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THE DATING OF SENECA'S *AD MARCIAM DE CONSOLATIONE*

In A.D. 25, Aulus Cremutius Cordus, a Senator and a historian, was charged with 'maiestas'. He committed suicide, and immediately his books, the ostensible source of the charge against him, were officially burnt. Some years later, Seneca referred in detail to these events in a philosophical study he had composed for Marcia, the daughter of Cremutius Cordus. Seneca wrote the work to console Marcia on the death of her son Metilius. In the *Ad Marciam*, Seneca notes in passing that the works of Cremutius Cordus have been re-published.

There has never been complete agreement over the precise date of the *Ad Marciam*. Some date the work to the reign of Gaius (A.D. 37–41), whereas others feel that it written during the reign of Claudius (A.D. 41–54). I should like to discard both these possibilities, since there are objections that can be raised to both,[1] and to suggest instead that the *Ad Marciam De Consolatione* was written late in the principate of Tiberius (A.D. 14–37); more precisely, in the period, 34 to 37.

The reason for scholars dating the *Ad Marciam* to a time after the reign of Tiberius is the explicit statement by Suetonius that the works of Cremutius Cordus were put back into circulation during the reign of Gaius.[2] At the time the *Ad Marciam* was being written the works of Cordus had been re-published. Because of the authority of Suetonius in this instance, the Tiberian period has never been considered an option for the date of the *Ad Marciam*. Yet, if we consider the internal evidence from the work and the fact that Suetonius is often unreliable in such matters (see below in Section 5) a Tiberian date may not be entirely out of the question. If Seneca wrote the *Ad Marciam* while Tiberius was still alive, this earlier date might explain why it is that the Senecan version of the trial and death of Cremutius Cordus differs in emphasis, and sometimes in fact, from the version offered by Tacitus – Seneca had to be careful not to offend Tiberius; Tacitus did not.

In the first part of this paper, I shall review the dates commonly assigned to the 'Consolatio'. Then I shall consider the internal evidence given to us by Seneca: his use of Tiberius as an exemplar and his version of the events of A.D. 25 – in contrast to the version of Tacitus. I shall also canvass the possibility that Tiberius, after the fall of Sejanus, made amends for the unjust charges brought against Cremutius Cordus (and others) by allowing Marcia to re-publish her father's books; and lastly I shall try to show how Suetonius may have erred in assigning the time of re-publication to the reign of Gaius.

1. THE USUAL DATING OF THE *AD MARCIAM DE CONSOLATIONE*

(a) *The reign of Claudius (A.D. 41–54)*

Seneca was sent into exile by Claudius in 41, quite early in the reign, and remained there until 49. A time for the *Ad Marciam* between 41 and 49, during the period of exile, seems out of the question because Seneca intimates that both he and Marcia are

[1] See M. T. Griffin, *Seneca: A Philosopher in Politics* (Oxford, 1976), p. 396.

[2] Suetonius, *Gaius* 16.1: 'Titi Labieni, Cordi Cremuti, Cassi Severi scripta senatus consultis abolita requiri et esse in manibus lectitarique permisit "quando maxime sua interesset ut facta quaeque posteris tradantur".'

residing in Rome at the time he is writing to her (16.1).[3] In addition, although in the work Seneca mentions the hardships of exile, he does not refer this sort of hardship to himself, and his almost sophistical ease in mentioning such matters suggests that he has not yet felt the harsh reality of official conviction and relegation (20.2); and it would seem that his father was still alive (23.5).[4]

The period after 49, after Seneca's return from exile, also seems out of the question, since this dating makes the ages of Marcia, that of Metilius and that of Cremutius Cordus almost impossible to reconcile with one another, and this leads to conflict with some of the other evidence from the *Ad Marciam*.[5] The internal evidence of the *Ad Marciam* seems to preclude a Claudian date. Most authorities agree that A.D. 41 must provide a fairly clear *terminus ante quem* for the work.[6]

(b) *The reign of Gaius (A.D. 37–41)*

The period 39–41, at first sight, seems compatible with the internal evidence of the work. When Seneca tries to console Marcia on the death of her son Metilius, he notes that the lad has been dead almost three years, during which time Marcia has not been able to find solace, not even that from her beloved literature (1.5–7); yet Marcia is said to have overseen the re-publication of the works of her father, Cremutius Cordus (1.3–4); so, this editorial activity on her part probably pre-dates the death of Metilius by about three years. From the chronological framework established by the *Ad Marciam*, if we were to date the 'Consolatio' within the reign of Gaius, the works of Cordus must have been re-published in 37 or at the latest 38, and the *Ad Marciam* written three years later, *c.* 40/41.

The first problem with this dating is that too many events have to be crammed into too short a period early in the reign of Gaius. We must allow time for consideration by Gaius of the lifting of the ban on the works of Cordus and the time needed by Marcia to get the works re-published. We also have to allow time for other events: we know that Marcia's son Metilius was granted a priesthood, presumably given to him by Gaius some time in this period;[7] and there is the time needed for Metilius to die.

Secondly, if the *Ad Marciam* was actually penned during the reign of Gaius, it is

[3] C. E. Manning, *On Seneca's Ad Marciam* (Leiden, 1981), pp. 2, 87.

[4] On exile, see also 9.4, 17.5, 22.3. C. K. Abel, Bauformen in Senecas Dialogen (Heidelberg, 1967), pp. 159–60; C. E. Manning, *On Seneca's Ad Marciam* (Leiden, 1981), p. 3.

[5] On this whole problem of dating, see M. T. Griffin, *Seneca: A Philosopher in Politics* (Oxford, 1976), pp. 347ff. and C. E. Manning, *On Seneca's Ad Marciam* (Leiden, 1981), pp. 1–7.

[6] Griffin, op. cit., p. 396. A date in 41 itself, after the death of Gaius and before Seneca's exile, seems unlikely too, since Seneca does not mention Claudius nor the reign of Gaius, e.g. see *Ad Polybium De Consolatione* 17.3–6. Griffin, op. cit., pp. 59–60, however, feels that the exile of Seneca took place late in the year not early in the year. There is no clear evidence, but Dio 60.8.5 does place the exile of Seneca, in relative terms, among the last acts of the year. The *Ad Marciam* could conceivably date from this period between the death of Gaius in January and the time of Seneca's formal exile; yet it is odd that Claudius and the benefits his reign will bring are not at least mentioned; nor that Gaius is dead. Praise of Claudius peppers the *Ad Polybium* and Gaius is mentioned as a bad exemplar in the *Ad Helviam*. Both were written fairly early in the reign of Claudius. On the Consolations, see J. Fillion-Lahille, 'La production littéraire de Sénèque sous les règnes de Caligula et de Claude, sens philosophique et portée politique', *ANRW* 2.36.3 (1989), 1606–16.

[7] C. E. Manning, *On Seneca's Ad Marciam* (Leiden, 1981), pp. 3–4 The fact that Metilius' maternal grandfather, Cremutius Cordus, had fallen into disrepute during the reign of Tiberius need not necessarily have meant that the 'Elder Metilius' and his son suffered in any way. See Manning, op. cit., p. 141.

odd that Gaius is not mentioned anywhere in the work.[8] This is particularly noticeable in the passage where Seneca refers to the re-publication of the works of Cordus (1.3–4), if Gaius had actually been responsible for the re-publication of Cordus' works. If Seneca had been averse to flattering Gaius, a brief statement of fact need not necessarily have been deemed excessive or sycophantic. It has been said that it is precisely Seneca's failure to mention Gaius that indicates that the *Ad Marciam* was written during his reign (i.e. Seneca hated Gaius so much that he could not bring himself to mention him, let alone flatter him).[9] This seems a bit far-fetched and, in any case, there is flattery of the current regime in that Seneca implies that the books of Cremutius Cordus have been published again in better times (1.2–3). If Seneca is trying to flatter Gaius in this instance, why is he flattering him so obliquely? The praise he gives to Tiberius, by way of contrast, is overt.

The laudatory references to Tiberius made by Seneca in the *Ad Marciam* have been seen as a sign that the work was written after A.D. 39. Gaius is said to have reviled Tiberius or to have ignored him early in his reign, but then to have undergone a change of heart in 39 and to have restored Tiberius' reputation. So, Seneca was allegedly not free to praise Tiberius prior to this 'change of heart' on the part of Gaius, but he could praise Tiberius with impunity after A.D. 39.[10]

This theory that Gaius did not appreciate Tiberius before 39 but revered his memory after that date cannot be entirely substantiated by the evidence.[11] Regardless of Gaius' treatment of the memory of Tiberius before 39, there must have existed an air of uncertainty, even after this date, about the precise standing of Tiberius with Gaius. Many of the activities of Gaius after 39 certainly produced consternation and confusion among the ruling class of Rome.[12] In September 39, for example, Gaius allegedly deposed the consuls simply because they forgot to announce his birthday.[13] Seneca himself seems to have been under suspicion by Gaius, and it is said that he almost lost his life.[14] Surely, under these conditions, it would have been common sense for Seneca not to mention Tiberius at all and to have tried to praise Gaius in some way.

The fact that Gaius is not mentioned at all by Seneca – in any case, there seems no clear date within the reign of Gaius when Seneca could have published the *Ad Marciam* with absolute impunity – suggests that Seneca did not compose this piece during the reign of Gaius. With a Gaian date, too, there are also logistical problems

[8] It has been argued that Seneca himself organized the publication of the *Ad Marciam* in a collection perhaps published in 62 or later; cf. E. G. Schmidt, 'Die Anordnung der Dialoge Senecas', *Helikon* 1 (1961), 245–63. If this was the case, Seneca may have edited out any references to Gaius. Equally, he should have inserted praise of the incumbent emperor. The 'argumentum ex silentio' is rather weak in this instance.

[9] See Manning, op. cit., p. 3.

[10] M. T. Griffin, *Seneca: A Philosopher in Politics* (Oxford, 1976), p. 397.

[11] There is little sustained evidence that the reputation of Tiberius was ever actually under an imperial cloud during the reign of Gaius. The sources which imply that an unfavourable attitude towards Tiberius existed are rather inconsistent on this point. Gaius is said to have given a eulogy for Tiberius at his public funeral, making a great show of affection (Suetonius, *Gaius* 15.1; Dio 58.28.5, 59.3.7–8, 59.4.2–3). At least in the early days of Gaius' principate, Tiberius was generally honoured, and we cannot state categorically, because of the contradictory evidence of Dio, that the memory of Tiberius, even later, was ever actually in disgrace. After the so-called turning point in 39, although Gaius allegedly threatened the Senate with memories of the regime of Tiberius (Dio 59.16.1–11; cf. Dio 59.19.1–2), it seems unlikely, given this air of uncertainty, that Seneca would have felt that praise of Tiberius in the *Ad Marciam* alone would have been enough to flatter the capricious Gaius.

[12] For example, Suetonius, *Gaius* 34–5, 49, 53; Dio 59.19.3–7, 20.6, 23.3–4, 25.9, 26.1–2.

[13] Suetonius, *Gaius* 26; Dio 59.20.1–3.

[14] Suetonius, *Gaius* 53; Dio 59.19.7–8.

concerning the compression of events early in the reign. These reasons seem to justify the removal of the *Ad Marciam De Consolatione* from the reign of Gaius. Since the Gaian date is unlikely, and a Claudian date seems untenable, the *Ad Marciam* may well suit better the times of the reign of Tiberius.

2. THE FAVOURABLE USE OF TIBERIUS AS AN EXEMPLAR

There are strong reasons for suspecting that the *Ad Marciam* was written while Tiberius was still alive. In the first place, there is the fact that Seneca mentions Tiberius at some length, while not noticing any later princeps; then, that Seneca generally mentions Tiberius with a great deal of respect;[15] and he supplies incidental notices of the outstanding qualities of many other early imperial personages,[16] particularly those close to Tiberius. Above all, he praises Livia, the mother of Tiberius, and at times he even praises Tiberius himself.

Whereas Seneca mentions neither Claudius nor Gaius in the *Ad Marciam*, Tiberius and Livia come in for special treatment. Livia is contrasted to her credit with her sister-in-law Octavia (2.3–3.2),[17] and is chosen by Seneca as an outstanding exemplar for Marcia, since Livia, Octavia and Marcia all lost their sons; yet only Livia came to terms with her grief quickly (3.3–5.6). Drusus, the son of Livia and beloved brother of Tiberius, is also singled out as an outstanding individual (3.1).[18] Seneca claims that Drusus would have made a fine princeps[19] and that he had been one of the mainstays of the regime of Augustus.[20] There seems no doubt that complimentary references to Drusus would have pleased Tiberius.[21]

It is the depiction of Tiberius, however, as an exemplar to be emulated by Marcia that really attracts our attention. What could have been more of a deliberate insult to Marcia and to the memory of her father than to have used as a source of Stoic inspiration the man who was blamed, by later writers at least (and by Tacitus in particular), for the death of Cremutius Cordus, unless Tiberius had at some stage redeemed himself by exonerating the life and works of Cordus?[22]

[15] It is true that Seneca notes the stoical qualities of Tiberius in *Ad Polybium* 15.5; yet this notice is presented as part of a speech put in the mouth of Claudius and it deals, in any case, with Tiberius' love for Drusus, the father of Claudius. The whole consolation to Polybius is riddled with praise of Claudius, so the reference to Tiberius can be viewed in some way as pleasing to Claudius (and Polybius).

Among others who have noticed the deferential treatment given to Tiberius, see K. Abel, 'Seneca. Leben und Leistung', *ANRW* 2.32.2 (Leiden, 1985), 666.

[16] For example: Marcellus, the nephew of Augustus in 2.3; Divus Augustus in 15.2; general praise of the Caesars in 15.1.

[17] C. E. Manning, *On Seneca's Ad Marciam* (Leiden, 1981), *ad locc.*, has noted the fact that the citation of Livia and Octavia as exemplars is unique.

[18] In fact, the portrayal of Drusus by Seneca resembles quite closely that of Metilius, Marcia's son; cf. 5.4. Both died quite young.

[19] This statement contrasts with the opinion expressed by later sources that Drusus was intending to 'restore' the Republic. See Tacitus, *Annales* 1.33; Suetonius, *Tiberius* 50.1; cf. B. Levick, *Tiberius the Politician* (London, 1976), p. 32. If Suetonius is correct in saying that Tiberius betrayed Drusus' 'Republican' sympathies to Augustus, it is interesting that Seneca favours Tiberius by taking such pains to scotch the 'Republican' rumour. Tiberius is also flattered by the assumption that Drusus could have been a good princeps.

[20] This language is reminiscent of that used by the markedly pro-Tiberian writer Valerius Maximus 4.3.3.

[21] B. Levick, *Tiberius the Politician* (London, 1976), pp. 32ff.

[22] That Tiberius was considered to have been behind most of the trials and that of Cordus in particular can be inferred from a passage in the *Annales*. Under the year A.D. 37, Tacitus records that Macro, the praetorian prefect, produced evidence for the senatorial court against, among others, Lucius Arruntius (*Annales* 6.47). The Senate suspected that the charges had been trumped up by Macro because he hated Arruntius, and it refused to take any action because it

In many places in the *Ad Marciam De Consolatione* Tiberius is singled out for his virtue. For example, praise is given to him for showing piety towards Livia at the funeral of Drusus (4.2). 'Magna pietas' is the virtue also attributed to Marcia (1.2). To credit Tiberius, the man who oversaw the death of her father, with this same virtue would surely have grated unless there had been extenuating circumstances. Indirectly Tiberius is also praised as part of a group of men with outstanding gifts (15.4):

Videsne quanta copia virorum maximorum sit, quos non excepit hic omnia prosternens casus, et in quos tot animi bona, tot ornamenta publice privatimque congesta erant?

Above all, when Seneca discusses the losses Tiberius has suffered personally, the princeps is revealed as a shining example to Marcia in how to deal with personal disaster and, incidentally, Tiberius is suggested as the instrument of Roman vengeance upon the infamous praetorian prefect Sejanus, whom Seneca held responsible for many disasters, including that which befell Cremutius Cordus, Marcia's father (15.3):

Ti. Caesar et quem genuerat et quem adoptaverat amisit; ipse tamen pro rostris laudavit filium stetitque in conspectu posito corpore, interiecto tantummodo velamento, quod pontificis oculos a funere arceret, et flente populo Romano non flexit vultum; experiendum se dedit Seiano ad latus stanti, quam patienter posset suos perdere.[23]

Tiberius appears in nothing but the best light in these references. Seneca seems thoughtful and tactful in dealing with issues relating to Tiberius; yet, as I have pointed out, such delicate treatment of Tiberius should surely have been an insult of the highest order to the recipient of the *Ad Marciam*. Seneca flatters the stoical qualities of Tiberius, perhaps also unconsciously including the princeps in that group which, at the time of the trial of Cordus in A.D. 25, was being crushed by the tyranny of Sejanus (22.4, cf. 22.5, 26.4); Sejanus alone it would seem, in the opinion of Seneca, had exercised unparalleled and excessive power.[24]

Seneca, however, gives no indication that it was Tiberius who actually restored or was behind the restoration of the memory of Cordus. Such an explicit reference may have been unnecessary, and it may have brought to the fore the part Tiberius had played in the downfall of Cordus. In itself, not to mention the involvement of Tiberius in the re-publication of Cordus' 'History' keeps the emperor completely out of the whole sordid affair. The Senate's part, likewise, has not been mentioned either, perhaps because its role in 25 had also been blameworthy. The omission of the roles of the princeps and of the Senate probably arises from the same fear of 'stirring up a hornets' nest'.[25]

had had no word from Tiberius about the charges. This scenario fits the conditions surrounding the earlier trial of Cordus in A.D. 25, except, as Tacitus points out, Tiberius took a great interest in the trial of Cordus, and therefore the Senate took cognizance of the charges preferred against Cordus. The difference between the two cases is precisely the interest of Tiberius.

[23] See K. Abel, *Bauformen in Senecas Dialogen* (Heidelberg, 1967), p. 30. The phraseology used by Seneca, 'quam patienter posset suos perdere', hints at the losses Sejanus himself was to suffer. C. E. Manning, *On Seneca's Ad Marciam* (Leiden, 1981), p. 85 has noticed that the use of Tiberius here as an exemplar is rather inappropriate.

Tiberius does not appear quite so stoical in the account by Josephus, where it is recorded that Tiberius could not bear to see any of Young Drusus' friends because they reminded him too much of Drusus (*Jewish Antiquities* 18.146); but it was common for a writer to tailor the image of his subject to suit a particular genre. See Manning, op. cit., p. 42.

[24] Consider, for example, his statement about Sejanus in *De Tranquillitate Animi* 11.11 (*c.* A.D. 48–55).

[25] Seneca also perhaps did not shower Tiberius with flattery because he could see that Tiberius was not interested in such insincere displays of servitude. For this attitude of Tiberius, see, for example, Tacitus, *Annales* 4.31.

The overall impression of Tiberius given by Seneca is one of an outstanding son and father, and of a man who exhibited stoical qualities in the face of personal and public disaster. Seneca so admires Tiberius that he singles him out for Marcia to emulate. The uninformed reader of the *Ad Marciam* is left to assume that the fates of Tiberius and Marcia are in no way linked, except in as much as Tiberius had suffered as Marcia herself was now suffering and that Tiberius' demeanour in times of stress could offer Marcia something in the way of consolation.

3. THE ACCUSATION AND TRIAL OF CREMUTIUS CORDUS

There are two major sources for the trial of Cremutius Cordus, Tacitus in *Annales* 4.34–5, and Seneca in the *Ad Marciam De Consolatione* 1.2–6, 22.4–7, and 25.1–26.5. There is also a condensed account by Dio 57.24.2–4, one or two references by Suetonius, and passing comments by other authors. It is on the accounts of Tacitus and Seneca that we shall concentrate.

In 25 Aulus Cremutius Cordus was arraigned on a charge, called by Tacitus 'novum ac tunc primum auditum crimen' of having praised Brutus and of having called Cassius the last of the Romans in his 'History' of the reign of Augustus.[26] This charge, Tacitus has Cremutius himself intimate, in a speech that comprises the bulk of the account, is 'maiestas'.[27] Tacitus implies that the trial of Cremutius Cordus was unusual in being a case for libellous 'maiestas'. Sejanus is depicted as the formal agent of Cordus' destruction, but ultimately he is portrayed as the tool of Tiberius.[28] Tacitus further underlines the tyranny of Tiberius in a philosophical passage inserted after the notice of the death of Cordus.

Tacitus gives a prominent role to Tiberius on the occasion of the prosecution of Cordus, claiming that the emperor presided over the trial,[29] one which was initiated by two minions of Sejanus, Satrius Secundus and Pinarius Natta, but Tacitus does not state the precise outcome of the trial, except to say that Cordus left the Senate after his defence, committed suicide by starvation and the Senate ordered the aediles to burn his books.[30] The inference from the *Annales*, however, is that Cordus' life was

[26] Tacitus, *Annales* 4.34. Dio 57.24.3 adds that, in his 'History', Cordus also made some remarks disparaging the people and Senate of Rome and that he included no praise of Augustus and Tiberius. See R. A. Bauman, *Impietas in Principem* (Munich, 1974), pp. 101–3. For the possibility that the 'History' of Cordus, as it stood, was a covert attack on the Principate, see also Tacitus, *Annals IV*, edited by R. H. Martin and A. J. Woodman, p. 183.

[27] R. S. Rogers, 'The Case of Cremutius Cordus', *TAPA* 96 (1965), 351–9 suggests that Cremutius was indeed charged with 'maiestas', but he claims that the sources have concealed the actual reason for this charge, obfuscating the issue with mention of Cremutius' works. He claims that Cordus cannot have been charged with treason for writing a laudation of Brutus and Cassius, and he suggests that Cremutius may have been accused of being involved in something more sinister. See also R. A. Bauman, *Impietas in Principem* (Munich, 1974), pp. 100ff.

[28] The implication that Tiberius was behind every trial is made clear by Tacitus, *Annales* 6.47, where the Senate refuses to act without his explicit direction. See n. 22 above. Suetonius, *Tiberius* 61.3 also makes no bones about the fact that it was Tiberius behind the charge.

[29] *Annales* 4.34: 'Id perniciabile reo et Caesar truci vultu defensionem accipiens...'

[30] On the insufficiencies of the procedures, see R. A. Bauman, *Impietas in Principem* (Munich, 1974), pp. 99ff., esp. n. 173. See also R. S. Rogers, art. cit. 359, who suggests that the trial must have continued and a conviction recorded. Rogers, art. cit. 354, also notes that the fact that Cremutius' books were burnt does not automatically mean that the content of his works formed the nucleus of the charge against him. There is, for example, the alleged instance of Labienus from late in the reign of Augustus, whose books were burnt. Labienus, although not seemingly on any personal charge, committed suicide (Seneca, *Controversiae* 10.Pr.5–7; see F. H. Cramer, 'Bookburning and Censorship in Ancient Rome', *Journal of the History of Ideas* 6 (1945), 173; see also R. A. Bauman, *Impietas in Principem* (Munich, 1974), p. 31 and p. 49, who has pointed

on the line because of incriminating material in his books and that he paid the penalty. Tacitus, however, does not in so many words say that Cordus was capitally condemned,[31] and oddly he says nothing about any penalties imposed on the estate of Cordus. Partial confiscation of his estate would necessarily have followed if Cordus had been convicted.[32] Suetonius, on the other hand, who seems to have confused events here, intimates that Cordus was executed at the instigation of Tiberius.[33] Although Suetonius mistakes the precise means by which Cordus died, he clearly has no doubts that Cordus was convicted. Suetonius seems in agreement with Tacitus here.

When Seneca comes to speak of these events, he presents the reader with more or less a similar version of the death of Cremutius Cordus, noting the destruction of the books of Cordus which dealt with Augustan history, but he differs from Tacitus in describing some of the circumstantial details.

out that Dio records that libellous literature was destroyed, yet not all the authors of such punished). In the class of those whose works were destroyed and who themselves were not executed, we might also include Ovid. He was relegated by Augustus, although seemingly not officially charged in any way (Ovid, *Tristia* 2.131–8); yet the offending book and perhaps others were removed from public libraries and probably destroyed (Ovid, *Ex Ponto* 1.1.5ff., cf. *Tristia* 3.1.59–82). These instances show that it is possible that Cordus was not condemned, yet his books burnt.

[31] Perhaps Tacitus has been unduly influenced by the fates of two contemporaries of his, who wrote accounts of the deaths of Thrasea Paetus and Helvidius Priscus. Both Arulenus Rusticus and Herennius Senecio were capitally condemned and their works publicly burnt (Tacitus, *Agricola* 2). I owe this reference to Professor A. B. Bosworth.

[32] R. A. Bauman, *Impietas in Principem* (Munich, 1974), p. 31, feels that the suicide of Cordus prevented a conviction. In other such cases, however, despite the incapacity or death of an accused, the trial usually continued and a conviction was registered. The following cases of 'maiestas' recorded by Tacitus show us that, in those instances where the accused died, the trial most often continued after the death of the defendant and a conviction ensued. It would seem that suicide indicated quite clearly to the court that the accused thought himself guilty. One impression conveyed by Tacitus is that most of the men in the following cases seemed to have believed that their friendship with Tiberius would help them escape the charges; that when this help was not forthcoming and they thought that they would suffer conviction in any case, they committed suicide.

The cases are those of: Marcus Scribonius Libo Drusus in A.D. 16 (Tacitus, *Annales* 2.27–32; Dio 57.15.4–5. See R. S. Rogers, *Criminal Trials and Criminal Legislation under Tiberius* (Connecticut, 1935), pp. 12–20); Gnaeus Calpurnius Piso in A.D. 20 (Tacitus, *Annales* 3.10–19). On this case see Rogers, op. cit., pp. 38–51); Gaius Silius (Tacitus, *Annales* 4.18–20); see Rogers, op. cit., pp. 75–8. The year A.D. 24 also produced the case of Calpurnius Piso, accused of 'maiestas'. He died but the trial clearly did *not* continue (cf. Tacitus, *Annales* 4.21); Marcus Caecilius Cornutus, implicated in the treason of Vibius Serenus in A.D. 24 and committing suicide during the trial (Tacitus, *Annales* 4.28, 4.30). It would seem that only one of the five, Calpurnius Piso, who may have died of natural causes in any case (and therefore had not made his guilt manifest by suicide) possibly escaped posthumous conviction. Tacitus does not claim that any of these five men were innocent of crime, but sometimes he suggests that they were not necessarily guilty of the capital offence, of 'maiestas'.

Four of the five men cited as having committed suicide during their trials, Libo Drusus, Gnaeus Piso, Gaius Silius and Calpurnius Piso, can be seen to have enjoyed the particular friendship or favour of Tiberius at some time. This is noticeably so with Gnaeus Calpurnius Piso (Tacitus, *Annales* 3.12, cf. 3.16). I would suggest that Cordus too had been a particular friend of Tiberius (see n. 55 below).

[33] *Tiberius* 61.3: 'Omne crimen pro capitali receptum, etiam paucorum simpliciumque verborum ... obiectum et historico, quod Brutum Cassiumque ultimos Romanorum dixisset: animadversum statim in auctores scriptaque abolita, quamvis probarentur ante aliquot annos etiam Augusto audiente recitata'. Suetonius implies that this 'historicus', obviously Cordus, was capitally condemned, but his account is certainly abbreviated and we should perhaps not put much store in what is, after all, only an implication.

In the first place, Seneca supplies a different motive for the trial. Second, he implies that Tiberius had no part to play in the downfall of Cordus, and he implies that the impetus for the destruction of Cordus came wholly from Sejanus. In addition to not mentioning the integral role Tiberius must have had in the proceedings, Seneca also does not record the fact of any speech made by Cremutius Cordus himself, the feature of the account of Tacitus. He also deliberately refuses to name one of the accusers of Cordus, Pinarius Natta.[34] Lastly, he gives a slightly different depiction of the legal processes, and he implies that the trial of Cordus ended with his death; that is, that Cordus suffered no conviction. These variations cast a different light upon the affair, particularly as regards the relative 'fault' of Tiberius.

(a) *Reason for the charges*

Cremutius Cordus, it is claimed by Seneca, won the enmity of Sejanus because of caustic comments he made at the expense of the praetorian prefect, in or about A.D. 22, when part of the theatre of Pompey, destroyed by fire, was being rebuilt by Tiberius.[35] For this reason (the conflict with Sejanus) in the work of Seneca, Cordus ultimately was charged with libellous treason.

Tacitus too implies that Cordus was innocent of any real crime,[36] and Seneca and Dio agree with Tacitus' initial assessment of the charges, that Cordus was innocent and that the issue of his works was raised merely as a front.[37] In the view of Tacitus, there is certainly an implied political motive for the accusations against Cordus, but one initiated by Tiberius. Seneca alleges, however, only a personal motive given for the attack by Sejanus, although he notes that once Cordus has come under fire from Sejanus he certainly kicks over the traces to escape servitude at the hands of the praetorian prefect.

What is missing from the account of the affair by Seneca is any connection between the power Sejanus had come to hold through the will of Tiberius alone and the consequent resentment that must have accrued to the emperor, the sort of thing that was expressed in A.D. 22 in the provocative outburst of Cordus. Cordus' comments about the statue of Sejanus were surely just as much an insult to Tiberius, who must have prompted the Senate to award Sejanus this particular honour, as they were to

[34] Tacitus states specifically that this man was one of the accusers prompted by Sejanus to bring Cordus to trial. Pinarius Natta, we know, from Seneca, *Epistulae* 122.10–13, was almost certainly alive towards the end of the reign of Tiberius. He had obviously survived his association with Sejanus, presumably because he was rich, powerful and well-connected, and Seneca's reticence about Natta's involvement in Cremutius' trial makes more sense if the *Ad Marciam* dates to this same period, towards the end of Tiberius' reign, when all and sundry were trying to forget their links with Sejanus. (See M. T. Griffin, *Seneca: A Philosopher in Politics* (Oxford, 1976), pp. 48ff. Satrius Secundus, the other accuser mentioned both by Tacitus and Seneca, did not long outlive Sejanus (Tacitus, *Annales* 6.8, 6.47. Cf. Griffin, op. cit., p. 48). It is interesting that Seneca mentions only Satrius Secundus, dead shortly after October 31, but does not mention Natta by name, a man who was still socially active at the end of Tiberius' reign.

[35] Seneca, *Ad Marciam De Consolatione* 22.4. See also Dio 57.24.2–4. The suggestion of Seneca is that Cremutius Cordus almost voluntarily brought down upon himself the wrath of Sejanus because he could not stand the fact that he and others of like mind ('cervices nostras') were being oppressed by the prefect.

On the rebuilding of the theatre, see Velleius Paterculus 2.130.1; Tacitus, *Annales* 3.72, 6.45.

[36] In the lead up to the description of the trial of Cordus, Tacitus tells us what he has been and will be describing. See *Annales* 4.33: 'nos saeva iussa, continuas accusationes, fallaces amicitias, perniciem innocentium et easdem exitii causas coniungimus, obvia rerum similitudine et satietate'. Cordus is surely one of these 'innocentes'.

[37] Cf. R. S. Rogers, *TAPA* 96 (1965), 351–9, who states that Cordus must have been charged with something more than compiling histories unfavourable to the Principate.

Sejanus himself. Seneca does not make this connection, and he leaves Sejanus on his own initiative to vent his bad grace against Cremutius Cordus, a man stubbornly resistant to the oppression imposed solely by the praetorian prefect.

In the two major accounts, the difference in motivation behind the trial, in the end, boils down to a simple choice between that offered by Tacitus, who sees Sejanus as the instrument of Tiberius, and that of Seneca, who makes Sejanus act on his own initiative. Both sources, however, stress the importance of the affair. Tacitus sees the wider political implications: Seneca, the moral implications.

(*b*) *Tiberius and Cremutius Cordus*

Seneca also omits reference, most importantly, to the role Tiberius himself is alleged by Tacitus and Suetonius to have played in the proceedings.[38] Tacitus stresses the importance of Tiberius, and it is possible to detect the brooding presence of the princeps throughout the account of the whole of this period. Tacitus places Tiberius almost in personal confrontation with Cordus in the Senate on the occasion of the trial. On the other hand, in the *Ad Marciam*, although Tiberius is featured at length elsewhere in the work, he is not associated with the events surrounding Cordus, except through a peripheral reference to the theatre of Pompey, where Seneca respectfully dubs him 'Caesar' (22.4). Seneca, however, does not deny that Tiberius was present during the proceedings in early 25, and the claim that Tacitus has made on this occasion regarding the actual participation of Tiberius must be given some credence.

Seneca has totally eliminated Tiberius from the affair and instead has focused upon Sejanus. At the very outset of the *Ad Marciam*, not Tiberius but Sejanus is highlighted as the instigator and agent of the destruction of Cordus (1.2), and Sejanus is the one trying to inflict servitude upon Cordus (1.2) and is termed a yoke around his neck (1.3–4, cf. 26.4).[39] The praetorian prefect is brought to the fore again when the trial of Cordus is being examined at greater length, later in Seneca's work (22.4–7). Seneca presents the whole of the proceedings surrounding the persecution of Cremutius Cordus in terms of the 'tyrant' Sejanus trying to break the spirit of Cordus, his 'subject'. The works of Cordus are of secondary interest to the presentation,[40] and the actual charges brought against the defendant are not made clear by Seneca.

In the *Ad Marciam*, the following points are made: Cordus was given a choice between life with dishonour or death and he chose the latter, since he is alleged to have begun to starve himself to death rather than to submit to Sejanus; Cordus clearly did not want to offer Sejanus the public satisfaction of a criminal conviction.

[38] Suetonius, *Tiberius* 61.3 does not even mention Sejanus but lays the blame fairly and squarely upon Tiberius. Dio 57.24.2–3 does not mention Tiberius, however, but his account survives only in an excerpted form.

[39] The presentation of the material in these paragraphs by Seneca seems to imply that, during the ascendancy of Sejanus alone, piety was forbidden and that after his death times changed. Perhaps it was perfectly clear to the ancient reader that Seneca was implying that the whole of the regime of Tiberius had been oppressive, but if so, it is curious that he is so loose here and in these vital opening passages does not lay the blame for the previous state of affairs upon Tiberius. Tacitus has been quick to note that, after the fall of Sejanus, the bad times continued since kith and kin were forbidden to mourn those convicted of 'maiestas' (*Annales* 6.10, 6.19; cf. R. S. Rogers, *Criminal Trials and Criminal Legislation under Tiberius* (Connecticut, 1935), p. 140).

[40] Seneca hedges around the issue of the works of Cordus. In 1.3, Cordus is said to have been punished because of his 'ingenium'; and his books were written 'sanguine suo' etc. In 22.4ff., the books are not mentioned. They are alluded to again in 26.3, cf. 26.5. (Contra C. E. Manning, *On Seneca's Ad Marciam* (Leiden, 1981), *ad locc.*)

This refusal by Cordus to co-operate in any way with Sejanus, by implication, must have begun some time before official proceedings could have advanced beyond the point of no return, otherwise there could have been no opportunity for Cordus to have cast himself on Sejanus' mercy and to have won his favour.[41] No real action in legal terms, therefore, can have been taking place while Sejanus was waiting for Cordus to beg for his life. Seneca suggests that Cordus could have survived, at least for the time being, if he had made his peace with Sejanus, and Seneca further implies that no capital conviction would have followed if Cordus had bowed to the will of the 'tyrant' Sejanus (22.6). Seneca would have the reader believe that the sufferings of Cordus took place over quite a long period of time; yet Cordus' time in this limbo, under siege from Sejanus but not yet officially charged, may be wholly an invention of Seneca.

Seneca has not involved Tiberius in the trial in any way, so that, although Tiberius at the very least must have given approval for the accusations against Cordus to be put before the Senate,[42] it is claimed that Sejanus acted alone, tried shamefully to manipulate the whole legal system and was finally outmanoeuvred by the death of Cordus. Seneca implies that no conviction took place, which might have been true for the period before the death of Cordus, but the trial almost certainly continued after his death. This was the usual procedure in cases such as these.[43] Seneca's failure to mention any such trial, with or without a defence put forward by Cordus, distances Tiberius even further from the events. Sejanus is shown to have been made a fool of, and Cordus, the reader is led to assume, 'escaped' with reputation intact, having shown a stoical disdain of the legal side of things, since these had been corrupted by Sejanus.

In the account of Tacitus, Tiberius is the one displaying tyrannical behaviour and Cordus offers a spirited defence of freedom, whereas, with Seneca, it is Sejanus alone who bears responsibility for the wanton exercise of tyrannical power in trying to crush Cordus who was not only innocent but who bore his fate without complaint. The reason for this deliberate distortion by Seneca is clearly to exculpate Tiberius, and the background into which such an omission best fits is the later years of the reign of Tiberius.

(c) *The trial*

In his version of the 'trial', Seneca throws the personal conflict between Cordus and Sejanus into high relief. Although the action eventually takes place in the political arena between two conspicuously political figures, the conflict is portrayed as one that could have been resolved extra-legally. According to Seneca's account, it is only when the death of Cordus seems inevitable (and, presumably, when Sejanus realizes that Cordus is not going to give in to him) that the accusers, minions of Sejanus, carry through their (and Sejanus') threats and make an official approach to the consuls over the impending suicide of Cordus. Seneca states that a request was put forward to the

[41] It must have been quite a considerable amount of time, long enough for the purpose of Cordus in starving himself to death to become obvious to his accusers and to others. Seneca intimates that Cordus starved himself to death in about 8 days (22.6).

Periods given over to trials of 'maiestas' were flexible. The trial of Libo Drusus in A.D. 16 seems to have been over fairly quickly, as the wording of Tacitus suggests (*Annales* 4.30); cf. Dio 57.15.5. The trial of Piso and his family in A.D. 20 was divided thus: prosecution, two days; six-day break; defence, three days (Tacitus, *Annales* 3.13). This trial, however, dealt with three accused, arraigned on a number of charges. The trial of Cordus could not possibly have been given this much time and may also have been over quickly, since Cordus offered little in the way of a defence.

[42] Tacitus, *Annales* 6.47.

[43] See n. 32.

consuls that Cordus be prevented from dying. He had been accused, since Seneca terms him 'reus', and trial-proceedings must have been under way; yet this is glossed over, since the accusers allegedly had to wait to make a second application to the consuls' tribunal for a reply on the issue. In the *Ad Marciam*, Cordus is said to have died before any official ruling could be handed down. In the view of Seneca, the trial did not proceed further and Cordus escaped conviction (22.7):

Accusatores auctore Seiano adeunt consulum tribunalia, queruntur mori Cordum, ut interpellarent quod coegerant; adeo illis Cordus videbatur effugere. Magna res erat in quaestione, an mortis ius rei perderent; dum deliberatur, dum accusatores iterum adeunt, ille se absolverat.[44]

The veracity of Seneca in this matter has long been called into question.[45] In the version by Tacitus, Cremutius Cordus has been made to suffer the indignity of an unjust trial in which he is made to defend his position and that of the whole issue of freedom of speech at some length before Tiberius.[46] It is true that Tacitus makes no absolute statement that Cordus was convicted, but the usual run of events, according to the ample testimony of the *Annales*, was that a conviction ensued despite the death of the defendant.[47] Seneca does not actually deny that a conviction was reached, but he suggests strongly that the death of Cordus put an end to the matter.

On the speech alleged by Tacitus to have been delivered by Cordus, it is vital to the dramatic force of Tacitus' account, whereas the lack of a speech is wholly consistent with the impression given by Seneca that Cordus offered no overt resistance to the charges so as to underline the unfairness of the situation. Where the truth lies cannot be definitively established, but the *Ad Marciam* in any case clearly leaves no trace of blame on Tiberius. On the other hand, Tacitus blames Tiberius almost entirely for the sufferings endured by the Stoic Cordus.

Similarly, Seneca has played down the importance of Cremutius Cordus' works in his trial and death. Cordus died, in his version, only because he refused to tolerate the tyranny of Sejanus, not because he wrote works unflattering to, or perhaps casting aspersions upon, the principate. He died both for 'eloquentia' and for 'libertas' (1.4). Tacitus, however, underlines the prominence given to the inappropriateness of the charge of 'maiestas' laid against Cordus for his allegedly libellous History, and he uses this trial to savage the character of Tiberius for the general proliferation of trials of 'maiestas' and for the loss of freedom of expression.

If we accept the general picture presented by Tacitus, then we can see that Seneca has clearly mitigated the fault of Tiberius. Only Tiberius can have gained in

[44] There is a possibility that Seneca (*Ad Marciam* 22.7) intends Tiberius to be understood as present at the 'consulum tribunalia', but the obscurity of the allusion makes Seneca's failure to mention the emperor participating in the proceedings even more outstanding.

[45] See, for example, R. S. Rogers, *TAPA* 96 (1965), 355.

[46] Rogers, art. cit. 355–9, suggests that Tacitus is also lying. Cf. R. A. Bauman, *Impietas in Principem* (Munich, 1974), pp. 99ff. The latter notes that Tacitus was in a very good position to give a professional opinion on the trial of Cremutius Cordus; that is, the trial proceedings described in the *Annales* may well be fictitious, but Cordus is made to give the type of defence that should have got him off.

There may have been a trial in which an argument was put forward, perhaps one similar to that put in the mouth of Cordus by Tacitus; Cordus may even have been found not guilty, although a verdict of guilty seems more likely since his suicide surely implied his guilt. To give full effect to his account, Tacitus may have placed the trial before the death of Cordus, although the defendant may have actually committed suicide without defending himself, as Seneca makes clear; then his case may have been heard and a verdict pronounced; the Senate, out of deference to Sejanus alone and not because Cordus was convicted, may have ordered that Cordus' books be burnt.

[47] See n. 32. Cf. R. S. Rogers, *TAPA* 96 (1965), 359.

reputation from such an interpretation of the fall of Cordus and from the portrayal of Sejanus as the independent principal involved in the case.[48] Cordus and his reputation had nothing to gain from such an interpretation. Seneca can only have been prompted to do this for political reasons. He wanted to flatter Tiberius, perhaps for his own reasons, but perhaps also to acknowledge a debt owed to Tiberius who might have restored the works of Cordus.

The official line after the death of Sejanus may have been that Sejanus, of his own volition and for subversive reasons – with an eye to overthrowing Tiberius – had persecuted Cordus.[49] Evidence for the impression of the general treachery of Sejanus is found in the way that Seneca calls him a 'perfidus miles' (22.5) and hints that he has attempted a 'parricidium' (26.4), terminology that suggests an attempt on the life of the princeps.[50] Cremutius Cordus, therefore, was probably posthumously cleared by Tiberius of the conviction against him,[51] and Sejanus perhaps publicly damned for his part in the affair. In this way only can we explain how, in the eyes of Cordus' daughter Marcia and in the eyes of Seneca and his literary circle, Tiberius was not to blame for Cordus' death.[52]

[48] Tacitus claims that Tiberius was still concerned about his reputation in A.D. 33 (*Annales* 6.26, 6.29, cf. 6.38, 6.45). The fact that Tiberius brought out an autobiography late in his life also suggests that he was still seriously concerned about his reputation (Suetonius, *Tiberius* 61.1).

[49] It seems possible that Cordus had once been a friend, or at least a close acquaintance, of Tiberius. It is said that Cordus had read his 'History' to Augustus (Suetonius, *Tiberius* 61.3; Dio 57.24.3), which suggests that Cordus was on friendly terms with some members of the imperial house during the lifetime of Augustus. Seneca himself claims that Cordus' daughter Marcia and Livia, the wife of Augustus and mother of Tiberius, were close (*Ad Marciam* 41).

In the trials listed in n. 32, there is a common factor. Most of the men on trial for 'maiestas' who committed suicide were at one time close to Tiberius. These are the type of men who would commit suicide, obviously to anticipate a sure conviction, but also as a reproach to the emperor for his public betrayal of their friendship, e.g. Tacitus, *Annales* 3.15. Consider also the slow manner of death used by Cordus. It was one that might easily have allowed for Tiberius' interruption, and there is another good example of precisely such behaviour recorded by Tacitus. An old 'amicus' of Tiberius, barred from the presence of the emperor, hoped that his life would be saved by imperial intervention, and so made his first attempt at suicide fail pathetically, clearly allowing time for Tiberius to forgive him (Tacitus, *Annales* 6.9). It is not impossible that Tiberius and Cordus had been 'amici' and Tiberius might have later annulled the conviction against Cordus when it was shown that Sejanus had corruptly caused his downfall.

[50] Such terminology surely reflects that used by Tiberius himself in his autobiography, cf. Suetonius, *Tiberius* 61.1. On the use of the term 'parricida' and its cognates to describe an attempt on the life of the emperor, particularly Tiberius, see, for example, Valerius Maximus 9.11. ext. 4.

[51] Agrippina, who committed suicide in A.D. 33, is said to have postponed killing herself for two years after the fall of Sejanus, because it was thought possible that Tiberius might reverse the decision on her exile (Tacitus, *Annales* 6.25). If it was thought that Tiberius could at any moment have relented in the case of Agrippina, surely it is possible that Tiberius might have allowed Marcia to re-publish the works of her father who could have been shown to have suffered so unjustly at the hands of Sejanus. Perhaps it was precisely the vengeance that Tiberius wreaked on the associates of Sejanus and his reversal of irregular judicial decisions, such as that of Cordus, that kept Agrippina alive for so long.

[52] It is possible that Seneca wrote the *Ad Marciam*, not only to console Marcia, but also to curry favour with Tiberius. He may have been on the lookout for a quaestorship. M. T. Griffin, *Seneca: A Philosopher in Politics* (Oxford, 1976), pp. 43–56, notes that Seneca was in the Senate by 39, and she suggests that he probably held his quaestorship late in the reign of Tiberius.

4. TIBERIUS AND THE REVERSAL OF SENATORIAL DECISIONS

In its efforts to erase the memory of Sejanus, the Senate, prompted by Tiberius, may have reversed its decision on the works of Cremutius Cordus shortly after the death of Sejanus in October 31.[53] Through the application of Marcia, who may still have had some clout in imperial circles (despite the death of Livia her friend in 29),[54] Tiberius and the Senate may have agreed to the re-publishing of Cremutius' works on the condition that they be edited, since we know from Quintilian that the works survived in an edited form.[55] Thus a compromise may have been reached: the works were to be re-published if they were purged of any material defaming the principate.[56]

There are many instances we know of where Tiberius reversed decisions made by the Senate or took action to see that men unjustly punished were vindicated in some way. The first example I have chosen to show the capacity of Tiberius to alter previous legal arrangements predates the fall of Sejanus and intimately concerns the deteriorating relationship between Tiberius and his praetorian prefect in A.D. 31. In that year, it would seem that Vibius Serenus was cleared of charges by Tiberius himself, although Sejanus was known to be behind this prosecution (Dio 58.8.3). Serenus was not only a particular enemy of Sejanus, but, Tacitus says, he was actually hated by Tiberius (*Annales* 4.29.2–3), so it is noteworthy that Tiberius overcame his personal antipathy towards Serenus, which had led him in A.D. 24 to entertain charges – almost certainly fabricated[57] – against Serenus, because of his developing concern over the power and influence of Sejanus.

A case closer to home is recorded from the year following the downfall of Sejanus. Tacitus again informs us that Tiberius, in A.D. 32, forced the death of Julius Marinus because this man had participated in crushing a certain Curtius Atticus. Behind the fall of Curtius had been Sejanus (*Annales* 6.10). Both Julius Marinus and Curtius Atticus had been long-time friends of Tiberius, Julius Marinus from Rhodes, while Curtius Atticus had been one of the select few chosen to accompany Tiberius to Capri (*Annales* 4.58). What the original charges against Atticus had been, or in what forum he had been brought to trial, we are not told.[58] Yet later Tiberius discovered that foul play had taken place at the hands of Sejanus and he wanted to vindicate the earlier decision of Curtius in some way, so he probably pushed Marinus, a friend of well over thirty years, to commit suicide. Curtius may well have been tried and condemned by the Senate; yet Tiberius did his best, perhaps only in summary fashion, to right the apparent wrong done to this man.

If Tiberius on occasion reversed decisions, particularly ones that involved avenging wrongs initiated by Sejanus (and it is interesting that, in the second example, the man

[53] Dio 58.12.3–4, dealing with the downfall of Sejanus, suggests that such action on the part of the Senate may have taken place even without the advice of the princeps.

[54] Seneca, *Ad Marciam De Consolatione* 4.1.

[55] Quintilian, *Institutio Oratoria* 10.1.104: 'habet amatores nec inmerito Cremuti libertas, quanquam circumcisis quae dixisse ei nocuerat. Sed elatum abunde spiritum et audaces sententias deprehendas etiam in his quae manent.' Quintilian knew that the works of Cordus had been edited, implying that some unedited versions had got into circulation; or perhaps he was simply aware of the fact of censorship. (See also Dio 57.24.3–4.)

[56] Tiberius at times showed a great deal of toleration where libels against him on a personal level were evident. He is said to have endured the posthumous insults of Fulcinius Trio, recorded in Tacitus, *Annales* 6.38. Tacitus may have overlooked the instance of Cordus.

[57] Tacitus, *Annales* 4.29.1–3, cf. 4.13.2.

[58] Rogers, op. cit., p. 108 dates the trial of Curtius Atticus to A.D. 30.

concerned, Curtius, had been a particularly close friend of the princeps),[59] there is no reason to doubt that Tiberius could have overridden and altered other decisions where the influence of Sejanus might also have been seen as the deciding factor in a conviction. This was probably the case with Cremutius Cordus.

5. SUETONIUS AND CREMUTIUS CORDUS

In his 'Life of Gaius', Suetonius records that the works of Cremutius Cordus were banned by the Senate.[60] In his 'Life of Tiberius', he seems to know of the occasion of Cremutius' alleged offence but does not connect the notice with any name (nor does he mention the name of Aemilius Scaurus, whose case is also briefly discussed in this latter reference).[61] Suetonius notes simply that a certain historian was prosecuted, and, in addition, he says that the author concerned was punished for his capital offence, meaning that Cordus was executed.[62]

On this last point, Suetonius is in conflict with the other sources whose fuller accounts state that Cremutius Cordus (and Scaurus) committed suicide. Additionally, Suetonius had neglected the part played by Sejanus, something that is highlighted by Seneca and Dio and mentioned by Tacitus. In defence of Suetonius, it might be said that his work mentions the affair only in passing and the end-result for Cordus was the same, but this generally makes his abbreviated references all the less reliable.

Suetonius has proved to be unreliable on other occasions, particularly when dealing with cases of 'maiestas'. A prime example of the way that he confuses events is evident in *Tiberius* 58, where he examines, amongst others, the case of a man who was allegedly prosecuted for 'maiestas' for removing the head from a statue of Augustus and replacing it with the head of another person.[63] This must surely be the case of Marcus Granius Marcellus, who was acquitted on the charge of 'maiestas' in A.D. 15, as is described vividly by Tacitus.[64] In his version, Suetonius alleges that torture of witnesses was resorted to and the defendant found guilty and executed. Tacitus, on the other hand, in a manner particularly discrediting Tiberius and, therefore, not to put Tiberius in a good light, tells us how Marcellus was found 'not guilty' of 'maiestas'. Witnesses may not even have been called in this instance, although Marcellus was examined 'de repetundis' and witnesses may have been called on this account. There is the possibility that Suetonius is referring to a wholly different matter;[65] yet the similarities with the case of Marcellus overwhelmingly suggest that Suetonius is in fact referring to the case of Marcellus and has simply got his facts

[59] See n. 49.

[60] Suetonius, *Gaius* 16.1: 'Titi Labieni, Cordi Cremuti, Cassi Severi scripta senatus consultis abolita requiri et esse in manibus lectitarique permisit, "quando maxime sua interesse ut facta quaeque posteris tradantur".'

[61] Suetonius, *Tiberius* 58. Suetonius has mistakenly assumed that the only charge against Scaurus arose simply from the tragedy he had written. Other sources assure us that Scaurus was prosecuted for more serious charges, for adultery with Livilla and for magic (Tacitus, *Annales* 6.2; cf. Dio 58.24.6). On Scaurus, see R. A. Bauman, *Impietas in Principem* (Munich, 1974), pp. 126–8.

[62] Suetonius, *Tiberius* 61.3.

[63] 'Statuae quidam Augusti caput dempserat, ut alterius imponeret; acta res in senatu et, quia ambigebatur, per tormenta quaesita est. Damnato reo paulatim genus calumniae eo processit, ut haec quoque capitalia essent.'

[64] See Tacitus, *Annales* 1.74.

[65] R. A. Rogers, *Criminal Trials and Criminal Legislation under Tiberius* (Connecticut, 1935), pp. 172–3, allows for this possibility but denies that the matter can be historical in this case. He points to Tiberius' attitude to such matters in general and to the case of Granius Marcellus in particular. See also R. A. Bauman, *Impietas in Principem* (Munich, 1974), pp. 79–80 (esp. n. 61).

wrong. It has been pointed out that the stupidity of Suetonius reaches great heights here, since he does not know with whose head that of the statue of Augustus was replaced.[66]

The rest of this chapter from the *Tiberius* also highlights the confusion into which Suetonius sometimes falls. As Bauman has observed, the claim of Suetonius that people could be liable to punishment for certain acts performed near an image of Augustus is at best a confused amalgam of unrelated instances from the reign of Tiberius and from the reigns of later emperors; the assertion that no one could criticise any word or deed of the deified Augustus also seems mistaken; whereas the last case in *Tiberius* 58, that of a man allegedly killed for having honours voted to him on the same day that honours had been voted to Augustus, may have had some basis in fact, but what this fact was, is difficult to determine.[67]

Let us turn to the point in question, the statement by Suetonius in the 'Life of Gaius' that Gaius allowed back into circulation works that had been banned: those of Titus Labienus, those of Cremutius Cordus and those of Cassius Severus. How might confusion have arisen in the mind of Suetonius, if the works of Cordus had already been returned to circulation by the time of the reign of Gaius? Why has he grouped Cremutius Cordus with the other two men cited?

Suetonius may have included Cremutius Cordus in this list of authors, because he was simply confused by the fact that all these authors wrote during the reign of Augustus. The work of Cordus itself dealt in the main with the reign of Augustus, and Cordus had allegedly read his 'History' to Augustus.[68] The other two writers also had written of contemporary events, and they had also allegedly put around seditious pamphlets during the reign of Augustus.[69]

Other common points exist. The Senate had ordered the books of all three to be burnt, those of Cassius Severus, probably *c.* A.D. 7–8, and those of Titus Labienus some time earlier. Like Cordus, Labienus committed suicide, but Cassius Severus was tried and sent into exile where he died *c.* A.D. 34, unrepentant and ever vitriolic. Cassius Severus had made an appearance in the law-courts during the reign of Tiberius, in A.D. 24, just one year before the trial of Cordus.[70] Suetonius may simply have grouped these three men together because their fates had had something in common.[71]

CONCLUSION

One effect of re-dating the *Ad Marciam De Consolatione* to the period A.D. 33–37 is that it forces us to take a fresh look at the early career of Seneca. This work would be without question his first, and it would suggest that Seneca began playing the part of a courtier during the reign of Tiberius. Seneca had good contacts at court in any case, links to the governing class through his uncle who had served a long term as

[66] Bauman, op. cit., p. 80.

[67] Bauman, op. cit., pp. 80–1; cf. R. S. Rogers, *Criminal Trials and Criminal Legislation under Tiberius* (Connecticut, 1935), pp. 171–2.

[68] Tacitus, *Annales* 4.34–5; Suetonius, *Tiberius* 61.3; Dio 57.24.1–4.

[69] See Bauman, op. cit., pp. 27–31.

[70] Tacitus, *Annales* 4.21. See Rogers, op. cit., pp. 79–80.

[71] There is also the possibility that the works of Cremutius Cordus were re-published during the reign of Tiberius but edited with their unfavourable references to the principate taken out, as Quintilian may imply (see n. 55). Suetonius may not have noticed this earlier re-publication, and his reference, in fact, implies that the works were re-published without hindrance or censorship. He may, therefore, be correct in saying that Cordus' works were re-published (*in toto*) under Gaius, but edited forms of the same works may have been put back into circulation under Tiberius.

governor of Egypt (A.D. 16–31) and Seneca himself alleges that his aunt had some political influence. By whatever dating one uses, it was fairly shortly after the fall of Sejanus (A.D. 31) that Seneca embarked upon his senatorial career, and the *Ad Marciam*, if dated to the reign of Tiberius, provides some evidence as to one means Seneca may have used to dissociate himself publicly from the disgraced Praetorian Prefect.[72]

An interesting sidelight is also thrown upon the character of Seneca by this earlier dating. It would seem that he was prepared to manipulate his philosophy and his friends to gain imperial recognition. The sufferings of Marcia have been turned to Seneca's political advantage, yet he seems to have received no criticism for using Marcia in this way. Either contemporary readers shuddered but said nothing when hearing Marcia exhorted to follow the Stoic example set by Tiberius himself, or Seneca's society could accept such glib treatments of contemporary events, since all were equally as ambitious for imperial advancement as Seneca seems to have been.

Lastly, if we do not excuse the rather doubtful portrayal in the *Ad Marciam* of the role of Tiberius in the trial and death of Cremutius Cordus on the grounds that Seneca was constrained to present Tiberius in the best light because he was still alive, then we should carefully reconsider the account that Tacitus presents. The two versions are in some ways quite different. These differences can be reconciled through an early date for the *Ad Marciam De Consolatione*.

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[72] M. T. Griffin, *Seneca: A Philosopher in Politics* (Oxford, 1976), pp. 48ff. K. Abel, 'Seneca. Leben und Leistung', *ANRW* 2.32.2 (Leiden, 1985), 665–6.