

In Varium: the indictment

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Introduction.

Much of the ancient historiography concerning Varius reads like an indictment. Roman emperor a.u.c. 971-975 = A.D. 218-222, commonly but erroneously known as Elagabalus or Heliogabalus,¹ Varius stands accused of actions, policies, and passions which, by the standards both of ancient and modern law, have sometimes been considered crimes or misdemeanours. Even when allegations levelled against Varius cannot be classified in legal terms, their authors repudiate his policies, condemn his moral character, and proclaim their contempt for his nature.

This enquiry investigates those accusations. It does so in three stages: exegesis, verification, and interpretation. Exegesis extracts those accusations from the narratives in which they are framed, defines their terms, and identifies their nature and status, in the legal, moral and political context of antiquity. Verification asks: Are these allegations true or false, unverifiable, likely or unlikely, plausible or not? To answer these questions, accusations are confronted with each other, and with the evidence of ancient artefacts. From this confrontation emerges an account of what facts can be known about Varius, as well as hypotheses concerning what he may or may not have done or undergone, in differing degrees of likelihood or plausibility. Interpretation seeks to understand his known, likely, and plausible behaviour in the light of the dynastic and political circumstances obtaining at the time of his accession and during his reign.

The question of how Varius' reported behaviour might be classified by modern legal, political, or moral standards is also addressed in the course of this enquiry, in order, by defining modern attitudes towards such matters, and distinguishing them from ancient ones, to avoid introducing covert anachronism. Overt anachronism is, however, inevitably introduced, by asking, and seeking to answer, questions pertinent to exegesis, verification and interpretation, unasked in antiquity, though not necessarily quite unforeseen.

1 His nomenclature is thoroughly discussed in *Quaestiones Varianae 2 = QV2*. (See the bibliographical appendix, with a list of abbreviations, at the end of this study, for full reference to this, and to other *Quaestiones* in this series.)

The present article is limited to exegesis of the accusations against Varius. Verification and interpretation are addressed in subsequent articles. Exegesis necessarily takes place within the context of certain given facts and assumptions, requiring and conditioning the enterprise. One such fact is that those accusations originate in the Greek and Latin historiography of the Roman empire, whose status and veracity are open to question. Another is that they are couched in legal, political, and moral terminology, framed according to the canons of classical rhetoric. A relevant assumption is that Varius was a Roman citizen, therefore theoretically subject to Roman law (although as emperor, he may have been considered above the law). One must, therefore, in undertaking exegesis of those accusations, consider the relevance of Roman law, and of Graeco-Roman political and moral concepts, seen through the medium of classical rhetoric.

With respect to Roman law, one must distinguish between religious and secular, and between concepts and procedure. Religious law is relevant to some accusations against Varius, notably sacrilege. Most of the rest, including treason, conspiracy, fraud, murder, peculation, and violations of precedent, fall under secular law. This is divided into civil and criminal spheres. The criminal is obviously, though not exclusively, relevant here. Certain of Varius' alleged actions, policies, and passions, involving his reported hieratic, sumptuary, ludic, and sexual behaviour, are not, in his period, classified by Roman law as crimes, or even misdemeanours, though they may result in infamy. Rather, they belong to the realm of cultural otherness or individual eccentricity, seen, from a Graeco-Roman perspective, as barbarity or moral turpitude.

While the relevance of Roman legal concepts to this enquiry is obvious, that of Roman legal procedure is less so. Such relevance, if it exists, can only be analogical and metaphorical. This is because, despite similarities between the methods and goals of judicial and historical enquiry, there is a major practical difference between them: while judicial enquiry may lead to actual effects, historical enquiry is highly unlikely to do so. The effects, if any, of historical enquiry are likely, at the most, to be virtual or ideal, rather than actual.

Nevertheless, it is proper that historical enquiry into a matter whose original context is legal (though not exclusively so) should refer to concepts deriving from the corresponding jurisdiction. Likewise, it may even seek to imitate, in its procedure, the manner in which enquiry might have been conducted into that matter in that jurisdiction. The benefit of such imitation, for an enquiry such as this, is that by following, albeit only metaphorically, the concepts and procedures of that jurisdiction, the enquiry's understanding, and hence explanation of its subject, gains in depth and authenticity. This is so even if such imitation only succeeds in showing the limits constraining the applicability of Roman law to the matter at hand.

Imitating Roman legal procedure means, here, that not only the accusers, but also the accused, should be heard. In Roman, as in modern legal procedure, the indictment is heard first, followed by the

plea of the accused and his defence. Then material evidence and testimony are examined and confronted, and a judgement or verdict ensues, whether that of a magistrate or judge, or that of a jury. This is not, in itself, a difficult model for this enquiry to follow, since its logic and order are roughly similar to those of historical investigation. The challenge of following such a procedure in this case, even metaphorically, derives, rather, from the idiosyncratic, diverse, and sometimes corrupt or fragmentary nature of the texts pertaining, as it were, to the indictment, as well as from the absence of those relevant to a virtual defence. Another difficulty is that the events in question are alleged to have taken place in a far distant past, which is always, in some sense, a foreign country.² And besides, the lad is dead.³

His demise, its manner and sequel, pose further obstacles to following, even virtually, Roman legal procedure, in examining his alleged crimes and misdemeanours. For, in an order reminiscent of what one may have fancied a purely imaginary jurisdiction,⁴ the execution has been performed first, followed by a posthumous sentence, in the form of *damnatio memoriae*. This apparently takes the matter out of one's hands. Purporting to justify the manner and circumstances of Varius' death, that condemnation of his memory, involving, in its execution, destruction of his monuments and records, means that he cannot be interrogated, even virtually, *via* any account of himself he may have left, with respect to the charges brought against him.

These circumstances, taken together, lend to the present endeavour, seen from a legal perspective, something of the character of a virtual judicial review. One is conducting an enquiry, not only into Varius' alleged misdeeds, reportedly leading to his death, but also into those of his self-appointed judges and executioners. Yet his *damnatio memoriae*, of which we lack the decree, but of whose execution we have epigraphic evidence,⁵ will, in normal procedure, have been ratified, not only by his successor, but also by the senate, thus leaving no provision, under Roman law, for any further review or appeal. So, if one persists in conducting it, and wishes to do so by analogy to legal procedure, one must look elsewhere for a model. This is why the jurisdictions of states succeeding the Roman empire are relevant to this enquiry. Relatively recent legislation in a number of them makes provision for judicial review and enquiry into matters supposedly concluded and beyond appeal, across jurisdictional boundaries, without chronological limits. Such legislation, if its example be extended well beyond its original compass and intended chronological framework, may provide an analogical and metaphorical model for the present investigation.⁶ This becomes relevant at a later stage of this enquiry, when I draw distinctions between ancient and modern attitudes towards Varius' alleged behaviour.

In addition to Roman and modern European law, I shall also refer to Roman custom and culture, including religion, and indeed to those of parts of the empire other than Rome itself. The aphorism that

2 Cf. L. P. Hartley, *The Go-Between*, 1953: *The past is a foreign country; they do things differently there.*

3 Cf. Christopher Marlowe, *The Jew of Malta*, 1589, Act 4, Scene 1: Friar Barnardine: *Thou hast committed.../Barabas: Fornication: but that was in another country; And besides, the wench is dead.*

4 That described by the Reverend Dodgson, *alias* Lewis Carroll, in *Alice in Wonderland*, chapter 8.

5 A list of Varian inscriptions showing evidence of obliteration will be published in *Epigraphica Variana*.

the past is a foreign country does not, perhaps, go far enough, in the case of the Roman empire, which is composed of several foreign countries. Three, at least, Syria, Bithynia, and imperial Rome itself, are directly relevant to this enquiry. The aphorism's broader point, however, remains valid: the assumptions and procedures of Roman law are very different from those of the present, although, as we have seen, with respect to the order of judicial procedure, there are also similarities. This means that, in order to assess the nature and degree of Roman law's metaphorical applicability to this endeavour, one must consider its characteristics, especially those of its conceptual framework, and distinguish among various phases and aspects of its procedure. At this stage, in assessing that applicability in general terms, it will suffice to cite an encyclopaedic source with respect to those characteristics.⁷ Later, in considering Roman law in relation to specific instances of Varius' alleged behaviour, it will be necessary to refer to more detailed and specialised sources.

Among basic and general conceptual characteristics of Roman law relevant here is that "*criminal law was not originally distinguished from civil law at Rome, as it is in modern legal systems, both by procedure and by the fact that in successful actions judgement is given in favour of the public authority rather than those who have been wronged. Moreover, when this distinction regarding procedure and judgement did come to be made, we find a different categorization of criminal and civil wrongs from those which are normally found in modern systems.*"⁸ This has important implications for the application of Roman legal concepts to the categorisation and definition of Varius' alleged misdeeds. It also means that much of what, regarding procedure, is described, in the relevant sources, as pertinent to civil law, applies, with adjustments, to criminal law. A corollary of this is that, in ancient Rome, the legal demarcation between private and public matters is drawn differently from modern practice. Historically speaking, in Roman law, almost all disputes or offences were, at the beginning, considered a private matter, to be settled between the parties, albeit preferably with reference to law. Only gradually is it "*possible to see a progression from private revenge towards a system where public authority and those acting for the public undertake the pursuit of crimes, but this progression was never complete.*"⁹ This becomes relevant later, in considering the role of Varius' self-appointed judges and executioners.

That understood, let us look at Roman legal procedure, to see how it may apply to this enquiry. Since it developed over a period of nearly a millennium, from its first written codification, the Twelve Tables, to the date of its compendious compilation under Justinian, one must either try to isolate a particular moment in its history, or generalise from an analytical summary of its evolving forms, seeking to capture

6 I refer to the provision for investigation of crimes against humanity across national boundaries and without any statute of limitation, enacted by the United Nations in 1993 and ratified by the European Union in 1998. Extension beyond the compass of these acts might include reference to the *Universal Declaration of Human Rights*, enacted by the United Nations in 1948, and to the *European Convention on Human Rights* of 1950, together with its *Five Protocols*, 1952-1966, which would be relevant to some of the charges brought against Varius, as well as to the actions taken against him by those who overthrew him.

7 *OCD, law and procedure, Roman* (henceforth *OCD, Rlp*), p. 827a-834a.

8 *OCD, Rlp*, p. 831b, §3.1.

9 *OCD, Rlp*, p. 831b, §3.1.

their essence. I shall attempt to do something of both, with specific reference to the dynastic and historical period encompassing Varius' reign.

With respect to procedure, then, the main phases of Roman law are the formulation, the question or cognition, the judgement or verdict, the sentence, and its execution. The task of the formulation is “to define and formulate the issue,”¹⁰ by means of a sequence of words known as the *formula*, “framed as a succession of conditional clauses.”¹¹ This is essentially an epistemological and exegetical task, which, in the case of criminal law, is to some extent performed by edicts or statutes defining specific crimes. The *quaestio*, which, in later Roman procedure, is replaced by the *cognitio*, investigates the issue thus defined, hearing testimony, and inspecting relevant evidence.¹² (*Quaestio* and *cognitio* differ with respect to agents, and to details of procedure, but are similar in purpose and method, and coexist during the relevant time frame.)¹³ The judgement or verdict, reached in the light of the findings of the question or cognition, must adhere to the terms of definition laid down by the formula or statute.¹⁴ Execution of sentence is not the court's responsibility, unless it directly represents the interests of the state, but rather the plaintiff's.¹⁵ Given the ambiguity, mentioned above, regarding the allocation of offences to the private or the public sphere, there are instances where a convicted offender is liable to penalties in both.¹⁶ For serious crimes the death penalty is common.¹⁷

It appears from the above that some procedures of Roman law, at least with respect to the order in which various tasks are undertaken, as well as to the definition of those tasks, are relevant to this enquiry, and can provide a model for it, up to a point. For the first task facing us here is clearly “to define and formulate the issue.” The formulary procedure is not, however, the best model for the present enquiry, for two reasons. The first, is that the role of the praetor there is very limited.¹⁸ The second, is that the formulary procedure is related to that of the *quaestio*, which is complex, rigid, and elaborate, and hence rather difficult to follow, even virtually, in present circumstances. The *quaestio*, developed under the republic, and surviving till shortly after Varius' reign, involves different actors in the roles of praetor and judge, follows a fixed order of procedure, and has the character of “a hearing of a dispute between adversaries.”¹⁹ The *cognitio*, in contrast, whose full name is *cognitio extra ordinem* or *extraordinaria*, was

10 *OCD, Rlp*, p. 829b, §2.2.

11 *OCD, Rlp*, p. 830a, §2.4.

12 *OCD, Rlp*, p. 833b, §3.10.

13 *OCD, Rlp*, p. 833a, §3.8: “The sphere of *cognitio extra ordinem* became, thanks to imperial policy, more and more extensive and superseded the *quaestiones*, which are not mentioned after M. Aurelius Severus Alexander.”

14 *OCD, Rlp*, p. 831a, §2.11.

15 *OCD, Rlp*, p. 831a, §2.12.

16 *OCD, Rlp*, p. 834a, §3.11.

17 *OCD, Rlp*, p. 834a, §3.11.

18 “It is simply not the case that in the formulary procedure in civil matters the praetor had an important inquisitorial role: my understanding is that, except in rather rare cases where he said he would first conduct an inquiry, the proceedings in iure simply involved the issuance of a form in response to what the parties agreed to be the issue between them. Nor was this problematical because the form simply told the *judex* what to do if the facts he found fitted the situation specified in the formula.” J.A. Weir, in personal communication to the author, 3rd November, 2004.

introduced under the principate to simplify and speed up procedure. Here, a single individual conducts the entire trial, which has the character “*more of an investigation*,” and enjoys considerable freedom of manoeuvre, in which respect it is “*the forerunner of the procedure which is found on the continent of Europe today*.”²⁰ It is clear, therefore, that my role in this enquiry is closer to that of a magistrate under the cognitive procedure.

Now if one is metaphorically to hear the prosecution in this case, one must extricate the relevant indictment from the historiographical texts in which it is embedded, seeking, in the process, to clarify the meaning of its accusations in terms of their original context. A difficulty here is that “*the terminology distinguishing different categories of offences does not show that stability and precision which is so excellent a feature of Roman legal language. The terms most used are crimen, delictum, maleficium, but it can hardly be affirmed that these expressions had a particular exclusive sense. ... All endeavours to bring order into classical texts by allotting to these terms an exclusive technical sense and removing all inconvenient texts as interpolated break down because of the indiscriminate use of these terms*.”²¹ In exegesis, therefore, I shall refer to definitions of behaviour in moral and political, as well as legal terms. I shall also examine the internal logic of the accusations, and interpret their affirmations with reference to the rhetorical canons, topics, and tropes they embody, exhibit, and employ. The status and motives of accusers, in framing and advancing allegations, will also be considered.

But this is only part of the epistemological and exegetical task to be performed. One must also attempt to reconstruct Varius’ plea, and any possible arguments for his defence. This involves trying to see the matter not only from Varius’ point of view, but also from that of a virtual counsel for his defence, who, though not necessarily sharing Varius’ views, might nevertheless argue the best possible case in his behalf. Such reconstruction is far more challenging than exegesis of the accusations, because no direct evidence of anything resembling a plea exists. While in a Roman *quaestio*, as in a modern trial, the defendant’s plea would most likely be heard immediately after the accusation, here, in accordance with the flexibility accorded an investigating magistrate conducting a *cognitio*, reconstruction of Varius’ defence shall be postponed till after verification of the accusations. The reason for this is that only with reference to materials to be produced during such verification can a defence be reconstructed.

The foreignness of the past poses an obstacle to verification. For with regard to verifying accusations of conspiracy and treason, made against members of the *honestiores*, or higher social orders, such as Varius, we cannot follow a procedure readily admitted under Roman law: the torture of their slaves.²² Therefore, we must seek elsewhere for models, at least with regard to verification. As mentioned at the outset, verification is, in this case, anyhow anachronistic. Proceeding, therefore, by analogy, instead,

19 *OCD, Rlp*, p. 831b, §2.13.

20 *OCD, Rlp*, p. 831b, §2.13.

21 *OCD, Rlp*, p. 832b, §3.4.

22 Crook, *LLR*, p. 274-275, citing *Codex Justinianus* 9,41,11pr. and *Digesta* 48.18.10.1.; *OCD, torture*, p.1535a.

instead to modern legal practice, I shall confront accusations with each other, though the value of this is limited by the diverse chronology of the ancient texts in which they are found. I shall, moreover, seek to confront them with the relevant evidence, if any, of ancient artefacts. In order to do this, I must previously have examined those artefacts, and must have selected and extracted such information as they may contain, potentially relevant to this enquiry.

Information concerning what the accused did or did not do, or underwent, generated spontaneously, and independently in origin and purpose, either of accusation or defence, is known in modern legal terminology as *res gestae*.²³ This, of course, to classical historians, means Augustus' account of his own accomplishments. Here the source of such information, relevant to verification, will be imperial artefacts, generated under Varius, mainly coins and inscriptions. These are admissible here as *res gestae*, in the modern legal sense, because generated spontaneously, independently of the requirements of accusation or defence, at a time when the latter, at least, was quite unforeseen. In view of this, it seems appropriate to entitle the next of these articles, containing that information, *Res Gestae Varianae*.

Apart from law, the other main frames of reference relevant to this enquiry are those of politics and morality. Political offences such as treason are to some extent covered by criminal law. But the conduct or neglect of a particular policy, say, the promotion in Rome of a foreign god, or the refusal to undertake or lead military campaigns, both alleged of Varius, must be examined not only in terms of religious or military law, but in the broader context of their cultural, social, political and economic implications. Accusations of affronts against morality and custom, particularly in the ludic, sumptuary, and sexual spheres, must also be investigated in the light of their use by the accusers for other purposes. The personal vilification of political opponents, and the ridicule of cultural outsiders, are standard features of Roman life.

Our sources for the political and moral frames of reference relevant to this enquiry are inevitably indirect and diverse. Much of the political background germane to the accusations against Varius is described in other parts of the very same texts in which they are embedded. Those texts themselves, moreover, constitute, together with artefacts, almost our only sources for information regarding this period. In the case of morality, pre-Christian antiquity does not provide us with systematic codifications of virtue and vice. Literary sources, whose reliability as simulacra of reality is dubious, are all we have, so they will have to do. Both these sets of sources will become particularly relevant at the interpretative stage of this enquiry.

Relevant, however, to the present, exegetical stage, is a frame of reference of an order of magnitude greater than those of law, politics, and morality, because encompassing all three: that of rhetoric. Rhetoric is the medium through which concepts, attitudes, and values belonging to each of these realms are

²³ *Black's Law Dictionary*, 6th Ed: *res gestae*.

framed, articulated, and proposed, for rhetoric provides a model for discourse in almost every sphere of ancient life. In the light of modern hypotheses regarding the relationship between a given culture's use of language and its view of reality,²⁴ one may say that rhetoric provides a key to understanding the *Weltanschauung* of the Graeco-Roman world. In particular, rhetorical analysis provides a key to understanding the nature and status, as well as the structure and intention, of the texts concerning Varius, with which we shall be dealing. In varying degrees, they all reflect the formative influence of rhetorical training, one of the principal components of education in the Graeco-Roman world. They do so differently, reflecting differences in outlook and purpose among them, corresponding to the social and chronological differences between their respective authors. Their very differences in outlook and purpose, moreover, may also be described in terms of rhetorical analysis.

The principal categories of such analysis correspond to those of the art of rhetoric itself, as set out in various ancient texts, theoretical and exemplary. The best known are those of Aristotle,²⁵ Demosthenes,²⁶ Cicero,²⁷ the *Ad Herennium* author, and Quintilian.²⁸ There are also significant differences in outlook and purpose among these texts; hardly surprising since they span some five centuries. Their exposition of their theories is, moreover, presented discursively, rather than summarily, so direct reference to them, for the purposes of rhetorical analysis of historiographical texts, requires prior exegesis of those rhetorical texts themselves. Fortunately, this has already been done, many times over, beginning in antiquity, continuing during the Renaissance, and going on today. So several modern encyclopaedic treatments of ancient rhetoric exist, allowing easy reference to succinct definitions of specific terms and concepts.

Before proceeding thus to examine the ancient historiographical texts containing accusations against Varius, a few final remarks concerning method are in order. While my general approach will be categorical, rather than chronological, since those texts themselves are mostly so arranged, we shall consider each in turn, as a discrete individual account. The order in which we shall address each account will be chronological, according to the date at which the text in question is likely to have been composed. Since the order of organisation of material within the texts themselves is, though largely, not always completely categorical, it may sometimes be opportune to consider together discontinuous parts of a text, referring to a common topic. Wherever chronology emerges as important, it will be granted due consideration.

There are three main texts to be considered here: those of Dio, Herodian, and the *Historia*

24 In particular those elaborated by E. Sapir, in *Language, an Introduction to the Study of Speech*, 1921, and B.L. Whorf, in *Language, Thought and Reality*, 1956.

25 Aristotle, *Ars Rhetorica*.

26 Demosthenes, *Orations*.

27 Cicero, *De Inventione*, *De Oratore*, *Topica*, at a theoretical level, and his many judicial *Orations* as examples.

28 Quintilian, *Institutio Oratoria*.

Augusta, in that order. Dio's and Herodian's accounts date from shortly after Varius' reign, while the *Historia Augusta* dates from at least one century, possibly nearer two, later. These three are followed by several briefer texts, all of them relatively late, including those of Eusebius, Aurelius Victor, the anonymous *Epitome de Caesaribus*, Eutropius, Jerome, Orosius, Prosper Tiro, Hydatius, Zosimus, Cassiodorus, Malalas, Zonaras, and diverse Byzantine chroniclers and epitomisers. These later texts add nothing new to the list of accusations against Varius, but merely reflect the nature and extent of their currency in ancient times.

Dio's indictment of Varius.

Dio's account of Varius' reign was probably written during that of Varius' successor, his cousin, Severus Alexander, most likely within a decade or less of the events it purports to relate. Dio's hostility to Varius, clearly expressed in his account, that hostility's possible motives, and its probable effect on Dio's veracity, have all been discussed in earlier parts of these studies.²⁹ While we shall, in a subsequent part of this enquiry, go on to consider them in greater depth and detail than before, for now let it suffice to keep in mind the following circumstances, relevant to understanding Dio's account of Varius:

Dio is a Roman senator of Greek descent, already a fairly old man when Varius comes to the throne. During Varius' reign, Dio is curator of the cities of Pergamon and Smyrna. He has been appointed to this post by Varius' predecessor, Macrinus, shortly before Macrinus' overthrow and succession by Varius. Dio, as a consequence of his tenure of that office, is absent from Rome during the whole of Varius' reign. Even when Varius, in the course of his journey from Syria to Rome, passes through Anatolia, spending the winter at Nicomedia, in the neighbouring province of Bithynia, Dio does not, by his own account, meet Varius. Dio tells us quite explicitly that his information about Varius and his reign, even at this stage, when they are in the greatest ever geographical proximity to one another, comes from ἀνδρῶν ἀξιοπίστων, "trustworthy men," rather than from direct witness.³⁰ This raises the question of Dio's sources for the *coup d'état*, in Syria, that reportedly places Varius on the throne, and for the period, after his winter in Bithynia, of Varius' residence in Rome.

It also leads one to consider a possible interpretation of Dio's account of Varius' reign, to which a particular custom of Roman law may be relevant. That custom permits a private individual, *quivis ex populo*, to bring an action for an offence affecting the public interest, and to claim the penalty.³¹ Given that Dio's account of Varius is ordered and delivered, as we shall presently see, in the form and tone of an

29 *QVI*, p. 18-20, *QV2*, p. 4-5.

30 *Dio* 80.7.4. English translations quoted here are those of Earnest Cary in the *Loeb Classical Library* edition of *Dio's Roman History*. The numbering of Dio's chapters here adopted follows that proposed by Ursulus Boissvain, editor of the Weidmann edition of Dio's history, 1901, *Cassii Dionis Cocceiani Historiarum Romanarum Quae Supersunt*. See also: Millar, *SCD*, p. 168, for a discussion of Dio's sources.

31 *OCD*, *Rlp*, p. 833a, §3.6.

indictment, one may see it as a metaphorical exercise of that custom. Dio's account, framed in the larger context of a work of historiography, delivers an *ex post facto* indictment of Varius. Its purpose, by this interpretation, is to provide a heretofore missing element in the sequence of actions already undertaken against Varius.

As noted above, after Varius' murder, his successor, Severus Alexander (acting, if proper procedure was followed, in concert with the senate) orders Varius' *damnatio memoriae*. Coming just after an extrajudicial execution, *damnatio* amounts to a retroactive sentence. It seeks to justify the fact and manner of Varius' murder. What is still missing, however, is an indictment, a trial, and a judgement, all of which Dio provides, metaphorically, in his text. Interestingly, he does so, not by assuming the role of *quivis ex populo* (or rather, in his case, *ex senatu*) and bringing the accusations directly, in which case he might appear as a *delator*, or denouncer, a category of men despised both by senate and people, though useful to the state. Instead, affirming, not that he witnessed Varius' alleged crimes and misdemeanours himself, but rather that they must be believed, because he has them from reliable witnesses, Dio puts himself in the far more honourable position (one familiar in reality to him by virtue of his previous appointments) of a magistrate hearing, considering, and deciding the merits of a case. Thus, metaphorically, he provides the *cognitio*, and supplies the verdict. Dio's provision of these missing elements serves virtually to complete the legal procedure implied by *damnatio*.

Relevant to this is that Dio, by his own account, was absent from Rome, hence from the senate, when deliberations leading to Varius' *damnatio memoriae* presumably took place.³² Dio may have regretted this absence, and wished, by writing his indictment, to make up for it, either to himself, or to others. It is, moreover, possible that a Latin text, covering the same events, already existed, in the form of a biography of Varius, now lost, by Marius Maximus, a senator likely to be present at those presumed deliberations.³³ So it is also possible that Dio may have wished to provide an equivalent Greek text. Whatever his precise motives, and the status of his account of Varius, within the political and legal context of Severus Alexander's reign, when he must have written it, Dio seems to have been rewarded. For he tells of a series of important appointments, culminating in his sharing the consulate with Alexander.³⁴

Let us now turn to the content of Dio's indictment of Varius. Together with his relation of his own appointments and honours under Alexander, Dio's account of Varius forms the final narrative sequence in his *Roman History*. That this account is framed as an indictment is clear from Dio's first mention of Varius, which reads like the start of an *exordium*, or introduction, to a formal oration.³⁵ This occurs in the

32 *Dio*, 80 (LXXX).1.2.

33 Cited in the *Historia Augusta* itself: *HA/AH* 11.6; See also: Syme, Ronald, *Not Marius Maximus*, *Hermes*, 96, 1968, p. 494-502; Syme, Ronald, *More about Marius Maximus*, in *Emperors and Biography*, 1971; Birley, A.R., *Marius Maximus, the consular biographer*, *ANRW*, 2.34.3, 1997.

34 *Dio*, 80 (LXXX).5.1.

35 Burton, G.O., (<http://humanities.byu.edu/rhetoric/silva.htm>) *Silva Rhetoricae*, 2003, (henceforth *SR*): *exordium*.

context of describing the soldiers' discontent with Macrinus, who has murdered Caracalla and usurped his throne. Having established this context by description, Dio resorts to one of his most frequent rhetorical devices: *prolepsis*.³⁶ This trope announces in advance the outcome of a narrative sequence, thereby enclosing the subsequent narration of that sequence within the conceptual and judgmental framework suggested by that outcome. Here, then, Dio announces the next stage in his narrative, in which Macrinus will be overthrown by soldiers acting on Varius' behalf: οἱ τοῦτοι δὲ καὶ ... τὸν αὐτοκράτορά σφρων κατέλυσαν, καὶ ὁ τοῦτου δεινότερόν ἐστιν, τοιοῦτον ἕτερον ἐστήσαντο ὑφ' οὗ οὐδὲν ὅ τι οὐ κακὸν καὶ αἰσχρὸν ἐγένετο: "they ... overthrew their emperor; and, what is still worse than that, they set up a successor just like him, one by whom nothing was done that was not evil and base."³⁷ Dio embellishes this example of *hyperbole*,³⁸ or exaggeration, with an appeal to supernatural portents, and to literary authority. Inaccurately citing an eclipse of the sun,³⁹ but quoting correctly from Homer,⁴⁰ he seeks to show just how dire are those events about to take place, and to find in the greatest of the classics adequate words to express his dismay.

Dio thereby proposes the first element in his indictment of Varius: his succession, effected by a military revolt, and his consequent tenure of the principate, are, in Dio's view, evils in themselves, made worse by the nature and behaviour of their beneficiary. The overthrow of a reigning emperor by mutinous soldiers is an evil, legally classifiable as *perduellio*,⁴¹ treason. His successor's tenure of that office is an evil by virtue of his manner of succession, involving *perduellio* or *maiestas*,⁴² diminution of the majesty of Rome, or of its emperor. For Dio, this evil is apparently unmitigated by Macrinus' unworthiness to occupy the principate. That Macrinus' successor should turn out to be just as bad is also an evil, but of a different order, not necessarily connected to the other two. At least it is not linked to them by the internal logic of Dio's sentence, since evil character requires time to manifest itself in evil deeds, whereas the evil inherent in tenure of a principate obtained by mutiny is fully present from the start.

Dio goes on to give an account of the manner in which "these things came about."⁴³ Since I have already discussed in detail Dio's account of the *coup d'état* which allegedly places Varius on the throne,⁴⁴ here I shall consider only those elements contributing to his indictment of Varius. In Dio's account, the persons responsible for placing Varius on the throne, therefore for working the first two evils cited above, do not include Varius. He does not take part in the conception of the *coup*. On the one hand, the mutinous disposition of the soldiers, on the other, the machinations of Maesa, Varius' grandmother, working through one of her retainers, "a certain Eutyichianus," converge in a concerted plan of action to place

36 *SR*, *prolepsis*.

37 *Dio*, 79.29.2.

38 *SR*: *hyperbole*.

39 *Dio*, 79.30.1. The inaccuracy of Dio's reference to the eclipse is discussed in Petrikovits, H. v., *Die Chronologie der Regierung Macrins*, *Klio*, 31, p.103-107, esp. p. 105-106.

40 *Dio*, 79.30.1 quotes *Iliad*, 21.388.

41 *OCD*, *perduellio*, p. 1138a.

42 *OCD*, *maiestas*, p. 913b.

43 *Dio*, 79.30.1.

44 *QV3*.

Varius on the throne.⁴⁵

The point of their convergence, and ostensible motive for their concert, is the story, launched by Eutychianus on Maesa's behalf, that Varius is the bastard son of Caracalla. (Caracalla has been murdered by Macrinus, leaving neither progeny nor appointed successor.) This, paradoxically, makes Varius legitimate heir to the throne — at least more legitimately so than the murderous usurper, Macrinus. Yet Dio makes it clear that he considers Eutychianus' story false. Thus, for Dio, Varius' accession on its basis to the principate is not only vitiated by its mutinous manner of achievement, but is also fraudulent.⁴⁶ This opens Varius to a charge of acting in bad faith, or *sciens dolo malo*.⁴⁷ It may also be considered a form of *iniuria*, falling under the old *lex Cornelia testamentaria*.⁴⁸ Relevant here, however, is Varius' age at the time of these events, which Dio at this juncture describes as that of one *παιδίον ἔτι ὄντα*, “*who was still a mere boy*.”⁴⁹ Elsewhere, he provides information allowing us to calculate it as fourteen.⁵⁰ The question therefore arises of whether Varius can plausibly be held responsible, even by Dio, for the conception of the plot to place him on the throne. Dio does not address this question.

Varius is, nevertheless, held responsible for acting as accessory to the plot. Not only does he receive ill-gotten goods, in accepting the fruits of its success — a tenure of the principate tainted by unlawful succession. He also cooperates in its execution, both passively and actively. For, so Dio tells us, Varius, dressed in Caracalla's boyhood clothing, is taken by Eutychianus to the legionary fort near Emesa, and there proclaimed emperor by the mutineers.⁵¹ Later, when the fort is attacked by soldiers sent to quell the mutiny, Varius is “*carried ... round about on the ramparts*” by the mutineers, while likenesses of Caracalla as a child are shown to the attackers, in order to persuade them of an alleged resemblance between Varius and Caracalla. The mutineers proclaim that Varius is “*truly Caracalla's son*.”⁵² Festus, an agent of Eutychianus, promises the besiegers that if they change sides, killing their officers, and join the revolt, they will be granted those officers' property and position in the army. Finally, *καὶ αὐτοῖς καὶ τὸ παιδίον ἀπὸ τοῦ τείχους ἐδημηγόρευσεν ὑπόβλητα, τὸν τε πατέρα ἤδη ἐπαινῶν*, “*the boy also harangued them from the wall with words that had been put into his mouth, praising his father*,” (Caracalla) “*as he already styled him*.”⁵³ Varius' performance of his role as Caracalla's bastard is apparently convincing. Together with Festus' promises, it leads to the desired result: the besiegers kill their officers and join the mutineers.⁵⁴

That Dio holds Varius responsible for his collaboration with the mutiny, and for his fraudulent,

45 *Dio*, 79.31.1-2. This is discussed in detail in *QV3*.

46 *Dio*, 79.30.2; 79.32.3.

47 *OCD, Rlp*, p. 833b, §3.9.

48 Crook, *RLS*, p. 270: *assuming a false name*.

49 *Dio*, 79. 31.2

50 *Dio*, 80.3.3, in combination with 80.20.2.

51 *Dio*, 79.31.3

52 *Dio*, 79.32.2-3.

53 *Dio*, 79.32.4.

54 *Dio*, 79.32.3 – 33.4.

though persuasive performance, transpires from a change that Dio introduces in Varius' nomenclature, when he first reports the successful outcome of that performance. In a further example of *prolepsis*, Dio's report of that outcome comes before his description of Varius' address to the besiegers, the performance leading to that outcome. It occurs at a point where Varius' collaboration with the mutiny is still described as passive, when he has been "carried ... round about on the ramparts," and the besieging soldiers have been harangued, not yet by Varius, but only by unnamed mutineers, asking them τί δὲ οὕτω τῷ τοῦ εὐεργέτου ἱμῶν ὑεῖ μάχεσθε; "Why do you fight against your benefactor's son?" At this point, Dio reports that: πάντας τοὺς σὺν τῷ Ἰουλιανῷ στρατιώτας, ἄλλως τε καὶ προθύμως πρὸς τὸ νεωτεροποιεῖν ἔχοντας, διέφθειραν, ὥστε τοὺς μὲν ἐπιτεταγμένους σφίσι πλὴν τοῦ Ἰουλιανοῦ (διέδρα γάρ) ἀποκτεῖναι, ἑαυτοὺς δὲ τὰ τε ὅπλα τῷ Ψευδαδωνίνῳ παραδοῦναι. "By this means they" (the mutineers) "corrupted all the soldiers who were with Julianus," (Macrinus' praetorian prefect, in charge of the attack on the fort) "the more so as these were eager to revolt, so that the assailants slew their commanders, with the exception of Julianus, who escaped in flight, and surrendered themselves and their arms to the False Antoninus."⁵⁵

Dio has previously called Varius *Avitus*, a name derived from that of his maternal grandfather (a senatorial colleague of Dio's). From here on, however, till the end of Dio's account of Varius' accession to the principate, *Pseudantoninus* becomes Dio's usual form of reference to Varius. (Dio later goes on to call Varius by other insults, relating to his alleged character, actions and passions.) The term *Pseudantoninus* is predicated on Dio's contention that the story of Varius' Caracallan paternity is false. Therefore, so also is Varius' claim to the name *Antoninus*, borne by Caracalla. In a manner similar to that of *Caesar* in an earlier period, *Antoninus* is, in Dio's, on the way to becoming as much a title as a name, signifying 'emperor.' To call Varius *Pseudantoninus* is thus to repudiate his claim to the throne, and to call him a fraud. It is not merely an objective appellation, but an insult, carrying vituperative force. Dio's regular use of it from this point onward, until he exchanges it for fresher insults, confirms the status of his text regarding Varius as that of an indictment. (It is also, from other points of view, a history and a biography.) So far, in this indictment, Varius is charged, personally, under his own responsibility, with being an accessory to a mutiny, with fraud, and with knowingly accepting and holding an office, the Roman principate, gained not only by fraud, but by mutiny.

How, precisely are these charges to be classified? They must obviously be seen in the light of political, as well as of legal considerations. There is a certain conflict between the two spheres, since Dio does not judge all emperors who come to the throne as the result of civil war or military coup, beginning with Augustus, by the same standard. Suffice it at this point to remark that whatever else these circumstances and events may be, they are clearly, in Dio's view, *κακά*, evils, and are so, independently of however Varius, as emperor, may happen to turn out. Dio's account of how Varius, as emperor, turns out in fact (or rather, in Dio's allegation), will constitute the rest of his indictment. Before proceeding thereto,

55 *Dio*, 79.32.3.

56 *Dio* 79.32.4; 79.34.4; 79.35.1; 79.36.1; 79.37.2; 79.38.1,2; 79.39.4, 6; 79.40.2; 80.1.1; 80.7.3; 80.12.2²; 80.18.4; 80.19.1^a.

however, Dio completes his narrative account of the *coup d'état* that brings about Varius' accession to the principate, referring to him throughout as *Pseudantoninus*.⁵⁶

It will be remembered that Dio, introducing Varius into his narrative as one “*by whom nothing was done that was not evil and base,*” announces that his account of Varius' reign will constitute an indictment. So now, beginning his account of Varius' reign, Dio proleptically foretells Varius' fate. He also introduces new names, or rather insults, for Varius: Ὁ δὲ δὴ Λαυῖτος εἶτε Ψευδαντωνῖνος εἶτε καὶ Ἀσσύριος ἢ καὶ Σαρδανάπαλλος Τιβερίνός τε (καὶ γὰρ καὶ ταύτην τὴν προσηγορίαν, ἐπειδὴ τὸ σῶμα σφαγέντος αὐτοῦ ἐς τὸν Τίβεριν ἐνεβλήθη, ἔλαβεν) ... “*Now Avitus, otherwise known as the False Antoninus, or the Assyrian, or Sardanapalus, or even Tiberinus (this last appellation he received after he had been slain and his body had been thrown into the Tiber) ...*” The sentence continues with an account of Varius' first day in power.⁵⁷ From here on, *Sardanapalus* becomes Dio's preferred name for Varius.⁵⁸

What is significant here, from the point of view of Dio's indictment of Varius, is not the main verb of the sentence, or indeed anything later than the noun clause corresponding to its subject. It is, rather the list of names or insults whereby that subject is called, and the parenthesis introduced ostensibly merely to explain one of those insults. Both *Avitus* and *Pseudantoninus* are already familiar to Dio's reader. *The Assyrian* and *Sardanapalus* are new, both purportedly denoting Varius' geographical origin. They do not, however, do so objectively. (Let us leave aside the question of whether they do so accurately, which involves the vexed questions of whether Syria and Assyria are synonymous, and of whether the Hellenised name *Sardanapalus* corresponds to a highly cultured king of Nineveh called Assurbanipal, or to another, rather different one, called Assurdainpal.)⁵⁹ Instead, they do so within the context of abominating so-called “*Oriental luxury,*” a commonplace of Graeco-Roman letters.⁶⁰

What is most significant at this juncture of Dio's exposition, is not, however, this commonplace, involving the closely related themes of effeminacy and extravagance, both developed later in the course of Dio's indictment of Varius. Rather, it is the parenthesis explaining the term *Tiberinus* that is especially important. By introducing this term, and explaining its etymology, which necessarily involves referring to the circumstances of Varius' death, Dio invokes not only *prolepsis*, but *sylogismus*.⁶¹ This trope invites the reader to reach his own judgment of Varius' performance as emperor by reasoning: one whose body was thrown into the Tiber must have done something to deserve such a fate. This *sylogismus*, moreover,

57 *Dio*, 80.1.1.

58 *Dio*, 80.1.1; 80.2.4; 80.10.2; 80.11 (Xiph.); 80.13.1; 80.15.1; 80.17.1; 80.19.1¹, 2 (twice); 80 (LXXX).2.2.

59 *Sardanapalus*: http://www.publicbookshelf.com/public_html/The_Story_of_the_Greatest_Nations_and_the_Worlds_Famous_Events_Vol_1/kingsard_bc.html; *Syria and Assyria*: <http://www.aina.org/articles/frye.htm>.

60 Griffin, Jasper, *Augustan Poetry and the Life of Luxury*, *JRS*, 66, 1976, Neri, Valerio, *Considerazioni sul tema della Luxuria nell'Historia Augusta*, *HACG*, 7, 1999, Lenfant, D., *De Sardanapale à Élagabal: les avatars d'une figure du pouvoir*, in *Images et représentations du pouvoir et de l'ordre social dans l'antiquité*, ed. Molin, M., 2001.

61 *SR*, *sylogismus*.

comes almost immediately after a sentence, referring to Macrinus, in which Dio says, referring to that emperor's fate: διέβαλεν ἄμα ἑαυτὸν καὶ διέφθειρεν, ὥστε καὶ ἐν ὀνειδίει καὶ ἐν παθήματι ἀξιωτάτῳ αὐτοῦ γενέσθαι: "he brought discredit and destruction alike upon himself, so that he became the object of reproach and fell a victim to a disaster that was richly deserved."⁶²

Dio's indictment, his account of what, exactly, Varius does so richly to deserve his own disastrous fate, is embedded in the broader narrative structure of his account of Varius' reign. This does not mean that his indictment is subordinate to that narrative structure. Indeed the reverse is true: Dio's narrative structure serves his larger purpose — to propose an indictment of Varius. This is clear, not only from the introduction, at the very beginning of Dio's account of Varius' reign, of this *prolepsis*, which frames the narrative, and foreshortens its chronology, by foretelling the outcome of that reign. It also emerges from the lack of differentiation, within Dio's narrative structure, among the three years or so of Varius' residence in Rome. Once the chronologically determined tasks of placing Varius on the throne, and of bringing him to Rome, have been accomplished, Dio's account becomes mainly categorical, as is proper to an indictment. It remains so until, his indictment of Varius fully expounded, Dio offers a narrative account of the circumstances and events leading to Varius' death. These, in the aftermath of the indictment, amount to a record of his trial, verdict, judgment, sentence, and execution.

Until, however, Varius has been brought to Rome, individual elements of Dio's indictment are embedded in the narrative of his first year or so in power. Since his accession takes place in Syria, part of that narrative concerns Varius' epistolary relationship with the senate in Rome. For one of his first acts as emperor is to write to the senate to announce his succession. Despite Dio's personal absence from Rome, on account of having just taken up his curatorship of Pergamon, he writes about this letter from the point of view of its recipients.

Given his status as a senator, Dio's perspective on Varius and his reign is senatorial. This places his account of Varius in a context: senatorial history, or history written by senators. It also thereby implies a complex, critical attitude towards the principate as an institution, as well as towards individual holders of that office. One of the main concerns of senatorial historians, with respect to imperial successions, is that of the transmission of the powers which constitute the principate.⁶³ These were, theoretically at least, even as late as Dio's lifetime, supposed to be granted by the senate, a supposition which had recently, within Dio's lifetime, almost as often been honoured in the breach as in the observance. Another concern, perhaps more urgent, of senators, was the fulfilment by the emperor of pledges, regularly given at the outset of a reign, to observe the privileges of the senatorial order. Among these were exemption from arbitrary detention, confiscation, and execution, by the emperor or his agents.

62 *Dio*, 79.41.3.

63 Hammond, M., *The Transmission of the Powers of the Roman Emperor from the Death of Nero in A.D. 68 to that of Alexander Severus in A.D. 235*, MAAR, 24, 1956, p. 63-133.

With respect to privilege, Varius, in his letter to the senate, cited by Dio, promises well enough, insofar as he undertakes “*always and in all things to emulate Augustus ... and Marcus*” [Aurelius] “*Antoninus.*”⁶⁴ This must be seen in the larger context of Dio’s Roman History. Given Dio’s accounts of the reigns of Marcus Aurelius and his successors, this pledge may be taken, by implication, to include an undertaking to observe senatorial privilege. While Marcus is held up by Dio as an example of a good emperor (meaning one who treats senators well), neither Commodus, nor Severus, nor Caracalla has respected those privileges. Their three reigns, together, cover most of the time elapsed since Marcus. Varius’ promise to emulate Augustus and Marcus must therefore be understood in contrast to that record. His failure, however, to honour this pledge will, in fairly short order, form an element in Dio’s indictment of Varius.

Dio need not, however, wait for that, to find in Varius’ letter to the senate something worthy of censure. For *αὐτοκράτορα καὶ Καίσαρα, τοῦ τε Ἀντωνίνου υἱὸν καὶ τοῦ Σεουήρου ἔγγονον, εὐσεβῆ τε καὶ εὐτυχῆ καὶ Αὔγουστον, καὶ ἀνδύπατον τήν τε ἐξουσίαν τήν δημαρχικὴν ἔχοντα ἑαυτὸν ἐνέγραψεν, προλαμβάνων αὐτὰ πρὶν ψηφισθῆναι*: “*he styled himself emperor and Caesar, the son of Antoninus,*” (Caracalla) “*the grandson of Severus, Pius, Felix, Augustus, proconsul, and holder of the tribunician power, assuming these titles before they had been voted.*”⁶⁵ These actions belong to the category, later specified as such in Dio’s indictment, of [τὰ] ἔξω ... τῶν πατρίων: “*violations of precedent.*”⁶⁶

In a passage of Dio’s text that has come down to us plagued by lacunae, he goes on to complain of Varius’ coercion of the senate. Varius agent, possibly one Claudius Pollio,⁶⁷ is authorised, should he meet resistance, to use military violence to enforce Varius’ will. This is, apparently, that the senate, which seems unwilling to do so, read out loud a certain document. Whatever precisely is at issue here is less important than that Varius obliges senators to act under duress, putting them in fear of their lives, thus violating their privilege.⁶⁸

Turning away from “*what was taking place in Rome,*” Dio returns to Varius, addressing the matter of his whereabouts during the early part of his reign. Noting that *καταμείνας τινὰς μῆνας ἐν τῇ Ἀντιοχείᾳ, μέχρῃς οὗ τὴν ἀρχὴν πανταχόθεν ἐβεβαιώσατο*, “*after remaining some months in Antioch, until he established his authority on all sides,*” Varius ἐς τὴν Βιθυνίαν ἦλθεν “*went to Bithynia.*” There, in another passage spotted with lacunae, it seems, according to Boissevain’s reconstruction, that Varius employs someone, possibly Gannys, his mother’s lover, *πάρεδρον οἱ πολλάκις ν, ὥσπερ καὶ κατὰ τὴν Ἀντιόχειαν εἰώθει, ποιούμενος*: “*as his associate [in the government], as he had been accustomed to do at Antioch.*”⁶⁹

64 Dio, 80.1.3.

65 Dio, 80.1.2.

66 Dio, 80.8.1.

67 Dio, 79.40.1; 80.2.4; 80.3.1.

68 Dio, 80.2.3-5.

69 Dio, 80.3.1.

What is significant about this passage, is that it alludes to a circumstance with direct bearing on the question of responsibility for charges soon to be proffered: whether, and to what extent, Varius, given his age, inexperience, and condition (soon to be mentioned by Dio) as pupil of his mother's lover, Gannys, is to be held responsible for measures enacted in his name by Gannys. That question is implicitly raised by this reference to Gannys (if it is so) as Varius' associate in government (if it is such). It stands, if *πάρεδρον* means here "*associate in government*," independently of whether the *πάρεδρον* referred to is Gannys or not. It also carries the unflattering implication that Varius, all of fourteen, was subject to his advisers, an impression later to be strengthened with respect to Comazon, and indeed to Gannys himself.

Immediately after this, mentioning Varius' pause in his progress from Syria to spend the winter in Bithynia, Dio goes on to relate, in summary fashion, Varius' subsequent journey through the Balkans and Italy to Rome, concluding with the words: *κακεῖ μέχρι τῆς τοῦ βίου τελευτῆς κατέμεινεν*, "*and there*" (meaning Rome) "*he remained until the end of his life.*"⁷⁰ This proleptic allusion to Varius' death, echoing that at the beginning of this section of Dio's text — a narrative account of the earliest period of his reign — brings that account to a close. It marks the end of the text's approximate adherence, within that account, to chronological order. Now begins a sequence, categorically organised, which occupies the bulk of the rest of Dio's account of Varius' reign, and constitutes the core of his indictment of Varius.

Dio moves from ostensibly objective narrative to what is effectively the end of his exordium, preserving decorum⁷¹ with a small dose of encomium.⁷² This is a typical way to begin a vituperatio,⁷³ or formal rhetorical attack. Having just alluded to Varius' death, he finds something good to say about Varius: *ἐν μὲν τι καὶ σφόδρα ἀγαθοῦ αὐτοκράτορος ἔργον ποιήσας (πολλῶν γὰρ πολλὰ καὶ ἰδιωτῶν καὶ δήμων, τῶν τε ἰ αὐτοῦ τούτων τῆς τε βουλῆς, καὶ ἰδίᾳ καὶ κοινῇ ἕξ τε τὸν Καράκαλλον καὶ ἑαυτόν, ἐκ τῶν τοῦ Μακρίνου γραμμμάτων, καὶ λόγῳ καὶ ἔργῳ ὑβρισάντων, οὐδενὶ τὸ παράπαν οὔτε ἐπεξίεναι ἔφη οὔτε ἐπεξήλθεν)*: "*One action of his was worthy of a thoroughly good emperor; for, although many individuals and communities alike, including the [Romans] themselves (?), both by word and by deed, heaped insults upon both Caracallus and himself, as a result of the letters of Macrinus, he neither threatened to make reprisals nor actually did make any in a single instance.*"⁷⁴

According to rhetorical precept, this single instance of praise of Varius lends Dio, about to launch into an unrestrained attack on Varius, the quality of *ethos*, or trust, in the eyes of his audience.⁷⁵ Creating an appearance of impartiality and even-handedness, it serves to enhance the credibility of what he has to say next: the *diegesis*, or statement of alleged facts,⁷⁶ indicting Varius. Its formal rhetorical opening

70 Dio, 80.3.2.

71 SR, *decorum*.

72 SR, *encomium*.

73 SR, *vituperatio*.

74 Dio, 80.3.2.

75 SR, *ethos*.

follows immediately after, with the figure known as *dirimens copulatio*, balancing one statement with a contrary, qualifying statement:⁷⁷ ἐς δὲ δὴ τὰλλα πάντα καὶ αἰσχροεργότατα καὶ παρανομώτατα καὶ μαιφρονώτατα ἐξοκείλας, ὥστε τὰ μὲν τινα αὐτῶν μηδ' ἀρχὴν πώποτ' ἐν τῇ Ῥώμῃ γενόμενα ὡς καὶ πάτρια ἀκμάσαι, τὰ δὲ καὶ τολμηθέντα ἄλλοτε ἄλλοις ὡς ἐκάστοις, ἔτεσι τρισὶ καὶ μηνσὶν ἐννέα ἡμέραις τε τέτταρσιν, ἐν αἷς ἤρξεν, ὡς γ' ἂν τις ἀπὸ τῆς μάχης ἐν ἣ τὸ παντελὲς κράτος ἔσχεν ἀριθμήσειεν, ἀνθῆσαι: “*But, on the other hand, he drifted into all the most shameful, lawless, and cruel practices, with the result that some of them, never before known in Rome, came to have the authority of tradition, while others, that had been attempted by various men at different times, flourished merely for the three years, nine months, and four days during which he ruled, — reckoning from the battle in which he gained the supreme power.*”⁷⁸ Here again, Dio uses a proleptic framing device. He refers to the length of Varius’ reign, hence implying its end, and the reasons for that end. This serves to distinguish and isolate his indictment from the surrounding narrative context.

There follows a list of crimes belonging to the category of murders of prominent men. There are at least twenty victims on this list. The exact number is uncertain, and may be greater, because, again, there are lacunae in the text. Some of these victims are more prominent than others. Though Dio does not always explicitly say so, perhaps because, writing presumably for an audience of his peers, he assumes those named will be known to their colleagues, many are senators, or belong to senatorial families. This may be established with reference to evidence outside Dio’s account (admissible here, even at this exegetical stage, because it does not bear on the veracity or otherwise of Dio’s indictment of Varius, but only on explaining information contained in that indictment). Some, unnamed, are explicitly designated as equestrians. Others, sometimes nameless, are only included in the list by virtue (if that is the right word) of seeking prominence beyond their station: vainly aspiring to the principate. Another victim, who is named, is a member of Varius’ household: Gannys, his mother’s lover, and Varius’ tutor. At two points in his recitation of this list, Dio alludes to other categories of offences committed by Varius: violations of precedent, and depraved sexual behaviour. While both of these are developed later on in Dio’s indictment, they seem to serve here as a form of rhetorical punctuation, to separate his presentation of different sections of his list of murder victims.

Most of these killings allegedly take place at or near the beginning of the reign. Many are classifiable as part of the process whereby Varius, or his associates in government, Gannys and Comazon, “*established his authority on all sides.*”⁷⁹ While Dio does not observe strict chronology in listing these killings, they do seem to be roughly classifiable into three main groups: those done in Syria, during the first few months of Varius’ reign; those done during the course of his journey from Syria to Rome, possibly during his stop for the winter in Nicomedia; and those done after his arrival in Rome. There are also other, overlapping,

76 *SR*, *diegesis*.

77 *SR*, *dirimens copulatio*.

78 *Dio*, 80.3.3.

79 *Dio*, 80.3.1.

classifications, presently to be mentioned.

The first, Syrian group, corresponding to the initial period of his reign, in Antioch, are, one would surmise, attributable, at least in inspiration, to Varius' associates in government, Gannys and Comazon. Their "*effrontery*" and "*arbitrary course*" have already been cited in the narrative.⁸⁰ It is hardly to be expected, even by Dio, that a fourteen year old boy, suddenly introduced into the principate, would have the knowledge, quite apart from the desire, to draw up such a list of victims on his own. This is not said in Varius' defence. For the terms of Dio's indictment hold Varius responsible, as emperor, irrespective of his knowledge, desire, or participation, for all things done in his name during his reign. It is merely observed in order to define more precisely the nature of the charge.

The first five items in the list include three individuals, (Julianus) Nestor,⁸¹ Fabius Agrippinus,⁸² and Pica Caerianus (Caecilianus? Caesianus?),⁸³ as well as two collectivities: "*the foremost knights among Macrinus' followers,*" and "*the men in Rome who had been most intimate with Macrinus.*" The three individuals here have all been appointed by Macrinus to positions which virtually guarantee their enmity to Varius, during the course of his uprising against Macrinus. Their original social status is not clear, though Dio says of Julianus Nestor that he "*possessed no excellence at all.*"⁸⁴ Given the circumstances generated by Macrinus' overthrow of Caracalla, it would be foolhardy to argue any particular status for these individuals from the offices to which they have been appointed by an emperor who is himself an equestrian.

Of these early reported killings, the first to involve a known senator, Claudius Attalus,⁸⁵ is explicitly attributed to Comazon. Its mention is followed by an excursus in which Dio complains bitterly of Comazon's rise, under Varius, from a low social extraction. Comazon's *cursus honorum* includes a criminal offence, and its punishment by Claudius Attalus, providing motivation for Comazon's revenge. This is followed by the praetorian prefecture, the consulship, and the city prefecture. The last post in the list is held repeatedly, in what hence ἐν τοῖς παρανομωτάτοις ἐξαριθμῆσεται: "*will be counted as one of the greatest violations of precedent.*"⁸⁶ This account of Comazon's ascendancy also serves to imply Varius' subjection to his influence, a sign of weakness unworthy of an emperor.

This excursus marks a transition from the first five items on the list, involving appointees or close associates of Macrinus, whose fates, given the change of imperial dispensation, are determined by their condition as such. It inaugurates a group of three individuals, beginning with Claudius Attalus,

80 *Dio*, 79.39.4

81 *PIR*², pars 4, p. 123, § 99, *Julianus Nestor*.

82 *RE*, 6/12, 1909, c.1749, § 36, *Fabius Agrippinus*; *PIR*², pars 3, p. 95, § 19, *Fabius Agrippinus*.

83 *PIR*¹, pars 3, 1898, p. 39, § 304: *Pica Caerianus*; *PIR*², pars 6, p. 161, § 403, *Pica Caerianus*.

84 *Dio*, 79.15.1.

85 Barbieri, *Albo Senatorio*, 2, p. 37, § 140, *P. Claudius Attalus*; *PIR*², pars 2, p. 172, § 795, *P. Claudius Attalus*.

86 *Dio*, 80.4.1-2.

whose senatorial status is recorded or attested, and whose fates at the hands of Varius or his agents are portrayed as unrelated to, or at least unjustified by, the offices they may have held under Macrinus. Attalus, as we have seen, δι' ἐκεῖνον ἀπέθανεν: “was put to death on [that one’s]” (Comazon’s) “account.”⁸⁷ Triccianus,⁸⁸ however, loses his life διὰ τοὺς Ἀλβανίους ὧν ἐγκρατῶς ἐπὶ τοῦ Μακρίνου ἤγειτο: “because of the Alban legion, which he had commanded with a firm hand during Macrinus’ reign.” Something here does not satisfy one’s hankering for sense, either in the text, or in the translation.

Perhaps the word “because,” in Cary’s translation, quoted here, fails fully to convey all the possible nuances in this context of διὰ. For it comes immediately after a parallel use, in the preceding clause, of διὰ, translated there as “on account of” (Comazon). Given the story, told by Dio just before, of Comazon’s active instigation of Attalus’ death, perhaps the vague, though literally admissible “because of the Alban legion,” should rather be rendered here also as “on account of,” meaning “at the instigation of,” as in the foregoing case of Comazon and Attalus. Another possible nuance of this passage could read: “on account of the firmness with which Triccianus commanded” the Albans ἐπὶ τοῦ Μακρίνου, “during” (the reign of) “Macrinus,” which would imply “for” or “on behalf of” Macrinus. For the Albans, according to Dio,⁸⁹ massively desert their camp and join forces with Varius before the decisive battle with Macrinus, and do not themselves at that time kill Triccianus (as the troops under the command of Ulpianus, one of Macrinus’ praetorian prefects, in parallel circumstances, do allegedly kill Julianus).⁹⁰ So, is it not likely that, Varius having triumphed, the leading rebels among the Albans themselves, or else Varius’ associates in government, would single out the Albans’ erstwhile commander, Triccianus, Macrinus’ appointee, for elimination? If this were so, then the vagueness of Dio’s use of διὰ, perhaps, after all, accurately reflected by Cary’s equally vague “because of,” would be quite deliberate, on Dio’s part. It would be intended, perhaps because of Triccianus’ senatorial status, or simply because Dio may not know all the relevant details of the case, to fudge the likelihood that Triccianus, despite his senatorial status, was Macrinus’ man, thus axiomatically Varius’ opponent, therefore liable, like those possibly less exalted persons mentioned before, to be killed for that reason alone in the course of the transition.

The case of Castinus,⁹¹ third in this list of murdered senators, also presents an unsatisfactory motive for his death, again perhaps deliberately so: ὅτι δραστήριός τε ἦν καὶ πολλοῖς στρατιώταις, ἐκ τε τῶν ἀρχῶν ὧν ἤρξε καὶ ἐκ τῆς πρὸς τὸν Ἀντωνίνου συνουσίας, ἔγνωστο: “because he was energetic and was known to many soldiers in consequence of the commands he had held and of his intimate association with Antoninus” (Caracalla).⁹² Again, it seems that Dio is saying less than he knows, believes, or has heard. He seems, through the disingenuously dispassionate, seemingly matter-of-fact tone of this sentence, to be seeking

87 *Dio*, 80.4.3. Cary’s translation substitutes “Comazon’s” for “that one’s,” which is the literal translation.

88 Barbieri, *Albo Senatorio*, 2, p. 192, § 926, *Aelius Triccianus*. *PIR*², pars 1, p. 45, § 271, *Aelius Triccianus*.

89 *Dio*, 79.34.5

90 *Dio*, 79.34.4.

91 Barbieri, *Albo Senatorio*, 2, p. 75 f., § 308, *C. Iulius Septimius Castinus*.

92 *Dio*, 80.4.3.

to lead one to question whether mere energy, and a wide circle of acquaintance, even among soldiers, (especially among those met in the company of Caracalla, whose dynasty Varius purports to continue), are really to be considered sufficient grounds for death at Varius' hands.

Again, this is not said in defence of Varius. (His defence, when presented, will be based on quite other grounds.) Rather, it is offered in exegesis of the context and nuance of Dio's text. It must be remembered that it is not Dio's intention to present the unvarnished truth, if indeed any such thing is conceivable for him. Rather, he strives to present an indictment. In so doing, he uses all the weapons in his arsenal, including facetiousness, or deliberate misrepresentation, quite unabashedly. For his use of such a rhetorical ploy would not have met with the censure of Dio's intended or ideal audience, probably composed of senators like himself, trained in the art of rhetoric, and comfortable with its adversarial assumptions, as well as with the epistemological compromises such assumptions entail, even, or perhaps especially, in the hands of an historian. Dio is, after all, attacking one whom he, and presumably his audience, regard as the enemy. The desideratum, therefore, is not truth, but sound opinion.

As it turns out, there is, indeed, more to the story. We learn from Dio of a previous history of relationship between Castinus and Varius. Castinus τὴν ἄλλως προπεμφθεὶς ἐν Βιθυνίᾳ τὴν δίαίταν ἐποιεῖτο: "had ... been living in Bithynia, whither he had been sent ahead for other reasons," presumably by Varius, presumably from Syria. What these reasons may have been, we are not told. What we do learn is that Varius τῇ γερουσίᾳ περὶ αὐτοῦ γράψας ὅτι αὐτὸν εἰρχθέντα τῆς Ῥώμης ... ὑπὸ τοῦ Μακρίνου ἀποκατέστησεν: "had written concerning him to the senate that he had restored this man who had been banished from Rome by Macrinus." Despite the foregoing, so Dio tells us, τοῦτον τε οὖν ἀπέκτεινεν: "the emperor now put him to death."⁹³

One realises that something is missing. Castinus must have done something, whether rightly interpreted or not; or someone must have accused him, whether truthfully or not, of doing or intending something, to bring about such a *volte face* in Varius', or in his advisers', attitudes towards Castinus. If Dio knows what it is, he is not telling us. Quite possibly he does not know. After all, his information about Varius comes, by his own account, second-hand, at very best.

But that is not the point. It is that Dio, relating the fate of Castinus, a senator, at the hands of Varius, an enemy of the senatorial order, and indeed of Rome itself, as Dio will go on to demonstrate, with copious examples, to an ideal audience of his own and Castinus' peers, is not really much concerned with the details of Castinus' behaviour. Rather, he is concerned with an emperor who breaks his promise, implicitly given by virtue of Varius' allusion to Augustus and Marcus, in his letter to the senate, to respect senatorial privilege. And so, Dio may suppose, is his ideal senatorial audience, similarly concerned. They will not only forgive, but applaud his use of twisted logic, slanted presentation, and

93 *Dio*, 80.4.4.

wilful misrepresentation, in the accomplishment of his literary and historical tasks. For these, in Dio's view, are one and the same: not to inform his readers of all the facts, but to provide them with a version of events and circumstances which accords with their ideological assumptions, and presents their shared interests and values and in the best possible light, while denigrating those of the enemy.

The next victim on the list is Sulla.⁹⁴ His precise status is unconfirmed by external evidence. As governor of Cappadocia, he might be assumed to enjoy senatorial status, but this is not necessarily so in this period, given the circumstances of Macrinus' reign. Sulla, however, is credited — if that is the right word — with providing a more plausible motive for his execution: ὅτι τ' ἐπολυπραγμόνοι τινα: “because [he] had meddled in matters that did not concern him,” and ὅτι μεταπεμφθεὶς ὑπ' αὐτοῦ ἐκ τῆς Ῥώμης ἀπήνησε τοῖς στρατιώταις τοῖς Κελτικοῖς οἵκαδε μετὰ τὴν ἐν τῇ Βιθυνίᾳ χειμασίαν, ἐν ἣ τινὰ ὑπετάραξαν, ἀποῦσιν: “because, when summoned from Rome by [the emperor], he had contrived to meet the German troops returning home after their winter in Bithynia, a period during which they had created some little disturbance.”⁹⁵

Dio introduces at this point another sentence punctuating his indictment: οὗτοι μὲν δὴ διὰ ταῦτα ἀπώλοντο, καὶ οὐδὲ ἐπεστάλη τι περὶ αὐτῶν τῇ γερουσίᾳ: “these men, then, perished for the reasons I have given, and no statements about them were communicated to the senate.”⁹⁶ Again, in the midst of a charge list concerning the unlawful, or at least unfaithful, killing of senators, Dio reminds us of another, closely related, category of Varius' offences: his violations of precedent and protocol. He fails even to advise, much less consult, the senate, concerning these men' fate. Why Dio does so becomes clear through consideration of the next four victims on the list. These include, in three of the cases, known senators, Seius Carus,⁹⁷ Silius Messalla,⁹⁸ and Pomponius Bassus,⁹⁹ plus another, Valerianus Paetus,¹⁰⁰ who is likely from the context to be so, or at least a member of a senatorial family. The story of each of their cases enables Dio to contrast Varius' self-proclaimed reason for ordering their deaths, with his alleged real motives. These latter redound, of course, in every case, to Varius' discredit.

Thus, Seius Carus is killed πρόφασιν ὡς καὶ συνιστάς τινας τῶν ἐν τῷ Ἀλβανῷ στρατευομένων: “on the pretext that he was forming a league of some of the soldiers stationed near the Alban mount,” but really ὅτι τε ἐπλούτει καὶ ὅτι μέγας καὶ νοῦν ἔχων ἦν: “because he was rich, influential, and prudent.”¹⁰¹ Valerianus Paetus loses his life αἰτίαν ἔσχεν ὡς καὶ ἐς Καππαδοκίαν ὄμορον τῇ πατρίδι αὐτοῦ οὔσαν (Γαλάτης γὰρ ἦν) ἀπελθεῖν ἐπὶ νεωτερισμῶν διανοούμενος: “[on account of] the charge that he was intending to go off to

94 *PIR*¹, pars 3, 1898, p. 281, § 702: *Sulla*.

95 *Dio*, 80.4.5.

96 *Dio*, 80.4.6.

97 Barbieri, *Albo Senatorio*, 2, p. 108, § 464, *Seius Carus*; *RE*, 2R/3hb, 1921, c.1122, § 8, *Seius Carus*.

98 Barbieri, *Albo Senatorio*, 2, p. 229, § 1158, *Silius Messala*; *RE*, 2R/5hb, 1927, c.91-92, § 18, *Silius Messala*.

99 Barbieri, *Albo Senatorio*, 2, p. 99 f., § 421, *Pomponius Bassus*; *PIR*², pars 6, p. 308, § 700, *Pomponius Bassus*.

100 *PIR*¹, pars 3, 1898, p. 7, § 43: *Paetus Valerianus Galata*; *PIR*², pars 6, p. 19, § 64, *Paetus Valerianus Galata*.

101 *Dio*, 80.4.6.

Caesphadocia, which bordered on his native land (he was a Galatian), for the purpose of starting a rebellion." Yet he was innocent, so Dio implies, by stating as fact that εἰκόνας τινὰς ἑαυτοῦ ἐπιχρῦσους πρὸς παλλακίδων κοσμήματα ἐξετύπωσεν: "he had stamped some likenesses of himself and plated them with gold to serve as ornaments for his mistress." This is, wrongly, so Dio thereby also implies, interpreted by Varius to mean that Paetus χρυσοῦς γλύμμα ἑαυτοῦ φέροντας ποιούμενος: "was making gold pieces bearing his own likeness," in order to bribe the troops to revolt.¹⁰²

In the cases of Silius Messalla and Pomponius Bassus, the ostensible charge against both is: ὅτι τοῖς παραττομένοις ὑπ' αὐτοῦ οὐκ ἠρέσκοντο: "being displeased at what the emperor was doing."¹⁰³ This, in itself, is childish and ridiculous, intended to arouse the indignation of the reader, who, if himself a senator, might well share those senators' views, assuming they are accurately reported. Dio continues: τοῦτο γὰρ οὐδὲ τῇ βουλῇ γράψαι περὶ αὐτῶν ὠκνησεν, ἐξεταστάς τε αὐτοῦς τοῦ ἑαυτοῦ βίου καὶ ἐπιτιμητὰς τῶν ἐν τῷ παλατίῳ δρωμένων εἰπὼν εἶναι: "for he did not hesitate to write this charge against them even to the senate, calling them investigators of his life and censors of what went on in the palace."¹⁰⁴ While the indignation expressed here by Dio is ostensibly directed at the insult to the senate implied by putting in writing such a transparently ridiculous charge against two of its members, the underlying purpose of this sentence is to draw attention to Varius' "life" and to "what went on in the palace." This will form the subject matter of a subsequent part of the indictment.

There are anomalies in Dio's presentation of these last two victims. He says, at its outset, that each of these two men ὑπὸ τῆς βουλῆς ἐθανατώθη: "[was] condemned to death by the senate,"¹⁰⁵ on the ridiculous charge proffered by Varius. Yet in complaining of the insult that Varius offers to the senate by writing this charge in his letter to them, Dio quotes Varius as saying: τὰς γὰρ τοι τῆς ἐπιβουλῆς δῆθεν αὐτῶν ἀποδείξεις οὐκ ἔπεμψα ὑμῖν, ... ὅτι μάτην ἀναγνωσθήσεσθαι ἔμελλον ἤδη σφῶν τεθνηκότων: "the proofs of their plots I have not sent you, because it would be useless to read them, as the men are already dead."¹⁰⁶ If this were so, then it would presumably also be "useless" for the senate to condemn dead men to death.

Another anomaly lies in the way the real motive, as opposed to the ostensible, transparently ridiculous one, for condemning these two men to death, is presented in the case of Silius Messalla. Dio says that ὑπὲρ δὲ τι καὶ ἕτερον αἰτίωμα πρὸς Μεσσάλαν, ὅτι πολλὰ ἐρρωμένως ἐν τῷ συνεδρίῳ ἀπεφαίνετο· διόπερ καὶ κατ' ἀρχὰς αὐτὸν ἐς τὴν Συρίαν, ὡς καὶ πάνυ τι αὐτοῦ δεόμενος, μετεπέμψατο, ὅπως μὴ καὶ κατὰ γνησίων αὐτῇ ἀλλοδοξία γένηται: "there was a further ground of complaint against Messalla, the fact, namely, that he resolutely laid bare many facts before the senate. This was what led the emperor in the first place to send for him to come to Syria, pretending to have great need of him, whereas he really feared that

102 *Dio*, 80.4.7.

103 *Dio*, 80.5.1.

104 *Dio*, 80.5.2.

105 *Dio*, 80.5.1.

106 *Dio*, 80.5.2.

Messalla might take the lead in bringing about a change of mind on the part of the senators."¹⁰⁷ Among other things, this raises the question of where the decision to kill Messalla may have been made: in Syria, Nicomedia, or Rome? Any answer would have repercussions for chronology.

Contrast this with Dio's presentation of Varius' real motives in the case of Pomponius Bassus: ὅτι γυναῖκα καὶ εὐπρεπῆ καὶ εὐγενῆ εἶχεν· τοῦ τε γὰρ Σεουήρου τοῦ Κλαυδίου καὶ τοῦ Ἀντωνίνου τοῦ Μάρκου ἀπόγονος ἦν. ἀμέλει καὶ ἔγγημεν αὐτήν, μηδὲ ἐκδρηνηῆσαι τήν συμφορὰν ἐπιτρέψας: "the fact that he had a wife both fair to look upon and of noble rank; for she was a descendant of Claudius Severus and of Marcus Antoninus. At all events, the emperor married her, not allowing her even to mourn her loss."¹⁰⁸ Here, the contrast between real and ostensible motives is clear: that between Varius' lust, pride, envy, or greed, on the one hand, and, on the other, the childish pique implied by his victims' alleged displeasure with his actions. Another reading of Varius' ostensible motive in this case, as suggested by Dio, is that Varius could simply not be bothered to come up with a more plausible one, and chose to show his contempt for the senate by offering such a transparently ridiculous motive. Even by this reading, however, the contrast with his real lust, pride, envy or greed still works.

In the case of Silius Messalla, however, the contrast does not work nearly so well. First of all, it is not really presented as a contrast, insofar as mention of "*a further ground for complaint*" suggests that the ground yet to be described is to be accorded the same status as that already offered. And the ground that is offered next, that Messalla "*resolutely laid bare many facts before the senate,*" does not, in the absence of any specification of those facts, seem a more plausible ground for Varius' mortal hostility towards him than the original ground, that of Messalla's reported displeasure with Varius' activities. Again, as in the case of Castinus, there is more to the story: the existence of a previous relationship between Messalla and Varius. Here, however, Dio alleges that it was adversarial from the start, inasmuch as Varius is said to have summoned Messalla from Rome under the false pretence of having need of him. Why Varius, as emperor, therefore theoretically able to summon whom he pleased without offering any reason whatsoever, should resort to such a subterfuge, is not explained.

So there are unresolved questions of exegesis and interpretation in Dio's treatment of Silius Messalla. Questions also arise in Dio's account of the case of Pomponius Bassus, particularly as to where and when his execution may have taken place. Varius' marriage to the woman Dio alleges to be his widow, Cornelia Paula, seems take place before the end of August, 972=219.¹⁰⁹ Varius' arrival in Rome is dated to September of that year.¹¹⁰ Varius' letter to the senate about Pomponius Bassus, whether to request his condemnation, or to announce his death, may imply Varius' absence from Rome. His reported charge that both Pomponius Bassus and Silius Messalla were "*censors of what went on in the palace*" thus begs

107 *Dio*, 80.5.3.

108 *Dio*, 80.5.4.

109 *PIR*², 4.1, 1952, p.311, § I 660, *Iulia Cornelia Paula Augusta*.

110 *BCAR* 13.2, 1885, p. 155, *degli Equites Singulares*, §1081.

the question of which palace is meant, and whether it is the same in both cases: That in Rome? That in Nicomedia? Or even, given the reference to Syria, in the case of Silius Messalla, that in Antioch?

At this point Dio provides rhetorical punctuation, in the form of reference to Varius' sexuality: *καὶ περὶ μὲν τῶν γάμων αὐτοῦ, ὧν τε ἐγάμει ὧν τε ἐγήματο, αὐτίκα λελέξεται· καὶ γὰρ ἠνδρίζετο καὶ ἐθηλύνετο καὶ ἔπραττεν καὶ ἔπασχεν ἐκάτερα ἀσελγέστατα*: “An account will be given presently of his marriages, in which he both married and was bestowed in marriage; for he appeared both as man and woman, and in both relations conducted himself in the most licentious fashion.”¹¹¹ This *prolepsis*, previewing another category in the indictment, provides a transition to a passage full of lacunae, from which little but the name Sergius can be salvaged. It is uncertain whether this Sergius is a victim of Varius, or plays some other role in the story.

The next victim on the list is Gannys, Varius' tutor and his mother's lover. He is hardly, by Dio's standards, prominent, at least in origin. The questions of his origin, identity, number, and condition are addressed in detail elsewhere in these studies.¹¹² Here suffice it to say that his inclusion and position in the list is designed to achieve a particular rhetorical effect: that of *pathos*, an appeal to the emotions.¹¹³ In accordance with rhetorical precept, it occurs near the end of the list of victims. Coming after a catalogue of senators, it is something of a social letdown, but that is beside the point. That catalogue has served: to demonstrate Varius' bad faith in breaking his promise to respect senatorial privilege; to proclaim his injustice in condemning men on false or flimsy charges; to show his subjection to his associates in government (while still holding him responsible for their misdeeds); and to expose the contrast between Varius' real and ostensible motives, in a series of cases where the real motive is initially political, but then becomes personal, thus revealing Varius' duplicity. This next item on the list is designed to expose Varius' bloodlust without even the pretence of an ostensible motive, and, moreover, acted out in person by himself. It is worth quoting the episode whole:

. . . ν δὲ δὴ τὸν τὴν ἐπανάστασιν κατασκευάσαντα, τὸν ἐς τὸ στρατόπεδον αὐτὸν ἐσαγαγόντα, τὸν τοὺς στρατιώτας προσαποστήσαντα, τὸν τὴν νίκην αὐτῷ τὴν κατὰ τοῦ Μακρίνου παρασχόντα, τὸν τροφία, τὸν προστάτην, ἐν ἀρχῇ εὐδύς τῆς ἡγεμονίας ἐν τῇ Νικομηθείᾳ ἀποκτείνας ἀνοσιώτατος ἀνδρῶν ἐνομισθῆ: “...but because of his slaying at the very outset of his reign [Ganny], the man who had brought about the uprising, who had taken him to the camp, who had also caused the soldiers to revolt, who had given him the victory over Macrinus, and who had been his foster-father and guardian, he” (Varius) “was regarded as the most impious of men.”

111 *Dio*, 80.5.5.

112 Arrizabalaga y Prado, Leonardo de, *Pseudo-eunuchs in the court of Elagabalus: The riddle of Gannys, Eutythianus, and Comazon* (henceforth *Riddle*), *Collected Papers in Honour of the Ninety-fifth Anniversary of Ueno Gakuen*, 1999, p. 117-141.

113 *SR*, *pathos*.

ἄλλως μὲν γὰρ καὶ τρυφερώτερον διηγᾶτο καὶ ἠδέως ἐδωροδοκεῖ, οὐ μὴν οὔτε αἰτίος τινος κακοῦ οὐδενὶ ἐγένετο καὶ πολλοὺς πολλὰ εὐηργέτησε. τὸ δὲ μέγιστον, ἰσχυρῶς αὐτὸν περιεῖπε, καὶ τῇ Μαίση τῇ τε Σοαιμίδι σφόδρα ἤρεσκε, τῇ μὲν ὅτι ἐτέθραπτο ὑπ' αὐτῆς, τῇ δὲ ὅτι συνήκει τρέπον τινὰ αὐτῆ: “*To be sure, Gannys was living rather luxuriously and was fond of accepting bribes, but for all that he did no one any harm and bestowed many benefits upon many people. Most of all he showed great zeal for the emperor and was thoroughly satisfactory to Maesa and Soaemis, to the former because he had been reared by her, and to the latter because he was virtually her husband.*”

ἀλλ' οὔτι γε διὰ τοῦτ' αὐτὸν κατεχρήσατο, ὅποτε καὶ συμβόλαιον αὐτῷ γαμικὸν ποιῆσαι καὶ Καίσαρα αὐτὸν ἀποδειῖξαι ἠθέλησεν, ἀλλ' ὅτι σωφρόνως τε καὶ ἐμφρόνως ζῆν ὑπ' αὐτοῦ ἠναγκάζετο. καὶ αὐτός γε αὐτοχειρίῃ πρῶτος αὐτὸν κατέτρωσε διὰ τὸ μηδένα τῶν στρατιωτῶν ἄρξαι τοῦ φόνου τολμῆσαι: “*But it was not at all because of this that the emperor put him out of the way, inasmuch as he had wished to give him a marriage contract and appoint him Caesar; it was rather because he was forced by Gannys to live temperately and prudently. And he himself was the first to give Gannys a mortal blow with his own hand, since no one of the soldiers had the hardihood to take the lead in murdering him.*”¹¹⁴

The first problem of exegesis here is that the victim's name is nowhere intact. All but the last letter of his name, *ν*, with which the passage opens, is lost in the foregoing lacuna. On the basis of reference to his protagonism in the battle against Macrinus, it is possible to identify him with Gannys, who is named as such in the corresponding passage of Dio's text.¹¹⁵ Some historians stress other references in the present passage: to the victim's having brought about the uprising; to his having taken Varius to the camp; to his having caused the soldiers to revolt. These have served to argue that he must be Eutychanus, Maesa's agent, to whom Dio has previously attributed these actions, and, furthermore, that therefore Gannys and Eutychanus are one and the same person.¹¹⁶ Yet others have maintained that one or both of these are identical with Comazon, whom we have met as the author of the murder of Attalus.¹¹⁷ Finally, some have asserted that Gannys (and by extension, those members of the trio with whom he is identified) is a eunuch.¹¹⁸ I have argued otherwise, in the article cited above, holding all three to be distinct, and pointing out that it is unlikely that Varius' mother, Soaemias (the standard spelling of her

114 *Dio*, 80.6.1-3

115 *Dio*, 79.38.3.

116 Kettenhofen, E., *Die syrischen Augustae in der historischen Überlieferung, Ein Beitrag zum Problem der Orientalisierung*, *Antiquitas*, 3, AVFGS, 24, 1979, p. 30-31, argues thus on the basis of *Dio*, 79.31.3-4; 79.32.4.

117 *PIR*¹, volume III, 1898, under P. (*M.?*) *Valerius Comazon Eutychanus*, seems to support the conflation of Comazon with Eutychanus; not so much uncritically, but rather by default, without arguing the matter specifically one way or another, merely by virtue of its title heading, and the fact that it includes in its body Dio's references by name both to Comazon and Eutychanus.

118 Schiller, H., *Geschichte der Römischen Kaiserzeit*, 1883, Vol. I, p. 755ff, Art 75, *Sturtz und Restitution der severianischen Dynastie (M. Opellius Macrinus und M. Aurelius Antoninus [Elagabalus])*, p. 761; Domaszewski, A. von, *Geschichte der römischen Kaiser*, 1909, II p. 272ff., *Untergang der Römer, Elagabal*. p. 273.

name on the basis of coins and inscriptions) would choose a eunuch as her lover. Without entering further into these questions, what matters for the present enquiry is not the victim's social or sexual status, or even his identity, but rather his condition as Varius' tutor, and lover of Soaemias, together with the record of his past services to Varius. That Varius should kill Gannys, of all people, proves, for Dio, that Varius is indeed "*the most impious of men.*"

This passage provides a particularly rich example of Dio's use of rhetorical tropes. Framed in the service of *pathos*, its basic device is *exergasia*, or augmentation.¹¹⁹ This is a figure of repetition, which seeks, by reiterating the same basic thought in different figures — in this case a list of different aspects of Gannys' close relationship to Varius — to build up to a *congeries*, or climax.¹²⁰ This makes Varius' murder of Gannys appear all the more impious. It is followed, in the next sentence, by Dio's use, again, of *dirimens copulatio*, a balancing clause, which here changes the direction of the feeling from apparent praise of Gannys, for his loyalty and service to Varius and his household, to criticism of his corruption and degeneracy. This particular *dirimens copulatio* takes the form of a *metonymia*, or designation of the whole by a part.¹²¹ The whole, here, is Gannys' corruption and degeneracy. The part is a *topos*, or commonplace:¹²² the byword *τρυφή*, "luxury," associated, as we have seen above, with degeneracy, particularly of an Oriental variety. But in a shift of volume down from the crescendo of the previous sentence, here Dio indulges in *meiosis*, or understatement,¹²³ a figure of irony, minimising the importance of Gannys' fondness for bribes, almost as if to render it a rather endearing foible in an otherwise sterling character. This passage thus constitutes a highly complex concatenation of rhetorical tropes in the service of *pathos*. Yet, given Dio's previous characterisation of Gannys as a gymnast and entertainer — professions proper to the lower orders of society, implying slave or freedman status — as well as the allusion, albeit meiotic, to Gannys' fondness for bribes, it smacks of crocodile tears.

Impiety, of a more obviously religious nature, forms one of the major categories in Dio's indictment of Varius, so that its introduction here serves a rhetorical purpose in more ways than one. It not only adds to the cumulus of Varius' misdeeds, and constitutes yet further proof of his wickedness, but also provides a point of transition from the list of Varius' murders of prominent men to the introduction of a whole new category of crimes. At the same time, the third sentence in this passage alerts one to the existence of yet further categories of wrongdoing. They are implied by Dio's observation that the motive for this murder was that Varius "was forced by Gannys to live temperately and prudently." Intemperance and imprudence are thereby implicitly established as charges, the details presumably to be supplied later. On the other hand, that Varius, an emperor, should have been forced by Gannys to live prudently and temperately works, from an opposite direction, to demonstrate Varius' weakness and submission to the will of others,

119 *SR*, *exergasia*.

120 *SR*, *congeries*.

121 *SR*, *metonymia*.

122 *SR*, *topos*.

123 *SR*, *meiosis*.

This will be an important strand in Dio's subsequent account of his effeminacy.

Such is not the only rhetorical effect provided by this passage. Following standard Graeco-Roman expository practice, Dio tends to frame his accounts of circumstances and events in terms of binary oppositions. These usually take the form of *antithesis*,¹²⁴ involving contrast between alternatives. Sometimes, as we have seen in the case of Silius Messalla, the contrast portended by the form in which the matter is presented is not borne out in the content of the episode recounted. This leaves one to wonder whether Dio is fully in control of his effects at that point. Here, with respect to Varius' motives, Dio constructs a situation formally analogous to those of his immediately preceding series of contrasts between Varius' real and ostensible motives. But again, as in the case of Silius Messalla, a modification alters its effect. Here, however, the effect is more successful.

The real motive offered for Gannys' murder, Varius' rebellion against Gannys' attempt to make him live temperately and prudently, works straightforwardly enough. It depicts Varius as impious, intemperate, and imprudent, as well, paradoxically, as weak. But Dio's presentation of the matter, the relationship between Gannys and Soaemias, which, in his formal structure of balanced clauses, occupies the place corresponding to ostensible motive, works indirectly. Unlike previous cases, where the proposition of an ostensible motive is attributed to Varius, and his hypocrisy is duly exposed by Dio's production of the real motive, here not only is the content of the foregoing clause, that corresponding to ostensible motive, not attributed to Varius. Dio denies that Varius even considered it. This, of course, is designed to make one wonder why not.

For an adolescent boy's resentment of his mother's lover is not, so Dio implies, an implausible motive for his murder of that lover. One is invited to suppose it is even normal. Indeed, in a case where such a motive involves the boy's defence of his father's rights, or even merely of his memory, while such a murder is still arguably a crime, it does not necessarily reflect entirely ill on the boy. In the light, however, of Dio's views on Varius' paternity — explicitly that Varius is lying in claiming Caracalla as his father; implicitly that he is therefore guilty of impiety towards the memory of his real father, Sextus Varius Marcellus — Dio prefers to deny any such motive to Varius, lest one be tempted to think any less ill of him.

In my article on Gannys, Eutychianus, and Comazon, I discuss several aspects of Varius' alleged murder of Gannys. One remark is specifically relevant to Dio's statement that, far from feeling resentment against Gannys for being his mother's lover, Varius "wished to give him a marriage contract and appoint him Caesar." I quote: "*But there is yet another quibble, one which I have not seen raised before, even obliquely, anywhere at all: for the usual reading of this passage is that Varius intended to make Gannys his stepfather. Yet one may wonder, in view of the ambiguity of the text, and of Varius' later nuptial behaviour*

124 *SR*, *antithesis*.

with the charioteer Hierocles, as related by Dio, if it was not rather his thwarted wish to make his mother's lover his own husband. This hypothesis would put quite a different construction on his murder of Gannys, involving far more complex analyses of its motivation than have hitherto been attempted."¹²⁵

Dio concludes his catalogue of Varius' murders of prominent men with those who died attempting to lead revolts against Varius. The first two of these, Verus, and Gellius Maximus, are, so Dio tells us, senators, though not of the best pedigree.¹²⁶ The rest are not, descending the social scale to the level of the son of a centurion, a worker in wool, and a private citizen. Here, given Dio's previous condemnation of military uprisings in general, even against such an unworthy emperor as Macrinus, it would be self-contradictory for him to exonerate their leaders from blame altogether in this instance. So the question facing Dio as a rhetorician is: How is he to turn his account of these men's mutinies to the advantage of his indictment of Varius? The point of their inclusion in the list is not so much to add to the number of Varius' victims, as to show that Varius' lack of authority, based not only on the defects of his character, but also on the fundamental illegitimacy of his tenure of the throne, led to a wave of attempted revolts: ὥστε καὶ ἐτοιμότατον ὄν τοῖς βουλομένοις ἄρξαι, τῷ καὶ παρ' ἐλπίδα καὶ παρὰ τὴν ἀξίαν πολλοὺς τῆς ἡγεμονίας ἐπιβεβατευκέναι, νεωτερίσαι τολμηῆσαι: "as it was the simplest thing in the world for those who wished to rule to undertake a rebellion, being encouraged thereto by the fact that many men had entered upon the supreme rule contrary to expectation and to merit."¹²⁷ Varius is, of course, for Dio, a prime example of this species.

Next, Dio informs us that he did not witness these events directly, but ascertained them ἀνδρῶν ἀξιοπίστων: "from trustworthy men,"¹²⁸ making clear that despite his proximity to Varius, while Varius was wintering in Nicomedia, Dio did not come into direct contact with the emperor. This is followed by a transitional clause: φόνων μὲν οὖν ἐχόμενα ταῦτα αὐτῷ ἐπράχθη: "such were his actions that were tainted with bloodshed," closing the category of murders, followed by another opening that of [τὰ] ἔξω ... τῶν πατρίων: "violations of precedent."¹²⁹

These, we are told, were ἀπλᾶ μὲν καὶ μηδὲν μέγα κακὸν ἡμῖν φέροντα, πλὴν καθ' ὅσον παρὰ τὸ καθεστηκὸς ἐκαινοτομήθη: "of simple character, and did us no great harm, save that they were innovations upon established usage."¹³⁰ Here, as before beginning his catalogue of murders, Dio lowers the rhetorical tension, not, on this occasion, with grudging praise, but conceding that these are minor offences. Dio goes on to list them: Varius applies titles to himself before they have been voted by the senate; in consequence of this, he misdesignates his own titlature, with regard to consular years; and he fails, when acting as

125 *Riddle*, p. 23.

126 *Dio*, 80.7.2.

127 *Dio*, 80.7.3.

128 *Dio*, 80.7.4.

129 *Dio*, 80.8.1.

130 *Dio*, 80.8.1.

consul in Nicomedia, to wear the triumphal dress on the Day of Vows. This apparent concession, turns out, however, to be an example of *paromologia*, admitting a weaker point to make a stronger one,¹³¹ for the relative harmlessness of these offences is soon to be contrasted with far more serious charges.

At this point it is necessary to bring up a matter of textual recension. Until now, in following Dio's text, I have been referring to Boissevain's recension of a fifth or sixth Christian century manuscript known as *Vaticanus Graecus* 1288, Its surviving text, corresponding to 79.2.2 - 80.8.3, despite its many lacunae, and some detectable interpolations and corrections, is thought to reflect Dio's own words more or less faithfully. From this point on, however, till the end of Dio's *Roman History*, Boissevain's recension depends on a variety of manuscript sources. All are much later than *Vaticanus Graecus* 1288, including the 11th Christian century epitome of Dio by the Byzantine monk, Xiphilinus, and excerpts from later mediaeval codices. As a result, there are several discontinuities in the text, and certain sections whose original location in the context is not entirely sure. Consequently, it is necessary to be more restrained than before in making exegetical remarks dependent on the order of items in the text, and to keep in mind the possibility that the text may not always necessarily reflect Dio's original words. Despite this, the text as we have it continues broadly to be organised by categories, showing few traces of chronology, which when they do appear are anyhow subordinate to categories. I shall, therefore, from this point onward, no longer follow the order of the text, but interpret it exclusively according to those categories.

The next to appear is that of Varius' religious policy, with its associated evils, crimes, and misdemeanours: 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, ὅτι τε τὸ αἰδοῖον περιέτεμε, καὶ ὅτι χοιρείων κρεῶν, ὡς καὶ καθαρώτερον ἐκ τούτων θρησκασέουσιν, ἀπέχετο (ἐβουλεύσατο μὲν γὰρ παντάπασι αὐτὸ ἀποκοψαί· ἀλλ' ἐκεῖνο μὲν τῆς μαλακίας ἔνεκα ποιῆσαι ἐπεθύμησε, τοῦτο δὲ ὡς καὶ τῆ τοῦ Ἐλεγαβάλου ἱερατεία προσῆκον ἔπραξεν· ἐξ οὗ δὴ καὶ ἑτέροις τῶν συνόντων συχνοῖς ὁμοίως ἐλυμήνατο)· καὶ μέντοι καὶ ὅτι τὴν ἐσθῆτα τὴν βαρβαρικὴν, ἣ οἱ τῶν Σύρων ἱερεῖς χροῦνται, καὶ δημοσίᾳ πολλάκις ἐωρᾶτο ἐνδεδυμένος· ἀφ' οὗπερ οὐχ ἥκιστα καὶ τὴν τοῦ Ἀσσυρίου ἐπωνυμίαν ἔλαβεν: "*Closely related to these irregularities was his conduct in the matter of Elagabalus. The offence consisted, not in his introducing a foreign god into Rome or in his exalting him in very strange ways, but in his placing him even before Jupiter himself and causing himself to be voted his priest, also in his circumcising himself and abstaining from swine's flesh, on the ground that his devotion would thereby be purer. He had planned, indeed, to cut off his genitals altogether, but that desire was prompted solely by his effeminacy; the circumcision which he actually carried out was a part of the priestly requirements of Elagabalus, and he accordingly mutilated many of his companions in like manner. Furthermore, he was frequently seen even in public clad in the barbaric dress which the Syrian priests use, and this had as much to do as anything with his receiving the nickname of The Assyrian.*"¹³²

131 *SR*, *paromologia*.

132 *Dio*, 80.11.1-2.

Despite his disclaimer that Varius' offence did not consist, *assuch*, in introducing a foreign god to Rome, Dio's subsequent attack focuses as much on the "barbarity" of Varius' religion as on his alleged violations of Roman sacred law and ritual precedent. Granting Elagabalus precedence over Jupiter would, if indeed it occurred, most likely be classed as an act of impiety or sacrilege. It would also be a dereliction of Varius' other priestly duty, as Pontifex Maximus, to honour the prerogatives of the official Roman cults, and perform their rituals properly, in order thereby to ensure the good will of the established gods, and thus the welfare of Rome. To offend Jupiter by granting a foreign god precedence before him would seem, by that standard, to constitute betrayal of this sacred trust, and to put Rome at risk. Varius' alleged circumcision must also be seen in this context: ritual integrity and ritual purity, on the part of a priest, defined as much in physical, as in psychological or spiritual terms, are vital elements in the proper performance of ritual. For the Pontifex Maximus to be, in Dio's (and in broader Graeco-Roman) estimation, genitally mutilated by circumcision could be held to disqualify him from that office, which, however, from the evidence of coins and inscriptions (here invoked solely for the purposes of exegesis) we know that Varius occupied.¹³³ Causing himself to be voted Elagabalus' priest, if in fact Varius sought any such ratification by the senate of an office he occupied by virtue of inheritance through his mother's family, could likewise constitute a potential source of conflict of interest with his duties as Pontifex Maximus.

Leaving for later the charges of effeminacy and sumptuary irregularity, conflated in the foregoing passage with Varius' religious policy, let us turn to the next instance of sacrilege recorded in the text as we have it: Ἀκυλία Σεουήρα συνώκησεν, ἐκφανέστατα παρανομήσας· ἱερωμένην γὰρ αὐτὴν τῇ Ἑστίᾳ ἀσεβέστατα ἤσυχονεν. 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 δεσμωτήριον ἐμβληθῆναι κἀνταῦθα θανατωθῆναι ἔδει, ἐπὶ τούτοις ἐκαλλωπίζετο: (Varius) "*cohabited with Aquilia Severa, thereby most flagrantly violating the law; for she was consecrated to Vesta, and yet he most impiously defiled her. Indeed, he had the boldness to say: 'I did it in order that godlike children might spring from me, the high priest, and from her, the high-priestess.'* Thus he plumed himself over an act for which he ought to have been scourged in the Forum, thrown into prison, and then put to death."¹³⁴

This is the clearest statement in Dio's indictment of Varius of some of its specifically legal implications. The law referred to in this case is probably *ius sacrum*, religious law. Yet the penalties for breaking it are similar to those of criminal law. Here we also have the nearest thing extant to a plea — of innocence — and a defence — based on assumptions springing from a totally different. Syrian, religious context — entered and proposed by Varius on his own behalf. These shall be considered in due course, when this enquiry addresses verification and judgement.

133 Thirion, *Monnayage*, Nrs. 7-14, 15-18, 67-68, 90-98, 99, 140, 146-169, 170-223, 223-233, 328-330, 337-338. *CIL*, 2, 4767, 4805; *CIL*, 3, 3713, 6058, 4766, to cite but a few of the inscriptions.

134 *Dio*, 80.9.3-4.

Dio calls a witness to attest to the effect, among the gods, of Varius' religious crimes: Ἐγεγόνει δὲ καὶ τέρατα ἐν τῇ Ῥώμῃ, ἄλλα τε καὶ ἐκ τοῦ ἀγάλματος τῆς Ἴσιδος, ὃ ὑπὲρ τὸ ἀέτωμα τοῦ ναοῦ αὐτῆς ἐπὶ κυνὸς ὀχεῖται· τὸ γὰρ πρόσωπον ἐς τὸ εἶσω μετέστρεψεν: "*Portents had been taking place in Rome, one of them being given by the statue of Isis, who is represented as riding on a dog above the pediment of her temple; for she turned her face toward the interior of the temple.*"¹³⁵ That the witness should be Egyptian in origin, rather than Greek or Roman, is perhaps significant, serving to show that even exotic, Oriental deities, long naturalised in Rome, are scandalised by Varius' religious policy, and by his behaviour in its implementation.

Dio gives a further example of that behaviour, performing, in so doing, *paralipsis*, stating that one will omit mention of a scandalous event or circumstance, thereby mentioning it. Then Dio goes further, and performs *prolepsis*, an extreme form of *paralipsis*, for he describes what he pretends to pass over in gory detail:¹³⁶ Ἴνα δὲ παρῶ τάς τε βαρβαρικὰς ᾠδὰς ἃς ὁ Σαρδανάπαλλος τῷ Ἐλεγαβάλῳ ἦδε τῇ μητρὶ ἅμα καὶ τῇ τήθει, τάς τε ἀπορρήτους θυσίας ἃς αὐτῷ ἔθυε, παῖδας σφαγιαζόμενος καὶ μαγγανεύμασι χρώμενος, ἀλλὰ καὶ ἐς τὸν ναὸν αὐτοῦ λέοντα καὶ πίθηκον καὶ ὄφιν τινα ζῶντα ἐγκατακλείσας, αἰδοῖά τε ἀνδρώπου ἐμβαλῶν, καὶ ἄλλ' ἄττα ἀνοσιουργῶν, περιάπτοις τέ τισι μυρίοις ἀεὶ ποτε χρώμενος: "*I will not describe the barbaric chants which Sardanapalus, together with his mother and grandmother, chanted to Elagabalus, or the secret sacrifices that he offered to him, slaying boys and using charms, in fact actually shutting up alive in the god's temple a lion, a monkey, and a snake, and throwing in among them human genitals, and practising other unholy rites, while he invariably wore innumerable amulets.*"¹³⁷

This is immediately followed by the final item in Dio's catalogue of offences associated with Varius' religious policy: ἵνα ταῦτα παραδράμω, καὶ γυναῖκα, τὸ γελιοῖότατον, Ἐλεγαβάλῳ ἐμνήστευσε καθάπερ καὶ γάμου παίδων τε δεομένῳ. καὶ ἔδει γὰρ μῆτε πενιχρὰν μῆτε δυσγενῆ τινὰ εἶναι αὐτήν, τὴν Οὐρανίαν τὴν τῶν Καρχηδονίων ἐπελέξατο, καὶ ἐκεῖθεν τε αὐτήν μετεπέμψατο καὶ ἐς τὸ παλάτιον κατήδρυσεν, ἔδνα τε αὐτῇ παρὰ πάντων τῶν ὑπηκόων, ὥσπερ καὶ ἐπὶ τῶν ἑαυτοῦ γυναικῶν, ἤθροισε. τὰ μὲν δὴ οὖν ἔδνα, ὅσα ἐδόθη ζῶντος αὐτοῦ, μετὰ ταῦτα εἰσεπράχθη· τὴν δὲ δὴ προῖκα οὐκ ἔφη κομίσασθαι, πλὴν δύο λεόντων χρυσῶν, οἳ καὶ συνεχωνεύθησαν: "*But, to pass over these matters, he went to the extreme absurdity of courting a wife for Elagabalus — as if the god had any need of marriage and children! And, as such a wife might be neither poor nor low-born, he chose the Carthaginian Urania, summoned her thence, and established her in the palace; and he collected wedding gifts for her from all his subjects, as he had done in the case of his own wives. Now all these presents that were given during his lifetime were reclaimed later; as for the dowry, he declared that he had received none from her, except two gold lions which were accordingly melted down.*"¹³⁸

Here the offence is arguably religious in itself, insofar as to involve the gods in activities that can

135 *Dio*, 80.10.1.

136 *SR*, *paralipsis*, *prolepsis*.

137 *Dio*, 80.11.1.

138 *Dio*, 80.12.1-2¹.

be introduced by the adverbial phrase τὸ γελοιώτατον is to exhibit impiety. (Cary translates this as “*went to the extreme absurdity of.*” I prefer “most laughable of all.”) The episode also serves to introduce yet another category of offence, that of *peculatio*, or using one’s official position to obtain money and goods under false pretences. For Dio dismisses as “absurd” or “laughable” Varius’ presumable rationale in this matter: that he was following Syrian religious practice in instituting a sacred matrimony between gods. Therefore the presents and dowry in question may be classified as ill-gotten goods. Finally, this episode serves as the means of entry into the last of the major categories of offence in Dio’s indictment of Varius: that of his sexual behaviour: Ἄλλ’ οὗτος ὁ Σαρδανάπαλλος, ὁ καὶ τοὺς θεοὺς γάμου νόμῳ συνοικίξειν ἀξιῶν, ἀσελγέστατα αὐτὸς διεβίω: “*But this Sardanapalus, who saw fit to make even the gods cohabit under due form of marriage, lived most licentiously himself from first to last.*”¹³⁹

Dio’s account of Varius’ sexual behaviour, beginning at this point, is about as long as that of his murders of prominent men. It is preceded by a brief account of his serial marriages, which, in the text as we have it, appears in the middle of the section devoted to religious policy. We have already examined Dio’s account of Varius’ cohabitation with the Vestal Virgin. The catalogue of wives, of whom only the first two, Cornelia Paula, and Aquilia Severa, are named, is completed by “*a second, a third, a fourth, and still another,*” after which Varius “*returned to Severa.*”¹⁴⁰ The apparent anomaly in numbering is explained by Dio’s refusal to consider Varius’ liaison with Aquilia Severa a marriage, though Varius did so, granting her the title of Augusta.¹⁴¹ This list of wives and concubines, as Dio would have it, serves as an occasion for sarcasmus, the use of mockery, verbal taunts, or bitter mockery:¹⁴² Ἐγήμε δὲ Κορνηλίαν Παῦλαν, ἵνα δὴ θᾶσσον, ὥσπερ ἔφη, πατήρ γένηται ὁ μηδ’ ἀνὴρ εἶναι δυνάμενος: “[He] married Cornelia Paula, in order as he said, that he might sooner become a father – he who could not even be a man!”¹⁴³ It also allows Dio, in describing the wedding feast, to mention Varius’ extravagance, another category of accusation.

Dio refers here, at the beginning of his main account of Varius’ sexuality, to this catalogue of marriages to women, in such a way as to ensure that it will not be construed as indicating manliness on Varius’ part: ἔγήμε μὲν γὰρ πολλὰς γυναῖκας, καὶ ἔτι πλείοσιν ἄνευ τινὸς νομίμου προσήσεως συνείργνυτο, οὐ μέντοι ὡς καὶ αὐτὸς τι αὐτῶν δεόμενος, ἀλλὰ ἵνα τῇ συγκοιμήσει τῇ μετὰ τῶν ἐραστῶν τὰ ἔργα αὐτῶν μιμῆται καὶ κοινωνοὺς τῆς ὑβρεως, φύρδην ἀναφερόμενος αὐταῖς, λαμβάνη: “*He married many women, and had intercourse with even more without any legal sanction; yet it was not that he had any need of them himself, but simply that he wanted to imitate their actions when he should lie with his lovers and wanted to get accomplices in his wantonness by associating with them indiscriminately.*” The implication that Varius takes the woman’s role μετὰ τῶν ἐραστῶν, more precisely “*with the active partners in sex between men,*” aims to disqualify him from consideration as a man, therefore as emperor.

139 *Dio*, 80.13.1.

140 *Dio*, 80.9.4.

141 *PIR*², 4.1, 1952, p.306, § I 648, *Iulia Aquilia Severa Augusta*.

142 *SR*, sarcasmus.

143 *Dio*, 80.9.1.

We come now to the crux of Dio's indictment of Varius' sexuality: *πολλὰ μὲν γὰρ καὶ ἄτοπα, ἃ μήτε λέγων μήτε ακούων ἂν τις καρτερήσειεν, καὶ ἔδρασε τῷ σώματι καὶ ἔπαθε*: "He used his body both for doing and allowing many strange things, which no one could endure to tell or hear of."¹⁴⁴ This assertion, that he played both active and passive sexual roles, coming after, and separately from Dio's account of Varius' relations with women, suggests that these actions and passions are homoerotic. Indeed, such an assertion would have no meaning, at least for Dio's audience, in a heteroerotic context. Let us note, *en passant*, the use here, again, of *paralipsis* and *prolepsis*, for Dio now goes on to describe, in some detail, what he claims none can endure to speak or hear of. More crucially, however, one must realise that for Dio's readership or audience the point of this statement is not Dio's tongue-in-cheek profession of disgust, which is taken for granted as an official premise of the discourse. (It is, by the way, an example of *adynaton*, an expression of the impossibility of expression.)¹⁴⁵ Nor is the most interesting thing here Dio's characterisation of Varius' behaviour as strange, which serves to awaken prurient curiosity, soon to be satisfied. Rather, the truly striking, even shocking thing, is Dio's apparently matter of fact assertion of Varius' versatile performance of either role.

This interpretation is inferred from Graeco-Roman legal and literary texts, concerning or embodying attitudes towards male homoerotic behaviour.¹⁴⁶ Such evidence is admissible here, because it refers, not to purported facts in the case under investigation, but to attitudes, espoused or conveyed by the authors of such texts. They reveal that Graeco-Roman attitudes towards sex between males, at least in and before the period relevant here, do not necessarily condemn it *per se*, but expect it to occur within certain conventional patterns. The most important of these is the distinction between an older, active, lover, and a younger, passive, beloved. Class also comes into play, with the expectation that the active partner will generally have a higher status than the passive one. The notion, therefore, that a male, who is also an emperor, should play both an active and a passive role in sex with other males defies these expectations. It degrades the individual to whom such behaviour is attributed, rendering him liable to *infamia*.¹⁴⁷ This interpretation will be developed when we come, in a subsequent study, to the formulation, examination, verification, and judgement of these accusations. We shall therefore leave till then detailed consideration of the legal, cultural and moral issues involved. Suffice it here to say that Varius' alleged behaviour in this respect does not seem yet, in this period, necessarily to have been defined as an offence in Roman criminal law, though it would become so later.¹⁴⁸

As promised, implicitly, by his *paralipsis*, which his readership or audience would know how to

144 *Dio*, 80.13.2.

145 *SR*: *adynaton*

146 There is much more on Greece than on Rome. e.g.: Dover, K.J., *Greek Homosexuality*, Buffière, Félix, *Eros adolescent: la pédérastie dans la Grèce antique*, 1980; 1978; Lilja, S., *Homosexuality in Republican and Augustan Rome*, *CHL*, 74, 1983; Halperin, D. M., *One Hundred Years of Homosexuality and Other Essays on Greek Love*, 1990.

147 *OCD*, *infamia*, p. 757a.

148 Bernay, V., *La répression de l'homosexualité dans la Rome antique*, *Arcadie*, 250, 1974, p. 443-456.

interpret, Dio proceeds prosleptically to satisfy the prurient curiosity he has presumably aroused. He gives a detailed description, not of Varius' sexual actions or passions as such, of which the latter, despite Dio's prior claim of Varius' ambivalence, predominate to the exclusion of the former. Rather, he details the circumstances and behaviour involved in their procurement and production. These do not, in themselves, constitute counts in Dio's indictment of Varius' sexuality, which is not in any case legal, but cultural and moral. Rather, they serve to demonstrate closely related, but categorically distinct, aspects of his alleged perversity.

Among manifestations of Varius' reported sexual behaviour, or rather of activities ancillary to its procurement and production, is self-prostitution. This is not a crime in Roman law, whether in its male or female variety, at the time in question. It is, however, a source of *infamia*, infamy, leading directly to *captis deminutio*, or loss of status, and consequent expulsion from the ranks of the *honestiores*.¹⁴⁹ Varius' alleged self-prostitution involves commandeering brothels in Rome, standing naked in the doorways, and soliciting passers-by. Another form of procurement is sending scouts to bring him men with unusually large sexual organs, energetic and accomplished in their use. They are instructed by his agents in how to play their role in quasi-theatrical performances, enacted in a part of the palace designated as a brothel. Varius' own part in these charades allegedly involves make-up, costume, and a script, or at least improvisation on a given theme. For instance, he compares his earnings with those of other whores in the establishment.¹⁵⁰ Dio does not claim that these performances are public, in which case they too would theoretically be subject to *infamia*, which is also incurred by *honestiores* appearing on stage.¹⁵¹ But his account of them suggests, alongside the explicit accusation of effeminacy, an implicit accusation of self-debasement in a social, as well as a sexual context.

Dio does more than just allow the reader to deduce Varius' effeminacy, by way of *enthymeme*, or truncated syllogism,¹⁵² from Varius' implied preference for the passive role in sex with men, inferable from Dio's account. He also offers evidence of such effeminacy from reported observation. Before doing so, however, in yet another instance of *paromologia*, Dio (or rather Xiphilinus' epitome of Dio) concedes: "Ὅτι ἐν τῷ δικάζειν τινὰ ἀνὴρ πως εἶναι ἐδόκει: "[that] *when trying someone in court, he really had more or less the appearance of a man.*" This clause is followed immediately by its balancing *antithesis*, returning to Dio's main point, thereby constituting an example of *commoratio*, dwelling on or returning to one's strongest argument:¹⁵³ ἐν δὲ τοῖς ἄλλοις τῷ ἔργῳ καὶ τῷ σχήματι τῆς φωνῆς ὠραῖζετο. τὰ τε γὰρ ἄλλα καὶ ὠρχεῖτο, οὐτι γὰρ ἐν ὀρχήματα μόνον, ἀλλὰ καὶ ἐμβαδίζων τρόπον τινὰ καὶ θύων ἀσπαζόμενός τε καὶ δημηγοῶν: "*but everywhere else he showed affectation in his actions and in the quality of his voice. For instance he used to dance, not only in the orchestra, but also, in a way, even while walking, performing*

149 Crook, *LLR*, p. 83-85.

150 *Dio*, 80.13.2-4.

151 *Digest* 3.2.1, Julianus: *infamia notatur ... qui artis ludicrae pronuntiantive causa in scaenam prodierit*, etc.

152 *SR*, *enthymeme*.

153 *SR*, *commoratio*.

sacrifices, receiving salutations, or delivering a speech."¹⁵⁴ Graeco-Roman attitudes to dance will be addressed in detail later, when we consider their implications, in the context of Graeco-Roman reactions to Varius' religious policy. For dance, according to Herodian, plays a prominent role in it. Here let it suffice to observe that Dio, in keeping with Roman, more than Greek, contempt for dance, regards it as effeminate *per se*.¹⁵⁵ And its alleged performance in the orchestra brings Varius perilously close to appearing on stage.

Varius' alleged play-acting, and preference for roles drawn from the lower social orders, is also described in the context of a different category of accusation. It is unrelated in origin to sexuality, but is linked anecdotally thereto in Dio's narrative. This category of accusation is one with which readers of earlier parts of Dio's *History* will be familiar: that of emperors appearing, not only on stage, but in the arena or the circus. For Varius is a keen chariot-racer. He likes to perform before an audience including members of his household, his prefects, both urban and praetorian, and senators, ἀρματηλατοῦντα καὶ χρυσοῦς ὡσπερ τινὰ τῶν τυχόντων αἰτοῦντα, τοὺς τε ἀγωνοθέτας καὶ τοὺς στασιώτας προσκυνοῦντα "playing charioteer and begging gold coins like any ordinary contestant and saluting the presidents of the games and the members of his faction," the Greens.¹⁵⁶ Commodus' exertions, posing as a gladiator, come to mind.

Chariot racing is linked to Varius' sexuality by an anecdote, relating the sudden appearance in Varius' life of the man he reportedly takes as husband. It follows a passage mentioning that marriage, and developing the theme of Varius' effeminacy: καὶ ἐγήματο, γυνή τε καὶ δέσποινα βασιλῆς τε ὠνομάζετο, καὶ ἠριούργει, κεκρύφαλον τε ἔστιν ὅτε ἐφόρει, καὶ τοὺς ὀφθαλμοὺς ἐνηλείφετο ψιμμυδῖα τε καὶ ἐγχούση ἐχρίετο. ἄπαξ μὲν γὰρ ποτὲ ἀπεκείρατο τὸ γένειον, καὶ ἐπ' αὐτῷ ἐορτήν ἤγαγε· μετὰ δὲ τοῦτ' ἐψιλίζετο, ὥστε καὶ ἐκ τούτου γυναικίξειν. καὶ πολλάκις καὶ κατακείμενος τοὺς βουλευτὰς ἠσπάζετο: "he was bestowed in marriage and was termed wife, mistress, and queen. He worked with wool, sometimes wore a hair-net, and painted his eyes, daubing them with white lead and alkanet. Once, indeed, he shaved his chin and held a festival to mark the event; but after that he had the hairs plucked out, so as to look more like a woman. And he often reclined while receiving the salutations of the senators."

The reference to Varius' shaving his first beard, and presumably, according to Roman custom, offering the down as a sacrifice, as well as holding a festival, reminds one of Varius' status as an adolescent, at the time all this allegedly takes place. This seems meant to render his behaviour even more monstrous, indicating such advanced depravity in one so young.

His audience thus prepared, Dio delivers his anecdote: ὁ δὲ δὴ ἀνὴρ αὐτῆς Ἰεροκλῆς ἦν, Καρικὸν ἀνδράποδον, Γορδίου ποτὲ παιδικὰ γενόμενον, παρ' οὗ καὶ ἀρματηλατεῖν ἔμαθεν. καὶ τούτου καὶ παραδοξότατα

154 *Dio*, 80.14.3.

155 *OCD*, *dancing*, p. 429a; Jory, E.J., *The Drama of the Dance: Prologomena to an Iconography of Imperial Pantomime*, in Slater, W.J., (ed.), *Roman Theatre and Society; Edward Togo Salmon Papers*, I, 1996, p. 3.

156 *Dio*, 80.14.2.

αὐτῶ ἠρέσθη. ἐν γάρ τοι ἵπποδρομία τινὶ εκπεσὼν τοῦ ἄρματος κατ' αὐτὴν τὴν τοῦ Σαρδαναπάλλου ἔδραν τό τε κράνος ἐν τῇ πτώσει ἀπέρριψε, καὶ ἐκφανεῖς αὐτῶ (λειογένειος δ' ἔτι ἦν καὶ κόμη ξανθῇ εκεκόσμητο) ἀνηρπάσθη τε εὐδὺς ἐς τὸ παλάτιον, κὰν τοῖς νυκτερινοῖς ἔργοις ἔτι καὶ μᾶλλον ἐλῶν αὐτὸν ὑπερῆξήθη, ὥστε καὶ ὑπὲρ αὐτὸν εκεῖνον ἰσχῦσαι, καὶ βραχὺ τι νομισθῆναι τὸ τὴν μητέρα αὐτοῦ ἔτι δούλην οὖσαν ἔς τε τὴν Ῥώμην ὑπὸ στρατιωτῶν ἀχθῆναι κὰν ταῖς τῶν ὑπατευκότων γυναιξὶ συναριθμηθῆναι: “The husband of this ‘woman’ was Hierocles, a Carian slave, once the favourite of Gordius, from whom he had learned to drive a chariot. It was in this connexion that he won the emperor’s favour by a most remarkable chance. It seems that in a certain race Hierocles fell out of his chariot just opposite the seat of Sardanapalus, losing his helmet in the fall, and being still beardless and adorned with a crown of yellow hair, he attracted the attention of the emperor and was immediately rushed to the palace; and there by his nocturnal feats he captivated Sardanapalus more than ever and became exceedingly powerful. Indeed, he had greater influence than the emperor himself, and it was thought a small thing that his mother, while still a slave, should be brought to Rome by soldiers and be numbered among the wives of ex-consuls.”¹⁵⁷ I would quibble with Cary’s translation here of παιδικὰ, the passive partner in sex between males, as “favourite,” preferring instead “boyfriend” or “beloved.”

This entertaining anecdote is designed to gain Dio’s readership’s amused assent to the terms of his indictment. Among those terms are the scandal caused by Varius’ transgression of social distinctions, and the direct insult to the senate thereby implied, in his reported favours towards Hierocles’ mother. The next most important, from a senatorial perspective, is the ascendancy of Hierocles, the son of a slave, over the emperor. Dio goes on to relate, picking up this theme, and transferring it to another context, how “certain other men, too, were frequently honoured by the emperor and became powerful, some because they had joined in his uprising, others because they committed adultery with him.” Dio thereby tars both categories of men with the same brush. He goes on to develop the theme of Varius’ adulteries, relating how he contrives to be caught in the act, and beaten by Hierocles, ἵνα κὰν τοῦτω τὰς ἀσελγεστάτας γυναικας μιμῆται: “so that in this respect, too, he might imitate the most lewd women.”¹⁵⁸ This adds to the catalogue of Varius’ perversities a pattern of behaviour untypified by any ancient word in either Greek or Latin that we know of, but corresponding to what in modern times would come to be called by the Greek neologism *algolagnia*, or Masochism.

Dio explicitly attributes Varius’ downfall partly to his obsession with Hierocles: εκεῖνον δ’ οὖν οὕτως οὐ κούφη τινὶ φορᾷ ἀλλὰ συντόμῳ καὶ δευσοποιῶ ἔρωτι ἠγάπα, ὥστε μὴ ὅτι ἐπὶ τοιούτῳ τινὶ ἀγανακτῆσαι, ἀλλὰ καὶ τοῦναντίον ἐπ’ αὐτοῖς εκεῖνοις μᾶλλον αὐτὸν φιλῆσαι, καὶ Καίσαρα ὄντως ἀποφῆναι ἐθελῆσαι, καὶ τῇ τε τῆθῃ διὰ τοῦτο ἐμποδῶν γενομένη ἀπειλῆσαι, καὶ τοῖς στρατιώταις οὐχ ἤκιστα δι’ αὐτὸν προσκροῦσαι. καὶ ὁ μὲν ἔμελλέ που καὶ διὰ ταῦτα ἀπολεῖσθαι: “His affection for this ‘husband’ was no light inclination, but an ardent and firmly fixed passion, so much so that he not only did not become vexed at any

157 Dio, 80.14.4 - 15.2.

158 Dio, 80.15.3.

such harsh treatment, but on the contrary loved him the more for it and wished to make him Caesar in very fact; and he even threatened his grandmother when she opposed him in this matter, and he became at odds with the soldiers largely on this man's account. This was one of the things that was destined to lead to his destruction."

This passage is crucial. It provides a transition (not yet to be used, but only after one last entertaining anecdote) to the story of Varius' downfall and death. It suggests two main elements of Dio's interpretation of that downfall. One is that, perhaps as a result of Varius' threatening her, Maesa, Varius' grandmother, turns against him, and probably brings about his downfall, just as she has his elevation to the principate. The other is that Varius' sexuality, or its attendant circumstances and consequences, involving favours to lovers and accomplices, provides both real occasion and ostensible excuse for Maesa to engineer his downfall. Exactly how this is so, is the subject of a subsequent study.

Dio's final anecdote relating to Varius' sexuality is cast in the mode of an Ephesian tale: it begins with a *paradox*,¹⁵⁹ a statement that is self-contradictory on the surface, but turns out to make sense after all. In so doing, it also proleptically announces its outcome: *Αὐρήλιος δὲ δὴ Ζωτικὸς ... καὶ ἐφιλήθη πᾶν ὑπ' αὐτοῦ καὶ ἐμισήθη, καὶ διὰ τοῦτο καὶ ἐσώθη*: "*Aurelius Zoticus ... incurred the emperor's thorough love and thorough hatred, and for the latter reason his life was saved.*" Then it goes on to relate how Varius' scouts find his young man, the son of a cook from Smyrna, more than usually genitally endowed, and bring him to Varius with great pomp and circumstance: *καὶ προσειπόντα, οἷα εἰκὸς ἦν, "κύριε αὐτοκράτορ χαῖρε," θανμαστῶς τόν τε αὐχένα γυναικίσας καὶ τοὺς ὀφθαλμοὺς ἐπεγκλάσας ἠμείψατο, καὶ ἔφη οὐδὲν διστάσας "μὴ με λέγε κύριον· ἐγὼ γὰρ κυρία εἰμί."* "*Sardanapalus, on seeing him, sprang up with rhythmic movements, and then, when Aurelius addressed him with the usual salutation, 'My Lord Emperor, Hail!' he bent his neck so as to assume a ravishing feminine pose, and turning his eyes upon him with a melting gaze, answered without any hesitation: 'Call me not Lord, for I am a Lady.'*"¹⁶⁰ Dio goes on to relate how Hierocles, alarmed by the incursion of this rival for Varius' affections, arranges with the palace staff for Aurelius to be given a potion, during his first evening meal with Varius, the presumed prelude to a night of energetic love, which renders the prodigious young man impotent. As a result *ἀφηρέθη τε πάντων ὧν ἐτετυχήκει, καὶ ἐξηλάθη ἔκ τε τοῦ παλατίου καὶ ἐκ τῆς Ῥώμης καὶ μετὰ ταῦτα καὶ ἐκ τῆς λοιπῆς Ἰταλίας· ὃ καὶ ἔσωθεν αὐτόν*: "*he was deprived of all the honours he had received, and was driven out of the palace, out of Rome, and later out of the rest of Italy; and this saved his life.*"

Concluding this anecdote, Dio proleptically announces Varius' fate: *Ἐμελλε δὲ πού καὶ αὐτὸς ὁ Σαρδανάπαλλος ἀξιώτατον τῆς μιαιρίας τῆς ἑαυτοῦ μισθὸν οὐ πολλῶ ὕστερον κομιεῖσθαι. ἀτε γὰρ ταῦτα ποιῶν καὶ ταῦτα πάσχων ἐμισήθη ὑπὸ τε τοῦ δήμου καὶ ὑπὸ τῶν στρατιωτῶν, οἷς μάλιστα προσέκειτο, καὶ τελευταῖον καὶ ἐν αὐτῷ τῶ στρατοπέδῳ ὑπ' αὐτῶν ἐσφάγη*: "*Sardanapalus himself was destined not much*

159 *SR*, *paradox*.

160 *Dio*, 80.16.4.

later to receive a well-deserved reward for his debauchery. For in consequence of doing and submitting to these things he became hated by the populace and by the soldiers, to whom he was most attached, and at last he was slain by them in the very camp.”¹⁶¹ Nothing could be clearer than that Dio intends his audience or readership to feel that this amounts to the execution of a fully justified sentence.

Several short passages, derived from diverse sources, are inserted by Boissevain into the narrative of Varius’ fall. One asserts: Ἐς τοσαύτην δὲ συνηλάθῃ ἀσέλγειαν ὡς καὶ τοὺς ἰατροὺς ἀξιοῦν αἰδῶ γυναικείαν δι’ ἀνατομῆς αὐτῷ μηχανήσασθαι, μεγάλους ὑπὲρ τούτου μισθοὺς αὐτοῖς προῖσχύμενος. “He carried his lewdness to such a point that he asked the physicians to contrive a woman’s vagina in his body by means of an incision, promising them large sums for doing so.”¹⁶² Another quotes Varius as saying “οὐδὲν δέομαι ὀνομάτων ἐκ πολέμου καὶ αἵματος· ἀρκεῖ γάρ μοι καὶ εὐσεβῆ καὶ εὐτυχῆ παρ’ ὑμῶν καλεῖσθαι.” “I do not want titles derived from war and bloodshed. It is enough for me that you call me Pius and Felix.”¹⁶³ This not only implies effeminacy, but dereliction of Varius’ duty, as Emperor, to conduct a military policy. Addressing his flatterers in the senate, Varius is alleged to say: “ὑμεῖς μὲν ἀγαπᾶτέ με καὶ νῆ Δία καὶ ὁ δῆμος καὶ τὰ ἔξω στρατόπεδα. τοῖς δὲ δορυφόροις οἷς τοσαῦτα δίδωμι οὐκ ἀρεσκῶ.” “Yes, you love me, and so, by Jupiter, does the populace, and also the legions abroad; but I do not please the Praetorians, to whom I keep giving so much.”¹⁶⁴

Taken together, these brief passages summarise the final stage of Dio’s account of Varius. His effeminacy, together with his closely related failure successfully to play the role of a military emperor, lead the praetorians to turn against him. The fact (if it is one) that the populace loves him is hardly likely to endear him to the senate, whose flattery he seems here to accept uncritically. Nor is the fact (with the same proviso) that he owes his elevation to the legionary soldiers of any use to him in Rome, which is controlled, at least militarily, by the praetorians. Dio, despite his previous execration of the praetorians as the murderers of Pertinax and auctioneers of the empire to Didius Julianus,¹⁶⁵ here seems content to allow their successors, in another generation, to act as agents of what he sees as justice.

Herodian’s account of Varius’ reign.

Herodian’s account of Varius’ reign, written probably within three decades of its end,¹⁶⁶ arguably counts Dio’s as a source.¹⁶⁷ Without ever citing Dio, Herodian reflects awareness of his text, sometimes

161 *Dio*, 80.17.1.

162 *Dio*, 80.16.7, deriving from Zon. 12, 14, p. 118, 30 - 119, 3 D; *Dio*, 80.17.1., culled from Leo p. 287, 18-19 Cram., Cedr. 1 p. 449, 22 - 450, 1. B., cod. Paris. 1712 f. 80^v., says much the same thing.

163 *Dio*, 80.18.4, deriving from Petr. Patr. *Exc. Vat.* 153 [p. 232 Mai. = p. 217, 14-16 Dind.].

164 *Dio*, 80.18.4, deriving from Petr. Patr. *Exc. Vat.* 154 [p. 232 sq. Mai. = p. 217, 17-20 Dind.].

165 *Dio*, 74.8 - 74.12.

166 See C.R. Whittaker’s *Introduction* to the Loeb Classical Library edition of *Herodian’s History*.

167 Kolb, F., *Literarische Beziehungen zwischen Cassius Dio, Herodian und der “Historia Augusta”*, BHAF, 4.9, BHAC, 1972.

follows its order and diction, and echoes its main propositions. Exegesis of Herodian's account therefore involves comparison with Dio's. Such exegetical comparison will be distinct from that confrontation to be undertaken later, for the purpose of verification. Herodian's account, considerably shorter, and generally less detailed than Dio's, adds no new charges to the catalogue of Varius' alleged offences. It does, however, provide new material, illustrating, sometimes in greater detail than Dio, certain aspects of Varius' claimed behaviour. This not only broadly corroborates Dio's accusations, but allows one more fully to imagine circumstances and events that Dio merely reports or alludes to. A study of similarities and differences in detail and emphasis between Herodian's and Dio's accounts of Varius is undertaken elsewhere in these studies.¹⁶⁸ Here we focus only on those relevant to this enquiry's remit: to interpret and explain allegations concerning Varius' alleged crimes and misdemeanours.

Herodian's account of Varius is both similar and different from Dio's. They both write in Greek, not Latin. Though Herodian is younger than Dio, he, too, is older than Varius, living through Varius' reign as a young, rather than old man. Neither Dio nor Herodian claims direct witness of Varius. Though it is not implausible that Herodian may have witnessed public events allegedly occurring in Rome, such as religious sacrifices and processions, which he describes in greater detail than Dio, he does not specifically claim to have done so. Whereas Dio describes in considerable detail circumstances inside the walls of the palace, or official events enacted in the senate, Herodian often omits them altogether, or alludes to them only superficially.

These differences derive from differences in status and in access to sources, even of second-hand information. Herodian's ethnicity and class are the subject of debate among historians.¹⁶⁹ It does seem clear, however, that he does not belong to the same class as Dio. Their attitudes and approaches are very different. Their audiences or readerships are also different. Dio is writing for insiders, mainly fellow senators, or at least members of the upper orders, familiar with Rome, with other members of its establishment, and with the workings of the body politic at its highest levels. Herodian may be writing for provincials, unfamiliar with Rome, who need things Roman explained to them, (though this view has been challenged). Whoever they are, they respond, if Herodian's account may be taken to cater to their tastes, more to an emplotted narrative, emphasising the dramatic, thaumaturgic, or even psychological aspects of a story, than to an argument proposing political, legal or moral interpretations of circumstances and events. In short, while Dio, in his indictment of Varius, sometimes condescends to entertain, in order to persuade, Herodian sets out to entertain, without trying to persuade. Specific categories of offence, therefore, broadly coinciding with those established by Dio, appear in Herodian's account of Varius' reign, but are presented more with curiosity than condemnation.

Without citing Dio, Herodian professes agnosticism with respect to Dio's assertion that Varius' claim

168 *Historiographica Variana*, in the series of the *Documenta*, yet to be published.

169 E.g.: Cassola, Filippo, *Sulla vita e sulla personalità dello storico Erodiano*, *NRS*, 41, 1957, p. 217; Alföldy, G., *Herodians Person*, *HABES*, 5, 1989, p. 240-272; also, Whittaker's Introduction to the Loeb edition of Herodian.

to Caracallan paternity is fraudulent, and, hence, his claim to the throne illegitimate. Even so, he hints fairly broadly at agreement with Dio's disbelief in Varius' story. Though Herodian's text is much less laden with rhetorical tropes than Dio's, his use of irony is subtler and more suggestive, particularly with respect to Maesa's role in the conspiracy leading to the coup that reportedly brings Varius to power. In Herodian's account, Maesa herself launches the rumour, εἴτε πλασασμένη εἴτε ἀληθεύουσα: "[which] may or may not have been true," that Varius is the son of Caracalla.¹⁷⁰ Her motives in wishing to put Varius on the throne are exposed as purely selfish: the desire to return to a position of power and influence in Rome. In accomplishing this aim, her tactics are far more interventionist than in Dio's account. She, not Eutygianus (who is never mentioned) takes Varius to the legionary fort, where he is proclaimed emperor. There, Varius is not paraded about in Caracalla's childhood clothes, nor does he deliver a speech from the ramparts. Indeed, Varius' contribution to the uprising has already taken place, even before its conception, by virtue of his beauty and grace in performance, in the temple of Emesa, of ecstatic dances pertaining to the ritual of the god Elagabal. These have caused the soldiers, even before hearing Maesa's allegations, to become infatuated with the boy, thus providing the inspiration and occasion for Maesa's decision to use him as a pawn in the pursuit of her ambitions.¹⁷¹ Herodian's account thus seems to blame Varius less than Dio's for his role in the uprising, and if not to blame, at least to hold Maesa more responsible.

As for murders of prominent men, Herodian disposes of them in a single sentence: πλὴν καίτοι χορεύειν αἰεὶ καὶ ἱερουργεῖν δοκῶν, πλείστους ἀπέκτεινε τῶν ἐνδόξων τε καὶ πλουσίων, διαβληθέντας αὐτῶ ὡς ἀπαρεσκομένους καὶ σκώπτοντας αὐτοῦ τὸν βίον: "Although the emperor seemed to spend all his time dancing and performing sacrifices, he executed very many distinguished and wealthy men, after information was laid that they disapproved and made fun of his way of life."¹⁷² Such a summary account of crimes on which Dio lavishes attention probably means that none of the names Dio cites would mean much to Herodian's audience. Herodian does, however, cite other reported victims of Varius' violence, as we shall see.

Herodian hardly mentions violations of precedent and protocol, except those relating to Varius' sumptuary preferences, exotic from a Roman point of view. Herodian describes, in much greater detail than Dio, Varius' priestly vestments, and the effect of his splendid appearance, not only on the soldiers at Emesa, but on the populace in Rome. He tells how, during Varius' winter in Nicomedia, before reaching Rome, Varius, warned by Maesa of Roman dislike of foreign dress in an emperor, has his portrait painted, decked out as a Syrian priest, sacrificing to his god. He has it sent ahead to Rome, to be hung in the entrance of the Senate chamber, in order to prepare the people for his appearance. Apparently this tactic works: ὡς δὲ ἐς τὴν Ῥώμην ἀφίκετο τῷ προειρημένῳ σχήματι, οὐδὲν παράδοξον εἶδον οἱ Ῥωμαῖοι,

170 *Herodian*, 5.3.10.

171 *QV3*.

172 *Herodian*, 5.6.1.

τῆ γραφῆ ἐνβιβασμένοι: “When [Varius] arrived at Rome, dressed as has been described, the Romans, conditioned by the painting, found nothing strange in the sight.”¹⁷³ This anecdote seems, on the one hand, to suggest, on Varius’ part, at least a strategic consideration of Roman sensibilities, and a rational desire to manage their possible negative consequences for him, whilst still indulging his own preference for Syrian, rather than Roman dress. On the other hand, attributing Varius’ preference for Oriental silk over Roman wool to his contempt for the latter’s cheapness, Herodian also invokes the category of extravagance, to which he devotes much more attention than does Dio. He describes, again with wealth of detail, banquets and festivals, involving huge expense.¹⁷⁴

The context of these festivals, like much else in Herodian’s account, is religious. From details, far more copious than those provided by Dio, in Herodian’s descriptions of rituals, ceremonies, and sacrifices, as well as of processions and festivals, one can build up a picture (whose accuracy is discussed elsewhere in these studies)¹⁷⁵ of a cult with characteristics not unfamiliar to scholars of ancient Semitic religion.¹⁷⁶ What interest us here, however, are those respects in which Varius’ presumed adherence to assumptions and practices proper to the cult of Elagabal leads him into transgression of Roman religious custom and law.

Herodian follows Dio’s lead in presenting Varius’ marriages in the light of his effeminacy. He relates Varius’ liaison with Aquilia Severa (whom he does not name any more than does he Varius’ other wives): μετ’ ἐκείνην δὲ προσποιησάμενος ἐρᾶν, ἵνα δὴ καὶ τὰ τῶν ἀνδρῶν πράττειν δοκοίη, παρθένου τῆ Ῥωμαίων Ἑστία ἱερωμένης ἀγνεύειν τε πρὸς τῶν ἱερῶν νόμων κελευομένης καὶ μέχρι τέλους τοῦ βίου παρθενεύεσθαι, ἀποσπάσας αὐτήν τῆς Ἑστίας καὶ τοῦ ἱεροῦ παρθενωῦνος γυναῖκα ἔθετο, ἐπιστείλας τῆ συγκλήτῃ καὶ παραμυθησάμενος ἀσέβημά τε καὶ ἀμάρτημα τηλικούτον, φήσας ἀνδρώπιόν τι πεπονθέναι πάθος· ἔρωτι γὰρ τῆς κόρης ἀλωκέναι, ἀρμόζοντά τε καὶ σεβάσμιον εἶναι γάμον ἱερέως τε καὶ ἱερείας: “Then, in order to provide a semblance of his virility, he pretended to fall in love with a Vestal Virgin, a priestess of the Roman goddess Vesta, bound by sacred law to remain a pure virgin to the end of her life. The girl was taken away from Vesta’s service and the women’s quarters of the temple to be installed as his wife. He sent a letter to the senate excusing his great impiety and sin, but saying he had fallen victim to his manly passion and was smitten with love for the girl; marriage between a priest and a priestess, he added, was fitting and sacred.”¹⁷⁷ So Herodian claims that Varius both provides a causal explanation for his own behaviour, in terms of his religion, and attempts self-exculpation, by lamenting, thus acknowledging, that behaviour’s characterisation as a sin under Roman religious law. This distinguishes Herodian’s account of this liaison from Dio’s, which lacks

173 *Herodian*, 5.5.7.

174 *Herodian*, 5.6.6-10.

175 *Religio Variana*, yet to be published.

176 Buren, E.D. van, *The sacred marriage in early times in Mesopotamia*, *Orientalia*, 13, 1944, p. 1-72; Frey, M., *Untersuchungen zur Religion und zur Religionspolitik des Kaisers Elagabal*, *Historia Einzelschriften*, 62, 1989, (henceforth *URRPKE*).

177 *Herodian*, 5.6.2.

mitigate its consequences, whilst still remaining set on his course.

Herodian goes on, after completing the catalogue of Varius' nameless wives, to describe the sacred marriages he brokers for Elagabal, first to Pallas, then to the goddess of Carthage, Urania. Echoing Dio's characterisation of the latter of these marriages (for Dio does not mention the former) Herodian says: ἔπαιξε δὲ γάμους οὐ μόνον ἀνθρωπείους, ἀλλὰ καὶ τῷ θεῷ, ᾧ ἱεράτευε, γυναῖκα ἐζήτει· καὶ τῆς τε Παλλάδος τὸ ἄγαλμα, ὃ κρυπτόν καὶ ἀόρατον σέβουσι Ῥωμαῖοι, ἐς τὸν ἑαυτοῦ θάλαμον μετήγαγε· καὶ μὴ κινδὲν ἐξ οὔπερ ἦλθεν ἀπὸ Ἰλίου, εἰ μὴ ὅτε πυρὶ κατεφλέχθη ὁ νεώς, ἐκίνησεν οὗτος, καὶ πρὸς γάμον δὴ ἐς τὴν βασιλείον αὐλήν τῷ θεῷ ἀνήγαγε. "It was not just human marriage that he made a mockery of. In an effort to find a wife for the god he served, he transferred the statue of Pallas to his own quarters. The statue is revered by the Romans but kept hidden out of sight and never moved since it came from Troy (apart from when the temple caught fire). Now the emperor moved it and conducted it to the imperial palace to be married, one imagines, to his god." As well as introducing an instance of sacred marriage absent from Dio's account, this goes farther, though without labouring the point, in providing an instance of transgression, not, here, of Carthaginian, but of Roman religious sensibilities and law. Herodian does not make the connection, which the *Historia Augusta* will suggest, between Varius' alleged defilement of the Vestal Virgin, and his reported sacrilege in moving the statue of Pallas, which was kept in the Temple of Vesta.

Herodian does go on to recount the story of Elagabal's second (as Herodian would have it) marriage, to the goddess of Carthage. He presents it as the result of Varius' assertion of Elagabal's disaffection from Pallas, on the grounds that ἀπαρέσκεσθαι αὐτὸν ὡς πάντα ἐν ὅπλοις καὶ πολεμικῇ θεῷ, "his god was displeased with such a war-like goddess who was always armed."¹⁷⁸ This is arguably a misrepresentation, based on Herodian's misunderstanding of the inherently polygamous, or at least digamous, nature of sacred marriage in Semitic religion. This typically leads to the constitution of a triad, with a single male god, flanked by two goddesses, one warlike, the other pacific.¹⁷⁹ That being as it may, Herodian notes how this wedding provides an occasion for Varius' acquisition of a sizeable dowry, and for costly festivities, thus echoing Dio's charges of misappropriation and extravagance. To these Herodian adds the observation that Varius thereby sought to curry the people's favour.¹⁸⁰

For a time, it seems, Varius succeeds, as Herodian's account of his public processions suggests.¹⁸¹ Although Herodian describes Varius' celebration of sacrifices to Elagabal in some detail, emphasising their extravagance, and highlighting the role of dance in the ritual, they do not involve human sacrifice or castration. They do involve the participation of military prefects and important officials, dressed in Syrian hieratic vestments.¹⁸² This, one surmises, together with Elagabal's apparent popularity, must have

178 *Herodian*, 5.6.4.

179 Frey, Martin, *URRPKE*, p. 52, text & n. 4; p. 53, text & n. 1.

180 *Herodian*, 5.6.6.

181 *Herodian*, 5.6.7-8.

182 *Herodian*, 5.5.8-10.

outraged and alarmed the Roman establishment.

Regarding the final category of accusation proposed by Dio, that of Varius' sexuality, Herodian has much less to say than Dio, and much less explicitly. There is no direct characterisation as such of Varius' sexuality. There are, however, indirect hints, through allegations of effeminacy, or of inappropriate appointments to public office. The first of these we have already noted. Herodian's account of Varius' liaison with the Vestal Virgin is presented as a pretence in order to provide a semblance of virility. Varius' masculinity has not, in Herodian's text, been directly impugned up till that point, although his reported sumptuary propensities, and his devotion to dancing, may already have suggested effeminacy.

Later in the text, another hint is dropped: αὐτὸς δὲ ἐβλέπετο πολλάκις ἠνιοχῶν ἢ ὀρχούμενος· οὐδὲ γὰρ λανθάνειν ἤθελεν ἀμαρτάνων. προῆει τε ὑπογραφόμενος τοὺς ὀφθαλμοὺς καὶ τὰς παρειὰς ἐρυθραίων, φύσει τε πρόσωπον ὠραῖον ὑβρίζων βαφαῖς ἀσκήμοσιν: *"The emperor himself was often to be seen driving his chariot or dancing, making no attempt to conceal his vices. He used to go out with painted eyes and rouge on his cheeks, spoiling his natural good looks by using disgusting make-up."*¹⁸³ The link of chariot racing to dancing, and their joint characterisation as vices, recalls Dio's link of chariot racing to Varius' sexuality. Mention of Varius' good looks harks back to Herodian's suggestion, in his account of the conception of the *coup*, that Varius' beauty is a major factor in gaining the soldiers' allegiance.

Having adopted his cousin Alexander as his son and heir, Varius reportedly τοὺς τε οὖν διδασκάλους αὐτοῦ πάντας ἀπεσόβει τῆς βασιλείου αὐλῆς, τινὰς τε αὐτῶν τοὺς ἐνδοξοτάτους οὓς μὲν ἀπέκτεινεν οὓς δὲ ἐφυγάδευσεν, αἰτίας γελοιοτάτας ἐπιφέρων, ὡς διαφθείροισιν αὐτῷ τὸν δοκοῦντα υἱόν, οὐκ ἐπιτρέποντες χορεύειν ἢ βακχεύεσθαι, σωφρονίζοντες δὲ καὶ τὰ ἀνδρῶν διδάσκοντες, ἐς τοσοῦτον δὲ ἐξώκειλε παροινίας ὡς πάντα τὰ ἀπὸ τῆς σκηνῆς καὶ τῶν δημοσίων θεάτρων μεταγαγεῖν ἐπὶ τὰς μεγίστας τῶν βασιλικῶν πράξεων: *"cleared out all Alexander's teachers from the court, executing some of the extremely distinguished ones and driving others into exile. Ridiculous charges were brought against them, that they were corrupting his adopted son by not allowing him to dance or go into a frenzy, but teaching him moderation and manly arts. The emperor was driven to such extremes of lunacy that he took men from the stage and the public theatres and put them in charge of most important imperial business."* Listing these, Herodian concludes: τοῖς δὲ δούλοις αὐτοῦ ἢ ἀπελευθέρους, ὡς ἔτυχεν ἕκαστος ἐπ' αἰσχυρῶ τινὶ εὐδοκίμῃσας, τὰς ὑπατικὰς τῶν ἐθνῶν ἐξουσίας ἐνεχείρισε: *"His slaves and freedmen, who perhaps excelled in some foul activity, he appointed as governors of consular provinces."* Thus Herodian connects religion, effeminacy, madness, corruption, and misgovernment.

Herodian's conclusion echoes Dio's: καιρὸν εὐκαιρον καὶ πρόφασιν δικαίαν νομίζοντες, τὸν μὲν Ἀντωνίνον αὐτὸν τε καὶ τὴν μητέρα Σοαιμίδα ... ἀναιροῦσι, τοὺς τε περὶ αὐτὸν πάντας, ὅσοι ... ὑψηρέται τε καὶ συνεργοὶ ἐδόκουν εἶναι τῶν ἀμαρτημάτων. *"Believing the opportunity was right and their case just,*

¹⁸³ Herodian, 5.6.10.

[the soldiers] killed [Varius] and his mother Soaemis... and all his retinue ... who were thought to be the attendants and confederates in his crimes.”¹⁸⁴ The use, however, of *καιρὸν*, “opportunity,” one of whose contexts is rhetorical, and of *πρόφασιν*, which I would render “pretext,”¹⁸⁵ suggests less than quite uncritical agreement with this judgement.

The *Historia Augusta's* indictment.

The *Historia Augusta* (henceforth *HA*) gives an account of Varius' rise to power, and of his reign, ranging through part of its *Vita Macrini* and the whole of its *Vita Heliogabali*.¹⁸⁶ Like Dio's, and unlike Herodian's, it is frankly cast as an indictment. Its relevance and value to the present enquiry are, however, adversely affected by three sets of factors: chronological, epistemological, and teleological. On the one hand, the *HA's* distance in time, from the circumstances and events in question, of at least one century, and possibly nearer two, means that it does not enjoy, as do both Dio's and Herodian's accounts, the advantage of contemporaneity.¹⁸⁷ On the other hand, the claim, advanced by some scholars, that the *HA* is based, at least in part, on the lost Latin history of Marius Maximus, if true, and so of the relevant sections, in whole or in part, would put the epistemological status of the *HA's* account of Varius on a par, more or less, with Dio's. For Dio's may also, in part, be based on that of Marius Maximus, or at least on reports, perhaps merely verbal, of senators who, like Marius Maximus, and unlike Dio, were present in Rome during the reign of Varius. But there are too many unsatisfied conditions in this argument for it to be rated as any more than an hypothesis. Finally, there is the question of teleology. Certain scholars plausibly maintain that the purpose of the author (whoever he may be) in the *Vita Heliogabali* is not to condemn Varius as such, but rather to use apparent condemnation of a highly inventive counterfeit of Varius as camouflage for an attack on his real targets: Constantine, and the Christian emperors succeeding him.¹⁸⁸

In the light of these considerations, the *HA* is liable to fare even worse than Dio's or Herodian's accounts, which have their own weaknesses with regard to epistemology and teleology, when it comes to verification. In consequence, it is best mainly to treat the *HA* not so much as a potential source of factual information about Varius — though threads of fact may be woven into its tissue of invention — but rather as relevant to study of Varius' posthumous legend or myth.¹⁸⁹ Like other late antique texts, cited above, it reflects the nature and extent of that legend's currency in ancient times. Unlike them, it does add some

184 *Herodian*, 5.8.8.

185 Liddell & Scott, *Greek-English Lexicon*, 8th ed., 1897, p. 1331-1332: “*πρόφασις* : that which is alleged as the cause, whether the true cause, or a plea to cover the true cause... generally, the superficial, obvious cause, opp. to the deeper and more real ... the pretext or pretence for a thing ... excuse,” etc.

186 *Vita Macrini* = *Opellius Macrinus* = *HA/OM*; *Vita Heliogabali* = *Antoninus Heliogabalus* = *HA/AH*.

187 See Dessau, H., *Über Zeit und Persönlichkeit der Scriptores Historiae Augustae*, *Hermes*, 24, 1889, p. 337-392, and the ensuing controversy and research, still ongoing, largely chronicled in *BHAF* and *BHAC*.

188 Turcan, R., *Héliogabale précurseur de Constantin? BAGB*, 1, 1988.

189 Conducted in *Metamorphoses Varianae*, the third main division of *Studia Variana*, alongside *Documenta* and *Questiones*.

new items to the list of accusations against Varius, and may, therefore, briefly be considered here.

With regard to Varius' allegedly fraudulent and mutinous seizure of the principate, the *HA* suggests disbelief in the story of his Caracallan paternity, without explicitly rejecting it.¹⁹⁰ It also says of his mother, whom it calls Symiamira: *Antonino autem Caracallo stupro cognita, ita ut hinc vel Varius vel Heliogabalus vulgo conceptus putaretur: "her amour with Antoninus Caracalla was so notorious that Varius, or rather Elagabalus, was commonly supposed to be his son."*¹⁹¹ It has Varius cooperate only passively with the mutiny, by being shown to the troops besieging the fort, thereby converting them to his cause, but without making any speech.¹⁹²

As for Varius' reported murders of prominent men, the *HA* only cites by name, Macrinus and his son Diadumenianus,¹⁹³ (killings which neither Dio nor Herodian include in this category) and the rhetorician Silvinus,¹⁹⁴ Alexander's teacher. It does, however, ascribe to Varius the intention to murder Sabinus, a man of consular rank,¹⁹⁵ and also, like both Dio and Herodian, Alexander himself.¹⁹⁶ In addition, it says that *cecidit et humanas hostias, lectis ad hoc pueris nobilibus et decoris per omnem Italiam patrimis et matrimis, credo ut maior esset utrique parenti dolor: "[Varius] also sacrificed human victims, and for this purpose he collected from the whole of Italy children of noble birth and beautiful appearance, whose fathers and mothers were alive, intending, I suppose, that the sorrow, if suffered by two parents, should be all the greater."*¹⁹⁷ This particular charge is found only in the *HA*.

The *HA* does not mention those violations of protocol and precedent alleged by Dio. Yet it makes a major issue of something Dio seems to take in his stride: the introduction of women into the senate chamber. Dio states, without objection, that Maesa and Soaemias are present in the senate for the adoption of Alexander.¹⁹⁸ The *HA* says of Varius: *Deinde ubi primum diem senatus habuit, matrem suam in senatum rogari iussit ... solusque omnium imperatorum fuit, sub quo mulier quasi clarissima loco viri senatum ingressa est: "Then, when he held his first audience with the senate, he gave orders that his mother should be asked to come into the senate-chamber ... [he] was the only one of all the emperors under whom a woman attended the senate like a man, just as though she belonged to the senatorial order."*¹⁹⁹ Indeed, the *HA's* author feels so strongly about this, that *cautumque ante omnia post Antoninum Heliogabalum ne umquam mulier senatum ingrederetur, utique inferis eius caput dicaretur devovereturque per quem id esset*

190 *HA/OM*, 8.4, 9.4; *HA/AH*, 1.4, 2.3, 3.1.

191 *HA/AH*, 2.1.

192 *HA/OM* 10.2.

193 *HA/AH*, 1.4.

194 *HA/AH*, 16.5.

195 *HA/AH*, 16.2.

196 *HA/AH*, 13.5.

197 *HA/AH*, 8.1.

198 *Dio*, 80.17.2.

199 *HA/AH*, 4.1-2.

factum: “the first measure enacted after the death of [Varius] provided that no woman should ever enter the senate, and that whoever should cause a woman to enter, his life should be declared doomed and forfeited to the kingdom of the dead.”²⁰⁰

Human sacrifice is cited, above, in the category of murder, but it belongs also to that of religious innovation and sacrilege. Here, the *HA* goes well beyond either Dio’s or Herodian’s claims. Echoing the latter, it curiously attributes to Varius merely the intention to transfer sacred artefacts from elsewhere to the temple of Elagabal. It lists them not only as the Palladium, but also the emblem of the Great Mother, the fire of Vesta, and the shields of the Salii, “and all that the Romans held sacred.” But its novelty here is not only quantitative, but qualitative. It says that Varius intends this *ne quis Romae deus nisi Heliogabalus coleretur*: “purposing that no god might be worshipped at Rome save only Elagabalus.”²⁰¹ This charge of seeking to impose on Rome a foreign monotheism, reiterated elsewhere in the *HA*,²⁰² must be understood in the light of Constantine’s and his successors’ imposition of Christianity.

At this locus, the charge is followed, and contradicted, by the statement: *dicebat praeterea Iudaeorum et Samaritanorum religiones et Christianam devotionem illuc transferendam, ut omnium culturarum secretum Heliogabali sacerdotium teneret*: “He declared, furthermore, that the religions of the Jews and the Samaritans, and the rites of the Christians must also be transferred to this place in order that the priesthood of Elagabalus might include the mysteries of every form of worship.”²⁰³ This charge is repeated at a later locus, where Varius’ alleged violation of the Vestal Virgin is mentioned. This is followed by an account of how the Vestals fool Varius into taking a replica, rather than the real Palladium. These contradictions, the coexistence of alternative accounts of the same story, and the distribution of thematically related parts of the account into widely separated loci, suggest an incoherent text.

Another novelty that the *HA* introduces into the category of Varian religious innovation is that Varius practised the rites of the Great Mother (Cybele), the taurobolium, a rite pertaining to the cult of Mithras, and the rites of Salambo, a goddess of Carthage.²⁰⁴ What a busy boy he must have been!

Varius’ alleged sexuality figures far more prominently and copiously in the *HA* than in either Dio’s or Herodian’s accounts. It is, however, linked, as it is in both its predecessors’ reports, to speculation, and to inappropriate appointments to public office. In addition, the *HA* develops the accusation of extravagance far beyond anything imagined by Dio or Herodian, linking it at times to sexuality, but more often to sumptuary, gustatory, festive and spectacular contexts. Finally, within the broader context of

200 *HA/AH*, 18.3.

201 *HA/AH*, 3.4.

202 *HA/AH*, 6.7.

203 *HA/AH*, 3.4. David Magie, editor and translator of the Loeb edition of this text, believes this statement to be a later addition, and refers the reader to *O.F. Butler*, p. 126. (See bibliographical appendix.)

204 *HA/AH*, 7.1-3.

extravagance, it introduces a new category: practical jokes. This is sometimes linked to violations of precedent, and to innovations in religion, by way of the obligatory participation of senators and high officials in rituals, banquets, or festivals, where their dignity is ridiculed.²⁰⁵

One has already formed an impression of textual incoherence, occasioned by self-contradiction, alternative accounts of the same thing, and the apparently random distribution throughout the text of passages devoted to the same topic. This develops, in those parts devoted to these subjects (most of them concentrated in the latter part of the *Vita Heliogabali*, after Varius' death has been recorded for the first time) into an impression of chaos. Elsewhere in these studies a search is undertaken for principles of organisation in this text.²⁰⁶ Here, however, we shall merely note examples of the categories in question, contributing to an indictment of Varius, or of whoever is meant.

At least the charge (which, by now, it has become)²⁰⁷ that Varius is sexually involved with men and boys is stated at the outset of this catalogue.²⁰⁸ Near its end, he is credited with having invented new forms of vice.²⁰⁹ That Varius is obsessed with the size of male sexual organs is also claimed.²¹⁰ This, together with acceptance of bribes, becomes the basis of selection for appointment to high office, thus constituting a corrupt phallogocracy.²¹¹ After Varius' death, however, its members, perhaps paradoxically, are executed by piercing of the anus.²¹² Reference to a brothel in the palace is also to be found,²¹³ as well as to construction and use of baths for the purpose of procuring.²¹⁴ Varius' relations with prostitutes both female and male are elevated to the status of official policy, in the form of separate assemblies for each sex, modelled on an emperor's address to the troops, followed by a distribution of largesse.²¹⁵

This links Varius' sexuality with his extravagance, as do the assertion that he never has sex with the same woman twice, except with his wife,²¹⁶ and the story that he purchases harlots to set them free,²¹⁷ acquiring an especially expensive one in order to keep her untouched, as if she were a virgin.²¹⁸ Such paradoxical extravagance also informs Varius' preference for seafood only in the mountains, never by the sea.²¹⁹ Exotic banquet menus, as well as public spectacles and entertainments, provide numerous

205 *HA/AH*, 20.1-2, 27.1, 28.5

206 *Historiographica Variana*.

207 *HA/AH*, 32.5.

208 *HA/AH*, 5.1.

209 *HA/AH*, 33.1.

210 *HA/AH*, 5.3, 8.6.

211 *HA/AH*, 6.1, 9.3, 10.3, 12.1-4.

212 *HA/AH*, 16.5.

213 *HA/AH*, 24.2.

214 *HA/AH*, 8.6, 31.7.

215 *HA/AH*, 26.3-5, 27.7, 32.9

216 *HA/AH*, 24.2.

217 *HA/AH*, 25.5.

218 *HA/AH*, 31.1.

examples of extravagance.²²⁰ So do costly decorations, vessels and utensils, and favours to guests.²²¹ They also provide occasions for Varius to indulge his sense of humour, in the form of extraordinary menus, curious guest lists, dubious favours, games of chance, and elaborate practical jokes, sometimes with disastrous consequences.²²² Varius' strange sense of dramatic realism ordains that when adultery is represented on stage it be performed in fact.²²³ Once, his extravagance serves his god.²²⁴ And there are even instances of plain extravagance, for conspicuous display or self-gratification, uncontaminated by god, sex, paradox, or humour.²²⁵ He is also claimed to have planned an extravagant death for himself, his plans being spoiled by his murder and infumination through a sewer into the Tiber.²²⁶

The author concludes this recitation of Varius' wrongs remarking that his death put an end to his fraudulent tenure of the name *Antoninus*.²²⁷ Previously, on the occasion of his first account of Varius' death, he has told of that name's erasure from the public records by order of the senate. He has justified that death with reference to "the general hatred of all," as evidenced by the list of insulting names by which Varius is dubbed, *si quando ea erant designanda quae sub eo facta videbantur*: "all of which were to signify what seemed to have been done during his rule."²²⁸ This suggests a certain scepticism on the author's part regarding his own text. Perhaps, however, his most revealing statement in the whole of it is: *sed et haec et alia nonnulla fidem transeuntia credo esse ficta ab iis qui in gratiam Alexandri Heliogabalum deformare voluerunt*: "However, these and some other things which surpass credence, I believe to have been fabricated by those who wished to vilify Elagabalus in order to curry favour with Alexander."²²⁹

The late antique transmission of the charges against Varius.

Late antique historiographical transmission of the charges against Varius adds almost nothing new to the list, but gives some indication of their currency. Alongside the relevant texts, I shall note those which, while mentioning Varius, omit reference to his alleged crimes and misdemeanours.

Eusebius' *Ecclesiastical History* comments on the brevity of Varius' reign, but does not refer to any accusations against him.²³⁰

219 *HA/AH*, 23.8.

220 *HA/AH*, 19.2-7, 20.4-7, 21.1-4, 24.1, 24.3, 25.6, 27.3, 28.4, 29.3-6, 30.2-6, 32.4.

221 *HA/AH*, 21.7, 23.6-7, 24.3-4.

222 *HA/AH*, 21.5, 22.1-4, 23.2, 24.5, 25.1-3, 25.9, 26.6-8, 27.4-5, 29.7, 32.5.

223 *HA/AH*, 25.4.

224 *HA/AH*, 24.7.

225 *HA/AH*, 19.1, 19.8-9, 20.4, 21.6, 23.1, 23.3-5, 24.1-2, 24.6, 26.1, 27.2, 27.6, 29.1, 29.8-9, 30.7-8, 31.2-6, 31.8, 32.1-3.

226 *HA/AH*, 33.1-7.

227 *HA/AH*, 33.8.

228 *HA/AH*, 17.4-7.

229 *HA/AH*, 30.8.

230 Eusebius, *Historia Ecclesiastica*, 6.21.1-2

The *Fasti Consulares* of 354 A.D., the *Liber Generationis*, the *Chronica Urbis Romae*, the *Consularia Constantinopolitana*, and Prosper Tiro's *Epitoma Chronicon*, all mention Varius, but none alludes to the accusations against him. In this series of chroniclers, only Jerome, in *Chronicorum a. DXI pars Hieronymiana*, notes: *Caracallae ut putabatur filius, obscene vivens. "Thought to be the son of Caracalla, he lived obscenely."*²³¹

Aurelius Victor's *Liber de Caesaribus*: *Hoc impurius ne improbae quidem aut petulantes mulieres fuere: quippe orbe toto obscoenissimos perquirebat, visendis tractandisque artibus libidinum ferendarum. "Not even women of loose morals and scandalous life were more impure than he. Indeed, he searched the whole world for the most depraved, so that they could show him their libidinous arts and train him in them."*²³²

The anonymous *Epitome de Caesaribus*: *probris se omnibus contaminavit. cupiditatem stupri, quam assequi naturae defectu nondum poterat, in se convertens muliebri nomine Bassianam pro Bassiano iusserat appellari. Vestalem virginem quasi matrimonio iungens suo abscisique genitalibus Matri se Magnae sacravit. "He polluted himself with every form of impurity. Unable due to a defect of nature to satisfy lust, he turned it in on himself, commanding that instead of Bassianus he be called by the female name Bassiana. Joined to a Vestal virgin as if in matrimony, he cut off his genitals and devoted himself to the worship of the Great Mother."*²³³

Eutropius, *Breviarium*: *probris se omnibus contaminavit. impudicissime et obscenissime vixit, biennioque post et octo mensibus tumultu interfectus est militari et cum eo mater Symiasera: "He polluted himself with every form of impurity. He led a life of the utmost shamelessness and obscenity."*²³⁴

Ammianus Marcellinus mentions Varius, but does not refer to any accusations against him.²³⁵

Paulus Orosius: *hic sacerdos Heliogabali templi nullam sui nisi stuprorum flagitiorum totiusque obscenitatis infamem satis memoriam reliquit. "This priest of the temple of Elagabalus left no memorial of himself save an infamous record of depravities, scandals, and all manner of obscenities."*²³⁶

Hydatius records Varius' reign with no mention of any accusations against him.²³⁷

Zosimus: *Τοῦ δὲ Ἀντωνίνου κρατήσαντος καὶ τοῖς τὰ Μακρίνου φρονήσασιν ὡς δυσμενέσιν ἐπεξελλόντος, τὰ τε ἄλλα αἰσχρῶς καὶ ἐπονειδίστως βεβιωκότος, μάγοις τε καὶ ἀγύρταις ἐσχολακότος καὶ περὶ τὰ θεῖα*

231 All to be found in Mommsen's *Chronica Minora*, vol. 1. Jerome: p. 641.

232 Aurelius Victor, *Liber de Caesaribus*, 23.2.

233 *Epitome de Caesaribus*, 23.3.

234 Eutropius, *Breviarium Ab Urbe Condita*, 8.22.

235 Ammianus Marcellinus, 26.6.19.

236 Paulus Orosius, *Historiarum adversum Paganos Libri VII*, 18.4.

237 *Idatii Episcopi Aquafaviensis Descriptio Consulium*, 218-222.

ήσεβηκότος, οὐκ ἐνεγκόντες οἱ Ῥωμαῖοι τὴν ἀσελγείας ὑπερβολὴν, κατασφάζαντες καὶ τὸ σῶμα διασπάσαντες ... “Victorious, [Varius] punished Macrinus’ followers as enemies, and otherwise led a shameful and disgraceful life, devoting his time to soothsayers and charlatans, and showing impiety towards religion. The Romans, unable to bear the excesses of his dissolute conduct, slew him, tore his body to pieces ...”²³⁸

Cassiodorus records Varius’ reign, but mentions nothing concerning accusations against him.²³⁹

Malalas, epitomised in *Excerpta de Insidiis*, mentions Varius’ murder at the hands of his own soldiers, but suggests nothing as to its possible causes.²⁴⁰

The epitome of Dio in *Excerpta de Virtutibus et Vitiis* repeats Dio’s charges in abbreviated form.²⁴¹

Xiphilinus’ epitome of Dio is the source for much of the latter part of the reconstituted text that has been cited here.²⁴²

Zonaras epitome of Dio is likewise a source for part of Boissevain’s reconstitution of Dio’s text.²⁴³

The only novelty here is the assertion of the *Epitome de Caesaribus* that Varius castrated himself and joined the ranks of the eunuch priests of Cybele. If so, such mutilation would have rendered him unfit, from the point of view of Roman religion, to exercise his function as Pontifex Maximus. Otherwise, it can be seen that of all the elements of Dio’s indictment of Varius, of Herodian’s account of him, and of the *Historia Augusta’s* indictment of whomever he is meant to represent, the most persistent in the historiographical tradition are those relating to his alleged sexual behaviour.

These are the elements that are transmitted to the early antiquarians of the Renaissance, and which come to constitute the gist of the myth or legend of Varius in modern times. That myth or legend is the object of investigation in its own right, in a separate section of these studies, under the name of *Metamorphoses Varianae*. The present enquiry, into the factual reality or otherwise, as well as into the status and meaning in the context of their time, of these accusations, will continue in the next of these *Quaestiones: Res Gestae Varianae*. There we shall seek to verify these accusations, in order, so far as possible, to render a verdict on this indictment.

238 Zosimus, *Historia Nova*, 1.11.1.

239 *Cassiodori Senatoris chronica ad a. DXIX*, in Mommsen’s *Chronica Minora*, vol. 2., p. 145.

240 *Excerpta de Insidiis, ex Ioanne Malala*, f. 159r, 15.

241 *Excerpta de Virtutibus et Vitiis, e Cassio Dionis Lib. LXXVII 24,3 – LXXX 4,2*, 403-414.

242 *Cassii Dionis Cocceiani Historiarum Romanarum quae supersunt.*, Ed. Boissevain, Vol 3., p. 720-729.

243 *Ioannis Zonanae Epitome Historiarum*, 12.14 (PI 616) – 12.15 (PI 618), Ed. Dindorf, p. 116-119.

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Abbreviations:

- Ammianus Marcellinus = Ammianus Marcellinus, *Res Gestae*, 26.6.20, Loeb Classical Library, ed. Rolfe.
- ANRW* = *Aufstieg und Niedergang der römischen Welt*
- Arcadie* = *Arcadie, Revue Littéraire et Scientifique*
- Aurelius Victor = Sextus Aurelius Victor, *Liber de Caesaribus*, ed. Pichlmayr, 1970, 23.
- AVFGS* = *Abhandlungen zur Vor- und Frühgeschichte, zur klassischen und provinzial-römischen Archäologie, und zur Geschichte des Altertums*
- Barbieri, *Albo Senatorio* = Barbieri, Guido, *L'Albo senatorio da Settimio Severo a Carino (193-285)*, 1952
- BHAC* = *Bonner Historia Augusta Colloquium*
- BHAF* = *Bonner Historia Augusta Forschungen*
- Cassiodorus = Cassiodori Senatoris *chronica ad a. DXIX = Chronica Minora*, 2, ed. Mommsen, 1894. p. 145, a.p.Chr. 219-222.
- CHL* = *Commentationes Humanarum Litterarum*
- CIL* = *Corpus Inscriptionum Latinarum*
- Crook, *LLR* = Crook, J.A., *Law & Life of Rome*, 1967
- Dio* = Cassii Dionis Cocceiani *Historiarum Romanarum Quae Supersunt*, ed. Boissevain, Weidmann, 1901; ed. & English translation by Cary, Loeb, 1969.
- Epitome de Caesaribus* = Auctoris Incerti, *Epitome de Caesaribus*, ed. Pichlmayr, 1970, 23
- Eusebius, *Historia Ecclesiastica* = Eusebii Episcopi Caesareaensis *Historia Ecclesiastica*, ed. Migne, 6.21.
- Eutropius = Eutropius, *Breviarium Ab Urbe Condita*, ed. Droysen, 1879, §22
- Excerpta de Insidiis, ex Ioanne Malala* = *Excerpta Historica Imp. Constantini Porphyrogeniti* vol. III, *Excerpta de Insidiis, ex Ioanne Malala* §15
- Excerpta de Virtutibus et Vitiis, e Cassio Dionis* = *Excerpta Historica Imp. Constantini Porphyrogeniti* vol. II, pars I, *Excerpta de Virtutibus et Vitiis, ex Cassio Dione*, §403-414.
- HA* = *Scriptores Historiae Augustae*, ed. Hohl, Samberger & Seyfarth, 1971; ed. & English translation by Magie, Loeb, 1980. *HA/AH* = *Vita Antonini Heliogabali*; *HA/SA* = *Vita Severi Alexandri*; *HA/OM* = *Vita Opellii Macrini*; *HA/Car* = *Vita Caracallae*.
- HABES* = *Heidelberger Althistorische Beiträge und Epigraphische Studien*
- HACG* = *Historia Augustae Colloquium Genevense, Atti dei Convegni sulla Historia Augusta*, 1999
- Hermes* = *Hermes, Zeitschrift für Classische Philologie*
- Herodian* = *Herodiani Historiarum Ab Excessu Divi Marci Libri Octo*, ed. Stavenhagen, Teubner, 1922; ed. & English translation by Whittaker, Loeb, 1970.
- Hydatius* = *Idatii Episcopi Aquae-flaviensis Descriptio Consulium*, 218-222, *Patrologia* 52, p. 904-5.
- JRS* = *Journal of Roman Studies*.
- Klio* = *Klio, Beiträge zur alten Geschichte*
- MAAR* = *Memoirs of the American Academy in Rome*.
- Millar, *SCD* = Millar, F., *A Study of Cassius Dio*, Oxford, 1964.
- Mommsen's *Chronica Minora* = *Monumenta Germaniae Historica, Auctorum antiquissimorum, Chronica Minora*, 1892
- OCD* = *Oxford Classical Dictionary*
- OCD, Rlp* = *Oxford Classical Dictionary*, p. 827a-834a., *law and procedure, Roman*.

O.F. Butler = Butler, Orma Fitch, *Studies in the Life of Heliogabalus*, *University of Michigan Studies, Humanities Series*, 4, 1907 (1910).

Paulus Orosius = *Orosii Historiarum adversum Paganos Libri VI I*, ed. Zangmeister, 1967.

PIR¹ = *Prosopographia Imperii Romani*, first edition.

PIR² = *Prosopographia Imperii Romani*, second edition.

QV1 = *Quaestiones Varianae, 1* = Arrizabalaga y Prado, L. de, *Existence, Identity, Nomenclature: a basis for Studia Variana, I: The Boy on the Coin*, *Tsukuba University Area Studies* 22, 2004.

QV2 = *Quaestiones Varianae, 2* = Arrizabalaga y Prado, L. de, *Existence, Identity, Nomenclature: a basis for Studia Variana, II: Nomen Varianum*, *Tsukuba University Area Studies* 23, 2004.

QV3 = *Quaestiones Varianae, 3* = Arrizabalaga y Prado, L. de, *In Varium Heliogabalum imperium conlatum est (HA/AH 1.4): the Roman imperial succession of a.u.c. 971= A.D. 218*, *Tsukuba University Area Studies* 24, 2005.

QV4 = *Quaestiones Varianae, 4* = Arrizabalaga y Prado, L. de, *Iter Principis: Elagabal's journey from Syria to Rome?*, *Tsukuba University Area Studies* 21, 2003.

RE = *Real Encyclopädie der Classischen Altertumswissenschaft*

Riddle = Arrizabalaga y Prado, Leonardo de, *Pseudo-eunuchs in the court of Elagabalus: The riddle of Gannys, Eutychnianus, and Comazon*, *Collected Papers in Honour of the Ninety-fifth Anniversary of Ueno Gakuen*, 1999, p. 117-141.

SR= Burton, G.O., *Silva Rhetoricae*, 2003, <http://humanities.byu.edu/rhetoric/silva.htm>

Thirion, *Monnayage* = Thirion, Marcel, *Le Monnayage d'Élagabal, (218-222)*, 1968.

Zosimus, *Historia Nova*= Zosime, *Histoire Nouvelle*, ed. Paschoud, 1.10.1-1.11.1.

Zonaras = *Ioannis Zonarae Epitome Historiarum*, Lib. 12, Cap. 13-14.