a similar role, the Fury *Allecto* is summoned forth from the Underworld by *Iuno* to bring madness to *Turnus* and make him start the war against *Aeneas* and his followers (*Verg. Aen.*: 7.324ff); furthermore personifications of all evils could be found residing in the Underworld (*Verg. Aen.*: 7.273 ff).

would therefore contend that those elements of the Gabienus story are later additions to it by Augustan propagandists to associate Sextus Pompey with magic and delegitimize his cause.¹¹⁵ The story could have worked much more efficiently as Pompeian propaganda if it were devoid of those incongruous elements and references to necromancy and resembled the Bouplagos story more closely, upon which it was arguably modeled in the first place.

The Gabienus story as found in Pliny might have served as the inspiration for Sextus' role in the necromancy scene of the *Pharsalia*, but this might not be the sole parallel to be found in our sources; a further parallel to the Gabienus story might be extant in Cassius Dio's historical work, wherein it is mentioned that Sextus, elated by his naval victories against Augustus began to believe in earnest that he was the son of Poseidon and ended up affecting a deep blue mantle in place of the general's purple, and sacrificing horses and, according to some, even people to Poseidon by drowning them in the sea.¹¹⁶ Although numerous sources make reference to Sextus' folly in styling himself the son of Poseidon and affecting the deep blue mantle to that effect and also sacrificing horses to the sea god,¹¹⁷ none other than Dio mentions the human sacrifice to Poseidon. It is impossible to tell with any degree of certainty whether Dio relates that piece of information based on contemporary or later sources or if he entirely made it up on his own. He does however admit that only few say that Sextus performed human sacrifices to Poseidon, which might account for the uniqueness of his testimony. Human sacrifice more often than not has a magical significance for Dio, as will be shown in many instances later in this study; it seems however relevant to mention here that he considered the death of Antinoos, Hadrian's favourite, by drowning in the Nile to have been in the context of a necromantic ritual.¹¹⁸

¹¹⁵ The practice of editing an ideological or political opponent's account of a miraculous event of some political importance and presenting a version that suits one's own agenda seems to be a frequent event under the empire; perhaps the most famous such controversy are the conflicting accounts on the authorship of the Rain Miracle under Marcus Aurelius. I will examine as many of those cases relating to individual emperors' propaganda as possible in the following chapter.

¹¹⁶ Dio Cass. 48.48.5.

¹¹⁷ Hor. *Epod.* 7.7-10, Flor. *Epit.* 2.18.1-3 and *Vir. Ill.* 84, Appian *Bell. Ciu.* 5.416-7. For an overview of ancient commentators accounts see Massaro 1980.

¹¹⁸ See Chapter II.7.b.

An argument for the antiquity of Dio's account as opposed to him having invented the whole human sacrifice to Poseidon could be the possible reminiscence of this theme in the episode of Palinurus' sacrifice in the Aeneid. Poseidon requests a human sacrifice for granting Aeneas' fleet safe passage to Cumae; to this effect he sends Somnus to cause Palinurus, Aeneas' helmsman, to sleep on the helm and fall overboard and drown in the sea.¹¹⁹ The episode has attracted scholarly attention with the purpose of placing it within the narrative structure of the Virgilian epic, but I am not aware of an attempt to explain why Poseidon would demand a human sacrifice in the first place. The episode exhibits subtle necromantic overtones in that Somnus overwhelms Palinurus with *stygian* power¹²⁰ and that the place of the sacrifice is en route to Avernus, where Aeneas will descend to the Underworld guided by the Sibyl of Cumae.¹²¹ Virgil therefore could be playing here upon a recognizable theme, namely that of Sextus' purported human sacrifices to Poseidon, as the Palinurus episode seems at any rate to make reference to events of the Civil Wars.¹²²

It is also possible that Sextus' actions in Dio parallel those of the Persian magi accompanying Xerxes' army in Herodotus. Herodotus mentions that the *magi* sacrificed white horses by drowning them in the river Strymon and that they also buried nine children, male and female, alive as a magical sacrifice (*pharmakeusantes*) near a town called Nine Roads while in Thrace.¹²³ Sextus is offering the same types of sacrificial victims as the *magi* in Herodotus; though the horse was considered one of Poseidon's sacred animals, none of the authors that comments on this form of sacrifice by Sextus seems to consider it a particularly regular offering and everyone mentions it in the context of the extreme folly of his belief in being the son of Poseidon. The burial of living persons by the *magi* is also likely to hint at necromancy, as an offering to chthonic

¹¹⁹ *Aen.* 5.781-863.

¹²⁰ *Aen.* 5.855.

¹²¹ Tesoriero (2002:239) makes an argument about the necromancy scene of the *Pharsalia* being a reference to Aeneas' consultation of the Sibyl and also notes that Sextus is portrayed as the anti-Aeneas.

¹²² See Nicoll 1988: 470-2. On Augustan propaganda against Sextus Pompey in the Aeneid see Powell 2008:141-2.

¹²³ Herodot. 7.114-5. Herodotus' description of the magian rite is already negatively loaded against the Persian *magoi* and their practices; see Stratton 2007:29.

demons, therefore supplying an ancient model for Sextus' own necromantic practices.¹²⁴ It is also worth considering here the added effect an association of Sextus with Persian ritual practice would have had on contemporary Romans; Rome under the Second Triumvirate, during the years of Sextus' reign in Sicily, had been almost constantly at war with the Parthian Empire; subtly painting Sextus in the colours of a barbarian and traditional enemy of Rome, by virtue of his magic working, would have been a powerful propaganda theme against him.

This possible connection of Sextus with the practices of the Persian *magi*, as perceived in the Greco-Roman world could have further evidence in its support if one identifies the unnamed necromancer of the purportedly Senecan epigram on "the evocation of the ghost of Magnus"¹²⁵ as Sextus Pompey. The identification of an anonymous literary figure with any actual person known from history is always tentative so there naturally exists a certain controversy concerning the matter, but a case for identification of the unnamed necromancer with Sextus could be made. The epigram is worth quoting in full:

De sacris euocantis animas Magnorum

Fata per humanas solitus praenoscerere fibras
 impius infandae religionis apex
 pectoris ingenui salientia uiscera flammis
 imposuit, magico carmine rupit humum
 ausus ab Elysiis Pompeium ducere campis
 pro pudor, hoc sacrum Magnus ut aspiceret!
 Stulte, quid infernis Pompeium quaeris in umbris?
 Non potuit terris spiritus ille premi.

¹²⁴ Such practices were not unknown to Romans themselves, as evidenced by the story of the burial of two Gauls and two Greeks by Romans during the Punic wars (Liv. 22.57.6). Human sacrifice however was outlawed in 97 BC and was viewed as a fundamental magical practice by the Romans. Pliny writes to this effect that the Gallic druids, among whom this practice was current (see Cic. *Pro Fonteio* 31), were in fact magicians (*NH* 16.249).

¹²⁵ Baehrens, Seneca no 16.

A good reason to assume that the necromancer would at the very least be a member of the *gens Pompeia* would be that in the epigram it is suggested that Magnus, i.e. Pompey the Great, would have been ashamed to look upon this ghastly ritual,¹²⁶ which should have been true, if the necromancer was an unworthy relative of his, just as Sextus Pompey is repeatedly portrayed to be. Furthermore the specific practice of the unnamed necromancer as casting entrails into the fire, as well as his characterization as “*infandae religionis apex*” are very reminiscent of Catullus’ impression of a Persian *magus* at work, where magic is referred to as “*impia Persarum religio*”.¹²⁷ The magical vocabulary in the epigram, which suggests an association of the necromancer with Persian practices, as those were perceived by the Romans, could also tie in with Sextus’ portrayal in Dio; in said narrative he is seen performing acts which could be reminiscent of the sacrificial practices of the *magi* and he obviously styles himself a priest. Could the reference to him as a “high priest of an unspeakable religion” in fact refer to his purported unholy way of worshipping Poseidon, as described by Dio? The possibility is worth considering, though I am more inclined to think that the phrase is a reminiscence of Catullus’ line (90.4), or a similar one, and merely refers to what most Romans imagined “Persian magic” to be like.¹²⁸

If there is anything more to all this than mere coincidence, it would indicate that Sextus Pompey was being branded as a sorcerer in the propaganda of his contemporary opponents in the context of delegitimizing him and his faction. The accusation of being a magic worker is coupled with that of impiety, insanity and subversively un-Roman behaviour.¹²⁹ In the following chapter I will attempt to demonstrate how this type of

¹²⁶ Grenade (1950: 29) and Herrmann (1946: 306) both miss the point by assuming that the Magnus in question is either present or in fact assisting in the ritual, whereas the phrase “hoc sacrum Magnus *ut aspiceret!*” (*n.b.* the tense and mood of the verb) clearly indicates that he is doing neither. That Magnus is actually the ghost the necromancer is evoking is made clear both by grammar and the title of the epigram. Cf. Ogden 2001: 152.

¹²⁷ Catul. 90. Ogden (2001: 151) suggests that that the unnamed necromancer’s characterization as “*impius*” could also be a play and an intentional contradiction on Sextus Pompey’s cognomen of “*Pius*”, which would further help to identify the necromancer of the epigram with the latter.

¹²⁸ At any rate, I disagree with Grenade (1946: 306-7) who thinks it refers to Christianity; his conclusion in my opinion rests on an initial misunderstanding of what the epigram is basically saying.

¹²⁹ Cf. Cicero’s harangue against Vatinius (*in Vat.* 14); Vatinius elects to ignore the sacred practices (augury) on which the Republic depends, to trust instead in his barbarous rites of necromancy and child

political discourse is seen in imperial authors and employed mostly by senatorial historians against despised emperors.

sacrifice. Cicero's typical rhetorical question in regard to this is "what insanity has gripped you to do all of this?"

CHAPTER II

EMPERORS AS TARGETS OF THE DISCOURSE OF MAGIC

Introduction

In the previous chapter it was shown that the discourse of magic was developed as a tool for the delegitimization of political opponents in the late Republic. This type of discourse however only truly flourishes under the Empire, where the concept of magic and its constellation of related themes become better defined in Roman thought. In this chapter I will examine the figures of individual emperors, beginning with Tiberius and ending with Elagabalus, mainly as they are portrayed in connection with magic and magicians in the historical works of Tacitus, Suetonius,¹³⁰ Cassius Dio and the SHA, but naturally other appropriate sources will be used wherever relevant. Those works are representative of the viewpoint of the senatorial elite in upholding *pristina uirtus* and the values of their class; magic in those works, as will be shown, is employed as an accusation coupled with other moral attributes and practices which would classify one as unworthy and un-Roman. Its polemical use when applied to emperors will be explored in connection with other classic themes in the representation of a tyrant.¹³¹

¹³⁰Suetonius did not belong to the senatorial class, though his views, whenever he expresses them, are very much in agreement with senatorial values. Cf. Waters 1964:50. See also Joly 2005 for some instances of Suetonius' writings being in line with senatorial political views.

¹³¹ For typical themes in the representation of certain emperors as tyrants see Walker 1960:204-18, Dunkle 1967 and 1971, and Borzsák 1987.

1. Tiberius

Hypocrisy is the hallmark of the Tiberius of our historiographic tradition; the reader of Tacitus would remember nothing more vividly about him than that this man was in essence an irredeemable hypocrite, whose every action, even his noble ones, and whose every apparent virtue were in fact masks for the monstrous nature he harboured within and which only became manifest towards the end of his reign, after all the people who had kept it in fetters were out of the way, one way or another.¹³² The impression of later historiography does not seem to have changed much on the matter; in the third century AD Tiberius has firmly become the literary example of the type of tyrant who follows legal procedure in distorted ways, to obfuscate his wantonness under formal pretexts, which is in fact a type of tyranny deemed worse than the unmasked savagery of Nero and those of his kind.¹³³

Tiberius' relationship with magical practice and people who were practitioners of arts which would fall under the umbrella of magic serves to illustrate that very important aspect of his literary persona; Tacitus asserts that the *lex maiestatis* "grew" under Tiberius to lead to what was perhaps the clearest manifestation of the ills of the Principate, *delatio* and the constant treason trials which led to the ruin of several prominent members of the Roman aristocracy, slowly turning the Roman people and senate into slaves of whatever capricious autocrat came to power.¹³⁴ Now, it so happens that several of these trials were in fact due to violations of the Augustan edict of 11 AD, which deemed it a treasonous offence to employ divination, and in particular astrological, to enquire after the emperor's fate. It is a fact that under Tiberius the Principate saw its first magic trials, a trend which continued throughout the history of the Empire. It is also

¹³² *Ann.* 6.51. Cf. Jerome 1912: 267ff. Vogt 1969: 55.

¹³³ Philostr. *VA* 7.14: εοίκασι δ' αἱ μὲν τοῖς θερμοῖς τε καὶ ἐτοίμοις τῶν θηρίων, αἱ δὲ τοῖς μαλακωτέροις τε καὶ ληθάργοις. ὡς μὲν δὴ χαλεπαὶ ἄμφω, δῆλον πᾶσι παράδειγμα ποιούμενοις τῆς μὲν ὀρμώσης καὶ ἀκρίτου Νέρωνα, τῆς δὲ ὑποκαθημένης Τιβέριον, ἀπώλλυσαν γὰρ ὁ μὲν οὐδ' οἰηθέντας, ὁ δ' ἐκ πολλοῦ δέισαντας. ἐγὼ δ' ἠγοῦμαι χαλεπωτέρας τὰς δικάζειν προσποιουμένας καὶ ψηφίζεσθαι τι ὡς ἐκ τῶν νόμων, πράττουσι μὲν γὰρ κατ' αὐτοὺς οὐδέν, ψηφίζονται δ', ἅπερ οἱ μηδὲν κρίναντες, ὄνομα τῷ διατρίβοντι τῆς ὀργῆς θέμενοι νόμον, τὸ δ' ἀποθνήσκειν κατεψηφισμένους ἀφαιρεῖται τοὺς ἀθλίους καὶ τὸν παρὰ τῶν πολλῶν ἔλεον, ὃν ὥσπερ ἐντάφιον χρῆ ἐπιφέρειν τοῖς ἀδίκως ἀπελθοῦσι. δικαστικὸν μὲν δὴ τὸ τῆς τυραννίδος ταύτης ὀρῶ σχῆμα

¹³⁴ Cf. *Ann.* 2.27 and 2.50.

a fact that under Tiberius no fewer than two *senatus consulta* are documented, which ordered the astrologers to leave the city of Rome and Italy, in the wake of the Libonian conspiracy and trial, which will be treated in a separate section. Yet, for all that, all of our major authorities on his reign assert that this emperor was an expert in all matters astrological, was a practitioner of the art and that one of his few personal companions was none other than the famous Thrasyllus,¹³⁵ a renowned astrologer who became the teacher of Tiberius.

Tiberius is reported to have met Thrasyllus on the island of Rhodes during his self imposed exile there. Tacitus, Suetonius and Dio, all relate a similar story about how Tiberius tested the astrological mettle of his future tutor and friend. According to Tacitus' narrative, Tiberius tested the astrological prowess of several astrologers, while in Rhodes, and he used to have a robust and illiterate freed-man servant of his throw them off the cliff, on which his house was built, and into the sea, if they proved to be plain humbugs. While subjecting Thrasyllus to a similar test, he asked him whether he could divine his own fate from the stars; Thrasyllus made his calculations on the spot and growing more and more worried, in the end exclaimed that he was indeed facing a dire challenge for his very life then and there. Tiberius having heard this, was pleased to have finally discovered a true adept of astrology and took Thrasyllus into his entourage.¹³⁶

Suetonius' account differs on the specifics, but the kernel of the story, the deadly test of Thrasyllus' knowledge is there nonetheless. In the wake of a series of omens pointing at the future greatness of Tiberius, a ship was seen sailing to the port of Rhodes; Thrasyllus asserted Tiberius that the ship was a bringer of good news for him, which proved to be accurate, since, as a different source mentions, it was bringing the news of

¹³⁵ Cramer (1954:92ff) attempts a reconstruction of the astrologer's career which throws light on some issues, but often resorts to guessing too far beyond the evidence.

¹³⁶ *Ann.* 6.21: Quotiens super tali negotio consultaret, edita domus parte ac liberti unius conscientia utebatur. is litterarum ignarus, corpore valido, per avia ac derupta (nam saxis domus imminet) praeibat eum cuius artem experiri Tiberius stauisset et regredientem, si vanitatis aut fraudum suspicio incesserat, in subiectum mare praecipitabat ne index arcani existeret. igitur Thrasullus isdem rupibus inductus postquam percontantem commoverat, imperium ipsi et futura sollerter patefaciens, interrogatur an suam quoque genitalem horam comperisset, quem tum annum, qualem diem haberet. ille positus siderum ac spatia dimensus haerere primo, dein pavescere, et quantum introspiceret magis ac magis trepidus admirationis et metus, postremo exclamat ambiguum sibi ac prope ultimum discrimen instare. tum complexus eum Tiberius praescium periculorum et incolumem fore gratatur, quaeque dixerat oracli vice accipiens inter intimos amicorum tenet.

Augustus' death and his recall to Rome by his mother, Livia. At that point Tiberius realized that his companion was indeed a veritable master of astrology and decided not to throw him off the cliff into the sea, as he had set his mind to do earlier. Suetonius further mentions that Tiberius meant to kill Thrasyllus, because on the one hand his predictions about his imperial future had not proven accurate thus far and furthermore he had confided too much in him to let him live;¹³⁷ this probably means that Tiberius was fearful of his safety, as he had consulted an astrologer repeatedly about whether he would become an emperor, an illegal activity under the Augustan edict of 11 AD.

Dio relates the story in a manner which somehow seems to merge the accounts of Tacitus and Suetonius as well as including the information of the account of the anonymous author found in a Parisian manuscript; Tiberius, in this version, had together with Thrasyllus predicted the death of Augustus, as the former had already become very skilled in astrology under the tutelage of the Greek polymath, and knew that the ship arriving to port was bringing him good news. However, because he had confided many of his secret thoughts to Thrasyllus, which could not have been about anything too noble, if one is to believe Tacitus, he had decided to throw his tutor off the wall, presumably that of the city; at that critical moment Thrasyllus suddenly became concerned and he frowned; Tiberius asked him the reason for his change of mood and, after Thrasyllus answered that he sensed a great danger, the future emperor knew that he should keep him by his side instead, seeing the profit in maintaining his partnership with a man of such unique talent.¹³⁸

¹³⁷ *Tib.* 14: : Ante paucos uero quam reuocaretur dies aquila numquam antea Rhodi conspecta in culmine domus eius assedit; et pridie quam de reditu certior fieret, uestimenta mutanti tunica ardere uisa est. Thrasyllum quoque mathematicum, quem ut sapientiae professorem contubernio admouerat, tum maxime expertus est affirmantem naue prouisa gaudium affferri; cum quidem illum durius et contra praedicta cadentibus rebus ut falsum et secretorum temere conscium, eo ipso momento, dum spatiatum una, praecipitare in mare destinasset. An anonymous author in a Parisian manuscript provides information which probably draws on the same source and completes the above: *Cat. cod. astr. Gr.* 8.4 p. 100: Μακρόθεν ὄντος τοῦ Τιβερείου καὶ παρὰ τὸν αἰγιαλὸν καθημένου ναὺς πρὸς αὐτὸν ἤρχετο καὶ ἤρετο Θράσυλλον τὸν φόρτον τῆς νεώς. ὁ δὲ ἔφη Αὐγουστον εἶναι καὶ παρὰ τῆς μητρὸς αὐτοῦ κομίσειν γράμματα ἠκεῖν αὐτὸν εἰς Ῥώμην κελεύοντα.

¹³⁸ Dio Cass. 55.19.1-2: : ἀπέθανε δὲ ἐξαίφνης νοσήσας, ὥστε ἐπ' ἀμφοτέροις σφίσι τὴν Λιουίαν, ἄλλως τε καὶ ὅτι ἐν τῷ χρόνῳ τούτῳ ὁ Τιβέριος ἐς τὴν Ῥώμην ἐκ τῆς Ῥόδου ἀφίκετο, ὑποπευθῆναι. αὐτός τε γὰρ ἐμπειρότατος τῆς διὰ τῶν ἄστρον μαντικῆς ὄν, καὶ Θράσυλλον ἄνδρα πάσης ἀστρολογίας διαπεφυκότα ἔχων, πάντα καὶ τὰ ἑαυτῷ καὶ τὰ ἐκείνοις πεπρωμένα ἀκριβῶς ἠπίστατο· καὶ λόγον γε ἔχει ὅτι μελλήσας ποτὲ ἐν τῇ Ῥόδῳ τὸν Θράσυλλον ἀπὸ τοῦ τείχους,

The story of course is entirely fictive;¹³⁹ it has been demonstrated that it conforms to a literary *topos* which involves a prince testing some diviner by asking him if he knows his own fate and then proceeding to throw him from an elevation, which at times proves that the diviner knew of his future and others not.¹⁴⁰ In the case of Tiberius and Thrasyllus the ending is not tragic, as the prince of the story decides to keep the diviner around for his own benefit, which is probably the only statement of historical veracity that can be made about this anecdote. Nevertheless, it seems to be at least among the aims of this story, adapted to Tiberius' character, to illustrate his cold heartedness, his murderous nature and of course his constant fear lest his inner depraved thoughts become known to the public, which was always the source of his dissimulation and apparent virtues.¹⁴¹ In addition to this, it is of course but one of the stories illustrating Tiberius' interest in astrology, that discipline hovering on the penumbra between science and magic in the antique mind.

To illustrate this last point, it could be of significance to compare the *modus operandi* of Thrasyllus in our different versions of the above anecdote. In Suetonius there is no indication of how Thrasyllus arrives at his life-saving prediction. Tacitus on the other hand makes it clear that Thrasyllus employs astrological calculations and he takes some time to complete them and arrive at the conclusion that he faces an impending danger, which is consistent with his specialty being astrological divination. In Dio's version however, no mention is being made to Thrasyllus employing astrology to foretell the danger he is facing, but instead he receives a premonition of impending doom just at

ἐπειδὴ μόνος αὐτῷ πάνθ' ὅσα ἐνενοίει συνήδει, ὥσειν, οὐκέτ' αὐτὸ ἐποίησε σκυθρωπάσαντα αὐτὸν ἰδών, οὔτι γε καὶ διὰ τοῦτο, ἀλλ' ὅτι ἐπερωτηθεὶς διὰ τί συννόμφε, κίνδυνόν τινα ὑποπτεύειν οἱ γενήσεσθαι ἔφη· θαυμάσας γὰρ ὅτι καὶ τὴν μέλλησιν τῆς ἐπιβουλῆς <προεῖδεν>, φυλάξαι αὐτὸν. ἑαυτῷ διὰ τὰς ἐλπίδας ἠθέλησεν. Cf. *Cat. cod. astr. Gr.* 8.4 p. 99: τοσοῦτον ἦν ἠσκημένος τὴν ἀστρονομίαν ὁ Θράσυλλος ὡς ἀγανακτήσαντος κατ' αὐτοῦ ποτε τοῦ Τιβερείου καὶ βουλομένου καταθῆσαι αὐτὸν τοῦ τείχους ἐν Ρόδῳ (ἐκεῖ γὰρ διέτριβεν) ἐστύγνασεν ὁ Θράσυλλος καὶ γεγονῶς σύννους ἠρωτήθη ὑπὸ Τιβερείου τὴν αἰτίαν. ὁ δὲ ἀπεκρίνατο ὡς αἰσθάνομαι μέγιστον κλιμακτῆρα ἐγγύς μου ὄντα. θαυμάσας οὖν αὐτὸν ὁ Τιβερείος εἶασεν αὐτόν.

¹³⁹ Contra Oliver 1980. I find Oliver's view that the event might in fact be historical unconvincing.

¹⁴⁰ Krappe (1927) offers many parallels to the story, which are not sufficiently relevant to the subject at hand to list here; one relevant parallel however is the story of Ascleterion and Domitian (Suet. *Dom.* 15), as pointed out by Barton (1994:48).

¹⁴¹ Cf. *Ann.* 6.51

the moment Tiberius decides to give him the fatal thrust over the city wall.¹⁴² It might be a bold parallel to draw, but could it be that Thrasyllus by the time of Dio has been, at least partially, recast into the type of the holy man and advisor of an emperor, a sorcerer to some, but a truly wise man to others?¹⁴³ Certainly Thrasyllus' sudden premonition has less to do with the astrologer's art and is more reminiscent of Apollonius of Tyana, whom Philostratus, a contemporary of Dio, regularly presents as having foreknowledge of the future or the thoughts of his interlocutors, by means of his wisdom, as Philostratus proposes, or by means of him being a sorcerer, as the sage's adversaries assert.¹⁴⁴ Which of the two would then Thrasyllus be? Probably the answer would depend on the person asked, as in the case of Apollonius. Nevertheless, it can be said in defence of Thrasyllus' literary persona that he is never really presented in a bad light, his association with Tiberius aside; in fact at least one noble action of Thrasyllus is mentioned in several sources, namely that he intentionally assured Tiberius that he still had ten good years to live, while he knew it was not so, in order to make the tyrant more complacent and less intent on putting to death those he considered as threats or displeased him in whatever manner. This event coincided according to Dio and the anonymous author in the Parisian manuscript with the appearance of the Phoenix in Egypt, a portent which supposedly presaged the death of Tiberius.¹⁴⁵

¹⁴² Cf. *Cat. cod. astr. Gr.* 8 4 p. 99

¹⁴³ Cf. Dickie 2001:195.

¹⁴⁴ Cf. *VA* 7.39.

¹⁴⁵ Suet. *Tib.* 62: Quod nisi eum et mors praeuenisset et Thrasyllus consulto, ut aiunt, differre quaedam spe longioris uitae compulisset, plures aliquanto necaturus ac ne reliquis quidem nepotibus parsurus creditur, cum et Gaium suspectum haberet et Tiberium ut ex adulterio conceptum aspernaretur. Dio Cass. 58.27.1-3: εἰ δέ τι καὶ τὰ Αἰγύπτια πρὸς τοὺς Ῥωμαίους προσήκει, ὁ φοῖνιξ ἐκείνῳ τῷ ἔτει ὤφθη· καὶ ἔδοξε πάντα ταῦτα τὸν θάνατον τῷ Τιβερίῳ προσημῆναι. τότε μὲν γὰρ ὁ Θράσυλλος, τῷ δ' ἐπίοντι ἦρι ἐκεῖνος ἐπὶ <τε> Γναίου Πρόκλου καὶ ἐπὶ Ποντίου Νιγρίνου ὑπάτων ἐτελεύτησεν. ἐτύγχανε δὲ ὁ Μάκρων ἄλλοις τε συχνοῖς καὶ τῷ Δομιτίῳ ἐπιβεβουλευκῶς, καὶ ἐγκλήματα καὶ βασάνους κατ' αὐτῶν ἐσκευωρημένος· οὐ μὴν καὶ πάντες οἱ αἰτιαθέντες ἀπέθανον διὰ τὸν Θράσυλλον σοφώτατα τὸν Τιβέριον μεταχειρισάμενον. περὶ μὲν γὰρ αὐτοῦ καὶ πάνυ ἀκριβῶς καὶ τὴν ἡμέραν καὶ τὴν ὥραν ἐν ἣ τεθνήξοι εἶπεν, ἐκεῖνον δὲ δὴ δέκα ἄλλα ἔτη ψευδῶς βιώσεσθαι ἔφη, ὅπως ὡς καὶ ἐπὶ μακρότερον ζήσων μὴ ἐπειχθῆ σφας ἀποκτεῖναι. ὃ καὶ ἐγένετο· Cf. *Cat. cod. astr. Gr.* 8 4 p. 100: Φοῖνικος φανέντος ἐν Αἰγύπτῳ Θράσυλλος ἔφη τὸν Τιβερείου δηλοῦν θάνατον, ἀλλ' ὑπέκρυπτεν αὐτὸ ἐξ αὐτοῦ καὶ ἄλλα δέκα ἔφη ζῆν αὐτῷ ἔλεγεν ὡς ἂν ἐλπίζων μετὰ ταῦτα προᾶξαι ὃ βούλεται ῥαθυμότερος γένηται περὶ τοὺς φόνους καὶ τὰς τῶν χρημάτων διαρπαγὰς.

As mentioned above, Tiberius was not merely reliant on Thrasyllus for divination, but became a very competent astrologer himself. His prediction of the death of Augustus and his rise to empire, a story found first in Dio, has already been mentioned above, but it is not the only demonstration of his skill in the art attributed to him; he is also said to have predicted that Caligula would kill his grandson, Tiberius Gemellus and that Caligula would be killed in turn by another;¹⁴⁶ that he predicted, as Augustus had done, that Galba would become emperor at his old age;¹⁴⁷ and finally that he examined the horoscopes of prominent citizens and had those to whom the stars promised greatness put to death, in a display of perfect adherence to Periander's advice to any successful tyrant.¹⁴⁸ The last point is probably an invention of the time of Dio; Tiberius is already mentioned to have predicted the imperial future of Galba in Suetonius, but he decided not to harm him, as he realized he would be long dead by the time Galba became emperor, so he did not perceive him as a threat. Nevertheless Tacitus, for all his focus on the informer apparatus and the multitude of trials under Tiberius, does not mention that Tiberius was examining horoscopes to eliminate potential rivals, and neither does Suetonius for that matter, much less that he did actually put citizens to death using that method and for these reasons. I think that Dio has recast Tiberius to conform to the model of Septimius Severus, an emperor under which he himself served and who was reportedly as addicted to astrology as Tiberius; Severus is said to have employed this practice of eliminating potential rivals and it is likely that the same was said in retrospect of Tiberius. This would in fact not be a

¹⁴⁶ Cf. *Cat. cod. astr. Gr.* 8.4 p. 100: Διαπληκτιζομένων ποτὲ Γαίου τοῦ υἱοῦ Γερμανικοῦ καὶ Τιβερείου τοῦ υἱοῦ Τιβερείου ἔφη πρὸς Γάιον ὁ Τιβερείος, τί σπουδάσεις; καὶ σὺ τοῦτον φονεύσεις καὶ ἄλλος σε.

¹⁴⁷ Suet. *Galba*: Constat Augustum puero (sc. Galbae) adhuc, salutanti se inter aequales, apprehensa buccula dixisse: καὶ σὺ τέκνον τῆς ἀρχῆς ἡμῶν παρατρώξει. Sed et Tiberius, cum comperisset imperaturum eum, verum in senecta, "Vivat sane," ait, "quando id ad nos nihil pertinet." Cf. *Cat. cod. astr. Gr.* 8.4 p. 100: ὅτι τοσοῦτον ἦν ὠφεληθεὶς ὑπὸ Θρασύλλου εἰς τὰ περὶ ἀστέρων ὥστε ὑπαντήσαντά ποτε τῷ Γάλβῳ εἰπεῖν καὶ σὺ ποτε τῆς ἡγεμονίας γεύση.

¹⁴⁸ Dio Cass. 57.19.2-4: πολλοὺς δὲ καὶ τὴν ἡμέραν καὶ <τὴν> ὥραν ἐν ἧ ἐγεγέννητο ἐξετάζων, καὶ ἐκεῖθεν καὶ τὸν τρόπον καὶ τὴν τύχην αὐτῶν διασκοπῶν, ἀπεκτίννουν· εἰ γὰρ τῷ ὑπέρογκόν τι καὶ εὐελπί πρὸς δυναστείαν ἐνεῖδε, πάντως ἀπώλλυνεν. οὕτω δ' οὖν τὸ πεπρωμένον ἐκάστω τῶν πρώτων καὶ ἐξήταξε καὶ ἠπίστατο ὥστε καὶ τῷ Γάλβῳ τῷ μετὰ ταῦτα ἀνταρχήσαντι ἀπαντήσας, γυναῖκα ἐγγεγνημένῳ, εἰπεῖν ὅτι καὶ σὺ ποτε τῆς ἡγεμονίας γεύση." ἐφείσατο γὰρ αὐτοῦ, ὡς μὲν ἐγὼ δοκῶ, ὅτι καὶ τοῦτ' αὐτῷ εἰμαρμένον ἦν, ὡς δ' αὐτὸς ἔλεγεν, ὅτι καὶ ἐν γῆρα καὶ μετὰ πολὺ τῆς τελευτῆς αὐτοῦ ἄρξοι

singular occurrence in Dio,¹⁴⁹ that is of recasting an older emperor to fit in with more recently evolving literary emperor types; Nero is not mentioned to have driven chariots or killed beasts in the arena earlier, but as these had both been done by Elagabalus and Commodus respectively, both in Dio's lifetime, Nero is recast as a charioteer and gladiator in Dio's history,¹⁵⁰ while a similar recasting can be seen in Dio's representation of Caligula.¹⁵¹ At any rate, the point of these allegations against Tiberius is quite obvious; Tiberius is not only a typical tyrant for eliminating prominent citizens whom he viewed as a threat, he is also guilty of flagrant hypocrisy and cynicism, since on the one hand he has astrologers and diviners expelled from Rome and Italy and conducts treason trials for violation of the edict forbidding divination into the future of others, while he himself employs the same devices to eliminate all opposition.

Dio also mentions another interesting anecdote, probably completely fictive, about Tiberius, magic and divination, in the context of his persecution of astrologers and other diviners, that is, the two *senatus consulta* ordering their expulsion in 16 AD. Tiberius had a dream in which he was ordered to give a sum of money to an unspecified man; now after having gained experience on such matters through his constant trafficking with Thrasyllus and his daily employment of some or possibly various divinatory techniques, he found out that what was really happening was that someone was sending him a *daimōn*, i.e. probably a ghost,¹⁵² by means of magic; after finding this out, he put the man in question to death.¹⁵³ The anecdote is quite bizarre and it is not entirely clear if the person who wanted to receive the money was the one sending the *daimōn*, but that is the most plausible conclusion; it is also uncertain to what ulterior purpose the *daimōn* was supposedly sent, but the text seems to imply that its function would be to

¹⁴⁹ Domitian is also mentioned to have looked into horoscopes of potential pretenders: Dio Cass.: 67.15.6. For Domitian's image being constructed upon that of Tiberius see Waters 1964.

¹⁵⁰ Dio Cass. 62.15.1: τὸσαύτη δ' ἦν ἡ τοῦ Νέρωνος ἀκολασία ὥστε καὶ ἄρματα δημοσίᾳ ἤλαυνε. καὶ ποτε θηρία ἀποκτείνας...

¹⁵¹ Dio Cass. 59.5.5: καὶ ἐς ζήλωμα καὶ ἐς ἀγώνισμα πολλῶν προήλθεν· ἄρματά τε γὰρ ἤλασε καὶ ἐμονομάχησεν...

¹⁵² It should be reminded here that the word is used to refer pejoratively to Apollonius (*VA* 7.32), so it is not improbable that what is meant is a simulacrum, a sorcerer's image.

¹⁵³ Dio Cass. 57.15.8: καὶ μέντοι τῷ τε Θρασύλλῳ ἀεὶ συνῶν καὶ μαντεία τινὶ καθ' ἑκάστην ἡμέραν χρώμενος, αὐτὸς τε ἀκριβῶν οὕτω τὸ πρᾶγμα ὥστε ποτὲ ὄναρ δοῦναι τινὶ ἀργύριον κελευσθεὶς συνεῖναι τε ὅτι δαίμων τις ἐκ γοητείας οἱ ἐπιπέμπεται καὶ τὸν ἄνθρωπον ἀποκτείνειαι...

persuade Tiberius to grant the sum of money to the man in question. Dreams which acted as admonitions or commandments to take some specific action occur too commonly in Latin literature for me to go over them here;¹⁵⁴ suffice it to say that a dream commanding such an action although strange, conceptually it seems to fall conceptually within Roman expectations of what a dream could be about. Furthermore, practices of dream-sending (*oneiropompia*) with the agency of a *daimōn* are well documented in the magical papyri.¹⁵⁵ What perhaps is more interesting nevertheless is that Tiberius realizes what is happening by employing “some kind of divination”, in which he had become very proficient through everyday practice and his constant conversing with Thrasyllus, while this kind of divination is not specified as astrology. It has already been shown above that Thrasyllus in Dio is not strictly an astrologer, but his persona bears reminiscences of the holy man or sorcerer of the Apollonius type. Did Dio hereby mean some kind of divination, other than astrology, the knowledge of which Tiberius acquired from Thrasyllus? And if Thrasyllus, the emperor’s tutor in the arcane, is represented as a sorcerer, what are the implications about this unspecified form of divination used by Tiberius? Horace’s Canidia is not too obvious a parallel to draw, especially since it is quite remote from the time of Dio, but it might be worth pointing out how she suddenly realises that her magic is being thwarted by the magical efforts of another witch;¹⁵⁶ what we could be dealing with here is a common *topos* that one sorcerer can sense a magical action against them by another practitioner of the magical arts, and this is what Tiberius in the passage in question is doing.

As a final point to make, it will be shown from further case studies, that it is a relatively common trait of emperors associated with magic to be aberrant in their attitude towards the established Roman religion.¹⁵⁷ Perhaps then it is not coincidental that Suetonius mentions that Tiberius was on the one hand negligent of the gods and religious duties (*religiones*), while he was a devoted student of astrology and furthermore quite

¹⁵⁴ For a recent study on Roman opinion about the truthfulness of prophetic or commanding dreams see Harris 2003.

¹⁵⁵ Cf. *PGM* 1.329, 12.14.

¹⁵⁶ Hor. *Epod.* 5.61ff.

¹⁵⁷ For religious deviance as a hallmark of bad emperors cf. Beard, North and Price 1998:216. Impiety had also been a staple feature of the literary tyrant since the late Republic; cf. Dunkle 1967:160-2.

superstitious about certain things;¹⁵⁸ the fact that Suetonius mentions both irreverence and attachment to astrology in the same sentence shows that the two are conceptually connected at some level as antithetical positions. Of course the inference is that Tiberius was negligent of the gods because he believed that everything was governed by fate, including the gods, so they do not really enjoy an exalted status in the cosmos worthy in fact of veneration; but while this is probably the point of the statement one should not omit taking into account the conceptual connections of astrology with magic and of the latter with irreverence towards the gods, or established religion.

To briefly recap the above, Tiberius' association with magic in our historiography serves to illustrate his traits as those standard for a traditional tyrant; murderous wantonness, hypocrisy and cynicism, lawlessness or law bending and neglect of religion.

2. Gaius Caligula

The accusation of association with magicians or magical acts is a common theme in the representation of emperors falling into the canon of “Bad Emperors”, as a feature that probably serves to underline their un-Romanness. Therefore it comes as somewhat of a surprise that Gaius Caligula, being represented as such a monstrous tyrant¹⁵⁹ by all of our authorities, is not implicated directly with such practices, despite the fact that several of his acts as reported generally fall in well with the sorcerer type of Roman literature. In the following I will set out to examine some anecdotes about Gaius which fall into that category.

Suetonius reports that Gaius used to converse in secret with the Capitoline Jupiter in whispers, while in turn moving his ear close to the statue's mouth in order to receive a response, while at times he was speaking in loud voice and directing threats at the god.¹⁶⁰

¹⁵⁸ Suet. *Tib.* 69: Circa deos ac religiones neglegentior, quippe addictus mathematicae plenusque persuasionis cuncta fato agi, tonitrua tamen praeter modum expauescebat et turbatiore caelo numquam non coronam lauream capite gestavit, quod fulmine afflari negetur id genus frondis.

¹⁵⁹ Cf. Suet. *Cal.* 22.1: Hactenus quasi de principe, reliqua ut de monstro narranda sunt.

¹⁶⁰ Suet. *Cal.* 22.4 ...interdiu uero cum Capitolino Ioue secreto fabulabatur, modo insurrans ac praebens in uicem aurem, modo clarius nec sine iurgiis. Nam uox comminantis audita est: ἢ μ' ἀνάειπε ἢ ἐγώ σε.

Two hallmarks of the literary sorcerer are clearly recognised here: first, the private conversation with the god conducted in whispers and second, the impatience at having his demands satisfied,¹⁶¹ which often leads the sorcerer to threaten the gods and coax them into submission to his wishes. Nevertheless these acts of Gaius are not attributed to his acting as a sorcerer, but they only imply that the emperor was disrespectful towards the gods.

Gaius is also reported to have been an expert poisoner, having even devised new poisons himself. He is said to have administered a poison (*uenenum*) on a light wound received by the gladiator Columbus,¹⁶² which was later named after the latter. It is also reported that after his death, a huge crate full of various poison vials was found, probably in his chambers, which Claudius threw in the sea, resulting in the death of numerous fish.¹⁶³ The crate full of various poisons and potions seems to have been another hallmark of the sorcerer type;¹⁶⁴ besides, it is a fact that there is little distinction in Latin between a professional poisoner and a sorcerer, since the word *ueneficus* is used to denote them both while Pliny in his “history of Magic” claims that all there really is to this learned set of falsehoods is the art of manufacturing poisons.¹⁶⁵ Furthermore, d’ Erce has quite convincingly argued that the *auripigmentum* which Gaius had managed to prepare out of materials procured from Syria,¹⁶⁶ would probably be some kind of arsenic;¹⁶⁷ if d’ Erce is

¹⁶¹ Gury 2003:417.

¹⁶² Suet. *Cal.* 55.2 Columbo uictori, leuiter tamen saucio, uenenum in plagam additi, quod ex eo Columbinum appellauit. sic certe inter alia uenena scriptum ab eo repertum est. A caveat should be added here that since we are neither told of Columbanus’ death nor of any motive as to why Gaius would want to kill the otherwise unknown gladiator, taking into account that *uenenum* is a *uox media*, the *uenenum* in question could well have been a cure. That said, the context indeed points out to it most likely having been a poison.

¹⁶³ Suet. *Cal.* 49.3 Inuenta et arca ingens uariorum uenenorum plena, quibus mox a Claudio demersis infecta maria traduntur non sine piscium exitio, quos enectos aestus in proxima litora eiecit. Could this practice be in accordance to a law similar or identical to the one in *Dig.* 10.2.4.1 which calls for the destruction of *mala medicamenta* as well as all articles of magic brought into trial?

¹⁶⁴ Cf. Apul. *Met.* 3.21 on the crate of the sorceress full of potion vials: *Iam primum omnibus laciniis se deuestit Pamphile et arcula quadam reclusa pyxides plusculas inde depromit...*

¹⁶⁵ *NH* 30, 17: *proinde ita persuasum sit, instabilem, inritam, inanem esse, habentem tamen quasdam ueritatis umbras, sed in his ueneficas artes pollere, non magicas.*

¹⁶⁶ *NH.* 33.22.79 *Aurum faciendi est etiamnum una ratio ex auripigmento, quod in Syria foditur pictoribus in summa tellure, auri colore, sed fragile lapidum specularium modo. inuitaueratque spes Gaium principem auidissimum auri; quam ob rem iussit excoqui magnum pondus et plane fecit aurum excellens, sed ita parui ponderis, ut detrimentum sentiret propter auaritiam expertus...*

¹⁶⁷ D’ Erce 1969: 124-7.

correct, this would corroborate the picture of Gaius as an expert poisoner with some amount of historicity, because the original reference to the manufacture of *auripigmentum* was not in the context of consciously representing him as a poisoner. Again, these many references to a practice peculiar to sorcerers do not in themselves win Gaius a place amongst them. The blanket term “monster” of Suetonius seems to account for these practices of the emperor instead.

Scholars have pointed out how references to some of Gaius’ notorious acts might actually point to him having been a follower of the cult of Isis. The key to these interpretations inferred from several references in our sources, is the Egyptianising of the emperor, inferred from several references in our sources, who tried to set himself up as a king in Rome, in the tradition of the Ptolemaic pharaohs of Egypt. It follows that, if in fact he had been so fond of Egyptian culture and worship, it would be legitimate to view some more of his reported actions in that same light.

Several of Gaius’ acts seem to have been in line with Ptolemaic or pharaonic practice: Cassius Dio mentions that he had commissioned boys of Greek noble families to sing a hymn to him,¹⁶⁸ a practice reported again by Suetonius relating to a different occasion.¹⁶⁹ The phrase *laudes uirtutum* points to the *aretalogiai*, praise of the virtues of a divine being, a standard practice of pharaonic Egypt in reference to the divine ruler who was the pharaoh.¹⁷⁰ Caligula was setting himself as an absolute divine monarch,¹⁷¹ in the pharaonic fashion:¹⁷² in defiance of Augustan precedent, he seems to have introduced the idea of the divinity of his person during his lifetime. Some details of the cult he had

¹⁶⁸ Dio. Cass. 59. 29. 6 ἐκ τοῦ θεάτρου ἐξελθόντα ἵνα τοὺς παῖδας θεάσῃται, οὗς ἐκ τῆς Ἑλλάδος καὶ τῆς Ἰωνίας τῶν πάντων εὐγενῶν ἐπὶ τῷ τὸν ὕμνον τὸν ἐς ἑαυτὸν πεποιημένον ἄσαι μετεπέπεμπο

¹⁶⁹ Suet. *Cal.* 16 Quas ob res inter reliquos honores decretus est ei clipeus aureus, quem quotannis certo die collegia sacerdotum in Capitolium ferrent, senatu prosequente nobilibusque pueris ac puellis carmine modulato laudes uirtutum eius canentibus.

¹⁷⁰ Cf. Köberlein 1962: 37.

¹⁷¹ Cf. Suet. *Cal.* 22. 1-2 Nec multum afuit quin statim diadema sumeret speciemque principatus in regni formam conuerteret. Verum admonitus et principum et regum se excessisse fastigium, diuinam ex eo maiestatem asserere sibi coepit; datoque negotio, ut simulacra numinum religione et arte praeclara, inter quae Olympii Iouis, apportarentur e Graecia, quibus capite dempto suum imponeret, partem Palatii ad Forum usque promouit, atque aede Castoris et Pollucis in uestibulum transfigurata, consistens saepe inter fratres deos, medium adorandum se adeuntibus exhibebat; et quidam eum Latiarem Iouem consalutarunt. Philo Jud. *Legatio ad Gaium*, 75 οὐδέτι ἡξίου μένειν ἐν τοῖς τῆς ἀνθρωπίνης φύσεως ὄροις, ἀλλ’ ὑπερέκλυτε σπουδάζων θεὸς νομίζεσθαι.

¹⁷² Cf. Donalson 2003: 141ff.

instituted for his godhead point again to Egyptian influence: he had established a temple dedicated to himself on the Palatine in which his statue was each day dressed in new clothing. He also had exotic birds offered as sacrifices to him.¹⁷³ His marriage to his sister Drusilla must belong to the same circle of practices peculiar to the Ptolemaic dynasty of Egypt¹⁷⁴ and the same goes for his dedication of his daughter Drusilla to Jupiter and Minerva.¹⁷⁵ L' Orange has shown the similarities of this act to the Birth Ritual of the Pharaohs¹⁷⁶ and has pointed out that under the name of Athena or Minerva, in Dio and Suetonius respectively, we are to understand Isis, who was often identified with the Greco-Roman goddess.¹⁷⁷ One should ascribe Gaius' contention that his mother Agrippina was born of incest of Augustus with his daughter Iulia¹⁷⁸ to the same circle of ideas, concerning the divine descent of rulers. Furthermore, it is reported that Agrippina herself used to say to him that the divine spirit of Augustus was not contained in his statues but in the blood of his descendants.¹⁷⁹

Seen in this light certain of Gaius' reported acts acquire a new meaning, one we have to infer to them however since our sources only present them unqualified at times or, when appropriate, as typical of the emperor's insanity or inhumanity.¹⁸⁰ Those acts are in fact consistent with Gaius having been an initiate of the Isiac mysteries. First there is the reference to the apparently private theatrical performance Gaius was about to attend

¹⁷³ Cf. Suet. *Cal.* 22. 3 Templum etiam numini suo proprium et sacerdotes et excogitatissimas hostias instituit. In templo simulacrum stabat aureum iconicum amiciebaturque cotidie veste, quali ipse uteretur. Magisteria sacerdotii ditissimus quisque et ambitione et licitatione maxima vicibus comparabant. Hostiae erant phoenicopteri, pavones, tetraones, numidicae, meleagrides, phasianae, quae generatim per singulos dies immolarentur. See Koberlein 1962:44ff for in depth discussion of the peculiarly Egyptian character of those practices and the significance and identity of the species of birds mentioned by Suetonius.

¹⁷⁴ Cf. Eitrem 1932b:11-21; Köberlein 1962:50ff; Gury 2000:577-80

¹⁷⁵ Dio. Cass. 59.28.7 ἐπειδὴ τε ἡ Καισωνία θυγάτριον μετὰ τριάκοντα ἡμέρας τῶν γάμων ἔτεκε, τοῦτό τε αὐτὸ δαιμονίως προσεποιεῖτο, σεμνυνόμενος ὅτι ἐν τοσαύταις ἡμέραις καὶ ἀνὴρ καὶ πατὴρ ἐγγόνει, καὶ Δρουσίλλαν αὐτὴν ὀνομάσας ἕς τε τὸ Καπιτώλιον ἀνήγαγε καὶ ἕς τὰ τοῦ Διὸς γόνατα ὡς καὶ παῖδα αὐτοῦ οὔσαν ἀνέθηκε, καὶ τῇ Ἀθηνᾶ τιθηνεῖσθαι παρηγγύησεν. Suet. *Cal.* 25.4 Infantem autem, Iuliam Drusillam appellatam, per omnium dearum templa circumferens Mineruae gremio imposuit alendamque et instituendam commendavit.

¹⁷⁶ L' Orange 1941:109ff.

¹⁷⁷ Plut. *De Iside et Osiride* 9: τὸ δ' ἐν Σαί τῆς Ἀθηνᾶς, ἦν καὶ Ἰσιν νομίζουσιν,... and 62: τὴν μὲν γὰρ Ἰσιν πολλακίς τῷ τῆς Ἀθηνᾶς ὀνόματι καλοῦσι.

¹⁷⁸ Suet. *Cal.* 23 Praedicabat autem matrem suam ex incesto, quod Augustus cum Iulia filia admisisset, procreatam.

¹⁷⁹ Tac. *Ann.* 4.52: non in effigies mutas divinum spiritum transfusum: se (sc. Agrippinam) imaginem veram, caelesti sanguine ortam... See also Eitrem 1932b:22-34

¹⁸⁰ Cf. Gury 2003:415.

after the day of his murder, which dealt with Egyptian tales of the underworld¹⁸¹. Such performances belonged to the mystery rituals of the Isiac cult.¹⁸² Gaius' claim that he was enjoying sexual union with the Moon, that is the Moon-Goddess, is presented in the context that he was quite simply insane.¹⁸³ But modern scholarship has pointed out how Gaius' claim could be a reference to the *Hieros Gamos* of the mystic with Isis¹⁸⁴ and even his marriage to his sister can be seen as an instance of *Hieros Gamos* of the Divine Ruler Gaius posing as Zeus-Serapis-Helios with his sister-consort who figures often in inscriptions as Isis-Luna-Aphrodite.¹⁸⁵ Again this marriage of Gaius to his sister Drusilla is only mentioned in the context of his monstrousness, perhaps the apogee of his un-Romanness and immorality.¹⁸⁶ But even though private congress with the Moon and incest are practices at least peripheral to the sorcerer type, we again hear of no such censure against Gaius in our sources.

The absence of reference to Gaius as a sorcerer seems to go hand in hand with the absence of any direct reference to him having been an initiate of the Isiac mysteries. This again brings to mind the apparent reluctance and linguistic neutrality which Suetonius and Tacitus exhibit in not directly referring to the Isiac cult in their treatment of Tiberius' seemingly simultaneous action against it and the Jewish community in the year 19 AD. Suetonius refers to the incident as follows: *Externas caerimonias, Aegyptios Iudaicosque ritus compescuit, coactis qui superstitione ea tenebantur religiosas uestes cum instrumento omni comburere. Iudaeorum iuventutem per speciem sacramenti in prouincias grauioris caeli distribuit, reliquos gentis eiusdem uel similia sectantes urbe*

¹⁸¹ Suet. *Cal.* 57. 4: Parabatur et in noctem spectaculum, quo argumenta inferorum per Aegyptios et Aethiopas explicarentur.

¹⁸² Cf. Köberlein 1962: 32.

¹⁸³ Suet. *Cal.* 22. 4 Et noctibus quidem plenam fulgentemque lunam inuitabat assidue in amplexus atque concubitus, Dio Cass. 59. 26. 5 ἡξίου μὲν γὰρ καὶ πρότερον ὑπὲρ ἄνθρωπον νομίζεσθαι, καὶ τῇ Σελήνῃ συγγίνεσθαι καὶ ὑπὸ τῆς Νίκης στεφανοῦσθαι ἔλεγε and 59. 27. 6 καὶ ποτε τοῦ Γαίου συγγίνεσθαί τε τῇ Σελήνῃ λέγοντος, καὶ ἐρωτήσαντος αὐτὸν (i.e. Vitellius) εἰ ὀρώη τὴν θεὸν συνοῦσαν αὐτῷ, κάτω τε ὡς καὶ τεθηπῶς ἔβλεπεν ὑποτρέμων, καὶ μικρὸν τι φθεγξάμενος “ὁμῖν” ἔφη “τοῖς θεοῖς, δέσποτα, μόνοις ἀλλήλους ὀρᾶν ἔξεστιν.”

¹⁸⁴ Cf. Köberlein 1962:56

¹⁸⁵ Cf. Köberlein 1962:57

¹⁸⁶ Suet. *Cal.* 24 Cum omnibus sororibus suis consuetudinem stupri fecit plenoque conuiuio singulas infra se uicissim conlocabat uxore supra cubante. Ex iis Drusillam uitiasse uirginem praetextatus adhuc creditur atque etiam in concubitu eius quondam deprehensus ab Antonia auia, apud quam simul educabantur; mox Lucio Cassio Longino consulari conlocatam abduxit et in modum iustae uxoris propalam habuit; etc

*summoit, sub poena perpetuae seruitutis nisi obtemperassent.*¹⁸⁷ Several fine points need to be made here. First, Suetonius makes no specific reference to the cult of Isis being persecuted, but speaks in the general terms of “Egyptian cults”; in fact we learn that the cult in question is that of Isis only through Josephus.¹⁸⁸ Then, in the place of the expected *superstitiones* after *externas* (*externae superstitiones* is a common way of referring to foreign cults, in a derogatory manner), we find the neutral term *caerimonias*. Then there is the uncertainty of which of the two cults the phrase *superstitione ea* refers to; it could be argued that it refers to both the Egyptian and the Jewish cult, and indeed it is often understood in this way. But then again the singular number would make the phrase awkward, and Suetonius by the time he was writing was obviously aware that those two cults were quite distinct from each other. The Tacitean parallel might offer some insight: *actum et de sacris Aegyptiis Iudaicisque pellendis factumque patrum consultum ut quattuor milia libertini generis ea superstitione infecta quis idonea aetas in insulam Sardiniam ueherentur...*¹⁸⁹ The recurrent phrase *ea superstitione* could well point to Suetonius having quoted Tacitus and in the Tacitean passage it clearly refers to the Jews and Judaizers.¹⁹⁰ In this light the phrase recurrent in Suetonius could more naturally be taken to refer to the Jewish cult, even more so because of its proximity to *Iudaicos ritus*. The conclusion drawn here is that both Suetonius and Tacitus refrain from making direct reference to the Isiac cult, by generally speaking of “Egyptian cults”, and quite carefully refrain from calling it a *superstitio*, a term which they reserve for the more widely despised Jewish religion. Even if the reference be considered to be ambiguous by some, it still reveals careful wording to say the least; the Isiac cult is not decried.

¹⁸⁷ Suet. *Tib.* 36.

¹⁸⁸ *Ant.* 18.79: καὶ ὁ Τιβέριος μαθήσεως ἀκριβοῦς αὐτῷ γενομένης ἐξετάσει τῶν ἱερέων ἐκείνους τε ἀνεσταύρωσεν καὶ τὴν Ἰδὴν ὀλέθρου γενομένην αἰτίαν καὶ τὰ πάντα ἐφ' ὕβρει συνθεῖσαν τῆς γυναικός, τὸν τε ναὸν καθεῖλεν καὶ τὸ ἄγαλμα τῆς Ἰσιδος εἰς τὸν Θύβριν ποταμὸν ἐκέλευσεν ἐμβαλεῖν.

¹⁸⁹ *Ann.* 2.85.

¹⁹⁰ Cf. Cassius Dio 57.18.5: τῶν τε Ἰουδαίων πολλῶν ἐς τὴν Ῥώμην συνελθόντων καὶ συχνοὺς τῶν ἐπιχωρίων ἐς τὰ σφέτερα ἔθνη μεθιστάντων, τοὺς πλείονας ἐξήλασεν. Joseph. *Ant.* 18. 84: οἱ δὲ ὑπατοὶ τετρακισχιλίους ἀνθρώπους ἐξ αὐτῶν στρατολογήσαντες ἔπεμψαν εἰς Σαρδῶ τὴν νῆσον, πλείστους δὲ ἐκόλασαν μὴ θέλοντας στρατεύεσθαι διὰ φυλακὴν τῶν πατρίων νόμων. καὶ οἱ μὲν δὴ διὰ κακίαν τεσσάρων ἀνδρῶν ἠλαύνοντο τῆς πόλεως.

Towards corroborating this tendency in Suetonius, one cannot fail to observe that, despite his known taste for scandal, he makes no reference whatever to the obviously fictitious story of the Roman knight Mundus and the respectable Roman matron Paulina, which is found in Josephus and is supposedly according to the latter what instigated the action of Tiberius against the Isiac cult in Rome.¹⁹¹ Mundus driven by desire for Paulina, who would not give in to his advances owing to her chaste nature, obtains through the mediation of a slave the compliance of the venal priests of Isis to carry through a cunning plan by which to acquire the over-virtuous matron. The high priest of Isis announces to Paulina that the god Anubis has fallen in love with her and wanted to make her his bride; for that purpose she should prepare herself for spending a night with the god in the temple; predictably enough Anubis turns out to be none other than Mundus himself, who thus acquires the favours of the gullible Paulina. After the incident, Paulina turns out to be even less bright than what she has appeared to be up to this point, as we find her relating her experience with Anubis to her incredulous friends, but Mundus surpasses her in imprudence by boasting about his accomplishment not to some companions of his, but to Paulina herself. Devastated at finding out how she was taken advantage of, she relates everything to her unfortunate husband, who retains his composure long enough to report the event to Tiberius. The rest is indeed history, as opposed to fiction;¹⁹² Tiberius orders the temple of Isis destroyed, the Isiac priests crucified and the statue of Isis thrown into the Tiber. Now, it is a commonplace that Suetonius is not very discerning as to the plausibility of the stories he includes in the biographies of his subjects. The whole infamous Capri incident concerning Tiberius, for example, is not generally regarded as any more plausible or less fictitious than the story of Paulina and Mundus. One cannot help but wonder if there is some connection between his refraining from mentioning this piece of gossip, which presents the Isiac priesthood in a most unfavourable light (and thus is anything but contrary to Josephus' agenda, who is the only one of our sources to relate it) and his employment of neutral terms in referring to the Isiac/Egyptian cults noted above. As for the absence of the story from Tacitus, there is little to wonder about.

¹⁹¹ *AJ.* 66-80

¹⁹² See also Moehring 1959:299-300.

It has been shown that Gaius is represented as connected with many practices connected with the sorcerer type, although never named as one or associated directly with magic. A possible parallel to this kind of indirect representation of a “bad emperor” as magician can be found in Suetonius again in what he relates about the emperor Nero and the latter’s worship of a small female figurine to which he offered sacrifices thrice per day and which he consulted when in need of advice.¹⁹³ About a century later, such alleged practices did not fail to lead Apuleius to court, defending himself against charges of sorcery.¹⁹⁴ Yet one can only wonder again how an Egyptophile like Nero, an alleged initiate in the mysteries of the *magi* and avid student of magic, would have shown disdain for Isis, the Egyptian deity *par excellence*, the patron of magicians and procurer of miracles. Statues of Isis of the type described here were fairly common, and the statue in question could very well have been one of those. Nero’s devotion to the figurine is instead branded *superstitio* and whatever the figurine represented is left completely vague. Regarding Nero’s fascination with *superstitiones* we are also told that he disdained all cults with the exception of that of Atargatis, the Syrian Goddess, which he soon came to despise as well.¹⁹⁵ The cult of Atargatis however was never a well respected one in Rome,¹⁹⁶ while its priests and followers were probably often the targets of satire.¹⁹⁷ Therefore associating a “bad emperor” like Nero with this particular cult only drives the intended point home; Nero was someone who would join such a cult, but he disdained all others, surprisingly even that of Isis, which he would have been expected actually to have an interest in, not least for the above mentioned reasons.

¹⁹³ Suet. *Nero*, 56: ...alia superstitione captus, in qua sola pertinacissime haesit, siquidem imagunculam puellarem, cum quasi remedium insidiarum a plebeio quodam et ignoto munerì accepisset, detecta confestim coniuratione pro summo numine trinisque in die sacrificiis colere perseueravit uolebatque credi monitione eius futura praenosceret. Ante paucos quam periret menses attendit et extispicio nec umquam litauit.

¹⁹⁴ Apul. *Apol.* 57-60. Cf. Graf 1997: 80-1.

¹⁹⁵ Suet. *Nero*, 56: Religionum usque quaque contemptor, praeter unius Deae Syriae, hanc mox ita spreuit ut urina contaminaret,...

¹⁹⁶ Cf. Turcan 1996: 135ff

¹⁹⁷ Cf. the representation of a priest of the *Dea Syria* in Apul. *Met.* 8. 24: Scitote qualem: cinaedum, caluum quidem sed cincinnis semicanis et pendulis capillatum, unum de triuali popularium faece, qui per plateas et oppida cymbalis et crotalis personantes deamque Syriam circumferentes mendicare compellunt.

The cult of Isis had become strong and influential in Rome by the time Tacitus, Suetonius and Dio Cassius composed their works.¹⁹⁸ My contention is that Suetonius and Dio would be cautious about giving overt offence to an influential cult, by stating too openly that Gaius, a proverbially bad emperor, was an avid follower and supporter of it. Thus they seem on the one hand to have retained the accounts of their sources which clearly described or hinted at Gaius' Isiacism, but on the other to have omitted from those any direct references to the cult of Isis, with the result that in the end, taking them out of context, the reader is only presented with the demented or perverted acts of a madman. Though this might seem plausible, there is no easy answer on why Gaius is not once mentioned as a sorcerer, despite qualifying for the title on many accounts, as shown above. If one is to accept the reason as to why no mention to Gaius' status as an Isiac devotee is made, I would argue that making explicit mention to Gaius' interest in magic would have drawn back attention to the, at any rate, thinly disguised interest of the emperor in the Isiac cult. Isis was known as the patron goddess of magicians among the Egyptians; but "magic" in this context is not the universally derogatory blanket term used by Roman authors to refer to questionable alien rituals, but more in the sense of "miraculous power" as referred to in the *PGM*.¹⁹⁹ Any reference to Gaius as engaging in magical practices could have drawn attention exactly to the source our authors wanted to divert it from. So in conclusion I would propose that the caution, evidently consistent, of giving offence to an influential popular cult, which had been much less so in the days of Gaius, seems to account for the absence of the emperor's explicit association with it or with magic in our sources, and his representation, through those very incidents that only hint at those practices, merely as a perverted megalomaniac madman. It seems plausible that painting him in the recognizable colours of an Egyptianizing mage or charlatan would serve its polemical purpose more tactfully and just as well.²⁰⁰

¹⁹⁸ Cf. Scott 1936:89-92; Turcan 1996:90-93; Donalson 2003: 152ff.

¹⁹⁹ *PGM* 1. 127 ὃ μα[κάρ]ιε μύστα τῆς ἱερᾶς μαγείας, The Egyptian word translated by *μαγεία* is probably *heka* the meaning of which is more appropriately rendered as "power to work miracles".

²⁰⁰ Cf. Gury 2003: 427.

3. Nero

Pliny in his famous passage commonly referred to as “history of magic”²⁰¹ uses as the crux of his argument against the vanity and ineffectualness of the magical arts²⁰² the fact that the emperor Nero, who had been the greatest enthusiast of magic in his own time and whose ardent pursuit to master the art rivaled even his famous obsession with music and stage acting, had not managed in the end to make it work²⁰³, despite being well versed in the lore of sorcerers²⁰⁴ and having the resources of the empire at his disposal, so that there was no obscure magical ingredient that he could not have access to, if he desired to have it.²⁰⁵

Always keeping focused on Nero and his attempts to learn and make magic have an effect, Pliny briefly narrates the visit of Tiridates of Armenia to Rome, for his investiture as King of Armenia by Nero. Tiridates was a *magus* himself and had brought along *magi* in his entourage.²⁰⁶ Nero, as was to be expected, availed himself of the opportunity and was initiated into “magical feasts” by Tiridates and his *magi* followers; nevertheless he was unable to acquire Tiridates’ craft from him, i.e. he was unable to make magic have any effect.²⁰⁷

This narrative serves to prove that according to Pliny magic is a set of lies, false notions and ineffectual practices;²⁰⁸ there are only ghosts of truth in it at best and its real power lies only in the brewing of poisons.²⁰⁹ The piece is of great interest as it sheds light

²⁰¹ *NH* 30.1-20.

²⁰² *NH* 30.1: *Macicas uanitates*.

²⁰³ *NH* 30.14-17.

²⁰⁴ *NH* 30.14: *quae omnia aetate nostra princeps Nero uana falsaque comperit*.

²⁰⁵ *NH* 30.14.

²⁰⁶ *NH* 30.16-17.

²⁰⁷ *NH* 30.17. Cumont (1933) has demonstrated how the description of Tiridates coronation by Nero preserved by Cassius Dio in 63. 1-7, actually bears striking resemblance to the Mithraic ritual of coronation of the Sun by the Zoroastrian solar deity Mithra. This is to corroborate the claim of Pliny that Nero quite probably became an initiate of the mysteries of the *magi*, as he seems to be assuming the role of Mithra in the coronation of Tiridates, therefore demonstrating knowledge of the original ritual. See also Gagé 1955:664-72.

²⁰⁸ In fact however, Pliny's attitude towards the effectiveness of magic is ambivalent; see Jones 1950/1; Ernout 1964.

²⁰⁹ *NH* 30.17: *proinde ita persuasum sit, instabilem, inritam, inanem esse, habentem tamen quasdam ueritatis umbras, sed in his ueneficas artes pollere, non magicas*. This serves to show that the supernatural element in what was called *ueneficium* was notionally distinct from the physical and down to earth power

upon what Pliny and most probably other members of his social class, the senatorial elite, understood as *magicae artes* in his age and most importantly its perceived connection with the practices of the actual *magi*, the Mazdean priesthood of Persia. Pliny obviously makes no distinction between traditional practices of sorcerers, such as impious attempts to command the gods,²¹⁰ the sacrifice of black sheep, reminiscent of necromantic rituals,²¹¹ as well as human sacrifice²¹² from the arts of Tiridates and the *magi* found in his entourage; Pliny would have us believe that the *artes magicae* which Nero despite his keenness never managed to learn how to put to actual use, are the very same he could not acquire from Tiridates and his initiation into the previously mentioned magical feasts.

The narrative's main purpose is evidently to prove that the promises of magic and its practitioners are false and magic is nothing more than learned nonsense. But one cannot help noticing the partisan negative depiction of the emperor Nero and the political undertones of the statements of a man in the same league of thought as Tacitus. Nero faces the indirect accusations that in his folly and ardour for acquiring the ultimate power of commanding the gods, supposedly offered by knowledge of magic, wasted resources of the empire; not least amongst those excessive expenses being the needless expenditures made for the accommodation of Tiridates who would not travel by land due to his beliefs as a *magus*.²¹³ The latter thus became a grave economic burden on the provinces as he traveled by land accompanied by his large train of camp followers and three thousand Parthian horsemen.²¹⁴ Pliny glosses over how in fact the triumph in Rome and Tiridates' investiture by Nero was actually the successful culmination of a long struggle between Rome and Parthia over control of Armenia and the reader is left with the impression that Nero gave away a kingdom and went through massive expenses in exchange for learning nonsense.²¹⁵ Pliny does not entirely conceal his disapproval of Nero

of poison.

²¹⁰ *NH* 30.14: *primumque imperare dis concupiuit* (sc. Nero).

²¹¹ *NH* 30.16: *pecudes, uero, quibus non nisi ater colos esset facile*. Cf. *Aen.* 6.153.

²¹² *NH* 30.16: *nam homines immolare etiam gratissimum*.

²¹³ *NH* 30.17: *nauigare noluerat, quoniam expuere in maria aliisque mortalium necessitatibus uiolare naturam eam fas non putant*.

²¹⁴ *NH* 30.16. Cf. Dio Cass. 63.2.1.

²¹⁵ *NH* 30.17: *non tamen, cum regnum ei daret, hanc ab eo artem accipere ualuit*. The phrasing would have us believe that we are dealing with an exchange of a kingdom for the acquisition of magical knowledge on the part of Nero; cf. Garosi 1976:25-6.

and the latter's policies in innuendo either; he sarcastically claims that it would have been better for the Empire had Nero gotten his barbarous magical rites to work and consulted the dead or whatever gods he sought to consult instead of entrusting it to prostitutes to confirm the paranoid suspicions he entertained; ironically he may not have managed to make contact with the souls of the dead, but he nevertheless did fill the city of Rome with ghosts as a result of his *saeuitia*.²¹⁶

Pliny is not the only author to have given an account of Nero's magic-related escapades; Suetonius in his biography of the emperor refers at one point to Nero's attempt to summon his mother's *manes* from the underworld through a ritual employing the help of *magi* in order to appease her ghost which kept plaguing him after her murder, which was instigated by him in the first place.²¹⁷ In this reference to necromancy we can draw a parallel to the similarities in the account of Pliny, who fully credited the emperor as intent on pursuing this kind of divination, albeit with no success.²¹⁸ The reference to the *magi* is again reminiscent of Tiridates and his own *magi* followers which Pliny mentions, but they obviously cannot be identical, since the necromantic ritual Suetonius refers to cannot have taken place long after Agrippina's murder in 59 AD, while the coronation of Tiridates in Rome took place in 66 AD. The use of the term *magi* for the necromancers performing the ritual on behalf of Nero could have been due to several reasons; quite possibly it was because it had become a catch-all term for practitioners of what were loosely considered *artes magicae*,²¹⁹ alternatively, it is possible that Suetonius, influenced by the story about Tiridates and his entourage and their dealings with Nero, could have employed the term knowingly to allude to the Mazdean priests without paying much attention to the chronological paradox; after all they evidently were quite capable of necromantic feats as can be gleaned from Pliny's account.²²⁰ Furthermore, a literary parallel between an actual practice of the *magi* and Suetonius treatment of the whole

²¹⁶ *NH* 30.15.

²¹⁷ Suet. *Nero*, 34.4: *quin et facto per magos sacro euocare manes et exorare temptauit*.

²¹⁸ *NH* 30.15.

²¹⁹ Cf. Tac. *Ann.* 2.27: *ad magorum sacra, Chaldaeorum promissa, somniorum etiam interpretes impulit*. Both here and elsewhere in his works, Tacitus does not make much distinction between those seemingly diverse classes of diviners.

²²⁰ I see no reason why we should suppose with Rochette (2003:839-40) that the *magi* referred to here could have been Pythagoreans of the sect of Nigidius.

Agrippina incident can be found in the evidently necrophiliac interest Nero displays for his dead mother²²¹, with whom he was rumoured to have committed incest on occasion.²²² The notion amongst the Romans that Persian *magi* were products of incestuous unions had already been current since Republican times²²³ and allusion to incest in this context could suggest that Suetonius' wording in this passage might have been influenced by his knowledge of the dealings of Nero with Tiridates and his *magi*.

Another slightly more indirect reference to Nero and magic in Suetonius' work can be found in his account of the repeated appearance of a comet in 65 AD. Nero perturbed by the portent was informed by the astrologer Balbillus that such a sign was a foreboding of ill times for the emperor's reign and he advised him that kings used to expiate such portents by slaughter of illustrious men.²²⁴ One need not try too hard to see in the advice offered by an astrologer, a class of people which at times is hardly distinct from sorcerers at the time, that a portent should be expiated by killing people, a hint towards the magical practice of human sacrifice. The parallel to Pliny's mention of Nero's eagerness to commit human sacrifice presents itself and the reference to the required victims having to be *illustres*, i.e. probably of the senatorial class, which both authors either belonged or had strong ties to, reveals Suetonius to be as partisan as Pliny, especially after his contending that this is how Nero decided on killing "any citizen of noble birth". A somewhat more indirect reference to Nero and his keenness on human sacrifice could be found in Suetonius' mention of a rumour according to which the emperor maintained in his palace a monster of Egyptian origin, which he fed on a diet of raw meat, and that he wished to throw living people to it to maim and devour.²²⁵ The nature of this monster is amplified in its mystery both by the mention of Egypt as its birthplace, the land whence magic was supposed to originate from, and by Suetonius' use of the vague word *polyphagus* (essentially meaning "glutton") to name what seems to

²²¹ Suet. *Nero* 34.4: *ad uisendum cadauer interfectae accurrisse, contrectasse membra, alia uituperasse, siti interim oborta bibisse*. Cf. Ogden 2001:153.

²²² Tac. *Ann.* 14. 2-3 and 8.

²²³ Cf. Catul. 90: *nascatur magus ex Gelli matrisque nefando / coniugio et discat persicum aruspicium*.

²²⁴ Suet. *Nero* 36.1: *ut ex Balbillo astrologo didicit, solere reges talia ostenta caede aliqua illustri expiare atque a semet in capita procerum depellere, nobilissimo cuique exitium destinavit*.

²²⁵ Suet. *Nero* 37.2: *creditur etiam polyphago cuidam Aegypti generis crudam carnem et quidquid daretur mandere assueto, concupisse uiuos homines laniandos absumendosque obicere*. Cf. Littman 1976:369.

have been a crocodile, hardly such an unknown species in Rome that it should need to be referred to in such a cryptic manner as “a man eating monster from Egypt”. Thus we are once again drawn into the realm of the marvellous.²²⁶ As a final word on this, it is perhaps worth drawing a latter-day parallel between the Egyptian man-eating monster kept by Nero and the exotic, although readily definable (a lion, a monkey and a snake) animals Elagabalus, sorcerer-emperor *par excellence*, is reported to have kept in the temple where he performed human sacrifice and to which he threw bits of human flesh, presumably cut off from his victims.²²⁷

It is quite evident that we are dealing with rhetorical commonplaces in the depictions of Nero in the framework of magic, both in Pliny and Suetonius: Nero seeks assistance for acquiring magical knowledge or for performing magical rituals to his benefit from foreign *magi*. Those were indubitably meant to be easterners in Pliny and we are possibly to understand likewise in Suetonius, if he indeed refers to the sorcerers in question as *magi* writing under influence of the doubtlessly impressive and unprecedented tale of a Roman *princeps* becoming an initiate in the mysteries of this most ancient society. By both accounts Nero is an emperor intent on human sacrifice; in Suetonius it is *nobilissimus quisquam* that constitutes the potential victim, Pliny surely must have meant that through Nero’s actions the city was filled by the ghosts of the *nobiles* as well. The picture of Nero that can be gleaned from these accounts is essentially one of a cruel tyrant, who is further demonized by having ascribed to him as motive for his actions not only the traditional *saevitia*, hallmark of the “bad emperor” type, but actually the pursuit of alien and insane practices like sorcery.

The question presents itself: why did Nero lend himself to such portrayals? What constituted him as a sorcerer-emperor in the minds of at least some of the members of the senatorial class? The visit of the *magus* Tiridates to Rome, during which the emperor became reportedly an initiate of the mysteries of the *magi* would have contributed greatly

²²⁶ It has been theorized however (Baldwin 1977) that a *polyphagus* was actually a type of performer or circus artist who would swallow all manner of awkwardly shaped objects for the spectators’ amusement. Though the hypothesis and its exposition is not without merit, the description of the particular *polyphagus* in Suetonius as dismembering and eating people alive, would seem to indicate a crocodile rather than a human cannibal. The fact remains however that the wording in the passage is admittedly extremely cumbersome to simply refer to an exotic, but well known animal.

²²⁷ Dio Cass. 79.11.3.

to shaping this picture, especially so since those mysteries would not be distinguished from what was commonly called “magic”.²²⁸ But even though it is very plausible that Nero became an initiate, one cannot prove it, since it is only the testimony of Pliny we possess and the indirect evidence furnished by Dio Cassius’ account; after all the initiation would not have been public so as to be an uncontested fact for everyone. It could very well be that the initiation of Nero is an exaggeration or pure fable for all we actually know. If such were the case, are there grounds to be found in such evidence we possess pertaining to the public and private life of the emperor that would lead one to postulate fairly plausibly that a man of Nero’s type would not miss the opportunity to become an initiate and acquire forbidden alien lore should he enjoy the company of a whole troop of real *magi* staying as his guests and vassals in the Imperial capital?

The entourage of an important man reflects upon him. It would be useful then to examine briefly the nature of some people who happened to be close to Nero. Since Tiberius Claudius Balbillus has already been mentioned, I will begin with him. Balbillus was the son of Tiberius Claudius Thrasyllus, the astrologer who exercised great influence over the emperor Tiberius; he was an astrologer himself as we have seen already and, according to Suetonius, he had Nero’s ear. Balbillus had been given the prefecture of Egypt around 55 AD,²²⁹ a land evidently close to Nero’s heart, as he was considering in his hour of greatest peril to plead for forgiveness and to be content to resign his throne in exchange for the prefecture of Egypt.²³⁰ Balbillus was a learned man according to Seneca’s testimony and an astrologer of good pedigree; this taken into account makes it more probable that he was given the prefecture of Egypt in order to facilitate his study of Egyptian lore. Furthermore, apart from the passage of Suetonius mentioning him, in which he is presented pretty much as a sorcerer, the remaining references to him (excluding Tacitus’) connect him with marvellous occurrences of which he was either a

²²⁸ On the different ancient perceptions of what a magus was supposed to be, see Apuleius' *Apol.* 27.

²²⁹ Tac. *Ann.* 13.22, Sen. *QN* 4.2.13 and Stein 1899:2679.

²³⁰ Cf. Suet. *Nero* 47.2.

spectator²³¹ or an instigator.²³² It is quite plausible to postulate that he would have been regarded with the awe due to a man knowledgeable in the arcane and this could have hardly failed to reflect on Nero, his regal patron.

Moving some years backwards in 49 AD, one encounters Chaeremon the Egyptian *hierogrammateus*,²³³ Stoic philosopher and writer of a treatise on Egyptian astrology²³⁴, as well as other works on grammar and Egyptian history, being admitted into the imperial court as a tutor of the young Nero.²³⁵ It is plausible to assume that a tutor of his calibre would have left a lasting mark on his future emperor pupil and that perhaps it is to him that Nero owed his fascination with astrology and Egypt. Furthermore Chaeremon's proximity to the emperor could have strongly and quite negatively coloured traditionalist Roman perceptions of Nero, who had taken an Egyptian priest²³⁶ and astrologer for tutor. Admittedly though one encounters no bad press against Chaeremon, as one does against Balbillus, but this could have been because the former does not seem to play any role in the years Nero was actually an emperor as opposed to emperor-in-waiting.

Chaeremon's legacy, as already stated, was evidently long-lasting on the young *princeps* and his Egyptian ideas of solar monarchy, i.e. of a monarch seen as the avatar of the sun god, did not fail to leave an impression on Nero's other tutor, Seneca, with which Chaeremon worked together for the education of the emperor. If we are to follow Grimal, Seneca is alluding to Egyptian priestly phraseology in hymns to the Pharaoh, in his address to Nero as the future monarch of the empire. This knowledge of proper phraseology he quite probably acquired from Chaeremon.²³⁷ As to why Seneca chose to address the young Nero in this way one can only speculate; Grimal contends that a strong

²³¹ Sen. *QN* 4.2.13: spectaculo sibi (sc. Balbillo) fuisse delphinorum a mari occurrentium et crocodillorum a flumine aduersum agmen agentium uelut pro partibus proelium; crocodillos ab animalibus placidis morsuque innoxiiis uictos.

²³² *NH* 19.3: quodue miraculum maius herbam esse quae admoveat Aegyptum Italiae in tantum, ut Galerius a freto Siciliae Alexandria septimo die pervenerit, Balbillus sexto, ambo praefecti, aestate vero post XV annos Valerius Marianus ex praetoriis senatoribus a Puteolis nono die lenissimo flatu?

²³³ Euseb. *Praep. Evang.* 5. 10. 5. On Chaeremon see Frede 1989. For his interests in Egyptian mysticism see also Loprieno 1996: 602-3.

²³⁴ Origen *c. Cels.* 1. 59.

²³⁵ Schwartz 1899:2026.

²³⁶ For the notional confusion of Egyptian priests with magicians see also Frankfurter 1997:119-21.

²³⁷ Grimal 1971:207-11.

reason would have been the omen at Nero's birth that he would one day become king,²³⁸ as the sun's rays had touched him before he had been deposited on the earth²³⁹ to be picked up and recognized by his father, as was the Roman custom at childbirth. Naturally this omen of future greatness was a later invention which served to bring the past in line with the present established image of Nero-Apollo-Helios.

The artistic depiction of rulers as avatars of deities was not really without precedent in Rome; Augustus himself was often likened to Apollo and Nero could only be said to follow a precedent set by the first *princeps*.²⁴⁰ We have seen though that the roots of the idea of solar royalty in the case of Nero were different; whereas Augustan Apollo, based on the theology of the Aeneid was regarded as a Roman god and protector of Rome, Nero's ideas of solar apotheosis drew on the East. We have seen that the whole idea at its genesis may well have been of Egyptian origin.²⁴¹ Nero further drew on the orient as is evident from the design of his *Domus Aurea* (the construction of which was begun at 64 CE, after the Fire of Rome), which is reminiscent both in his architecture and in its symbolism of astral apotheosis of the Divine Sovereign, with the palaces of Persian kings.²⁴² The Apollo he favored was in his aspect of God of Music and protector of the Arts, closer to the Greek perception of the God and quite distinct from the Roman Augustan Apollo of Virgilian epic. This is the place to note his rather novel depiction and representation as Phaethon. Phaethon who had been regarded as an example of rashness, foolhardiness and plain audacity, came to be seen in the time of Nero as a heroic figure, a symbol of virtue reaching for the loftiest heights of moral, spiritual or intellectual achievement. This tendency probably originates from the posing of Nero himself as

²³⁸ Grimal 1971:211ff.

²³⁹ Suet. *Nero*, 6. 1.

²⁴⁰ Cf. Fears 1976:495. Although Fears draws attention on some important points not to be forgotten in the discussion of a Neronian Solar Monarchy, I think his conclusion that Nero did not try to identify himself with *Sol* and that the whole theory of the Solar Monarchy holds no water at all is unfounded and somewhat hasty.

²⁴¹ It is worth noting here that it has been proposed (Lugli 1992:146) that Nero's wish to command the gods as mentioned in Pliny (*NH* 30,14) is in accordance with Egyptian ritual practice. On the significance of familiarity of a magician with the Sun in Egyptian magical rites see Graf 1999:292. For the Augustan precedent of Nero's employment of Apollonian imagery in his propaganda see Gag e 1955:650-8.

²⁴² For a description of the *Domus Aurea* see Suet. *Nero*, 31. For a detailed account of parallels to be drawn between the architecture and symbolism of the *Domus Aurea* and the palaces of eastern monarchs, see L'Orange, 1942.

Phaethon, and in his case it is closely connected with his ideology of Solar Monarchy and Apotheosis.²⁴³ In the prologue of Lucan's epic Nero is represented as replacing the Sun in the process of his future Apotheosis;²⁴⁴ his representation as attaining the position of supreme divine sovereign of the world does not seem unrelated to Pliny's claim that Nero craving the ultimate power of commanding the gods themselves turned to studying magic.²⁴⁵ Besides, even the mildly bitter and disgruntled amongst the senatorial order would have hardly missed the chance to remark on how befitting the young emperor's portrayal as Phaethon was, having replaced on the throne of the empire his adoptive father Claudius through murder. Some might still remember Tiberius' words, as related by Suetonius, that he was preparing a calamity to himself and to all Rome in the guise of Gaius and that he was rearing a Phaethon for the world.²⁴⁶ The fact that Nero was rumoured to express his admiration for his uncle Gaius could not but have corroborated any analogies drawn between them.²⁴⁷

His disdain for all cults and his profanation of the image of the *Dea Syria* of which he used to be a follower,²⁴⁸ should be added to the above list of his religious deviances. Here one sees again the correlation between disrespect to the gods and magic, as impiety is regarded as a constant feature of magicians according to popular opinion. That he reportedly clung to his private *superstitio* of worshiping and offering sacrifices to a small female figurine, which he consulted at times, could only strengthen or become part of that conception.²⁴⁹ After all among Apuleius' charges in his trial for sorcery was that of maintaining the figurine of a demon which he used for his magical rites.²⁵⁰

²⁴³ Cf. Hor. *Car.* 4.11. 25-6, Ovid *Met.* 2.1-332. For Nero-Phaethon see Duret 1988.

²⁴⁴ *Phar.* 1. 33-66. Cf. Arnaud 1987:174. On the prologue of the *Pharsalia* see Grimal 1960. It is worthwhile to note here that even Augustus' identification of himself, before he became emperor, with Apollo was considered scandalous and spun to serve the interests of the propaganda of Mark Anthony; see Suet. *Aug.* 70.1: *Cena quoque eius secretior in fabulis fuit, quae uulgo dodekatheos uocabatur; in qua deorum dearumque habitu discubuisse conuiuas et ipsum pro Apolline ornatum non Antoni modo epistulae singulorum nomina amarissime enumerantis ex probrant, sed et sine auctore notissimi uersus ... 2. Auxit cenae rumorem summa tunc in ciuitate penuria ac fames, adclamatumque est postridie: Omne frumentum deos comedisse et **Caesarem esse plane Apollinem, sed Tortorem**, quo cognomine is deus quadam in parte urbis colebatur.*

²⁴⁵ Cf. Méthy 2000a:388.

²⁴⁶ Suet. *Cal.* 11. 1.

²⁴⁷ Suet. *Nero*, 30. 1.

²⁴⁸ Suet. *Nero*, 56.

²⁴⁹ Suet. *Nero*, 56.

²⁵⁰ Apul. *Apol.* 57-60. Cf. Graf 1997:80-1.

By the time Tiridates and his *magi* had arrived in Rome Nero had already given much reason to be regarded with suspicion by traditionalist Romans as a deviant from the way a Roman emperor was expected to behave with his open admiration of the Orient his un-Roman pursuit of excellence in the performance of Music and the Arts and his alien religious concepts. His initiation in the mysteries of the *magi* was probably seen by Pliny as the corroboration of the rumours going about him up to then and his interest in the alien practice of magic. At any rate, the ascription of such interests to Nero by authors either belonging or having strong ties to the senatorial class like Pliny or Suetonius is in agreement with their perception of him as a monster which the empire was very glad at some point to be finally rid of.²⁵¹

4. Otho

In the course of the chaotic year 69 AD which followed the fall of Nero, Otho was the second pretender to come to power, after he and his partisans deposed and murdered Galba and his appointed successor Piso in a successful coup; Galba's assassination in the *forum* and the subsequent humiliation of his remains were obviously regarded as a disgraceful affair and a blow to Roman dignity by the aristocracy.²⁵² Furthermore the fact that Otho was being hailed as “Nero” by the crowd and that he seemed to adopt the appellation,²⁵³ in an attempt to rehabilitate the memory of an emperor most hated by the

²⁵¹ Cf. Méthy 2000:395.

²⁵² See Tac. *Hist.* 1.39-44. Tacitus reference to Galba's murder as a *scelus* throughout the account and his sarcastic comment on the partisans of Otho striding proudly into the forum as if they were about to slaughter some proverbial Parthian enemy of Rome and not their own emperor (1.39), are particularly telling about his opinion on the events. Tacitus was not overly fond of Galba, but nonetheless one detects a certain amount of sympathy for him in his writings. On Tacitus' hostility to Otho see Stolte 1973:183-90; Shochat 1981a; Perkins 1993. On Tacitus' favourable treatment of Galba see Shochat 1981b. For a discussion of the speech of Galba (*Hist.* 1.15-6) as an expression of Tacitus' own thoughts on the Principate see Christ 1978:456-64.

²⁵³ Suet. *Otho* 7: *Ac super ceteras gratulantium adulantiumque blanditias ab infima plebe appellatus Nero nullum indicium recusantis dedit, immo, ut quidam tradiderunt, etiam diplomatibus primisque epistulis suis ad quosdam provinciarum praesides Neronis cognomen adiecit.* Suetonius reveals himself adhering to senatorial political views by representing Otho as being supported by the *plebs*; for Suetonius' similar treatment of Nero and the opposition of senate and plebs in the senatorial historiographical tradition see Joly 2005:120-1.

senatorial class, must have afforded little to help his popularity with the *nobiles*.²⁵⁴ Ironically his image as an emperor in our sources is indeed reminiscent of the worst qualities of Nero;²⁵⁵ effeminacy,²⁵⁶ luxuriousness²⁵⁷ and neglect of Roman religion²⁵⁸ are applied to him in censure as they are applied to the last of the Julio-Claudians.

According to Tacitus, Otho's ambition to become emperor was initiated and fanned to flame by astrological predictions which pointed to his future greatness. The astrologer responsible for these was a certain Ptolemaeus, a member of his entourage while in Spain. As Tacitus informs us, this man was formerly one of the many astrologers employed by Otho's former and Nero's second wife, Poppaea Sabina. Tacitus uses this account as a vehement denunciation of astrology as a despicable instrument of the imperial household and of astrologers as a class of parasites with too much unwarranted influence in the politics of the Empire.²⁵⁹ The reference to the Julio-Claudian imperial household (*principale matrimonium*) and especially the influential Poppaea Sabina as the base of power of the astrologers brings to mind similar stories about Agrippina, which Tacitus would later recount in the *Annals*; the astrologers employed by Agrippina also played an important role her machinations to bring her son Nero to power.²⁶⁰ In both

²⁵⁴ For a detailed discussion on how Tacitus' account on Otho illustrates the tension between the classes and between the Senate and the Praetorians see Klingner 1969:395-400.

²⁵⁵ Sage (1990:903-4) argues that the parallelism of Otho with Nero becomes a *Leitmotiv* of Tacitus' account on him.

²⁵⁶ For effeminacy as a possible trait of the sorcerer type as an object of magic accusations see Stratton 2007:25.

²⁵⁷ Tac. *Hist.* 1.21-2; Juv. 2.99.

²⁵⁸ Suet. *Otho* 8.

²⁵⁹ Tac. *Hist.* 1.22: ... urgentibus etiam mathematicis, dum nouos motus et clarum Othoni annum obseruatione siderum adfirmant, *genus hominum potentibus infidum, sperantibus fallax, quod in ciuitate nostra et uetabitur semper et retinebitur. multos secreta Poppaeae mathematicos pessimum principalis matrimonii instrumentum, habuerant:* e quibus Ptolemaeus Othoni in Hispania comes, cum superfuturum eum Neroni promisisset, postquam ex euentu fides, coniectura iam et rumore senium Galbae et iuuentam Othonis computantium persuaserat fore ut in imperium adscisceretur. sed Otho tamquam peritia et monitu fatorum praedicta accipiebat, cupidine ingenii humani libentius obscura credendi. nec deerat Ptolemaeus, iam et sceleris instinator, ad quod facillime ab eius modi uoto transitur.

²⁶⁰ *Ann.* 12.68: Vocabatur interim senatus uotaque pro incolumitate principis consules et sacerdotes nuncupabant, cum iam exanimis uestibus et fomentis obtegeretur, dum quae res forent firmando Neronis imperio componuntur. iam primum Agrippina, uelut dolore uicta et solacia conquirens, tenere amplexu Britannicum, ueram paterni oris effigiem appellare ac uariis artibus demorari ne cubiculo egrederetur. Antoniam quoque et Octauiam sorores eius attinuit, et cunctos aditus custodiis clauserat, crebroque uulgabat ire in melius valetudinem principis, quo miles bona in spe ageret tempusque prosperum ex monitis Chaldaeorum aduentaret. See also *Ann.* 14.9: nam consulenti super Nerone responderunt Chaldaei fore ut imperaret matremque occideret; atque illa 'occidat' inquit, 'dum imperet.'

instances the illegitimacy of astrologers is highlighted by the outrageous involvement of influential women in the politics of Rome²⁶¹ and in both instances they are instrumental to criminal vicissitudes of Empire, being connected in the case of Nero with the assassination of Claudius and in the case of Otho with the latter's coup against Galba.

The point of contact with Nero which is of greater interest is the story found in Suetonius concerning Otho's propitiatory sacrifice to the *manes* of his victim Galba. As the story goes, Otho's attendants were alarmed by the latter's cries at night only to rush into his chambers and find him terrified on the floor among all manner of ritual objects used for propitiations; apparently the ghost of the recently assassinated Galba was haunting him in his sleep and foreshadowing his imminent fall.²⁶²

It has been argued that ancient audiences were much better trained in recognizing innuendo and intertextuality than modern ones;²⁶³ if this is so, the account of a propitiatory ritual, performed by a man compared to Nero on several occasions,²⁶⁴ to the ghost of his victim would not have failed to evoke reminiscences of Nero's necromantic sacrifice to his mother's ghost with the help of the *magi*.²⁶⁵ Furthermore the cryptic reference of Suetonius to the ritual instruments of the propitiation as “*omnis generis piacula*” is suggestive of *superstitio*, especially when taking into account that Otho neglected Roman *religiones*. In view of these facts, it is safe to assume that Suetonius' audience would have recognized Otho as engaging in magic just as Nero had done.

It is also important to note the position this story occupies in Suetonius' account. Immediately after the reader has been informed that a ghost had foretold the fall of the impious pretender²⁶⁶ and that an unfortunate happenstance had occurred while Otho was

²⁶¹ Direct involvement in politics and control by women was considered by senatorial historians as nothing less than slavery; cf. Christ 1978:474ff. For the association of politically influential Roman women with magic in our sources see the discussion in Stratton 2007:99-105. Astrology and autocracy are here once again correlated, in the sense that one of the political tools of an Empress is in fact astrology.

²⁶² Suet. *Otho* 7: Dicitur ea nocte per quietem pauefactum gemitus maximos edidisse repertusque a concursantibus humi ante lectum iacens per omnia piaculorum genera Manes Galbae, a quo deturbari expellique se uiderat, propitiare temptasse

²⁶³ Carney 1968:9. See also Ahl 1984.

²⁶⁴ See e.g. Tac. *Hist.* 1.13.

²⁶⁵ See previous section.

²⁶⁶ The dead were considered generally as infallible in matters of predictions of the future. Cf. Ogden 2001:231-2.

consulting the auspices,²⁶⁷ Suetonius embarks on his account about Vitellius mustering his own legions in Germania to make his own bid for the empire.²⁶⁸ In light of this the possibility presents itself that the necromancy story was a piece of Vitellian propaganda, either promulgated before or after Otho's fall, with the intent of legitimizing the occupation of the imperial throne by Vitellius, by presenting this among others as a sign of Otho's predestined defeat.²⁶⁹

5. Vespasian

The power vacuum left by the fall of Nero led to the events of the turbulent year 69, known as the Year of the Four Emperors. After the bloody civil war which ensued, Vespasian was the man finally to fill the vacuum and occupy the imperial throne for himself and the relatively short-lived dynasty of the Flavian house, which he founded. Vespasian was not a man of noble background and his house laid no claims to divine descent, as did the dynasty of the Julio-Claudians which initiated the Principate. Therefore in order to legitimize his coming to power and his resolute intention of founding a dynasty, best illustrated by his statement that either his sons would succeed him in the imperial position or no one would, he needed to show that he had secured some sort of divine approval for his ambitious enterprise.²⁷⁰ This came in the form of a host of prodigies propagated far and wide by his supporters and propagandists foreshadowing his rise to the purple and thus providing the divine approval he required. The prodigies mentioned are too numerous to list²⁷¹ and most are of no direct concern to this thesis since for the most part they were hardly associated with magic by the Romans. In the same vein however, that of illustrating his divine mission, Vespasian is said to have associated with a number of personalities of the Hellenistic east, ranging from

²⁶⁷ Suet. *Otho* 7: *postridie quoque in augurando tempestate orta grauius prolapsus identidem obmurmurasse: τί γάρ μοι καὶ μακροῖς ἀβλοῖς?*

²⁶⁸ Suet. *Otho* 8.

²⁶⁹ For a similar occurrence see Chapter II.9.

²⁷⁰ Cf. Lattimore 1934: 447.

²⁷¹ For an extensive treatment of the prodigies connected with Vespasian's propaganda see Scott 1936:1-19.

prophets to sacred healers and miracle workers; such persons were, so to speak, not the most savory characters for Roman sensibilities and furthermore they were the sort likely to be branded as magic-workers. Nevertheless such liaisons and the events surrounding them seem to have been part of Vespasian's propaganda campaign and the aims I mentioned earlier, and not presented as grounds of reproach to the emperor. Furthermore, Vespasian seems to have been credited with a few miracles of his own making, with his propagandists presenting him in the role of a sacred healer. These rather extraordinary tales, both in nature and in their purpose, are worth examining in detail.

Of major importance are the recorded prophecies by a number of easterners proclaiming Vespasian's future greatness; a number of these are noncommittal in the sense that they simply predict success in future endeavors or that Vespasian will hold authority, not specifying the extent of it. An example of the first is the prophecy of a certain priest called Basilides to Vespasian when he was consulting the god of Mount Carmelus in Syria; Basilides, after examining the victim's entrails, declares to Vespasian that he will be successful in whatever endeavor he undertakes. The prophecy, as Tacitus relates it, was disseminated far and wide and resulted in more exhortations to Vespasian.²⁷² A similarly noncommittal prophecy is attributed to Apollonius of Tyana, at least by Philostratus; when the Tyanean sage hears that Vespasian wakes before dawn to commence work, he exclaims ὁ ἀνὴρ ἄρξει,²⁷³ a noncommittal phrase which can be taken to mean anything from the fact that Vespasian will become emperor to the fact that he has the makings of a talented administrator.²⁷⁴

Other prophets were less cautious and more open about what the future had in store for Vespasian; Josephus had hailed Vespasian an emperor during the Jewish war, while Nero was still alive. Vespasian had Josephus, a Jewish leader, incarcerated, but as time passed he realized that in the prophecy and divination of Josephus there was indeed

²⁷² *Hist.* 2.78: est Iudaeam inter Syriamque Carmelus: ita uocant montem deumque. nec simulacrum deo aut templum—sic tradidere maiores—: ara tantum et reuerentia. illic sacrificanti Vespasiano, cum spes occultas versaret animo, Basilides sacerdos inspectis identidem extis 'quicquid est' inquit, 'Vespasiane, quod paras, seu domum extruere seu prolatare agros siue ampliare seruitia, datur tibi magna sedes, ingentes termini, multum hominum.' has ambages et statim exceperat fama et tunc aperiebat; nec quicquam magis in ore vulgi. crebriores apud ipsum sermones, quanto sperantibus plura dicuntur.

²⁷³ *VA* 5.31.

²⁷⁴ Cf. Anderson 1994: 152.

truth and not the sycophantic fictions of a terrified man who attempted to save himself, as he had first thought.²⁷⁵ Another such explicit prophecy of future emperorship is attributed to Yohanan ben Zakkai, as found in rabbinical sources, who had foretold that the Temple would not be surrendered to a commoner, but to a king.²⁷⁶

The prodigy-episode involving a certain Basilides²⁷⁷ and connected to Vespasian's visit to the Serapeum in Alexandria²⁷⁸ is also of interest. Both Tacitus and Suetonius mention the episode and although they disagree in a rather significant number of details, they both agree that Vespasian upon entering the Serapeum is confronted by Basilides, whom at the moment he knew to be away from Alexandria, detained by some malady. In Tacitus' version Vespasian understands the whole event as a prodigy of his ascension to the imperial throne, both because the bilocation of Basilides is a miraculous event in its own right and because of the latter's name, an omen of kingship, according to the Roman divinatory concept of a *nomen* being an *omen*.²⁷⁹ The fact that the episode takes place in the Serapeum is of no small significance either, as this temple was the seat of Serapis, the patron god of the last Hellenistic kings of Egypt. In Suetonius' version, Basilides offers vines, a crown (most likely of garlands) and ceremonial bread to Vespasian,²⁸⁰ all of

²⁷⁵ Josep. *BJ*, 4.623 ff: ἀναμιμνήσκειται γὰρ τὰ τε ἄλλα σημεῖα, πολλὰ δ' αὐτῷ γέγονει πανταχοῦ προφαίνοντα τὴν ἡγεμονίαν, καὶ τὰς τοῦ Ἰωσήπου φωνάς, ὃς αὐτὸν ἔτι ζῶντος Νέρωνος αὐτοκράτορα προσειπεῖν ἐθάρσησεν. ἐξεπέπληκτο δὲ τὸν ἄνδρα δεσμώτην ἔτι ὄντα παρ' αὐτῷ, καὶ προσκαλεσάμενος Μουκιανὸν ἅμα τοῖς ἄλλοις ἡγεμόσι καὶ φίλοις πρῶτον μὲν αὐτοῦ τὸ δραστήριον ἐκδιηγείτο καὶ ὅσα περὶ τοῖς Ἰωταπάτοις δι' αὐτὸν ἔκαμον, ἔπειτα τὰς μαντείας, ἃς αὐτὸς μὲν ὑπόπτειυσε τότε πλάσματα τοῦ δέους, ἀποδειχθῆναι δὲ ὑπὸ τοῦ χρόνου καὶ τῶν πραγμάτων θείας. αἰσχρὸν οὖν, ἔφη, τὸν προθεσπίσαντά μοι τὴν ἀρχὴν καὶ διάκονον τῆς τοῦ θεοῦ φωνῆς ἔτι αἰχμαλώτου τάξιν ἢ δεσμώτου τύχην ὑπομένειν" καὶ καλέσας τὸν Ἰώσηπον λυθῆναι κελεύει.

²⁷⁶ *Non uidi*. Cf. Anderson 1994: 152.

²⁷⁷ There is some controversy on whether this Basilides is supposed to be the same person as the one mentioned by Tacitus in *Hist.* 2.78. My opinion is that we are dealing with a separate person of the same name, as Tacitus makes no mention either that he is the same Basilides, nor does it seem plausible that the same man would perform augury in mount. Carmel and be an Egyptian magnate, unless he somehow was a member of Vespasian's entourage, which is not suggested by anything. *contra*: Scott, 1934; Herman 1954. At any rate, this point makes not much difference for the current argument.

²⁷⁸ See also Grimal 1968:127-134.

²⁷⁹ *Hist.* 4.82: Altior inde Vespasiano cupido adeundi sacram sedem ut super rebus imperii consuleret: arceri templo cunctos iubet. atque ingressus intentusque numini respexit pone tergum e primoribus Aegyptiorum nomine Basiliden, quem procul Alexandria plurium dierum itinere et aegro corpore detineri haud ignorabat. *percontatur sacerdotes* num illo die Basilides templum inisset, *percontatur obuios* num in urbe uisus sit; denique missis equitibus explorat illo temporis momento octoginta milibus passuum afuisse: tunc diuinam speciem et uim responsi ex nomine Basilidis interpretatus est.

which have been shown to refer to Ptolemaic coronation practices;²⁸¹ the implications of this and how it relates to the other versions of the events will be discussed shortly. However all these elements combined make up a prophecy of future imperial greatness for Vespasian. The fact that, according to Suetonius, a letter arrived at that very moment which announced the defeat of Vitellius' forces in Cremona was only a confirmation of what the incidents in the Serapeum signified.

It is worth commenting here separately on Philostratus' version of Vespasian's visit to the Serapeum, which presents structural similarities to the accounts of Tacitus and Suetonius, though the events described are very different. Basilides in Philostratus' version is conspicuously absent but his place in the Serapeum is taken by Apollonius. In Philostratus' version Vespasian, as soon as he arrives in Alexandria, seeks to meet with Apollonius, whom he encounters in the Serapeum.²⁸² There he asks the Tyanean sage to make him emperor, to which the latter responds that he had already done so, when he asked from the gods for a just and wise emperor, advanced in age and father of legitimate children.²⁸³ Since Apollonius' name could not be perceived as an omen of kingship, unlike that of Basilides, the account has to be more explicit on the matter of how kingship is legitimized and conferred upon Vespasian, hence the aforementioned exchange between Vespasian and Apollonius. Another structural similarity between the accounts of the historians and that of Philostratus one can see in the point of the bilocation attributed by the former to Basilides and by the latter to Apollonius in the course of this event;

²⁸⁰ *Vesp.* 7.1 Suscepto igitur ciuili bello ac ducibus copiisque in Italiam praemissis, interim Alexandriam transiit, ut claustra Aegypti optineret. Hic cum de firmitate imperii capturus auspiciu aedem Serapidis summotis omnibus solus intrasset ac propitiato multum deo tandem se conuertisset, uerbenas coronasque et panificia, ut illic assolet, Basilides libertus obtulisse ei uisus est; quem neque admissum a quoquam et iam pridem propter neruorum ualitudinem uix ingredi longaeque abesse constabat. Ac statim aduenere litterae fusas apud Cremonam Vitelli copias, ipsum in urbe interemptum nuntiantes.

²⁸¹ Derchain-Hubeaux 1953:41; Henrichs 1968:61 and n.30. See also Derchain 1953:265-272.

²⁸² *VA* 5.27: ὁ δὲ Ἀπολλώνιος οὐδὲν ἐπολυπραγμόνει τούτων, ἀλλὰ ἐσπούδαζεν ἐν τῷ ἱερῷ. διαλεχθεὶς δὲ ὁ αὐτοκράτωρ γενναίᾳ τε καὶ ἡμερᾷ καὶ διελθὼν λόγον οὐ μακρὸν ἐπιδημεῖ" ἔφη ὁ Τυανεύς;" καὶ" ἔφασαν βελτίους γε ἡμᾶς ἐργασάμενος". πῶς ἂν οὖν ξυγγένοιτο ἡμῖν;" ἔφη σφόδρα γὰρ δέομαι τοῦ ἀνδρός". ἐντεύξεταί σοι περὶ τὸ ἱερόν," ὁ Δίων εἶπε πρὸς ἐμὲ γὰρ δεῦρο ἦκοντα ὠμολόγει ταῦτα". ἴωμεν" ἔφη ὁ βασιλεὺς προσευξόμενοι μὲν τοῖς θεοῖς, ξυνεσόμενοι δὲ ἀνδρὶ γενναίῳ."

²⁸³ *VA* 5.28: θύσας γὰρ καὶ οὐπω χρηματίσας κατ' ἄξιαν ταῖς πόλεσι προσεῖπε τὸν Ἀπολλώνιον καὶ ὥσπερ εὐχόμενος αὐτῷ ποίησόν με" ἔφη βασιλέα". ὁ δὲ ἐποίησα", εἶπεν" ἤδη γὰρ εὐξάμενος βασιλέα δίκαιόν τε καὶ γενναῖον καὶ σώφρονα καὶ πολιᾶ κεκοσμημένον καὶ πατέρα παίδων γνησίων, σὲ δὴπου παρὰ τῶν θεῶν ἤτουν ἐγώ."

Apollonius while being in the Serapeum witnesses the burning of the Capitolium in Rome, by the partisans of Vitellius, an act which sets in motion the events which will lead to Vitellius' tragic exit from the scene.²⁸⁴

It has been proposed that the similarities and discrepancies between the existing accounts of Vespasian's visit to the Serapeum might suggest the existence of two separate traditions about the events, perhaps one Alexandrine and one Roman, based on whether each version favours a representation of events which places a stressed importance on Alexandria and the Serapeum as a seat of Vespasian's investiture or of keeping silence on the matter respectively.²⁸⁵ This being said, divergent interests of representing the events in the Serapeum by these authors, and therefore more indications for the existence of two separate traditions, are furthermore illustrated by the differences in timing²⁸⁶ and representation of the healing miracles attributed to Vespasian in the accounts of Suetonius and Tacitus. The testimony of Philostratus would clearly belong by these criteria to the Alexandrine tradition as it describes an actual investiture by Apollonius as a divine representative, whom Vespasian explicitly asks to ordain him a king. That Vespasian seems to have been hailed as king of Egypt, god and Serapis even by the Alexandrines becomes apparent from a papyrus fragment from Alexandria. Henrichs on the other hand cautions against taking the Philostratean account too seriously,²⁸⁷ but I see no reason why Philostratus should not be reflecting an actual Alexandrine tradition, that an investiture of Vespasian took place in the Serapeum before he rose to the position of emperor,²⁸⁸ and Henrichs does not provide any either. What is certain is that the person playing Apollonius' role in any such tradition has to remain unknown to us.²⁸⁹

²⁸⁴ Derchain-Hubeaux 1953:46.

²⁸⁵ Cf. Derchain-Hubeaux 1953: I should note here that this hypothesis remains impossible to prove or illustrate conclusively down to its details and can seem tenuous at times, but I think nevertheless that the accounts of our authorities do point to the general direction I will be following or that at least this hypothesis provides a satisfactory explanation for the discrepancies of our sources and the motives behind the divergent accounts. See also Bowie 1978:1660-2.

²⁸⁶ Henrichs argues that the timing discrepancy is insignificant, but in the light of the rest of the discrepancies, I would contend that it could be very telling of the situation I will describe.

²⁸⁷ P. Fouad 8; cf. Henrichs 1968: 59

²⁸⁸ Cf. Derchain 1953: 264.

²⁸⁹ Ogden 2007b:463 argues that since Philostratus' goal is to defend Apollonius against charges of magic, associating him with Vespasian serves to dismiss the notion of the emperor's association with magicians.

Tacitus' testimony on the other hand mentions somewhat vaguely how Vespasian enters the Serapeum alone with the objective of "deliberating what is to be done with the Empire"; it is at this point that he has a vision of Basilides, whom Tacitus mentions as an Egyptian magnate and interprets the vision as a sign of his future rise to the imperial throne, interpreting the man's name as an omen of kingship. No investiture takes place and even the omen Vespasian receives is hardly sought after, if one pays close attention to Tacitus' phraseology, and occurs rather improvisedly. This type of account could reflect the Roman version of events, conceding no primacy to Alexandria as a king maker and recognizing the Serapeum not as the place of Vespasian's coronation, but simply as the place where the latter receives yet another omen of his future greatness.

Now let us examine more closely the account of Suetonius, which seems on several counts to reflect a distorted tradition, close to the Alexandrine on the one hand, while containing elements evidently undermining that tradition on the other. As in Tacitus' version, Vespasian enters the Serapeum intent on receiving a sign concerning "the stability of the Empire", therefore not intent on being ceremonially made a king as in the Philostratean version. Furthermore, as seen above Basilides features prominently in Suetonius' account as in that of Tacitus, but his function is rather problematic; first, in Tacitus Basilides is an Egyptian magnate while according to Suetonius he is a freedman. Second, in Tacitus the man's name is of significance as it is an omen of kingship, while in Suetonius Basilides' name plays no role at all in the prodigy. On the other hand, Suetonius' account strikingly approaches that of Apollonius regarding the theme of Vespasian's investiture, since, as seen above, Basilides offers Vespasian the emblems of Ptolemaic kingship. But while in Philostratus' account the investiture is a rather straightforward affair, several questions arise from Suetonius' description. First, it makes no sense why a freedman would perform the ceremony; second, as Henrichs has correctly observed, the investiture in question is in essence a vision and he adds that he finds it improbable that Suetonius would not explicitly mention it, if it had actually happened as such.²⁹⁰ What he does not take into account, however, is that Suetonius may have simply conflated a tradition similar to that of Tacitus, in which Basilides actually performs an

²⁹⁰ Henrichs 1968:64.

organic role because of his name and the miraculous portent of his bilocation, and one similar to that of Philostratus, wherein is described an investiture by a divine representative. Furthermore, Henrichs does not take into account that we could be confronted in the discrepancies of these accounts with the vestiges left from a propaganda war between the representatives of what has been called a Roman and an Alexandrine tradition concerning Vespasian's acquisition of the "mandate of Heaven" in the Serapeum. In this light Suetonius' account although reflecting the Alexandrine tradition on several counts, could be at the same time maliciously undermining it, by presenting Basilides as a freedman and the investiture as a prophetic vision instead of an actual ceremony. In the following I will examine how the healing miracles of Vespasian relate to this possible propaganda war.

The events concerning Vespasian's supposed investiture in the temple of Serapis in Alexandria were probably too well known for any historian of Vespasian's reign to have completely ignored, even if the versions presented by Tacitus and Suetonius appear to downplay their importance. This is illustrated by the fact that these events are connected organically with the aforementioned healing miracles attributed to Vespasian, located by Tacitus and Suetonius around the time of his visit to the Serapeum,²⁹¹ these miracles being so well known at Tacitus' time that he claims that even when he was writing there were still eyewitnesses ready to testify to their veracity, even without hope of remuneration for an untruthful testimony. Vespasian is reported to have healed a man of blindness as well as of having restored a lame man the use of his limbs. Tacitus mentions the incident as having taken place before Vespasian's aforementioned visit to the Serapeum, while Suetonius places it after the prodigious events in the temple. Derchain-Hubeaux comment that Suetonius' version is more probable than that of Tacitus, in the sense that it more reasonable for Vespasian to be presented as a miracle-working monarch after his divine investiture by Serapis, rather than conceiving of the idea of visiting the Serapeum after the healing of the two disabled individuals.²⁹² The point might be more subtle than simply estimating which of the two accounts is more

²⁹¹ I should note here that the absence of these miracles from Philostratus' account is unsurprising; Vespasian is not the focus of Philostratus' story.

²⁹² Derchain-Hubaeux 1953:42.

probable; we have seen above that the tradition of Vespasian's visit to the Serapeum as found in Suetonius must be closer to the Alexandrine propagandist tradition than that of Tacitus, which we called "Roman", the latter perhaps consciously attempting to deconstruct that very tradition. In this vein of thinking, I believe it is rather significant that in Tacitus' account of the healing of the two disabled men, the miraculous element is conspicuously absent in contrast with Suetonius' account, where the cure is clearly a miracle, even one hardly expected by the bystanders.²⁹³ Tacitus on the other hand embarks on a comparatively lengthy account about how Vespasian, sceptical and mocking of the whole idea at first, consulted with certain physicians in order to establish beforehand whether such a cure could be effected by natural means. The physicians estimated that the blind man was not really completely blind and would be healed if the impediment to his vision were removed and that the lame man had his limb dislocated, so that he could be cured to an extent if sufficient pressure was applied in a certain way. At any rate as they commented, Vespasian had nothing to lose by trying and much to gain if he succeeded.²⁹⁴ After this consultation, Vespasian proceeded with the cure and indeed cured both men, in a way that Tacitus does not present as miraculous after this whole exposition of the "miracle's" background.²⁹⁵ Tacitus' deconstruction of the miracle into a

²⁹³ Suet. *Vesp.* 7.2: Auctoritas et quasi maiestas quaedam ut scilicet inopinato et adhuc nouo principi deerat: haec quoque accessit. E plebe quidam luminibus orbus, item alius debili crure sedentem pro tribunali pariter adierunt orantes opem validitudini demonstratam a Serapide per quietem: restitutum oculos, si inspisset; confirmatum crus, si dignaretur calce contingere. 3. Cum uix fides esset ullo modo successuram ideoque ne experiri quidem auderet, extremo hortantibus amicis palam pro contione utrumque temptauit; nec eventus defuit. Henrichs correctly observes that the phrase "*hortantibus amicis*" links this account with that of Tacitus in the sense that the whole theme of reluctance of Vespasian is not a malicious Tacitean invention. On the other hand this is another piece of evidence for Suetonius conflation of accounts and the subtle undermining of the Alexandrine tradition.

²⁹⁴ Cf. Anderson 1994:153.

²⁹⁵ *Hist.* 4.81: e plebe Alexandrina quidam oculorum tabe notus genua eius aduoluitur, remedium caecitatis exposcens gemitu, monitu Serapidis dei, quem dedita superstitionibus gens ante alios colit; precabaturque principem ut genas et oculorum orbis dignaretur respargere oris excremento. alius manum aeger eodem deo auctore ut pede ac uestigio Caesaris calcaretur orabat. Vespasianus primo inridere, aspernari; atque illis instantibus modo famam uanitatis metuere, modo obsecratione ipsorum et uocibus adulantium in spem induci: postremo aestimari a medicis iubet an talis caecitas ac debilitas ope humana superabiles forent. medici uarie disserere: huic non exesam uim luminis et redituram si pellerentur obstantia; illi elapsos in prauum artus, si salubris uis adhibeatur, posse integrari. id fortasse cordi deis et diuino ministerio principem electum; denique patrati remedii gloriam penes Caesarem, inriti ludibrium penes miseros fore. igitur Vespasianus cuncta fortunae suae patere ratus nec quicquam ultra incredibile, laeto ipse uultu, erecta quae adstabat multitudo, iussa exequitur. statim conuersa ad usum manus, ac caeco reluxit dies. utrumque qui interfuere nunc quoque memorant, postquam nullum mendacio pretium.

conscious act of imperial propaganda, independent of and indeed preceding the visit and investiture of Vespasian in the Serapeum, with the objective of winning over the superstitious mob of Alexandria serves as a counter to the Alexandrine tradition presenting Vespasian as a king divinely appointed by an Egyptian deity, and at the same time it could be seen as an attempt to clear away Vespasian's reputation as a miracle worker; such a view of kingship might not be unfamiliar in the East and probably did much for Vespasian's image among the Egyptians,²⁹⁶ but at the same time was probably too much for Roman, or specifically senatorial sensibilities. Having the emperor performing in earnest miracles of the type attributed to men such as Jesus, and strikingly enough following similar technical procedures,²⁹⁷ would in all likelihood seem rather distasteful and out of line with Roman *grauitas*; a cynical exploitation of the superstitious beliefs of a crowd of Easterners on the other hand is something that was considered good politics, especially when dealing with Egyptian beliefs and customs.²⁹⁸

Nevertheless the usual association of Vespasian, in our sources and doubtlessly in common conversation at the time, with prophets and miracle workers apparently established the emperor in popular perception, at least in the East, as a man interested in the miraculous and the magical, despite the scepticism Tacitus attributes to him. Vespasian of course is said to have kept a trusted astrologer Seleucus, by his side,²⁹⁹ but then again such practice is a constant with Roman emperors,³⁰⁰ what is rarer and more telling about an emperor's popular image is the existence of accounts crediting him with

²⁹⁶ Cf. Morenz 1949/50: 374-7.

²⁹⁷ Vespasian cures the blind man by applying his spittle on the latter's eyes; cf. Mark 8.22-25: Καὶ ἔρχονται εἰς Βηθσαϊδάν. καὶ φέρουσιν αὐτῷ τυφλὸν καὶ παρακαλοῦσιν αὐτὸν ἵνα αὐτοῦ ἄψηται. καὶ ἐπιλαβόμενος τῆς χειρὸς τοῦ τυφλοῦ ἐξήνεγκεν αὐτὸν ἔξω τῆς κόμης, καὶ πτύσας εἰς τὰ ὄμματα αὐτοῦ, ἐπιθείς τὰς χεῖρας αὐτῷ, ἐπηρώτα αὐτόν, Εἴ τι βλέπεις; καὶ ἀναβλέψας ἔλεγεν, Βλέπω τοὺς ἀνθρώπους, ὅτι ὡς δένδρα ὀρῶ περιπατοῦντας. εἶτα πάλιν ἐπέθηκεν τὰς χεῖρας ἐπὶ τοὺς ὀφθαλμοὺς αὐτοῦ, καὶ διεβλέψεν, καὶ ἀπεκατέστη, καὶ ἐνέβλεπεν τηλαυγῶς ἅπαντα. For Jesus' conception as a magician see Origen *c. Cels.* 1.68. On a similar note, Stratton (2007:21) argues that in regard to such passages in the Gospels, early Christian apologists tried to downplay the aspects of Jesus' miracle-working that could be interpreted as magical.

²⁹⁸ For example, it has been argued that the informality of Germanicus' conduct when he visited Egypt and addressed the population of Alexandria was one of the reasons for his soured relationship with Tiberius. A person of Germanicus' station could not afford to present himself merely as a citizen to the Egyptians. Cf. Shotter 1968: 207-8.

²⁹⁹ Tac. *Hist.* 2.78.

³⁰⁰ Cf. Anderson 1994:154. Cramer (1954:81-231) gives an exhaustive account of imperial consultation of seers in the period which concerns us.

having witnessed a ritual of magic. According to a prescription for a ritual in the Greek Magical Papyri, Hadrian was credited with having witnessed and tested the magical prowess of Pachrates, the prophet of Heliopolis, when the latter made a demonstration before the emperor of the efficacy of the spell in question.³⁰¹ In the same vein, it seems to me, Josephus gives an account of how Eleazar, a Jewish rabbi or miracle worker, knowledgeable in the miraculous arts Solomon had perfected, performed an exorcism in the presence of Vespasian, his sons, and a large number of other Romans.³⁰² A first point to make is that both accounts come from the Hellenistic East and reflect an ideology about kingly power and miracle-working not really current among the Romans, up to then. Furthermore, what both stories have in common is that their primary focus is not the audience but the ritual itself, the power it carries and the person who performs it; in the magical papyrus the author's intent is to illustrate the efficacy of the spell he presents, while Josephus includes the account of the exorcism, which Vespasian and his sons witnessed, in a longer account about the wisdom of Solomon and the many arts he had perfected in his lifetime and relinquished to posterity to practice, after his death. The role which the emperors play in both accounts is of providing historical credibility to the

³⁰¹ *PGM* 4.2243-51: Ἄγωγή· σκευὴ ἐπιθύματος σεληνιακοῦ ἄγουσα ἀσχέτους καὶ ἀνουσιάστους μονομέρους, κατακλίνει γενναίως καὶ ἀναιρεῖ ἰσχυρῶς, ὄνειροπομπεῖ καλλίστως, ὄνειραιοτητεῖ θαυμαστῶς καὶ ἐν πλείστοις ἀποδείξεσιν ἐθαυμάσθη οὐδεμίαν ἔγκλισιν ἔχουσα τούτων. ἐπιθύμα· ἐπεδείξατο Παχράτης, ὁ προφήτης Ἡλιουπόλεως, Ἄδριανῶ βασιλεῖ ἐπιδεικνύμενος τὴν δύναμιν τῆς θείας αὐτοῦ μαγείας. ἦξεν γὰρ μονόωρον, κατέκλινεν ἐν ὥραις β, ἀνείλεν ἐν ὥραις ζ, ὄνειροπόμησεν δὲ αὐτὸν βασιλέα ἐκδο<κ>μ<α>ζοντος αὐτοῦ τὴν ὅλην ἀλήθειαν τῆς περὶ αὐτὸν μαγείας· καὶ θαυμάσας τὸν προφήτην διπλᾶ ὄψονια αὐτῷ ἐκέλευσεν δίδοσθαι.

³⁰² *Josep. AJ*, 8.45-9: παρέσχε δ' αὐτῷ (i.e. Solomon) μαθεῖν ὁ θεὸς καὶ τὴν κατὰ τῶν δαιμόνων τέχνην εἰς ὠφέλειαν καὶ θεραπείαν τοῖς ἀνθρώποις· ἐπαφῶς τε συνταξάμενος αἷς παρηγορεῖται τὰ νοσήματα καὶ τρόπους ἐξορκώσεων κατέλιπεν, οἷς οἱ ἐνδοῦμενοι τὰ δαιμόνια ὡς μηκέτ' ἐπανελθεῖν ἐκδιώξουσι. καὶ αὕτη μέχρι νῦν παρ' ἡμῖν ἡ θεραπεία πλείστον ἰσχύει· ἱστορήσα γὰρ τινα Ἐλεάζαρον τῶν ὁμοφύλων Οὐεσπασιανοῦ παρόντος καὶ τῶν υἱῶν αὐτοῦ καὶ χιλιάρχων καὶ ἄλλου στρατιωτικοῦ πλήθους ὑπὸ τῶν δαιμονίων λαμβανομένους ἀπολύοντα τούτων. ὁ δὲ τρόπος τῆς θεραπείας τοιοῦτος ἦν· προσφέρων ταῖς ῥίσι τοῦ δαιμονιζομένου τὸν δακτύλιον ἔχοντα ὑπὸ τῆ σφραγίδι ῥίζαν ἐξ ὧν ὑπέδειξε Σολόμων ἔπειτα ἐξείλκεν ὄσφρομένῳ διὰ τῶν μυκτῆρων τὸ δαιμόνιον, καὶ πεσόντος εὐθὺς ἀνθρώπου μηκέτ' εἰς αὐτὸν ἐπανήξειν ὄρκου, Σολόμωνός τε μεμνημένος καὶ τὰς ἐπαφῶς αἷς συνέθηκεν ἐκεῖνος ἐπιλέγων. βουλόμενος δὲ πείσαι καὶ παραστήσαι τοῖς παρατυγχάνουσιν ὁ Ἐλεάζαρος, ὅτι ταύτην ἔχει τὴν ἰσχύν, ἐτίθει μικρὸν ἔμπροσθεν ἤτοι ποτήριον πλήρες ὕδατος ἢ ποδόνηπτρον καὶ τῷ δαιμονίῳ προσέταττεν ἐξιὸν τὸ ἀνθρώπου ταῦτα ἀνατρέψαι καὶ παρασχεῖν ἐπιγνώσαι τοῖς ὄρωσιν, ὅτι καταλέλοιπε τὸν ἄνθρωπον. γινομένου δὲ τούτου σαφῆς ἡ Σολόμωνος καθίστατο σύνεσις καὶ σοφία δι' ἣν, ἴνα γνῶσιν ἅπαντες αὐτοῦ τὸ μεγαλεῖον τῆς φύσεως καὶ τὸ θεοφιλές καὶ λάθη μηδένα τῶν ὑπὸ τὸν ἥλιον ἢ τοῦ βασιλέως περὶ πᾶν εἶδος ἀρετῆς ὑπερβολή, περὶ τούτων εἰπεῖν προήχθημεν.

events described, seemingly regardless of whether they actually were present in either case, and in this way acting as a guarantee that basically the spell or ritual in question really works. Nevertheless, as will be shown later, Hadrian was an emperor associated with magic and therefore credible to be presented as a witness of a magical ritual; similarly I contend that Vespasian's association with prophets, miracle workers and a host of omens in the Hellenistic East, would have made him no less likely a candidate, as an emperor witnessing a ritual of exorcism, serving an author's agenda in the manner illustrated above.³⁰³

On the one hand prodigies and omens of future greatness were commonplace and to be expected as articles of imperial propaganda, even at peaceful times and more so at troubled ones like the ones which brought Vespasian to power; on the other hand the evident association of Vespasian with miracle workers and his own representation as one might be useful devices to establish himself efficiently in the conscience of the people of Palestine and Egypt, but obviously would not do much for improving his image at home. Vespasian was evidently reluctant about having to play the role his propagandists advised him to play in the east and when it was no longer necessary he cast off the mantle.³⁰⁴ The account of Tacitus and Suetonius, which is perhaps unwittingly subversive of Alexandrine propaganda, could very well present themselves as representatives of a trend in Roman historiography which sought to counter the Alexandrine superstition-laden persona of Vespasian, who was after all considered an overall good emperor even by Tacitus, and rehabilitate his image for a Roman audience.

³⁰³ For Josephus' presentation of Eleazar's miracle see Duling 1985. Duling argues (24-25) that by the end 1st cent. AD a view tolerant of non-harmful magic (anachronistically called "white magic") might have been developing in the Roman world among certain circles. Cf. MacMullen 1966:126, Theissen 1986:271. In this sense Josephus would not be implicating Vespasian, otherwise his patron in anything suspicious, but it is doubtful whether such a tolerant view would prevail among Roman aristocracy.

³⁰⁴ Henrichs 1968:66.

6. Domitian

Senatorial historiography has unambiguously bequeathed us the image of Domitian as that of a tyrant; Suetonius encapsulates the senate's attitude towards him very well when he says that senators were pleased at the news of his assassination.³⁰⁵ To the reader of senatorial history nothing will be more memorable about the reign of the last Flavian than the paranoid climate under which senators had to live,³⁰⁶ heeding and weighing their every word lest it was misapprehended by one of the spies of this emperor who insisted on styling himself as “dominus et deus”.³⁰⁷

The point of interest here is Domitian's fanatical devotion to astrology and the utilization of this fact to illustrate the tyranny of his reign. Just like Tiberius before him and Septimius Severus and Caracalla after him, he is said to have put several men to death on account of astrological predictions.³⁰⁸ Mettius Pompusianus was his most famous victim; his doom was the fact that he possessed an imperial horoscope, that is he was marked out by the stars for the imperial throne.³⁰⁹ Furthermore, Domitian, thanks to his own horoscope, always knew that he would meet a violent death and even knew the exact time his end would come about; this made him always suspicious, wary and paranoid about his own safety.³¹⁰ What we see in these stories is the integration of astrology as a theme into traditional stereotypical narratives on the conduct of tyrants; the tyrant of classical literature destroys those who might pose a threat to his power on account of their merit and virtue, the Roman tyrant seeks out and destroys those who possess an imperial horoscope; the classical literary tyrant is always paranoid and apprehensive about threats to his life by those who hate his tyranny,³¹¹ the Roman tyrant is equally afraid and paranoid because thanks to astrological divination he knows the way and time when he will meet his violent end.

³⁰⁵ Suet. *Dom.* 23.

³⁰⁶ Cf. Tac. *Agr.* 2; Plin. *Minor Pan.* 2.

³⁰⁷ Suet. *Dom.* 13.2.

³⁰⁸ Dio Cass.: 67.15.6.

³⁰⁹ Suet. *Dom.* 10.2: Mettium Pompusianum, quod habere *imperatoriam genesim* uulgo ferebatur...

³¹⁰ Suet. *Dom.* 14.

³¹¹ Cf. Walker 1960:206.

The similarities of Domitian's characterization with that of Tiberius, the proverbial dissimulating tyrant, have been pointed out in several instances in this study; what is of relevance here is the representation of both emperors as devotees of astrology on the one hand and as occasional persecutors of astrologers. The story of Domitian and the astrologer Ascleparion has been pointed out to parallel in structure the famous story of Tiberius and Thrasyllus.³¹² Ascleparion was reported to Domitian to have made predictions concerning the latter's end. When he was brought before the emperor he did not deny the charges at which point Domitian asked him about his own end; Ascleparion responded that he would soon be killed and eaten by dogs. Domitian, wanting to prove him a charlatan, ordered the astrologer burnt and his remains buried in safety; however, a sudden rain extinguished the pyre and Ascleparion's half burnt corpse ended up being eaten by dogs, as he had predicted.³¹³ Domitian puts Ascleparion's expertise to the test just as Tiberius does with Thrasyllus; both astrologers prove to be accurate about their imminent fate and by extension prove their other predictions regarding the future of the emperors Tiberius and Domitian. As the story of Tiberius and Thrasyllus, this story is also probably completely fictive; it belongs to what can be described as a story template in which a prince decides to test a diviner's skill and veracity by enquiring about the latter's fate and subjecting the diviner to a lethal test.³¹⁴ The resulting anecdotes vary on the specifics, such as whether the diviner proves to know about his fate or not, and could be used to illustrate a variety of points, such as the validity or fraudulence of divination. The two parallel stories in question here probably served to support the notion that astrology is an effective form of divination, but their presence in senatorial history probably served to draw another parallel between those two proverbial Roman tyrants and illustrate the similarity of their characters.

³¹² Barton 1994:48.

³¹³ Suet. *Dom.* 15.3.

³¹⁴ See Krappe 1927.

7. Hadrian

History's judgment on Hadrian has been in general favourable, bequeathing to posterity an image of the emperor as an effective and overall good and benevolent ruler. As evidenced however most prominently by Cassius Dio's account of the emperor,³¹⁵ not all historiography has been uncritical of his character and reign. The execution of the four consulars, Palma, Celsus, Nigrinus and Lusius, who allegedly conspired against him in the beginning of his reign, certain controversial appointments of magistrates³¹⁶ and his excessive philhellenism,³¹⁷ which earned him the nickname *graeculus*,³¹⁸ must have soured his relations with part of the senate³¹⁹ and may have almost prevented his deification after his death.³²⁰ According to the pattern so far established for previous emperors, I would contend that the references of Dio principally to Hadrian's magical interests constitute part of the hostile tradition against the emperor as a typical form of censure applied to emperors before him and after him. Before however examining Dio's account of Hadrian's connection with magic it is worth dwelling on a comment he makes in that context, namely that the Emperor was ridiculed for the sort of beliefs he exhibited.³²¹ The question is worth exploring; do we possess any works of satire that allude to Hadrian's alleged magical interests and pursuits?

a. Hadrian in the *Philopseudes*?

It has been suggested that the narrative presented in the *Philopseudes* contains satirical allusions to the court of Hadrian, and that the reader of Lucian's work could recognize

³¹⁵ On Dio's hostility towards Hadrian see Millar 1964:65ff.

³¹⁶ See Syme 1984:32-35 and 48-52.

³¹⁷ Cf. Birley 1997a:228 and Syme 1988a:7. Hadrian's apparent interest in Egyptian cults was probably seen in a similar light; see Beaujeu 1964:64-6.

³¹⁸ SHA 1.5.

³¹⁹ Henderson (1923:67-70) also recognizes that the incident had gained Hadrian the enmity of the senatorial class, which he however largely regained owing to his comportment as a princeps during his reign.

³²⁰ Cf. Millar 1964:64.

³²¹ Dio Cass.: 69.11.4.

the emperor behind the persona of Eucrates, the host in whose villa the fictitious dialogue is taking place.³²² Certainly it is impossible to assert with absolute certainty whether or not this is the case, but there are some interesting details in the portrayal of Eucrates, which could be seen as allusions to Hadrian and to people he is associated with in our sources, and some of them can be explained away as coincidental, while others seem more difficult to deal with in such fashion. In the following I shall attempt an exposition of the evidence in the direction that the *Philopseudes* can be read as a satirical representation of the emperor and his court.

The first piece of evidence, which is not admittedly decisive on its own, is the nature of the assembly at Eucrates house; the men gathered there are all supposed to be leading authorities in the various schools of philosophy of their times.³²³ In the same way Hadrian's court was home to many intellectuals of his time, among them astrologers,³²⁴ people who could have had debates of the sort described, albeit in exaggerated fashion owing to the satirical nature of the work, in the *Philopseudes*. Eucrates is also supposed to be a very erudite man in Lucian's work, and Hadrian himself had the reputation of one extremely well versed in the liberal arts.

It might be significant that Lucian makes reference twice to Eucrates' beard being a symbol of wisdom, under which he apparently concealed much folly.³²⁵ Although it is worth noting that the bushy beards of philosophers are ridiculed frequently in the oeuvre of Lucian, it might be of special significance here; the fact that Hadrian was the first

³²² See Ogden 2007a:25, Anderson 1976:99-114.

³²³ Lucian *Phil.* 6: Εὐρίσκω δὲ αὐτόθι τὸν μὲν Λεόντιχον οὐκέτι – ἐφθάκει γάρ, ὡς ἔφασκον, ὀλίγον προεξεληλυθῶς – ἄλλους δὲ συχνούς, ἐν οἷς Κλεόδημος τε ἦν ὁ ἐκ τοῦ Περιπάτου καὶ Δεινόμαχος ὁ Στωικός καὶ Ἴων, οἴσθα τὸν ἐπὶ τοῖς Πλάτωνος λόγοις θαυμάζεσθαι ἀξιοῦντα ὡς μόνον ἀκριβῶς κατανενοηκότα τὴν γνώμην τοῦ ἀνδρὸς καὶ τοῖς ἄλλοις ὑποφητεῦσαι δυνάμενον. ὀρθῶς οἴους ἀνδρας σοὶ φημι, πανσόφους καὶ παναρέτους, ὅ τι περ τὸ κεφάλαιον αὐτὸ ἐξ ἐκάστης προαιρέσεως, αἰδεσίμους ἅπαντας καὶ μονονουχὶ φοβεροῦς τὴν πρόσοψιν; ἔτι καὶ ὁ ἰατρὸς Ἄντιγονος παρῆν, κατὰ χρεῖαν, οἶμαι, τῆς νόσου ἐπικληθεῖς

³²⁴ SHA 16: In summa familiaritate Epictetum et Heliodorum philosophos et, ne nominatim de omnibus dicam, grammaticos, rhetores, musicos, geometras, pictores, **astrologos** habuit, prae ceteris, ut multi adserunt, eminente Fauroino.

³²⁵ Lucian *Phil.* 5: Καίτοι, ὦ Τυχιάδη, ἀξιόπιστός τις ὁ Εὐκράτης ἐστίν, καὶ οὐδεὶς ἂν οὐδὲ πιστεύσειεν ὡς ἐκεῖνος οὕτω **βαθὴν πάγωνα** καθεμμένος ἐξηκοντούτης ἀνὴρ, ἔτι καὶ φιλοσοφία συνὼν τὰ πολλὰ, ὑπομείνειεν ἂν καὶ ἄλλου τινὸς ψευδομένου ἐπακοῦσαι παρὼν, οὐχ ὅπως αὐτός τι τολμήσαι τοιοῦτον. and Τίνα ταῦτα πρὸς τῆς Ἑστίας, ὦ Τυχιάδη; **ἐθέλω γὰρ εἰδέναι ἦντινα τὴν ἀλαζονείαν ὑπὸ τηλικούτῳ τῷ πάγωνι ἔσκεπεν.**

emperor to ever sport a beard³²⁶ would no doubt have been a distinguishing physical feature of his, and the double reference to Eucrates' beard might serve to draw the attention of the reader to make the connection between the fictional character of Lucian and the Emperor.³²⁷

The previous parallels between Eucrates and Hadrian are not sufficiently strong in themselves to be read as direct allusions to the emperor, but then again when connections of this sort are attempted the force of parallels lies in their accumulation, not in each of them in isolation. So by the time Lucian presents Eucrates, we have already been informed that he is a man who passes himself off as wise and learned, he sports a beard and currently hosts an assembly of prominent learned men in his villa; at this point we are told that Eucrates is ill and is being attended by the physician Antigonos. The nature of his illness starts making the connection between him and Hadrian stronger, as he is clearly suffering from dropsy, just as the emperor did.³²⁸ Hadrian's illness lasted long and perhaps we are to understand the same about Eucrates being chronically ill, since when Tychiades describes Eucrates' illness to his collocutor Philocles, one gets the impression that he is talking of a known condition, since he uses the definite article to refer to the excess fluid as τὸ ρεῦμα. Furthermore when we are informed later that the miracle-working statue of Pellichus healed him from tertiary fever,³²⁹ presumably brought about by dropsy, we might consider that as further evidence that Eucrates' condition is to be understood as chronic. The strongest parallel between Eucrates and Hadrian, however, is to be found in the means both employed to cure themselves of their condition, namely

³²⁶ SHA 26: Statura fuit procerus, forma comptus, flexo ad pectinem capillo, promissa barba, ut uulnera, quae in facie naturalia erant, tegetet... see Birley 1997a: 214-215. As Walker (1991: 271) notes, a beard "is the mark of a hellene," which ties with Hadrian's philhellenism. See also Apollonius' *Epist.* 71 and Dio Chrys. 34.17.

³²⁷ It has been proposed (Carney 1968:13) that Hadrian's novelty of reintroducing beards into fashion, with all the connotations this had, was a focal point of covert criticism against the emperor by his detractors. On the topic of covert criticism of Hadrian by implied association with previous bad emperors see Syme 1958: 515-6, 519. Ahl (1984: 185-208) provides some very interesting insights on the use of figured speech employed to criticize contemporary tyranny in a Roman context.

³²⁸ Lucian *Phil.* 6: ἔτι καὶ ὁ ἰατρὸς Ἀντίγονος παρῆν, κατὰ χρεῖαν, οἶμαι, τῆς νόσου ἐπικληθεῖς. καὶ ῥᾶον ἐδόκει ἤδη ἔχειν ὁ Εὐκράτης καὶ τὸ νόσημα τῶν συντρόφων ἦν· τὸ ρεῦμα γὰρ εἰς τοὺς πόδας αὐθις αὐτῷ κατεληλύθει.

³²⁹ Lucian *Phil.* 19: "Νῆ Δί'," ἦν δ' ἐγώ, "εἰδόν τινα ἐπὶ δεξιὰ τοῦ κρουνοῦ, ταινίας καὶ στεφάνους ξηροὺς ἔχοντα, κατακεχυσμένον πετάλοις τὸ στηθος." "Ἐγὼ δέ," ὁ Εὐκράτης ἔφη, "ἐκεῖνα ἐχρύσωσα, ὅποτε μ' ἰάσατο διὰ τρίτης ὑπὸ τοῦ ἠπιάλου ἀπολλύμενον."

magic. Tychiades arrives at Eucrates house to find the host and his guests engaged in a debate about the best miraculous cure to apply to his condition,³³⁰ and, as mentioned above, Eucrates had employed in the past the service of the animated miracle-working statue of Pellichus to cure himself of life threatening fever. In similar manner Hadrian is reported to have employed magical means to relieve himself of the excess accumulated fluid, although he could not permanently³³¹ cure his condition.

Further parallels which corroborate and are in turn corroborated by the ones previously mentioned present themselves in Eucrates' account of his travel in Egypt. The first parallel is furnished in Eucrates' account of his visit to the colossi of Memnon, the twin colossal statues of Amenhotep which were said to sing at daybreak as well as deliver prophecies. Hearing the song of Memnon was considered to bring good luck, but Eucrates did not only hear a meaningless sound, as most visitors do, but he received an oracle in seven words from the colossus, although he does not reveal its nature in our story.³³² Now it is also known that Hadrian in his first journey to Egypt did visit the colossi. Interestingly enough as we gather from the epigrams of Balbilla,³³³ who was member of the emperor's entourage, on the first day Hadrian did not hear Memnon speak or sing, but on the second day, Memnon spoke to the emperor thrice, offering a greeting; therefore as in the case of Eucrates, the emperor received a meaningful utterance from the colossus, instead of only hearing meaningless sounds.³³⁴

³³⁰ Lucian *Phil.* 7-8.

³³¹ Dio Cass. 69. 22 Ἀδριανὸς δὲ μαγγανείαις μὲν τισι καὶ γοητείαις ἐκενοῦτό ποτε τοῦ ὑγροῦ, πάλιν δ' αὐτοῦ διὰ ταχέος ἐπίμπλατο.

³³² 33 “Ὅποτε γὰρ ἐν Αἰγύπτῳ διήγον ἔτι νέος ὢν, ὑπὸ τοῦ πατρὸς ἐπὶ παιδείας προφάσει ἀποσταλείς, ἐπεθύμησα εἰς Κοπτὸν ἀναπλεύσας ἐκεῖθεν ἐπὶ τὸν Μέμνονα ἐλθὼν ἀκούσαι τὸ θαυμαστὸν ἐκεῖνο ἠχοῦντα πρὸς ἀνίσχοντα τὸν ἥλιον. ἐκείνου μὲν οὖν ἤκουσα οὐ κατὰ τὸ κοινὸν τοῖς πολλοῖς ἄσημόν τινα φωνήν, ἀλλὰ μοι καὶ ἔχρησεν ὁ Μέμνων αὐτὸς ἀνοίξας γε τὸ στόμα ἐν ἔπεσιν ἑπτὰ, καὶ εἴ γε μὴ περιττὸν ἦν, αὐτὰ ἂν ὑμῖν εἶπον τὰ ἔπη.

³³³ See Edmonds 1925.

³³⁴ Ἰουλίας Βαλ<β>ίλλης·

ὅτε ἤκουσε τοῦ Μέμνο<νο>
ὁ Σεβαστὸς Ἀδριανός.

Μέμνονα πυνθανόμαν Αἰγύπτιον, ἀλίω αὐγαί
αἰθόμενον, φώνην Θηβαῖ<κ>ω 'πυ λίθω.
'Αδριανὸν δ' ἐσίδων, τὸν παμβασίληα, πρὶν αὐγάς
ἀελίω χαίρην εἶπέ <ν>οι ὡς δύνατον.
Τίταν δ' ὅττ' ἐλάων λεύκοισι δι' αἴθερος ἵπποις
ἐνὶ σκίαι ὥράων δεύτερον ἤχε μέτρον,

The second parallel between Pancrates and Hadrian, furnished by Lucian's account of the former's Egyptian sojourn is the possible identification of a certain Pancrates, an Egyptian priest, learned in magic, with whom Eucrates has some dealings of magical nature, with a certain Pancrates and a certain Pachrates, which might be two names referring to the same person, and whom Hadrian met during his stay in Egypt.³³⁵ Now the literary Pancrates of Lucian is presented in *Philopseudes* as the tutor of Arignotus the Pythagorean,³³⁶ who is himself responsible for feats of magical nature in the dialogue, namely the banishment of a restless spirit from a haunted house. Pancrates is an Egyptian, he has been taught the ways of magic by Isis herself spending 23 years of his life in secret underground sanctuaries. Among his magical feats there are to be seen the taming of crocodiles and other fierce beasts and the animation of a pestle, which performed menial tasks for its master. Eucrates meets him and stays with him for a while, attempting to acquire the knowledge of the animation spell, which Pancrates guards jealously, but in the end he manages only to learn half of it, so that he knows how to animate the pestle but not how to turn it back into an immobile piece of wood. He nonetheless has the audacity to animate the pestle when Pancrates is absent and to order it to bring water into the house, but failing to make it stop when the water is already overflowing, he proceeds to split it in two, only to find himself confronted with two pestles carrying on the task of the original. At some moment Pancrates returns and angered by Eucrates' act he deanimates the pestles and vanishes not to be seen again. There is nothing to suggest that Hadrian had a similarly fruitless encounter with the man or men known from our sources as Pancrates/Pachrates, but on the contrary it seems he or they came to enjoy favor with the emperor as reward for their services. The points of resemblance between the literary Pancrates of Lucian and Pancrates/Pachrates lie

ὡς χάλκοιο τύπεντ[ο]ς ἦν Μέμνων πάλιν αὐδαν
 ὀξύτονον· χαίρω[ν κ]αὶ τρίτον ἄχον ἦν.
 κοίρανος Ἀδρίανου[ς] τότε ἄλλυς δ' ἀσπάσσατο καὶτος
 Μέμνονα, κὰν [στά]λαι κάλλι[π]εν ὀψ[ι]γόνους
 γρόππατα σαμαίνο[ν]τά τ' ὅσ' εὕριδε κῶσσ' ἐσάκουσε,
 δῆλον παῖσι δ' ἔγε[ν]τ' ὥς <ν>ε φίλισι θεοί.

³³⁵ See Ogden 2007a:248-52.

³³⁶ For the figure of Arignotus see Gascó 1991.

obviously in their shared name and in the fact that Pancrates/Pachrates, if it is a single person to be understood behind those very similar names was an Egyptian magician as well as a poet.

A brief exposition of what we know about the man or men known as Pancrates and Pachrates is in order here, to determine whether there is good reason to think that they are identical or whether such a notion should be rejected. What we know about the man called Pancrates was that he was an Egyptian poet who presented Hadrian with a red lotus, while “talking great marvels”; because he said that the lotus should be called “Antinoan”, in honor of Hadrian’s catamite, and that it had sprung up from the earth when she received the blood of the fierce lion Hadrian had killed a while earlier, and thus saved a region in Libya from its ravages³³⁷. A few verses of an epic poem by this Pancrates survive describing the struggle of Hadrian and Antinoos with the Libyan lion, but they are not of much use in identifying the poet. Birley in an attempt to link Pancrates with magic practices, claims that the reference to an Egyptian divination technique involving the *kondu* which survives in some verses attributed to a certain Pancrates in Athenaeus directly connects the poet with miracle-working.³³⁸ Such an assertion is rather strange, since by following the same train of thought one could easily see accomplished sorcerers in almost all poets who describe a scene of magic with some degree of precision, be that literary or technical. It is nonetheless worth bearing in mind that this Pancrates was possibly versed in Egyptian priestly lore, since he would have been knowledgeable about a priestly divination technique and he would have enough authority to present Hadrian with a “marvellous” explanation of the properties of the Red Lotus, a native plant of the Nile, and that alone would make him a likely candidate to be considered a magician.

³³⁷ Athen. *Deipn.*: καὶ Παγκράτης τις τῶν ἐπιχωρίων ποιητής, ὃν καὶ ἡμεῖς ἔγνωμεν, Ἀδριανῶ τῷ αὐτοκράτορι ἐπιδημήσαντι τῇ Ἀλεξανδρείᾳ μετὰ πολλῆς τερατείας ἐπέδειξεν τὸν ῥοδίζοντα λωτόν, φάσκων αὐτὸν δεῖν καλεῖν Ἀντινόειον, ἀναπεμφθέντα ὑπὸ τῆς γῆς ὅτε τὸ αἷμα ἐδέξατο τοῦ Μαυρουσίου λέοντος, ὃν κατὰ τὴν πλησίον τῇ Ἀλεξ-ανδρείᾳ Λιβύην ἐν κυνηγίῳ καταβεβλήκει ὁ Ἀδριανός, μέγα χρῆμα ὄντα καὶ πολλῶ χρόνῳ κατανεμηθέντα πᾶσαν τὴν Λιβύην, ἧς καὶ πολλὰ ἀοίκητα ἐπεποιήκει οὗτος ὁ λέων. ἤσθεις οὖν ἐπὶ τῆς ἐννοίας εὐρέσει καὶ καινότητι τὴν ἐν Μουσῶν αὐτῷ σίτησιν ἔχειν ἐχαρίσατο. See also *Pap.Oxy.* 8 1085.

³³⁸ Athenaeus *Deipn.* 11.55; cf. Birley 1997b:245.

Now when it comes to Pachrates there are fewer doubts about his person; he is only mentioned once in the introduction to the “Great Magical Papyrus” as a “prophet of Heliopolis”, that is “a magician”, who demonstrated to Hadrian the power of the spell recorded in the papyrus, who once again appears as a man keenly interested in this sort of knowledge. So the question remains: can the poet Pancrates be safely identified with Pachrates the prophet on account of the similarity in name and on account of similarity of pursuits? The evidence allows for no safe identification; the name “Pachrates”³³⁹ could either be a mispronunciation of the Greek “Pancrates”, or “Pancrates” could equally well be a Hellenized version of the Egyptian name, or they could be two separate names belonging to different people. As far as their reported exploits are concerned, there is nothing that could either definitively connect them or safely disassociate one from the other; that an Egyptian who wrote epics in Greek and who appeared to be at least superficially knowledgeable in priestly lore could also be considered a full blown magician at the same time makes perfect sense, but then again the identification of the two is not necessary.

I feel nonetheless that the process of the identification of Pancrates and Pachrates in reference to the literary Pancrates of Lucian can be seen from the reverse angle; there is enough indication already presented to support a link between the literary figure of Eucrates and Hadrian. Taking this under consideration, the very slight difference in name would hardly prevent the reader from making a connection between the Lucianic magician Pancrates and the real magician Pachrates, if he was indeed universally known by this name and only. If the reader up to this point has been led to see Hadrian in Eucrates, the reader would naturally identify the literary and the real sorcerer. In fact, if one accepts this, the identification of the real Pancrates and Pachrates would become safer, since Lucian refers through his literary Pancrates to the real magician with what appears to be the Greek form of the name. Therefore the weight of parallels between Eucrates and Hadrian could serve to make this contended identification somewhat safer.

³³⁹ In Egyptian it could be taken to mean “the Childe”, i.e. Horus. see Preisendanz 1942.

b. The *deuotio* of Antinoos

The story about the death of Hadrian's catamite, Antinoos, is of particular interest to this study. Antinoos is reported to have died while Hadrian and his entourage were cruising on the Nile during Hadrian's visit to Egypt in 130.³⁴⁰ All of our principal authorities on the incident report different accounts of the affair, which had been in circulation after the event, either it being an accidental death by drowning in the Nile or being of a voluntary nature on the part of Antinoos, to the benefit of Hadrian. In the following I will proceed by examining the major accounts and their implications for how the incident was received by contemporaries and posterity.

Cassius Dio offers two versions of the incident; he first reports the version of Hadrian himself who wrote that Antinoos drowned in the Nile, presumably accidentally, as we are left to think. Immediately after he relates a second version, asserting strongly that it is the true one, unlike the one found in the emperor's autobiography, that Antinoos was sacrificed willingly. He interestingly presents what is clearly a human sacrifice in a magical context, further elaborating by saying that Hadrian was an over-curious man and used all kinds of magical divination,³⁴¹ we are to understand that he sacrificed the willing Antinoos to that end, divination, because, as he further explains, "he required a willing soul for what he was doing", that is magical divination. Therefore the account of Dio clearly supports the version that Antinoos was sacrificed by Hadrian for the purposes of necromantic divination to be employed by the latter, a version no doubt quite hostile to the emperor³⁴². The version that Antinoos had become in popular imagination a

³⁴⁰ On Hadrian's journey to Egypt see Follet 1968, Sijpestein 1969, Syme 1988b.

³⁴¹ Over-curiosity of emperors in connection with magical divination is a *Leitmotiv* in Dio's history. Cf. Fögen 1993: 141-3. I strongly disagree with Fögen's assertion, however, that Dio considers such an attitude as indispensable to an effective monarch, as everywhere he applies this attribute to an emperor it is in a context of reproach.

³⁴² Dio Cass. 69.11.2-4: ἐν δὲ τῇ Αἰγύπτῳ καὶ τὴν Ἀντινόου ὀνομασμένην ἀνοικοδόμησε πόλιν. ὁ γὰρ Ἀντίνοος ἦν μὲν ἐκ Βιθυνίου πόλεως Βιθυνίδος, ἦν καὶ Κλαυδιούπολιν καλοῦμεν, παιδικὰ δὲ αὐτοῦ ἐγεγόνει, καὶ ἐν τῇ Αἰγύπτῳ ἐτελεύτησεν, εἴτ' οὖν ἐς τὸν Νεῖλον ἐκπεσὼν, ὡς Ἀδριανὸς γράφει, εἴτε καὶ ἱεροουργηθεὶς, ὡς ἡ ἀλήθεια ἔχει· τὰ τε γὰρ ἄλλα περιεργότατος Ἀδριανός, ὡσπερ εἶπον, ἐγένετο, καὶ μαντείας μαγγανείαις τε παντοδαπαῖς ἐχρήτο. καὶ οὕτω γε τὸν Ἀντίνοον, ἦτοι διὰ τὸν ἔρωτα αὐτοῦ ἢ ὅτι ἐθελοντῆς ἐθανατώθη (ἐκουσίῳ γὰρ ψυχῆς πρὸς ἃ ἔπραττεν ἐδεῖτο), ἐτίμησεν ὡς καὶ πόλιν ἐν τῷ χωρίῳ, ἐν ᾧ τοῦτ' ἔπαθε, καὶ συνοικίσαι καὶ ὀνομάσαι ἀπ' αὐτοῦ. καὶ ἐκείνου ἀνδριάντας ἐν πάσῃ ὡς εἰπεῖν τῇ οἰκουμένῃ, μᾶλλον δὲ ἀγάλματα, ἀνέθηκε.

nekudaimon to be exploited for necromantic purposes³⁴³ can be supported further by our knowledge of the magical tablet originating possibly from Antinoopolis, the city founded in his honour near the spot of his death by Hadrian, which is addressed to the ghost of a certain Antinoos, which could be identical to him.³⁴⁴ Furthermore, as has been pointed out, the reference to Hadrian having constructed a House of the Dead in his villa might tie in with this version of Antinoos' death, if we are to understand that Hadrian used the spot for necromantically conversing with the ghost of his former beloved companion.³⁴⁵

The SHA offers differing accounts of the incident, but those are quite different to Dio's,³⁴⁶ The first one related is that some people maintain that Antinoos died as a result of a *deuotio* to the benefit of Hadrian. Now a *deuotio* in this context it is to be understood as the ancient Roman ritual, to which the Roman Republic allegedly owed its salvation on several occasions in the past during wartime; a general would offer himself and the enemy army up as a sacrifice to the gods of the underworld and then would proceed to sacrifice himself by throwing himself in the midst of the enemies, dragging them thus in the underworld with him and bequeathing victory to the Roman side. Although variants as to the exact performance of the ritual and of the persons to be sacrificed existed under the Republic, this is the type made famous by the *deuotiones* of the Decii, father and son, who gave victory to Rome by offering themselves and the enemy armies as sacrifices to the gods of the underworld.³⁴⁷ Under the Principate, as it is reasonable the focus has shifted from the salvation of the Roman people to the salvation of the Emperor, and one

καὶ τέλος ἀστέρα τινὰ αὐτός τε ὄραν ὡς καὶ τοῦ Ἀντινόου ὄντα ἔλεγε, καὶ τῶν συνόντων οἱ μυθολογούντων ἡδέως ἤκουεν ἕκ τε τῆς ψυχῆς τοῦ Ἀντινόου ὄντως τὸν ἀστέρα γεγενῆσθαι καὶ τότε πρῶτον ἀναπεφηνέναι. διὰ ταῦτά τε οὖν ἐσκώπητο, καὶ ὅτι Παυλίην τῇ ἀδελφῇ ἀποθανούσῃ παραχρήμα μὲν οὐδεμίαν τιμὴν ἔνειμεν Cf. SHA *Vita Hadriani* 14, where it is claimed that oracles were spoken through Antinoos, after his deification.

³⁴³ Cf. Ogden 2007a:251.

³⁴⁴ Papyrologica Coloniensia XVI.1, 47.

³⁴⁵ Cf. Ogden 2001:153-4, SHA 21,5: Tiburtinam uillam mire exaedificauit, ita ut in ea et prouinciarum et locorum celeberrima nomina inscriberet, uelut Lycium, Academicum, Prytanium, Canopum, Poccilen, Tempe uocaret. et, ut nihil praetermitteret, etiam inferos finxit.

³⁴⁶ SHA 14: Antinum suum, dum per Nilum navigat, perdidit, quem muliebriter fleuit. 6 De quo uaria fama est aliis eum **deuotum pro Hadriano** adserentibus, aliis, quod et forma eius ostendat et nimia uoluptas Hadriani. 7 Et Graeci quidem uolente Hadriano eum consecrauerunt **oracula per eum dari adserentes**, quae Hadrianus ipse conposuisse iactatur. Fuit enim poematum et litterarum nimium studiosissimus.

³⁴⁷ On *deuotio* see Wissowa 1903:277-80, Winkler-Stuiber 1957:850-62, Versnel 1976, Janssen 1981.

could still “devote” one’s self to save the life of the emperor (or indeed a loved one³⁴⁸), particularly if it was threatened by some serious illness. Apparently becoming devoted to the emperor did not necessitate that one had to relinquish one’s life on the spot, but one should if it was required, and in that it resembled the *deuotio* of the *Soldurii*, the bodyguards of Iberian rulers, who vowed not to outlive the person they were devoted to.³⁴⁹ Evidently Augustus introduced this practice into Roman politics and the focus of the *deuotio* shifted from then, as was the manner of its execution.³⁵⁰ There are two cases which we know of in which a Roman citizen and a Roman knight, with flattery in mind, vowed to die if the emperor Gaius should recover from his illness, and Gaius, as it is related, had them fulfill their vows.³⁵¹ It is therefore in this light that we have to understand the *deuotio* of Antinoos presented in the SHA.³⁵² The second version of the incident offered by the SHA is quite vague, but could possibly point to his death being a result of a crime of passion perpetrated by Hadrian. The wording is quite unclear and possibly intentionally so. At any rate the phrase *nimia uoluptas Hadriani* doubtlessly reflects negatively on the emperor, presenting him as ruled by base passions culminating in crime.

In those two passages it is interesting to note in terms of structure that two versions of the affair are mentioned in each. The first mentioned is one which is neutral to Hadrian; Dio’s first version is that the death of Antinoos was an accident, while the first version reported in the HA is the rumour that Antinoos sacrificed himself in a ritual

³⁴⁸ Cf. Winkler-Stuiber 1957:853-4, Versnel 1976:391-2.

³⁴⁹ See María Dolores Dopico Caínzos 1998.

³⁵⁰ See Winkler-Stuiber 1957:853-7 for the practice of *deuotio* to the Emperor.

³⁵¹ Suet. *Cal.* 27.2: **Votum exegit** ab eo, qui pro salute sua gladiatoriam operam promiserat, spectauitque ferro dimicantem nec dimisit nisi uictorem et post multas preces. Alterum, qui se periturum ea de causa **uouerat**, cunctantem pueris tradidit, **uerbenatum infulatumque** uotum repositos per uicos agerent, quoad praecipitaretur ex aggere. Cf. Dio Cass. 59.8.3: Πούπλιος δὲ Ἀφράνιος Ποτίτιος δημότης τε ὦν καὶ ὑπὸ μωρᾶς κολακείας οὐ μόνον ἐθελοντῆς ἀλλὰ καὶ ἔνορκος, ἂν γε ὁ Γάιος σωθῆ, τελευτήσῃν ὑποσχόμενος, Ἀτάνιός τε τις Σεκοῦνδος ἱππεύς τε ὦν καὶ μονομαχήσῃν ἐπαγγειλάμενος· ἀντὶ γὰρ τῶν χρημάτων ἃ ἤλπιζον παρ’ αὐτοῦ ὡς καὶ ἀντίψυχοί οἱ ἀποθανεῖν ἐθελήσαντες λήψεσθαι, ἀποδοῦναι τὴν ὑπόσχεσιν ἠναγκάσθησαν, ἵνα μὴ ἐπιорκήσωσι. καὶ τούτοις μὲν αὕτη αἰτία τοῦ θανάτου ἐγένετο· Winkler-Stuiber (1957:853-4) argue that the *deuotio* to the emperor was not similar to the old Republican ritual in the sense that it would call for one to actually lay one’s life down in ritual self-sacrifice for the emperor’s salvation, but they do not account for the above instances of this in Suetonius.

³⁵² One could also make a case that Antinoos’ *deuotio* as a ritual self sacrifice was of a personal nature (see Winkler-Stuiber 1957:853, cf. Fronto *Epist.* 3.16-9) due to his relationship with Hadrian, than actually a formal *deuotio* to Hadrian as the emperor. It is a moot point however for the purposes of this study.

of *deuotio* for the benefit of Hadrian, who was as it is known chronically ill from dropsy. In accordance with rhetorical practice, the version which is intended to be more memorable to an audience and to which the speaker lends more credence comes second; Dio strongly asserts that Antinoos' death was a result of a necromantic ritual, while the HA possibly implies that he was killed by Hadrian in a crime of passion. This serves to illustrate in structural terms that in the HA the *deuotio* is not reported as a hostile tradition to the emperor, and this is because it is not really to be understood as a magical ritual, since it seems to be in fact in accordance with established Roman custom.

Now the account of Aurelius Victor is ambiguous as to whether the *deuotio* is of magical nature or not.³⁵³ The reason for this ambiguity is because on the one hand it is reported that Hadrian in consecrating Antinoos and honouring him with statues and a city named after him, was acting in accordance with *pietas* and religious duty, acknowledging the boy's self sacrifice, which was undertaken in order to prolong the emperor's life. All this is suggestive of the fact that the *deuotio* was in accordance with established custom, because it would have made no sense to have said of Hadrian that he gave proper religious honours to an irreligious rite, if the *deuotio* had been perceived as a necromantic human sacrifice, of the kind Dio is talking about. On the other hand the matter becomes more complicated by Victor's mention of the fact that it was the *magi* who advised Hadrian that a willing victim was required for the *deuotio*. Possibly the fact that Victor is writing in a time when Christianity has long been established as the official religion of the Empire is to account for the fact that he chooses to mention the *magi* in connection with what essentially is a practice of human sacrifice. Human sacrifice was perceived by the Romans and obviously more so in the Christian period as being a peculiarly magical practice. On the other hand it is possible that by the time of Hadrian some of the roles of traditional state diviners, like the *haruspices* could be executed on occasion by the ubiquitous *magi* and astrologers, which seem to have been in the entourage of most, if not all emperors. It was the *haruspices* who would have to indicate

³⁵³ *De uit. et mor. Caes.* 14: Hinc orti rumores mali iniecisse supra puberibus atque Antinoi flagrauisse famoso ministerio neque alia de causa urbem conditam eius nomine aut locasse ephebo statuas. **Quae quidem alii pia uolunt religiosaque: quippe Hadriano cupiente fatum producere, cum uoluntarium ad vicem magi poposcissent, cunctis retractantibus Antinoum obiecisse se referunt**, hincque in eum officia supra dicta.

that a *deuotio* should be performed to save the Roman Republic in the time of Decius, whereas possibly the people who had the same say in the time of Hadrian were the *magi* or astrologers of the emperor's court.³⁵⁴ Even if the *deuotio* was a long established religious rite, it would probably have smacked as unsavory in the late Republic and during the Principate to actually ask for its execution, since we hear of it so seldom, and then again, as in the case of Caligula who actually demanded that the vows of *deuotio* of the two citizens be fulfilled, it seemed rather cruel of him to do so; the law passed in 97 BC against human sacrifice³⁵⁵ would indicate a shifting attitude towards it even, so it would be the domain of the unsanctioned *magi* to suggest its execution. The fact that, as it seems from Hadrian's own account in Dio, the official story about Antinoos death was not that he had died as a result of a *deuotio* ritual, would indicate that it was not an uncontroversial matter that could be spoken about freely; even the SHA which does not connect the practice explicitly to magic, reports it as a rumour.

What seems to be a common ground between these three versions of Antinoos' death is that he was sacrificed willingly to the benefit of Hadrian. For Dio this is nothing but manifest sorcery. The SHA views it as the performance of the old ritual of *deuotio* without hinting at magic. In Victor it seems that somehow both versions have been included, as he is on the one hand reporting that Antinoos sacrificed himself in *deuotio* to prolong the life of Hadrian, and on the other hand that this had been proposed by the *magi*. A particular detail in the wording of Dio's account could suggest that the original version could have been that of the *deuotio* and that the version of necromantic sacrifice of Antinoos is an offshoot of it, probably as part of a hostile tradition intended to cast negative light on Hadrian; Dio is referring to the sacrificed Antinoos as *hierourgētheis* which is to mean literally "sacrificed in a sacred fashion", which is hard to account for in a context of unsanctioned necromantic ritual. The account of Suetonius about the way in which one of the citizens (probably Afranius Potitus, according to Dio's account of the

³⁵⁴ It would be legitimate to think here that Balbilla, the grand daughter of Tiberius Claudius Balbillus, who had advised Nero to avert the wrath of Heaven, by performing sacrifices of illustrious men, who was part of Hadrian's entourage, while he was journeying in Egypt, might have had something to do with this piece of advise reportedly given to Hadrian, about the need for taking a human life in stead of his own. On members of Hadrian's traveling entourage see Chowen 1954.

³⁵⁵ Plin. *NH* 30.13.

same incident) was sacrificed as a *deuotio* offering when Caligula forced him to fulfill his vow, mentions that he was adorned as a sacrificial victim, complete with garlands and the *infula*, the sacrificial band, before being thrown off an elevation. What this description of the execution of a *deuotio* ritual has in common with the account of Dio is the fact that the “devoted” person is actually sacrificed by people acting as ritual agents of the sacrifice, unlike the execution of *deuotio* in the days of Decius, when the general had to be killed by the hand of an enemy. Another common element, if one accepts the account of Antinoos drowning in the Nile, hinted at by the HA as well, would seem to be that the victim in both cases is not directly killed by the sacrificing agents, but precipitated from a height or thrown into water to drown. Then again, this is the common method of human sacrifice whenever mentioned in a Roman context, unless it is explicitly stated that it is performed by a declared sorcerer. So it would seem that Dio adds an unfavourable interpretation of a *deuotio* sacrifice, which was not necessarily conceived of as magical by contemporary Romans, and expands on it to present it as a necromantic sacrifice, which to Roman perceptions is inextricably connected with magical practice.

8. Marcus Aurelius Antoninus

The analysis presented so far indicates the existence of an established pattern in the connection of certain emperors with the practice of magic or with employment of the specialists of the art. Our sources present most of those emperors as monsters bereft of any redeeming features; there remain no doubts to the reader of those sources that those emperors are to be treated as bad ones. Therefore it comes as a surprise to discover in our sources that Marcus Aurelius Antoninus, an emperor universally eulogized by all ancient authors who treat of his life and reign³⁵⁶ is connected by those very same authors with many instances in which he turned for varying purposes to the services of sorcerers. The firm assertion of Marcus in his own writings that he invariably despised practitioners of

³⁵⁶ Cf. Birley 2000:224.

magic³⁵⁷ makes the claims of those historians even more problematic; the questions posed are how did Marcus come to become connected with magic in our sources and what do the authors finally make of these stories?

The *Vita Marci* in the SHA offers one of those stories which link Marcus with the practitioners of magic. It is reported therein, according to a vulgar story as the author comments, that Faustina, Marcus' wife once fell in love with a certain gladiator and she confessed her burning desire to Marcus. Now Marcus brought the matter to the Chaldeans, whom we are probably to understand here, according to the story, as the standard flock of imperial magicians and astrologers to which every emperor seems to have had recourse at one time or another, and they advised him that Faustina should bathe in the blood of the gladiator (or possibly *some* gladiator) after he was killed, and then sleep with her husband. Marcus did as advised and Faustina was cured of her passion for the gladiator, the downside to the whole affair being that Commodus was the product of her union with the emperor.³⁵⁸ It isn't clear, as the wording is somewhat vague, whether a ritual of human sacrifice is spoken of here or whether the killed gladiator whose blood was used by Faustina to bathe in was the one she had fallen in love with or not; the requirements for the ritual as described could be taken to mean that blood of any slain gladiator could be used and the manner of the murder is not specified, so one can assume it could ultimately be that of any gladiator killed in combat in a gladiatorial contest. At any rate blood is well attested as a medium of magical practice³⁵⁹ and here its use by the Chaldeans in such a barbaric manner to a miraculous effect would hardly have us doubt that what is described here was to be taken by a Roman audience as a ritual of magic.

³⁵⁷ Marcus, *In semet ipsum*, 1,6.

³⁵⁸ SHA, *Vita Marci* 19.1: Aiunt quidam, quod et uerisimile uidetur, Commodum Antoninum, successorem illius ac filium, non esse de eo natum sed de adulterio, ac talem fabellam uulgari sermone contexunt. 2 Faustina quondam, Pii filiam, Marci uxorem, cum gladiatores transire uidisset, unius ex his amore succensam, cum longa aegritudine laboraret, uiro de amore confessam. 3 Quod cum ad Chaldaeos Marcus rettulisset, illorum fuisse consilium, ut occiso gladiatore sanguine illius sese Faustina sublauaret atque ita cum uiro concumberet. 4 Quod cum esset factum, solutum quidem amorem, natum uero Commodum gladiatorem esse, non principem, 5 qui mille prope pugnas publice populo inspectante gladiatorias imperator exhibuit, ut in uita eius docebitur. 6 **Quod quidem uerisimile ex eo habetur, quod tam sancti principis filius his moribus fuit, quibus nullus lanista, nullus scaenicus, nullus arenarius, nullus postremo ex omnium decorum ac scelerum conluuione concretus.**

³⁵⁹ Cf. Lucan *Phar.*: 6.534-60, Gordon 1999:258.

In the *Vita Elagabali* there is a less ghastly, but equally interesting story about Marcus' involvement with magicians. It is read therein that Marcus had brought the Marcomannic war to a successful end by the assistance once again of the Chaldeans who subdued the Marcomans by means of a ritual and a spell (*consecratione*³⁶⁰ *et carminibus*), so that they would be eternally devoted and friendly to the Roman people.³⁶¹ The context of the story is that Elagabalus, intending to start a war with the Marcomans, learned of this and was searching for the material components of the spell, which was apparently some kind of *defixio*, a curse tablet, in order to destroy them and end the effect of the spell and the peace it secured. The location of the *defixio* was not revealed however and Elagabalus failed in his quest to start a new war with the Marcomans. As an aside, this remarkable story would have us think that the imperial Chaldeans were at least imagined as an organisation with a certain degree of continuity and autonomy; several decades and vicissitudes of the imperial throne after the supposed end of the Marcomannic war by magical means, the Chaldeans of the time of Elagabalus still knew the nature and location of the *defixio* of Marcus and were able to suppress any information about it from Elagabalus. Are we further to understand that this text implies that the Chaldeans were some sort of organization³⁶² within the Roman state and that they had the power to oppose the wishes of a monstrous tyrant like the last of the Antonines?

At any rate, what is worthy of remark is how neither of those stories reported by the author of the SHA is intended as reproach of barbarism, monstrousness or impiety against Marcus, who is supposed to have been according to all testimonies a most pious emperor. In fact both of them are stories intended as reproach of two other universally despised emperors, one of Commodus the other of Elagabalus. The first is reported as a

³⁶⁰ On the connections of *consecratio* and *deuotio hostium* see Versnel 1976:367ff. It seems as if this account in the SHA furnishes a further parallel to the conceptual connection of old Republican rituals of *deuotio* and magic in the imperial period. On *consecratio* as a form of *deuotio* see Winkler-Stuiber 1957:851-2.

³⁶¹ SHA, *Vita Elagabali* 9.1 Cum Marcomannis bellum inferre uellet, quod Antoninus pulcherrime profligarat, dictum est a quibusdam per Chaldaeos et magos Antoninum Marcum id egisse, ut Marcomanni p. R. semper deuoti essent atque amici, idque factum carminibus et consecratione. Cum quaereret, quae illa esset uel ubi esset, suppressum est. 2 Constat enim illum ob hoc consecrationem quaerere, ut eam dissiparet spe belli concitandi,...

³⁶² One is reminded e.g. of the proclamation of the *mathematici* of Rome in 69 AD who expressed their defiance of Vitellius by ordering him to die on a certain day (see Suet. *Vit.* 14.4.). See Barton 1994:47.

vulgar explanation of how such a good-for-nothing man like Commodus could be the son of one of the best and most beloved emperors of Rome; its intent is to absolve Marcus of the reproach by pointing out that Commodus was in fact the son of a gladiator. The author doesn't appear to give credence to the story of a magic-begotten Commodus, since he dismisses it as a vulgar embellishment to what nonetheless does appear to him as a plausible story, namely that Commodus was not the son of Marcus, but that of a gladiator.³⁶³ Furthermore the story about the *defixio* which subdued the Marcomans is reported as a rumour in a neutral manner, without a tone of reproach towards Marcus for resorting to magic and sorcerers to bring the war to an end; after all, even if this was true, it would seem presumably hard to criticize, as it was to the benefit of the Roman people. Could this be an indication of the practical Roman mindset which would view magic not as evil *per se*, but as a mean that would be reproachable only if turned against the interests of Rome? At any rate, this story again is not about Marcus so much as about Elagabalus, who is presented as seeking means to start a pointless war, another testament to his absurdity, long ago brought to a successful end by Marcus. One can't shake off the impression that both stories, despite implicating Marcus Aurelius with magic and its practitioners, end up praising him or absolving him of guilt, the first by implying that Commodus wasn't his true son, the second by suggesting that even if he did employ magic to end the war and subdue the Marcomans it was an act through which the beneficiary was only the Roman state. Additionally, it is possible that this story was originally told about Commodus and was misattributed to Marcus; after all it was under Commodus that the Marcomannic War was brought to an end in actual history. I will return to this later when discussing the case of Caracalla.

These instances of Marcus' implication with magicians and charlatans are not however to be found isolated. A popular joke circulating at the times was in the form of a letter from the white oxen to Marcus the emperor; the oxen stated that if he won in battle again, they were surely lost;³⁶⁴ the implication is that Marcus was fond of hecatombs, a sign of a superstitious nature in the eyes of the sceptic as would have undoubtedly been

³⁶³ SHA, *Vita Marci* 19.7: Multi autem ferunt Commodum omnino ex adultero natum, si quidem Faustinae satis constet apud Caietam condiciones sibi et nauticas et gladiatorias elegerit.

³⁶⁴ Amm. 25. 4. 17.

the measures he took against the great plague, known as the Antonine Plague, which raged through the empire and Rome itself. The SHA reports that Marcus had the *lectisternia* celebrated for seven days, introduced foreign rites and ritually purified Rome by any means available.³⁶⁵ Despite the fact that hardly any of this implicates him with magicians, those cynical about the power of religious rites, foreign or domestic to affect human affairs wouldn't miss the chance to sneer about the emperor's determination in employing all manner of foreign skullduggery and antiquated domestic religious remedies to battle the pestilence; a few decades beforehand, even an author of strong conservative sentiments like Juvenal sneered at traditional beliefs like the existence of an afterlife;³⁶⁶ the imperial age is not devoid of sceptics and the acquisition of the reputation for superstitiousness by Marcus must have had something to do with such views on actions of his like the ones related. Furthermore, the instance of his direct or indirect dealings with a charlatan so successful and infamous as Alexander of Abonuteichos, could not have helped his reputation in this respect. In his diatribe against the "false-prophet", Lucian mentions two instances which serve to prove the infiltration of a character like Alexander into the imperial court; the first is related to his sending some sort of supernatural prophylactic prescription against the plague to be employed by the citizens of Rome, which according to Lucian probably led to more deaths, as people became confident in the power of the charm and consequently neglected more mundane precautions against the disease.³⁶⁷ The second instance is that of the oracle which

³⁶⁵ SHA *Vita Marci* 13.1 Tantus autem timor belli Marcomannici fuit, ut undique sacerdotes Antoninus acciuerit, peregrinos ritus impleuerit, Romam omni genere lustrauerit; 2 retardatusque bellica profectio sic celebravit et Romano ritu lectisternia per septem dies. 3 Tanta autem pestilentia fuit, ut uehicularum cadauera sint exportata serracisque.

³⁶⁶ Juv. 1.49-152:

*esse aliquos manes et subterranea regna,
Cocytum et Stygio ranas in gurgite nigras,
atque una transire uadum tot milia cumba
nec pueri credunt, nisi qui nondum aere lauantur.*

³⁶⁷ Lucian, *Alex.* 36: ἕνα δὲ τινα χρησμόν, αὐτόφωνον καὶ αὐτόν, εἰς ἅπαντα τὰ ἔθνη ἐν τῷ λοιμῷ διεπέμψατο· ἦν δὲ τὸ ἔπος ἕν·

Φοῖβος ἀκειρεκόμης λοιμοῦ νεφέλην ἀπερύκει.

καὶ τοῦτο ἦν ἰδεῖν τὸ ἔπος πανταχοῦ ἐπὶ τῶν πυλώνων γεγραμμένον ὡς τοῦ λοιμοῦ ἀλεξιφάρμακον. τὸ δ' εἰς τοῦναντίον τοῖς πλείστοις προὐχῶρει· κατὰ γὰρ τινα τύχην αὐταὶ μάλιστα αἱ οἰκίαι ἐκενώθησαν αἷς τὸ ἔπος ἐπεγέγραπτο. καὶ μὴ με νομίσης τοῦτο λέγειν, ὅτι διὰ

Alexander gave to Marcus about the sacrifice by drowning of two lions in the river Ister prior to a battle of the Romans against the Quadi; the sacrifice would bring victory, but the lions swam across and were clubbed to death by the Quadi, who took them for some kind of strange dog or wolf. The battle that ensued was a disaster for the Roman side, but Alexander claimed that he wasn't wrong in his prediction, as in true Delphic style the oracle didn't specify which of the two sides would be victorious.³⁶⁸ It is once again however interesting to remark that Lucian casts no damning criticism on the emperor for this association of his with Alexander, but reserves this for the false-prophet, who is the target of this particular work of his at any rate. Now if we are to understand that elements like Alexander doubtlessly infiltrated Rome as part of the reported introduction of foreign rites by Marcus, it wouldn't seem implausible to think that the grounds for associating this by all accounts most excellent emperor with the universally despised practice of magic could be found here; rumours of his superstitiousness and association with charlatans could have led a step further and turned him in the perception of certain circles into a no less ardent employer of magicians than Nero.

τὸ ἔπος ἀπώλλυντο· ἀλλὰ τύχη τινὶ οὕτως ἐγένετο. τάχα δὲ καὶ οἱ πολλοὶ θαρροῦντες τῷ στίχῳ ἡμέλουν καὶ ῥαθυμότερον διητῶντο, οὐδὲν τῷ χρησμῷ πρὸς τὴν νόσον συντελοῦντες, ὡς ἂν ἔχοντες προμαχομένας αὐτῶν τὰς συλλαβάς καὶ τὸν ἀκειρεκόμενην Φοῖβον ἀποτοξεύοντα τὸν λοιμὸν.

³⁶⁸ Lucian. *Alex.* 48: Ἐν δὲ τοῖς ἄλλοις ἔν τι καὶ μέγιστον τόλμημα τοῦ μιανοῦ ἀνδρὸς ἄκουσον. ἔχων γὰρ οὐ μικρὰν ἐπίβασιν ἐπὶ τὰ βασιλεία καὶ τὴν αὐλὴν τὸν Ῥουτιλιανὸν εὐδοκιμοῦντα, διαπέμπεται χρησμὸν τοῦ ἐν Γερμανία πολέμου ἀκμάζοντος, ὅτε θεὸς Μάρκος ἤδη τοῖς Μαρκομάνοις καὶ Κουάδοις συνεπλέκετο. ἤξιου δὲ ὁ χρησμὸς δύο λέοντας ἐμβληθῆναι ζῶντας εἰς τὸν Ἴστρον μετὰ πολλῶν ἀρωμάτων καὶ θυσιῶν μεγαλοπρεπῶν. ἄμεινον δὲ αὐτὸν εἰπεῖν τὸν χρησμὸν·

Ἐς δίνας Ἴστροιο διπετέος ποταμοῖο
ἐσβαλέειν κέλομαι δοιοὺς Κυβέλης θεράποντας,
θῆρας ὀριτρεφέας, καὶ ὅσα τρέφει Ἰνδικὸς ἀήρ
ἄνθεα καὶ βοτάνας εὐώδεις· αὐτίκα δ' ἔσται
νίκη καὶ μέγα κῦδος ἅμ' εἰρήνην ἔρατεινῆν.

γενομένων δὲ τούτων ὡς προσέταξεν, τοὺς μὲν λέοντας ἐκνηξαμένους εἰς τὴν πολεμίαν οἱ βάρβαροι ξύλοις κατειργάσαντο ὡς τινὰς κύνους ἢ λύκους ξενικούς· αὐτίκα δὲ τὸ μέγιστον τραῦμα τοῖς ἡμετέροις ἐγένετο, δισμυρίων που σχεδὸν ἀθρόων ἀπολομένων. εἶτα ἐπηκολούθησε τὰ περὶ Ἄκυληϊαν γενόμενα καὶ ἡ παρὰ μικρὸν τῆς πόλεως ἐκείνης ἄλωσις. ὁ δὲ πρὸς τὸ ἀποβεβηκὸς τὴν Δελφικὴν ἐκείνην ἀπολογία καὶ τὸν τοῦ Κροίσου χρησμὸν ψυχρῶς παρήγεν· νίκην μὲν γὰρ προειπεῖν τὸν θεόν, μὴ μέντοι δηλῶσαι Ῥωμαίων ἢ τῶν πολεμίων.

However the best known and most discussed episode involving the emperor and a magician comes from Dio Cassius, as survives in Xyphilinus' epitome.³⁶⁹ Xyphilinus mentions that, according to a rumor reported by Dio, the responsibility for what has come to be referred to as the "rain miracle",³⁷⁰ a violent sudden rain which saved a division of the Roman army exhausted by thirst and encircled by the Quadi, rested with Arnuphis, an "Egyptian mage", who brought about the rain by calling upon, by means of sorcery, several divinities and foremost amongst them Hermes Aerios,³⁷¹ identified by Guey³⁷² with the Egyptian divinity Thoth-Shou. What is furthermore of interest and has given rise to theories attempting to pry into Marcus' religious beliefs and to identify Arnuphis with known contemporaries is Dio's comment on the Egyptian mage as one that "kept the company of Marcus". As mentioned above, Dio seems to regard the ascription of the rain miracle to Arnuphis and his mysterious gods as a rumour to which he doesn't necessarily commit; he appears nonetheless quite convinced that it did not come about by pure chance, but that some divinity was to be thanked for it.

The rain miracle affair and its treatment by the Roman authorities and propaganda machine is quite a convoluted one and much was written about it in antiquity by rival groups attempting to assume responsibility for it. Xyphilinus comments on how Dio is either inadvertently or purposefully lying when he doesn't mention how the true responsibility for the miracle lies with the prayers of the Christian legionaries of the

³⁶⁹ The authenticity of the excerpt has been demonstrated by Mommsen (1895:100ff). On Xyphilinus' epitome of Dio see also Millar 1964: 2-3.

³⁷⁰ The most recent study of the affair is found in Kovács 2009. However this item has been published too recently for me to take into account here.

³⁷¹ Dio Cass. 71.8: Μαρκομάνους μὲν οὖν καὶ Ἰάζυγας πολλοῖς καὶ μεγάλοις ἀγῶσι καὶ κινδύνοις Μάρκος ὑπέταξεν· ἐπὶ δὲ τοὺς καλουμένους Κουάδους καὶ πόλεμος αὐτῷ συνέστη μέγας καὶ νίκη παράδοξος εὐτυχήθη, μᾶλλον δὲ παρὰ θεοῦ ἐδωρήθη. κινδυνεύσαντας γὰρ ἐν τῇ μάχῃ τοὺς Ῥωμαίους παραδοξότατα τὸ θεῖον ἐξέσωσε. κυκλωσάντων γὰρ αὐτοὺς τῶν Κουάδων ἐν τόποις ἐπιτηδείοις συνασπίσαντες οἱ Ῥωμαῖοι προθύμως ἠγωνίζοντο, καὶ οἱ βάρβαροι τὴν μὲν μάχην ἐπέσχον, προσδοκῆσαντές σφας ῥαδίως ὑπὸ τε τοῦ καύματος καὶ ὑπὸ τοῦ δίψους αἰρήσειν, πάντα δὲ τὰ πέριξ διαλαβόντες ἀπέφραξαν, ὅπως μηδαμῶθεν ὕδωρ λάβωσι· πολὺ γὰρ καὶ τῷ πλήθει περιῆσαν. τῶν οὖν Ῥωμαίων ἐν παντὶ κακοῦ καὶ ἐκ τοῦ καμάτου καὶ ἐκ τῶν τραυμάτων τοῦ τε ἡλίου καὶ τοῦ δίψους γενομένων, καὶ μῆτε μάχεσθαι διὰ ταῦτα μῆτε χωρήσαι πη δυναμένων, ἀλλ' ἐν τε τῇ τάξει καὶ τοῖς τόποις ἐστηκότων καὶ κατακαιομένων, νέφη πολλὰ ἐξαίφνης συνέδραμε καὶ **ὕετος πολὺς οὐκ ἄθεεϊ καταεργάγη· καὶ γὰρ τοι λόγος ἔχει Ἀρνοῦφιν τινα μάγον Αἰγύπτιον συνόντα τῷ Μάρκῳ ἄλλους τέ τινας δαίμονας καὶ τὸν Ἑρμῆν τὸν ἀέριον ὅτι μάλιστα μαγγανείαις τισὶν ἐπικαλέσασθαι καὶ δι' αὐτῶν τὸν ὄμβρον ἐπισπάσασθαι.**

³⁷² Guey 1948b:47 ff.

legion which he calls *keranobolos*, that is “thunderer”,³⁷³ letters of Marcus, shown to have been forgeries, were conjured up by Christian apologists in the following centuries, presenting the emperor as confessing that prayers to the Christian god were what saved the Roman army from the difficult situation it had fallen into.³⁷⁴ These forgeries combined with the fact that there was never a “Thunderer” Legion, but a “thunder stricken” Legion (*Legio Fulminata*³⁷⁵) show that the Christian claim on the rain miracle was rather weak at the time it happened, but nonetheless it must have existed. The Christians were not the only ones challenging the claim of Arnuphis and his Egyptian gods on the miracle; the *Suda* mentions how the one responsible for it was none other than the Chaldean *theourgos* Julianus³⁷⁶ and there was obviously a very strong claim to it on the part of the official Roman religion; for who else would more suitably be ascribed with a miracle of such a nature and effect to be ascribed to than Jupiter, god of the heavens and guarantor of Roman sovereignty?

As has been pointed out by Rubin, Marcus must have found himself in a difficult position in attempting to accommodate the conflicting claims to the miracle. We have already seen how he allowed foreign rites into Rome alongside the established ones in

³⁷³ Dio Cass. 71.9.9. ταῦτα μὲν περὶ τούτων ὁ Δίων φησὶν, ἔοικε δὲ ψεύδεσθαι, εἴτε ἐκὼν εἴτε ἄκων. οἶμαι δὲ τὸ πλεον ἐκὼν· καὶ πῶς γὰρ οὐ, ὅστις οὐκ ἠγνῶει τὸ τάγμα τῶν στρατιωτῶν τὸ κεραυνοβόλον ἰδίως καλούμενον (ἐν γὰρ τῷ τῶν λοιπῶν καταλόγῳ καὶ αὐτοῦ μνημονεύει), ὅπερ ἂπ' οὐδεμιᾶς ἑτέρας αἰτίας (οὐδὲ γὰρ ἄλλη τις λέγεται) ἢ ἀπὸ τοῦ κατὰ τόνδε συμβάντος τὸν πόλεμον οὕτω προσηγορεύθη. ὃ καὶ αἴτιον τότε τοῖς τε Ῥωμαίοις τῆς σωτηρίας ἐγένετο καὶ τοῖς βαρβάροις τῆς ἀπωλείας, ἀλλ' οὐχ ὁ Ἄρνούφης ὁ μάγος· οὐδὲ γὰρ μάγων συνουσίαις καὶ γοητείαις ὁ Μάρκος χαίρειν ἰστόρηται. ἔστι δὲ ὁ λέγω τοιοῦτον. τάγμα ἦν τῷ Μάρκῳ (καλοῦσι δὲ τὸ τάγμα οἱ Ῥωμαῖοι λεγεῶνα) τῶν ἀπὸ Μελιτηνῆς στρατιωτῶν· εἰσι δὲ τὸν Χριστὸν πρεσβεύοντες ἅπαντες. ἐν οὖν τῇ μάχῃ ἐκείνῃ προσιόντα τῷ Μάρκῳ τὸν ἑπαρχον, ἀμηχανοῦντι πρὸς τὴν περίστασιν καὶ δεδιότι περὶ σύμπαντι τῷ στρατῷ, εἶπεν λέγεται ὡς οἱ καλούμενοι Χριστιανοὶ οὐκ ἔστιν ὅ τι οὐ δύνανται ταῖς εὐχαῖς, καὶ ὅτι παρὰ σφίσι τάγμα ὅλον τυγχάνει ὃν τούτου τοῦ γένους. τὸν οὖν Μάρκον ἀκούσαντα παρακλήσει χρήσασθαι πρὸς αὐτοὺς ὡς ἂν εὐξῶνται τῷ σφετέρῳ θεῷ, εὐξαμένων δὲ αὐτῶν παρακρήμα ἐπακούσαντα τὸν θεὸν τοὺς μὲν πολεμίους κεραυνῷ βαλεῖν, τοὺς δὲ Ῥωμαίους ὄμβρῳ παραμυθήσασθαι· ἐφ' οἷς καταπλαγέντα τὸν Μάρκον ἰσχυρῶς τοὺς τε Χριστιανούς κατὰ δόγμα τιμῆσαι καὶ τὴν λεγεῶνα κεραυνοβόλον προσαγορεύσαι. λέγεται δὲ καὶ ἐπιστολὴν τινα περὶ τούτων εἶναι τοῦ Μάρκου. ἀλλ' οἱ Ἕλληνες, ὅτι μὲν τὸ τάγμα κεραυνοβόλον λέγεται, ἴσασι καὶ αὐτοὶ μαρτυροῦσι, τὴν δεαίτιαν τῆς προσηγορίας ἤκιστα λέγουσι.

³⁷⁴ For extensive analysis of the evidence, see Petersen 1895. Sage (1987) has argued that even Eusebius was expressing doubts about the Christian authorship of the miracle.

³⁷⁵ Rubin 1979:366. The legion had had this appellation already in the time of Augustus.

³⁷⁶ *Suda*, s.v.: Ἄρνούφης· οὗτος Αἰγύπτιος ἦν φιλόσοφος, ὃς συνὼν Μάρκῳ, τῷ βασιλεῖ Ῥωμαίων, τῷ φιλοσόφῳ, δίψει ποτὲ καμνόντων τῶν Ῥωμαίων ἐξαίφνης ποιῆσαι νέφη τε ἀγερθῆναι ζοφώδη καὶ ὄμβρον ἀφεῖναι λάβρον ἅμα βρονταῖς τε καὶ σέλασιν ἐπαλλήλοις. καὶ τοῦτο σοφία τινὶ ἐργάσασθαι Ἄρνούφιν. οἱ δὲ φασιν Ἰουλιανὸν τὸν Χαλδαῖον τοῦτο πεποιηκέναι τὸ θαυμάσιον.

order to battle the plague and more importantly to show how he, as an emperor, enjoyed the favor of not only the traditional Roman pantheon, but also of foreign divinities.³⁷⁷ The fact that the Roman army, which was encircled by the Quadi, could have been accompanied by a foreign miracle-worker or “magician” like Arnuphis does not seem implausible, especially under the circumstances; if the miracle-worker’s craft proved efficient, then it would only be a sign that the emperor was favored by the power in whose name the magician was working, while if it proved false, the policy of Marcus, as shown by other examples,³⁷⁸ would be only to treat said miracle-worker merely as a harmless charlatan and dismiss him, denying any magic art adverse power over the empire and its fates.³⁷⁹ In the case of the rain miracle Arnuphis and his patron god *Hermes Aerios*, or Thoth-Shou, laid a strong claim to the authorship of the miracle which must have been difficult and undesirable to officially deny, since on the one hand the knowledge must have spread instantly among the legionaries present, and consequently it would be hard to suppress it from spreading to Rome thereafter, and on the other hand it suited Marcus’ policy of presenting himself as favored by a multitude of divine powers from every corner of the empire. The balance he had to maintain however would be a delicate one; on the one hand he could not and would not suppress the claim on the miracle on behalf of Arnuphis and Thot-Shou, while on the other hand providing full sanction and recognition to an obscure foreign and barbarous divinity could have done nothing to alleviate his growing reputation as a superstitious ruler of the first magnitude.

Rubin’s analysis of the treatment of the rain miracle by the imperial propaganda machine provides an interesting insight into the delicate balance an emperor had to maintain, in order to preserve his reputation, between paying due service to non-sanctioned religions, prone to be characterized as *superstitio*, and honoring the traditional, established gods, through the auspices of which Rome was elevated to the

³⁷⁷ Rubin 1979: 371.

³⁷⁸ Cf. SHA *Vita Marci*, XIII 6 Tantaque clementia fuit, ut et sumptu publico uulgaria funera iuberet (et) ecferris et uano cuidam, qui diripiendae urbis occasionem cum quibusdam consociis requirens de caprifici arbore in campo Martio contionabundus ignem de caelo lapsurum finemque mundi affore diceret, si ipse lapsus ex arbore in ciconiam uerteretur, cum statuto tempore decidisset atque ex sinu ciconiam emisisset, perducto ad se atque confesso ueniam daret.

³⁷⁹ Cf. Rubin 1979: 372.

rank of a world empire. Therefore Thoth-Shou had to be officially accommodated in such a manner that on the one hand he received his due thanks from the emperor and on the other hand that he did not appear to receive too much credit at the expense of the traditional Roman gods. The manner in which the rain miracle was celebrated on the one hand in imperial coinage and on the other on the column of Marcus, relating the story of the Dacian wars, bears witness to that tendency.

The rain miracle was first celebrated on senatorial coinage of 172-3 AD,³⁸⁰ depicting Hermes with his traditional attributes of *caduceus* and *patera*, and on one type of coins he is depicted standing in a temple which has been shown to be inspired from Egyptian architecture³⁸¹ while the coins bear the legend RELIG(IO) AVG(VSTI). The depiction of Hermes – Thoth-Shou on the senatorial coinage in his traditional Romano-hellenic garb accompanied by the aforementioned legend reveals at least part of the procedure the Egyptian divinity had to undergo before becoming accepted in the official religion; Thoth-Shou first had to shed his barbarous attributes and appear as the familiar Hermes while it was emphatically stated that honoring this divinity was not to be considered *superstitio*, but *religio*. The fact that Hermes Aerios was first honored in senatorial coinage, before having imperial coinage of this type issued, is explained by the need for a foreign divinity to be first approved of by the senate in order to become accepted into Roman state religion, since its members essentially made up all major priesthoods and they had definitive say in matters of religion. After the senate had given its approval to the new divinity, so that it was no longer considered an object of foreign *superstitio*, but of *religio*, then Hermes Aerios could appear on the imperial coinage as well.³⁸²

So far it would appear that Hermes Aerios has gained official sanction from the Roman state, but the representation of the rain miracle on the column of Marcus Aurelius relating the events of the Dacian Wars offers some insight into the reluctance with which Hermes Aerios was honored on senatorial and imperial coinage some years before the column was decreed. Hermes Aerios appeared only in the coinage of 172-3 and 173-4

³⁸⁰ On the date of the miracle see also Guey 1948a.

³⁸¹ See Weber 1910.

³⁸² Rubin 1979:375-7.

AD while the column of Marcus³⁸³ which was decreed probably in 176 depicts the miracle in a way incongruent with the previous acceptance of Hermes as its author; one sees depicted therein a mysterious figure of an old man hovering above the battlefield whose beard and arms appear to be turning into the rain which saves the Roman army from the Quadi. The figure is not reminiscent of Hermes or indeed any divinity and is obviously a personification of the rain. What this accomplishes is that the various groups that had been feuding about the authorship of the rain miracle, Egyptians, Chaldeans Christians, those who attributed it to Zeus or indeed any other group we do not know of, could claim that their god was to be thanked for the miracle and that therefore the emperor was favored by their respective divine patron.³⁸⁴

Marcus Aurelius found himself in a delicate position during his reign; he had to show in the wake of great calamities that he was nonetheless still favored by gods from every corner of the empire and the means he employed to that end must have earned him, as has been shown, the reputation during his lifetime of a superstitious man amongst certain circles and given birth to at least a few stories about him and his association with magicians, such as the ones appearing in the HA, drawing on his actual and probably involuntary association with priests of obscure deities, false prophets and charlatans of all sorts. He nonetheless seems to have escaped a permanent tarnish to his reputation, as history doesn't seem to have judged him harshly on that, or indeed any, account; even the anecdotes about his direct association with magicians are not related in our sources with the intent of criticism towards him, but towards other emperors. Marcus seems to have avoided the danger not only by his otherwise good performance as emperor, which endeared him with his contemporaries who wrote about him and posterity alike, but also due to his particularly effective policy towards the multitude of foreign cults and their ministers which gained a footing in Rome during a time of crisis. His treatment of Alexander of Abonuteichos, the unnamed charlatan of the HA who claimed the end of the world was imminent³⁸⁵ and of Arnuphis and his patron Thoth-Shou are all examples of how on the one hand an emperor attempts to appropriate the favor of foreign divinities to

³⁸³ See also Petersen-Domaszewski-Mommsen-Calderini 1896.

³⁸⁴ Cf. Rubin 1979:379.

³⁸⁵ HA *Vita Marci*, XIII 6.

boost his own image in Rome and on the other hand, when this fails to show that imperial power is superior and not hampered by the attempts of petty sorcerers and charlatans.

9. Didius Julianus

Didius Julianus is best remembered for the scandalous affair of the auction of the Empire in 193 after the assassination of the popular emperor Pertinax by the disgruntled praetorian guards. All three of our authorities, Cassius Dio, Herodian and the SHA agree overall, while differing in significant details, that Julianus came to power after winning over the praetorians with the promise of a significantly larger *donatium*, should he be chosen emperor, than that promised by his rival Sulpicianus.³⁸⁶ This scandalous novelty, not of the offer of a *donatium* to the soldiers, a well established habit by then on the change of emperor, but the actual auction of the Empire, sets the tone for the libels launched against him by both Herodian and Dio, who in addition had had a personal rivalry with Julianus.³⁸⁷ While these two sources seem to owe much as to their tone and judgements to Severan propaganda and, in the case of Dio, personal bias, the SHA biographer presents a much more favorable picture in his moral judgements and policies of the ephemeral emperor. In many ways his biography is an apologetic work in the sense that it attempts to refute specific negative claims made against Julianus by the historical tradition followed by Dio and Herodian, if not their own statements directly.³⁸⁸

It is one of these statements made by Dio, which is of interest here, namely the anecdote he relates about how Julianus sacrificed young boys en masse in necromantic rituals in order to learn and therefore possibly prevent future adverse events. That the veracity of this story is in serious doubt has been pointed out and it only stands to reason that Julianus, being as unpopular as he was already, would hardly risk the immediate retribution such an act would bring upon him. That notwithstanding, the story is an

³⁸⁶ Dio Cass. 73.11; Herodian 2.6.12; SHA: 2.

³⁸⁷ Cf. Millar 1964: 16 and 136.

³⁸⁸ Cf. Leaning 1989: passim and 562-4.

excellent example of defamatory rhetoric against an unpopular emperor, paralleled very closely, one might add, by a very similar one about Elagabalus, and is a basic illustration of how the association of a Roman emperor with magical practice is employed by a senatorial polemicist. Herodian, either as not being possessed of the same sensibilities as Dio on such matters or as writing a work largely devoid of gossip of this type, makes no mention of this incident, nor of the similar one about Elagabalus, as we will see later on, despite being no less ill disposed towards Julianus than Dio.

That the above story is a piece of Severan propaganda is gleaned from the apologist's account in the *SHA*; the result of the divination Julianus embarked on was learning that Septimius Severus would depose him and rule in his stead.³⁸⁹ It is worthwhile to note that this makes the whole story of Julianus engaging in magical ritual useful in a double way for Severus, both as a denigration of Julianus and as a prophecy legitimizing the accession of Severus to the purple; the curious corollary to this is that prophecy is prophecy no matter whether obtained through means magical or conventional. Besides, necromancy was thought by some to be the most accurate form of divination, either because the dead knew everything or could not lie.

The story of Julianus employing magic to control the crisis which faced him from the onset of his short reign was probably too well known and entrenched in popular conscience for the apologist of the *SHA* not to address it or to dismiss it as pure fabrication. It also seems that the story as mentioned by Dio was not the whole of what was said of Julianus on this issue, as the *SHA* account addresses more points than that of human sacrifice for the purposes of necromancy, but let us turn to this particular one. As seen above in the *SHA* it is said that Julianus' divinatory attempts yielded the unfortunate news of his deposition and Severus' accession; this divinatory ritual did not however involve the sacrifice of young boys according to the apologist biographer, but was in fact a ritual of catoptromancy, with the boys used as mediums not as sacrificial victims.³⁹⁰ Since catoptromancy is arguably considered to be akin to necromancy or a form of

³⁸⁹ *SHA*, 7.11: Tuncquem puer vidisse dicitur et aduentum Seueri et Iuliani decessionem.

³⁹⁰ *SHA* 7.9 Fuit praeterea in Iuliano haec amentia, ut per magos pleraque faceret, **quibus putaret uel odium populi deleniri uel militum arma compesci**. 10 Nam et quasdam non conuenientes Romanis sacris hostias immolauerunt et carmina profana incantauerunt et ea, quae ad speculum dicunt fieri, in quod pueri praeligatis oculis incantato uertice respicere dicuntur, Iulianus fecit.

necromancy itself,³⁹¹ this parallels and serves as an answer to Dio's own account of a much more barbarous kind of necromancy involving human sacrifice.³⁹² The apologetic nature of this passage lies in the fact that although Julianus' act was admittedly the height of folly, that is turning to magic and the like, at least he committed no murders.

The SHA addresses two further points on the matter of the employment of magic by Julianus, which are not made by Dio in our extant text of his, although they probably belong to the same tradition of Severan propaganda. The apologist admits that Julianus employed *magi* in order to win public opinion as well as the soldiers to his side, which essentially would amount to a form of *defixio*, and that he performed some inappropriate sacrifices as well, presumably to the same effect; presumably, since it is in the context of magic in which this remark is made, the sacrificial animals would have probably been meant to be birds.³⁹³ For it is impossible to consider that the biographer meant the "inappropriate sacrificial victims" to be the children mentioned by Dio.

The way in which the SHA accounts for Julianus' turning to magic is not by refuting the charges altogether, but on the one hand by claiming or implying that at least no one was harmed, as Dio would have us believe, during these admittedly foolish proceedings and on the other by presenting Julianus' actions in a context of desperation; Julianus was virtually helpless despite being on the throne of the Empire, as he knew that not only Severus' army was unstoppable after the capture of Ravenna, but also that he himself had no support whatever in his own capital. Despair can lead even the virtuous to the folly of consorting with the *magi*, that seems to be the line of defence for Julianus; that this must have been a stock argument of defence in such instances is testified to by the famous excuse of Dido in the *Aeneid*, that she unwillingly turns to magic in despair at her abandonment by Aeneas or in Servilia's speech before Nero, that only out of extreme anxiety about the fate of her father did she turn to the *magi* for help, and that she did and intended no harm beyond that very act.³⁹⁴

³⁹¹ See Ogden 2001: 195-6.

³⁹² Dio Cass.: 73.16: ἔκτεινε δὲ καὶ παῖδας συχνοῦς ἐπὶ μαγγανεύμασιν, ὡς καὶ ἀποστρέψαι τι τῶν μελλόντων, εἰ προμάθοι αὐτά, δυνησόμενος.

³⁹³ For birds as sacrificial animals in magical rites see Koberlein 1962:44ff; Graf 1999:290; Apuleius *Apol.* 57.

³⁹⁴ *Aen.* 4.474-98; *Ann.* 16.31.

But then again, Julianus was a failure as an emperor; could the story about his trafficking with the magi have been told differently if by some marvel he had had retained his throne? Within the context of the constellation of ideas about magic in the SHA, could it not have been said that he after all had acted in the tradition of Marcus Aurelius himself, when the latter was rumoured to have ended successfully the Marcomannic war by binding this German tribe to friendship with the Roman people by means of a *defixio*? Perhaps we are faced very graphically here with a seemingly recurring theme, namely that magic does after all work for good emperors while the failed ones simply succumb to their own delusions when they use it, even in very similar circumstances.

10. Septimius Severus

The reign of Septimius Severus appears to have received a mixed reception in our extant historical sources: Cassius Dio, Herodian and the SHA all concede that while Severus was a ruthless and duplicitous tyrant, he was a competent emperor; reportedly the Senate's judgement of him after his death was that he should either have not been born or not have died.³⁹⁵ While such a combination of qualities is not impossible, it has to be borne in mind that sources from his period can be significantly influenced by Severan propaganda and this can be more clearly established, for example, by the negative light in which Dio and Herodian present Severus' first antagonist, Didius Julianus. On the other hand, Dio, writing after Severus' reign, but having served under him, is quick to remark negatively on the treatment of Albinus after the latter's defeat by the Severan forces, namely that he was beheaded and his head was sent to Rome as a warning to any pretenders; this act only served to terrify senators and people alike, as he says, and made it clear to all that it was not a good emperor they would have to put up with.³⁹⁶ Likewise

³⁹⁵ *SHA* 18.7: De hoc senatus ita iudicavit illum aut nasci non debuisse aut mori, quod et nimis crudelis et nimis utilis rei publicae uideretur.

³⁹⁶ Dio Cass.: 75.7: ἰδὼν δ' οὖν τὸ σῶμα αὐτοῦ, καὶ πολλὰ μὲν τοῖς ὀφθαλμοῖς πολλὰ δὲ τῇ γλώττῃ χαρισάμενος, τὸ μὲν ἄλλο ῥιπῆναι ἐκέλευσε, τὴν δὲ κεφαλὴν ἐς τὴν Ἰώμην πέμψας

Herodian mentions that on Severus' accession to power, the new emperor in his programmatic proclamation claimed that he would restore and uphold the values by which Marcus Aurelius had ruled and no informers would be tolerated nor would there ensue any mass persecution of citizens and confiscation of property; nevertheless this was not to be, as some senators predicted on the occasion, being familiar with Severus' duplicity and skill in demagoguery.³⁹⁷ The SHA goes so far as to provide a lengthy list of names of senators executed with no good cause or trial under his regime.³⁹⁸

The execution of numerous prominent citizens is certainly a hallmark of the tyrannical emperor from the senatorial point of view, which our sources represent. In Severus' case this is coupled by the alleged fact that several of these executions were prompted by the victims' consultation of astrologers or other diviners, as the *SHA* puts it.³⁹⁹ Though Severus was evidently only putting into effect the provisions of the Augustan edict of 11 AD in cases like these, the overuse of this particular legal weapon against the senatorial class understandably never earned any emperor much popularity with the Senate, and was seen for what it most probably was, a cynical way of disposing of the opposition. That the practice was seen as a cynical and hypocritical display of force will be treated in more detail in chapter IV, but for now it is evident that this is how it was seen in Severus' case; for the emperor had been himself, several years before his ascension to the purple, accused of exactly the same crime, that is the crime of employing "astrologers or other diviners" to enquire about whether he would become emperor, a charge of which he was acquitted while his accuser was crucified.⁴⁰⁰

ἀνεσταύρωσεν. ἐφ' οἷς δηλὸς γενόμενος ὡς οὐδὲν εἶη αὐτοκράτορος ἀγαθοῦ, ἔτι μᾶλλον ἡμᾶς τε καὶ τὸν δῆμον, οἷς ἐπέστειλεν, ἐξεφόβησεν· on Dio's treatment of Severus see Millar 1964:138ff.

³⁹⁷ Herodian, 2.14.4: τοιαῦτά τινα λέγων ὑπηγάγετο τοὺς πλείστους ἐς εὐνοίαν καὶ πίστιν ὧν ὑπισχνεῖτο. ἦσαν δὲ τινες τῶν πρεσβυτέρων καὶ γνωριζόντων αὐτοῦ τὸν τρόπον, οἱ προύλεγον λαυθάνοντες, ὅτι ἄρα εἶη ἀνήρ πολὺτροπός τις καὶ μετὰ τέχνης εἰδώς προσφέρεσθαι πράγμασιν, ὑποκρίνασθαι τε καὶ προσποιήσασθαι πᾶν ὅτι οὖν ἰκανώτατος, ἔτι δ' ἀνύσαι καὶ τὸ χρειώδες καὶ τὸ λυσιτελὲς αὐτῷ· ὅπερ καὶ ὕστερον ἔργῳ δέδεικται.

³⁹⁸ SHA 13. among the list of senatorial grievances towards Severus the SHA lists the deification of Commodus on his part, just to spite the Senate and the scattering of the bodies of senators who had fallen in battle fighting for Albinus' cause: see SHA: 11.3-5.

³⁹⁹ SHA 15.5: Multos etiam, quasi Chaldaeos aut uates de sua salute consuluisent, interemit, praeaequipue suspectans unumquemque idoneum imperio, cum ipse paruulos adhuc filios haberet idque dici ab his uel crederet uel audiret, qui sibi augurabantur imperium.

⁴⁰⁰ SHA 4.4: ... In Sicilia quasi de imperio uel uates uel Chaldaeos consuluisset, reus factus est. A praefecto praet., quibus audiendus datus fuerat, iam Commodo in odium ueniente absolutus est calumniatore in

Severus was, however, not always dependent on the services of fortune tellers to find out what the future had in store for him, for he was himself allegedly an expert astrologer. The SHA narrates how he put that knowledge into effect by looking into the nativities of his prospective wives, seeking one destined to marry a king. This he found in the person of Julia Domna who was to become his second wife;⁴⁰¹ Severus thus must have fulfilled an earlier prophecy concerning his future greatness, when he had asked an astrologer to cast his horoscope in Sicily, and he had revealed with some incredulity what would come to pass.⁴⁰² As further evidence of Severus' devotion to astrology, he is said to have had the ceiling of his throne chamber decorated in such a way as to illustrate his horoscope, but with significant omissions so that no one could actually learn the time of his death. Such a horoscope would serve both as propaganda, illustrating that Severus was destined for the imperial position⁴⁰³ and, we might surmise, as bait for those so inclined to look into the future of the emperor, so that they could later be prosecuted for it.

The emperor was also allegedly a firm believer in divination in general and particularly in dream divination; Cassius Dio, as he himself reports, began his literary career by dedicating a pamphlet on the meaning of dreams to Severus,⁴⁰⁴ no doubt because, amongst other considerations, he wished ingratiate himself with the emperor. Herodian reports that Severus conceived the idea of making a bid for the throne as a result of a dream and that he even made a monument to it, which Herodian had seen.⁴⁰⁵ The emperor's belief in dream divination is associated with the downfall of at least two men of senatorial status. The case of Apronianus,⁴⁰⁶ which led to the execution of the aedile Baebius Marcellinus, was evidently, if we are to trust Dio, a major shock to the

crucem acto

⁴⁰¹ SHA 3.9: Cum amissa uxore aliam uellet ducere, genituras sponsarum requirebat, ipse quoque matheseos peritissimus, et cum audisset esse in Syria quandam, quae id geniturae haberet, ut regii ungeretur, eandem uxorem petit, Iuliam scilicet, et accepit interuentu amicorum. Ex qua statim pater factus est.

⁴⁰² SHA 2.8-9: Tunc in quadam ciuitate Africana, cum sollicitus mathematicum consulisset positaque hora ingentia uidisset, astrologus dixit ei : "Tuam non alienam pone genituram", cumque Seuerus iurasset suam esse, omnia ei dixit, quae postea facta sunt.

⁴⁰³ Cf. Barton 1994:46.

⁴⁰⁴ Dio Cass. 72.23.

⁴⁰⁵ Herodian 2.9.5-6.

⁴⁰⁶ Dio Cass. 76.8-9.

Senate on the one hand on account of the novelty and ridiculous nature of the events leading to it and on the other hand because of what it implied for the balance of power between emperor and Senate and for the ways in which senators would compete for power amongst themselves. Dio relates that Apronianus' maid was reported to have seen a dream that he would become emperor and that he had employed some kind of magic to that effect; Apronianus was condemned *in absentia*, and the investigation continued into who had told or had heard about the dream initially. The testimony of a slave under torture implicated a "bald senator", at which point any senator with a receding hairline like Dio himself started to become seriously worried about where all this was going. The testimony further identified the bald senator as one wearing a *toga praetexta*, which turned suspicions towards Marcellinus, then an aedile. The witness was brought into the senate house and identified Marcellinus as the senator in question, after someone had given him an almost imperceptible nod to that effect. Marcellinus was dragged out of the senate and executed immediately without trial and apparently without Severus even knowing about the proceedings. As Dio implies all this was due to the machinations of the accuser Pollenius Sebennus, who received some poetic, though non fatal, justice for his conduct later on. As is the case with several magic-treason trials in Tacitus, what this bizarre affair illustrates best is the use of the concept of magic as an instrument of discourse in Roman politics; as the employment of magic against the emperor constitutes treason, accusations of magic-working become a very convenient tool of dispensing with opponents on the senate floor. Ultimately all this is to the benefit of the emperor serving his policy of ruling by dividing the senate,⁴⁰⁷ a fact which Dio was evidently aware of, if we are to judge by the contempt with which he holds the accuser, Sebennus; in order to advance his own interests he undermined the Senate by making a mockery of its procedures and fostering autocracy. It is understandable then that senatorial history invariably treats such men as the lowest of the low.

Apart from this instance, Dio asserts that Severus was persuaded of the alleged conspiracy of his favorite Plautinianus, because he had had a dream the previous day, predicting an imminent danger to his rule; in his dream he saw that Albinus was still alive

⁴⁰⁷ Cf. Millar 1964: 148

and he interpreted this as a sign that a pretender to the throne still existed.⁴⁰⁸ An anecdote from the *Life of Geta* in the SHA further illustrates the faith Severus was thought to put into divination of all sorts, when his power and dynasty were at stake; a plebeian by the name of Antoninus had a lamb with a purple patch of wool on its forehead born in his estate and was told by a *haruspex* that Antoninus would rule after Severus, the reference being to Caracalla, who had not yet received the name of Antoninus. The plebeian naturally being unaware of this, thought that the prophecy was pointing him out and deciding not to take any chances, he killed the ominous lamb, so that he would not draw any imperial attention.⁴⁰⁹ This anecdote illustrates that Severus was believed to be vigilant of pretenders to the throne and to make use of whatever means of divination presented themselves.

It is not always easy to say in what relationship the practices of astrology and dream divination stand to the concept of magic, but they seem from numerous occasions to belong to the same constellation of ideas and to be employed by the same persons, even simultaneously; the case of Libo Drusus, accused of participating in magical rituals and consulting astrologers as well as interpreters of dreams in his plot against Tiberius is one example where one can find all these techniques combined to the same effect. However one should bear it in mind that a man like Dio put faith in both astrology and dream interpretation, while being hostile at the same time towards what he called magical practices and the people he labeled as “magicians”. What are we then to make of the portrait of an emperor like Severus, a firm believer in astrology and dream divination, regarding his connection with magic in our sources? Arguably, what is termed as “magic” can often be simply taking certain not too uncommon practices, not immediately and unequivocally suspect, like astrology and dream interpretation, too far, both in the sense of using them for suspect or immoral purposes and simply taking them too seriously, that

⁴⁰⁸ Dio Cass. 76.3: ὁμῶς πιστὸν αὐτὸ ἔδοξε τῷ Σεουήρῳ, ὅτι τῇ νυκτὶ τῇ προτεραίᾳ τὸν Ἀλβῖνον ὄναρ ζῶντά τε καὶ ἐπιβουλεύοντα αὐτῷ ἐωράκει. σπουδῆ ὄν, ὡς καὶ ἐπ' ἄλλο τι, τὸν Πλαυτιανὸν μετεπέμψατο.

⁴⁰⁹ SHA 3.5: Fuit etiam aliud omen: nam cum in villa cuiusdam Antonini, plebei hominis, agnus natus esset, qui uellus in fronte purpureum haberet, eadem die atque hora, qua Geta natus est, audissetque ille ab aruspice post Seuerum Antoninum imperaturum ac de se ille auguraretur, sed tamen tale fati timeret indicium, ferro eum adegit.

is to say a form of *superstitio*.⁴¹⁰ A further remark of Dio makes one think that the excessive interest of Severus in astrology and dream divination could be seen as belonging together with an interest in magic in general; the historian narrates how Severus during his visit to Egypt proceeded to retrieve from all sanctuaries (*adyta*) all books he could find containing forbidden lore.⁴¹¹ Now at least some of these books must have contained material not unlike our extant collection of magical papyri and furthermore the Egyptian *adyton* was in the popular imagination very close to being considered the cradle of magic.⁴¹² Dio does not relate the event without expressing his concern that Severus showed an undue interest (*epolupragmonēse*) for things pertaining to the divine, meant to be left unknown. This statement parallels that of Cicero in the introduction to his translation of *Timaeus*, where, in paying tribute to Nigidius Figulus, he nonetheless remarks in a rather veiled manner that his friend looked too diligently to uncover what nature meant to keep a secret;⁴¹³ Dio's statement about Severus is no expression of veiled concern however, but direct censure. In the light of this comment, it would not be tenable to argue that Severus' interest in astrological and dream divination are presented as a tendency distinct from his interest in the magical writings hidden in Egyptian temples' *adyta*. To this effect the SHA in the *Life of Geta* speaks in a curious way about Severus' expertise in astrology, claiming that this is an art most Africans know well.⁴¹⁴ Now by the time this was written surely astrology proper was no longer an alien practice to Rome, one to be attributed to outsiders; magic-working on the other hand is most of the time associated with foreigners and perhaps what is hinted at here is a familiarity with magical divination in general. In relation to this, Herodian mentions that

⁴¹⁰ On *superstitio* cf. Salzman 1987:174. Cf. also Suetonius' comment on Domitian's fanatical devotion to Minerva (Suet. *Dom.* 15.3: *Minerua, quam superstitiose colebat...*).

⁴¹¹ Dio Cass. 75.13: καὶ ἐς τὴν Αἴγυπτον τὴν ἄνω διὰ τοῦ Νείλου ἀνέπλευσε καὶ εἶδε πάσαν αὐτὴν πλὴν βραχέων· οὐ γὰρ ἠδυνήθη πρὸς τὰ τῆς Αἰθιοπίας μεθόρια διὰ λοιμώδη νόσον ἐσβαλεῖν. καὶ ἐπολυπραγμόνησε πάντα καὶ τὰ πάνυ κεκρυμμένα· ἦν γὰρ οἷος μὴδὲν μῆτε ἀνθρώπινον μῆτε θεῖον ἀδιερεύνητον καταλιπεῖν· κακὰ τοῦτου τὰ τε βιβλία πάντα τὰ ἀπόρρητόν τι ἔχοντα, ὅσα γε καὶ εὑρεῖν ἠδυνήθη, ἐκ πάντων ὡς εἰπεῖν τῶν ἀδύτων ἀνεῖλε.

⁴¹² See e.g. Lucian *Phil.*: 33-4.

⁴¹³ *Tim.* 1: *fuit enim uir ille cum ceteris artibus, quae quidem dignae libero essent, ornatus omnibus, tum acer inuestigator et diligens rerum earum, quae a natura inuolutae uidentur.* Cf. Dickie 2001:171.

⁴¹⁴ *SHA* 2.6: ... *Seuerus, gnarus geniturae illius, cuius ut plerique Afrorum, peritissimus fuit...*

Severus pursued a number of means to predict the future,⁴¹⁵ but, as is his habit, he does not go into detail over such matters.

In light of this, it is reasonable to assume that Severus' devotion to astrology and dream divination are brought into question in our sources as part of his interest in magic and thus that the emperor is painted in the colors of magic, so to speak. That this interest is part of his portrait as a tyrant is illustrated by the fact that his persecution of presumably many named and unnamed prominent citizens was in connection with his putting stock in such divinatory practices; it is also perhaps due to the fragmentary nature of our sources that we do not read explicitly of Severus' looking into the horoscopes of prospective contenders for the imperial throne, despite the fact that the SHA reports his constant suspicion of those best suited for the position in the context of the persecution of those who employed divination in violation of the Augustan edict. But for this possibly fortuitous omission, Severus resembles Tiberius in his approach to magic; both were said to be adept astrologers and to have used that knowledge to further their autocratic rule and both are reported to have had to deal with dreams produced by magic and directed against them, though the circumstances differ. Given that both are described as duplicitous and as persons possessed of a generally cruel disposition, with mixed virtues and vices, one could conclude that their *personae* in our sources are evidence of type-casting of a similar, if not the same type of, tyrant and that the manner in which they are involved with magical practice is part of that type-casting.

11. Caracalla

Our historical authorities are invariably hostile to the emperor Caracalla. Despite the opinions expressed by Reusch and Domaszewski⁴¹⁶ it has been satisfactorily demonstrated that the SHA does not engage in apologetics that meaningfully differentiate

⁴¹⁵ Herodian 2.9.3: ἀνέπειθε δὲ αὐτὸν ὀνειράτα τοιαύτην τινὰ ἐλπίδα ὑποσημαίνοντα, χρησμοί τε καὶ ὅσα ἐς πρόγνωσιν τῶν μελλόντων σύμβολα φαίνεται...

⁴¹⁶ See Reusch 1931; Domaszewski 1918.

its verdict on the emperor from that reached by Cassius Dio or Herodian;⁴¹⁷ Caracalla was a monstrous tyrant with few, if any, redeeming traits; the SHA and Dio mention to this effect that he also went as far as proclaiming and demonstrating several times in public his respect and admiration for Tiberius and Sulla, because he admired their cruelty, as Dio comments.⁴¹⁸ Equally unequivocal and condemnatory are the testimonies of Dio and Herodian about the emperor's connection with magicians and magical practice, a trait which, as will have been shown by now, is almost a stock in trade of the Roman tyrant type.

Herodian, despite not being in the habit of writing about matters of this sort, comments at some length about how Caracalla put much stock in divination of every kind and that he consulted all different kinds of diviners, “magi astrologers and performers of sacrifices from everywhere and everyone who professed to know this kind of sorcery”.⁴¹⁹ The manner in which Herodian judges this tendency is reminiscent of that of Dio on Severus,⁴²⁰ namely that Caracalla was over-curious (*polupragmonein*) about matters both human and divine; Caracalla was allegedly so inclined towards divination because he suspected everyone around him of being hostile to his position. Excessive suspiciousness is a classic *topos* in the typology of tyrants and this statement of Herodian is explicitly bringing together an aspect of the Roman tyrant, the reliance on magical divination, and the traditional suspiciousness which is a universal hallmark of the literary tyrant.

Dio mentions in a similar vein that Caracalla enjoyed so much the company or perhaps the subject of “magi and sorcerers” that he praised and honored Apollonius of Tyana, “a complete magician and a sorcerer” in Dio's famous words, to the degree that he even consecrated a shrine to him.⁴²¹ Revealing his senatorial sensibilities,⁴²² Dio also comments on how Sempronius Rufus, an Iberian eunuch and freedman who was also a

⁴¹⁷ Cf. Heinen 1971. See also Millar 1964:150ff and Whittaker 1969:LXXIV.

⁴¹⁸ SHA: 2.2. Dio Cass.: 77.13.

⁴¹⁹ Herodian 4.12.3: περιεργότατος γὰρ ὦν οὐ μόνον τὰ ἀνθρώπων πάντα εἶδέναι ἤθελεν, ἀλλὰ καὶ τὰ θεῖα τε καὶ δαιμόνια πολυπραγμονεῖν. αἰεὶ τε πάντας ὑπώπτευεν ὡς ἐπιβουλεύοντας, χρηστηρίων τε πάντων ἐνεφορεῖτο, τοὺς τε πανταχόθεν μάγους τε καὶ ἀστρονόμους καὶ θύτας μετεπέμπετο· καὶ οὐδεὶς αὐτὸν ἐλάνθανε τῶν τὴν γοητείαν ταύτην ὑπισχνουμένων·

⁴²⁰ Dio Cass.: 75.13.

⁴²¹ Dio Cass.: 77.18.4: τοῖς δὲ μάγοις καὶ γόησιν οὕτως ἔχαιρεν ὡς καὶ Ἀπολλώνιον τὸν Καππαδόκην τὸν ἐπὶ τοῦ Δομιτιανοῦ ἀνθήσαντα ἐπαινεῖν καὶ τιμᾶν, ὅστις καὶ γόης καὶ μάγος ἀκριβῆς ἐγένετο, καὶ ἥρωον αὐτῷ κατασκευάσαι.

“poisoner (*pharmakeus*, i.e. a *ueneficus* in Roman terms) and a sorcerer” was made master of the Roman people and of the Senate;⁴²³ here one sees the traditional discontent of the senatorial historians regarding the excessive authority granted to freedmen by an emperor combined with the hostility to practitioners of magic; in effect, it is a statement which ties together a practice which was regarded as detrimental to the Senate and Rome, an evil of the Empire, and the association of an emperor with magicians.

There are several more magic-related practices of Caracalla mentioned in direct relation to his tyrannical behaviour by Dio in his diatribe against the emperor. Dio mentions that Caracalla hated his brother Geta, whom he murdered in the beginning of their joint reign, so much that he abolished the celebration of the latter’s birthday and banned all his depictions on statues and coins; despite his hatred for his brother, he had some “unholy yearly sacrifices” made in propitiation of Geta’s *manes*;⁴²⁴ this is in a clear parallel to the stories about Nero employing magi to propitiate his murdered mother’s ghost and Otho’s necromantic sacrifice to the angry ghost of Galba, who had been murdered by the former’s partisans.⁴²⁵

In 215 AD Caracalla visited Alexandria and unleashed his troops without warning upon the assembled populace of the city; the great massacre and pillage of the city which ensued was allegedly Caracalla’s revenge for some perceived slights and slander to his person by the Alexandrines. Dio relates that at the time Caracalla sent a letter to the senate claiming that he was performing some sacred duties those days, when in fact, as Dio comments, he was sacrificing the livestock of Alexandria to the gods and the people

⁴²² For senatorial reaction on the acquisition of power by freedmen see Millar 1977: 69-83; Roller 2001:267-72.

⁴²³ Dio Cass. 77.17.3: καὶ ὁ γε μάλιστα καὶ ἀσχημονέστατον καὶ ἀναξιώτατον καὶ τῆς γερουσίας καὶ τοῦ δήμου Ῥωμαίων ἐγένετο, καὶ εὐνοῦχος ἡμῶν, τὸ γένος Ἰβηρ, τὸ δὲ ὄνομα Σεμπρόνιος Ῥοῦφος, τὸν δὲ δὴ τρόπον φαρμακεὺς καὶ γόης, ἐφ’ ᾧ δὴ καὶ ὑπὸ Σεουήρου ἐς νῆσον κατεκέκλειτο, κατεκράτησε. καὶ ὁ μὲν ἔμελλέ που δίκην ἐπὶ τούτῳ δώσειν ὥσπερ καὶ οἱ ἄλλοι οἱ ἐνδείξαντές τινας.

⁴²⁴ Dio Cass.: 77.12.5: : ὅτι καὶ μίσος πρὸς τὸν τετελευτηκότα ἀδελφὸν ἐπεδείκνυτο καταλύσας τὴν τῶν γενεσίων αὐτοῦ τιμὴν, καὶ τοῖς τὰς εἰκόνας αὐτοῦ βαστάσασι λίθοις ὠργίζετο, καὶ τὸ νόμισμα τὸ προφέρον αὐτὸν συνεχώνευσε. καὶ οὐδὲ ταῦτα ἀπέχρησεν αὐτῷ, ἀλλὰ καὶ τότε μάλιστα ἀνοσιουργεῖν ἐπετήδευσε καὶ τοὺς ἄλλους μισοφρονεῖν ἠνάγκαζεν, ὥσπερ τινὰ ἐναγισμὸν ἐτήσιον τῷ ἀδελφῷ ποιούμενος.

⁴²⁵ Suet. *Nero*: 34, *Galba*:7 For Greek parallels to the theme of being haunted by a victim’s ghost see Ogden 2002a:189.

to himself.⁴²⁶ Human sacrifice has strong connotations of sorcery in Roman culture and it is significant that Dio describes this atrocity in the language of magic in that he links an act of exceptional tyrannical arbitrariness and cruelty with a magic-related practice, arguably the most heinous attributed to magicians, that of human sacrifice. A parallel that could be drawn here on magical human sacrifice linked to political tyranny is the alleged suggestion of the astrologer Balbillus to Nero that he should overcome an immanent political crisis heralded by a comet by the sacrifice of prominent citizens.⁴²⁷ This is another parallel drawn between Caracalla and Nero and reveals again how magical practice is used as a stereotypical attribute of the Roman tyrant.

Another stereotypical magic-related practice of the Roman tyrant attributed to Caracalla as well as other emperors, e.g. Tiberius, is the examination of horoscopes of prominent citizens and the elimination of those who were promised greatness by the stars; Dio claims that Caracalla did exactly that, elevating others to important positions, if their horoscope presumably did not make them suspect and destroying those whom the stars indicated to be potential threats.⁴²⁸ In essence what we see in this is the traditional tyrannical practice of eliminating potential rivals, of figuratively slicing of the taller stalks as in Herodotus' famous story about Thrasybulus of Mytilene, linked with the magic related practice of astrology.⁴²⁹

Dio also relates that Macrinus revealed that Caracalla had been collecting and buying poisons or potions (*pharmaka*) from the “people of northern Asia”; these *pharmaka* were later discovered in the imperial palace in enormous quantities and were burnt. Dio asserts that Caracalla collected these *pharmaka* in order to be able to murder whomever he wanted, a practice also attributed to Caligula, who is also reported to have had in his possession a large crate full of *pharmaka*.⁴³⁰ The issue of the ambiguity

⁴²⁶ Dio Cass.: 77.23: ὅτι τοὺς Ἀλεξανδρεῖς ἀποσφάττων ὁ Ἀντωνῖνος, καὶ ἐν τῷ τεμένει διαιτώμενος, ἐπέστειλε τῇ γερουσίᾳ ὅτι ἤγνευσεν ἐν αὐταῖς ἐν αἷς τὰ τε βοσκήματα ἅμα τῷ θεῷ καὶ τοὺς ἀνθρώπους ἐαυτῷ ἔθνευ.

⁴²⁷ Suet. *Nero*: 36.

⁴²⁸ Dio Cass.: 78.2.3: καὶ γὰρ τοὶ καὶ τὰ τῶν ἀστέρων διαγράμματα, καθ' ἃ ἐγγεννητό τις τῶν πρώτων τῶν παρ' αὐτῷ, ἐτεκμαίρετο, ὡς ἔλεγεν, τὸν τε οἰκείως οἱ καὶ τὸν ἀλλοτρίως ἔχοντα, καὶ πολλοὺς καὶ ἐκ τούτων τοὺς μὲν ἐτίμα τοὺς δ' ἀπόλλυεν

⁴²⁹ Herodot. 5.92.ζ

⁴³⁰ Dio Cass.: 78.6: οὐ μὴν ἀλλὰ τοῦτο τε ἀπ' αὐτῶν τῶν βαρβάρων ὕστερον ἐμάθομεν, καὶ τὸ τῶν φαρμάκων παρὰ τοῦ Μακρίνου· πολλὰ γὰρ καὶ ποικίλα παρὰ τῶν ἐν τῇ ἄνω Ἀσίᾳ ἀνθρώπων τὰ

regarding the meaning of *pharmaka* or *uenena* arises again here, namely whether we are to understand the word as poisons or magical potions; Dio asserts that Caracalla would use them for the purpose of murdering his opponents, so in a modern sense we would understand these *pharmaka* as poison. What in fact this account illustrates is that poison is largely indistinguishable from magical potion in Roman understanding; Caracalla was being supplied with these *pharmaka* from northern Asia Minor, where allegedly one could find *uenena* useful for all kinds of magical purposes, from changing to a wolf, to raising the dead and even performing the famous transportation of crops outlawed by the XII Tablets.⁴³¹ If one takes into account that the area meant by “northern Asia” could include the area of Colchis, the homeland of the mythical witch Medea, it becomes more evident that Caracalla’s image as a poisoner is not distinct from his image as a dabbler in magic; the aforementioned Sempronius Rufus, the freedman to whom Caracalla had given excessive power according to Dio, was after all a *pharmakeus* and a sorcerer and one could well imagine Caracalla’s acquisition of the *pharmaka* from the Pontic region to tie in with his association with that particular individual or others of his ilk. Furthermore the burning of *pharmaka* could be in the interests of destroying enchantments associated with them and is mentioned as a method of disposal of them in a case of a *pharmakeus* under Nero.⁴³² On the other hand it could be just that this was seen from a natural point of view as the most effective way of disposal of dangerous substances; the case of Caligula’s crate of poisons, which were thrown to the sea resulting in the death of a large number of fish, could have been a case in point for the need of safe disposal.

Another issue in Caracalla’s representation as a licentious and immoral man that is marginally connected to magic, is the alleged incestuous relationship with his mother Julia Domna; the SHA is the only source of this story,⁴³³ and it has to be said that the writer mistakenly presents Julia Domna as Caracalla’s stepmother, but a comment by

μὲν μετεπέμψατο τὰ δὲ καὶ ἐπρίατο, ὥστε ἑπτακοσίας καὶ πεντήκοντα μυριάδας ἐς αὐτὰ ἀριθμηθῆναι, ἵνα καὶ παμπόλλους, ὅσους ἂν ἐθελήσῃ, καὶ διαφόρως δολοφονήσῃ. καὶ ἐκεῖνα μὲν ἐν τῷ βασιλικῷ μετὰ ταῦθ' εὐρεθέντα κατεκαύθη

⁴³¹ Virgil, *Ecl.* 8.95-9: Has herbas atque haec Ponto mihi lecta uenena/ipse dedit Moeris (nascuntur pluruma Ponto);/his ego saepe lupum fieri et se condere siluis/Moerim, saepe animas imis excire sepulcris,/atque satas alio uidi traducere messis.

⁴³² See *Dig.* 10.2.4.1., Dio Cass.: 61.7.6.

⁴³³ SHA: 10.

Herodian shows that this was a rumour circulating at the time, when he relates that the Alexandrines called Domna “Iokaste”,⁴³⁴ evidently referring to the emperor’s incestuous relationship with her. Incest understood as a practice of the magi is documented since the 5th century BC by Xanthus of Lydia⁴³⁵ and was a concept known to the Romans at least since Catullus;⁴³⁶ when this magic related concept is added to the other attributes of Caracalla as a person who engaged in magical practice, it could be seen as part of that same image and the related rhetoric.

Apart from the representation of Caracalla’s magical practices, of especial interest is the depiction of Caracalla in Dio’s history not only as an employer of magicians, but also as a victim of that class of professionals. That a Roman emperor would be a target of harmful magic does not constitute a unique case; several emperors, including Tiberius, Nero and others, are reported to have been targeted by hostile magic by Roman citizens. The uniqueness of Caracalla’s case consists on the one hand in the fact, as reported by Dio, that he was a victim of the enemy German magicians, presumably during his German campaign of 213, and on the other hand that the spells of the German magicians were effective, since Caracalla was driven insane and was afflicted with unseen diseases as a result.⁴³⁷ If magic is considered for the most part an art of the foreigner, it becomes more apparent why the spells of the German magicians were effective, where some Romans failed in similar attempts against other emperors. As a side note, the timing of Caracalla being bewitched and driven insane would seem to imply that the overall insanity in his general conduct as an emperor was in fact due to these enchantment which occurred early in his reign.

Dio, however, describes the effects of the spells which drove Caracalla insane in some more detail, namely that the emperor was haunted by the ghosts of Severus and Geta who pursued him wielding swords; this relates of course to the fact that he had had allegedly hastened the death of the former and that he had actually murdered the latter.⁴³⁸ Caracalla attempted to rid himself of these apparitions by calling up the ghosts of, among

⁴³⁴ Herodian: 4.9.3.

⁴³⁵ FGH 765 F 31.

⁴³⁶ Catullus, *Carmina*: 90.

⁴³⁷ Dio Cass.: 77.15.2.

⁴³⁸ Dio Cass.: 76.15.2.

others, Severus and, rather strangely, Commodus. None of the ghosts, as Dio relates, was very forthcoming as they mostly refused communication, and Severus' ghost was accompanied by the uninvited Geta; only Commodus' ghost deigned to speak to Caracalla and then did not really help him, but rather terrified him by urging him to "come closer, for the gods want justice for Severus", obviously delivering a prophecy of the emperor's death. Dio might not be our only source for this story; the *Suda* makes a passing reference to how "Antoninus the king of the Romans performed necromantic divination about his father Commodus".⁴³⁹ The reference to "Antoninus" is problematic, since it could refer to a number of emperors, including Caracalla, none of which however was the son of Commodus. There are several possibilities to consider here;⁴⁴⁰ first it could be the simplest one, that the lexicographer had just confused his Roman history and he had no clear notion whom he was talking about. Second, he could indeed be referring to Caracalla and have meant that he had performed necromancy about Commodus *and* his father, Severus, which would correspond with what Dio relates. Third, it is possible that he thought that Severus had taken the name of Commodus, which is partly true in the sense that he was called "brother of Commodus"⁴⁴¹ after his rehabilitation of the latter, and therefore referred to him, Severus, as "Commodus." At any rate, identifying the Antoninus of *Suda* with Caracalla is the most productive way to make sense out of that problematic reference and contextualize it with what is known from elsewhere. However that may be, these fantastic events, Dio asserts, came to public notice and as a result of this many were punished, though he supplies us with no names.

Several points worth addressing arise from this account and the most relevant to the argument of this thesis is that publicizing information regarding the magical practices of the emperor could in fact be regarded as a subversive act and therefore that the reports of emperors' connection to magic we find in our sources were indeed considered polemical rhetoric rather than idle gossip. Another explanation however as to why the

⁴³⁹ Ψ 157: Ψυχαγωγεῖ· αἰτιατικῆ ... ἐψυχαγόγησε δὲ καὶ Ἀντωνίνος ὁ Ῥωμαίων βασιλεὺς περὶ Κομόδου τοῦ πατρὸς αὐτοῦ

⁴⁴⁰ It has been variously suggested that the emperor in question is either Commodus himself, Caracalla or Elagabalus. For discussion see Ogden 2001: 154-5.

⁴⁴¹ Cf. Birley 2000: 224. For an extensive treatment of Severus' attempt to represent himself as a legitimate heir of the Antonines see Baharal 1989: 573-580

people involved in publicizing Caracalla's necromantic activities were punished could be the content of the prophecies he supposedly received, which presented him as a parricide abandoned by the gods. This illustrates again a point about the popular perception of necromantic rituals, to say the least, as producing credible results, regardless of its status as magical practice; if it had not been credible, but largely considered as ineffective or nonsense, its predictions and revelations would not have been considered subversive and no one would have to be punished for the publication of these particular events. Furthermore Dio, who shows no hint of incredulity about the factual nature of the details of the above described necromantic ritual, inserts this account in the context of Caracalla's attempt to cure himself of the ailments the German magicians inflicted upon him; the emperor appealed to Apollo Grannos, Asclepius and Sarapis, but apparently none of the gods was willing to help him owing to his overall immoral conduct, just as none of the ghosts he conjured up was willing either. The parallel drawn between the two methods is clear; it is implied that both of them could have been effective in other circumstances, the fundamental difference being in how they were viewed from a moral and legal perspective. One more question which arises is as to why Caracalla should summon the ghost of Commodus; a definitive answer about a fictitious account is of course impossible, but one suggestion could be that he called up someone who had been present in many victories against the Marcomanni on the side of his father Marcus Aurelius and had concluded the Marcomannic Wars as well, and therefore he could be seen as an ally against the magic of the German sorcerers. Furthermore, if the story found in the SHA *Life of Elagabalus*, namely that Marcus Aurelius concluded the Marcomannic Wars by means of a *defixio*, did in fact originate as a story about Commodus, and was of sufficient antiquity, Commodus might be thought as an even more pertinent ally against magic, since he had actually performed it successfully himself against the Germans.

Not only was Caracalla's life and reign characterized by his entanglement with magic and its practitioners, but also his death was apparently in great part due to them. Dio and Herodian largely relate the same story about how Macrinus decided to have Caracalla assassinated by an impromptu plot, instigated by a prophecy that he should be

the next emperor.⁴⁴² Dio relates that a diviner (*mantis*) delivered this prophecy independently in Africa, and after he was summoned before Flavius Maternianus, Caracalla's confidant and commander of the troops in Rome in the emperor's absence, he repeated it; Herodian mentions that in fact Caracalla ordered Maternianus to "seek out the best magicians and to use necromancy" in order to find out about the manner and time of his death and whether anyone was plotting against him. At any rate, Maternianus sent a letter to warn Caracalla, who was in Syria at the time preparing for a campaign against Parthia; this letter was accidentally read by Macrinus before Caracalla had a chance to read it, and fearing for his life he plotted to murder the emperor preemptively in self-defence. Dio adds another rather implausible story about how this same prophecy had been delivered to Caracalla in person a few days before by an Egyptian magician named Serapion; this man's warning went unheeded for some reason and Caracalla threw him to the lions, which refused to harm him, the friendliness of wild beasts being a relatively frequent *topos* in the representation of sorcerers.⁴⁴³ After this, Caracalla, still inexplicably failing to realize that he was obviously dealing with a legitimate magician and not an impostor, had Serapion executed, although Dio notes that the latter could have prevented even this from happening by calling upon some divine assistants (*daimones*). I believe one would be justified to assume that the whole episode about the prophecy and the interception of Maternianus' letter is a piece of propaganda justifying Macrinus in having Caracalla assassinated in a double manner; on the one hand it presents Macrinus acting in self-defence and on the other it actually legitimizes Macrinus' ascension to the purple by means of a prophecy to this effect. The Serapion episode, for which our only authority is Dio, is particularly suspect, since it has the characters involved acting inconsistently; Serapion is inexplicably suicidal and Caracalla is acting out of character when he is not paying attention to the warning of a proven specialist and failing to act upon it, given that he is represented as not having been too fond of Macrinus. What this episode would accomplish would be to show that there were more witnesses to the prophecy concerning the ascension of Macrinus, rather than simply to take the word of Macrinus who was the

⁴⁴² Dio Cass.: 78.4-5, Herodian: 4.12-13.

⁴⁴³ Cf. Philostr. *VA* 8.30 and especially Lucian *Phil.* 34.

only one to read Maternianus' letter. In effect as in the case of the prophecy delivered to Julianus about Severus' ascension to the throne,⁴⁴⁴ it was not a less credible one because it was delivered by means one would consider magical.

12. Elagabalus

Few emperors are presented by our sources so devoid of any redeeming features as the Emperor who has come to be known as Elagabalus, nicknamed after the god of Emesa,⁴⁴⁵ whom he served as high priest. The three different authors who provide us with the bulk of information we have on his reign, depict him as a lustful, effeminate religious fanatic high priest of a foreign deity, whose major pursuit during his short-lived reign was giving into his unnatural sexual cravings, squandering the wealth of the Roman state on luxurious pleasures, appointing his completely incompetent favored men into high positions of power to the detriment of the Empire, and, what is of greater interest to this study, attempting a major ill-planned reform of official Roman religion,⁴⁴⁶ by elevating the god of his homeland to the top of the Roman pantheon, replacing Jupiter Capitolinus with Elagabal, the God of the Mountain.

Both Cassius Dio and the SHA report in outrage the complete disregard of Elagabalus for the sacred Roman customs and the fanaticism with which he promoted his god to be the ruler of the Roman pantheon. Herodian, not being a Roman senator himself and therefore not necessarily ascribing to the traditionalist senatorial world view, does on the one hand more or less report the same incidents, but on the other the place of the indignation of the two previous sources towards the emperor seems to be taken by the amusement of someone who is reporting a rather incredible, but nonetheless true story.

It would be useful here to compare the accounts of our sources to illustrate the different attitudes Cassius Dio and the SHA, written from a senatorial point of view, and

⁴⁴⁴ SHA, *Did. Iulian.* 7.11.

⁴⁴⁵ His original name appears to have been Bassianus and he was formally known as Antoninus during his reign; Cf. Bowersock 1975: 231-3.

⁴⁴⁶ On Elagabalus' attempted religious reform see Groß 1959:992-7, Optendrenk 1969:88-106, Pietrzykowski 1986, Frey 1989:74-86, Baldus 1991, Turcan 1997.

Herodian, an outsider, adopt towards Elagabalus' most prominent acts of an anti-Roman nature. The account of the emperor's religious policies is a good starting point, since it was obviously something so important and novel that both Dio and the SHA express strong opinions on. Dio says that one of the crimes Elagabalus was responsible for, was not that he introduced a foreign divinity in the city of Rome, since obviously this was something that had been done repeatedly in the past, nor that he honored this divinity in a greatly novel way, but that he attempted to supplant Jupiter, the leader of the Roman pantheon and guarantor of Imperial stability, with his new god, Elagabal.⁴⁴⁷ The SHA is more explicit, mentioning twice that he attempted to eradicate all other religions,⁴⁴⁸ but most probably meaning, as is deduced from another passage⁴⁴⁹ and from the accounts of divine consorts sought for Elagabal,⁴⁵⁰ that Elagabalus in fact attempted to make all other gods subservient to the one he introduced.⁴⁵¹ This would agree with Dio's phrasing, which suggests that the new god would surpass even Jupiter in the divine hierarchy, but

⁴⁴⁷ Dio Cass. 79.11. τῶν δὲ δὴ παρανομημάτων αὐτοῦ καὶ τὸ κατὰ τὸν Ἐλεγάβαλον ἔχεται, οὐχ ὅτι θεὸν τινα ξενικὸν ἐς τὴν Ῥώμην ἐσήγαγεν, οὐδ' ὅτι καινοπρεπέστατα αὐτὸν ἐμεγάλυνεν, ἀλλ' ὅτι καὶ πρὸ τοῦ Διὸς αὐτοῦ ἤγαγεν αὐτόν, καὶ ὅτι καὶ ἱερέα αὐτοῦ ἑαυτὸν ψηφισθῆναι ἐποίησεν,...

⁴⁴⁸ *Vita Elagabali* 3.4: Sed ubi primum ingressus est urbem, ommissis, quae in prouincia gerebantur, Heliogabalum in Palatino monte iuxta aedes imperatorias consecrauit eique templum fecit, studens et Matris tyrum et Vestae ignem et Palladium et ancilia et omnia Romanis ueneranda in illud transferre templum et id agens, ne quis Romae deus nisi Heliogabalus coleretur, and 6.7: Nec Romanas tantum extinguere uoluit religiones, sed per orbem terrae, unum studens, ut Heliogabalus deus ubique coleretur.

⁴⁴⁹ *Vita Elagabali* 7.4: *Omnes sane deos sui dei ministros esse aiebat, cum alios eius cubicularios appellaret, alios seruos, alios diuersarum rerum ministros.*

⁴⁵⁰ Dio Cass. 79.12: καὶ γυναῖκα, τὸ γελοιότατον, Ἐλεγαβάλῳ ἐμνήστευσε καθάπερ καὶ γάμου παῖδων τε δεομένῳ. καὶ ἔδει γὰρ μήτε πενιχρὰν μήτε δυσγενῆ τινα εἶναι αὐτήν, τὴν Οὐρανίαν τὴν τῶν Καρχηδονίων ἐπελέξατο, καὶ ἐκεῖθεν τε αὐτήν μετεπέμψατο καὶ ἐς τὸ παλάτιον καθίδρυσεν, ἔδνα τε αὐτῇ παρὰ πάντων τῶν ὑπηκόων, ὥσπερ καὶ ἐπὶ τῶν ἑαυτοῦ γυναικῶν, ἤθροισε. and Herodian 5.6.3-5: ἔπαιζε δὲ γάμους οὐ μόνον ἀνθρωπείους, ἀλλὰ καὶ τῷ θεῷ, ᾧ ἱεράτευε, γυναῖκα ἐζήτην· καὶ τῆς τε Παλλάδος τὸ ἄγαλμα, ὃν κρυπτόν καὶ ἀόρατον σέβουσι Ῥωμαῖοι, ἐς τὸν ἑαυτοῦ θάλαμον μετήγαγε· καὶ μὴ κινήθην ἐξ οὐδὲρ ἦλθεν ἀπὸ Ἰλίου, εἰ μὴ ὅτε πυρὶ κατεφλέχθη ὁ νεῶς, ἐκίνησεν οὗτος, καὶ πρὸς γάμον δὴ ἐς τὴν βασιλείον αὐλήν τῷ θεῷ ἀνήγαγε. φήσας δὲ ἀπαρέσκεσθαι αὐτόν ὡς πάντα ἐν ὄπλοις καὶ πολεμικῇ θεῷ, τῆς Οὐρανίας τὸ ἄγαλμα μετεπέμψατο, σεβόντων αὐτὸ ὑπερφυῶς Καρχηδονίων τε καὶ τῶν κατὰ τὴν Λιβύην ἀνθρώπων. φασὶ δὲ αὐτὸ Διδῶ τὴν Φοίνισσαν ἰδρῦσασθαι, ὅτε δὴ τὴν ἀρχαίαν Καρχηδόνα πόλιν ἔκτισε, βύρσαν κατατεμοῦσα. Λίβυες μὲν οὖν αὐτὴν Οὐρανίαν καλοῦσι, Φοίνικες δὲ Ἄστροάρχην ὀνομάζουσι, σελήνην εἶναι θέλοντες. ἀρμόζειν τοίνυν λέγων ὁ Ἄντωνίνος γάμον ἡλίου καὶ σελήνης τό τε ἄγαλμα μετεπέμψατο καὶ πάντα τὸν ἐκεῖθεν χρυσόν, χρήματά τε πάμπλειστα τῇ θεῷ ἐς προῖκα δὴ ἐπιδόσθαι ἐκέλευσε. κομισθέν τε τὸ ἄγαλμα συνώκισε δὴ τῷ θεῷ, κελεύσας πάντας τοὺς κατὰ Ῥώμην καὶ Ἰταλίαν ἀνθρώπους ἐορτάζειν παντοδαπαῖς τε εὐφροσύναις καὶ εὐωχίαις χρῆσθαι δημοσίᾳ τε καὶ ἰδίᾳ ὡς δὴ γαμουμένων θεῶν.

⁴⁵¹ This kind of strict divine henotheistic hierarchy was typical of Syrian religions. Cf. Pietrzykowski 1986:1816ff and Turcan 1996:182.

not that the worship of other gods would be suppressed. It seems that Elagabalus was aiming at henotheism, not at monotheism, as a single passage of the SHA seems to hint at. Herodian makes no direct mention of this policy of the emperor, although the account of a procession, in which the baetyl of Elagabal was mounted alone in a chariot without a driver, would seem to corroborate the fact that Elagabalus was aiming at the kind of henotheism mentioned above, because idols of other gods are mentioned being present during the procession.⁴⁵² It would seem to be significant of the difference in attitudes of members of the senatorial class and that of a non-Roman outsider, that the latter does not occupy himself too much, if at all, in illustrating the radical religious policies of Elagabalus, which Cassius Dio describes as nothing less than a crime.

Equally criminal, Dio assures us, was the fact that Elagabalus, despite being a Roman emperor, dressed like a barbarian, in the manner of a Syrian priest, a habit which earned him one of his numerous nicknames, that of “the Assyrian”.⁴⁵³ Interestingly enough, Herodian, proving himself not partial to the views of a senator, not only does not criticise the insistence of Elagabalus on dressing in the manner of his homeland, but he provides the justification made by the emperor himself for this, namely that Roman and Greek garments, being made of wool are of low quality, so probably not fit for a man of such high station.⁴⁵⁴ He further proves his distance from the Roman senatorial views when he says that Maesa, Elagabalus’ mother, worried that the Romans, viewing eastern dress as more pertaining to women than men, would be shocked at his appearance, tried in vain to persuade him to adopt dressing as a Roman.⁴⁵⁵ In this way Herodian shows that

⁴⁵² Herodian 5.6.8: στεφάνους καὶ ἄνθη ἐπιρριπτοῦντες· ἀγάλματά τε πάντων θεῶν, καὶ εἴ τι πολυτελὲς ἀνάθημα <ἢ> τίμιον, ὅσα τε τῆς βασιλείας σύμβολα ἢ πολυτελεῖ κειμήλια, οἷ τε ἰππεῖς καὶ <ὁ> στρατὸς πᾶς προεπόμπευον τοῦ θεοῦ.

⁴⁵³ Dio Cass. 79.11: καὶ μέντοι καὶ ὅτι τὴν ἐσθήτα τὴν βαρβαρικὴν, ἣ οἱ τῶν Σύρων ἱερεῖς χρῶνται, καὶ δημοσίᾳ πολλὰκις ἐωρᾶτο ἐνδεδυμένος· ἀφ’ οὐπὲρ οὐχ ἦκιστα καὶ τὴν τοῦ Ἀσσυρίου ἐπωνυμίαν ἔλαβεν.

⁴⁵⁴ Herodian 5.3: ἦν τε αὐτῷ τὸ σχῆμα μεταξὺ Φοινίσσης ἱερᾶς στολῆς καὶ χλιδῆς Μηδικῆς. Ῥωμαικὴν δὲ ἢ Ἑλληνικὴν πᾶσαν ἐσθήτα ἐμυσάττετο, ἐρίου φάσκων εἰργάσθαι, πράγματος εὐτελοῦς.

⁴⁵⁵ Herodian 5.3: ἡ δὲ Μαῖσα ταῦτα ὀρώσα πάνυ ἥσχαλλε, πείθειν τε λιπαροῦσα ἐπειράτω μεταμφιέσασθαι τὴν Ῥωμαίων στολὴν μέλλοντά [τε] ἐς τὴν πόλιν ἀφίξεσθαι καὶ ἐς τὴν σύγκλητον εἰσελεύσεσθαι, μὴ ἀλλοδαπὸν ἢ παντάπασιν βάρβαρον τὸ σχῆμα ὄφθῆν εὐθὺς λυπήσῃ τοὺς ἰδόντας, ἀήθεις τε ὄντας καὶ οἰομένους τὰ τοιαῦτα καλλωπίσματα οὐκ ἀνδράσιν ἀλλὰ θηλείαις πρέπειν.

he does not feel that he should censure Elagabalus for his choice of dress, as well as an understanding of why a Roman senator would.

Elagabalus furthermore showed fatal disregard for sacred Roman customs when he married the Vestal priestess Aquilia Severa, despite the fact that through sacred duty she ought to remain unmarried and a virgin for life. Dio clearly expresses his indignation at the incident when he says that the emperor not only committed such an unholy act, but was so insolent as to say that he did it in order that divine children would be born from their union. In this manner he was presenting as proper an act which should have been punished by his lynching in the forum and execution in prison.⁴⁵⁶ Herodian on the other hand describes this act as a serious mistake and a great sin against the gods, but goes on to report the emperor's rationale quite differently than Dio, when he says that Elagabalus tried to excuse himself by a letter to the senate, saying that he had fallen victim to love, a human passion, and that at any rate he considered the marriage between a high priestess and a high priest, as he was himself, quite fitting, without mention to the divine progeny expected.⁴⁵⁷ Although Herodian is not defending such an act and obviously disapproves of it, in no way does he show the indignation of Dio at the incident.⁴⁵⁸ In this he shows himself again an outsider; a senator would have been expected to express himself more along the lines of Dio than Herodian. The SHA curiously does not mention the marriage of Elagabalus and the Vestal, but there might be a reminiscence of that incident or possibly a story that developed from it at the point at which it reports that the emperor broke into the sanctuary of Vesta, where only her priestesses and the *pontifices* were supposed to enter, polluting both himself and the sacred persons frequenting it by this act; he was supposed to be searching to extinguish the sacred perpetual fire of Vesta, and

⁴⁵⁶ Dio Cass. 9: ἐτόλμησε δὲ καὶ εἰπεῖν ὅτι “ἵνα δὴ καὶ θεοπρεπεῖς παῖδες ἔκ τε ἐμοῦ τοῦ ἀρχιερέως ἔκ τε ταύτης τῆς ἀρχιερείας γεννῶνται, τοῦτ' ἐποίησα.” καὶ ἐφ' οἷς αὐτὸν ἐν τῇ ἀγορᾷ αἰκισθέντα εἶτα ἐς τὸ δεσμοτήριον ἐμβληθῆναι κἀνταῦθα θανατωθῆναι ἔδει, ἐπὶ τούτοις ἐκαλλωπίζετο.

⁴⁵⁷ Herodian 5.6.2: μετ' ἐκείνην δὲ προσποιησάμενος ἔρᾶν, ἵνα δὴ καὶ τὰ τῶν ἀνδρῶν πράττειν δοκοῖ η, παρθένου τῇ Ῥωμαίων Ἑστία ἱερωμένης ἀγνεύειν τε πρὸς τῶν ἱερῶν νόμων κελευομένης καὶ μέχρι τέλους τοῦ βίου παρθενεύεσθαι, ἀποσπάσας αὐτὴν τῆς Ἑστίας καὶ τοῦ ἱεροῦ παρθενωῶς γυναῖκα ἔθετο, ἐπιστείλας τῇ συγκλήτῳ καὶ παραμυθησάμενος ἀσέβημά τε καὶ ἀμάρτημα τηλικούτον, φήσας ἀνθρώπινόν τι πεπονθέναι πάθος· ἔρωτι γὰρ τῆς κόρης ἐαλωκέναι, ἀρμόζοντά τε καὶ σεβάσμιον εἶναι γάμον ἱερέως τε καὶ ἱερείας. πλὴν καὶ ταύτην αὐτὸ μετ' οὐ πολὺ ἀπεπέμψατο. see also Pietrzykowski 1989: 90-2

⁴⁵⁸ Cf. Pietrzykowski 1989: 87

when he was offered the false receptacle of the fire in place of the true one by the Vestal, he is supposed to have broken this in rage⁴⁵⁹. As neither of the contemporary sources mentions this incident it should make one suspicious of the veracity of the account of the SHA in this particular point. It seems to be part of the tradition that wants Elagabalus, possibly as a caricature of Constantine, to attempt to impose his brand of monotheism on the Empire, when neither Dio nor Herodian maintain this nor does the SHA in a consistent manner.⁴⁶⁰

All in all, Herodian's verdict on Elagabalus seems to be that he was a fool, become dangerous by his elevation to the imperial see.⁴⁶¹ Dio and the SHA on the other hand seem to depict him as nothing less than a deranged monstrous tyrant, worthy of being numbered by senatorial historians amongst proverbial bad emperors, like Nero, Caligula and Vitellius.⁴⁶²

It has been demonstrated that Herodian, without defending the emperor or his policies in any way, probably gives a more objective account of his reign than Dio and the SHA, which seem to pelt Elagabalus with accusations based on common themes in senatorial accounts of bad emperors' reigns and lives.⁴⁶³ This might account for why the most interesting story, for this study, told about Elagabalus is absent from Herodian, but present, with slight differences, in both Dio and the SHA. According to both, Elagabalus is supposed to have sacrificed children during the rituals of Elagabal, "as was the habit of his homeland" adds the SHA,⁴⁶⁴ which being more explicit than Dio, also mentions that

⁴⁵⁹ SHA 6.7. ...et in penum Vestae, quod solae uirgines solique pontifices adeunt, inrupit pollutus ipse omni contagione morum cum his, qui se polluerant. 8 Et penetrale sacrum est auferre conatus cumque seriam quasi ueram rapuisset, quamque uirgo maxima falso monstrauerat atque in ea nihil repperisset, adplosam fregit; nec tamen quicquam religioni dempsit, quia plures similes factae dicuntur esse, ne quis ueram umquam possit auferre.

⁴⁶⁰ Cf. Turcan 1996:182.

⁴⁶¹ Herodian 5.7.1: ...κοῦρον ἄλλως καὶ ἄφρονα νεανίαν...

⁴⁶² Cf. SHA *Vita Elagabali* 1.1-2; 10.4; 17.4; 23.1. These passages constitute evidence for the existence of an informal canon of good and bad emperors, generally accepted by Roman historians.

⁴⁶³ On the general superiority of Herodian's account of Elagabalus to that of Dio and the SHA cf. Bowersock 1975 and Pietrzykowski 1986:1809.

⁴⁶⁴ A discussion as to the veracity to the claim that child sacrifice was a constant feature of Syrian religion is to be found in Groß 1959:994. On the use of the discourse on child sacrifice as a form of political invective with a focus on the Elagabalus account of the SHA cf. Optendrenk 1969:65-70. Optendrenk entertains the notion that there might be historical veracity to be found in these particular claims of Dio and the SHA. See also Schäfke 1979:589-91.

those were children of noble Italic families.⁴⁶⁵ Both accounts agree that those rituals were of divinatory, and since human sacrifice was involved, necromantic nature,⁴⁶⁶ and the SHA adds that during the rituals Elagabalus performed, while he examined the entrails of boys and tortured his victims, *magi* “of every kind” were present. Dio supplies an interesting detail that in the temple where those rituals were performed, Elagabalus kept a lion, a monkey and a snake, to which he threw the genitals cut off from his victims. Both these accounts explicitly associate Elagabalus' magic working with the worship of his barbarous gods, thus providing a clear conceptual connection of *superstitio* with magic.

The SHA also offers an incredible catalogue of the spectacles and curiosities with which Elagabalus filled Rome during his short reign, often to the detriment of the life and safety of the citizens. Amongst them numbers his employment of the famous snake charming priests of the Marsi in order to gather a large throng of snakes which he unleashed upon the populace, resulting in many injuries and presumably deaths by poisoning. Apart from this incident serving as another example of Elagabalus' insanity, the author probably intended it to further illustrate the emperor's magical interests. The Marsi had long been known as a people with magical powers, being thought of as the descendants of Circe,⁴⁶⁷ who focused on charming and commanding snakes.⁴⁶⁸ Here therefore one sees again insanity and antisocial behaviour being coupled with an interest in magic in the context of the SHA's polemical discourse against the Roman tyrant.

⁴⁶⁵ Dio Cass. 79. 11: ἵνα δὲ παρῶ τάς τε βαρβαρικός ᾠδὰς ἄς ὁ Σαρδανάπαλλος τῷ Ελεγαβάλῳ ἦδε τῇ μητρὶ ἅμα καὶ τῇ τήθῃ, τάς τε ἀπορρήτους θυσίας ἄς αὐτῷ ἔθουε, παῖδας σφαγιαζόμενος καὶ μαγγανεύμασι χρώμενος, ἀλλὰ καὶ ἐς τὸν ναὸν αὐτοῦ λέοντα καὶ πίθηκον καὶ ὄφιν τινὰ ζῶντα ἐγκατακλείσας, αἰδοῖά τε ἀνθρώπου ἐμβαλῶν, καὶ ἄλλ' ἄττα ἀνοσιουργῶν, περιάπτοις τέ τισι μυρίοις ἀεὶ ποτε χρώμενος and SHA 8: Caedit et humanas hostias lectis ad hoc pueris nobilibus et decoris per omnem Italiam patrimis et matrimis, credo ut maior esset utrique parenti dolor. 2 Omne denique magorum genus aderat illi operabaturque cottidie hortante illo et gratias dis agente, quos eorum inuenisset, cum inspiceret exta puerilia et excrucicaret hostias ad ritum gentilem suum.

⁴⁶⁶ Dio mentions *μαγγανεύματα* which he consistently employs in the sense of “divinatory magic” (cf. Freyburger-Galland 2000: 98) and the SHA mentions extispicy on the entrails of the human victims, a claim reminiscent of Cicero's accusation of Vatinius in *In Vat.* 14: quae te tanta prauitas mentis tenuerit, qui tantus furor ut, cum inaudita ac nefaria sacra susceperis, cum inferorum animas elicere, cum puerorum extis deos manis mactare soleas.

⁴⁶⁷ Plin. *NH.* 7.15, 25.11, Gellius *Noct. Att.*: 16.11.

⁴⁶⁸ See Dench 1995: 154-74. Optendrenk (1969:76) following Salmasius (*non uidi*), offers the following explanation for the employment of Marsic *priests*: the hereditary affinity of the Marsi with magic was thought to have been diluted by interbreeding with other peoples by that time in history and that the priests would have been of a purer pedigree and therefore still in possession of their snake charming powers.

In the SHA Elagabalus is constantly compared to Nero, among other “prodigious tyrants”,⁴⁶⁹ on account of his luxurious carnal excesses. The passages of both Dio and the SHA concerning the rituals in which Elagabalus performed human sacrifice present us with some more parallels between the senatorial representations of these two emperors. When Nero was attempting to placate the ghost of Agrippina he is supposed to have performed a necromantic ritual, just like Elagabalus, with the aid of *magi*.⁴⁷⁰ Although no human sacrifice is mentioned in this instance, elsewhere Nero is supposed to have found this practice “to his liking.”⁴⁷¹ The man-eating “monster of Egyptian birth” which Nero is reported to have kept in his palace⁴⁷² finds its parallel in the exotic animals to which Elagabalus fed bits cut off from his victims.

On the matter of luxuriousness, Elagabalus is compared in the SHA to Caligula. Another parallel, which as has been pointed out might be pertaining to Caligula’s representation as a magician, is the impersonation of divinities through disguise, even of a transvestist nature. Elagabalus is said to have imitated Venus on occasion, once in a play presumably about the judgement of Paris, in which he was playing the part of the goddess, and at other times when he decorated his face in the manner in which she was depicted.⁴⁷³ In the same manner Caligula is represented as impersonating various divinities both male and female, Venus notably numbering amongst them.⁴⁷⁴ There is also

⁴⁶⁹ SHA 1.2: “... prodigiosos tyrannos”

⁴⁷⁰ Suet. *Nero*, 34.4: quin et facto per magos sacro euocare manes et exorare temptauit.

⁴⁷¹ Plin. *NH* 30, 16: nam homines immolare etiam gratissimum.

⁴⁷² Suet. *Nero*, 37.2: creditur etiam polyphago cuidam Aegypti generis crudam carnem et quidquid daretur mandere assueto, concupisse uiuos homines laniandos absumendosque obicere. But see Baldwin 1977 for a different interpretation of polyphagus.

⁴⁷³ SHA 5.4-5: Agebat praeterea domi fabulam Paridis ipse Veneris personam subiens, ita ut subito uestes ad pedes defluerent, nudusque una manu ad mammam altera pudendis adhibita ingenicularet posterioribus eminentibus in subactorem reiectis et oppositis. Vultum praeterea eodem quo Venus pingitur, schemate figurabat corpore toto expolitus eum fructum uitae praecipuum existimans, si dignus atque aptus libidini plurimorum uideretur.

⁴⁷⁴ Suet. *Cal.* 52: Vestitu calciatuque et cetero habitu neque patrio neque ciuili, ac ne uirili quidem ac denique humano semper usus est. Saepe depictas gemmatasque indutus paenulas, manuleatus et armillatus in publicum processit; aliquando sericatus et cycladatus; ac modo in crepidis uel coturnis, modo in speculatoria caliga, nonnumquam socco muliebri; plerumque uero aurea barba, fulmen tenens aut fuscinam aut caduceum deorum insignia, atque etiam Veneris cultu conspectus est. and Dio Cass. 58.26.6-8: τὸτὲ μὲν γὰρ θηλυδριώδης ἑωρᾶτο καὶ κρατῆρα καὶ θύρσον εἶχε, τὸτὲ δὲ ἀρρενωπός, καὶ ῥόπαλον καὶ λεοντῆν ἢ καὶ κράνος ἀσπίδα τε ἐφόρει. λειογένειος αὖ καὶ μετὰ τοῦτο πωγωνίας ἐφαντάζετο, τρίαινάν τε ἔστιν ὅτε ἐκράτει, καὶ κεραυνὸν ἀθίς ἀνέτεινε. παρθένῳ τε κυνηγετικῇ ἢ καὶ πολεμικῇ ὁμοιοῦτο, καὶ μετ' οὐ πολὺ ἐγυναίκιζεν. οὕτω πού καὶ τῷ ῥυθμῷ τῆς στολῆς καὶ τοῖς προσθέτοις τοῖς τε περιθέτοις ἀκριβῶς ἐποικίλλετο, καὶ πάντα μᾶλλον ἢ ἄνθρωπος αὐτοκράτωρ τε δοκεῖν

evidence to show that Elagabalus was considered to have become like Caligula a restless spirit after his death, having been a *biaiothanatos* just like the former.⁴⁷⁵ A discussion on the implications of murdered Emperors as restless dead will however take place in the general conclusions section.

Conclusion

These are the major cases of emperors associated with magic and magicians in our sources. A full discussion concerning this theme and its implications will take place in the general conclusions section, but for the sake of convenience, it could prove useful to briefly recap the above.

The accusation of magic against an emperor seems more often than not to stand in correlation with other character traits and practices which designate him as un-Roman or even as a downright tyrannical ruler; insanity and impiety towards the established Roman gods are traits of the sorcerer type and also of two “prodigious tyrants” such as Nero and Elagabalus. The correlation of an emperor's excessive reliance on the quasi-magical discipline of astrology and his autocratic rule is also frequently evident. Astrology did indeed foster autocracy, both by maintaining a deterministic view of the world in which the presence of any emperor on the throne was justified by the movements of the heavens and also by removing the seat of state divination from the public sphere, the domain of the senatorial class, into the privacy of the imperial palace. This realization probably prompted the employment of narrative themes which illustrated an emperor's autocratic rule by the connection of his reliance on astrology with such standard *topoi* of counter-tyranny rhetoric as the tyrant's over-anxiety for his safety and his persecution of the best men under his rule; the Roman tyrant would act in the same manner based on astrological considerations.

εἶναι ἥθελε. For the magical significance of imitation of divinities see Gury 2003:420-1. See also Eitrem 1932a:49-56.

⁴⁷⁵ Suet. *Cal.* 59. (see Lugli 2007: 34) SHA 33: Et praedictum eidem erat a sacerdotibus syris biothanatum se futurum. See also Optendrenk 1969: 78-87. One could also remember here how Nero practically came back from the dead in the form of three pretenders to the throne claiming to be him (see general conclusions)

Sometimes an emperor under pressure had to rely on the services of a multitude of prophets, diviners and all manner of such individuals for the purposes of propaganda or maintenance of public order. Such was the predicament of Vespasian and Marcus Aurelius and, as seen especially in the latter's case, the association with so many *superstitiones* could lead to stories about emperors who were universally respected having consulted magicians and seers. There is evidence that emperors were concerned that such rumours might affect their reputation and that official propaganda could be utilized to cleanse them of such associations, as seen in the case studies on the two aforementioned emperors.

Apart from the senatorial sources there exists a smaller body of texts which I conventionally termed “magical literature” which represents certain emperors as witnesses of magical rituals and practices. The purpose of the association of emperors with magic in such texts is to provide some credibility to the incredible by claiming that it happened in the presence of a star witness. One could assign to this category of account passages such as the PGM spell which was performed in the presence of Hadrian, the exorcism ritual of Eleazar in the presence of Vespasian as found in Josephus, Apollonius' disappearance into thin air before Domitian as found in Philostratus and even the alleged letter of Thessalus of Tralles concerning his revelatory experiences in an Egyptian adyton, dedicated probably to Nero.

CHAPTER III

THE RHETORICAL PURPOSES OF ACCOUNTS OF MAGIC TRIAL

Introduction

So far we have seen how the discourse of magic is being employed by our authorities as a form of polemic; with respect to emperors their association with magical practices generally serves, in conjunction with other themes of tyrant portrayal, to emphasize how unworthy they have been of the office or how detrimental their reign has been for the Empire. Chapters IV and V of this study will deal with the repression of magic under the emperors, that is to say the employment of the magic discourse on the part of imperial authority against its opponents. The fact that this practice was viewed by our senatorial authorities for what it probably was, namely a method for the emperor to silence dissent or increase his authority often at the detriment of a divided senate, has already been shown in the overview of the case of Apronianus.⁴⁷⁶ The current chapter is an attempt to have a closer look into the use of the magic trial account as an illustration of that realization. I will examine two of the more extensive magic trial accounts before emperors, the account of Libo Drusus' trial before Tiberius as given by Tacitus and the account of the probably fictional trial of Apollonius of Tyana before Domitian as found in Philostratus' biography of the 1st century A.D. philosopher. As noted earlier, it was evidently a rhetorical *topos* that the tyranny of Tiberius and that of Domitian shared the common feature of attempting to retain the facade of legitimate proceedings in their pursuit of their goal to augment autocracy.⁴⁷⁷ In the following I will argue that those two accounts of magic trials are illustrations of this very notion; in both instances the emperor is presented as utilizing his legal arsenal to bring down an individual who is either

⁴⁷⁶ See Chapter II.10.

⁴⁷⁷ Phil. *Vita Apol.*: 7.14. Jerome (1912) and Dunkle (1971:17) have also noted that Tacitus uses the treason trial accounts to portray Tiberius as a tyrant.

basically harmless or outrightly innocent of the charges. The magic trial account is utilized in this manner to further highlight the tyranny of certain emperors as well as decry the detested practice of *delatio*, which is a manifestation of the division of the senate and the opportunist behaviour which the very nature of the Principate fostered among senators, at least according to the perception of our authorities.

1. The Case of Libo Drusus in Tacitus

Sextus Pompey is not the only member of the *gens Pompeia* to have been implicated with magic in our sources; M. Scribonius Libo Drusus,⁴⁷⁸ a scion of the Pompeian and Scribonian houses, was accused in 16 AD of consorting with astrologers, magicians and soothsayers, as well as a necromancer named Iunius, whom he employed to raise the shades of the dead for purposes left unspecified. According to the charges his reasons for employing those specialists of the magical arts was to predict if he would become emperor or even to bring the downfall of the then emperor Tiberius by means of magic. His alleged actions were a clear violation of the Augustan edict of 11 A.D. and he was tried before Tiberius; the trial was eventually cut short by his suicide, but he was nevertheless posthumously considered guilty as charged.⁴⁷⁹

The position which the account of Libo Drusus' trial⁴⁸⁰ occupies in the *Annals* is very important for Tacitus' rhetorical purposes; this is the first treason trial he relates and in his own words he intends to do so in greater detail. His reason for this is that this trial set a precedent for making the practice of *delatio*, a constant feature of Roman political landscape and inaugurated practices which eventually ate away at what was left of the Republic.⁴⁸¹ The reason Tacitus hardly ever goes into details about the several other

⁴⁷⁸ For his pedigree see Fluss 1921:885. It is worth noting that Suet. *Tib.* 25 and Dio Cass. 57.15.4 falsely give his praenomen as "Lucius". His most notable ancestors included his great grandfather Pompey the Great and his grandfather Sextus Pompey.

⁴⁷⁹ For the verdict on his case from the *Fasti Amiterni* see: CIL I² p. 244 and Ehrenberg, V.-Jones, A.H.M. 1955, 52: "*Fer. Ex s. c. q. e. d. nefaria consilia de salute Ti. Caes. Liberatorumque eius et aliorum principum ciuitatis deq. R. p. inita ab M. Libone erant in senatu conuicta sunt.*"

⁴⁸⁰ Several other authors make passing reference to this affair; see Velleius Pat. 2. 130. 3, Sen. *Epist. ad Lucil.* 1. 70.10, Suet. *Tib.* 25 and Dio Cass. 57, 15, 4.

⁴⁸¹ *Ann.* 2.27: "eius negotii initium, ordinem, finem curatius disseram, quia tum primum reperta sunt quae per tot annos rem publicam exedere"

treason trials he documents in his historical work is probably because he has already given his opinion on such proceedings from the very beginning and this is how he intends his reader to perceive them;⁴⁸² what interests him is the conduct of the *delatores* and of an emperor who would condone and foster their actions and it is clear that he considers such proceedings an outrage against the values of the Republic, that is to say the interests of his class.

What follows is an outline of the bullet-points of how Tacitus relates the events surrounding Libo Drusus' conspiracy and trial:⁴⁸³ Libo Drusus was a fatuous young man who had a taste for absurdities; a friend of his, the senator Firmius Catus, fanned up his aspirations to make a bid for the imperial throne by reminding him of his illustrious ancestry and incited him to the consultation of astrologers as well as to heavy borrowing so that he could incriminate him further⁴⁸⁴. Catus then proceeded, after acquiring enough witnesses and evidence for Libo's aforementioned actions, to gain an audience with Tiberius through the mediation of Flaccus Vesularius; all he managed to do however was indirectly to pass on the information to the emperor, who did not allow for an audience at the time. Although Tiberius, according to Tacitus, could have put a stop to this whole affair then and there, he took no action against Libo; on the contrary, all the while concealing his wrath, proceeded to honour the man with the praetorship and even called him to dinner, "preferring to know more about his words and actions" rather than do something about them; this lasted until a certain Iunius, seemingly a necromancer, was contacted by Libo and asked to raise the shadows of the dead for purposes which Tacitus does not specify; this Iunius reported the incident to Fulcinius Trio, an infamous and hyperactive *delator*, who in turn proceeded quickly to arrest Libo and brought the case before the Senate; Tiberius recited the charges in a neutral tone so as to show that he wished neither to aggravate or ameliorate the position of the accused, who was summoned to the Senate House in a litter, either because of being ill or feigning illness.⁴⁸⁵ The accusers brought forth a host of frivolous and pathetic charges against Libo, one of

⁴⁸² Cf. Fögen 1993:97ff.

⁴⁸³ *Ann.* 2.27-32.

⁴⁸⁴ *Ann.* 2.27.

⁴⁸⁵ *Ann.* 2.28-9.

them being his enquiry of an astrologer as to whether he would at some point be able to cover the Via Appia in silver.⁴⁸⁶ Tacitus notes that the only document of relevance which was produced was a list of names in Libo's handwriting, among which were those of the emperor and his sons as well as certain senators, with some mysterious and ominous marks attached to them;⁴⁸⁷ Libo denied that the handwriting was his and Tiberius proceeded to extract evidence from the accused's slaves, after finding a clever way to bypass an old *senatus consultum*, which disallowed the use of slaves' testimony against their masters;⁴⁸⁸ at this point Libo pleaded with the emperor for an adjournment to which Tiberius curtly replied that he should forward this request to the Senate. Libo, upon being granted adjournment, returned to his house which was now replete with soldiers who forced their presence upon him at every turn; even his final meal became a torment to him and his subsequent suicide only demonstrated his terror and despair. After this Tiberius swore that he would have personally pleaded with the Senate for Libo's life, had he not hastened to take it by his own hand.⁴⁸⁹ The proceedings nonetheless apparently continued and Libo's estates were as a result of it divided amongst his accusers; public thanksgiving in honour of Jupiter, Mars and Concordia ensued as a result of the successfully thwarted plot against the emperor's life and some proposed, in flattery of Tiberius, that the day of Libo's suicide should be kept as a holiday; furthermore there followed promptly an expulsion of astrologers from Italy and Tacitus mentions the execution of two men, L. Pituanus and P. Marcius, otherwise unknown, who were executed in different ways,⁴⁹⁰ the former thrown off the Tarpeian Rock, the latter executed in the "old manner"⁴⁹¹ outside the Esquiline gate.

⁴⁸⁶ This was probably taken to imply that he was indirectly asking whether he would be emperor, since presumably only the emperor could be in possession of such wealth.

⁴⁸⁷ *Ann.* 2.30: uni tamen libello manu Libonis nominibus Caesarum aut senatorum additas **atrocis uel occultas notas** accusator arguebat.

⁴⁸⁸ *Ann.* 2.30.

⁴⁸⁹ *Ann.* 2.31.

⁴⁹⁰ It is unclear why the two different methods of execution; some scholars have tried to make an argument that this was because one of them was a citizen while the other was not; according to Dio however no citizens were put to death (57.15.7); for discussion see Goodyear 1972:285-6, Furneaux 1896: vol. 1, p. 322. Cic. *ad Att.* 4.15.2 mentions a certain Pituanus as a learned man, who, according to Goodyear, could probably have been an ancestor of the Pituanus in question. Chilton 1955:77 argues that what led to the execution of these two men was the violation of the *senatus consultum* of 16 AD which followed the conclusion of Libo's case.

⁴⁹¹ This is believed to imply either decapitation or bludgeoning to death.

Scholars have brought Tacitus' motives into question on account of the way in which he relates the case of Libo.⁴⁹² In the following I will attempt to show how Tacitus utilizes his account of Libo's trial as an instrument in his overall negative representation of Tiberius as a tyrant. The introduction to the affair sets the tone for what is to follow: as noted earlier Tacitus states significantly that he will give a detailed account of the case of Libo Drusus because "it was then for the first time when what slowly ate away the Republic was introduced",⁴⁹³ namely the increased role the *delatores* and their techniques came to play in public life. From this statement it becomes obvious that no quarter is going to be given to Tiberius and his instruments of *delatio* later in the account. Then the issue of Libo Drusus' character and motivations comes to the foreground; Goodyear argues that it is unclear whether Catus incited Libo to consultation of astrologers and interpreters of dreams because he knew that Libo was already aspiring to emperorship, and wanted to ensnare him further in this way, or whether it was Catus that induced this ambition to Libo without the latter having had any thoughts about it previously.⁴⁹⁴ This might very well be a question for us to consider, but Tacitus himself does not appear to be ambivalent; Libo is presented in the introduction to the affair merely as "an imprudent youngster with a taste for absurdities"⁴⁹⁵ who is at all times driven to action by the duplicitous *delator* Catus; it is the latter who fans up Libo's aspirations to be an emperor, it is he who impels him to the fateful consultations of astrologers and assorted diviners and finally it is he who reports him to Tiberius. All this serves to represent on the one hand Libo as a harmless fool,⁴⁹⁶ who at any rate was no serious threat to anyone but himself and on the other hand to expose the practice of *delatio*, which was fostered by Tiberius, as thoroughly corrupt.

Tacitus' account then focuses on the actions of Tiberius. When the latter learns of the affair he does nothing to stop Libo, although, according to Tacitus he could have

⁴⁹² Rogers (1933 and 1952) and Marsh (1926 and 1931) have argued that Tacitus is following an agenda judging by his treatment of the proceedings; *contra* Shotter 1972.

⁴⁹³ *Ann.* 2. 27: "eius negotii initium, ordinem, finem curatius disseram, quia tum primum reperta sunt quae per tot annos rem publicam exedere".

⁴⁹⁴ Goodyear 1972:265.

⁴⁹⁵ *Ann.* 2. 27: *iuuenem improuidum et facilem inanibus*

⁴⁹⁶ Cf. Fögen 1993:99.

easily put an end to it; instead, hiding his wrath, the emperor, dissimulating, shrewd and paranoid as ever, dissolves any suspicions Libo might have harboured that his plans had been made known, by entertaining him as a guest at the imperial table and honouring him with praetorship. Shotter thinks that Tiberius here is represented as a sensitive emperor being hurt and simply wanting to know more, always mindful not to give offence;⁴⁹⁷ I think this interpretation is a stretch. It is clear that Tacitus intends the statement “(Tiberius) preferred to learn about all his (i.e. Libo’s) utterances and actions, although he could have put an end to it all”⁴⁹⁸ as a reproach against the emperor.⁴⁹⁹ Tacitus creates in his account a sharp contrast between the naiveté of Libo and the infamous *calliditas*⁵⁰⁰ of Tiberius; the reader is left with the impression that here we are dealing with a “cat-and-mouse” game rigged at the expense of Libo. The latter’s role as a victim in the account is thus further corroborated by his obvious contrast with the character of Tiberius.

Tiberius accepts the accused at court with his characteristic cold impartiality and continues to recite the charges against him in a neutral tone;⁵⁰¹ Tacitus however makes no secret of his opinion of them as he clearly states that the charges were absolutely ridiculous.⁵⁰² Tiberius’ apparent impartiality thus only hides a thinly veiled travesty of justice;⁵⁰³ we are certainly dealing here with the type of account that would cement the perception of Tiberius’ regime as a “tyranny with judicial pretences”.⁵⁰⁴ Then Tacitus seems to admit that a relevant⁵⁰⁵ piece of evidence comes forth, namely the list of names, allegedly in Libo’s handwriting, with the mysterious symbols appended to them;⁵⁰⁶

⁴⁹⁷ Shotter 1972:89.

⁴⁹⁸ *Ann.* 2. 28: “*cunctaque eius dicta factaque, cum prohibere posset, scire malebat*”

⁴⁹⁹ Cf. Marsh 1926:291.

⁵⁰⁰ The exposition of Tiberius’ *calliditas* is a major theme of the account as will be shown further.

⁵⁰¹ *Ann.* 2. 29: “*mox libellos et auctores recitat Caesar ita moderans ne lenire neue asperare crimina videretur.*”

⁵⁰² *Ann.* 2. 30: “... (the accuser) *protulit libellos uacordes adeo ut consultaverit Libo an habiturus foret opes quis uiam Appiam Brundisium usque pecunia operiret. inerant et alia huiusce modi stolidi uana, si mollius acciperes, miseranda.*”

⁵⁰³ Cf. Walker 1952: 94, *Contra* Shotter 1972: 90.

⁵⁰⁴ See Philostr. *VA* 7.14. and Chapter II.1.

⁵⁰⁵ Cf. Furneaux 1896: vol. 1, p. 319 “*tamen*” (2. 30. 2) implies that the following is the only important piece of evidence actually relevant to the charges against Libo.

⁵⁰⁶ *Ann.* 2.30: “*uni tamen libello manu Libonis nominibus Caesarum aut senatorum additas atrocis uel occultas notas accusator arguebat.*”

Shotter argues that if Tacitus intended to lessen Libo's guilt he obviously botched it by bringing on the *libellus*;⁵⁰⁷ this is a fair point, but Tacitus is after all writing history and has to make mention of what was that lead to Libo's incrimination, otherwise his account would make no sense. A more useful point to make about Tacitus' agenda is to show the manner in which he presents his material.⁵⁰⁸ So far Libo has been represented as a naïve victim of people and circumstances beyond his control; therefore the reader's sympathy is invoked towards him, especially in view of the fact that his accusers are represented as thoroughly corrupt individuals who are merely after his fortune and Tiberius' favour. Furthermore, as far as the incriminating document is concerned it is well worthwhile to point out that Tacitus does not positively acknowledge that the document was in fact in Libo's handwriting and he presents this as something that was argued by the demonstrably unscrupulous *delatores* of the prosecution.⁵⁰⁹

One could also make a case for the existence of a hidden narrative within the account of the trial, concerning the nature of the incriminating document. In the context of Libo's consorting with magicians of all kinds, one would most naturally take a name list with mysterious symbols appended to the names as some kind of *defixio*. Tacitus could be hinting at how this document fell to the accusers' hands early on in the account, when Iunius reports to Fulcinius Trio that he was solicited by Libo to raise the shades of the dead; the phrase Tacitus uses is *indicium detulit*,⁵¹⁰ which could be taken to mean “he reported” or that “he brought a piece of evidence”. Since Tacitus mentions no investigation taking place, this would be a plausible explanation within the account about how the document in question came to the possession of the prosecution; it could be implied that Iunius composed and brought this document to Trio. It is significant to note here an apparent analogy which could be linking Iunius further with the alleged *defixio*; before the trial, Trio is spurred to action and apprehends Libo only after Iunius' report; during the trial, the only piece of evidence of consequence is the alleged *defixio*, while Iunius is never again mentioned. The implication could be that those two events are

⁵⁰⁷ Shotter 1972: 94, note 24.

⁵⁰⁸ See Jerome 1912 and Ryberg 1942 for the rhetorical techniques employed by Tacitus in creating lasting impressions through innuendo.

⁵⁰⁹ *Ann.* 2.30 “... accusator arguebat”.

⁵¹⁰ *Ann.* 2.28

connected; Iunius could be meant to have forged a document that looked like a *defixio* and then presented it to Trio as the only significant piece of evidence the latter could come up with to use against Libo. Furthermore, Tacitus is noncommittal about the nature of the document in question; it seems unlikely that he intends the reader to think that it was in fact undoubtedly a *defixio*. Elsewhere, when dealing with the case of the alleged *ueneficia* against Germanicus, Tacitus is very explicit in his description of the instruments of magic,⁵¹¹ in contrast to his vagueness here. The description of the document as a *libellus* could in fact point to it having been notes for an actual lead *defixio* tablet, which had to be inscribed while reciting from the notes.⁵¹² This could be a further actual reason for why Trio, after Iunius' report, acted in such haste to apprehend Libo, so that the latter would have no time to actually inscribe the lead tablet. Tacitus however addresses none of those considerations; instead the impression left upon the reader is that Libo was framed by Trio through the agency of Iunius.

When this document was produced by the prosecution, Libo asked for adjournment and proceeded to take his own life, before his handwriting could be confirmed by the testimony of his slaves.⁵¹³ The issue of the slaves' testimony affords Tacitus with another opportunity of attacking Tiberius. As the historian would have us believe, the emperor invented a legal loophole to circumvent an old *senatus consultum* which prohibited the examination of slaves against their masters, by selling the slaves in question to the *actor publicus* so that they could testify against Libo, having been freed from their former master. The relevant phrase from Tacitus is worth quoting at length: *et quia uetere senatus consulto quaestio in caput domini prohibebatur, callidus et noui iuris repertor Tiberius mancipari singulos actori publico iubet scilicet ut in Libonem ex*

⁵¹¹ *Ann.* 2.69.: et reperiebantur solo ac parietibus erutae humanorum corporum reliquiae, carmina et deuotiones et nomen Germanici plumbeis tabulis insculptum, semusti cineres ac tabo obliti aliaque malefica quis creditur animas numinibus infernis sacrari.

⁵¹² For this technique, see Graf 1997:131.

⁵¹³ Shotter (1972:95) argues that the fact that Libo asks for an adjournment is indicative of his guilt, as his handwriting would have been eventually identified on the list; this could very well be, but it is only a possibility; one could just as easily argue that Libo simply despaired, having been abandoned by all and seeing that there was no quarter offered by the emperor, while his accusers had framed him with enough evidence to secure his conviction.

seruis saluo senatus consulto quaereretur.⁵¹⁴ This can only be taken as criticism of the emperor. The reference to Tiberius' *calliditas*, attributed as a defining feature to the emperor presumably even by his contemporary Romans, is not intended as a compliment; we do find later in the *Annals* Asiaticus wishing that he had at least met a worthy ruin through the *calliditas* of Tiberius or the *impetus* of Gaius⁵¹⁵ rather than feminine fraud and the profligate tongue of the Claudian *delator* Vitellius;⁵¹⁶ it is evident that *calliditas* is the defining characteristic of Tiberius' tyranny juxtaposed with the *impetus* of unrestrained tyrants like Caligula. His further designation as *noui iuris repertor* is again intended as criticism on account of the connotations of tyranny which the words "nouus" and "repertor" carry.⁵¹⁷ Furthermore, it is arguably malicious, given the fact that there was Augustan precedent for Tiberius' action⁵¹⁸ of purportedly selling the slaves to the *actor publicus* in order to facilitate their examination,⁵¹⁹ something which Tiberius need not have done in such a case as Libo's. Furthermore, the use of *scilicet* is clearly ironic, as the statement it introduces need hardly be brought in as clarification; the point is already made.

In view of such unmitigated opposition Libo makes his failed appeal for adjournment of his case to Tiberius and retires to his house for his last supper and to prepare for his suicide. I believe it should be obvious that the superbly orchestrated and highly sensational description of Libo's last supper in the claustrophobic presence of the

⁵¹⁴ *Ann.* 2.30. Shotter (1972:95) argues that Tacitus represents Tiberius here as a misguided but well meaning *princeps* who futilely clings to ancient legalistic niceties while he unwittingly undermines *libertas*. This interpretation holds no water in view of the actual phrases Tacitus uses which are obviously critical of Tiberius.

⁵¹⁵ This is yet another example for the existence of the rhetorical *topos* on the distinction of the types of tyrannies as best expressed by Philostratus in *VA* 7.14. *Calliditas* was also a trait of Domitian (Suet. *Dom.* 11) and an important point of contact with the literary Tiberius; cf. Walker 1960:210.

⁵¹⁶ *Ann.* 11.3: "*cum se honestius calliditate Tiberii uel impetu G. Caesaris periturum dixisset quam quod fraude muliebri et impudico Vitellii ore caderet*".

⁵¹⁷ Cf. Borzsák 1987:293.

⁵¹⁸ Dio Cass. 55. 5. 4.

⁵¹⁹ There exists a controversy regarding how accurate Tacitus is in his implication that Tiberius tried to circumvent the *senatus consultum* prohibiting the testimony of slaves against their masters; Tiberius made use of the testimony of slaves in other cases in the *Annales* (*Ann.* 3.23; 3.67), as the law in fact allowed the examination of slaves in the cases of incest or treason (22-3), so there was never a reason for Tiberius to circumvent a law in the first place; in view of this Tacitus' argument emerges as both malicious and misguided; cf. Rogers 1933:25. The matter whether slaves were actually sold before or after their examination and the rationale behind this is irrelevant to the point made here about Tacitus' agenda.

imperial guards followed by the graphically detailed scene of his suicide are meant to arouse further pity for the misguided fool driven to his ruin through the machinations of the emperor and his court.⁵²⁰ In light of all this, the epilogue given to this case by Tiberius, namely that he himself would have pleaded with the Senate for Libo's life had the latter not hastened to commit suicide, only adds insult to the injury in the context of the narrative.⁵²¹ The dividing up of Libo's estates among his accusers⁵²² only brings full circle what had already been stated in the introduction to his case; this whole account serves as a denunciation of *delatio* and of an emperor who condoned it and its practitioners.

2. The Trial of Apollonius of Tyana

The ultimate test of a philosopher's integrity, as Philostratus informs his reader, is his active opposition to tyranny.⁵²³ Now Apollonius, the champion of wisdom as presented by Philostratus, could not be seen lacking in this respect, therefore his test came in the form of his trial before the much despised tyrant of his era, Domitian. Unlike the trial of Libo Drusus before Tiberius, the trial of the Tyanean sage, or sorcerer to some, is of doubtful historicity.⁵²⁴ Nevertheless, the account of Philostratus is of interest to the extent that it is employed to reflect upon Domitian as a powerful tyrant, of the kind no previous philosopher had ever faced. In his introduction to the account of Apollonius' persecution

⁵²⁰ *Ann.* 2.31.

⁵²¹ *Contra* Shotter 1972: 96. Cf. Goodyear 1972: 280 in light of *Ann.* 3.50 "*saepe audiui principem nostrum conquerentem si quis sumpta morte misericordiam eius praeuenisset*"; the implication here is that since Tiberius did complain *often* about this, probably his oaths never gained any credence. Cf. Marsh 1926:294.

⁵²² *Ann.* 2.32.

⁵²³ *VA* 7.1: Οἶδα καὶ τὰς τυραννίδας, ὡς ἔστιν ἀρίστη βίαστος ἀνδρῶν φιλοσοφούντων, καὶ ξυγχωρῶ σκοπεῖν, ὅτι ἕκαστος ἐτέρου ἤττον ἢ μᾶλλον ἀνὴρ ἔδοξεν.

⁵²⁴ It has been contended (see Flinterman 1995:155 for discussion) that the tradition of such a trial having taken place does not originate with Philostratus, not least due to the latter's reference to an, allegedly forged, letter by Apollonius, which presents him as begging Domitian for clemency (*VA* 7.35). Even so, this is not relevant to this discussion, as it would not prove the historicity of the trial, but at best that Philostratus is following a preexistent tradition.

by Domitian, which spans the seventh and half of the eighth books of the sage's biography, Philostratus attempts a comparison between similar circumstances faced by preceding philosophers, who opposed tyrants of their respective times and places, and the result is patently in Apollonius' favour; no previous tyrant held the authority Domitian held over so vast a territory, nor had as many resources at his disposal for the enforcement of his savage rule as did the last of the Flavians.⁵²⁵ Furthermore, it is noted, Apollonius might have skirmished against Nero in the past, but Domitian was no Nero; effeminacy and the frivolous indulgence in the arts were not the hallmarks of this man, but on the contrary he was robust of body and spirit and wholly given to his pursuit of the lawless practices which a tyrant loves and enjoys, all the while applying a facade of legalism to his crimes;⁵²⁶ Domitian was no Nero in this respect either and this type of tyranny, which pretends to follow legal procedure in its pursuit of lawlessness, reminiscent of that of Tiberius, is worse than blind wantonness, as Philostratus notes elsewhere.⁵²⁷

Such then was the tyrant, whom Apollonius had to contend with, certainly not an unfamiliar figure to the reader of Tacitus and Suetonius and very much in line with the historiographical tradition's view on Domitian. The trial as a piece of evidence for the legal sanctions against magic will be examined in Chapter V; what is of interest here, as in the previous account on the trial of Libo Drusus, is to show how Philostratus employs the account of this trial to illustrate Domitian's tyranny and perhaps at the same time to throw some light on the side on the theme of the confusion of philosophy and magic, already apparent in the *Apologia* of Apuleius, and the rhetorical defence of the former against the accusations of identification with the latter.

⁵²⁵ VA 7.2-3.

⁵²⁶ VA 7.4.

⁵²⁷ VA 7.14: εοίκασι δ' αἱ μὲν τοῖς θερμοῖς τε καὶ ἐτοίμοις τῶν θηρίων, αἱ δὲ τοῖς μαλακωτέροις τε καὶ ληθάργοις, ὡς μὲν δὴ χαλεπαὶ ἄμφω, δῆλον πᾶσι παράδειγμα ποιουμένοις τῆς μὲν ὀρμῶσης καὶ ἀκρίτου Νέρωνα, τῆς δὲ ὑποκαθημένης Τιβέριον, ἀπώλλυσαν γὰρ ὁ μὲν οὐδ' οἰηθέντας, ὁ δ' ἐκ πολλοῦ δείσαντας. ἐγὼ δ' ἠγοῦμαι χαλεπωτέρας τὰς δικάζειν προσποιουμένας καὶ ψηφίζεσθαί τι ὡς ἐκ τῶν νόμων, πράττουσι μὲν γὰρ κατ' αὐτοὺς οὐδέν, ψηφίζονται δ', ἅπερ οἱ μηδὲν κρίναντες, ὄνομα τῷ διατρίβοντι τῆς ὀργῆς θέμενοι νόμον, τὸ δ' ἀποθνήσκειν κατεψηφισμένους ἀφαιρεῖται τοὺς ἀθλίους καὶ τὸν παρὰ τῶν πολλῶν ἔλεον, ὃν ὥσπερ ἐντάφιον χρῆ ἐπιφέρειν τοῖς ἀδίκως ἀπελθοῦσι. δικαστικὸν μὲν δὴ τὸ τῆς τυραννίδος ταύτης ὀρῶ σχῆμα. For the construction of Domitian's image on the type of Tiberius see Waters 1964.

The trial of Apollonius has the form of a magic trial; the defendant is firstly accused as a sorcerer on account of certain aspects of his general way of life, a practice reminiscent of the accusations Apuleius addresses in his *Apologia*; all this evidence amounts to back up the crux of the accusation, an alleged act which only a sorcerer could have undertaken; the charge Apuleius faced was of enchanting a rich widow into marrying him, while Apollonius faces in essence a charge of murder and treason (*maiestas*), as he is accused of having sacrificed an Arcadian youth in the interests of divination into Domitian's future, an act allegedly in favour of Nerva and his associates, Orfitus and Rufus, who commissioned it intent on a future coup.⁵²⁸

However, before going over the charges and trial in more detail, it is useful to look into the events preceding and peripheral to it and to see how these reflect on Domitian. It is very significant that Apollonius' opposition to the emperor was brought to the latter's attention by Euphrates,⁵²⁹ Apollonius' personal, and possibly philosophical, rival, that is by means of *delatio*, the instrument of tyranny so deplored by Tacitus in his work. Apollonius both in his defence speech (it is unclear if he ever delivered it), and the short account of the procedure, spares no few words against the class of professional informers, on account of which terror reigns supreme in the empire, islands are full of exiles, the army full of cowards and the senate full of suspicion. Apollonius adds that Domitian treats these informers as the *aegis* of Athena, his patron goddess, so patently is his reign dependent upon such wretched sycophants whose only specialty is composing fictitious accounts of crimes to the detriment of the citizenry.⁵³⁰ The theme of the

⁵²⁸ Cf. *VA* 7.20: αἱ μὲν ἰδέαι τῆς γραφῆς ποικίλαι τε" ἔφη καὶ πλείους, καὶ γὰρ τὴν ἐσθῆτα διαβάλλουσι καὶ τὴν ἄλλην δίαιταν καὶ τό ἐστιν ὑφ' ὧν προσκυνεῖσθαί σε καὶ τὸ ἐν Ἐφέσῳ ποτὲ ὑπὲρ λοιμοῦ χρῆσαι, διειλέχθαι δὲ καὶ κατὰ τοῦ βασιλέως τὰ μὲν ἀφανῶς, τὰ δ' ἐκφάνδην, τὰ δ' ὡς θεῶν ἀκούσαντα, τὸ δὲ ἐμοὶ μὲν ἀπιθανώτατον, γινώσκω γάρ, ὅτι μὴδὲ τὸ τῶν ἱερῶν αἷμα ἀνέχη, τῷ δὲ βασιλεῖ πιθανώτατον διαβάλλεται· φασὶν ἐς ἀγρὸν βαδίσαντά σε παρὰ Νερούαν τεμεῖν αὐτῷ παῖδα Ἀρκάδα θυομένῳ ἐπὶ τὸν βασιλέα καὶ ἐπᾶραι αὐτὸν τοῖς ἱεροῖς τούτοις, πεπράχθαι δὲ ταῦτα νύκτωρ φθίνοντος ἤδη τοῦ μηνός. τοῦτο δὲ τὸ κατηγορήμα, ἐπειδὴ πολλῶ μείζον, μὴ ἕτερόν τι παρ' ἐκεῖνο ἠγάμεθα, ὁ γὰρ λαμβανόμενος τοῦ σχήματος καὶ τῆς διαίτης καὶ τοῦ προγιγνώσκειν ἐς τοῦτο δήπου ζυυτείνει καὶ ταῦτά γε καὶ τὴν παρανομίαν τὴν ἐς αὐτὸν δοῦναί σοί φησι καὶ τὸ ἐς τὴν θυσίαν θάρσος. χρῆ οὖν παρεσκευάσθαι τὴν ὑπὲρ τούτων ἀπολογία ν, ἔστω δὲ σοὶ ὁ λόγος μὴ ὑπερορῶν τοῦ βασιλέως."

⁵²⁹ *VA* 7.9: ταῦτα ἐς Δομετιανὸν ἀφίκετο ἐκ διαβολῶν Εὐφράτου... For the nature of the rivalry between Apollonius and Euphrates and its literary employment by Philostratus see Bowie 1978:1674ff.

⁵³⁰ *VA* 8.5.3: διὰ δὲ τοὺς ἀλιτηρίους τούτους ἀπολώλασι μὲν αἱ πόλεις, πλήρεις δ' αἱ νῆσοι φυγάδων, ἢ δὲ ἠπειρος οἰμωγῆς, τὰ δὲ στρατεύματα δειλίας, ἢ δὲ ξύγκλητος ὑπονοίας.

prevalence of *delatio* during the reign of Domitian is of course in line with the senatorial historiographical tradition,⁵³¹ but Philostratus reveals the partisan character of his account, whether he subscribed to it or not being irrelevant, by presenting the senators and spectators of the trial applauding, in a show of republican solidarity, at the finish of Apollonius' speech, after the latter has reprimanded the emperor like an insolent youth.⁵³²

Passing on to the trial's specifics, the preliminary charges against Apollonius, that is, those concerned with his lifestyle and what acts this lifestyle urges him towards, are treated by Philostratus, and of course his literary Apollonius, as a persecution of philosophy. The very first encounter of Domitian with Apollonius illustrates how the emperor was shocked at the display of the latter's philosophical apparatus so as to think that a demon had been brought before him instead of a man; Apollonius had thereupon criticized the emperor, declaring that his patron Athena had obviously not bestowed upon him the gift to distinguish between demons and men.⁵³³ However it later becomes evident, probably with Philostratean tongue-in-cheek irony, that Domitian was not much mistaken in his first impression;⁵³⁴ the encounter serves to illustrate how the emperor is unable to perceive wisdom and that he is indeed hostile to philosophy, despite the patronage of Athena, the goddess of wisdom, treating it instead as sorcery. In the same vein, it is significant that at first Domitian attacks Apollonius' external hallmarks⁵³⁵ of his

⁵³¹ As an example, cf. Tacitus, *Agr.* 2: ...adempto per inquisitiones etiam loquendi audiendique commercio...

⁵³² *VA* 8.5.3: τοιαῦτα τοῦ ἀνδρὸς εἰπόντος καὶ ἐπαίνου ἀρθέντος μείζονος ἢ βασιλείου ζυγχαρεῖ δικαστήριον, ζυμμαρτυρεῖν αὐτῷ νομίσας ὁ βασιλεὺς τοὺς παρόντας καὶ παθόν τι πρὸς τὰς ἀποκρίσεις, ἐπειδὴ ἔρρωντό τε καὶ νοῦν εἶχον ἀφίημί σε" εἶπε τῶν ἐγκλημάτων, περιμενεῖς δέ, ἔστ' ἂν ἰδίᾳ ζυγγενώμεθα."

⁵³³ *VA* 7.32: πρὸς δὲ τοῖς ἱεροῖς ὧν μετεστράφη καὶ ἐκπλαγεῖς ὑπὸ τοῦ εἶδους τοῦ ἀνδρὸς Αἰλιανέ," εἶπε δαίμονά μοι ἐπεσήγαγες." ἀλλ' οὔτε ἐκπλαγεῖς ὁ Ἀπολλώνιος καταπτόμενός τε ὧν ἤκουσεν ἐγὼ δέ" ἔφη τὴν Ἀθηνᾶν ὥμην ἐπιμεμελήσθαι σου, βασιλεῦ, τρόπον, ὃν καὶ τοῦ Διομήδους ποτὲ ἐν Τροίᾳ, τὴν γὰρ τοὶ ἀχλὺν, ὑφ' ἧς οἱ ἄνθρωποι χεῖρον βλέπουσιν, ἀφελούσα τῶν τοῦ Διομήδους ὀφθαλμῶν ἔδωκεν αὐτῷ θεοῦς τε διαγιγνώσκειν καὶ ἄνδρας, σὲ δ' οὐπω ἢ θεὸς ἐκάθηρεν, ὦ βασιλεῦ, τὴν κάθαρσιν ταύτην· ἢ μὴν ἔδει γε, ὡς αὐτὴν τὴν Ἀθηνᾶν ὀρώψης ἄμεινον τοὺς τε ἄνδρας μὴ ἐς τὰ τῶν δαιμόνων εἶδη τάττοις."

⁵³⁴ *VA* 8.5.3: δός, εἰ βούλοιο, κάμοι τόπον, εἰ δὲ μή, πέμπε τὸν ληψόμενόν μου τὸ σῶμα, τὴν γὰρ ψυχὴν ἀδύνατον μάλλον δὲ οὐδ' ἂν τὸ σῶμα τοῦμόν λάβοις,
οὐ γὰρ με κτενέεις, ἐπεὶ οὔτοι μόρσιμός εἰμι.
καὶ εἰπὼν ταῦτα ἠφανίσθη τοῦ δικαστηρίου...

⁵³⁵ Cf. Bradley 1997:218 on Apuleius' own defence concerning his typical appearance as a philosopher in the *Apologia*.

philosophical status by having the latter's long hair shorn,⁵³⁶ while he is still kept in prison awaiting trial; afterwards, just before the sage enters the court to defend himself against the charges pressed, one of the emperor's lackeys asks him to leave outside any articles of his profession, books amulets or any other document, obviously to ensure the emperor's safety in case Apollonius relied upon these to perform magic.⁵³⁷

The preliminary charges pressed against Apollonius reflect Domitian's hostility towards wisdom already demonstrated by his pre-trial treatment of the Tyanean sage. The first charge concerns Apollonius' clothing, the second his being called a god by some people who proceed to make obeisance to him and the third his miraculous discovery of the cause of the Ephesian plague and the cure he prescribed by having the plague demon stoned. Apollonius answers to the first charge by claiming that his clothing reflects his enlightened Pythagorean way of life, namely that he does not harm innocent animals to obtain the means of his clothing, but prefers to acquire his materials from plants, just as he does for his sustenance.⁵³⁸ As to the charge of his being called a god, Apollonius embarks upon a long discourse about the innate godly nature of man, the essence of his argument being that the wise and virtuous men are called gods because they have approached their innate godhead precisely on account of their wisdom and virtue; furthermore in his defence on this point he cites the Delphic oracle to Lycurgus, by which Apollo deemed Lycurgus on account of his actions more worthy to be called a god than a man.⁵³⁹ To the third charge Apollonius answers that it was not by sorcery that he was able to spot the cause of the Ephesian plague, but it was because his pure way of life has sharpened his perceptions to a point where he can clearly perceive what is hidden from the senses of the many. Furthermore he is not alone in this either and other wise men in the past have been able to control the elements and foretell the future, not by sorcery either, but by the very fact that they were pure, virtuous and wise.⁵⁴⁰

⁵³⁶ *VA* 7.35.

⁵³⁷ *VA* 8.3: ἀπαγορεύει σοι ὁ βασιλεὺς μήτε περιάπτων μήτε βιβλίον μήτ' ἄλλο γραμματεῖον ὅλως μηδὲν ἐσφέρειν ἐνταῦθα.

⁵³⁸ *VA* 8.7.13: διήλθε γὰρ ὑπὲρ τῆς στολῆς τὰς ἀρχὰς τοῦ λόγου, καί, νῆ Δί', ὦν σιτοῦμαί τε καὶ οὐ σιτοῦμαι. ἀπολογοῦ δὴ ὑπὲρ τούτων, θεῖε Πυθαγόρα, κρινόμεθα γὰρ ὑπὲρ ὧν σὺ μὲν εἶδες...

⁵³⁹ *VA* 8.7.19ff. The passage in question on the godhead of Lycurgus is found in Herodotus, 1.65.

⁵⁴⁰ *VA* 8.7.24-27.

What emerges from these charges is a clash of philosophy, at least as it was understood by men like the literary Apollonius, and hostility to wisdom personified in the tyrant;⁵⁴¹ Apollonius explains all charges of sorcery away by attributing the commitment of the acts behind them to his enlightened state. Of course this type of discourse is not unique to the trial of Apollonius; one is reminded, in conjunction with his cure of the Ephesian plague by the stoning of the plague demon, of Jesus and his exorcism of demons and how this was interpreted by his opponents, the established Jewish religious authorities, as an act of sorcery, because he was allegedly in league with Beelzebub.⁵⁴² Control of the elements, attributed by Apollonius to virtue and enlightenment, was also attributed to sorcerers; winds obey Jesus⁵⁴³ and Arnuphis or Julianus the theurge were credited by some with the famous rain miracle which saved the encircled Roman army from annihilation in the hands of the Quadi in 171 AD.⁵⁴⁴ Herein one can see clearly the roots of confusion between philosophy and sorcery attested in several of our sources; what is of special interest is that in this light the legal vehicle of the magic trial is presented in Philostratus as another instrument of tyranny, the means by which a monstrous autocrat attempts to extinguish wisdom by slandering philosophy and the most illustrious of philosophers as a sorcerer.⁵⁴⁵

I have called the above charges “preliminary” because it is made clear in Philostratus' text that those charges were meant to support the main charge which was of interest to Domitian, namely that of the human sacrifice for divination into the latter's future.⁵⁴⁶ Domitian views this as the main charge, because his projected purpose in this trial, no smaller than persecuting Apollonius himself, is to implicate Nerva in a conspiracy against his authority. In this respect the account of this trial is again in line with the historiographical tradition's view of Domitian as a tyrant; Nerva's iniquitous

⁵⁴¹ Cf. Fögen 1993:206-8.

⁵⁴² Cf. Matthew 9.34: οἱ δὲ Φαρισαῖοι ἔλεγον, Ἐν τῷ ἄρχοντι τῶν δαιμονίων ἐκβάλλει τὰ δαιμόνια. For the confusion of Pythagoreans with sorcerers see also McMullen 1966: 95-102, Gascó 1986:278-80.

⁵⁴³ Cf. Matthew, 8.26-7: τότε ἐγερθεὶς ἐπετίμησεν τοῖς ἀνέμοις καὶ τῇ θαλάσῃ, καὶ ἐγένετο γαλήνη μεγάλη. οἱ δὲ ἄνθρωποι ἐθαύμασαν λέγοντες, Ποταπός ἐστιν οὗτος ὅτι καὶ οἱ ἄνεμοι καὶ ἡ θάλασσα αὐτῷ ὑπακούουσιν;

⁵⁴⁴ See Chapter II.8.

⁵⁴⁵ Cf. Tac. *Agr.* 2.2. ...*expulsis insuper sapientiae professoribus...*

⁵⁴⁶ Cf. *VA* 7.20.

persecution reflects badly upon Domitian, since the former had been already long accepted as the first of the group of the later dubbed “Five Good Emperors”; furthermore a trial of this kind, attempting to establish treasonous activities of prominent Roman citizens by reference to their relations with all kinds of diviners, had already been deplored by historians such as Tacitus and Dio as an instrument of imperial repression of liberty or at least as an expression of a an irrational tyranny. As to the answer of Apollonius to this particular charge, the pattern is not different from his answers to the preliminary charges; Apollonius contends that he would never perform human sacrifice, not only because he is against all sacrifice of a sanguinary nature, but also because he already can divine the future with no need of sacrifice, due to his enlightened status and wisdom.⁵⁴⁷ He also adds, perhaps in another instance of Philostratean irony, that humans make for poor sacrificial victims when it comes to divining the future from their entrails, because in knowing the proximity of their end, everything becomes perturbed inside them and one cannot therefore discern anything of meaning from their entrails by that sort of haruspice;⁵⁴⁸ one is left wondering how Apollonius would know all this, but here perhaps we are dealing with a feature of what might have been a literary genre of fictive forensic speeches in defence against charges of sorcery, where the defendant occasionally condemns himself by referring to items of knowledge he wouldn’t otherwise easily possess had he not been a sorcerer, an otherwise discernible theme in the *Apologia* of Apuleius.⁵⁴⁹ On the other hand one might see here a reminiscence of some passage from a

⁵⁴⁷ VA 8.7.30 ff.

⁵⁴⁸ VA 8.7.43-4: ὅτι τὰ μὲν ἄλογα τῶν ζώων εἰκός, ἐπειδὴ ἐν ἀγνοίᾳ τοῦ θανάτου σφάττεται, μὴ θολοῦσθαί τι τῶν σπλάγχων ὑπὸ ἀξυνεσίας ὧν πείσονται· ἄνθρωπον δὲ αἰεὶ τι ἐν τῇ ψυχῇ ἔχοντα θανάτου καὶ μήπω ἐφεστηκότος δείμα πῶς εἰκός παρόντος ἤδη καὶ ἐν ὀφθαλμοῖς ὄντος δεῖξαι τι ἐπὶ τῶν σπλάγχων μαντικὸν ἢ ὅλως εὐθυτον; ὅτι δὲ ὀρθῶς τε καὶ κατὰ φύσιν στοχάζομαι τούτων, σκόπει, βασιλεῦ, ὦδε· τὸ ἥπαρ, ἐν ᾧ φασι τὸν τῆς αὐτῶν μαντικῆς εἶναι τρίποδα οἱ δεινοὶ ταῦτα, ξύγκειται μὲν οὐ καθαρὸν αἵματος, πᾶν γάρ, ὅ τι ἀκραιφνές, καρδία ἴσχει δι’ αἱματηρῶν φλεβῶν ἀποχετεύουσα ἐς πᾶν τὸ σῶμα, χολὴν δ’ ἐπὶ ἥπατι κειμένην ὀργὴ μὲν ἀνίστησι, φόβοι δὲ ὑπάγουσιν ἐς τὰ κοῖλα τοῦ ἥπατος. ὑπὸ μὲν δὴ τῶν παροξυνόντων ζέουσα καὶ μηδὲ τῷ ἑαυτῆς ἀγγεῖω φορητὸς οὖσα ὑπτίῳ ἐπιχεῖται τῷ ἥπατι, καθ’ ὃ ἐπέχει χολὴ πᾶσα τὰ λειᾶ τε καὶ μαντικά τοῦ σπλάγχνου, ὑπὸ δὲ τῶν δειματούντων ξυνιζάνουσα ξυνεπισπάται καὶ τὸ ἐν τοῖς λείοις φῶς, ὑπονοστεῖ γὰρ τότε καὶ τὸ καθαρὸν τοῦ αἵματος, ὅφ’ οὐδὲ σπληνοῦται τὸ ἥπαρ, ὑποτρέχοντος φύσει τὸν περὶ αὐτὸ ὑμένα καὶ τῷ πηλώδει ἐπιπολάζοντος. τί οὖν, ὦ βασιλεῦ, τῆς μαιφονίας ἔργον, εἰ ἄσημα τὰ ἱερὰ ἔσται; ἄσημα δ’ αὐτὰ ἢ ἀνθρωπεῖα φύσις ἐργάζεται ξυνειῖσα τοῦ θανάτου καὶ αὐτοὶ οἱ ἀποθνήσκοντες, οἱ μὲν γὰρ εὐψυχοὶ ξὺν ὀργῇ τελευτῶσιν, οἱ δ’ ἀθυμότεροι ξὺν δέει.

⁵⁴⁹ For possible instances of this in the *Apologia* see Méthy 2000b.

book “on Sacrifices” attributed to Apollonius, or at least see Apollonius speaking in character, as he was supposed to be an expert in matters of sacrifice.

Nevertheless, potential literary games aside, it is evident that the purpose of the trial account by Philostratus includes the representation of Domitian as a wisdom- and philosophy-hating tyrant against whom the paragon of wisdom and philosophy, Apollonius of Tyana is pitted and emerges victorious, vanishing into thin air after having destroyed all the arguments of the emperor. Similar real-world trials, like the ones related by Tacitus, seem to have had less happy endings, but then again the pattern, which I indicated in the prologue to this short chapter, of the historiographical and literary treatment of the persecution of magic and its practitioners under certain emperors does emerge from the comparison of our sources.

CHAPTER IV

LEGAL SANCTIONS AGAINST MAGIC: THE REPUBLICAN BACKGROUND AND THE PRINCIPATE

Introduction

Only rarely were accusations of magic regarded as idle gossip or fodder for the pen of the satirist; more often than not they were a form of serious polemics with political and cultural overtones. This is best exemplified by the numerous accounts of trials with accusations of magic during the Principate, two of which were examined in the previous chapter, and by the body of extant counter-magic legislation developed throughout the history of Rome. The evolution of this legislation will be the subject matter of this chapter. The purpose behind this is to explore the counter-legislation against magic as the employment of the discourse of magic on the part of the Emperor as the embodiment of the Roman state against his opponents, just as the previous chapters had focused on the employment of the magic-related rhetoric against individual emperors.

Accusations of magic between senators could be an effective instrument of delegitimizing opponents or even having them permanently removed. When employed by the emperor against undesirables either directly, or indirectly through *delatores*, as shown in the previous chapter, our historical authorities saw this practice as an instrument or at least as a trend correlated with the growth of autocracy. In retrospect, with the state of the Christian Empire in the 4th century in mind, this view seems justified; the correlation of oriental despotism with strict control and prohibitions against magic and divination as well as the great number of politically motivated magic trials of the 4th century is

obvious.⁵⁵⁰ The effectiveness of the Christian discourse against magic in respect to promoting a more authoritarian Roman monarchy is due to its theologically relatively clear-cut definition of what magic is and how it is effected; magicians work through the agency of demons; they are enemies of God and therefore also enemies of the emperor, who is God's vicar on earth; in fact they are enemies of humankind itself⁵⁵¹ and deserve no place within the confines of the Empire. The harsh Christian counter-magic legislation was grounded on theological principles and so were the magic trials of the 4th century AD.

The conceptual opposition of what constituted magic for the Roman elite to what constituted sanctioned state religion was hardly a Christian novelty however. In this chapter I will attempt to explore to what degree considerations of religious deviance had entered into the Roman legal discourse on magic before Christianity became established as the official religion of the Empire; this will serve to demonstrate the existence of a trend ultimately which would lead to the theologically grounded legislation and absolutism of the Christian Roman Empire. It is worthwhile however to start at the beginning.

1. Republican Background: The XII Tables

Our review of the Roman legislation against magic has to begin with the relevant laws found in the very first known corpus of Roman laws, the *XII tabulae*, or XII tables, as they are more commonly known in English. This is necessary not only because scholars have tended to interpret those as laws against magic in their original intent,⁵⁵² but also because the Romans themselves saw them in this light; at what time and why they started doing so is going to be part of the following discussion. The XII tables is a body of laws dating from the mid 5th century BC, known to us only through much later quotations and probably studied by Romans from the mid Republic onwards through the *Tripertita*, a

⁵⁵⁰ For a brief overview of the political-magic trials under Constantius II, Valentinian I, and Valens in the 4th century AD as reported by Ammianus Marcellinus see Liebs 1997:152-8. For early Christian religious policy as a means to totalitarianism see Baudy 2006:108-13.

⁵⁵¹ See Fögen 1993:222-7.

⁵⁵² See Huvelin 1903:386-454, Beckmann 1923, Pharr 1932:277, Liebs 1997:146.

text by one of the early Roman juriconsults, Sextus Aulius Paetus Cattus, written around 200 BC.⁵⁵³ The first law of the two or three laws found in the eighth of the XII tables⁵⁵⁴ and interpreted as laws against magic is one about the removal or theft of another's crops from the field apparently by means of a *carmen*, a chant or song or *uenenum*, a potion or herbal concoction; the second clause concerns the chanting of a *malum carmen*, presumably an "evil chant" or spell, against a person in order to cause harm to them. In the following I will go through the sources citing these laws and attempt to determine their original intent as well as their interpretation by later authors⁵⁵⁵.

1.a. *Quis fruges excantassit / neue alienam segetem pelliceris*

Servius, the commentator of Virgil, commenting on 4.493 of the *Aeneid*⁵⁵⁶ attempts to explain Dido's reluctance to turn to the magical arts for assistance by mentioning that, despite the fact that the Romans have adopted many foreign religious rites, they always condemned the "rites of magic", and this is the reason why she is hesitant.⁵⁵⁷ Servius' remark about the condemnation of magic by Romans of all ages is elucidated by a similar comment by Apuleius in his *Apologia*; Apuleius humorously remarks that magic has been outlawed by the Roman state since times most ancient because of the unbelievable practice of "seduction of crops",⁵⁵⁸ for which, he adds, there is a law in the XII tables already. The law to which he is referring here is obviously the one referred to again by Servius in his comment on Virgil's *Eclogue* 8.99; the sorcerer Moeris, among certain

⁵⁵³ See Rives 2002:272

⁵⁵⁴ For reconstruction of the eighth table see Crook 1996:677-95.

⁵⁵⁵ The scholarly consensus is that the quotations we have of the XII tables in later authors, at least as far as the laws in question here are concerned, are accurate, or that at least there is no good reason why their accuracy should be in question. In the following I do not intend to test the accuracy of the quotations, but there might be some instances where it is not clear if some author is quoting or paraphrasing a law or the context of its application; such instances will be dealt with individually.

⁵⁵⁶ *Aen.* 492-3: *testor, cara, deos et te, germana, tuumque / dulce caput, magicas inuitam accingier artis.*

⁵⁵⁷ *cum multa sacra Romani susciperent, semper magica damnarunt; ideo excusat.* Dido is of course Carthaginian, but the contention is that since she is a sympathetic character, Virgil has to present her in a sympathetic light for his Roman audience.

⁵⁵⁸ *Apol.* 47.3: *Magia ista, quantum ego audio, res est legibus delegata, iam inde antiquitus duodecim tabulis propter incredundas frugum illecebras interdicta.*

other miraculous feats typical of literary magicians, which he can accomplish by ways of magic, is capable of transferring sown crops from one field to another.⁵⁵⁹ Servius remarks that this was done by “some kind of magical arts” and this furthermore is the very practice the XII tables had interdicted by the clause “nor draw foreign crops away”, *neue alienam segetem pellexeris*,⁵⁶⁰ According to Augustine, Cicero referred to this law and noted that the penalty for the ones breaking it was death.⁵⁶¹

Pliny seems to quote a separate clause of the same law in his *Natural History*, in the context of his discussion whether the spoken word or spells can affect reality (*polleantne aliquid uerba et incantamenta carminum*⁵⁶²); therein he mentions that the XII tables contained a clause which he cites as “qui fruges excantassit”.⁵⁶³ The verb *excantare* is an uncommon one; however from the few instances we have of it, its meaning is clearly “to remove by chants”, “to chant out”, which seems to be an etymologically sound and plausible rendering of its meaning.⁵⁶⁴ Apparently the two clauses of this law differentiated between the practice of “removing by chant” (*excantare*) and of “drawing away” (*pellicere*). Presumably the difference is that in the former instance the destination of the crops removed is unspecified or unknown and the end result is simply that they have gone missing; in the latter, the verb *pellicere* implies that the crops find themselves drawn to the person who made them disappear from the field of their owner and in ending up in their possession;⁵⁶⁵ the difference then is one between destruction of property and theft. The means by which “drawing away”, or “attraction” of crops (*pellicere*) happens are not clearly and indisputably specified in our sources, as it happens with the *excantatio*. They do seem to have been considered magical

⁵⁵⁹ *Ecl.* 8.95-9: *Has herbas atque haec Ponto mihi lecta uenena/ipse dedit Moeris (nascuntur pluruma Ponto);/his ego saepe lupum fieri et se condere siluis/Moerim, saepe animas imis excire sepulcris,/atque satas alio uidi traducere messis.*

⁵⁶⁰ *Magicis quibusdam artibus hoc fiebat; unde est in xii tabulis ‘neue alienam segetem pellexeris’.*

⁵⁶¹ *De ciuitate Dei* 8.19: Nonne in xii tabulis, id est Romanorum antiquissimis legibus, Cicero commemorat esse conscriptum et ei qui hoc fecerit supplicium constitutum?

⁵⁶² *NH* 28.10.

⁵⁶³ *NH* 28.17: *Quid? Non et legum ipsarum in duodecim tabulis uerba sunt ‘qui fruges excantassit’*

⁵⁶⁴ Cf. Rives 2002:275.

⁵⁶⁵ This would tie in with Apuleius’ comment on the practice of “seduction of crops” (*frugum illecebras*). The fact that Apuleius seems to be conflating in his phrase the *fruges* of Pliny’s quotation and the *pellexeris* (as *illecebras*, a word with the same verb as base) seems to corroborate that those were in fact two clauses of the same law. Cf. Rives 2002:276.

though by authors of the imperial period onward, as has been shown, and this is the reason those two cases constitute clauses of the same law; the law is dealing in essence with covert, undetectable or mystical removal of crops from another's field, an act from which one might either profit directly by coming into possession of said crops or not, by simply removing the crops, essentially rendering them for all intents and purposes inexistent, destroyed.

The only instance we know of where this law was put into effect and someone was actually prosecuted under its effects is the case of a freedman by the name of C. Furius Cresimus, possibly in 191 BC, the account of which can be found in Pliny's *Natural History*.⁵⁶⁶ The account might be useful to quote in its entirety:

41...*C. Furius Cresimus e seruitute liberatus, cum in paruo admodum agello largiores multo fructus perciperet, quam ex amplissimis uicinitas, in inuidia erat magna, ceu fruges alienas perliceret ueneficiis.*

42. *quamobrem ab Spurio Albino curuli aedile die dicta metuens damnationem, cum in suffragium tribus oporteret ire, instrumentum rusticum omne in forum attulit et adduxit familiam suam ualidam atque, ut ait Piso, bene curatam ac vestitam, ferramenta egregie facta, graues ligones, uomeres ponderosos, boues saturos.*

43. *postea dixit. 'Veneficia mea, Quirites, haec sunt, nec possum uobis ostendere aut in forum adducere lucubrationes meas uigiliasque et sudores'. omnium sententiis absolutus itaque est. profecto opera, non inpena, cultura constat, et ideo maiores fertilissimum in agro oculum domini esse dixerunt.*

Cresimus, envied by his neighbours for his abundant harvests achieved in his small field compared with the poor harvests they were achieving from larger ones, is brought to trial under the law of the XII tables, with a charge Pliny cites as *ceu fruges alienas perliceret ueneficiis*, "on account of drawing away foreign crops by means of potions/poison/spells"; the penalty he is facing is apparently a fine. Cresimus brings to court his family and farmhands, the instruments of his work, and his livestock and

⁵⁶⁶ *NH* 18.41-43.

showing them to the assembly he claims that those are the means by which he is a successful farmer, those are his “*ueneficia*”, and that he wishes he could also bring to court his labours, his sleepless nights or the sweat to which he owed his success. He was apparently acquitted.

It has been contended that herein we are given further information about a detail of this law, namely that it made provisions for the use of *ueneficia*,⁵⁶⁷ because it is referred to twice in the text of Pliny. This doesn't have to be necessarily so. Pliny doesn't necessarily quote word by word the text from his source, Calpurnius Piso (and the sources of Piso are unknown), but might very well be paraphrasing and since it is clear that at the very least he, probably his contemporaries and the authors after him regarded this law of the XII tables as a law against magic; it doesn't seem inconceivable then that in rendering the story for the benefit of his contemporary readers, Pliny used the word *ueneficium* with the meaning it had acquired from the 1st century AD onward, as that of “magical act”, “spell”, because indeed what other conceivable way would there be of drawing crops away from a field to one's own? On the other hand it might have been conceivable for the Romans of the time of the XII tables that it was possible through the use of herbs, since *ueneficium*, if used in the original law could not have had the meaning of “generic magical action”, “witchcraft” it had by the time of Pliny, more so since no concept of “magic” seems to have been formulated in Rome before the 1st century BC-1st century AD; therefore *ueneficium*, if it was referred to in the XII tables, must have meant “use of herbs”, *uenena*. Vergil's *Eclogue* 8 cited above referring to the sorcerer Moeris could corroborate the hypothesis that the XII tables made provisions for the use of *uenena*, since Moeris accomplishes all his miraculous feats, including transference of crops, by use of *uenena*; that these are to be understood as herbs is beyond doubt in this context, since we are told even where they grow. Vergil quite likely had the XII tables law in mind, a text of interest to antiquarians apparently and educated people, when writing about Moeris and referred indirectly to the law's provision about *ueneficium*, by mentioning among the other magical feats of the sorcerer by means of *uenena*, that of the transference of crops. Furthermore it is worthwhile to return to a point made earlier about

⁵⁶⁷ Rives 2002:276.

the designation by the law of the means by which this act was perpetrated; “*qui fruges excantassit*” is quite clear and self explanatory on this, it is the removal of crops by chanting with no indication of their destination. “*neue alienam segetem pelliceris*”, as found in Servius’ quotation doesn’t designate the means by which the act is perpetrated, but the reference to *ueneficia* in Pliny’s account of the case of Cresimus and the *uenena* Moeris uses to transfer crops,⁵⁶⁸ could very well both be references to the means designated by this second clause of the law. The second clause of the law then would deal with stealing away crops specifically by use of herbs; how the Romans imagined that this happened is impossible to ascertain, but it is probable that what is meant is sprinkling the foreign crops with some concoction made with the herbs in question in order to accomplish the transfer.

One final point that needs to be addressed is the penalty for breaking this law. If we are to trust Augustine in his quotation of Cicero, and then if we are to trust Cicero in turn, the penalty was death. But Cresimus only risked a fine when he stood trial before a *curule aedile*⁵⁶⁹, and *curule aediles* have not been known to preside over capital trials⁵⁷⁰. There is no obvious way to explain the inconsistency of our sources on this matter; anyone along the chain of either tradition, culminating with Pliny or Augustine could have been wrong. Alternatively, the penalty might have been death originally, but by the time of Cresimus’ trial the severe penalties of these old laws could have become more lenient. Why would an offence that had effects similar to theft (*furtum*), for which the XII tables did not designate death as a penalty, be punished so severely is unclear as well. It is obvious that the means in question are an issue; could it be that because someone capable of destroying or stealing undetected was feared as a potential perpetrator of greater crimes in a similar undetectable and unpreventable manner? If this is the case, then the capital punishment here acts preemptively, in order to remove an uncontrollable threat from society, which seems to be a sound rationale for the persecution of sorcerers at any time and place, if the basic premise is accepted of course, that a practice like

⁵⁶⁸ Note how *traducere* has a meaning very similar to *pellicere* in the sense of transferring or attracting something through or across space.

⁵⁶⁹ *NH*, 42. *quamobrem ab Spurio Albino curuli aedile die dicta metuens damnationem...*

⁵⁷⁰ See Bauman 1974; cf. Rives 2002:277.

sorcery is actually effective; if that is the case however, one wonders how the penalty would have been mitigated by the time of Cresimus trial. Rives attempts to interpret the law as one that creates scapegoats for social frustration to focus on and thus relieve social tension, taking into account the socio-economical background of the 5th-4th cent. BC Rome, when this law was passed; fourteen food shortages in the years between 508-384 would cause significant tension among the population, which could be relieved by focusing all this frustration on a scapegoat supposed to steal crops from his neighbours, and public frustration is relieved best when the punishment is the ultimate one.⁵⁷¹ In addition to this, if one accepts Graf's contention that Cresimus, on account of his name, was a foreigner,⁵⁷² one could claim that he would make a plausible scapegoat as an outsider.

To sum up the reconstruction, this law, whatever its rationale was, dealt with removal of crops from someone else's field and included two clauses; the first one dealt with the removal of crops by means of chants on the part of the offender with said crops ending up in an unspecified location; the second dealt with removal of crops by means of *ueneficium* and said crops ending up in the possession of the offender, probably in the offender's field. The penalty for these transgressions seems to have been originally death, but with time this was changed into a fine. Romans of the imperial period and onwards seem to have interpreted this law as an ancient law against magic; what in fact it seems to have been was a law against a very specific form of theft or destruction of property.⁵⁷³

1.b. *Qui malum carmen incantassit / si quis occentauisset siue carmen condidisset quod infamiam faceret flagitiumue alteri*

The scholarly consensus about our sources on the previous law of the XII tables about the removal of crops is that they refer to two separate clauses of the same law. When it comes to examining the second law dealing with malicious *carmina*, it is not entirely

⁵⁷¹ Rives 2002:278-9

⁵⁷² Graf 1997:63-4.

⁵⁷³ Cf. Phillips 1997:264, Dickie 2001:144-5.

clear from the sources which cite these laws whether they are essentially the same law, clauses of the same law or whether they are separate laws altogether.⁵⁷⁴

Pliny mentions this law in the same phrase, along with the one examined previously as “qui malum carmen incantassit”,⁵⁷⁵ in the context of his discussion on whether the spoken word can affect physical reality. He does not elaborate on what this law was supposed to deal with, but his mentioning it along with the practices of *defixio* and the descriptions of magical rituals found in poets⁵⁷⁶ makes it quite clear that by “*carmen*” he means “a spell”, namely he interprets this as another example of an ancient Roman law against magic. The verb *incantare* is an exceedingly rare one to encounter before the 3rd cent. AD; its attested uses and its etymology indicate it meaning to be “to chant against someone/something” with the intention of changing its status,⁵⁷⁷ though this intention is not indicated by the etymology and could have been a later development of the times where the concept of magic was clearly formulated. Nevertheless, with the meaning it had acquired even by the time of Horace, it certainly qualifies as the casting of a magical spell in Pliny’s world view.

Cicero on the other hand, as quoted by Augustine,⁵⁷⁸ mentions a law from the XII tables which designated the death penalty for those who “would sing a mocking serenade or compose a *carmen*, which would bring infamy or shame to someone”. The verb translated as “to mockingly serenade” is *occentare*; a gloss of Festus explains that by “*occentare*” the ancients what in his day was called “*conuicium*”, that is verbal ridicule in public⁵⁷⁹. Hendrickson has suggested that this indicates a practice analogous to the Greek

⁵⁷⁴ See the discussion in Maschke 1903:11-28, Beckmann 1923:26-71, Fraenkel 1925:187-99, Massoneau 1934:137-50.

⁵⁷⁵ *NH* 28.18.

⁵⁷⁶ *NH* 28.19: *defigi quidem diris precationibus nemo non metuit. huc pertinet ovorum, quis exorbuerit quisque, calices coclearumque protinus frangi aut isdem coclearibus perforari. hinc Theocriti apud Graecos, Catulli apud nos proximeque Vergilii incantamentorum amatoria imitatio.*

⁵⁷⁷ Cf. Hor. *Sat.* 1.7.48-59: *Canidae dentis, altum Saganæ caliendrum/excidere atque herbas atque incantata lacertis/uinacula cum magno risuque iocoque videres.* and Ap. *Apol.* 42.3: *Igitur ad praescriptum opinionis et famae confinxere puerum quempiam carmine cantatum remotis arbitris, secreto loco, arula et lucerna et paucis consciis testibus, ubi incantatus sit, corruisse, postea nescientem sui excitatum.*

⁵⁷⁸ Cic. *Rep.* 4.12 apud Aug. *De ciuitate Dei* 2.9: *nostrae contra duodecim tabulae cum perpauca res capite sanxissent, in his hanc quoque sancendam putauerunt, si quis occentauiisset siue carmen condidisset, quod infamiam faceret flagitiumue alteri.*

⁵⁷⁹ Fest. 190.32 L: *occentassit antiqui dicebant quod nunc conuicium fecerit dicimus, quod id clare et cum quodam canore fit ut procul exaudiri possit. quod turpe habetur quia non sine causa fieri putatur.*

κωμάζειν ἐπὶ τὰς θύρας⁵⁸⁰ a suggestion which seems corroborated by Festus' comment. Indeed the usage of the verb in our oldest attested passages, all from Plautus, always takes *ostium* or *fores* as its object, explicit or implied, and this shows that it meant "singing at one's door" or doorstep⁵⁸¹. The context of these passages however does not exactly always support the nuance of singing a song deliberately insulting to the person inside the house, as in at least one instance the song is directed to the door itself, in a plea by a lover to be let in. On the other hand all three instances occur in an amatory context, some more vulgar than others. Rives contends that *occentare* could have had either meaning in the XII tables, either "serenade" or "sing mocking songs at one's doorstep", because the etymology could support either, the verb essentially meaning "to chant against/opposite".⁵⁸² My suggestion is that the point is rather moot; in the XII tables as quoted by Cicero the context makes it clear that the song in question is of the kind that brings infamy or shame to the addressee, and whether it is a lampoon composed for this specific purpose or a love song, singing either before one's house would likely bring infamy and shame to one, in the former instance because this is what it intends to accomplish, in the latter because it would not fail to bring a woman's mores into question by any bystanders. Plautus' Latin is three centuries removed from the archaic usage of the XII tables anyway, and Festus could be entirely accurate in his gloss about the ancient meaning of the word; a semantic evolution of the word from meaning "singing a lampoon" to "amatory serenading" does not seem implausible at all, given that they could have the same results on one's reputation. The meaning of the word in the XII tables could very well be that of "singing a lampoon". In either case, Cicero isn't quoting a law that deals with magic in his view, though it deals with *carmina* as the one quoted by Pliny and is found in the XII tables. The second clause of this law rests with the expression *carmen condidisset* which is not problematic; the law prohibits even the composition of such *carmina*, even if not actually sung. The qualification "quod infamiam faceret flagitiumue alteri" seems to be there so as not to seem that the law prohibits all composition of songs, just those harmful to one's reputation; this is probably why Cicero

⁵⁸⁰ Hendrickson 1925:305-7

⁵⁸¹ *Curc.* 145, *Merc.* 408, *Per.* 569.

⁵⁸² Rives 2002:283-4.

mentions in the *Tusculan Disputations* that *carmina* were still composed, though the XII tables prohibited it, but it was made so that they were not composed so as to harm another's reputation.⁵⁸³

Whatever the exact meaning of *occentare*, Cicero is not quoting a law that deals with magic in his view, though it deals with *carmina* as the one quoted by Pliny and is found in the XII tables. It would be easier to accept that here we are dealing with two separate laws if it had not been for two passages from Horace that seem to be conflating Pliny's wording of the law with that of Cicero. The passages in question are the following:

1) *lex / poenaque lata, malo quae nollet carmine quemquam / describi; uertere modum, formidine fustis / ad bene dicendum delectandumque redacti.*⁵⁸⁴

2) *incutiat tibi quid sanctarum inscitia legum: / si mala condiderit quis in quem carmina, ius est/ iudiciumque. 'esto, siquis mala; sed bona siquis/iudice condiderit laudatus Caesare?'*⁵⁸⁵

Horace does not mention the XII tables explicitly, but the antique setting of the passages could well hint at them, the *fustes* refer to the death penalty, mentioned by Cicero, by bludgeoning, and furthermore the wording indicates both our previous quotations in a conflated manner; both passages mention *mala carmina*, the word "malum" found only in Pliny's quotation, and refer to the second clause of the law quoted by Cicero, the wording *si mala condiderit quis in quem carmina* linking more explicitly Pliny's *qui malum carmen incantassit* with Cicero's *siue carmen condidisset*. In the second passage Horace makes a pun with the double meaning of *mala*, bad (as in "bad art") or evil. This makes it all the more likely that he is referring to some known legal phrase, like the one in Pliny's quotation, and not inserting the word arbitrarily, else his pun wouldn't really work as the

⁵⁸³ Cic. *Tusc. Disp.* 4.4: *Quamquam id quidem etiam duodecim tabulae declarant, condi iam tum solitum esse carmen; quod ne liceret fieri ad alterius iniuriam lege sanxerunt.*

⁵⁸⁴ Hor. *Epist.* 2.1.152-5

⁵⁸⁵ Hor. *Sat.* 2.1.82

kind of learned joke he intends it to be. It would also make it a more likely event that Horace, instead of conflating the wording of two separate laws, he conflated the wording of two clauses within the same law. This would mean that the law quoted by Pliny and the law with two clauses quoted by Cicero would have really been three clauses of the same law on *carmina*. But then, what is a law on *carmina* supposed to be, what is it that notionally connects spells and lampoons in the mind of the legislator so as to treat them under the same heading?

It is admittedly more than likely that both Pliny and Cicero along with Horace viewed this law through the lens of their own age. Pliny interpreted it as a law against magic, as it seems to have been an issue and a developed concept of his time and he did the same with the law against the removal and theft of crops treated earlier; Cicero, at a time when the forming legislation on the *conuicium* was current, interpreted it as a law against lampooning. Modern scholars are often divided in contending that the case is this of two separate laws or in following the interpretation of Pliny over that of Cicero and vice versa in determining the original intent of the law. This does not have to be an issue, if we accept that the case is that of a single law consisting of three clauses and dealing with an overarching conceptual category, but then there remains the task of defining this category.

It can be taken for granted that our modern conceptual categories need not apply to 5th century BC Rome. The hypothesis has been advanced that the conceptual category which connects what we and the Romans of late Republic and Imperial Era saw as slander and spells is what could be described as the concept of “malediction” in which what we call slander and magic are not mutually exclusive categories, but points on the same spectrum.⁵⁸⁶ Many languages, including Latin and English, are not always too meticulous on the differentiation of “curse” and “verbal abuse” and tend to use the same vocabulary for these. The offence this law was meant to punish then would be the use of *carmina* to harm people in various ways. The distinctions we make today, might not have been valid for 5th cent BC Rome.

⁵⁸⁶ Cf. Hendrickson 1925:293; Versnel 1999:136; Rives 2002:285.

I agree that, seen in this light, it is only logical to conclude that the law punished harm done by *carmina*, whatever its actual or imagined manifestation. What the overarching category was however, which brought lampoon and spells together, could be simply language itself; it was called a *carmen* whether it was believed to harm someone directly in a physical manner or through destruction of one's reputation or drive one to suicide. If a *carmen* could cause all or any of these and similar disasters, there would be little point in arguing the mechanics of its workings; the important issue would be that a malicious *carmen* could be harmful in a multitude of unpredictable ways and as such it was a menace to Roman citizens and measures had to be taken.

The severe penalty mentioned by Cicero and Horace for violating this law has led several scholars to argue that it could not have dealt with slander, and that those two authors must have been mistaken in their interpretation; it has been argued that slander could not have been a punishable offence at the time of the XII tables and that if it was, it would certainly not incur the death penalty, when bodily injuries were compensated by fines. On the other hand it has been contended by Mommsen and Fraenkel that the integrity of individual Roman citizens was not what was really at stake when the law prescribed such a punishment; the law would designate such a harsh penalty because what was at stake was public order, which malicious *carmina* could undermine and thus cause much more and lasting harm than an arm broken in a street brawl.⁵⁸⁷ There is much merit to this view. First, I don't see why blemishing someone's reputation, an act that could bring dishonor to a whole family or *gens*, is seen as something the Romans of the 5th cent BC, a people driven by proverbial pride, would consider less serious than a physical injury; one might as well consider why not deem slander an act punishable by death? Second, a fact frequently overlooked, the law is specific on punishing malicious *carmina*, that is premeditated compositions, not any type of insult one might be subjected to for e.g. being careless at the forum and tripping over a vendor's wares. Those *carmina* are of the type that brings infamy and shame, again not of the type to mock frivolous things like physical shortcomings, the Roman naming conventions were taking care of this already. The very fact that they are *carmina*, meditated compositions, with structure

⁵⁸⁷ Mommsen 1899:794-5; Fraenkel 1925:198-9. Cf. Rives 2002:288.

and rhythm means by default that they are memorable; in an age and place where one cannot expect literacy to have been particularly high, a poem, *carmen*, which can be memorized on account of its structure and rhythm is the only way perhaps of ensuring popular culture and knowledge being transmitted from generation to generation. That is probably why composing a malicious *carmen*, even if one doesn't actually go and sing it in the presence of its target, is a punishable offence in its own right; people will eventually learn it and possibly remember it for years to come and others will learn from them. A successful, memorable, malicious *carmen* at this place and age could mean that the honor of an entire family could be in jeopardy or under scrutiny by the eyes of the community for a long time after. Indeed, In view of this, it is rather believable that the law punish such an act by death;⁵⁸⁸ if there is some specific deeper social consideration of the legislator in this light, it might very well be the prevention of blood feuds.

1.c. The XII Tables and later Legislation against Magic

Whatever the elusive facts behind the XII tables and some of the specific considerations about the details of the laws that have been raised, I believe those laws were not originally intended as legislation against magic; nevertheless at least the law on the removal and theft of crops does seem to have made provisions for *ueneficia*, which would be a major and complex issue of later legislation, and authors of the imperial period seem to have interpreted these laws of the XII tables as ancient Roman laws against magic. Although the legislation of the XII tables was probably of interest primarily to antiquarians by the mid 2nd cent. BC, it might well have been seen as a precedent for the gradual reinterpretations of the *Lex Cornelia de sicariis et ueneficis* as the law against magic well into the imperial era.⁵⁸⁹ As such it is of interest in this investigation, not least because it offers a focal point to observe the development of the concept of magic in

⁵⁸⁸ Momigliano (1942:122) suggests that this was very probable as a way of maintaining the tenuous class equilibrium between patricians and plebeians.

⁵⁸⁹ Livy considered the XII Tables as the source of all public and private law (3.34.6: *fons omnis publici priuatique iuris*). Cf. Kippenberg 1997:144, 153-4.

Roman thought, by noting the differing attitudes towards it of authors from the Late Republic into the Principate.

2. Treason, the *Lex Cornelia de sicariis et ueneficis* and the magic trials

From the discourse on the antique laws of the XII tables we now come to the *Lex Cornelia de sicariis et ueneficis*, passed in 81 BC under Sulla.⁵⁹⁰ This law seems to have been the one dealing with cases of magic in the imperial period, be that *deuotiones*, potions or whatever could be construed as such, used with the intent of harming someone. The actual text of the law is not extant independently in its original form and again one has to rely on quotations of it in Cicero and on the late imperial legislation as found in the *Sententiae* of Paulus, the *Digesta* and the codices of Theodosius and Justinian.

Originally the law seems to have dealt with intentional homicide or intent of causing the death of another through non-readily detectable means and guile.⁵⁹¹ The law seems to have comprised six clauses, three of which are known to us through quotations. One concerns those who carry a weapon with the intent of killing another (classed as *sicarii*), a second clause concerns itself with those who cause the death of another by knowingly participating in a miscarriage of justice, such as crooked judges and false witnesses, and the third clause, which appears to have been the fifth in the law, was concerned originally with *uenena*, poisons, outlawing the process of concocting, selling, buying, possessing and administering them. This obviously is the part of the *Lex Cornelia* which is of interest to this discussion.

As happens with Roman legislation, new interpretations by later jurists and senatorial decrees tend to add to the type of cases treated under an older law; in late imperial legislation the *Lex Cornelia*, apart from dealing with cases of intentional homicide as originally⁵⁹² intended, came to treat of all cases of magic, as a well defined category by this time, and its practitioners. Whether these practices actually led to the

⁵⁹⁰ The law was actually in all probability a reworking of pre-existing laws; cf. Rives 2003:318.

⁵⁹¹ Cf. Graf 1997:46; Rives 2003:318.

⁵⁹² For the reconstruction of the original clauses of the law see Ferrary 1991 and 1996.

death of another does not seem to be the focus of the law, but magic in and of itself; under the *Lex Cornelia* in the Christian period, astrologers, magicians of all kinds, even priests of the old religion seem to face persecution just by virtue of their status, not necessarily on account of separate criminal acts, because knowledge and application of magic is considered a crime *per se*.⁵⁹³

The focus of the Christian era legislation stems probably and at first sight from religious considerations; it is mentioned in the interpretation of the law that magicians and the like work through the agency of demons, the natural enemies of the divine order.⁵⁹⁴ That the law did not originally stem from religious considerations is also obvious, but it is less so whether it did acquire such connotations during the pre-Christian period of the Roman Empire; the nascent question is whether the conceptual juxtaposition between magic and religion in pre-Christian Rome emerges as a legal issue and if it does, when can this first be detected?

2.a. *Venenum and ueneficium*

Concerning the crime of *ueneficium* the *Lex Cornelia* originally prohibits manufacturing, selling, buying, possessing and administering a *uenenum*, which is to be understood as poison.⁵⁹⁵ The later legislation preserves this original clause, without enumerating all the instances Cicero does, but doubtlessly this is due to the brevity of the commentators; the

⁵⁹³ *CTh.* 9.16.4: Imp. Constantius a. et Iulianus c. ad populum. Nemo haruspicem consulat aut mathematicum, nemo hariolum. Augurum et uatum praua confessio conticescat. Chaldaei et magi et ceteri, quos maleficos ob facinorum magnitudinem uulgus appellat, nec ad hanc partem aliquid molliantur. Sileat omnibus diuinandi curiositas. Etenim supplicium capitis feret gladio ultore prostratus, quicumque iussis obsequium denegauerit. Dat. viii kal. febr. Mediolano Constantio a. ix et Iuliano caes. ii coss. See Fögen 1993:48-53.

⁵⁹⁴ *CTh.* 9.16.3: interpretatio: malefici et incantatores uel immissores tempestatum uel ii, qui per inuocationem daemonum mentes hominum turbant, omni poenarum genere puniantur. Cf. Isidore *Etym.* 8.9.9; Collins 2008:149; see Graf 1999:284-6 In addition to this it is very likely that the conflict with Persia played a role as seen in the special clauses against Manichaeism. Cf. Pharr 1932:294.

⁵⁹⁵ Cic. *Pro Cluentio*, 54, 148: Iubet lex ea, qua lege haec quaestio constituta est, iudicem quaestionis, hoc est Q. Voconium, cum eis iudicibus qui ei obuenerint – uos appellat, iudices – quaerere de ueneno. In quem quaerere? Infinitum est: *quicumque fecerit, uendiderit, emerit, habuerit, dederit*. Cf. Rives 2006:49. For an extensive treatment of poisoning among the Romans see also Kaufman 1932.

poison in question is specifically of the kind used to kill a person.⁵⁹⁶ The commentators insist that when one speaks of *uenenum*, one has to specify whether it is *malum*, i.e. poison, or *bonum*, i.e. medicine, as *uenenum* alone, like the Greek *pharmakon* is a *nomen medium*.⁵⁹⁷ However, by virtue of the multiple meanings of the word, one can also define the *amatorium*, a love potion, as *uenenum*; however while according to Marcianus, the *Lex Cornelia* makes provisions only for lethal potions, one finds that in Paulus the administration of an *amatorium* is punishable under the same law.⁵⁹⁸ Abortifacients came to be treated as *uenena* along with the *amatoria* under the *Lex Cornelia*⁵⁹⁹ and after a *senatus consultum*, the administering of fertility potions is punishable, in case it leads to the death of a woman according to Marcianus, even if not administered with the intent to kill, as it would set a bad precedent to allow such acts to go unpunished.⁶⁰⁰ Evidently in the same vein, that is of punishing malpractice on the part of medicine vendors, a different *senatus consultum* was passed which punished apothecaries (*pigmentarii*) under the same law, if they were caught selling a number of dangerous substances.⁶⁰¹ Possibly Paulus is referring to the same clause or a similar one when he says that it is punishable under the *Lex Cornelia* giving a medicine which leads to the death of another.⁶⁰² The punishment seems to have been originally exile and confiscation of property; this

⁵⁹⁶ *Dig.* 48.8.1 (Marcianus 14 *Inst.*): Praeterea tenetur qui hominis necandi causa uenenum confecerit, dederit, *Dig.* 48.8.3: Eiusdem legis corneliae de sicariis et ueneficis capite quinto, qui uenenum necandi hominis causam fecerit uel uendiderit uel habuerit, plectitur. Paulus, *Sent.* 5.23.1: et qui uenenum hominis necandi causa habuerit, uendiderit, parauerit.

⁵⁹⁷ *Dig.* 48.8.3.2: Adiectio tamen ista ueneni mali ostendit esse quaedam et non mala uenena. Ergo nomen medium est et tam id quod ad sanandum quam id quod ad occidendum est continet. *Dig.* 50. 16. 236 (Gaius, 4 *ad legem xii tab.*): qui uenenum dicit adhibere debet utrum malum an bonum; nam et medicamenta uenena sunt, quia eo nomine omne continetur, quod adhibitum natura eius, cui adhibitum esset, mutat. Cum id quod nos uenenum appellamus, graeci φάρμακον dicunt, apud illos quoque tam medicamentum quam quae nocent, hoc nomine continentur; unde adiectione alterius nomine distinctio fit. *Dig.* 48.8.3.1: Eiusdem legis poena adficitur,

⁵⁹⁸ *Dig.* 48.8.3.2: ...sed et id quod amatorium appellatur; sed hoc solum notatur in ea lege, quod hominis necandi causa habet. Paulus *Sent.* 5.23.14: Qui abortionis aut amatorium poculum dant etsi dolo non faciant tamen quia mali exempli res est, humiliores in metallum, honestiores in insulam amissa parte bonorum relegantur; quod si ex hoc mulier aut homo perierit summo supplicio adficiuntur.

⁵⁹⁹ Paulus *Sent.* 5.23.14.

⁶⁰⁰ *Dig.* 48.8.3.2: sed ex senatus consulto relegari iussa est ea, quae non quidem malo animo, sed malo exemplo medicamentum ad conceptionem dedit ex quo ea quae acceperat decesserit.

⁶⁰¹ *Dig.* 48.8.3.3: alio senatus consulto effectum est, ut pigmentarii, si cui temere cicutam salamandram aconitum pituocampas aut bubrostim mandragoram et id, quod lustramenti causa dederit cantharidas, poena teneatur huius legis.

⁶⁰² Paulus *Sent.* 5.23.19: si ex eo medicamine, quod ad salutem hominis uel remedium datum erat, homo perierit, is qui dederit, si honestior sit, in insulam relegatur, humilior autem capite punitur.

continued to be the case for citizens of the upper classes while it seems that at some point, theorized to be around the time of Diocletian, low-class citizens were punished by death, usually by being thrown to the beasts.⁶⁰³

This concludes the clauses referring explicitly to *uenena*, poisons and the similar. The clauses which refer to magic or rather harmful ritual acts, are not too numerous in the legislation of the pre-Christian period, and in fact their occurrences are rather limited. One finds in Paulus clauses referring to the practice of *defixio* or *deuotio*,⁶⁰⁴ human sacrifice and desecration of temples⁶⁰⁵ and even knowledge of magic⁶⁰⁶ being generally punishable by death. Although again what is at stake in these clauses seems to be the safety and well-being of the citizenry and the safeguarding of public order, one can discern religious considerations as well; the practices are referred to as *sacra impia nocturnaue*, that is nocturnal rituals of a an impious nature and the reference to the human sacrifice is again in a religious context, namely the offerings of blood and the desecration of temples. The practices themselves might be criminal, as they directly harm another, but the fact that they are of an aberrant religious nature does not seem irrelevant to the legislator, though probably not the key issue. Also there is no reference to *uenena* of any sort in these practices and *deuotiones* alone seem to be under question in these clauses.

⁶⁰³ *Dig.* 48.8.3.5: Legis corneliae de sicariis et ueneficis poena insulae deportatio est et omnium bonorum ademptio. Sed solent hodie capite puniri, nisi honestiore loco positi fuerint, ut poenam legis sustineat; humiliores enim solent bestiis subici, altiores uero deportantur in insulam. Cf. Rives 2003:332.

⁶⁰⁴ *Sent.* 5.23.15: qui sacra impia nocturnaue, ut quem obcantarent defigerent obligarent fecerint faciendae curauerint, aut cruci suffiguntur aut bestiis obiciuntur.

⁶⁰⁵ *Sent.* 5.23.16: qui hominem immolauerint exue eius sanguine litauerint, fanum templumue polluerint, bestiis obiciuntur, uel si honestiores sint capite puniuntur.

⁶⁰⁶ *Sent.* 5.23.17: Magicae artis conscios summo supplicio adfici placuit, idest bestiis obici aut cruci suffigi. Ipsi autem magi uiui exuruntur. *Sent.* 5.23.18: Libros magicae artis apud se neminem habere licet; et penes quoscumque reperti sint, bonis ademptis, ambustis his publice, in insulam deportantur, humiliores capite puniuntur. Non tantum huius artis professio, sed etiam scientia prohibita est.

2.b. *The Magic Trials*⁶⁰⁷ and the Evolution of the *Lex Cornelia*

In order to trace the course which the *Lex Cornelia* took so as to come to deal with harmful magic independent of or in combination with *uenena*, that is poisons, as well as to establish when it came to be concerned with aberrant religious practice understood as magic, it would prove useful to give an overview of the accounts of magic trials before a number of emperors as found in our sources;⁶⁰⁸ the cases will be reviewed in the light of the original *Lex Cornelia* so that we may trace its gradual development into what appears in the *Digesta* and the *Sententiae* of Paulus. Of course, in all likelihood, most of the following cases were tried under the *Lex Iulia Maiestatis*, as they deal with offences against the emperor and the imperial house;⁶⁰⁹ however, the legal framework for such charges to be pressed would have to have been provided by the *Lex Cornelia*⁶¹⁰ and, therefore, these cases can be used, I believe, as evidence to trace the evolution of the latter. I will proceed to comment on this development after the review of all relevant cases, which will be categorized under the respective emperors.

2.b.i. Tiberius

a) The case of Libo Drusus has been examined in detail in another section in the context of Tacitus' representation of Tiberius; therefore here I will give again for the sake of completeness an account only of the legal aspects of the case. In 16 AD, in a trial which Tacitus declares he will describe in detail, as it was the one which initiated the wave of

⁶⁰⁷ See also the extensive treatment of trials from Tiberius up to Justinian in Massoneau 1934:167-232. Select cases are also treated by Liebs (1997).

⁶⁰⁸ See also the discussion in Rives 2003:317-22.

⁶⁰⁹ It is worth mentioning here the anecdote found in Suetonius' *Life of Nero* (*Nero* 33): when the first attempt of Locusta at poisoning Britannicus at the behest of Nero failed and Locusta made the excuse that she had used only a small dose to make the crime undetectable, he retorted "as if I am afraid of the *Lex Iulia*". This would suggest that *ueneficium* against a member of the imperial family would be by default a crime prosecuted under the law of treason.

⁶¹⁰ In a similar manner, the Augustan edict of 11 AD prohibited the use of divination to determine any person's date of death, but when the offended party was the emperor or a member of the imperial family, the offence was deemed one of *laesa maiestas* and legally considered one of high treason by default.

treason trials under the recently reenacted *Lex Iulia maiestatis*,⁶¹¹ Libo Drusus was accused of consulting with *Chaldaei*, of employing *magorum sacra* and the services of interpreters of dreams to predict whether he would become an emperor.⁶¹² Furthermore a necromancer by the name of Iunius, whom he employed to raise the shades of the dead for unspecified reasons, but obviously connected to his offence of imperial majesty, reported the matter to an infamous *delator*, Fulcinus Trio and this is how the charges were pressed;⁶¹³ during the trial the persecution provided evidence of Libo's questions to the diviners, laughable matters according to Tacitus, such as whether he would become rich enough to pave the Appian Road with coins all the way to Brundisium and similar inanities,⁶¹⁴ as well as a more significant document in Libo's handwriting, described by Tacitus as a catalogue of names including those of members of the imperial family and prominent senators with mysterious and terrible signs added next to the names.⁶¹⁵ Libo committed suicide before the end of the proceedings and his possessions were divided among his accusers⁶¹⁶. Tiberius vowed afterwards that he would have petitioned for Libo's life, despite his being guilty on the presented charges, had he not hastened to take his own life.⁶¹⁷ The trial is one of *laesa maiestas* and apparently has nothing to do with the *Lex Cornelia*, since there are no charges of *ueneficium* to be found and there is no evidence that the *Lex Cornelia* had yet come to deal with instances of

⁶¹¹ See the discussion in Chilton 1955:73-6.

⁶¹² *Ann.* 2.27: Firmius Catus senator, ex intima Libonis amicitia, iuvenem improvidum et facilem inanibus ad Chaldaeorum promissa, magorum sacra, somniorum etiam interpretes impulit, dum proavum Pompeium, amitam Scriboniam, quae quondam Augusti coniunx fuerat, consobrinos Caesares, plenam imaginibus domum ostentat, hortaturque ad luxum et aes alienum, socius libidinum et necessitatum, quo pluribus indiciis inligaret.

⁶¹³ *Ann.* 2.28: cunctaque eius dicta factaque, cum prohibere posset, scire malebat, donec Iunius quidam, temptatus ut infernas umbras carminibus eliceret, ad Fulcinium Trionem indicium detulit. celebre inter accusatores Trionis ingenium erat avidumque famae malae. statim corripit reum, adit consules, cognitionem senatus poscit. et uocantur patres, addito consultandum super re magna et atroci.

⁶¹⁴ *Ann.* 2.30: Accesserant praeter Trionem et Catum accusatores Fonteius Agrippa et C. Vibius, certabantque cui ius perorandi in reum daretur, donec Vibius, quia nec ipsi inter se concederent et Libo sine patrono introisset, singillatim se crimina obiecturum professus, protulit libellos vaecordes adeo ut consultaverit Libo an habiturus foret opes quis viam Appiam Brundisium usque pecunia operiret. inerant et alia huiusce modi stolidi vana, si mollius acciperes, miseranda.

⁶¹⁵ *Ann.* 2.30: uni tamen libello manu Libonis nominibus Caesarum aut senatorum additas atrocis vel occultas notas accusator arguebat.

⁶¹⁶ *Ann.* 2.32: Bona inter accusatores dividuntur, et praeturae extra ordinem datae iis qui senatorii ordinis erant.

⁶¹⁷ *Ann.* 2.31: iuravitque Tiberius petiturum se uitam quamuis nocenti, nisi uoluntariam mortem properauisset.

deuotiones alone; for, I believe, there is little doubt as to the nature of the names list with the occult signs; in the context of a trial concerning *Chaldaei, magi* and a necromancer to assume that it was a hit list is obviously a stretch; it could only be seen as a *deuotio*. No authority provides us with any sort of evidence that Libo had other accomplices in his plot against Tiberius and the imperial family and no one else was brought to court to face the charges of treason along with him;⁶¹⁸ one has to accept in the light of our extant evidence that Libo's trial turned wholly on the application of divination and magic to the detriment the emperor and the imperial family.⁶¹⁹ The charges of divination are obviously based on the violation of the Augustan edict of 11 AD and since this is an instance of divination into the future of the emperor they become by default charges of treason. The instance of the phrase *magorum sacra*, which is to be found as a charge in subsequent magic trials is worth noting on account of its religious undertones, which will be more of an issue in years to come.

b) In 19 AD charges of maladministration, treason and poisoning were pressed against the governor of Syria Cn. Calpurnius Piso; Piso was accused of maladministration of the province of Hispania during his past assignment, of encouraging a lack of discipline amongst the soldiers under his command in an attempt to win their loyalty (which should only be to the emperor), and of murdering Germanicus Caesar, Tiberius' nephew and adopted son, by *uenenum* (clearly “poison” in this context⁶²⁰) and *deuotiones*,⁶²¹ This particular charge is worth dwelling on as in any other case it should fall within the provisions of the *Lex Cornelia*, despite the fact that this whole particular trial by default was most probably tried under the *Lex Maiestatis* as the alleged crimes are directed against the emperor and members of the imperial family. What is of interest in

⁶¹⁸ Cf. Syme 1958: 400.

⁶¹⁹ Cf. Goodyear 1972:268; Marsh 1931: 59, n. 1.

⁶²⁰ It was argued by the prosecution that Piso administered poison to Germanicus by dropping it in his food during a banquet: *Ann.* 3.14: in conuiuio Germanici, cum super eum Piso discumberet, infectos manibus eius cibos arguentes.

⁶²¹ *Ann.* 3.13: tum Fulcinius uetera et inania orditur, ambitiose auareque habitam Hispaniam; quod neque conuictum noxae reo si recentia purgaret, neque defensum absolutioni erat si teneretur maioribus flagitiis. post quem Servaeus et Veranius et Vitellius consimili studio et multa eloquentia Vitellius obiecere odio Germanici et rerum nouarum studio Pisonem uulgus militum per licentiam et sociorum iniurias eo usque conrupisse ut parens legionum a deterrimis appellaretur; contra in optimum quemque, maxime in comites et amicos Germanici saeuisse; *postremo ipsum deuotionibus et ueneno peremisse; sacra hinc et immolationes nefandas ipsius atque Plancinae, peritam armis rem publicam, utque reus agi posset, acie uictum.*

the wording of this charge is that poison (*uenenum*) and what appears to have been *defixio* tablets (*deuotiones*) are brought together as one, which indicates that by this point the *Lex Cornelia* would have come to treat charges of aggressive magic under the provisions for *ueneficium*. The poisoning charges were successfully defended against, as the circumstances argued by the prosecution seemed absurd, namely that Piso administered poison to Germanicus' food in plain view in the course of a banquet. What seems puzzling however is that according to Tacitus' account the matter of the *defixiones* and the human remains allegedly found in Germanicus' chamber⁶²² doesn't seem to have been pressed further to prove murder by *ueneficium*. The reason for this isn't clear; perhaps Tacitus didn't find it worthy of mention, or perhaps no evidence came forth of the *defixiones*' actual existence as it is quite likely they were destroyed when found, if they ever existed; possibly even the matter was considered trivial and a rather weak point to pursue, in face of the actual charges of poisoning being unconvincing,⁶²³ especially when more manifest crimes presented themselves, against which charges Piso was unable to defend himself. Piso committed suicide and his trial ended two days after without confiscation of property, due to leniency shown to Piso's children by the emperor.⁶²⁴ His wife Plancina charged for the *ueneficium* and *deuotiones* along with Piso, but defending separately, was acquitted of charges.

c) In 20 AD Aemilia Lepida was accused of adultery and attempted poisoning by her former husband Quirinus as well as of consulting the *Chaldaei* about the fate of the imperial family.⁶²⁵ Tiberius proposed at first that the charges of treason (*maiestatis*

⁶²² *Ann.* 2.69: et reperiabantur solo ac parietibus erutae humanorum corporum reliquiae, *carmina et deuotiones et nomen Germanici plumbeis tabulis insculptum*, semusti cineres ac tabo obliti aliaque malefica quis creditur animas numinibus infernis sacrari. simul missi a Pisone incusabantur ut valetudinis adversa rimantes. Cf. Dio Cass. 57.18.9: ἀπέθανε δὲ ἐν Ἀντιοχείᾳ, ὑπὸ τε τοῦ Πίσωνος καὶ ὑπὸ τῆς Πλαγκί νης ἐπιβουλευθεῖς· ὅστ᾽ αὖτε γὰρ ἀνθρώπων ἐν τῇ οἰκίᾳ ἐν ἧ ᾧκει κατορωρυγμένα καὶ ἔλασμοι μολί βδινοὶ ἄρας τινας μετὰ τοῦ ὀνόματος αὐτοῦ ἔχοντες ζῶντος ἔθ' εὐρέθη. ὅτι δὲ καὶ φαρμάκω ἐφθάρη, τὸ σῶμα αὐτοῦ ἐξέφηγεν ἐς τὴν ἀγορὰν κομισθὲν καὶ τοῖς παροῦσι δειχθὲν.

⁶²³ *Ann.* 3.14: ...solum ueneni crimen uisus est diluisse, quod ne accusatores quidem satis firmabant... It is important to mention here that the inscription of the *senatus consultum* against Piso, found in Spain, does not mention the accusation of *ueneficium* against Piso at all (Eck 1993:195).

⁶²⁴ Chilton 1955:79 argues that suicide before conviction could be taken as an admission of guilt, but could also save most of a man's property and his fame.

⁶²⁵ *Ann.* 3.22: At Romae Lepida, cui super Aemiliorum decus L. Sulla et Cn. Pompeius proavi erant, defertur simulavisse partum ex P. Quirinio divite atque orbo. adiciebantur adulteria venena quaesitumque per Chaldaeos in domum Caesaris...

crimina) be dropped, and the only thing that can be meant in this instance is the consultation of astrologers about the imperial house on the part of Lepida, but then he allowed an investigation into the matter.⁶²⁶ Lepida's slaves confessed under torture to the crimes of their mistress and she was sentenced to exile, while it was conceded by Scaurus, who had a daughter from her, that her property should not be confiscated.⁶²⁷ Tacitus says that Tiberius revealed after this that he had discovered that Lepida had attempted to murder her husband with *uenenum*, which we probably do not need to take as anything else than poison.⁶²⁸ Tacitus' assertion that this revelation happened after the decision had been made is problematic; we are not certain if the *flagitia* revealed by the tortured slaves included confirmation of the charges of treason with consultation of astrologers or just confirmation of adultery. If it was only adultery, then under the *Lex Iulia de adulteriis coercendis*, the penalty should have only been confiscation of part of her property,⁶²⁹ but if she was found guilty of treason the penalty should have normally been exile and confiscation of most of her property,⁶³⁰ which is what happened. According to the *Lex Cornelia* as found in the *Digesta*, the penalty for *ueneficium* would be the same as the penalty enacted,⁶³¹ if Tacitus is correct in this case, for treason. At any rate this indicates that the Digest's provision for *ueneficium* applies in this period, because if the sentence was death, as it was reported to have been later, Lepida would not have been let go with exile, since she was found guilty of attempted poisoning.

d) In 23 AD the praetor Plautius Silvanus was accused by his father-in-law, who took the charges to the emperor, of murdering his wife by throwing her head-first probably through a window; he claimed ignorance and that his wife had committed suicide, but Tiberius, after investigating the scene, found signs of struggle. Silvanus took

⁶²⁶ *Ann.* 3.22: deprecatus primo senatum ne maiestatis crimina tractarentur, mox M. Servilium e consularibus aliosque testis inlexit ad proferenda quae velut reicere voluerat.

⁶²⁷ *Ann.* 3.23: dein tormentis seruorum patefacta sunt flagitia itumque in sententiam Rubelli Blandi a quo aqua atque igni arcebatur. huic Drusus adsensit quamquam alii mitius censuissent. mox Scauro, qui filiam ex ea genuerat, datum ne bona publicarentur.

⁶²⁸ *Ann.* 3.23: tum demum aperuit Tiberius compertum sibi etiam ex P. Quirinii seruis ueneno eum a Lepida petitum.

⁶²⁹ *Inst. Iust.* 4.18.4.: poenam autem eadem lex irrogat peccatoribus, si honesti sunt, publicationem partis dimidiae bonorum, si humiles, corporis coercionem cum relegatione.

⁶³⁰ Cf. Chilton 1955:77.

⁶³¹ *Dig.* 48.8.3.5.

his own life before the trial took place.⁶³² Shortly after, Silvanus' ex-wife, Numantina, was accused of having driven her former husband insane by *carmina* and *ueneficia* (which must have presumably led to Silvanus murdering his current wife), but was acquitted.⁶³³ Numantina was most probably charged under the provisions of the *Lex Cornelia*,⁶³⁴ since she was accused of leading Silvanus to his death by her potions, but what is worthy of remark in this instance is that the charge of *uenenum*, that is poisoning, administration of a potion, is clearly coupled with the charge of *carmina*.⁶³⁵ As noted above this is not the first instance of this particular coupling of charges, as this might have been the instance in the trial of Piso for the murder of Germanicus, though the account of Tacitus is not too clear on the matter. At any rate, it would seem from the case of Numantina that the *Lex Cornelia* had come to deal with charges of harmful *carmina* and *deuotiones* treated along with or under the provision for *uenenum*; this indicates that the *Lex Cornelia* had come by the first quarter of the 1st century AD to deal with instances of deadly magic in the same way as it had treated poisoning originally.

e) In 25 AD Claudia Pulchra was accused by Domitius Afer for prostitution (*impudicitia*), adultery with a certain Furnius and for *ueneficia* and *deuotiones* against the emperor and was condemned.⁶³⁶ It is not clear whether Claudia was tried under the *Lex Cornelia* or under the *Lex Iulia maiestatis*, and it is furthermore unclear what one is to understand with *ueneficia* in this context; are we dealing with an actual charge of attempt at poisoning or are we to understand the phrase *ueneficia et deuotiones* as a hendiadys,

⁶³² *Ann.* 4.23: Per idem tempus Plautius Siluanus praetor incertis causis Aproniam coniugem in praecipis iecit, tractusque ad Caesarem ab L. Apronio socero turbata mente respondit, tamquam ipse somno grauis atque eo ignarus, et uxor sponte mortem sumpsisset. non cunctanter Tiberius pergit in domum, uisit cubiculum, in quo reluctantis et impulsae uestigia cernebantur. refert ad senatum, datisque iudicibus Vrgulania Siluani auia pugionem nepoti misit. quod perinde creditum quasi principis monitu ob amicitiam Augustae cum Vrgulania. reus frustra temptato ferro uenas praebuit exoluendas.

⁶³³ *Ann.* 4.23: mox Numantina, prior uxor eius, accusata iniecisse *carminibus et ueneficiis* uacordiam marito, insons iudicatur.

⁶³⁴ Cf. Dickie 2001: 146-7, Rives 2006:51

⁶³⁵ In fact the coupling of *ueneficia* and *cantiones*, though not in the context of criminal charges, appears as early as the first half of 1st century BC; Cicero mentions that C. Scribonius Curio had attributed a lapse of his proverbially bad memory to the *ueneficia* and *cantiones* of a woman called Titinia (*Brut.* 217).

⁶³⁶ *Ann.* 4.52. At Romae commota principis domo, ut series futuri in Agrippinam exitii inciperet Claudia Pulchra sobrina eius postulatur accusante Domitio Afro. is recens praetura, modicus dignationis et quoquo facinore properus clarescere, crimen impudicitiae, adulterum Furnium, *ueneficia in principem et deuotiones* obiebat ... Pulchra et Furnius damnantur.

pointing at a magical attack against the emperor? If it is so, it is still unclear whether such an offence would be treated under the *Lex Cornelia* or as a *crimen maiestatis*, similar to the enquiry after the emperor's fate, by means of astrology, an offence which was apparently considered a crime of treason (*maiestas*).⁶³⁷ At any case, what this accusation corroborates is that *deuotiones* had come to be treated along with *uenena* in the same legal category.⁶³⁸

f) In 34 AD Mamercus Scaurus was accused by Macro of hostile verses towards Tiberius in a tragedy the former had composed, while Servilius and Cornelius added to the charges adultery with Livia and magical rites (*magorum sacra*). Scaurus committed suicide along with his wife before the verdict.⁶³⁹ It is not entirely clear what the charge of *magorum sacra* entails in this instance or why it was deemed an offence; most probably, coupled with the accusation of the hostile verses against Tiberius, the charges all tie in together to form a charge of treason (*crimen maiestatis*), which would be partially accountable for Scaurus' suicide before the verdict; if so, a close parallel that can be drawn are the charges of *magorum sacra* leveled against Libo Drusus in 16 AD. These were connected with charges of divination to the detriment of the emperor, through the ministry of Chaldeans and interpreters of dreams, and probably comprised charges of a *deuotio* against Tiberius and other prominent citizens. *magorum sacra* in the case of Scaurus could thus, judging from the case of Libo Drusus, where such a charge is first found, be anything comprising divination after the fate of the emperor and/or a magical attack against Tiberius.

⁶³⁷ Cf. *Ann.* 3.22.

⁶³⁸ Cf. Rives 2006:58.

⁶³⁹ *Ann.* 4.29. Mamercus dein Scaurus rursum postulatur, insignis nobilitate et orandis causis, uita probrosus. nihil hunc amicitia Seiani, sed labefecit haud minus ualidum ad exitia Macronis odium, qui easdem artes occultius exercebat detuleratque **argumentum tragoediae a Scauro scriptae, additis uersibus qui in Tiberium flecterentur: uerum ab Servilio et Cornelio accusatoribus adulterium Liuiiae, magorum sacra obiectabantur.** Scaurus, ut dignum ueteribus Aemiliis, damnationem antiit, hortante Sextia uxore, quae incitamentum mortis et particeps fuit.

2.b.ii. Claudius

a) In 48 AD Lollia was accused by Agrippina of having enquired into the marriage of Claudius with the latter through the ministries of the *Chaldaei*, the *magi* and the oracle of Clarian Apollo; according to Tacitus Lollia was condemned without being heard and banished from Italy with the largest part of her fortune confiscated and a while later a tribune was sent to her to compel her to take her own life.⁶⁴⁰ This is a case apparently unconnected with the *Lex Cornelia* and quite probably one tried under the *Lex Iulia maiestatis*; this case is quite enlightening nonetheless as a magic trial in illustrating that in trials where magic or astrology is an issue, it is not the means *per se* which are under question, but rather the act perpetrated through said means. It is a fact evident from numerous accounts that the people called *magi* and *Chaldaei* are not regarded in the imperial era as the most savory sort one can associate one's self with, but this fact alone doesn't make their very existence or the practice of their arts persecutable; what is persecuted are particular acts that they are credited with performing, which lead to direct or indirect harm of individuals or the state as personified by the emperor. In the case of Lollia what was under question were the treasonous acts performed through the ministries of the ever suspect *magi* and Chaldeans along with an otherwise perfectly respectable source of divination as the oracle of the Clarian Apollo; therefore divination into any aspect of the emperor's life is what is regarded as crime of treason, not the means to this kind of divination.

b) In 51 AD Furius Scribonianus was sent into exile for the alleged crime of attempting to find out about the death of Claudius once more with the help of the *Chaldaei*, apparently a treason trial under the *Lex Iulia maiestatis*, if it ever took place; Tacitus' account is very short and insufficient, even by his standards, on the matter of

⁶⁴⁰ *Ann.* 12.22: Isdem consulibus atrox odii Agrippina ac Lolliae infensa, quod secum de matrimonio principis certauisset, molitur crimina et accusatorem qui obiceret Chaldaeos, magos interrogatumque Apollinis Clarii simulacrum super nuptiis imperatoris. exim Claudius inaudita rea multa de claritudine eius apud senatum praefatus, sorore L. Volusii genitam, maiorem ei patrum Cottam Messalinum esse, Memmio quondam Regulo nuptam (nam de G. Caesaris nuptiis consulto reticebat), addidit perniciose in rem publicam consilia et materiem sceleri detrahendam: *proin publicatis bonis cederet Italia. ita quinquagies sestertium ex opibus immensis exuli relictum...* in Lolliam mittitur tribunus, a quo ad mortem adigeretur.

charges, as his objective here is probably to attack Claudius with exquisite irony⁶⁴¹ rather than providing an adequate account of the case. It is noteworthy, however, that this case led to a *senatus consultum* for the expulsion of astrologers from Rome.⁶⁴²

c) In 52 AD Statilius Taurus was accused by Tarquinius Priscus, under instigation of Agrippina who envied the former his luxurious gardens, of *pecuniae repetundae* and of *magicae superstitiones*. According to Tacitus, Taurus could not suffer the ignominy of being accused by a blackguard like Priscus and took his own life.⁶⁴³ This case is very interesting in the sense that we see for the first time *magicae superstitiones* being brought forth as charges. At first sight there seems no reason to believe that this is a case treated under the *Lex Cornelia*; the fact that Taurus committed suicide could indicate that the *magicae superstitiones* for which he was accused were regarded as a *crimen maiestatis* and his suicide before the verdict would prevent the full loss of his property. It is not immediately clear though how the accusation of apparently belonging to a “magical cult”⁶⁴⁴ could be construed as treason but there are parallels in the wording of this kind of accusation which could corroborate this; I will return to this matter later.

d) In 53, the feud between Agrippina and Domitia Lepida over which would control Nero, when he would become emperor, led to charges being pressed against Lepida of attempting to harm Agrippina by means of *deuotiones* and that furthermore she disturbed the public order of Italy by keeping an unruly crowd of slaves in Calabria. She

⁶⁴¹ It has been suggested (Vessey 1971:387 n.8) that “scrutari” might have been a favourite word in the vocabulary of Claudius, and that Tacitus' use in accounts related to that emperor is often sarcastic.

⁶⁴² *Ann.* 12.52: Fausto Sulla Salvio Othone consulibus Furius Scribonianus *in exilium agitur, quasi finem principis per Chaldaeos scrutaretur*. adnectebatur crimini Vibia mater eius, ut casus prioris (nam relegata erat) impatiens. pater Scriboniani Camillus arma per Dalmatiam mouerat; idque ad clementiam trahebat Caesar, quod stirpem hostilem iterum conseruaret. neque tamen exuli longa posthac uita fuit: morte **fortuita an per uenenum extinctus esset, ut quisque credit, uulgavere**. *de mathematicis Italia pellendis factum senatus consultum atrox et inritum*. laudati dehinc oratione principis qui ob angustias familiaris ordine senatorio sponte cederent, motique qui remanendo impudentiam paupertati adicerent.

⁶⁴³ *Ann.* 12.59: At Claudius saevisissima quaeque promere adigebatur eiusdem Agrippinae artibus, quae Statilium Taurum opibus inlustrem hortis eius inhians peruertit accusante Tarquino Prisco. legatus is Tauri Africam imperio proconsulari regentis, postquam reuenerant, **pauca repetundarum crimina, ceterum magicas superstitiones obiectabat**. *nec ille diutius falsum accusatorem, indignas sordis perpessus uim uitae suae attulit ante sententiam senatus*. Tarquinius tamen curia exactus est; quod patres odio delatoris contra ambitum Agrippinae peruicere.

⁶⁴⁴ Grodzynski (1974:53) argues that this phrase could actually be translated as “magical practices”. Cramer (1952:5-6) discusses the possibility proposed by some scholars that the *magicae superstitiones* refer to a cult of Mithras. See Carcopino 1927:69 and Scramuzza 1940:97-8 and 264 n.62 for bibliography.

was condemned to death⁶⁴⁵. This case is of particular interest as the first charge seems to conform to the by now modified *Lex Cornelia*, under which we have seen charges being pressed for *ueneficium and deuotiones*, but not so far for *deuotiones* alone. This would then be the first attested trial where the *Lex Cornelia* would be utilized to deal with an accusation of harmful magic, with no recourse to poisons.⁶⁴⁶ The ruling also is of interest, since death does not seem to have been the penalty for *ueneficium* and *deuotiones* so far; it is quite likely however, yet unusually cruel, that death was enacted as a sentence at least for the second part of the charges, which could likely have been construed as a *crimen maiestatis*.

2.b.iii. Nero

a) Without giving too much detail, Tacitus mentions that Pomponia Graecina was accused of *externae superstitiones* (55 AD) and that according to old custom she was allowed to be judged by her husband, who declared her innocent.⁶⁴⁷ It is very unclear what law she was accused under in this case and how this case relates to Nero, the current emperor, if at all. It is not too unlikely that *externae superstitiones* is an alternative wording of the charge of *magicae superstitiones* encountered earlier, but somehow the process of the trial makes it unlikely that it could have been a *crimen maiestatis* we are dealing with here. At any rate, there is no obvious connection to the *Lex Cornelia* either in this case.

b) In 64 AD Lepida, the aunt of Silanus, was accused of incest with her nephew and of “performing horrible rituals (*diros sacrorum ritus*)”; they were both sent to

⁶⁴⁵ *Ann.* 12.65: Ceterum **obiecta sunt quod coniugem principis deuotionibus petuisset quodque parum coercitis per Calabriam seruorum agminibus pacem Italiae turbaret. ob haec mors indicta...**

⁶⁴⁶ It is not unlikely as always that the case was by default one of *laesa maiestas*, since Agrippina was part of the imperial family; however I see no reason from Tacitus wording to assume as Cramer (1952:7) that a violation of the Augustan edict was in question here.

⁶⁴⁷ *Ann.* 13.32: et Pomponia Graecina insignis femina, <A.> Plautio, quem ouasse de Britannis rettuli, nupta ac *superstitionis externae rea*, mariti iudicio permissa; isque prisco instituto propinquis coram de capite famaue coniugis cognouit et insontem nuntiauit.

exile.⁶⁴⁸ The charge of “horrible rituals” is at first sight almost completely obscure and so is the law which it would fall under; the fact that she was exiled though would indicate a serious offence, either a magical sacrifice for the purposes of divination regarding the emperor’s fate, similar to what Apollonius of Tyana was allegedly accused of, or ritual murder/human sacrifice, long since prohibited by the Roman state, and by this time probably falling under the provisions of the *Lex Cornelia* as regular homicide, or both. The evidence however is so scanty that one can only speculate about the specifics; what is of interest is that the charges brought forth indicate the use of cult vocabulary, consistent with earlier cases already reviewed.

c) In 65 AD Antistius Sosianus, who had been exiled for offensive verses against Nero, happened to meet in his place of exile an infamous, well connected and likewise exiled astrologer by the name of Pammenes and introduced himself to the latter’s company. Eventually he learned that Pammenes had connections with P. Anteius, a man hated by Nero for various reasons, and conceived of a plan to return himself to the emperor’s good graces. To this end he intercepted a letter from Anteius to Pammenes and stole the notes of the latter wherein there was the horoscope of the former while he achieved a similar success with the notes pertaining to the horoscope of Ostorius Scapula. After this he wrote to Nero that it was of the utmost importance that he be conducted safe to Rome as he had evidence that Anteius and Ostorius were forming a conspiracy and that they were enquiring into the emperor’s fate. After this, says Tacitus, Antistius returned to Rome while Anteius and Ostorius were counted as condemned already rather than accused. Anteius committed suicide by poison while a centurion was sent to Ostorius to hasten his demise; Ostorius took his own life as well.⁶⁴⁹ If Tacitus is to be believed no

⁶⁴⁸ *Ann.* 16.8-9: inducti posthac vocabulo indicum qui in Lepidam, Cassii uxorem, **Silani amitam, incestum cum fratris filio et diros sacrorum ritus confingerent.** trahebantur ut conscii Vulcaci Tullinus ac Marcellus Cornelius senatores et Calpurnius Fabatus eques Romanus; qui appellato principe instantem damnationem frustrati, mox Neronem circa summa scelera distentum quasi minores evasere. *Tunc consulto senatus Cassio et Silano exilia decernuntur: de Lepida Caesar statueret.*

⁶⁴⁹ *Ann.* 16. 14-15: C. Suetonio Luccio Telesino consulibus Antistius Sosianus, factitatis in Neronem carminibus probrosis exilio, ut dixi, multatus, postquam id honoris indicibus tamque promptum ad caedes principem accepit, iniquis animo et occasionum haud segnis **Pammenem, eiusdem loci exulem et Chaldaeorum arte famosum eoque multorum amicitii innexum,** similitudine fortunae sibi conciliat, uentitare ad eum nuntios et consultationes non frustra ratus; simul annuam pecuniam a P. Anteio ministrari cognoscit. neque nescium habebat Anteium caritate Agrippinae invisum Neroni opesque eius praecipuas ad eliciendam cupidinem eamque causam multis exitio esse. igitur interceptis Antei litteris, furatus etiam

trial took place, but if it had done so, it would probably have been a case of *laesa maiestas*, quite like the numerous others already reviewed, featuring alleged conspiracy and divination into the emperor's future. What is of interest to note however is that Pammenes, the instrument of alleged divination was presumably unharmed; given how seldom we possess the names and identities of the actual astrologers through which treasonous divination is performed and that a penalty is never mentioned for them, apart from the rare expulsions of astrologers, unlike for their clients, one wonders the reason for this; could it be that those people were so elusive that charges could seldom be pressed against them, or that they were regarded as insignificant instruments in the hands of actual criminals or that on the contrary they were regarded as too valuable to be persecuted, as one, and certainly the emperor, could have need of them in the future? It is however likely that our authorities are simply not interested in the fate of these men and therefore no mention is made of their punishment.

d) In 66 AD the trial of Barea Soranus and his daughter took place; in a trial which in its entirety Tacitus doesn't hesitate for a moment to stigmatize as a crime of "kingly proportions",⁶⁵⁰ Soranus was accused by Ostorius Sabinus mainly of treason against the emperor for cultivating unrest in his province of Asia and intention of rebellion⁶⁵¹. His daughter Servilia was accused probably of *maiestas* or possibly under the

libellos, quibus dies genitilis eius et euentura secretis Pammenis occultabantur, simul repertis quae de ortu uitaeque Ostorii Scapulae composita erant, scribit ad principem magna se et quae incolumitati eius conducerent adlaturum, si breuem exilii veniam impetravisset: quippe **Anteium et Ostorium imminere rebus et sua Caesarisque fata scrutari**. exim missae liburnicae aduehiturque propere Sosianus. ac uulgato eius indicio inter damnatos magis quam inter reos Anteius Ostoriusque habebantur, adeo ut testamentum Anteii nemo obsignaret, nisi Tigellinus auctor extitisset monito prius Anteio ne supremae tabulas moraretur. *atque ille hausto ueneno, tarditatem eius perosus intercisus uenis mortem adproperauit.*

Ostorius longinquis in agris apud finem Ligurum id temporis erat: eo missus centurio qui caedem eius maturaret. causa festinandi ex eo oriebatur quod Ostorius multa militari fama et civicam coronam apud Britanniam meritis, ingenti corpore armorumque scientia metum Neroni fecerat ne inuaderet pauidum semper et reperta nuper coniuratione magis exterritum. igitur centurio, ubi effugia uillae clausit, iussa imperatoris Ostorio aperit. is fortitudinem saepe aduersum hostis spectatam in se vertit; *et quia uenae quamquam interruptae parum sanguinis effundebant, hactenus manu serui usus ut immotum pugionem extolleret, adpressit dextram eius iuguloque occurrit*

⁶⁵⁰ *Ann.* 16.23: ... ut magnitudinem imperatoriam caede insignium uirorum quasi regio facinore ostentaret.

⁶⁵¹ *Ann.* 16.23: At Barea Soranum iam sibi Ostorius Sabinus eques Romanus poposcerat reum ex proconsulatu Asiae, in quo offensiones principis auxit iustitia atque industria, et quia portui Ephesiorum aperiendo curam insumpserat uimque ciuitatis Pergamenae prohibentis Acratum, Caesaris libertum, statuas et picturas euehere inultam omiserat. sed crimini dabatur amicitia Plauti et **ambitio conciliandae prouinciae ad spes nouas**.

Lex Cornelia as well, as was to become evident from her defence, as well for having spent great amounts of money, selling many of her possessions in the process, for the services of *magi* who would perform magical rites for the purpose of divination regarding the fate of the emperor.⁶⁵² Tacitus asserts that Servilia did employ the services of magi, but only to predict whether the result of the trial would be favorable or not to her father and house. The account of Servilia's defence by Tacitus, presented in **such** a way as to highlight the enormity of the charges and monstrosity of Nero, is of great interest; after her questioning she is supposed to have wept in silence for a while and then after embracing the *altar* she proclaimed her innocence in terms illustrating the religious connotations of the charges and trial; she claimed that she had consulted no *impious gods*, that she had had no *deuotiones* performed and that she only *prayed (precaui)* that Nero and the senate would preserve her father's life unscathed. Furthermore she did not mention the emperor's name but only among the gods; she concluded that her father had no part in any of this and that if she was guilty of anything it was she alone.⁶⁵³ Both were condemned and allowed to choose their manner of death.

This is one of the rare cases of magic trials which Tacitus describes in any amount of detail; the charges appear to have included both *deuotiones*, notably without mention of *uenena*, and consultation of *magi* as to the emperor's fate, so it would seem both the *Lex Cornelia* and the *Lex Iulia maiestatis* would apply. It is noteworthy however that if Tacitus had not provided Servilia's defence, no one would be the wiser from his account alone on the matter of *deuotiones*.⁶⁵⁴ This naturally raises questions about all the

⁶⁵² Ann. 16.30: sed recens et quo discrimini patris filiam conectebat, **quod pecuniam magis dilargita esset. acciderat sane pietate Serviliae (id enim nomen puellae fuit), quae caritate erga parentem, simul imprudentia aetatis, non tamen aliud consultauerat quam de incolumitate domus, et an placabilis Nero, an cognitio senatus nihil atrox adferret.**

⁶⁵³ Ann. 16.31: Tum interrogante accusatore an cultus dotalis, an detractum ceruici monile uenum dedisset, **quo pecuniam faciendis magicis sacris contraheret**, primum strata humi longoque fletu et silentio, **post** altaria et aram complexa 'nullos' inquit **impios deos**, nullas **deuotiones**, nec aliud **infelicibus precibus** inuocauit quam ut hunc optimum patrem tu, Caesar, uos, patres, seruaretis incolumem. sic gemmas et uestis et dignitatis insignia dedi, quo modo si sanguinem et uitam poposcissent. uiderint isti, antehac mihi ignoti, quo nomine sint, quas artes exerceant: **nulla mihi principis mentio nisi inter numina fuit.** nescit tamen miserimus pater, si crimen est, sola deliqui'.

⁶⁵⁴ Cf. the account of Dio Cassius 62.26.3: Σωρανὸς μὲν οὖν ὡς καὶ μαγεύματί τινη διὰ τῆς θυγατρὸς κεχρημένος, ἐπειδὴ νοσήσαντος αὐτοῦ θυσίαν τινὰ ἐθύσαντο, ἐσφάγη... *μάγευμα* is to be understood as equivalent to "a spell", probably even a translation of *carmen* (cf. Plut. Mor 752c : *φάρμακα καὶ μαγεύματα ἀκόλαστον γυναικῶν*). Cf. Freyburger-Galland 2000:98.

incompletely recounted cases of consultation of astrologers already reviewed, namely in what degree it would be thought that in dealing with the *magi* one would only seek divination of the future without attempting *deuotiones* or in what degree the very consultation could be thought of as a *deuotio*. The other case we have extant in Tacitus in any detail, that of Libo Drusus, indeed involves both divination and *deuotiones*. Furthermore judging by Servilia's defence, it is questionable in what sense no *deuotiones* were employed, for when she mentions that she *prayed* in the process of her interaction with the *magi* for the emperor and the senate to preserve her father, she clearly attempted to affect them in the course of a ritual by means of what could only be seen as magic.

Furthermore, as noted above, the religious connotations of the charges, trial and process of defence are of great interest; Servilia attempts in a very dramatic fashion to demonstrate her piety by embracing the altar, proclaiming her *pietas* towards her father, claiming that she had had no traffic with impious gods, performed no *deuotiones*, and that she mentioned the emperor's name only among the other divinities; all in all the point of her defence is that she took no part in any questionable ritual or cult activities and if she consorted with this kind of people, previously unknown to her, it was only out of the utmost necessity. One is almost reminded of Dido's defence when she unwillingly resorts to magic, under the inexorable pressure of fate.

For the sake of completeness, I will include a reference to the elliptical account of Dio Cassius of the condemnation of a Roman knight by the name of Antonius by Nero as a *pharmakeus*; Dio furthermore mentions that Nero had the *pharmaka* in question burnt publicly⁶⁵⁵. At the time and context in which Dio is writing, I find it most likely that he uses *pharmakeus* as a translation of *ueneficus*, and if we are to make anything out of his account, this case would have probably been tried under the *Lex Cornelia*. Now as to whether Antonius was condemned for poisoning, or his *ueneficium* is meant to imply magical practices, there is not much to go on, but the public burning of the *uenena* might indicate that he was believed to practice sorcery, as the destruction of the instruments of

⁶⁵⁵ Dio Cass. 61.7.6: Νέρων λαμπρῶς ἤδη πάντων ὧν ἤθελεν ἐπ' ἀδείας ἐνεπίμπλατο. καὶ οὕτω γὰρ ἐκφρονεῖν ἀντικρυς ἤρξατο ὥστε καὶ Ἀντώνιον τινα ἰππέα ἀντίκα ὡς καὶ φαρμακέα κολάσαι, καὶ προσέτι καὶ τὰ φάρμακα δημοσίᾳ καταφλέξει.

magic is supposed to dissipate its effects as well.⁶⁵⁶ On the other hand Dio mentions that the whole affair is rather irregular and that Nero acted in this manner as a result of his madness, so there isn't much safe ground to hypothesize, not to mention that the account is so elliptical that one cannot draw useful conclusions regarding the status of the relevant legislation.

2.b.iv. The case of Apollonius of Tyana

The case of Apollonius of Tyana is a problematic one; as I have argued in chapter III, it is impossible to conclude whether it ever really took place, but I contend that this is unimportant, if one is only to examine it as a piece of juristic evidence; even if it never took place, Philostratus would at least base the description of the charges against the philosopher on legal precedent and procedure otherwise it would make little sense in the context of his era and if he wished to convince anyone of what he was writing, it would be in his best interests to make it at least appear plausible; at any rate even if the case is a creation of Philostratus it could be still very valuable as an account, as Philostratus is writing relatively near the time in which the *Sententiae* of Paulus are estimated to have been compiled and thus could represent legal considerations of the age even more closely. In fact, when one reviews the charges against Apollonius, one does not encounter anything irregular in comparison to the historically attested trials already reviewed; therefore the amount of detail Philostratus goes into could throw some light on the elliptical accounts of our historians. The philosopher is charged with treason (*maiestas*) for speaking against Domitian's tyranny in public⁶⁵⁷ and for consorting with Nerva and Orfitus, who were supposedly planning a coup against Domitian, and assisting them in

⁶⁵⁶ Cf. *Dig.* 10.2.4.1 which calls for the destruction of articles of *ueneficium* in the course of a trial.

⁶⁵⁷ *VA* 7.9: ὅτι φεύγειν ὀρμῆς μὲν ἐνδειξάμενοί τι ἐπὶ τὸν τύραννον, ὅκνω δ' ἐκπεσόντες ὦν διανοήθησαν, διελέγετο μὲν ὑπὲρ Μοιρῶν καὶ ἀνάγκης περὶ τὸ νέμος τῆς Σμύρνης, ἐν ᾧ ὁ Μέλης, εἰδὼς δὲ τὸν Νερούαν ὡς αὐτίκα δὴ ἄρξοι, διήκει τὸν λόγον καὶ ὅτι μὴδ' οἱ τύραννοι τὰ ἐκ Μοιρῶν οἷοι βιάζεσθαι, χαλκῆς τε εἰκόνας ἰδρυμένης Δομετιανοῦ πρὸς τῷ Μέλητι, ἐπιστρέψας ἐς αὐτὴν τοὺς παρόντας ἀνόητε," εἶπεν ὡς πολὺ διαμαρτάνεις Μοιρῶν καὶ ἀνάγκης· ᾧ γὰρ μετὰ σὲ τυραννεῦσαι πέπρωται, τοῦτον κἄν ἀποκτείνης, ἀναβιώσεται." ταῦτα ἐς Δομετιανὸν ἀφίκετο ἐκ διαβολῶν Εὐφράτου...

their plan by divination performed through the sacrifice of an Arcadian youth, at night during a significant phase of the moon, whose entrails would reveal the future upon inspection.⁶⁵⁸ Apollonius is branded as a sorcerer (*goēs*) throughout the proceedings and in fact his being a sorcerer appears to be presented as one of the charges or as evidence that corroborates the charges of divination through human sacrifice.⁶⁵⁹ Apollonius' alleged crimes, if he was ever prosecuted under such charges, would seem to fall under both the *Lex Iulia maiestatis*, for his participation in conspiracy, and the *Lex Cornelia*, for the homicide/human sacrifice. Furthermore it would not seem unlikely that under acts like those attributed to Apollonius would be called *magorum sacra*, and the details to which Philostratus goes could well be the ones committed by Tacitus in his accounts of similar cases involving treason in combination with consultation of the *magi*. The religious undertones are not absent either; Apollonius is considered a god by some, a fact that offends the divinity of the emperor himself, and furthermore it is supposedly his demonic and aberrant way of life which gives him the audacity to perform human sacrifice, that is his being a *goēs* naturally leads to the most heinous kind of crimes.

⁶⁵⁸ VA 7.11: τοσούτω σοφωτέρα κατηγορία ἐπὶ σὲ εὔρηται· βούλεται γάρ σε Δομετιανὸς μετέχειν τῶν ἐγκλημάτων, ἐφ' οἷς Νερούας τε καὶ οἱ ξὺν αὐτῷ φεύγουσι." φεύγουσι δ' ἢ δ' ὅς ἐπὶ τῷ," ἐπὶ τῇ μεγίστῃ γε" ἔφη τῶν νῦν αἰτιῶν, ὡς δοκεῖ τῷ διώκοντι· φησὶ γὰρ αὐτοὺς ἐπὶ τὴν ἀρχὴν τὴν αὐτοῦ πηδῶντας ἤρηκέναι, σὲ δὲ ἐξορμήσαι τοὺς ἄνδρας ἐς ταῦτα παῖδα, οἶμαι, τεμόντα." μὴν" ἔφη ὡς ὑπ' εὐνοῦχου ἢ ἀρχῆ καταλυθείη;" οὐ τοῦτο" ἔφη συκοφαντούμεθα, φασὶ δ', ὡς παῖδα θύσαις ὑπὲρ μαντικῆς, ἦν τὰ νεαρὰ τῶν σπλάγγων φαίνει, πρόσκειται δὲ τῇ γραφῇ καὶ περὶ ἀμπεχόνης καὶ διαίτης καὶ τὸ ἔστιν ὑφ' ὧν προσκυνεῖσθαι σε.

⁶⁵⁹ VA 7. 20: αἱ μὲν ἰδέαι τῆς γραφῆς ποικίλαι τε" ἔφη καὶ πλείους, καὶ γὰρ τὴν ἐσθήτα διαβάλλουσι καὶ τὴν ἄλλην δίαιταν καὶ τὸ ἔστιν ὑφ' ὧν προσκυνεῖσθαι σε καὶ τὸ ἐν Ἐφέσῳ ποτὲ ὑπὲρ λοιμοῦ χρῆσαι, διειλέχθαι δὲ καὶ κατὰ τοῦ βασιλέως τὰ μὲν ἀφανῶς, τὰ δ' ἐκφάνδη, τὰ δ' ὡς θεῶν ἀκούσαντα, τὸ δὲ ἐμοὶ μὲν ἀπιθανώτατον, γινώσκω γάρ, ὅτι μηδὲ τὸ τῶν ἱερῶν αἶμα ἀνέχη, τῷ δὲ βασιλεῖ πιθανώτατον διαβάλλεται· φασὶν ἐς ἀγρὸν βαδίσαντά σε παρὰ Νερούαν τεμῆν αὐτῷ παῖδα Ἀρκάδα θυομένῳ ἐπὶ τὸν βασιλέα καὶ ἐπάραι αὐτὸν τοῖς ἱεροῖς τούτοις, πεπράχθαι δὲ ταῦτα νύκτωρ φθίνοντος ἤδη τοῦ μηνός. τοῦτο δὲ τὸ κατηγορημα, ἐπειδὴ πολλῶ μείζον, μὴ ἕτερον τι παρ' ἐκεῖνο ἠγάμεθα, ὁ γὰρ λαμβανόμενος τοῦ σχήματος καὶ τῆς διαίτης καὶ τοῦ προγιγνώσκειν ἐς τοῦτο δήπου ξυντείνει καὶ ταῦτά γε καὶ τὴν παρανομίαν τὴν ἐς αὐτὸν δοῦναί σοί φησι καὶ τὸ ἐς τὴν θυσίαν θάρσος. χρῆ οὖν παρεσκευάσθαι τὴν ὑπὲρ τούτων ἀπολογία, ἔστω δὲ σοὶ ὁ λόγος μὴ ὑπερορῶν τοῦ βασιλέως."

2.b.v. The trial of Apuleius

The trial of Apuleius is also of interest for the possible light it could throw on the development of the *Lex Cornelia* and the religious considerations that apparently came to play a part in trials and legislation against magic under its provisions; it is of course possible that, as the only piece of evidence we possess of this trial is the defence of Apuleius himself in what seems to be a very elaborate and literary speech, the whole affair might be a fictional one. As in the case of Apollonius, I would contend that this is irrelevant; the speech would have to make some sort of legal sense even if for a fictional trial, especially as Apuleius' education and knowledge in matters of law would be in question if it did not, given that proving how learned he is, as a philosopher, in all fields of human knowledge seems to be one of his objectives in the speech. Besides there is no conclusive argument for claiming that we are indeed dealing with a fictional trial; the speech does seem reworked to be made more presentable for the purposes of publication,⁶⁶⁰ a standard practice with famous speeches in antiquity, but that does not imply that the essential parts of it, pertaining to charges and defence against them cannot have been from an actual speech delivered in court. At any rate, in the following I will try to show that the nature of the charges Apuleius was facing does conform to the provisions of the *Lex Cornelia* evidently as modified by the otherwise undated *senatus consultum* mentioned by Modestinus and upon which the *Sententiae* of Paulus seem to expound more than a century later; the case could even throw some light on the elliptic accounts of magic trials in the historians' works.

The charges Apuleius faces are not those of inflicting wrongful death, but they are in fact charges of *ueneficium* and evidently *deuotiones*;⁶⁶¹ as shown earlier, not all jurists

⁶⁶⁰ Cf. Abt 1908:6-8, Amarelli 1988:114-5, *contra* Winter 1969.

⁶⁶¹ *Apol.* 71: ut ... amatricem eam, me magum et ueneficum clamitaret. cf. 32.: *si potes, ad hoc quaesisse ut si elleborum uel cicutam uel sucum papaueris emissem, item alia eiusdem modi quorum moderatus usus salutaris, sed commixtio uel quantitas noxia est, quis aequo animo pateretur, si me per haec ueneficii arcesseres, quod ex illis potest homo occidi?* This passage does suggest, in my view, that he was accused of *ueneficium* as he implies on ridiculous grounds, similar to the hypothetical case, if he had been accused of *ueneficium* for the possession of medicinal substances which can be harmful in certain quantities. Rives (2003:323) curiously concludes from passages such as the above that Apuleius in fact denies that he was accused of *ueneficium*.

were of the same opinion that *ueneficium* was as a term only to be applied to lethal substances but also to substances which adversely affected the nature of the person they were applied on, such as love potions, hate potions, potions which inspired madness and the like.⁶⁶² In light of this, Aemilianus, the accuser of Apuleius, could well press charges of *ueneficium* against the philosopher, for having enchanted and seduced by means of *uenena* and *carmina* a wealthy widow, Pudentilla, into marrying him;⁶⁶³ to this end he was seeking and purchased some kind of poisonous mollusc, the *lepus marinus*,⁶⁶⁴ and the *ueretilla* and *uirginal*, two kinds of fish considered aphrodisiacs on account of their names⁶⁶⁵. This part of the numerous charges, if indeed all of them were charges, seems to be the one more properly treatable under the *Lex Cornelia*.⁶⁶⁶ Now it seems that Aemilianus, in order to corroborate the charge of *ueneficium* and *carmina* brought forth a multitude of arguments to prove that Apuleius was in fact a *magus*, and thus presumably capable of the acts he was accused of; this fact alone seems very interesting in the sense that it would indicate that *ueneficium* was considered by then the domain of *magi* par excellence, so that if one could be proven a *magus*, he could also be shown capable of *ueneficium*. The arguments indeed, in Apuleius' words, all served to the same purpose, to show that in fact he was a *magus*,⁶⁶⁷ These included a) that he used a young boy for the purposes of divination in a ritual involving *carmina* and performed at night in a remote location, with the result of the boy in question collapsing after being put in trance presumably, and awakening later with loss of memory⁶⁶⁸ b) that he performed a nocturnal

⁶⁶² Cf. Quintilian: *Inst.* 7.3.10: Interim quaeritur in rebus specie diuersis, an et hoc et hoc eodem modo sit appellandum, cum res utraque habet suum nomen, ut amatorium, uenenum. 8.5.31: 'Vis scire uenenum esse amatorium? Viueret homo nisi illud bibisset' argumentum est.

⁶⁶³ *Apol.* 41: aiunt mulierem magicis artibus marinis illecebris a me petitam... 67: una res est, quod nunquam eam uoluisse nubere post priorem maritum, sed meis carminibus coactam dixere. 71: Satis puto ex istis posse cuiuis liquere non meis carminibus ab obstinata uiduitate compulsam, sed olim sua sponte a nubendo non alienam utiquam me fortasse prae ceteris maluisse.

⁶⁶⁴ *Apol.* 33.

⁶⁶⁵ *Apol.* 33: cum me ad finem calumniae confixerunt duas res marinas impudicis uocabulis quaesisse... 34: ut quaesisse me fingeretis ad illecebras magicas duo haec marina ueretillam et uirginal...

⁶⁶⁶ Cf. Massoneau 1934:168, 190; Hunink 1997:1.13; Graf 1997:66; Beard, North and Price 1998:235; Gordon 1999:263. Dickie 2001:147.

⁶⁶⁷ *Apol.* 25: Quin ostenditis quod insimulauistis, scelera immania et inconcessa maleficia et artis nefandas? ... Aggredior enim ad ipsum crimen magiae ... Quae quidem omnis Aemiliano fuit in uno isto destinata, me magum esse, et ideo mihi libet quaerere ab eruditissimis eius aduocatis, quid sit magus.

⁶⁶⁸ *Apol.* 42: igitur ad praescriptum opinionis et famae cofixere puerum quempiam carmine cantatum remotis arbitris secreto loco, arula et lucerna et paucis consciis testibus, ubi incantatus sit, corruisse, postea

sacrifice of birds in the house of an acquaintance,⁶⁶⁹ c) that he kept some occult object among the *Lares* of his host,⁶⁷⁰ d) that he possessed a ghastly skeletal figurine, which he called βασιλεύς and to which he occasionally offered sacrifice.⁶⁷¹ The first two arguments, or perhaps charges in their own right, are very reminiscent of the *magorum sacra, magica sacrificia* found in Tacitus and the similar *nocturna sacra* found in legislation, not to mention that Apuleius uses practically the same phrases to describe the nature of his charges.⁶⁷²

It has been argued that the case of Apuleius is indicative of the tendency of the Lex Cornelia to come to treat with cases of religious deviance, that is magic in and of itself as opposed to its obnoxious uses.⁶⁷³ To be sure, the case brings forth the connection of magic and what had come to be called philosophy with religious deviance, but it does not seem to me to be the key issue although admittedly it seems to be a peripheral one; Apuleius chooses to make his defence against the “slander of magic” (*calumnia magiae*) as a strategy of attacking his opponents arguments, one probably not very dissimilar to what is called nowadays a “strawman argument”; the main charge and the whole issue seems indeed to have been that of *ueneficium* with Pudentilla as victim, but Apuleius chooses to see it as an accusation of magic⁶⁷⁴ (*crimen magiae*, which is not as such a valid legal accusation), which is according to him more like slander than an accusation which can be defended against,⁶⁷⁵ as the ignorant and malicious can accuse anyone on whatever grounds that he is a *magus*. Thus by providing an alternative explanation for those of his

nescientem sui excitatum.

⁶⁶⁹ *Apol.* 57: Testimonium ex libello legi audisti gumiae cuiusdam et desperati lurconis Iuni Crassi, me in eius domo nocturna sacra cum Appio quintiano amico meo factitasse, qui ibi merced deuserbatur. 58: ibi in uestibulo multas auium pinnas offendisse; praeterea parietes fuligine deformatos; quaesisse causas ex seruo suo, quem Oeae reliquerit, eumque sibi de meis et Quintiani nocturnis sacris indicasse.

⁶⁷⁰ *Apol.* 53: ais enim me habuisse quaedam sudariolo inuoluta apud Lares Pontiani. Ea inuoluta uae et cuius modi fuerint, nescisse te confiteris, neque praeterea quemquam esse qui uiderit; tamen ista contendis instrumenta magiae fuisse.

⁶⁷¹ *Apol.* 61: quod me aiunt ad magica maleficia occulta fabrica ligno exquisitissimo comarasse et, cum sit sceleti forma, turpe et horribile, tamen impendio colere et Graeco uocabulo basilea nuncupare.

⁶⁷² Cf. Gordon 1999:263. Gordon argues that the details gleaned from the case of Apuleius could actually shed light on the elliptically recounted cases such as those of Scaurus, Lollia, Scribonianus et al. in Tacitus.

⁶⁷³ Rives 2003:327.

⁶⁷⁴ This he construes as a distinction between a magus and a philosopher. Cf. Rives 2003:325.

⁶⁷⁵ *Apol.* 2: calumnia<m> magiae, quae facilius infamatur quam probatur, eam solum sibi delegit ad accusandum.

actions presented as magical or by refuting the accusations by different means, he aims to invalidate the charges of *ueneficium*, which seem to have been the ones more properly valid under the *Lex Cornelia*, under a certain interpretation that is; it has to be noted that the charges of *nocturna sacrificia*, for which there is a provision in the *Lex Cornelia* at the earliest from the same period as the trial, could have been indeed among the charges and not simply arguments to demonstrate how Apuleius was capable of *ueneficium* as a *magus*; if this is so, the date of the *senatus consultum* mentioned by Modestinus could be more precisely dated to this or an earlier period.⁶⁷⁶

Conclusion

This concludes the account of magic trials under and before the emperors of the pre-Christian era. As has been shown the cases could either involve the law of treason or the *Lex Cornelia* or a combination of the two in some instances; there also remains a doubt as to whether even the apparently *maiestas* trials could fall under the definition of the *Lex Cornelia*, when one charges another of consorting with astrologers, *mathematici*, *magi* and the like, for the purposes of divination. Specific edicts were in effect for this particular instance, most notably the 11 AD edict of Augustus, but if the rationale behind the prohibition was that once something is predicted, reality and the lives of the people concerned is already affected, how inextricable could this be in Roman perception from a *deuotio* especially when the specialists employing either were rarely if ever distinguished? Furthermore in the only two magic trials Tacitus describes in some detail, it is evident that the charges are both of *deuotio* and divination; are we to understand two separate charges or one and the same? The discussion on the *Lex Cornelia* about what constitutes a *uenenum* in the time of Quintilian makes it clear that the *carmina magorum* were in fact seen by some as *ueneficium*, on account of their effects, that is the ability to affect adversely the recipient in an undetectable manner, despite the fact that a *carmen* and a lethal potion are of fundamentally different nature. But how technical are we to understand the distinction between the references to *carmina magorum* (which Quintilian

⁶⁷⁶ Cf. Kippenberg 1997:153.

obviously does not distinguish from *deuotiones* and likens to *uenena* as to their effects), *magorum sacra*, *diri sacrorum ritus*, the likely hendiadys *carmina et ueneficia*, the *externae* and *magicae superstitiones*, the human sacrifice of Apollonius even, and the like, which we find as charges in trials concerning magic in our historians' accounts? The few relevant explicit references specifically to magical activities in the *Lex Cornelia* are from the *Sententiae* of Paulus, wherein *sacra impia nocturnaque* are mentioned practically as a cognate of the practice of *deuotio*, since their objective is to adversely affect a person in the same manner (*ut quem obcantarent defigerent obligarent*) and from Modestinus, citing an undated *senatus consultum* which prohibits *mala sacrificia* and punishes the offenders under the provisions of the *Lex Cornelia*. Yet these questionable *sacra* are mentioned in our historians in what would appear often to be a divinatory context and thus punishable as treason in these instances under the *Lex maiestatis*, not the *Lex Cornelia*; but what if the *sacra* in question were in fact, on a case per case basis, considered like those allegedly performed by e.g. Apollonius, Elagabalus or Didius Iulianus, the tribune Numerius⁶⁷⁷ all of which are reported to have performed human sacrifice for the purposes of divination? What seems certain on the other hand is that the trend slowly, as a concept of magic was becoming more clearly defined, was finally to lead to criminal acts through magic as well as the knowledge and practice of magic in general to come to be treated under the *Lex Cornelia*, but to clearly define the steps in this direction is probably a task impossible to accomplish with a decent amount of certainty. I will nonetheless attempt, based on our cases and what remains of the pertinent legislation, to give a brief overview of the possible development.

The original *Lex Cornelia*, under the rubric *de ueneficis*, treated of cases of poisoning, within the larger scope of the law, that is of punishing acts of premeditated murder through uncanny or not readily detectable means. The first clear instance of coupling *carmina*, which I believe is inextricable from *deuotiones* in light of the scarcity of our evidence, is the case of Numantina in 23 AD although it is not unlikely that *deuotiones* were part of the charges of *ueneficium* in the trial of Calpurnius Piso for the murder of Germanicus in 19 AD. The case of Claudia Pulchra in 25 AD indicates that

⁶⁷⁷ Ammianus Marcellinus 29.2.17.

this trend is starting to become established and that the *Lex Cornelia de ueneficis* starts to deal with *carmina* and *deuotiones* under the provisions for *ueneficium*. The only instance of charges of *deuotiones* alone being pressed is the case of Domitia Lepida in 53 AD which could have been brought forth under the *Lex Cornelia*, since evidently by now *deuotiones* were treated under this law; it might be useful to remember that the discussion of Quintilian on whether the *carmina magorum* could be treated as *ueneficium* is not of a too remote an era from this particular trial, and it is very likely that it was similar cases which gave rise to the related discussion. Now the charges of performing *diros sacrorum ritus*, pressed against Lepida in 64 AD, is very reminiscent of the *sacra impia nocturna* in Paulus, and it could very well be meant that we are treating once again of a case of *deuotiones*, with the cult vocabulary much more pronounced by now in our account. I have already commented on the religious context in which the trial of Servilia took place in 66 AD, a trial very likely on account of the *deuotiones* mentioned by her, to have been at least partly under the *Lex Cornelia*. Religious considerations are more prominent, when the cases of Apollonius and Apuleius are taken into account, but then again despite all this, the primary concern of the law seems to have been to punish acts harmful to citizens and the public order of the empire, not with religious deviance *per se*, but as a means to the above mentioned crimes.

Which brings us to the singularly phrased charges of *magicæ* and *externæ superstitiones* and as to how these could be constituted as crimes; it is not known to what extent these could come under the *Lex Cornelia*, unless such cults practiced *deuotiones* or *sacrificia mala*, but it is a fact nonetheless that cults were occasionally connected with sedition and disturbance of the public order, rebellious movements and unrest, which led at times to a case by case persecution within the confines of Rome, as happened with the Jews and Isiacs under Tiberius. A passage of Dio Cassius, a speech attributed to Agrippa with Augustus as recipient, which probably shouldn't be considered as originating otherwise than with Dio himself, could shed light on the whole phenomenon of persecution of magicians under the empire, under both the *Lex Cornelia* and the law of treason; I quote in full:

καὶ προσέτι τὸ μὲν θεῖον πάντη πάντως αὐτός τε σέβου κατὰ τὰ πάτρια καὶ τοὺς ἄλλους τιμᾶν ἀνάγκαζε, τοὺς δὲ δὴ ξενίζοντάς τι περὶ αὐτὸ καὶ μίσει καὶ κόλαζε, μὴ μόνον τῶν θεῶν ἕνεκα, ὧν <ὁ> καταφρονήσας οὐδ' ἄλλου ἂν τινος προτιμήσειεν, ἀλλ' ὅτι καὶ καινὰ τινα δαιμόνια οἱ τοιοῦτοι ἀντεσφέροντες πολλοὺς ἀναπέιθουσιν ἄλλοτρινομεῖν, κᾶκ τούτου καὶ συνωμοσίαι καὶ συστάσεις ἐταιρεῖαί τε γίνονται, ἅπερ ἥκιστα μοναρχία συμφέρει. μήτ' οὖν ἀθέωτινι μήτε γόητι συγχωρήσης εἶναι. μαντικὴ μὲν γὰρ ἀναγκαῖα ἐστὶ, καὶ πάντως τινὰς καὶ ἱερόπτας καὶ οἰωνιστὰς ἀπόδειξον, οἷς οἱ βουλόμενοί τι κοινώσασθαι συνέσσονται· τοὺς δὲ δὴ μαγευτὰς πάνυ οὐκ εἶναι προσήκει. πολλοὺς γὰρ πολλάκις οἱ τοιοῦτοι, τὰ μὲν τινα ἀληθῆ τὰ δὲ δὴ πλείω ψευδῆ λέγοντες, νεοχμοὺν ἐπαίρουσι. τὸ δ' αὐτὸ τοῦτο καὶ τῶν φιλοσοφεῖν προσποιουμένων οὐκ ὀλίγοι δρῶσι· διὸ καὶ ἐκείνους φυλάσσεσθαί σοι παραινῶ. μὴ γὰρ ὅτι καὶ Ἄρειου καὶ Ἀθηνοδώρου καλῶν καὶ ἀγαθῶν ἀνδρῶν πεπείρασαι, πίστευε καὶ τοὺς ἄλλους πάντας τοὺς φιλοσοφεῖν λέγοντας ὁμοίους αὐτοῖς εἶναι· μυρία γὰρ κακὰ καὶ δῆμους καὶ ἰδιώτας τὸ πρόσχημά τινες τοῦτο προβαλλόμενοι δρῶσι.⁶⁷⁸

Religious deviance is unwanted in Rome not only for the sake of the gods, but also because those who introduce new gods in Rome are the source of conspiracies and sedition, things very harmful to a monarchy; divination in the form of *auspicium* and *haruspicium* is a necessary discipline, but magicians and sorcerers should not be allowed to exist as they only in fact distort the truth to bring about unrest; the same apparently applies to so called philosophers, who act no different than sorcerers, a phrase which supplies a very useful context in better evaluating the charges presumably pressed against Apollonius and Apuleius, and the latter's selected strategy of defence of philosophy, which he adopts in his *Apologia*. This passage, reflecting primarily concerns of the 3rd cent. AD throws light on the trials of the type of that of Apollonius and on how the *Lex Cornelia* went on from a law against poisoning, after taking on cases of *deuotiones*, to develop in to a full blown law against magic and its practitioners by the 4th and 5th cent.

⁶⁷⁸ Dio Cass. 52.36

AD with the universal bans against the *artes magicae* we find in the *Codex Theodosianus* and *Codex Iustinianus*. Religion and its antithetical position to magic had become a major theme in the policing of the Empire.⁶⁷⁹

⁶⁷⁹ See Beard, North and Price 1998:214.

CHAPTER V

POLICING CIVIL UNREST: MEASURES AGAINST ASTROLOGERS AND SIMILAR UNDESIRABLES

Introduction

From the discussion on legislation against magic, we now move on to the cases of expulsion of astrologers and other groups of undesirables from the city of Rome, with the focus on the former. Astrologers, the *chaldaei* and *mathematici* as they are often called in imperial times, a group of people, the services of whom several emperors seem to have frequently availed themselves of, became nevertheless often the target of imperial ire and repression. This ambiguity of attitude towards this class of people is reflected in Tacitus' comment on them; the *mathematici* constituted a group of people disloyal to the authorities, profiting from entertaining false hopes, which would always be banned by the Roman state and yet always retained.⁶⁸⁰ In the same vein probably, Tacitus mentions how the *senatus consultum* under Claudius expelling the astrologers was a futile gesture, since it never really did away with them.⁶⁸¹ Such comments have at times been interpreted as yet another illustration of imperial hypocrisy on the part of the historian, but it is arguable whether they in fact present a fair picture of the actual scope of the expulsion edicts, which by their nature had a temporary and ad hoc character rather than the status of standing law; it is useful to keep in mind that a law universally banning the practice of astrology was not instituted until the reign of Diocletian⁶⁸² and the early Christian period

⁶⁸⁰ *Hist.* 1.22: genus hominum potentibus infidum, sperantibus fallax, quod in ciuitate nostra et uetabitur semper et retinebitur

⁶⁸¹ *Ann.* 12.52: de mathematicis Italia pellendis factum senatus consultum atrox et inritum.

⁶⁸² *CJ* 9.18.2: Imperatores Diocletianus, Maximianus: Artem geometriae discere atque exerceri publice intersit. ars autem mathematica damnabilis interdicta est. diocl. et maxim. aa. et cc. tiberio.

when it came to be considered as unacceptable as any other form of magic.⁶⁸³ Therefore the expulsion edicts represent temporary measures, which as such did not really have the purpose of banning the practice of astrology altogether. Nevertheless the accounts found in our sources document a trend for the emperors to limit knowledge of the future to their subjects and in certain instances monopolize it for themselves.⁶⁸⁴ This would culminate in the actual prohibition of divination in the 4th century AD.

In the following I will attempt a review of the extant references to such edicts banning certain groups of astrologers and other undesirable elements from Rome, in order to establish the reasons which led to such actions, on a case-by-case basis where the sources allow. I will also attempt to give a brief account of the permanent prohibition of the existence of such groups under the early Christian Empire, for this appears to be the culmination of the trend in question. It will nonetheless prove useful to attempt a short review of similar repressions from the republican era, in order to establish the precedent for the imperial expulsions.

1. The Republican Background: Repression of *superstitiones*

1.a. The repressions of 427 and 215 BC⁶⁸⁵

The first attested mass repression of a foreign cult in Rome occurred in 427 BC.⁶⁸⁶ In the wake of a particularly bad drought, which caused a pestilence to spread to both the rural and urban population, certain individuals, with monetary profit in mind, began propagating all kinds of foreign rites among the masses;⁶⁸⁷ this resulted, according to

⁶⁸³ *CJ* 9.18.5: Imperator Constantius Nemo haruspicem consulat aut mathematicum, nemo hariolum. augurum et uatum praua confessio conticescat. chaldaei ac magi et ceteri, quos maleficos ob facinorum magnitudinem uulgius appellat, nec ad hanc partem aliquid moliantur. sileat omnibus perpetuo diuinandi curiositas.

⁶⁸⁴ On the matter of imperial monopolization of divination see Fögen 1993.

⁶⁸⁵ A brief treatment of these affairs can be found in Massoneau 1934:151-2.

⁶⁸⁶ Livy 4.30.

⁶⁸⁷ *Ibid.* ...*animos quoque multiplex religio et pleraque externa inuasit, nouos ritus sacrificandi uaticinando inferentibus in domos quibus quaestui sunt capti superstitione animi...*

Livy, to such a widespread promulgation of these *superstitiones* that much of the populace was hardly offering prayers and sacrifices to the gods of the city any more. The senate eventually realized that the situation was getting out of hand and decided to act; the *aediles*, therefore, decreed that the performance of all foreign rites should cease and that only the Roman gods should be honoured within the territory of Rome.

The next instance of mass repression of a foreign cult occurred in 215 BC during the tumult of Hannibal's invasion of Italy. As Livy reports, humbugs and diviners had captured the minds of the urban population and the peasantry, which had flocked within the city walls for security, with *superstitio*.⁶⁸⁸ As these practices were becoming more widespread and visible, to the point that one could see groups of women offering sacrifices and prayers on the forum and the Capitol to gods foreign to the Roman pantheon, the senate became concerned and attempted to intervene; this however promptly led to violent reaction from the cultists. The senate in response deliberated on more resolute action; the praetor M. Aemilius was given authority by a *senatus consultum* to destroy the sacrificial apparatus and the prophetic books of the cultists and thus “liberate the people” from such superstition.

Livy's brief accounts provide us with some insight into how the Roman state, that is to say the senatorial elite, would view and deal with a foreign cult operating within the city of Rome. It becomes apparent that at first there would be hesitation as to the course of action or whether to act at all and Livy's account implies that a good portion of the nobility simply would not care. However as the cult would acquire influence among the masses and become more visible in public life, the senate would eventually take notice.⁶⁸⁹ One of the concerns which Livy brings forth in both instances is that the people were being defrauded of their possessions by charlatans, which was probably a legitimate grievance; for example, in an era of unprecedented crisis, which the Republic was facing in the wake of Hannibal's military successes, unrest at home would only increase when the people realized that they had already wasted their precious resources on the ravings of charlatans.

⁶⁸⁸ 25.1: *sacrificuli ac uates ceperant hominum mentes*

⁶⁸⁹ Cf. Nippel 1984:21.

Furthermore, the senate's concern with the cult itself would most probably be of a practical nature as well. In regards to the repression of 215 BC, as it was demonstrated ten years later in 205 BC, during the very same war, the senatorial elite did not object on principle to the introduction of a foreign cult in Rome, as long as this was sanctioned by the Roman priesthood, which was after all was the expression of the religion of the nobility; after consultation of the Sibylline books, it was decided that the cult of the *Magna Mater* of Pessinus should be introduced in Rome. Unlike the cult of the *Magna Mater* however,⁶⁹⁰ the cult in question was outside senatorial sanction and control; its existence was probably seen as detrimental to the unity of the citizenry in the face of an external enemy and as possible breeding grounds for sedition and conspiracy.⁶⁹¹ A more explicit exposition of the Roman notion of a *superstitio* as the prelude to a conspiracy against the state is offered by the case of the *Bacchanalia*.

1.b. The Bacchanalia⁶⁹²

Roman domestic peace in Italy was disturbed again in 186 BC, when the senate decided to take action against the cult of Bacchus, which had been growing in numbers for some years in the Italian Peninsula.⁶⁹³ The action took the form of the mass persecution of cult members, who were imprisoned or executed, and of the destruction of Bacchic cells in Rome and the allied Italic cities, which in essence eradicated the Bacchic cult in Italy. The will of the senate was expressed in a *senatus consultum*, which we are fortunate enough to possess, and which dictated the new restrictive terms under which the cult of Bacchus was to exist ever after in the Roman state.

⁶⁹⁰ Beard, North and Price (1998:92, 96-7) argue that the cult must have been under unprecedented control at its arrival.

⁶⁹¹ Cf. Romulus' proclamation in Livy 1.9.3: ...urbes quoque, ut cetera, ex infimo nasci; dein, quas sua uirtus ac di iuuent, magnas opes sibi magnumque nomen facere; satis scire, origini Romanae et deos adfuisse et non defuturam uirtutem... Adherence to ancestral religion was essential to the upholding of Roman virtue and social unity. Cf. Janssen 1979:143; Takács 2000:302.

⁶⁹² See also Massoneau 1934:153-8.

⁶⁹³ On the cult of Bacchus in the Roman world see Nilsson 1953.

Livy describes the whole event in great detail⁶⁹⁴ but his account nevertheless leaves many questions unanswered and several elements of the narrative raise more than a few doubts about their accuracy. In short and omitting unnecessary details, the stepfather of P. Aebutius, wishing to be rid of his stepson, plans to trick him into joining the Bacchic cult, as this would be a safe way to dispose of him, probably having in mind that terrible things tended to befall new initiates. When Aebutius confesses to his mistress, the freedwoman Hispala Faecenia, that he needs to remain chaste for 10 days, in order to undergo the Bacchic initiation ceremony, she fervently attempts to dissuade him from joining, as she had been a member several years ago and knows what atrocities are perpetrated within the cult. Aebutius, probably catching whiff of his stepfather's plan flees to his aunt, Aebutia, a well respected matron residing on the Aventine and relates the whole story to her. Aebutia brings the matter to the attention of one of the consuls, who compels Hispala to confess all that she knows about the cult of Bacchus and what is going on in their secretive gatherings. Hispala relates how Paculla Annia, a priestess from Campania, had reformed the cult of Bacchus, membership of which was formerly only for women, so as to accept male members, and initiated her two sons into it. Furthermore Annia had increased the frequency of meetings from three times a year to five per month and these were now to be nocturnal rather than during the daylight hours. The cult had grown so significantly in numbers as to be described as "a separate people", a state in state so to speak; furthermore, what was even more alarming were the activities undertaken during their gatherings, which consisted of little more than rampant promiscuity between the cultists irregardless of sex, conspiracies, fanatical ramblings and fantastic immolations and murder of those who refused to be subjected to abuse. To make matters worse, some prominent Roman citizens were involved as members of the cult.

The consul becoming concerned at these discoveries, orders an investigation into the matter in the whole of Italy, places a ban on all activities of the cult and brings it to the attention of the senators who are alarmed as well at all the talk of conspiracy and at the possibility that they might have actually acquaintances of theirs amongst the cultists. It was also decreed that Rome should be guarded against a nocturnal arson in case there

⁶⁹⁴ Livy 39.8-19.

was a move against the government. These events culminated ultimately in the arrest and execution of seven thousand members of the cult, the destruction of the *Bacchanalia*, that is the temples to Bacchus, in Italy, with the exception of those which held ancient relics, and the *senatus consultum de Bacchanalibus* which dictated the new terms under which the cult of Bacchus could exist. The terms seem so restrictive, that it is not a big wonder that the cult was never really revived.

The account of Livy is very detailed and it would be impractical to go over it point by point, especially as my interest in the affair of the Bacchanalia is only that of furnishing a precedent for similar actions in the imperial period; there are many questions left unanswered as well as circumstances which look improbable,⁶⁹⁵ such as the senate deciding action based on the testimony of a woman of dubious character, not to mention the implausibly sudden discovery of the alleged crimes of the cult, which had been active for decades in Italy and was already known for its secrecy and violent shunning of outsiders.⁶⁹⁶ What is of interest here is not determining what actual danger the cult posed so as to be violently persecuted by the Roman state, but the reasons offered by the Roman authorities themselves. To this end I will go over the consul's speech in the senate,⁶⁹⁷ as quoted by Livy, and the text of the *senatus consultum de Bacchanalibus*.⁶⁹⁸

The ideological opposition of state religion against the *superstitio* of the Bacchanalia does play a major part in the consul Postumius' speech,⁶⁹⁹ but in the end it does not seem to be *per se* the ground on which action is proposed against the cult of Bacchus; ancestral religion is staunchly supported in the face of external cults, which corrupt the mores of the people into committing criminal acts, in order to alleviate the fear some of the senators might have of acting against a religious group and thus offending the divinity behind it. The consul expounds on how it is in fact according to ancestral precedent and the will of the gods, revealed in haruspice, to stamp out those

⁶⁹⁵ Heitland (1909:II.229) has called the account "a romance". Cf. Frank 1927:13. On Livy's dramatization of the events see Walsh 1996:195-9.

⁶⁹⁶ Cf. North 2003:204-5; Beard, North and Price 1998:92-3; see Plaut. *Mil.* 1016; *Bacch.* 53; *Amph.* 703-4; *Aul.* 408; *Cas.* 979-83.

⁶⁹⁷ 39.15

⁶⁹⁸ *CIL* I² 581.

⁶⁹⁹ For a discussion of the religious dimensions of the Bacchanalian affair see Pailler 1988:196-218. Cf. Takács 2000:307.

who stir unrest with the pretext of religion, which they use to frighten the opposition into not reacting, for fear of insulting the gods. It is in fact very revealing that such an attitude of fearful veneration of the cult might have had existed among part of the populace and the senate, even if they viewed it with suspicion. It is on the other hand suggested that some might have viewed it as a frivolous matter, an excuse for just a few citizens to gather together, either to worship or make merry, at any rate not something that was of any consequence to the broader public.

What all this indicates is that it was not standard practice for the Romans to persecute foreign cults, unless for good reason, which in this case is given in the consul's speech; the cult of Bacchus is alleged to be responsible for every single crime and evil in Italy from the moment they became established up to then; it is basically run by women and effeminate men; promiscuity is rampant irregardless of sex, with male homosexual acts being more frequent and to make things worse, the male initiates are less than twenty years old; how could such effeminate men be entrusted with the duty of defending the *res publica* on the field of battle? But what is most alarming is that all this is not about a small group of depraved thugs; the cult numbers several thousands of members; at the moment they do not possess enough power to make a move against the state and limit themselves to crimes of a private nature, but it will not be long before they actually amass the resources they need, as their numbers are constantly growing; what the *res publica* is facing is, as it is repeatedly stressed, a conspiracy (*coniuratio*),⁷⁰⁰ which is probably threatening its very existence, if the private crimes of the cultists offer a basis for conjecturing what they would do on a national scale.⁷⁰¹

All this might seem a bit far-fetched at times, and probably attributing all crimes of the times to the cult of Bacchus is only rhetorical exaggeration, but the *senatus consultum* passed isn't far from the general spirit of the speech Livy attributes to the consul. On the one hand the cult of Bacchus is not forbidden outright to exist on Italian

⁷⁰⁰ 39.8, 14, 15, 16.

⁷⁰¹ For the Bacchanalia cult seen as a *coniuratio* see Beard, North and Price 1998:94; Takács 2000:303; Nagy 2002:180-3. Nagy argues that the repression of the Bacchanalia offered a blueprint for the persecution of early Christian communities by the Roman state as potential conspiracy movements. Pailler (1988:705-28) also makes a case for the connection of Dionysiac movements and rebellions against Rome from the Bacchanalian affair to the Slave Wars.

soil, although one could say that the terms that have to be satisfied for a new temple (*Bacanal*) to be built, for a new cell to be formed or for rites to be performed in private, in public or outside the city walls would have been, to say the least, discouraging,⁷⁰² as the applicants would have to make a special request to the *praetor urbanus*, which afterwards would have to be approved by an assembly of no less than a hundred senators. Failure to comply with these terms before acting, would result in a death sentence. Furthermore, the consul's speech in Livy seems to emphasize the subversive and conspiratorial nature of the cult and this is reflected in the provisions of the *senatus consultum*; under no circumstances would the cult be allowed to have an administrative branch or common property and there would be no position of *magistratus* or anyone acting as one (*pro magistratud*); men would not be allowed to become priests, which might presumably lessen the risk of conspiracy, since women as cult leaders wouldn't hope to achieve political power for themselves; no oath of secrecy would be given between cult members, who could never exceed more than five per cell, two men and three women at most; and nocturnal rites,⁷⁰³ in keeping with the theme of doing away with the secrecy of the cult, would at all times be prohibited.

1.c. Repression of Egyptian cults

It is evident then that, whatever the actual nature of the Bacchic cult was or the reasons behind its persecution, the senate viewed the whole affair as one of stamping out a conspiracy against the safety of the *res publica* and taking measures of preventing the same threat emerging from the same source in the future. Perhaps it was similar considerations which led to the destruction by senatorial decree of the temples of Sarapis and Isis in the consulate of Lucius Aemilius Paulus; the date of this action is unknown and it is also unclear which Aemilius Paulus is the one referred to; as the story goes, after

⁷⁰² On the intentions of the senate as expressed by the *senatus consultum* see North 2003:208-9 The cult in fact does not seem to have made any major resurgence in the history of Rome. Cf. Latte 1960:272. On the *senatus consultum* see also Cramer 1954:47.

⁷⁰³ Nocturnal meetings (*coetus nocturnus*) were already outlawed in the XII Tables (VIII.14-5 [Crawford]) for fear of conspiracies; see Nippel 1984:24.

the workers ordered to dismantle the temples of Sarapis and Isis hesitated, as they were reluctant to provoke the wrath of these gods, Aemilius Paulus, the consul, took off his toga, took an axe and struck first the temple gates. The recurring image of the bold consul, unmoved by superstitious fear towards foreign gods and admonishing those who are fearful to shed their fears and have faith in the authority of the senate, the embodiment of tried Roman traditions,⁷⁰⁴ clearly reminds us of the consular speech on the Bacchanalia as found in Livy.

1.d. The first expulsion of astrologers from Rome

The first attested expulsion of astrologers from Rome and Italy is placed in 139 BC and was coupled as it seems with the expulsion of the Judaic cult of Iuppiter Sabazios; Cumont and Cramer paint a vivid picture of the troubled times of an era and society where the influx of tens of thousands of eastern slaves and the rising discontent of the disenfranchised Roman proletariat presented itself as fertile ground for the rise in popularity of newly imported cults, which came to challenge the old religion for the people's support; even Roman citizens had started to find the new cults more attractive than the traditional Roman gods. In the wake of this eastern influx of religion, there came the astrologers, bringing with them a foreign art of divination which would naturally be perceived as antagonistic to state-sanctioned divination.⁷⁰⁵

The events which led to the expulsion of the *Chaldaei*, as they are called in our only source, an epitome of Valerius Maximus,⁷⁰⁶ are not clear; the text survives in two traditions, with one being clearly superior to the other,⁷⁰⁷ but the actual wording of the

⁷⁰⁴ Val. Max. *Epit.* 1.3.3: *L. Aemilius Paulus consul, cum senatus Isidis et Serapis fana diruenda censuisset, eaque nemo opificum adtingere auderet, posita praetexta securem arripuit templique eius foribus inflixit.*

⁷⁰⁵ Cramer 1951a:14. Cumont (1910:59) argues that the persecution of the Jewish followers of Sabazios was similar in principle to the persecution of the Bacchanalia.

⁷⁰⁶ Val. Max. *Epit.* 1.3.1-2.

⁷⁰⁷ Val. Max. *Epit.* 1.3.1: *Cn. Cornelius Hispalus praetor peregrinus M. Popilio Laenate L. Calpurnio coss. edicto Chaldaeos citra decimum diem abire ex urbe atque Italia iussit, leuibus et ineptis ingeniis fallaci siderum interpretatione quaestuosam mendaciis suis caliginem inicietes. idem Iudaeos, qui Sabazi Iouis cultu Romanos inficere mores conati erant, repetere domos suas coegit.* Cf. Cramer 1951a:15.

praetorian edict does not survive. According to the superior tradition, the *praetor peregrinus*, Cn. Cornelius Hispalus, ordered the Chaldeans to leave the city of Rome and Italy within ten days, the rationale for their expulsion being that they profited by selling their doubtful and mendacious knowledge of their fraudulent interpretation of celestial movements to naïve and foolish people. At the same time the Jews, followers of Iuppiter Sabazios, were ordered to return back to where they came from, because their cult was subverting Roman mores. Since our knowledge of the whole event is very sketchy, it is not possible to say why exactly the astrologers were exiled; our source makes it seem as if it was a matter of protecting Roman society from a class of professional frauds,⁷⁰⁸ but the simultaneous expulsion of Jews on the grounds of subversion and the troubled political context of the times might indicate that the false prophecies of the Chaldeans could pose more dangers than simply lightening the purses of the naïve and credulous among the citizenry.⁷⁰⁹ Indeed the movement of Eunus in Sicily only a few years later demonstrated all too well the dangers of subversive prophets.

1.e. The First and Second Slave Wars⁷¹⁰

Perhaps the senate was not too mistaken in its suspicion of foreign cults and diviners when they happened to gain credence and a large following especially among the disfranchised; in 135 BC the aforementioned Eunus, a Syrian slave from Apameia, led an unsuccessful slave uprising in Sicily, which nevertheless ravaged the island for almost three years. Eunus' following was surely increased by the credence given to his claims that he was a prophet of the Syrian Goddess, Atargatis,⁷¹¹ or of the gods in general. His spectacular way of delivering prophecy in public was by means of a trick, involving sulphur and nuts, as our historians attest,⁷¹² which made him look as if he was breathing

⁷⁰⁸ According to Livy, this was one of the concerns which led to the repressions of 427 and 215 BC; see above.

⁷⁰⁹ Cf. Cramer 1951a:16; 1954:58.

⁷¹⁰ See Bradley 1989:46-82.

⁷¹¹ See Bradley 1989:55-7.

⁷¹² Florus *Epit.* 2.7; Diod. Sic. 34.2.5.

fire out of his mouth while being possessed by some divine entity. The rebellion led by this “sorcerer” and “charlatan”, as Diodorus calls him,⁷¹³ was finally defeated but not without much tumult and bloodshed; Florus may be exaggerating, but nevertheless gives an idea of the seriousness of the situation when he says that the Punic Wars hadn’t caused as much destruction in Sicily as the uprising of Eunos and his fanatical followers. A new revolt of equal magnitude started in Lilybaion of Sicily three decades after Eunos defeat, led this time at first by a certain Salvius, who was an experienced diviner⁷¹⁴ and afterwards by a Cilician slave, Athenio; this war lasted from 104 BC to 100 BC and no doubt highlighted the seriousness of the first uprising for the Roman authorities, even though this one was ultimately fruitless as well. Athenio gathered around him a multitude no less fanatical than that which Eunos had managed to assemble, and it is indubitable that his astrological skill⁷¹⁵ and his purportedly accurate predictions on military matters, under the divine guidance he claimed, persuaded many to flock under his banner or trust in the success of his enterprise. Of course the reasons for those revolts were of a social and economic nature; nevertheless the fanaticism into which a multitude can be incited by a man claiming divine guidance was no doubt considered a problem unto itself, not to mention that discontent and superstitious people were viewed as more likely to be incited to revolt by a holy man and follow him to death compared to a revolutionary who made no such claims.⁷¹⁶

2.a. The Last Years of the Republic and the Beginning of the Principate: Expulsions by Aedilician Edict and *Senatus Consultum*⁷¹⁷

More than a hundred years after the earliest documented expulsion of astrologers, in 33 BC the Roman state decided again to take action against this particular class of

⁷¹³ Diod. Sic. 34.2.5: ἄνθρωπος μάγος καὶ τερατουργὸς τὸν τρόπον

⁷¹⁴ Diod. Sic. 36.4.4-5: εἴλαντο βασιλέα τὸν ὀνομαζόμενον Σάλουιον, δοκοῦντα τῆς ἱεροσκοπίας ἔμπειρον εἶναι

⁷¹⁵ Diod. Sic. 36.5.1: καὶ τῆς ἀστρομαντικῆς πολλὴν ἔχων ἐμπειρίαν

⁷¹⁶ Cf. Cramer 1954:59-60.

⁷¹⁷ For the purposes of this section, I am largely indebted to Cramer's comprehensive studies on the subject which though slightly dated still remain indispensable.

professional diviners and exile them, along with the *goētes*,⁷¹⁸ from Rome. The expulsion edict was issued by Agrippa, who was newly appointed aedile by Augustus, so it only had validity within Rome and did not extend to the whole of Italy. The reason for the expulsion is not mentioned by our sole source, Cassius Dio, but the historical context of the times is quite well known, so it is not difficult to formulate some plausible hypotheses. Seeing as how this type of persecution of certain groups happened in Rome in times of trouble and crisis, in order to preserve the political and social stability at the Empire's heart from the detrimental influence of said groups (as will become evident from the discussion to follow), it has been reasonably assumed that the expulsion of astrologers and the *goētes* -- a word which here probably implies itinerant and unsanctioned diviners and assorted humbugs-- was for preventing the dissemination of anti-Augustan propaganda. The position of Augustus in 33 BC was not yet well established; and the Empire was divided between the Roman west and the Greek or hellenising supporters of Antony. In view of the imminent final conflict between the two men and all that they represented, the astrologers being in all likelihood largely supporters of Antony, as they must have for the most part hailed from the territories which had offered Antony their support, were a liability for Augustus in Rome. The expulsion of the astrologers and unsanctioned diviners from Rome at this point would serve to curb the access of the lower classes⁷¹⁹ of the city to any subversive oracles in support of Antony. The hypothesis that the purpose of this expulsion must have been along these lines is substantiated further by the fact that Dio inserts the mention of this incident in a wider narrative about the actions which Agrippa undertook in order to win the favour of both the people of Rome and of senators, in order to stabilize the situation at home; it is entirely plausible then that the action taken against the astrologers and other unsanctioned diviners in the context of the rest of Agrippa's actions in the interests of stability.⁷²⁰ The manner in which the expulsion happened and what the sanctions would have been, had someone of the parties concerned not complied by the order, is unknown.

⁷¹⁸ Dio Cass. 49.34.4: Ἀγρίππας μὲν δὴ ταῦτά τε ἐποίει, καὶ τοὺς ἀστρολόγους τοὺς τε γόητας ἐκ τῆς πόλεως ἐξήλασεν·

⁷¹⁹ It would probably still be possible to visit such people outside Rome, but there at least they wouldn't enjoy the wide audience the imperial city would present them with. Cf. Cramer 1951a:20

⁷²⁰ Cf. Cramer 1951a:20.

As with the previous recorded expulsion edict of 139 BC, this one was obviously of limited scope and was viewed as a temporary measure; the praetorian edict of 139 BC and the aedilician edict of 33 BC both had by default, because of the nature of the authority issuing them, a limited time span of one year of validity; after they each expired, it would be expected that the banned parties would slowly and discreetly reestablish their presence in Rome. This underlines the temporary nature of such measures, at least under the Republic.

The numerous recorded magic trials conducted under the Julio-Claudians and later emperors were for the most part, as shown in the previous chapter, evidently treason trials; as already mentioned, the Augustan edict of 11 AD designated the act of consulting an astrologer, or indeed that of using any form of divination, so as to glean information about the future of the emperor, a *crimen laesae maiestatis*, while it was likewise forbidden to enquire about the death of other persons.⁷²¹ However these topical restrictions which existed regarding the consultation of astrologers and other diviners did not render the very existence of said diviners illegal; indeed as far as we can tell, astrologers and their trade were a constant feature of public life under the empire. Their practices often landed them in trouble, most probably owing to violations of the Augustan edict, and Juvenal jokes about how a *mathematicus* truly worthy of his salt is one who has only narrowly escaped a death sentence or an exile to the Greek islands.⁷²² Their expulsions en masse on the other hand from the city of Rome and Italy were a different matter; no standing law was utilized by the Roman authorities in such instances, but the expulsion was always of an *ad hoc* nature, with the legal instruments of its accomplishment being initially the *senatus consultum* and later on the imperial edict.

The Libonian conspiracy of 16 AD has been discussed before in this study;⁷²³ Libo was found guilty on the charges of consulting astrologers about the fate Tiberius and very likely on charges of performing *deuotiones* against the emperor and other prominent

⁷²¹ Dio Cass. 56.25.5: τότε δ' οὖν ταῦτά τε οὕτως ἐπράχθη, καὶ τοῖς μάντεσιν ἀπηγορεύθη μήτε κατὰ μόνος τινὶ μήτε περὶ θανάτου, μηδ' ἂν ἄλλοι συμπαρῶσιν οἱ, χρόν· καίτοι οὕτως οὐδὲν τῷ Αὐγούστῳ τῶν καθ' ἑαυτὸν ἔμελεν ὥστε ἐκ προγραφῆς πάσι τὴν τῶν ἀστέρων διάταξιν, ὑφ' ᾧ ἐγγένητο

⁷²² 6.562-4: *nemo mathematicus genium indemnatus habebit, / sed qui paene perit, cui uix in Cyclada mitti / contigit et parua tandem caruisse Seripho*

⁷²³ Chapters III.1 and IV.2.b.i.

citizens, but he committed suicide before being condemned. The actions of Libo were in direct violation of the Augustan edict of 11 AD and so his crime was essentially one of treason. However the exposition and suppression of the conspiracy was evidently not deemed enough for Tiberius, who had recently come to power, and the Libonian conspiracy was deemed probably a more serious affair than the account of Tacitus would have us believe. Therefore it was followed evidently by two successive *senatus consulta*, which expelled the astrologers and the *magi* or *goētes*, from Rome and Italy, until the crisis was quelled, for it is obvious that they returned, as the next trial for a similar offence is dated at 20 AD.

This particular expulsion is the best documented we possess as it is mentioned by four different sources, though not all four go into details; Suetonius' account merely mentions that Tiberius expelled the astrologers, but allowed exemption to those who asked for forgiveness and stopped practicing their art;⁷²⁴ this last bit of information is supported by Dio's account as well.⁷²⁵ A second reference, implying a single *senatus consultum*, comes from Ulpian, who mentions that in the year 17 AD, the *Chaldaei*, *arioli* and others following similar inane practices were expelled from Rome and Italy and had their property confiscated; the non-citizens amongst them on the other hand were put to death.⁷²⁶ The next two accounts make it quite clear on the other hand that there were two *senatus consulta* passed after the Libonian conspiracy dealing with the matter of astrologers and other diviners; Tacitus' account relates that the astrologers and the *magi* were expelled from Italy by *senatus consulta*, and mentions two of those people who were executed in antique ways, L. Pituanus and P. Marcius.⁷²⁷ It has been much

⁷²⁴ Tib. 36: *Expulit et mathematicos, sed deprecantibus ac se artem desituros promittentibus ueniam dedit.*

⁷²⁵ Dio Cass. 57.15.9: τοῖς γὰρ πειθαρχήσασιν αὐτῶν ἄδεια ἐδόθη.

⁷²⁶ Coll. Legum Mos. Et Rom.: Ulpianus, *de officio proconsulis* 7: *Denique extat senatus consultum Pomponio et Rufo cons. Factum, quo cavetur, ut mathematicis Chaldaeis ariolis et ceteris, qui simile inceptum fecerunt, aqua et igni interdicitur omniaque bona eorum publicentur, et si externarum gentium quis id fecerit, ut in eum animaduertatur.* Cramer suggests that the phrasing might suggest an empire wide prohibition, which he rightly finds completely implausible; I think on the other hand, that the formula *aqua et igni*, only implies an expulsion from Italy, even if the above quotation is misleadingly phrased.

⁷²⁷ Ann. 2.32: *facta et de mathematicis magisque Italia pellendis senatus consulta; quorum e numero L. Pituanus saxo deiectus est, in P. Marcium consules extra portam Esquilinam, cum classicum canere iussissent, more prisco aduertere.* Cramer mentions the interpretation that would assign one SC to the expulsion of astrologers and one to that of the *magi* as implausible, and rightly so; both groups, if in fact a group is meant by *magi*, and Tacitus doesn't simply use it as an alternative instead of saying "astrologers and their ilk", even then they wouldn't require a separate SC, as they were part of the same problem and

speculated what the status of those two people was, and some have asserted that they were actual co-conspirators of Libo;⁷²⁸ however the mention of their execution in the context of the passing of the *senatus consulta* indicates that there should be a connection with those rather than with Libo's trial, the account of which preceded; furthermore, if Tiberius is reported to have vowed, after Libo took his own life, that he would ultimately have forgiven him and pleaded the senate for merciful treatment, under what justification would he have proceeded to put the co-conspirators of Libo to death? It is my opinion that these people were executed qua non-citizen astrologers or diviners; this is what Ulpian and Dio say happened to non-citizens as a result of the subsequent *senatus consultum*.⁷²⁹ This brings us to Dio's account, which is the most complete of the four. Dio's narrative implies that there were two *senatus consulta*; the first one, probably passed after Libo's trial had been resolved, that is after the 13th of September 16 AD, which completely restricted the business of non-official divination in the city of Rome, though no expulsion is mentioned besides the ban on divination;⁷³⁰ a second *senatus consultum* was then passed, probably in the same year⁷³¹, which punished all those who had not heeded the previous one, non citizens with death and citizens with banishment. The senate's will was, contrary to that of Tiberius and Drusus, to grant pardon to all citizens, but was

would be treated in the same way as astrologers; therefore, for all intents and purposes there wasn't need for a distinction between the two.

⁷²⁸ For discussion see Goodyear 1972: 285-6, Furneaux 1896: vol. 1, p. 322.

⁷²⁹ Ulpian. *De officio Procons.* 7 in *Leg. Mos. et Rom. coll.* 15.2.1: *Praeterea interdictum est mathematicorum callida inpostura et obstinata persuasione. Nec hodie primum interdici eis placuit, sed vetus haec prohibitio est. Denique extat senatus consultum Pomponio et Rufo cons. Factum, quo cauetur, ut mathematicis Chaldaeis Ariolis et ceteris, qui simile inceptum fecerunt, aqua et igni interdicatur omniaque bona eorum publicentur, et si externarum gentium quis id fecerit, ut in eum animadvertatur*; Dio Cass. 57.15.8-9: πάντας τοὺς ἄλλους τοὺς τε ἀστρολόγους καὶ τοὺς γόητας, εἴ τέ τινα ἕτερον καὶ ὁποιοῦν τρόπον ἐμαντεύετό τις, τοὺς μὲν ξένους ἐθανάτωσε, τοὺς δὲ πολίτας, ὄσοι καὶ τότε ἔτι, μετὰ τὸ πρότερον δόγμα δι' οὗ ἀπηγόρευτο μηδὲν τοιοῦτον ἐν τῇ πόλει μεταχειρίζεσθαι, συγγέλησαν τῇ τέχνῃ χρώμενοι, ὑπεράρισε τοῖς γὰρ πειθαρχήσασιν αὐτῶν ἄδεια ἐδόθη. καὶ σύμπαντες δ' ἂν οἱ πολῖται καὶ παρὰ γνώμην αὐτοῦ ἀφείθησαν, εἰ μὴ δήμαρχός τις ἐκάλυπεν. ἔνθα δὴ καὶ μάλιστα ἂν τις τὸ τῆς δημοκρατίας σχῆμα κατενόησεν, ὅτι ἡ βουλὴ τοῦ τε Δρούσου καὶ τοῦ Τιβερίου, συνέπαινος Γναίῳ Καλπυρνίῳ Πίσωνι γενομένη, κατεκράτησε, καὶ αὐτὴ ὑπὸ τοῦ δημάρχου ἠττήθη. *contra* Cramer 1951a:28, who thinks the two men were condemned as co-conspirators of Libo Drusus.

⁷³⁰ I retain some doubt on this matter as the πρότερον δόγμα Dio mentions could refer to the Augustan edict of 11 AD and not a *senatus consultum* earlier in the same year; however Dio himself describes said edict in very different terms, not as a complete ban, but as one with topical restrictions; the only way to hypothesize that he is referring to the Augustan edict here is to assume he is being very careless.

⁷³¹ Cramer 1951a:22.

overruled by an unnamed tribune who exerted his power of *uetio*; in this Dio saw an egregious example of democratic procedure;⁷³² it is likely he is not being ironic, as even this manipulation of what was probably an old republican procedure by Tiberius nonetheless showed observance of some forms of the old government; at the time he himself was a senator such displays of solidarity from the senate against the emperor's will and their overruling following proper procedure would have probably been a dim memory.

To sum up, I will attempt a reconstruction of events as can be construed from the combining the accounts of our sources;⁷³³ probably immediately and as a result of the exposition of the Libonian conspiracy, a *senatus consultum* was passed which prohibited all activities of astrologers and other diviners in the city of Rome; astrologers are mentioned by all sources; in addition “*arioli* and others” are mentioned by Ulpian, *magi* by Tacitus, and *goētes* by Dio; I doubt the party mentioned second to the astrologers by whatever name is meant to be of different nature in each of our sources; Ulpian is revealing in this respect as his phrase *arioli et ceteri*, “soothsayers and the rest”, implies that this group simply represented all unofficial diviners of any sort, apart from astrologers, and we are not to understand any real technical difference between *magi*, *arioli* and *goētes*. This *senatus consultum* was evidently so unsuccessful that in a very short time after, either in the same year or the next one, a second *senatus consultum* was passed to deal with the unresolved issue of astrologers and other diviners still operating within the capital in defiance of the first; Tiberius wanted to expel all citizens caught up in such activities and put the non-citizens to death, but was opposed by the senate who, agreeing with the motion of Cn. Calpurnius Piso, wanted to issue a pardon for the citizens

⁷³² Dio Cass. 57.15.8-9: καὶ μέντοι τῷ τε Θρασύλλῳ ἀεὶ συνῶν καὶ μαντεῖα τινὶ καθ' ἐκάστην ἡμέραν χρώμενος, αὐτὸς τε ἀκριβῶν οὕτω τὸ πρᾶγμα ὥστε ποτὶ □ ὄναρ δοῦναι τινὶ ἀργύριον κελευσθεὶς συνεῖναι τε ὅτι δαίμων τις ἐκ γοητείας οἱ ἐπιπέμπεται καὶ τὸν ἄνθρωπον ἀποκτείνει, πάντας τοὺς ἄλλους τοὺς τε ἀστρολόγους καὶ τοὺς γόητας, εἴ τέ τινα ἕτερον καὶ ὅποιονοῦν τρόπον ἐμαντεύετό τις, τοὺς μὲν ξένους ἐθανάτωσε, τοὺς δὲ πολίτας, ὅσοι καὶ τότε ἔτι, μετὰ τὸ πρότερον δόγμα δι' οὗ ἀπηγόρευτο μηδὲν τοιοῦτον ἐν τῇ πόλει μεταχειρίζεσθαι, ἐσηγγέλθησαν τῇ τέχνῃ χρώμενοι, ὑπερώρισε· τοῖς γὰρ πειθαρχήσασιν αὐτῶν ἄδεια ἐδόθη. καὶ σύμπαντες δ' ἂν οἱ πολῖται καὶ παρὰ γνώμην αὐτοῦ ἀφείθησαν, εἰ μὴ δήμαρχός τις ἐκώλυσεν. ἔνθα δὴ καὶ μάλιστα ἂν τις τὸ τῆς δημοκρατίας σχῆμα κατενόησεν, ὅτι ἡ βουλὴ τοῦ τε Δρούσου καὶ τοῦ Τιβερίου, συνέβαινος Γναίῳ Καλπουρνίῳ Πίσωνι γενομένη, κατεκράτησε, καὶ αὐτὴ ὑπὸ τοῦ δημάρχου ἠττήθη

⁷³³ See also and cf. Cramer 1951a:21-9.

among the parties affected. The senate was however overruled by the tribunician *ueto* of a tribune, about whom it is impossible to tell whether he was acting in good conscience or out of obsequiousness to the emperor.⁷³⁴ Nevertheless, Tiberius pardoned and granted immunity from the sanctions of the *senatus consultum* to those who promised to desist from their activities; we know of two men of unknown status, L. Pituanus and P. Marcius who were put to death evidently in the course of these events, though both Ulpian and Dio imply that there should have been more; it is most likely however that the vast majority must have opted to seek the emperor's pardon and stop their activities, else it would seem greatly unlikely that Tacitus at the very least wouldn't have reported a great slaughter of foreigners, had the provisions of the *senatus consultum* been followed to the letter. It is in fact consistent with Tacitus' approach of offering no quarter to Tiberius when trying to illustrate the latter's *saevitia* that he doesn't mention the imperial pardon to astrologers and diviners either.

On the other hand it does not take Tacitus' vitriolic criticism to draw our attention to the fact that this course of events was to Tiberius' benefit; the senate no doubt wanted citizens practicing astrology to be pardoned, as a significant percentage of its members had dealings with astrologers or were indeed practicing astrology themselves. Now Tiberius himself was an astrologer of no small merit and his connection with the famous astrologer Thrasyllus, who was his friend and had gained citizenship by virtue of the emperor's friendship, is well known; furthermore we have no reason to doubt that Tiberius earnestly put his faith in the validity of astrology as a divination system; if anything there was not much doubt about this in his age; so it is not far-fetched to assume that one of Tiberius's aims was depriving his opponents of their astrological advice by the *senatus consulta*, while maintaining his own access to astrology through Thrasyllus and his own art, both of which were beyond persecution.

Nevertheless there were more honest reasons for the suppression of astrological or unofficial divinatory practices at this stage; Tiberius had been emperor for less than two years by the time of the Libonian conspiracy and his position was probably not viewed as entirely stable; Libo was the proof and his ambitions had been flared up by diviners;

⁷³⁴ See Cramer 1951a:27.

Germanicus declared his loyalty openly, but the people were very fond of him, much more so than Tiberius; what might happen if astrologers and diviners of whatever nature swelled his nephew's ambitions as well or if rumors started to circulate supported by oracles that there would be a change of emperor? Despite all laws, and expulsions some astrologers would proclaim quite openly ten years later that Tiberius would never re-enter Rome, which proved true, despite the fact that he ruled for eleven years more.⁷³⁵ Suppressing all unofficial divination with harsh measures was essential at that critical moment, lest the situation become even more destabilized through subversive vaticinations. This particular expulsion sheds light on the dual function of an expulsion edict of astrologers and the similar could have under the principate; on the one hand it would deprive the emperor's opponents from divinatory advice while retaining it for himself, all the while uncovering those opponents in the process, and on the other hand it would serve to stabilize the political situation during a crisis and reaffirm the emperor's position, by denying the possibility subversive propaganda in the form of oracles to spread to the people of Rome.

The fact that an expulsion of astrologers was an extraordinary event is evident from the fact that there was no standing law forbidding their presence in the city of Rome; in addition to that, despite the fact that the violation of the Augustan edict of 11 AD led to numerous recorded treason trials under Tiberius, Claudius and Nero, already recounted in the previous section, the expulsions that followed those trials are very few and did not occur after every treason trial. Evidently the emperor Claudius regarded the case brought forward in 52 AD against Furius Camillus Scribonianus and his mother Vibia, on charges of treason, that is violation of the Augustan edict of 11 AD, as serious enough so as to be followed by a *senatus consultum* ordering the expulsion of astrologers from Italy.⁷³⁶ The elliptic account of Dio, devoid of context, as found in the epitome of Zonaras most probably refers to the same event, interestingly adding that the astrologers'

⁷³⁵ *Ann.* 4.58: ferebant periti caelestium iis motibus siderum excessisse Roma Tiberium ut reditus illi negaretur. unde exitii causa multis fuit properum finem uitae coniectantibus uulgantibusque; neque enim tam incredibilem casum prouidebant ut undecim per annos libens patria careret.

⁷³⁶ *Ann.* 12.52: de mathematicis pellendis Italia factum senatus consultum atrox et inritum.

clients were punished as well.⁷³⁷ We do not possess the text of the *senatus consultum* and one can only speculate as to why this case was any more serious than several recorded previous to it. It is possible however that Claudius considered the particular family from which Scribonianus hailed a traditionally disloyal one towards him, as Scribonianus' father had taken up arms against Claudius in 42 AD, when he was governor of Dalmatia, in an abortive coup attempt, in which he was in the end left without support by the legions under his command.⁷³⁸ Claudius, as Tacitus relates, moreover supposedly made a demonstration of clemency from the fact that he merely had the younger Scribonianus deported instead of executed, since he was knowingly preserving once again a hostile family from destruction.⁷³⁹ At any rate, not much can be said with certainty about this particular expulsion, as the information provided by our sources is minimal; one can nevertheless attempt to glean some information about its nature from the comments of Tacitus, who describes the *senatus consultum* as “harsh” (*atrox*) and “futile” (*inritum*); Cramer has theorized that *atrox* could refer to harsh penalties which the astrologers faced and draws the conclusion that these could have been similar to those of the second expulsion edict of 16 AD under Tiberius, namely death for non-citizens, which did not seem to be a constant for previous expulsions.⁷⁴⁰ The *Chronicle of the Year 354* mentions that under Claudius there were mass arrests of sorcerers⁷⁴¹ which led to the execution of forty five men and eighty five women. I find it very likely that the chronicle here describes the measures taken under the *senatus consultum* in question; furthermore this would corroborate Dio's claim that clients of astrologers were punished as well; since we

⁷³⁷ Dio Cass. 60.33.3b (from Zonaras, 11.10): οἱ ἀστρολόγοι δὲ ἐξ ἀπάσης τῆς Ἰταλίας ἠλάθησαν, καὶ οἱ αὐτοῖς συγγινόμενοι ἐκολάσθησαν.

⁷³⁸ Suet. *Claudius* 13: Bellum ciuile mouit Furius Camillus Scribonianus Delmatiae legatus; uerum intra quintum diem oppressus est legionibus, quae sacramentum mutauerant, in paenitentiam religione conuersis, postquam denuntiatio ad nouum imperatorem itinere casu quodam ac diuinitus neque aquila ornari neque signa conuelli mouerique potuerunt.

⁷³⁹ *Ann.* 12.52: pater Scriboniani Camillus arma per Dalmatiam mouerat; idque ad clementiam trahebat Caesar, quod stirpem hostilem iterum conseruaret.

⁷⁴⁰ Cramer 1951a:30.

⁷⁴¹ *Chron. ann. CCCIV MGH IX* p.145.: *Tiberius Claudius* imp. ann. XIII m. VIII d. XXVII. cong. dedit den. LXXXV. hoc imp. primum uenenarii et malefici comprehensi sunt; homines XLV, mulieres LXXXV ad supplicium ducti sunt. hic metas in circo maximo deaurauit. excessit Palatio. By the time this was written astrologers had come to be regarded even legally as “uenenarii et malefici” (cf. *CTh* 9.14: *Chaldaei ac magi et ceteri, quos maleficos ob facinorum magnitudinem uulgus appellat*), so the author is merely being anachronistic in projecting those terms to the reign of Claudius.

never hear of female astrologers, at least some of the women punished must have belonged to the astrologers' clientèle. In view of all this one can better appreciate why Tacitus would describe the *senatus consultum* as *atrox*. Cramer furthermore sees in the characterization of the *senatus consultum* by Tacitus as *inritum* the failure of the historian to appreciate the temporary nature of such measures, since the *senatus consultum* failed to permanently keep the astrologers out of Rome and Italy.⁷⁴² I find it unlikely however that a Roman senator would not understand the scope of a simple legal device, such as an expulsion edict, better than we today understand it; I believe Tacitus is simply expressing a sentiment of resigned frustration similar to his statement elsewhere that the astrologers will always be persecuted in Rome and nevertheless will always be present,⁷⁴³ due to demand for their services.

2.b. Expulsions by Imperial Edict

The legal medium used under the Principate for expulsion of astrologers until the reign of Claudius was the *senatus consultum*, at least according to the documented expulsion accounts we possess. This form seems to have been used at least twice under the Republic, to resolve the crisis of the *Bacchanalia*, and to order the destruction of the temples of Sarapis and Isis during the consulate of L. Aemilius Paulus. Whether Tiberius was indeed trying consciously to preserve some semblance of Republican procedure out of his sincere preference of Republican forms and dislike for autocracy or whether, as Tacitus asserts with regards to another occasion, he was simply offering “ghosts of liberty”⁷⁴⁴ in order to obfuscate the fact that the Principate was in fact already or in the process of becoming a monarchy, is not easy to decide. At any rate under Tiberius the employment of the *senatus consultum* indicates that the senate retains at least some say in the procedure and still holds some authority; Claudius, for whatever reason, evidently

⁷⁴² Cramer 1951a:31.

⁷⁴³ *Hist.* 1.22.

⁷⁴⁴ *Ann.* 1.77: *ea simulacra libertatis senatui praebebat*

followed the Tiberian precedent as well, and the *senatus consultum* was the medium used for the expulsion of 52 AD.

From the time of Nero and on, expulsions are no longer proclaimed through the senate, but instead the imperial edict is the legal form one finds in use. This could be just another manifestation of the progressive curbing of the senate's authority by the emperor, but Cramer offers an interesting explanation which indicates that the shift was due to particular circumstances.⁷⁴⁵ The precedent might be found in the supposed expulsion of philosophers from Rome, proclaimed by Nero himself, if Philostratus is to be believed;⁷⁴⁶ this would make the proclamation an imperial edict. It is of course always problematic as to how much faith one is to put in any piece of information mentioned exclusively in the *Life of Apollonius*, but there seems to be no necessity to assume this particular event is an invention of the author. Furthermore an expulsion of philosophers from Rome in the wake of the Pisonian conspiracy, which comprised members of the so called "Stoic opposition", would not seem out of place in a time of crisis like this; the fact that members of the senate were implicated in the conspiracy and were students or practitioners of philosophy, would make it preferable for Nero to issue the order of expulsion by imperial edict, so as to further assert his dominance over the senate. At any rate, if such an expulsion happened, it would be the precedent for later expulsions by imperial edict of philosophers coupled with astrologers under Vespasian and Domitian or the expulsion of astrologers under Vitellius.

As for an expulsion of astrologers under Nero, the only mention we possess of it comes from a dubious anonymous source, a mention in a manuscript of the tenth century, which amidst selected paragraphs on astrologers of the first century mentions how Nero, at the end of his reign, angered at the sorcerers and astrologers, issued an edict that they should vacate Italy on a fixed day; the astrologers announced in answer that Nero would die on that same day, which according to the anonymous author is what happened.⁷⁴⁷ I

⁷⁴⁵ See Cramer 1951a:32-3.

⁷⁴⁶ *VA.* 4.47: Ἐξελαύνοντος δὲ ἐς τὴν Ἑλλάδα τοῦ Νέρωνος καὶ προκηρύξαντος δημοσίᾳ μηδὲνα ἐμφιλοσοφεῖν τῇ Ῥώμῃ τρέπεται ὁ Ἀπολλώνιος ἐπὶ τὰ ἐσπέρια τῆς γῆς, ἃ φασιν ὀρίζεσθαι ταῖς Στήλαις, ...

⁷⁴⁷ *Catal. cod. astrol. Gr.* 8.4 (1922), p.100.: ἐν τῷ τέλει τῆς βασιλείας αὐτοῦ ὀργισθεὶς τοῖς γόησι καὶ ἀστρολόγοις ἐποίησε πρόγραμμα καὶ ἀνακατέθεικεν αὐτὸ ἐμφαῖνον ἐντός τινος ῥήτης

consider this account as rather unreliable, not only because it is isolated and of unknown authorship, but especially because, as it seems, it is a reiteration of accounts such as those of Suetonius and Dio, both of which who evidently used the same source, and the version presented by Zonaras on the expulsion of astrologers by Vitellius in 69 AD.⁷⁴⁸

Which brings us to the aforementioned expulsion of astrologers under Vitellius.⁷⁴⁹ Tacitus' account does not offer anything but a mention of the event, namely that they were expelled from Italy.⁷⁵⁰ Suetonius on the other hand relates several interesting facts; Vitellius is reported to have been extremely hostile to astrologers and it is reported that he used to put them to death without a hearing, whenever any of them happened to be reported to him for an offence. Furthermore, herein is found the first certain example of the employment of the imperial edict as the legal form for the expulsion instead of the *senatus consultum*; Vitellius ordered the astrologers to leave Rome and Italy by the Calends of October 69 AD and they answered in turn by their own edict, probably a public announcement, that he would do well to leave this life by the very same dead line he had set for them.⁷⁵¹ Dio's account probably follows the same or a similar source as Suetonius, but his account differs regarding the dating of the edict, as his wording suggests that it was issued shortly after he entered the city of Rome, which would be in July at the latest, though without being conclusive on an exact date.⁷⁵² Dio also asserts that the astrologers were proven accurate in their prediction of Vitellius' death, which is here also presented in the form of an order, that he should die on that very day. For whatever reason Dio chooses a version which shows the astrological prophecy

ἡμέρας ἐξέρχεσθαι αὐτοὺς ἐκ πάσης τῆς Ἰταλίας. οἱ δὲ νυκτὸς καὶ αὐτοὶ ἀνατεθείκασι προσαγγέλλοντες ἀπαλλαγῆσεσθαι αὐτὸν τοῦ βίου ἐντὸς τῆς ἡμέρας. ἐν ἧ καὶ ἐτελεύτησεν, οὕτως ἀκριβῶς τὸ γεννησόμενον προέγνωσαν.

⁷⁴⁸ Cf. Cramer 1951a:34.

⁷⁴⁹ See Cramer 1951a:36-9.

⁷⁵⁰ Hist. 2.62: pulsi Italia mathematici.

⁷⁵¹ Suet. *Vit.* 14: Nullis tamen infensior quam uernaculis et mathematicis, ut quisque deferretur, inauditum capite puniebat exacerbatus, quod post edictum suum, quo iubebat intra Kal. Oct. urbe Italiaque mathematici excederent, statim libellus propositus est, et Chaldaeos edicere, bonum factum, ne Vitellius Germanicus intra eundem Kalendarum diem usquam esset.

⁷⁵² Dio Cass. 65.1.4: Οὐτέλλιος δὲ ἐπεὶ ἐν τῇ Ῥώμῃ ἐγένετο, τὰλλὰ τε διώκει ὡς πού καὶ ἐδόκει αὐτῷ, καὶ πρόγραμμα ἔθετο δι' οὗ τοὺς ἀστρολόγους ἐξήλασε, προειπῶν σφισιν ἐντὸς τῆσδε τῆς ἡμέρας, ῥητὴν τινα τάξας, ἐξ ἀπάσης τῆς Ἰταλίας χωρῆσαι. καὶ αὐτῷ ἐκεῖνοι νυκτὸς ἀντιπροθέντες γράμματα ἀντιπαρήγγειλαν ἀπαλλαγῆναι ἐκ τοῦ βίου ἐντὸς τῆς ἡμέρας ἐν ἧ ἐτελεύτησε. καὶ οἱ μὲν οὕτως ἀκριβῶς τὸ γεννησόμενον προέγνωσαν.

concerning Vitellius' death to be accurate, while Suetonius doesn't even comment on the obvious conclusion that they were wrong, as Vitellius did not die before the Calends of October 69 AD. Suetonius' account is probably the more historically accurate, not only because he implies a specific date for the expulsion edict, which could not have been long before the end of September of 69 AD, but also because it is more plausible that Vitellius took such actions when subversive prophecies about his short-lived reign would have flared up in view of Mucianus' army advancing towards Italy and the eventual showdown being in clear view. Such worries were not immediate by July, when he became master of Rome and Vespasian had only just been proclaimed emperor in the East. Furthermore, if one pushes the account of Dio to its logical conclusion, it would show that Dio did not know that Vitellius was killed in December; if however he did know, the implication would be that he issued the edict in late December, which is implausible considering that Vitellius faced more concrete dangers by then, since he supposedly died on the day he issued it. On the whole Dio's account seems inconsistent regarding its chronology and more intent on making a point about the accuracy of astrological prediction. The account found in Zonaras is almost identical to that of Dio; the only points of difference are that he omits any mention of the geographical scope of the edict, and, more importantly, that he mentions that Vitellius expelled the *goētes*, probably meaning soothsayers and diviners of all sorts, after he had expelled the astrologers.⁷⁵³ This would imply a separate edict concerning the *goētes* alone, which would make sense, since the astrologers would have already left Rome and Italy, by virtue of the previous edict. Even if the edict about the astrologers was passed at sometime in September, which would give time enough for astrologers to leave by October 1st, there was still time in between this and the foreshadowing of the fall of Vitellius, after the battle of Bedriacum, for an edict against the diviners to have been passed. On the other hand, the anonymous account of the expulsion of astrologers and diviners under Nero could be taken into account here; it is obvious that this is another version of the story about Vitellius and that its author has

⁷⁵³ Zonaras 11.16: φιλόμαντις δὲ ὑπάρχων καὶ μηδὲ τὸ βραχὺ πράσσειν ἄνευ αὐτῶν, τότε μὲν τοὺς ἀστρονόμους, ὕστερον δὲ καὶ τοὺς γόητας ἐξήλασε, προειπὼν σφίσι ἐντὸς τῆσδε τῆς ἡμέρας ἐξ ἀπάσης ἐκχωρῆσαι τῆς Ἰταλίας. κάκεινοι νυκτὸς ἀντιπροθέντες προγράμματα, ἀντιπαρήγγειλαν αὐτῷ ἀπαλλαγῆναι τοῦ βίου ἐντὸς τῆς ἡμέρας ἐν ἧ ἔτελεύτησεν.

confused the names of the emperors. That account implies that the astrologers and the *goētes* were expelled from Italy on the same occasion, not with separate edicts at separate times. All that said, I remain sceptical as to whether the *goētes* and *magi* are meant to represent a separate group when it comes to the formula “astrologers and the *goetes*” in Dio, and sources that draw on his account or quote him, while I would apply the same doubt to the once employed phrase “astrologers and *magi*” in Tacitus;⁷⁵⁴ contrary to what Roman authors mean by “astrologer”, there doesn’t seem to be a clear-cut concept as to what the domain of a *magus* or a *goēs* is; at times the words refer to practitioners of harmful magic, such as the *deuotiones* and *defixiones*, while elsewhere they seem to mean little more than “charlatan”, “humbug”.⁷⁵⁵ If the words do not refer to clearly defined groups, an edict targeting them specifically would be impossible. Therefore it is no wonder that no such mention of an edict specifically targeted against them exists, apart from the implication of Zonaras, which as I think it has become obvious follows a tradition inferior to that of Suetonius.

The reasons for the expulsion of the diviners could not have been different from those concerning the astrologers, if such an expulsion did indeed occur. As to the punishments for those who wouldn’t comply, if our sources are to be trusted, it is very likely that they would be punished by death, since Vitellius is said to have put astrologers to death without hearing, even before the issuing of these edicts. However as to whether he was consciously following the precedent set by the second edict of 16 AD or not cannot be specified, as this is already hypothetical. At any rate it is of interest to note that Vitellius was said to be an ardent believer in divination and astrology in particular and no doubt he retained his own entourage of diviners, among which a certain woman from the Germanic tribe of the Chatti, who was advising him on how to make his reign last.⁷⁵⁶ Despite this, he did away with all opposition of such nature and in this he seems to have acted no different than Tiberius or Claudius before him.

⁷⁵⁴ *Ann.* 2.32 ...de mathematicis magisque...

⁷⁵⁵ On the implications of fraudulence and charlatanry of the term see Stratton 2007:28.

⁷⁵⁶ Suet. *Vit.* 14: Suspectus et in morte matris fuit, quasi aegrae praeberi cibum prohibuisset, uaticinante Chatta muliere, cui uelut oraculo adquiescebat, ita demum firmiter ac diutissime imperaturum, si superstes parenti extitisset.

Vespasian, who rose to the purple after the fall of Vitellius, seems to have made it one of the first concerns of his new administration to issue an expulsion edict against the astrologers, probably before he arrived in Rome, as the context of Dio's account implies, our only source for this imperial edict of 70 AD.⁷⁵⁷ The account is very brief and next to nothing can be said about the specifics of the expulsion, such as the penalties the astrologers would face, but it can be safely assumed that the area affected would be Rome and Italy, as in previous expulsion edicts. Dio mentions the expulsion in the context of actions taken by Vespasian to win favour with the population and stabilize the political situation in Rome, such as the offering of amnesty for those convicted of treason under Nero; this is reminiscent of the context in which Dio refers to the aedilician edict by Agrippa of 33 AD. What is of interest is that Dio explicitly criticizes the hypocrisy exhibited by an emperor,⁷⁵⁸ who expelled the astrologers while being himself an ardent believer in the efficacy of this art and used to consulting the best amongst them, such as Tiberius Balbillus, a descendant of Thrasyllus, the emperor Tiberius' personal friend and astrologer. The only other such explicit criticism of this double standard is found in Zonaras' account on the expulsion under Vitellius. Perhaps other historians such as Tacitus realized that there was no real hypocrisy in denying a weapon from one's opponent while retaining it for one's self and all that was involved was pragmatism; if astrology could be potentially harmful by virtue of an accurate prediction of the future or simply because of its capacity to stir individuals or the masses to unrest, this would be a reason enough to deny it to those who would benefit from such unrest, but not to deny it to one's self.

Apart from the several individual trials of astrologers reported under Domitian, our testimonies also indicate that he expelled them en masse at least once or maybe twice from the capital. Our source for this is Jerome, who accounts for two expulsions of astrologers, who were expelled along with philosophers from Rome alone, once in 89-90

⁷⁵⁷ Dio Cass. 66.9.2: τούς τε ἀστρολόγους ἐκ τῆς Ῥώμης ἐξώρισε, καίτοι πᾶσι τοῖς ἀρίστοις αὐτῶν χρώμενος οὕτως, ὥστε καὶ διὰ Βάρβιλλον τινὰ ἄνδρα τοιουτότροπον ἀγῶνα τοῖς Ἐφεσίοις ἱερὸν ἄγειν συγχωρήσαι· ὅπερ οὐδεμιᾶ ἄλλῃ πόλει ἔνειμεν.

⁷⁵⁸ Cramer 1951a:40 n. 59.

AD and again in 93-94 AD.⁷⁵⁹ The *Suda* mentions that he expelled astrologers and philosophers, though the reference is inconclusive as to how many expulsions are meant and provides no information as to the time and geographical extent of the edict or edicts.⁷⁶⁰ These are the only mentions of expulsions of astrologers under Domitian. Dio supports the claim that there were two expulsions of philosophers, when he mentions that, after the execution of Arulenus Rusticus, philosophers were expelled once more from Rome, thus implying a previous expulsion; it doesn't seem very likely either that the one meant here was the one issued by Vespasian in 71 AD, so he most probably refers to the edict of 89-90 mentioned by Jerome. As to whether we are dealing here with the same expulsion edicts, which would concern both astrologers and philosophers or with separate edicts for each group, it cannot be decided. The fact that our historian sources ignore the expulsions of the astrologers in favour to those of the philosophers can be explained by the greater political significance of the latter in the context of the times; the execution of Arulenus Rusticus was a blow to the senatorial opposition, expressed by members of the Stoic sect and the expulsion of philosophers, which followed, would thus be seen as a more definitive political statement than an expulsion of astrologers. Nevertheless, these considerations aside, it still remains inconclusive as to whether the expulsions were put into effect by separate edicts or not, or if in fact a second expulsion took place in 93-94, as mentioned by our only source, Jerome. What is of significance is that, however the first edict of 89-90 was passed, the times were troubled enough to warrant it; L. Antonius, prefect of Germania Superior, had stood in open revolt against Domitian sometime between 88 and 90 AD;⁷⁶¹ therefore in keeping with the pattern so far established, an expulsion of astrologers in the wake of civil war and a possible change of regime would seem plausible, as this would be fertile ground for all kinds of subversive oracles against Domitian. What seems curious is that all authorities mention that the expulsion (or expulsions) were only effective in Rome; Suetonius mentions that the

⁷⁵⁹ Jer. *Chron.* 89-90: *Domitianus mathematicos et philosophos urbe Romana pellit. 93-94: Domitianus rursum philosophos et mathematicos Roma per edictum extrudit.*

⁷⁶⁰ *Suda* s.v. Domitian: οὗτος καὶ τοὺς φιλοσόφους καὶ μαθηματικοὺς ἐφυγάδευσεν ἀπὸ Ῥώμης.

⁷⁶¹ Suet. *Dom.* 6: *Bellum civile motum a L. Antonio, superioris Germaniae praeside...* Dio Cass. 67.11.1: Ἄντωνιος δὲ τις ἐν Γερμανίᾳ ἄρχων κατὰ τοῦτον τὸν χρόνον τῷ Δομιτιανῷ ἐπανέστη...

expulsion of philosophers of 93-94 was extended to the whole of Italy,⁷⁶² but here one again stumbles upon the question whether this applied to the astrologers as well, if they were in fact expelled in 93-94 AD. The penalties for astrologers failing to comply are not mentioned either, but if his harsh treatment of such people in individual trials is anything to judge by, they would have probably been severe, not unlike those of the *senatus consultum* of 16 AD.

It is probably significant that no expulsion edicts aimed at astrologers or other groups have been recorded concerning the long period of relative tranquility which followed the end of the Flavian dynasty and the accession to the imperial see of Nerva and his successors, who have come to be known as the “Five Good Emperors”; as it has been established, I believe, action against troublesome groups like the astrologers at Rome, was taken at times of internal strife and uncertainty. The only possible reference to such an action comes from Tertullian in a passage, which is not that conclusive in and of itself; during a tirade against the astrologers, Tertullian mentions that the actions of even those who ignore the divine wisdom of the Christian god are a testament to it, as all are touched by it; the testament being that Rome and Italy is debarred to astrologers who are being subjected to expulsion.⁷⁶³ The passage can only refer to a recent measure and not the general practice of banning astrologers from Rome and Italy, which must have been a distant memory at the time of Tertullian; indeed his exultation at the event probably underlies its novelty at the times. Besides, he asserts this happened due to divine wisdom affecting even those who don’t recognize it, i.e. non Christians; This is, I believe, a thinly veiled reference to Marcus Aurelius, who was already being appropriated by the Christians as protégé of the Christian god at least since the time of the rain miracle of 171-2 AD.⁷⁶⁴ Therefore, the most plausible explanation is that he is referring to a recent expulsion edict issued by Marcus Aurelius. I think Cramer is correct when he says that the most likely time for this to have happened is in the wake of the rebellion of Avidius

⁷⁶² Suet. *Dom.* 10: Iunium Rusticum (sc. interemit), quod Paeti Thraseae et Heluidii Prisci laudes edidisset apellassetque eos sanctissimos viros; cuius criminis occasione philosophos omnis urbe Italiaque summouit.

⁷⁶³ Tertul. *De Idol.* 9.2: O diuina sententia usque ad terram pertinax, cui etiam ignorantes testimonium reddunt! Expelluntur mathematici, sicut angeli eorum, Vrbs et Italia interdicitur mathematicis, sicut caelum angelis eorum. Eadem poena est exilii discipulis et magistris.

⁷⁶⁴ See Chapter II.8.

Cassius in the year 175 AD;⁷⁶⁵ it is the only instance of civil strife during Marcus' reign, for which we furthermore possess a testimony by Ulpian that he expelled at least one diviner who had uttered prophecies during this war.⁷⁶⁶ That this conflict was viewed as a major crisis and caused commotion in Rome so as to merit an expulsion of subversive elements, the usual suspects being the astrologers, is attested by Dio⁷⁶⁷ and the SHA.⁷⁶⁸ Besides, it is reported and has been discussed in a previous section that Marcus did not pay heed to public vaticination even during the time of the great plague, when he is reported to have pardoned some humbug who was uttering prophecies of universal doom, after the latter confessed his fraud and apologized.⁷⁶⁹ The punishment for astrologers would have probably been less severe than those probably inflicted by previous emperors, if the fact that he expelled the turbulent prophet mentioned by Ulpian, instead of having him executed, is anything to judge by, or indeed the many references to his overall clemency.

3. A Singular Occurrence?

A circular⁷⁷⁰ originating in all probability from the office of the prefect of Egypt, dating from 199 AD under Septimius Severus,⁷⁷¹ presents us on the one hand with some

⁷⁶⁵ Cramer 1951a:47.

⁷⁶⁶ *Coll.Leg. Mos. et Rom.* 15.2.5, Ulpian. *De officio procons.* 7: Denique diuus Marcus eum, qui motu Cassiano uaticinatus erat et multa quasi instinctu deorum dixerat in insulam Syrum relegauit.

⁷⁶⁷ Dio Cass. 71.22.2: τοῦ δὲ Κασσίου κατὰ τὴν Συρίαν νεωτερίσαντος σφόδρα ἐκπλαγεῖς ὁ Μάρκος τὸν Κόμμοδον τὸν υἱὸν ἐκ τῆς Ῥώμης, ὡς καὶ ἐς ἐφήβους ἤδη τελεῖν δυνάμενον, μετεπέμψατο. ὁ δὲ δὴ Κάσσιος Σύρος μὲν ἐκ τῆς Κύρου ἦν, ἀνὴρ δὲ ἄριστος ἐγένετο, καὶ ὅποῖον ἂν τις αὐτοκράτορα ἔχειν εὔξαιτο,

⁷⁶⁸ *Vita Marci* 25: XXV. Relicto ergo Sarmatico Marcommannicoque bello contra Cassium profectus est. Romae etiam turbae fuerunt, quasi Cassius absente Antonino aduentaret. *Vita Avid. Cass.* 7.7: Nec Romae terror defuit, cum quidam Auidium Cassium dicerent absente Antonino, qui nisi a uoluptariis unice amabatur, Romam esse uenturum atque urbem tyrannice direpturum, maxime senatorum causa. Qui eum hostem iudicauerant bonis proscriptis.

⁷⁶⁹ *Vita Marci* 13.6: Tantaque clementia fuit, ut et sumptu publico uulgaria funera iuberet (et) efferri et uano cuidam, qui diripiendae urbis occasionem cum quibusdam consciis requirens de caprifici arbore in campo Martio contionabundus ignem de caelo lapsurum finemque mundi affore diceret, si ipse lapsus ex arbore in ciconiam uerteretur, cum statuto tempore decidisset atque ex sinu ciconiam emisisset, perducto ad se atque confesso ueniam daret.

⁷⁷⁰ P.Yale inv. 299.

⁷⁷¹ See Parássoglou 1976:262.

puzzling considerations, but also offers many potential insights into the matters of imperial persecution of divination and attempts by emperors to monopolize divinatory knowledge. The papyrus preserves part of what appears to be an order to the nome *strategoï* of Egypt to completely suppress all forms of divination by oracles and by magic⁷⁷² on pain of death and put an end to the perverse curiosity of those who attempt to predict the future. The circular is curious and interesting on several counts. Firstly, it is the only known suppression of divination outside of Italy and the fact that the geographic area which it addresses is Egypt, the cradle of magic and divination for the Romans, would make its enforcement a particularly ambitious undertaking.⁷⁷³ Secondly, the order appears to target not only diviners, but the practice of divination itself; its scope apparently is a permanent ban instead of a temporary measure to handle a crisis. The reason for this is that the grace period before the provisions of the circular actually become enforced is the unusually long period of one year,⁷⁷⁴ during which all persons engaged in divination should submit their divinatory apparatus to the authorities; such a long period of grace hints at either this being a permanent ban or, at least, one effective until further notice. Finally, the issue date of the circular coincides with the visit of Septimius Severus to Egypt,⁷⁷⁵ during which, as Dio informs us, he proceeded to confiscate any books on divination he could find from the Egyptian *adyta*.⁷⁷⁶ It is ironic, and perhaps intentionally so, that Dio attributes this course of action to Severus' over-curiosity about the prediction of the future, which is the very attitude the circular attempts to suppress in the local populace.

⁷⁷² The reference to “magic” in the papyrus rests on translation of the word *κομασσίας* (line 6) as “magic”. Taking *παγγανίας* (line 7) as a mistake for *μαγγανείας* would further support that the author was speaking in these terms. See Parássoglou 1976:269-70.

⁷⁷³ Parássoglou (1976:265) raises the question about whether this circular was in fact part of an empire-wide persecution of magicians rather than one localized in Egypt. Although the possibility is worth considering it would be remarkable that no author would mention it.

⁷⁷⁴ Parássoglou (1976:271) also notes that the grace period is unusually long.

⁷⁷⁵ It is uncertain whether the circular was issued before or after Severus arrived in Egypt. For discussion and bibliography see Parássoglou 1976:265 and n. 14. Given however that a period of one year was given before its provisions were forcefully enforced, it would be safe to place it generally in the time of Severus' visit.

⁷⁷⁶ See Chapter II.10.

4. The Permanent Ban on Divination

It is unknown from our sources whether such an act of suppression as the one exemplified above had any parallels; what it does signify however is a trend to extend the focus of the bans on divination from Rome and Italy to the provinces. This trend was probably due to the increasingly diminishing role of the traditional heartlands of the Empire, further illustrated by Caracalla's grant of Roman citizenship to all Roman subjects in 212 AD. In this type of politically changing milieu and following the chaos of the 3rd century crisis, it made sense for Diocletian to replace the traditional ban on astrology and divination in Rome and Italy with an Empire-wide one in 294 AD. Even this however had the temporary character of its predecessors; the permanent Empire-wide prohibition of divination would only be effected under the Christian emperors.⁷⁷⁷

This came about in a few stages which can be traced in the relevant legislation. Constantine (319 AD) in essence reaffirmed the provisions of the Augustan edict of 11 AD by outlawing private haruspice on pain of death, but allowing the *haruspices* to ply their trade in public.⁷⁷⁸ The prohibition of Constantius (357 AD) is more severe; no diviner of any kind should be consulted under any circumstances; the curiosity of those who desire to predict the future should cease for all time. Furthermore, while under Constantine the *malefici*, i.e. practitioners of harmful magic, are still distinct from diviners, the edict of Constantius classifies even astrologers as *malefici*, in no small part owing to, or rather utilizing, Christian theological considerations.⁷⁷⁹ Valentinian and

⁷⁷⁷ Cf. Cramer 1951a:48-9.

⁷⁷⁸ *CTh* 9.16.1.: Imp. constantinus a. ad maximum. nullus haruspex limen alterius accedat nec ob alteram causam, sed huiusmodi hominum quamuis uetus amicitia repellatur, concremando illo haruspice, qui ad domum alienam accesserit et illo, qui eum suasionibus uel praemiis euocauerit, post ademptionem bonorum in insulam detrudendo: superstitioni enim suae seruire cupientes poterunt publice ritum proprium exercere. accusatorem autem huius criminis non delatorem esse, sed dignum magis praemio arbitramur. proposita kal. febr. romae constantino a. v et licinio caes. Conss.

CTh 9.16.2.: Idem a. ad populum. haruspices et sacerdotes et eos, qui huic ritui adsolent ministrare, ad priuatum domum prohibemus accedere uel sub praetextu amicitiae limen alterius ingredi, poena contra eos proposita, si contempserint legem. qui uero id uobis existimatis conducere, adite aras publicas adque delubra et consuetudinis uestrae celebrate sollemnia: nec enim prohibemus praeteritae usurpationis officia libera luce tractari. dat. id. mai. constantino a. u et licinio conss.

⁷⁷⁹ *CTh* 9.16.4.: Imp. constantius a. et iulianus c. ad populum. nemo haruspicem consulat aut mathematicum, nemo hariolum. augurum et uatum prava confessio conticescat. chaldaei ac magi et ceteri, quos maleficos ob facinorum magnitudinem uulgus appellat, nec ad hanc partem aliquid moliantur. **sileat omnibus perpetuo diuinandi curiositas.** etenim supplicium capitis feret gladio ultore prostratus,

Valens (circa 370 AD) some years later called again for putting an end to the practice of astrological divination⁷⁸⁰ and finally Honorius and Theodosius (409 AD) called for astrologers to submit all articles of their trade to be burnt under the supervision of the bishops and to offer their pledge of adherence to the tenets of the Church, on pain of deportation from all territory of the Empire.⁷⁸¹

Conclusion

Maintenance of public order seems to have been one of the issues at stake behind the phenomenon of the occasional repressions of foreign cults and the expulsion of astrologers under both the Republic and the Principate; during times of political and social upheaval the preference shown by a portion of the Roman public to alternate and officially uncontrolled cults and modes of divination, to the detriment of the established Roman state religion, was regarded as subversive and potentially revolutionary.⁷⁸² Accordingly, measures would be taken on a case by case basis, while under the Principate the existence of the Augustan edict of 11 AD would always provide a legal standing for mass persecutions of astrologers and diviners, when the need arose.

Under the Principate one further issue was at stake behind the expulsions of astrologers and diviners from Rome, namely the attempt by the emperors to monopolize

quicumque* iussis obsequium denegauerit. dat. viii. kal. febr. mediolano, constantio a. ix. et iuliano caes. ii. coss.

interpretatio. quicumque* pro curiositate futurorum uel invocatorem daemonum uel divinos, quos hariolos appellant, uel haruspicem, qui auguria colligit, consuluerit, capite punietur

⁷⁸⁰ *CTh* 9.16.8: Idem (i.e. Imp. ualent. et ualens) aa. ad modestum praefectum praetorio. cesset mathematicorum tractatus. nam si qui publice aut privatim in die noctuque deprehensus fuerit in cohibito errore uersari, capitali sententia feriat uterque. neque enim culpa dissimilis est prohibita discere quam docere. dat. prid. id. decemb. constantinopoli ualentiniano et ualente aa. cons.

⁷⁸¹ *CTh* 9.16.12: Imp. honorius et theodosius aa. caeciliano praefecto praetorio. mathematicos, nisi parati sint codicibus erroris proprii sub oculis episcoporum incendio concrematis catholicae religionis cultui fidem tradere numquam ad errorem praeteritum redituri, non solum urbe roma, sed etiam omnibus ciuitatibus pelli decernimus. quod si hoc non fecerint et contra clementiae nostrae salubre constitutum in ciuitatibus fuerint deprehensi vel secreta erroris sui et professionis insinuauerint, deportationis poenam excipiant. dat. kal. febr. rauennae honorio viii et theodosio iii aa. cons.

⁷⁸² See also Baudy 2006:105-9.

knowledge of the future. The emperors who were not interested in astrological divination were few; astrologers were an instrument of the Julio-Claudian house⁷⁸³ and yet they were persecuted several times under them; Vitellius, Vespasian and Domitian were all believers in the efficacy of this pseudoscience and yet expulsions of its practitioners are documented under their reigns;⁷⁸⁴ astrology and all forms of divination were evidently taken very seriously by the over-curious Severans and yet under Septimius Severus divination is prohibited in Egypt and as a result of that repression Egyptian prophetic books allegedly find their way into the emperor's library.⁷⁸⁵ From the point of view of a critical senatorial historian these are instances of flagrant hypocrisy or cynicism; from the point of view of an autocrat who earnestly believed in the efficacy of divination it was probably only prudence which dictated such a course of action.

The gradual transformation of the Roman Empire from a republic to the sort of monarchy that was the Principate to the absolutist, oriental type of monarchy established after the tumult of the 3rd century, went hand in hand with bolder steps taken by the Roman state, personified now by the Emperor, to control divination. Christian theology would provide a persuasive discourse for condemning divination as the working of demons through their human associates and thus ban not only practices, but also mere knowledge of them. The unity of the Empire depended among other things upon curbing access to future knowledge from those who could make subversive use of it, which is to say, in the eyes of an autocracy, everybody else.

⁷⁸³ Tac. *Hist.* 1.22:...mathematicos...pessimum principalis matrimonii instrumentum...

⁷⁸⁴ See above (Chapter V.2.b).

⁷⁸⁵ Dio Cass. 75.13.

CONCLUSIONS

In this section I will attempt to address questions which arise from the preceding studies and recap in conclusion several of the themes already explored. The questions which arise concern mainly the reasons behind the association of emperors with magic in our sources, the emperors' response to such association as well as the reasons why magic was such a powerful discourse in Roman society of the Imperial Age.

1. Why were Emperors associated with Magic?

The fundamental question which arises from the previous exposition is why were emperors associated with magic? This seemingly simple question needs to be tackled from many angles for a satisfactory answer or rather answers to be given. There are in fact two separate sides which need to be considered in attempting to answer this question; on the one hand one must consider the *motives* a certain author or class of authors would serve by making the connection in question and on the other *why or how* such a connection would make sense in the first place in the broader cultural and literary context within which it is employed.

1.a. *The Motives behind the Association*

One can distinguish two broad categories of accounts which associate emperors with magic with respect to the motives they serve; on the one hand we have the more voluminous body of accounts by mainly senatorial historians or at least authors who display certain sensibilities of the senatorial class, without actually belonging to it (i.e. Suetonius and Herodian) and on the other there is a number of accounts linking emperors

to magic and miracle working in different ways. The latter sometimes fall under what I have defined as “magical literature” or appear as accounts which serve similar purposes.

1.a.i. The Senatorial Viewpoint

For the most part, magic and its practitioners are looked down upon by the upper class authors, regardless of what individual authors' views on the effectiveness of related practices were. Magic is barbarous, un-Roman, pernicious to the established social order and, all things considered, downright illegal. Therefore, when an historian attributes magical interests to an emperor it is rarely ever intended as a compliment to the latter's person; when magical interests are attributed to the emperor by the senatorial historian, it is almost always the case that we are dealing with a systematic attempt of highlighting the staple features of the literary Roman tyrant.

The office of the *princeps* under the Principate was in essence the office of a monarch and monarchy is in principle a violation of the *mos maiorum* and of the old oligarchical ideal of *libertas* of the Republic.⁷⁸⁶ Even if historians recognized it as a necessary evil,⁷⁸⁷ an uncomfortable historical necessity which at least secured internal peace and a bulwark against the devastating civil conflicts of the late Republic, its existence was nonetheless *in principle* the height of un-Romanness in the political sphere. Now, as magic is labeled a barbarous practice, association of individual emperors with it naturally only highlights their deviance from the *mos maiorum*. Such censure rarely stands alone; the very same emperors associated with magic present a more widely un-Roman conduct, unbecoming to the ruler of the Roman world and any true Roman, to a greater or lesser degree. Religious deviance in the form either of neglect towards the gods, as in the case of Tiberius, or of favour towards and at times utter dedication to

⁷⁸⁶ Cic. *Republic* 2.43. For the juxtaposition of *libertas* to *servitus* in political discourse of the Julio-Claudian period and for the employment of the theme of master-slave relations as a metaphor for emperor-senate relations see Roller 2001:247-64.

⁷⁸⁷ Cf. Tacitus' view on the necessity of the *rector* in Galba's speech: *Hist.* 16: Si immensum imperii corpus stare ac librari sine rectore posset, dignus eram a quo res publica inciperet: nunc eo necessitatis iam pridem uentum est ut nec mea senectus conferre plus populo Romano possit quam bonum successorem, nec tua plus iuuenta quam bonum principem.

foreign cults (which were usually themselves suspect of magical practice), as in the cases of e.g. Caligula, Nero and principally Elagabalus, is another feature of the un-Romanness censure. Charioteering, acting on stage, personal participation in gladiatorial games, homosexuality, luxuriousness and the like also belong all together in the type of portrayal highlighting the deviation of individual emperors from traditional Republican mores. Imperial interest in magic often finds itself naturally at home with the litany of other censures of un-Romanness, and more often than not, in combination with them, thus fitting into this particular system of portrayal of the Roman tyrant.

Hypocrisy is, for the senatorial historian, indubitably the original sin of the Principate and of any *malus princeps*; the emperor poses as a citizen, as a *primus inter pares* among his senatorial colleagues, and presents them with a spectre of their antique rights and liberties,⁷⁸⁸ all the while being a veritable autocrat. At least this is the view of a historian such as Tacitus, writing in the days long before the Principate had devolved into almost a complete military dictatorship, as it did under the Severans. Under Tacitus, however, one of the main instruments for the expression of imperial tyranny was the *Lex Maiestatis*, which slowly “grew robust” under Tiberius. As I have already shown, a large number of the cases brought against upper class Roman citizens, in this period and later on, consisted of charges concerning the violation of the Augustan edict of 11 AD or under the provisions of the *Lex Cornelia de sicariis et ueneficis* concerning *ueneficium* in its magic related aspect. The fact that the emperor presiding over such cases was himself either availing himself of the services of astrologers or was an accomplished astrologer himself implicitly underlines his hypocrisy. We possess nevertheless even more explicit censure of hypocrisy in instances of expulsion of astrologers, when emperors such as Vespasian or Vitellius were said to have been employing the services of often the best amongst them.⁷⁸⁹

Furthermore, a stock trait of the tyrant archetype is his unbounded ambition for power; if the Roman emperor is already master of most of the known world, his connection with magic as a means for him to command the gods themselves, which is

⁷⁸⁸ Tac. Ann. 1.77: ...ea simulacra libertatis senatui praebebat (i.e. Tiberius)...

⁷⁸⁹ See Chapter V.2.b.

what magic actually does in the perception of its detractors, is an effective rhetorical hyperbole for exposing an emperor as a power-hungry tyrant. Pliny in his “History of Magic” levels this sort of criticism explicitly on Nero⁷⁹⁰ and one finds the magic related pursuits of Septimius Severus and Caracalla being considered as *polupragmosunē*,⁷⁹¹ a word which tends to imply that a person is truly stepping over the line. An interest in magic therefore is used to attribute hubris to an emperor, another stock trait of the literary tyrant.

A few words should here be added in particular about the quasi-magical discipline of astrology to which universally emperors are said to have resorted, either through the ministries of professionals of the art or owing to their own personal expertise in the intricate working of this pseudo-science. As other scholars have correctly observed, the star of astrology rises with the Principate and in the sphere of divination, which is a principally political issue in Rome, its rise indicates a shifting focus from the public control of divination by the senatorial oligarchy, through the colleges of the augurs and *haruspices*, to the inner chambers of the imperial palace, by the emperor himself and shady individuals who enjoyed little official sanction for the trade they plied. Divination concerning state business is no longer an exclusively public case, but its focus has moved into the hands of the emperor; the rise of autocracy, against which senatorial historians wage their literary war, is once again not very subtly or imperceptibly implied. We are faced here with a decrying of autocracy similar to that of Tacitus, when he notes that Claudius’ private chambers had taken the place of the courtroom,⁷⁹² that is against the gradual but steady marginalization of the senate as a relevant political body in the wake of centralization of power in the person of the emperor. This unsanctioned class of diviners is similar in this respect to imperial freedmen;⁷⁹³ they wield great power, do not answer to the senate and most probably, in the eyes of a senator, they are playing their own game under the emperor’s nose.

⁷⁹⁰ See Chapter II.3.

⁷⁹¹ See Chapter II.10, 11.

⁷⁹² Ann. 11.2: Neque data senatui copia; intra cubiculum auditur...

⁷⁹³ For senatorial reaction on the acquisition of power by freedmen see Millar 1977: 69-83.

1.a.ii. The Viewpoint of the Magical Literature

The types of account which I conventionally term here as “magical literature” and link emperors with magic are not actually for the most part found in magical texts *per se*; they nevertheless share one of the objectives of texts belonging to that category, namely to assure the reader that the magical formulae prescribed are actually effective and work towards the intended effect. The emperor in such accounts serves as a first class eyewitness; if the efficacy of a spell has been demonstrated before an emperor, people will be less likely to doubt it. One such account, casting Hadrian into the role of an eyewitness before whom the effectiveness of a spell is demonstrated by the “prophet of Heliopolis, Pachrates” is found in PGM 4.2243 ff.⁷⁹⁴ Another account similar in its motives is found in Josephus and casts Vespasian in the role of an eyewitness of an exorcism performed by the rabbi Eleazar, a testament to the wisdom of Solomon.⁷⁹⁵ Very similar in purpose is the controversy behind the authorship of the rain miracle which saved the Roman army from certain defeat in the hands of the Quadi under Marcus Aurelius; Chaldeans, Egyptians and Christians vied for primacy concerning whose god or miraculous powers brought about the delivering rain, with the emperor himself serving as a validating and willing witness that the event was a miracle to begin with.⁷⁹⁶

On the other hand, Philostratus’ *Life of Apollonius* is in several respects also similar to “magical literature” in the sense that it attempts to present a large number of miracles attributed to the Tyanean sage as authentic. The one miracle of his which is of interest here is his disappearance into thin air after delivering a chastising speech in his defence before the emperor Domitian. Whether Philostratus intended any of his narrative actually to be taken in earnest is of course up for debate, but the employment of what seems to have been a literary device of the genre, the performance of a miraculous act before a star witness, is nonetheless employed in a similar manner as in the above

⁷⁹⁴ See Chapter II.7.a.

⁷⁹⁵ See Chapter II.5.

⁷⁹⁶ See Chapter II.8.

mentioned narratives. Viewed in this light, Pliny's "History of Magic"⁷⁹⁷ utilizes an exact reversal of this theme; Pliny presents the fact that Nero, with all the resources of the Empire at his disposal and expert guidance from veritable *magi*, could not, nevertheless, make magic work. This reversed rhetoric attempts to demonstrate the exact opposite of what the "magical literature" seeks, namely that magic does not work and the would-be-mage emperor's figure serves as a famous example and demonstration to this end.

However, as already discussed,⁷⁹⁸ the purpose of the scene of Apollonius' trial is less to provide authenticity to yet another miracle by Apollonius, but rather about the confrontation of the tyrant and the sage; Domitian acts as a foil to Apollonius in order to present in stark colours the contrast between his own unenlightened state and the superior moral virtue and wisdom of the sage. In this respect, the narrative belongs to the type representing the confrontation of a heartless ruler and a holy man, the prototypes for which are already found in Homer, in the confrontation of Agamemnon with Chryses and Calchas,⁷⁹⁹ and in Greek tragedy in the confrontation of Oedipus with Teiresias.⁸⁰⁰ The showdown between Apollonius and Domitian thus serves simultaneously the purpose of similar account of demonstrations before emperors as well as a purpose similar to that of the senatorial historiography when connecting emperors with magic, namely the highlighting of the emperors tyrannical features, though it is a very different approach to arrive at the same target. Indeed, as shown in Chapter III, accounts of magic trials in senatorial historiography, especially when they go into some detail concerning the specifics of individual cases (namely the cases of Libo Drusus,⁸⁰¹ Apollonius, and Soranus' daughter Servilia⁸⁰²), are employed to characterize certain emperors as tyrants.

⁷⁹⁷ For more see Chapter II.3.

⁷⁹⁸ See Chapter III.2.

⁷⁹⁹ *Iliad* 1.12ff. and 1.101ff.

⁸⁰⁰ *Oed. Rex* 316ff.

⁸⁰¹ Chapter III.1.

⁸⁰² See Chapter IV.2.b.iii.

2. The Emperor as a Mage

As demonstrated *passim* in Chapter II, more often than not, the emperors in question are not simply represented as employers of professional magicians, but as showing an interest and practicing some form of it themselves. The origin of the mage-emperor type is what I will attempt to discuss in the following.

The archetype of the learned magician, as Dickie has termed it, is a necessary precondition for the representation of an emperor with an interest in magic; the emperors in the period treated for the most part stem from established senatorial families and frequently have had the best education. Since pursuits and powers stemming therefrom, that are considered magical, were no longer thought in Rome to be the exclusive domain of raving hags, barbarous peoples and regular street mountebanks at least from the time of Nigidius Figulus and on, but also a field of scholarship so to speak, however dangerous or bizarre, the interest of a figure of the highest rank in it would not seem completely outlandish. The mage-emperor is by necessity a learned magician.

As to the origins of the mage-emperor type, I believe these are to be sought in the ambiguous image of the *theios anēr*,⁸⁰³ who is often portrayed by his detractors as a magician. In the following I will proceed to demonstrate how this dichotomy applies and contributes to creating the type of the mage-emperor.

First, it is important to note the similarities between the positive image of the Roman emperor, as presented by official propaganda or popular account and the image of the *theios anēr*, as appears in works of a eulogistic nature towards their subjects, to which I would count texts such as the Life of Apollonius or the Gospels. The emperors of the Julio-Claudian dynasty were considered to be of divine origin, the descendants of Venus herself through Aeneas; starting with Augustus, the emperor was portrayed as the saviour of the civilized peoples of the Empire, the guarantor of peace and the bringer of the long lost Golden Age back to the earth. All emperors had their reigns legitimized by signs and

⁸⁰³ The term is not unproblematic; the relevance of a holy-man-cum-miracle-worker type of Hellenistic origin has been put to question regarding the origins of the image of Jesus, i.e. New Testament Christology. For discussion and bibliography see Blackburn 1992:189-92. However since New Testament Christology is not the issue here, and considering the term a useful one for the purposes of this section, I will be using it with some reserve.

omens of divine favour and occasionally were reported to have some kind of divine power to be the authors of wondrous acts. At the end of his life on earth this demigod could be elevated to true godhead.

The flip-side to the coin, that is the eulogistic views of the *theios anēr*, is that of his portrayal as a magician; this has been the case for men like Eunus, the prophet of Atargatis who led the slave revolt in Sicily in the 2nd cent. BC, Jesus, Apollonius of Tyana and Alexander of Abonouteichos. The wondrous acts attributed to them are either explained away as simple tricks of charlatans by their detractors or as stemming from their trafficking with infernal spirits through magical means. By the same token, the officially holy person of the emperor can be vulnerable to the same type of accusation by his detractors; his association with magic would demean him by presenting an impure rather than a divine image, or at times simply showing him to be fatuous, as the point of Pliny's diatribe against Nero is. Concerning certain emperors, one can also observe an interesting negative parallel theme to that of deification of an emperor or the resurrection of the *theios anēr*, that is his return after his death as a threat to mankind. Dio Chrysostom says that Domitian, whom both Greeks and barbarians called "master and god", was in fact an "evil demon".⁸⁰⁴ This is a striking parallel to the first encounter of Domitian and Apollonius, whereupon the emperor, startled by the philosopher's appearance believes he is confronted with a demon;⁸⁰⁵ both men made claims of divinity and in both instances the claim could be rhetorically reversed to have them presented as evil spirits. Likewise, both Caligula and Nero⁸⁰⁶ made claims to divinity; Caligula's ghost terrorized the populace in the vicinity of his grave⁸⁰⁷ and evidently a large number of people across the empire refused to believe that Nero was dead, or indeed that he stayed dead, and believed that he would come back from the east at the head of a host (though not everyone might expect his return with dismay⁸⁰⁸), a belief which at least three

⁸⁰⁴ Dio Chrys. 45.1: ...ἀλλὰ τὸν ἰσχυρότατον καὶ βαρύτερον καὶ δεσπότην ὀνομαζόμενον καὶ θεὸν παρὰ πᾶσιν Ἑλλήσι καὶ βαρβάροις, τὸ δὲ ἀληθὲς ὄντα δαίμονα πονηρόν...

⁸⁰⁵ VA 7.32: ...ἐκπλαγεῖς ὑπὸ τοῦ εἶδους τοῦ ἀνδρὸς Αἰλιανέ, εἶπε δαίμονά μοι ἐπεσήγαγες....

⁸⁰⁶ Or. Sibyl. 5:34.

⁸⁰⁷ See Chapter II.2.

⁸⁰⁸ Cf. Dio Chrys. 21.10.

pretenders posing as the last Julio-Claudian took advantage of.⁸⁰⁹ A similar prophecy about Hadrian as the *Nero Rediuiuus*⁸¹⁰ and, rather significantly, in the context of his noted arcane interests and his deification of Antinoos, is found in the Sybilline Oracles;⁸¹¹ Commodus and Septimius Severus both appear as ghosts to Caracalla when he conjures their spirits in a necromantic ritual.⁸¹² Ghost stories number among the groups of associated ideas and concepts that make up what is called magic and it could be significant that these ghost and revenant stories involve emperors that were somehow implicated with magic themselves. At any rate, they appear to be the counterpart to the deification motive, the first being a feature of the mage-emperor type, the latter belonging to the type of the emperor as a saviour of mankind.

3. The Emperors' Response to their Implication with Magic

When one is attempting to evaluate what the reaction of an emperor would be to a rumour implicating him with magical activities, one has first to take into account that obviously not all practices which fall under the umbrella term of magic or are at times associated with that group of associated concepts, which we or the ancients consider magical, would be treated in the same manner from a moral and intellectual perspective; although, say, a learned astrologer, an inspired street prophet or mountebank and a repulsive necromancer such as Erictho could all be said to be magicians, in that their practices all touched upon the very broad group of associated ideas which we call “magic”, obviously the particular activities of each would be a source of a different kind of response.

It is unlikely therefore that an emperor would view rumours of his expertise in astrology or of the fact that he took counsel with professional astrologers as anything to worry much about, since indeed astrological divination was not illegal for most purposes

⁸⁰⁹ See e.g. Tac. *Hist.* 2.8; 1.2. Suet. *Nero* 57. See also MacMullen 1966:143-6 and the discussion in Bastomsky 1969:324-5.

⁸¹⁰ See Kreitzer 1988:103-12.

⁸¹¹ *Or. Sibyl.* 8.56-7: καὶ μαγικῶν ἀδύτων μυστήρια πάντα μεθέξει, / παῖδα θεὸν δεικνύσει, ἅπαντα σεβάσματα λύσει

⁸¹² See Chapter II.11.

and it was in fact considered by its adherents and supporters as a worthy and scientific pursuit; furthermore astrological imagery was frequently employed as a means of imperial propaganda on state issued articles such as coins since Augustus, and Septimius Severus following the example of the first emperor had made his horoscope public, with certain falsifications as a precaution.⁸¹³ This probable stance of the emperors on the particular issue of astrology would not however invalidate the often polemical character of the relevant senatorial historians' accounts, the character of which has been expounded upon earlier.

On the other hand, practices such as necromancy never lost their barbarous stigma; in fact they must have been deemed downright illegal as they were associated on the one hand with the banned practice of human sacrifice and on the other trafficking with infernal powers and the spirits of the dead was not really looked upon as a savoury practice outside the confines of heroic literature. This was a much more serious charge to make against the emperor and if Dio's relevant account about Caracalla is to be trusted, it shows that the action taken against propagators of such rumours would be severe.⁸¹⁴ This emperor's reasons for punishing the citizens, who disclosed the details of what went on during the necromantic ritual in which he summoned the ghosts of his father, brother and that of Commodus, could have been manifold; on the one hand the information itself, that Caracalla was haunted or had won the enmity of infernal powers could simply inspire ambitious rivals to remove him and on the other the act of performing a necromantic ritual would reflect very badly upon him. Perhaps it is not entirely accidental that we have no other example of how an emperor would react against people propagating rumours or disclosing information of that sort; it was obviously prudent not to do so openly during an emperor's lifetime. This incident also shows in clear relief that such accusations were considered as rather virulent polemics and not idle talk, and gives us an insight into their actual reception by the readership.

Romans described magic as a *superstitio*, a term oftentimes applied to foreign cults; the term in this context implies a set of practices and beliefs which no Roman

⁸¹³ See Chapter II.10.

⁸¹⁴ See Chapter II.11.

should put much stock into lest they be thought too credulous by their peers, a standard which probably not too many lived up to, but one that would be essential for an emperor to maintain the respect of his senatorial peers.⁸¹⁵ The type of hostile literature towards an emperor come to be considered *superstitiosus* might be exemplified by the popular joke circulating about the white oxen sending a letter to Marcus Aurelius to spare them having to suffer yet another hecatomb⁸¹⁶ or by the *Philopseudes*, if it in fact contains satirical references to Hadrian and his court.⁸¹⁷ Nevertheless satire was not the limit of criticism an emperor would receive once he had shown himself to be *superstitiosus* and far darker tales could be propagated once that can of worms had been opened; this has been shown to be true for both Marcus Aurelius and Hadrian, about both of which stories of magical human sacrifice were told. Therefore, a censure of *superstitio* would not be always taken as a lighthearted joke, but it is unlikely there would be a repression of the type exemplified earlier in the case of Caracalla for more serious accusations; rather as two cases I have examined in detail show, the likely course of action would be counter-propaganda maneuvers to present a different side to the argument.

The two cases I am referring to are those of Marcus Aurelius and Vespasian; both faced exigent circumstances, the former as an emperor, the latter in his attempt to claim the throne, which evidently necessitated a broad appeal to superstitious public sentiment by means of mass propaganda. Marcus Aurelius was confronted during his reign with a terrible plague at home and a series of hard fought wars on the frontier; such adverse circumstances necessitated that he demonstrate that he in fact has the favour of the gods as an emperor, and in the Roman empire the gods were indeed numerous and diverse. Therefore he had to allow all sorts of miracle workers and prophets to work in Rome to alleviate the effects of the plague (most prominent amongst them being the noted charlatan Alexander of Abonouteichos) or most probably in order to raise morale, while his military campaigns were not devoid of the odd miracle, like the famous and of contested authorship rain miracle which saved an encircled Roman detachment from the Quadi. All this activity probably earned him some derision by skeptics and at least some

⁸¹⁵ For bibliography and more, see Introduction 1.

⁸¹⁶ See Chapter II.8.

⁸¹⁷ See Chapter II.7.a.

suspicion about having too many dealings with all manner of foreign cult figures, such as the Egyptian magician Arnuphis, or Julian the Chaldean theurgist, and even Alexander of Abonouteichos. His attempt to rehabilitate the rain miracle and attribute it to Jupiter, while in the process partially appeasing other factions, who claimed its authorship for their own gods, shows how a prudent emperor could cope when presented with such chaotic circumstances, in order to keep his image intact and not slight any of the opposing sides and especially his own.⁸¹⁸

The above handling of these circumstances was not completely unprecedented; the literary tradition has left traces of a similar propaganda campaign of rehabilitation for Vespasian. In his attempt to gain the imperial throne during the turmoil that followed Nero's deposition, Vespasian had to utilize as means of propaganda a huge array of omens, miracles and prophecies connected to his person, to validate his bid for power, especially seeing as how he was not of noble birth himself. The fact that he set out from the eastern provinces meant that the nature of certain of these heavenly signs might easily classify them as *superstitio* in the eyes of Roman aristocrats or have other kinds of unwanted political implications; Vespasian, according to what has come to be called the Alexandrine tradition, healed the blind and the lame, in the manner of oriental miracle workers, was crowned emperor in the temple of Sarapis by an apparition of an Egyptian prophet or even Apollonius of Tyana himself and at one time, unsurprisingly, he witnessed an exorcism performed by a Jewish rabbi. All this, apart from associating his person with too much superstition, had the added disadvantage of making Alexandria, the second most important city in the empire, appear as the king-maker of the new dynasty. This kind of propaganda might have been necessary when Vespasian was setting out from the east to conquer Rome, but after his successful endeavor the emperor would have to have his image rectified and the primacy of Rome reestablished. To this end the Roman tradition, as opposed to the Alexandrine, now had to present a more down to earth image of the emperor; the vulgar healing miracles attributed to him were really the result of application of medicine and the coronation by the Egyptian priest Basilides in the temple of Sarapis was refuted altogether and presented as an omen involving a vision of

⁸¹⁸ See Chapter II.8.

Basilides in the temple and the divine promise of future kingship for Vespasian, due to an interpretation of the omen typically based on wordplay.⁸¹⁹

4. Why Magic?

The question presents itself: why was magic such an effective discourse so as to be employed by all sides against their opponents? It is evident that magic functioned as a nexus for a number of notions and practices, which were anti-social and subversively un-Roman. Magic is first of all downrightly criminal and antisocial in its aspect of *ueneficium*, that is either poisoning or the hidden threat of *defixiones* and *deuotiones* or the combination thereof; magicians are dangerous to society as a whole and no one is safe from an assassin who can strike at anytime undetected.

Magic also evokes notions of religious deviance and hubris, which is viewed as socially subversive; Rome owed its success to the favour of its traditional patron gods and neglect of the traditional pantheon risked their displeasure. It is for this reason, I believe, that charges of treason and sedition against the emperor, as in the cases of Libo Drusus, Calpurnius Piso and Domitia Lepida,⁸²⁰ could often be coupled with trumped up charges of magic-working; magic was the domain of the enemies of Rome⁸²¹ as it stood notionally in opposition to Roman religion, which is what guaranteed the dominance of Rome.

On a similar note, the accusation of magic partly due to the origin of the latter, which was notionally set in the East, could associate the accused with notions of barbarism, addiction to foreign mores and an un-Roman mindset; Nero for example in being presented as receiving guidance from oriental *magi*, was simultaneously represented as being more favourably disposed towards Parthia,⁸²² a traditional enemy of

⁸¹⁹ See Chapter II.5.

⁸²⁰ See Chapter IV.2.b.i, ii.

⁸²¹ See also Stratton 2007:99.

⁸²² See Plin. NH 30.1.2: in tantum fastigii adoleuit (sc. magia), ut hodieque etiam in magna parte gentium praeualeat et in Oriente *regum regibus imperet*. Pliny describes magic as reigning over the Parthian kings, as it did over Nero.

Rome, than a Roman emperor should ever be; indeed it was believed twenty years after his death that he was still alive and that he would be militarily supported by the Parthian Empire to reclaim his throne.⁸²³

A case can also be made that magic was viewed basically as a feminine practice and therefore an illegitimate source of power of women over men.⁸²⁴ The association of a man with magic could then, by this token, imply effeminacy.⁸²⁵ This could also account for the coupling of accusations of magic-working and effeminacy in the cases of two emperors very strongly implicated with magic in our sources, namely Nero and Elagabalus. Furthermore, fatuousness,⁸²⁶ insanity⁸²⁷ or simply not thinking straight⁸²⁸ are states of mind which appear correlated in our sources with magic-working; it is a common excuse to make that one turns to the apparatus of magic when driven to extremes of emotional pressure and equally common for a detractor to say that one must be insane to resort to such measures.

Finally, there is a practical consideration that could make the accusation of magic a very effective one; Apuleius encapsulates this very well in his *Apologia* when he says that one can be accused of being a magician for doing virtually anything out of the ordinary, especially with regards to religious observance.⁸²⁹ The accusation of magic is a form of slander which is easier to make than to prove its allegations true.⁸³⁰

The nature of the accusation of magic is however such that it does not always require conclusive proof; as seen from the above, the magic discourse is geared to trigger a moral panic and provide ample justification for action against the alleged sorcerer. The magic discourse is so effective because it acts as a focal point around which several and

⁸²³ Tac. *Hist.* 1.2.

⁸²⁴ See the discussion in Stratton 2007:71-105.

⁸²⁵ Cf. Stratton 2007:25.

⁸²⁶ See Chapter II.; Chapter III.1.

⁸²⁷ Cic. *In Vat.* 14; see Chapter II.2, 11, 12.

⁸²⁸ See Chapter II.9; Chapter IV.2.b.iii (Servilia).

⁸²⁹ *Apol.* 12.6: Ceterum hoc quidem pacto omnes homines rei constituentur, si ei, qui nomen cuiuspiam detulerit, nulla necessitas sit probandi, omnis contra facultas percontandi. Quippe omnibus sic, ut forte negotium magiae facessitur, quicquid omnino egerint obicietur. 7. Votum in alicuius statuae femore signasti: igitur magus es. Aut cur signasti? Tacitas preces in templo deis allegasti: igitur magus es. Aut quid optasti? Contra, nihil in templo precatus es: igitur magus es. Aut cur deos non rogasti? Similiter, si posueris donum aliquod, si sacrificaueris, si uerbenam sumpseris. 8. Dies me deficiet, si omnia uelim persequi, quorum rationem similiter calumniator flagitabit.

⁸³⁰ *Apol.* 2.2: ...calumnia<m> magiae, quae facilius infamatur quam probatur...

possibly contradictory themes of deviance revolve; a sorcerer could be a murderer, a seducer of both sexes,⁸³¹ he could be neglectful of the gods of the city or attempting to coerce them, alienated from Roman culture, a follower of pernicious *superstitiones* and a member or instigator of rebellious movements. Magic is probably one of the few discourses which effectively ties together so many forms of un-Romanness and social threat and this is the reason behind its widespread and diverse employment. It was thus utilized on the one hand by senatorial authors pursuing an agenda against what they perceived as a growing autocracy to the detriment of the interests of their class, and on the other hand the Roman emperors who saw in it a mechanism of social control, which found expression in expulsions of prophets and astrologers, and for increasing their influence by eliminating rivals on the Senate floor by means of charges of magic-working coupled with accusations of treason.

⁸³¹The figure of Alexander of Abonouteichos in Lucian (in *Alex.*) is a good example of this, and so are Nero and Elagabalus of senatorial historiography.

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