

VATINIUS, NERO AND CURIATIUS MATERNUS*

ego autem sicut in causis agendis efficere aliquid et eniti fortasse possum, ita recitatione tragoediarum et ingredi famam auspicatus sum, cum quidem in Nerone improbam et studiorum quoque sacra profanantem Vatinii potentiam fregi, <et> hodie si quid in nobis notitiae ac nominis est, magis arbitror carminum quam orationum gloria partum. ac iam me deiungere a forensi labore constitui...

(Tac. *Dial.* 11.2)

The above passage, from Maternus' first speech, poses a number of rather intricate textual problems. J. F. Gronovius rightly divined that the meaningless *vaticinii* referred to a person whose evil power Maternus had broken. Who else but Vatinus, Nero's notorious jester? To read *Vatinii* for *vaticinii* is intrinsically attractive, and in default of a better alternative has found almost universal approval. The contextual implications of this acclaimed conjecture have not, however, always been appreciated. It is with these that the present paper is concerned. Discussing (I) the conjecture *imperante Nerone* (L. Müller), and (II) the interpretation of J. Stroux, it will attempt in the final section (III) to relate the Vatinus incident to its original political and ideological context.

I. IN NERONE OR IMPERANTE NERONE?

First, the chronological implications. The incident to which Maternus refers has frequently been dated to the last years of Nero's reign.¹ This assumption has found expression in widespread, if by no means universal, acceptance of L. Müller's conjectural *imperante Nerone* (for *in Nerone* YE; *in Neronem* X).² Translations vary considerably in their way of handling the problem,³ but the most recent commentary has endorsed the suggestion.⁴

Several reasons speak against the date and, by implication, the conjecture. As pointed out for instance by I. G. Orelli and K. Barwick, the assumption that we are dealing with a *cause célèbre* from Nero's final years is not likely to be true.⁵ Nero's

* I am indebted to the editors and to K. Friis-Jensen, J. Isager, M. Pade and P. Zeeberg for their comments on earlier drafts of this paper.

¹ Cf. e.g. the commentaries of W. Peterson (1893), xxxvii and A. Gudeman (1914²), 67 (a drama; under Nero); likewise G. Wissowa, *RE* iv² (1901), 1833 and H. Gundel, *RE* viii A¹ (1955), 520; J. Wight Duff, *Silver Age* (1927), 278 and, most recently, J. P. Sullivan, *Literature and Politics in the Age of Nero* (Ithaca and London, 1985), 47; 155.

² J. Stroux, *Philologus* 86 (1931), 342f. (a speech; under Nero). Stroux's date and argument is endorsed by e.g. Schanz-Hosius ii⁴ (1935), 524–5; A. Klotz, *Scaen. Rom. Frag.*, 368; R. Syme, *Tacitus* (Oxford, 1958), 110; E. Koestermann (1968) ad Tac. *Ann.* 15.34.2 and T. D. Barnes, *Hermes* 109 (1981), 382 n.5. Stroux's punctuation is adopted by M. Winterbottom and H. Heubner in the recent OCT (1975) and Teubner (1983) editions; in the text the former poses a *crux* while the latter brackets *in Nerone*, but both adduce L. Müller's conjecture in the *apparatus*.

³ The conjecture is accepted in Loeb (1970; M. Winterbottom), supplanting the not dissimilar *principe Nerone* in the previous edition (1920; W. Peterson). *Contra*, Budé (1947³; H. Bornecque), Tusculum (1967; H. Volkmer) and *Classici Latini* (1983²; A. Arici).

⁴ R. Güngerich (1980), *ad loc.*

⁵ In vol. ii, 525 of Orelli's 1848 ed.; K. Barwick, *Ber. Sächs. Akad.* 101.4 (1954), 40f. Likewise K. Büchner (ed.), *Tacitus. Die historischen Versuche* (Stuttgart, 1955), 323 n.57.

minions were prosecuting, not being prosecuted in those days.⁶ For senators and men of letters the observance of *quies* presented a safer course.⁷ Maternus' very survival into the reign of Vespasian speaks against the assumption of a highminded (or foolhardy) display of courage during the 'terror'.⁸

As regards Vatinius, Tacitus' first mention of him (A.D. 64) seems to portray him in the ascendancy, but the *Annals* as extant have no examples of his evil deeds. His most notorious period is therefore not unlikely to have been rather late in the reign. To judge from the epitome of Dio, the man was indeed alive and active during Nero's most violently anti-senatorial period.⁹

Even if the incident cannot be dated exactly, for the reasons stated it would hardly have preceded Nero's fall – but on the other hand it was surely not much later. Tacitus seems to furnish a *terminus ante*. On the day of Otho's *coup* (15 January 69) he presents him haranguing the pretorians. Their indignation is stirred by the enumeration of Galba's victims: their fellow soldiers, senators, and their prefect, Nymphidius; the greed of Galba's faction is indeed as insatiable as its thirst for blood:

Septem a Neronis fine menses sunt, et iam plus rapuit Icelus quam Polycliti et Vatinii et Aegiali perdidit.¹⁰

These three had been punished, along with others, for crimes far less serious than those of Galba's freedman, Icelus – this seems to be the paradox Otho wishes to convey. The fate of Polyclitus happens to be known. Galba had him executed, along with Helius, Narcissus, Patrobius, Petinus, Lucusta and several others.¹¹ Of an Aegialus (Helius ? *Lips.*) nothing is known, but from the context we may safely infer that he and Vatinius also ran into trouble.¹²

Vatinius had clearly been a menace to his betters.¹³ Like Helius, who had the Sulpicii Camerini executed, and Spiculus, who enriched himself with the confiscated property of *viri triumphales*,¹⁴ he would not have outlived his master for long.¹⁵ Some did,¹⁶ it is true, but Otho's harangue seems to lose its point if Vatinius had not recently, *imperante Galba*, been despatched to where Icelus would shortly join him.¹⁷ It seems

⁶ Note for instance the activities of Aponius (Plut. *Galba* 8), Helius (Dio 62.18.2), Vibius Crispus and Eprius Marcellus (note 30).

⁷ Tac. *Agr.* 6.3, with the comments of Richmond-Ogilvie *ad loc.* Pliny the Elder wrote eight books on grammar *sub Nerone novissimis annis, cum omne studiorum genus paulo liberius et erectius periculosum servitus fecisset*: Pliny, *Ep.* 3.5.5.

⁸ Thus R. Syme, *op. cit.* (n.2), 110. But note Thrasea's warning to Arulenus Rusticus *ne vana et reo non profutura, intercessori exitiosa inciperet*: Tac. *Ann.* 16.26.5.

⁹ Tac. *Ann.* 15.34 (presentation); Dio 62.15 *μισῶ σε, Καίσαρ, ὅτι συγκλητικὸς εἶ* (apparently during the Greek sojourn).

¹⁰ Tac. *Hist.* 1.37.5; for the victims cf. G. E. F. Chilver *ad loc.*

¹¹ Plut. *Galba* 17; Dio 63.3.4 (after Galba's arrival at Rome, late summer or autumn A.D. 68).

¹² K. Barwick, *op. cit.*, 42: 'Vatinius [war] bereits, jedenfalls politisch, ein toter Mann'; it is not clear how H. Bardon, *Les Empereurs et les lettres latines* (Paris, 1940), 299 and H. B. Mattingly, *CR* 9 (1959), 105 could assign his death to the first years of Vespasian.

¹³ *primo in contumelias adsumptus* (sc. Vatinius), *dehinc optimi cuiusque criminatione eo usque valuit, ut gratia pecunia vi nocendi etiam malos praemineret*: Tac. *Ann.* 15.34.2.

¹⁴ On Helius see *PIR*² H 55; on Spiculus Suet. *Nero* 30.2 and Plut. *Galba* 8.

¹⁵ G. E. F. Chilver *ad loc.*; P. Kragelund, *Prophecy, Populism, and Propaganda in the 'Ocotavia'* (Copenhagen, 1982), 87 n.232.

¹⁶ The cases of Halotus and Tigellinus became notorious (Suet. *Galba* 15.2), but the subsequent fate of Nero's *a libellis*, Epaphroditus, is no less remarkable (*PIR*² E69; see further W. Eck, *Historia* 25 [1976], 381f.).

¹⁷ Icelus had opposed Galba's adoption of Otho. He was duly crucified later that day (Tac. *Hist.* 1.13.2; 46.5).

to follow, therefore, that if, as is commonly assumed, the passage in question actually refers to Vatinius, Müller's conjecture is better discarded.

II. SPEECH OR DRAMA?

If correct, the inference has wider implications for our understanding of this difficult passage. What exactly had Maternus written? The answer to this is not facilitated by the dialogue's elusive style. Yet, it seems clear that the Vatinius incident belonged to an early phase in Maternus' career as a dramatist; indeed, this was for long the *communis opinio*.¹⁸

J. Stroux took a very different view. Maternus referred to a speech delivered *imperante Nerone*. Rejecting Lipsius' *et*, he argued vigorously for a full stop after *tragoediarum*. Like the date, the idea of a speech has, along with the punctuation, found notable adherence.¹⁹ Notwithstanding, a number of circumstances speak against.

The truncated sentence '... ita recitatione tragoediarum.' is very awkward, stylistically.

Stroux's punctuation produces a sentence for which I have found no parallel. The main problem is that it renders the *quidem* superfluous: *cum* alone would suffice to define when Maternus had achieved this early success. But to judge from parallels in Cicero's dialogues (which also otherwise served as a model for this work), the construction with *cum quidem* presupposes a reference to a specific date or occasion: in the manner of a parenthesis it expands and amplifies Maternus' reference to his renowned recital.²⁰

If these objections to Stroux's punctuation are correct, we are left with a period which surely requires Lipsius' introduction of a conjectural *et*, as a counterbalance to the preceding one.

As for the genre of Maternus' product, the dismissal of Müller's conjecture has not rendered the idea of a speech any easier to uphold: the transmitted *in Nerone* does after all resemble a title. It should, moreover, be noted that Maternus distinguishes three stages in his career. The first brought promises of future fame, the second their fulfilment: now (*hodie*) his *gloria* rested more on his *carmina* than on his speeches. In future (*iam... constitui*) he would therefore wholly abandon rhetoric. In view of this conclusion, it is hardly to rhetorical renown (*famam*) that he initially refers. The whole drift of the argument and the repeated opposition between rhetoric and drama, then and now, seems to confirm that the *cum quidem* sentence refers to a momentous dramatic success.²¹

To some the conclusion seemed intolerable. Recourse was taken to adopting the variant *in Neronem*. The result is hardly idiomatic. If meaning 'Vatinius' power over Nero' (?), the reading seems for chronological reasons to disqualify itself.²² Frequently ignored, or contested,²³ the view that Maternus was the author of a drama entitled

¹⁸ Thus (but under Nero) the scholars mentioned in note 1.

¹⁹ Cf. note 2.

²⁰ Cf. e.g. Cic. *Sen.* 10 *Quaestor deinde... factus sum, quem magistratum gessi consulibus Tuditano et Cethego, cum quidem ille admodum senex suavor legis Cinciae de donis et muneribus fuit*; similarly, Cic. *Sen.* 41; *Orat.* 26; *Brut.* 80 *NatD.* 1.72; *Div.* 1.72; *Leg.* 2.14; see further J. Solodow, 'The Latin Particle *Quidem*', *American Classical Studies* 4 (1978), 136f. I owe this point to discussions with M. D. Reeve.

²¹ As argued by K. Barwick and K. Büchner (note 5).

²² A. Gudeman, A. Michel (1962) and D. Bo (1974) *ad loc.* favour *in Neronem*; for the translation see C. E. Bennett (1894) *ad loc.*; similarly, T. Frank, *AJPh* 58 (1937), 228.

²³ R. Helm, for instance, simply dismissed the idea as *undenkbar*: *RE* 22.2 (1954), 1575.

'Nero' has on the other hand much to recommend it.²⁴ Admittedly, its exact position in Maternus' oeuvre cannot be ascertained. As is well known, Maternus had written mythological and historical drama. A *Medea* had preceded his *Cato*, and a *Thyestes* was in the process of composition, but the list seems incomplete: the eloquent Agamemnon to whom Aper refers hardly featured in any of the dramas already mentioned.²⁵

Prior to *Cato* there had been another historical drama, the *Domitius*. In the present context, it is of course puzzling that Aper praises these historical ventures as a *novum negotium*. However, this statement need not preclude the assumption of a similar venture some seven years earlier. Aper may (again) be inaccurate, or simply oblivious of the drama, which anyway suited his argument badly. Alternatively, it can be argued that *novum* has generic rather than chronological implications.²⁶ The difficulty with the 'additional' historical drama may furthermore only be apparent: while the protagonist of the *Domitius* commonly has been identified with either L. or Cn. Domitius Ahenobarbus (Cos. 54 and 32 B.C.), another possibility seems at least equally viable. Given the tendency of Maternus' contemporaries to denigrate Nero by way of using his *nomen gentile*, the old suggestion that Maternus' *Nero* is identical with his *Domitius* certainly merits serious consideration.²⁷

Be that as it may: whatever the precise position of the *Nero* in Maternus' oeuvre, the reference to Vatinius establishes the relevant timespan. From all we know, the drama must have seen the light and made its impact during the short but hectic reign of Galba (9 June 68–15 January 69).

III. THE HISTORICAL CONTEXT

Faced with the idea of a drama, with such a title, and at such a date, scholars have recoiled in disbelief. Even if the corrupt state of the passage inevitably saddles any interpretation with a high degree of uncertainty, such assumptions are by no means at variance with what is known of the reign and the dramatist. Four aspects seem particularly notable:

(1) The *interregnum* of Galba, much like that of Nerva, witnessed the start of a process which *in nuce* seems to have comprised the complete reappraisal of the immediate past.²⁸

²⁴ Thus e.g. H. Peter, *Die geschichtliche Literatur über die römische Kaiserzeit* 1 (Leipzig, 1897), 182; H. Bardon, *La Littérature latine inconnue* II (Paris, 1956), 215; M. T. Griffin, *Nero. The End of a Dynasty* (London, 1984), 277 n.75; K. Barwick and K. Büchner (note 5).

²⁵ *Cato*, *Medea* and *Thyestes*: *Dial.* 2; 3.4; Aper's reference to Agamemnon (9.2) is hardly to a persona in the *Thyestes*, which was still in a preparatory state: 3.3.

²⁶ *novum...negotium*: *Dial.* 3.4. For the generic implications, see R. Schöll, *Commentationes Woelfflinianae* (Leipzig, 1891), 395; such assertions would often be more flattering than accurate: cf. e.g. Sen. *Dial.* 11.8.3 (Polybius' fables in the style of Aesop an *intemptatum Romanis ingeniis opus*).

²⁷ On *Domitius* and the Republican Domitii, see e.g. R. Helm, *op. cit.* (n. 23), 1575; on *Domitius = Nero*, F. G. Welcker, *Die griechischen Tragödien*...III (Bonn, 1841), 1464. In spite of Nero's personal pride in his paternal ancestry (M. T. Griffin, *op. cit.* (n. 24), 22), it was brought up against him, prior to his accession (Tac. *Ann.* 12.41) and during the revolt: Suet. *Nero* 41 (Vindex's abusive edicts); *Nero* 50 (the burial in the tomb of the Domitii as compared with Galba's burial of Nero's victims in the Mausoleum [Dio 64.3.4c]). To judge from the *Octavia* 249 (*Nero insitivus, Domitio genitus patre*) and from Pliny the Elder's hybrid, *Domitius Nero* (*HN*, repeatedly), the name stuck during the following decade.

²⁸ For the evidence see M. Fluss, *RE* IV A¹ (1931), 772f. and *The 'Octavia' and the Damnatio of Nero* (forthcoming).

(2) If we may judge from the presumably near-contemporary *praetexta*, *Octavia*, drama was also a form in which denigration of the old régime found expression.²⁹

(3) As for Maternus' personal attitude to the *aula Neroniana*, his candid expressions of contempt for the two powerful Flavian consulars, Q. Vibius Crispus and T. Clodius Eprius Marcellus, seem highly significant:³⁰

Nam Crispus iste et Marcellus, ad quorum exempla me vocas, quid habent in hac sua fortuna concupiscendum? quod timent, an quod timentur? (...) quod adligati cum adulatione nec imperantibus umquam satis servi videntur nec nobis satis liberi? quae haec summa eorum potentia est? tantum posse liberti solent.³¹

We may reasonably assume that their activity as *delatores* under Nero had contributed to forming Maternus' contemptuous and dismissive view of their careers, as well as their *métier*.³²

(4) What is known of Maternus' oeuvre does not in any way contradict the assumption of an avowedly political drama. Thus it seems significant that his second (or third) *praetexta* was devoted to a figure no less controversial than Cato. The drama had offended the powerful, presumably by celebrating the protagonist's firm stand in the face of tyranny, and Maternus was subsequently advised to tone it down. But deaf to his friends' warnings, Maternus defiantly asserted that his next drama, the *Thyestes*, would be even more explicit.³³

To summarize: in the shortlived revival of liberty and free speech immediately after the fall of Nero senators like Helvidius Priscus had laboured to ensure that the tyrant's *delatores* and *ministri* received their punishment. The influence of the accused had however gone far in determining the outcome of the individual trials.³⁴ Vibius Crispus and Eprius Marcellus had for instance both emerged triumphant from the turmoil.³⁵

Vatinius' position was from the outset far less advantageous than that of Vibius and Eprius. In a period of political purges his humble origins and dubious status would

²⁹ The arguments for an early, probably Galban, date are discussed by T. D. Barnes, *MH* 39 (1982), 215f. and P. Kragelund, op. cit. (n. 15, with previous literature). Now also J. P. Sullivan, op. cit. (n. 1), 59f.

³⁰ For their wealth see the instructive table in R. Duncan-Jones, *The Economy of the Roman Empire* (Cambridge, 1982²), 343; both reached their second consulates in A.D. 74: A. B. Bosworth, *Athenaeum* 51 (1973), 72 and *PIR*² E 84.

³¹ *Dial.* 13.4 (even Aper disapproved: 8.3).

³² Cf. G. Williams, *Change and Decline* (Berkeley, 1978), 34f. (Maternus and the *delatores*) and M. Winterbottom, *JRS* 54 (1964), 96, comparing the attitudes of Maternus and Quintilian.

³³ On *Cato* and the *Thyestes*, see *Dial.* 2; 3.2–3; in view of Maternus' attitude to Eprius Marcellus, it might be relevant that Thræsa Paetus had been demonstrative in his enthusiasm for the great Stoic martyr: C. Wirszubski, *Libertas as a Political Idea at Rome during the Late Republic and Early Principate* (Cambridge, 1950), 138f. (biography; celebration of birthday; suicide imitating Cato's). As for Maternus' subsequent fate, it is not clear whether his defiant attitude to those in power had consequences as serious as that of Helvidius: thus A. Cameron, *CR* 17 (1967), 258f. and U. Hass-von Reitzenstein, *Beiträge zur gattungsgeschichtlichen Interpretation des Dialogus "de oratoribus"* (Köln, 1970), 37, with strong arguments from text and literary convention; against, R. Syme, *AncSoc* 13–14 (1982–3), 256 (a tranquil end at Tivoli). The evidence for his identity and the date of his death is in any case inconclusive: *PIR*² M 361.

³⁴ Tac. *Hist.* 4.42.6 (*delatores et ministri*); 2.10 (influence of the accused). Helvidius Priscus was for instance persuaded to drop the suit against Eprius: 4.6.2.

³⁵ Tac. *Hist.* 4.42.6 (under Galba). In spite of his past, Vibius Crispus even managed to be appointed *curator aquarum* by Galba (R. Syme, *Historia* 31 [1982], 480), and under Otho he launched an attack on a fellow *delator* (*Hist.* 2.10). Eprius came under heavy fire, in Galba's time and later. The debate *pro et contra* his condemnation (*egregius utriusque orationibus testatum: Hist.* 4.6.2) was renowned (*Dial.* 5.7).

certainly have rendered him highly vulnerable.³⁶ The details of his fall are unrecoverable. However, if it is permissible to go by the reaction of a Flavian audience upon Maternus' recital of his *praetexta* 'Cato',³⁷ a dramatic attack, be it in a direct or allusive form, soon after Nero's fall, may well have had fatal consequences,³⁸ particularly for a man whose evil influence somehow seems to have affected the world of letters at large.³⁹

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³⁶ Vatinius was a shoemaker's son. At a similar juncture, after Domitian's fall, the first to be victimized were those of low status (*minores*): Pliny, *Ep.* 9.13.4. For comparable instances of punishment reflecting status cf. P. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Cambridge, 1970), 263f.

³⁷ *Dial.* 2; 10.7.

³⁸ *Contra*: J. Stroux, *op. cit.* (n. 2), 343.

³⁹ This might be what *studiorum quoque sacra profanantem... potentiam fregi* (*Dial.* 11.2) refers to. For the ambience of a jester's activity see L. Friedländer, *Sittengeschichte* 1 (Leipzig, 1922), 89 and the exploits of Domitian's favourite, Latinus (*PIR*² L 129): mockery, derision, jokes, entertainment at dinner, acting, and *delationes*.