

# Herodian's World

*Empire and Emperors in the III Century*

*Edited by*

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# The Attitude of Herodian towards the Roman Senate

*Pierangelo Buongiorno*

## 1 Introduction

Reconstructing Herodian's world necessitates an analysis of the perception of the Roman Senate in his historical work. This chapter, in an attempt to answer this question, intends to investigate the knowledge of texts and contents of the senatorial decrees of Herodian and his sources (also with appropriate comparisons, if possible and useful, with the accounts of Cassius Dio and the *Historia Augusta*). A consequence of this analysis is then to enhance the contribution of Herodian's narrative to the reconstruction of the senatorial activity and its political effectiveness from the late age of the Antonines to the different stages of the Severan dynasty. This research allows us to understand Herodian's perception of the Roman institutional system, in which the Senate is above all the competent body for the transmission of imperial power, a fact that sometimes tarnishes the accounts of other senatorial activities in such as work as Herodian's history of the *basileia*. Precisely for this reason, Herodian does not hesitate to extol, in the last three books of his history, the role played by the Senate in its attempt to reaffirm its centrality in the government of the Empire in the years between 235 and 238, with the consequence that its failure permitted a military anarchy.

## 2 The History of an Absence?

In Herodian's work the history of the Senate, at first glance, could appear to be the history of an absence. References to the Senate are mostly incidental and rarely attentive to the articulation of the decrees issued by the senators. This could be due to the fact that Herodian was not a member of the senatorial elite. Or to the opinion, common among scholars, that since the Antonine age the activity of the Senate had been reduced in importance

and in the political and normative relevance of the resolutions approved by this assembly.<sup>1</sup>

But it is on the other hand true that Herodian is not an author from whom we can expect a careful examination of the normative activity of the Roman legal order. Moreover, this is not the purpose of his work. As he himself points out in the first book, the aim was to report “the events following the death of Marcus Aurelius, of which he was a direct witness or had news”,<sup>2</sup> but paying particular attention to the events of the transmission and holding of the βασιλεία (that is, the power of one) which derives from ἀρχή (that is the *imperium* in its objective dimension), and can be traced back to it in an almost cyclical way.<sup>3</sup>

The *History* of Herodian is, in short, a story of the emperors, and in a broad sense a story of the events of the transmission of their power.<sup>4</sup> This awareness of the author also brings us back to the social context of his origin, and his (at least relative) proximity to the circles of power: Herodian was in fact, as his attention to the dimension for the sphere of *delationes* and fiscal trials also shows, an example of an intermediate class. He was almost certainly a subject of provincial provenance, perhaps a procurator who later rose to equestrian rank,<sup>5</sup> in any case with a solid basic education and well connected to the imperial bureaucratic apparatuses.<sup>6</sup>

1 On the other hand, for the Severan age senatorial decrees on private law matters are well known, such as the *oratio Divi Severi* about the prohibition of donation between spouses, which seemingly Herodian neglects because of its irrelevance to the focus of his histories. In this regard, despite recent attempts at synthesis, the legislative activity of the Senate on these issues still deserves to be reconsidered as a whole.

2 Hdn. 1.2.5.

3 For this distinction, cf. Buongiorno 2017, 217.

4 Buongiorno 2017, 216–230, with references and analysis of all the imperial successions described by Herodian.

5 For a general overview of this topic, cf. Zimmermann 1999, 302–319, with references, as well as Kemezis 2014, 304–308, and (especially in light of the hints drawn from the second book of the work) Schettino 2017, 82–86.

6 According to A. Arbo, p. 000 in this volume, Herodian could be identified as a young exponent of the senatorial order; in addition to the chronological difficulty of such a statement, Herodian's attention to the sphere of the legitimacy of the transmission of imperial power, and then also to the different attitude of individual emperors towards the phenomenon of fiscal reports, still seem to suggest, in my opinion, his origin from the cadres of the imperial bureaucracy, perhaps crowned with the achievement of equestrian rank. Therefore, the tawdry conclusions of Ceconi 2010, 132 are unacceptable: “l'esperienza personale e professionale di Erodiano, o comunque a lui di solito ascritta, sembra avere avuto una solo modesta

In this perspective, Herodian therefore places the emphasis on the Senate especially with regard to the aspects of the competence and political interest of this assembly and its members in the transmission of imperial power.

### 3 The Senate, the People and the ‘Continuous’ Imperial Power

At least in the period immediately following the death of Marcus Aurelius, Herodian considers the elite of the senatorial assembly still able to determine (at least theoretically) changes of power, in situations of stalemate, void or conflict. So, when Commodus feels threatened by the possibility of losing power at the advent of his reign, Herodian produces a speech<sup>7</sup> that he puts into the mouth of Tiberius Claudius Pompeianus, a senator from Antioch and brother-in-law of the emperor, to whom he remained loyal overall. Pompeianus states that “where the emperor is, there is Rome” (ἐκεῖ τε ἡ Ῥώμη, ὅπου ποτ’ ἄν ὁ βασιλεὺς ᾖ), but also underlines that the young emperor had nothing to fear because he controlled the army and with him were the imperial funds and, above all, the exponents of the senatorial *nobilitas*, already members of the *comitatus* of Marcus Aurelius.<sup>8</sup> This statement allows us to understand how, in Herodian’s view, the Senate, at least in its most noble component, was able to undermine the foundations of the power of an emperor, supporting alternative candidates and potential usurpers. This is a profile that will re-emerge in other circumstances of Herodian’s narrative.

The attempt to usurp power promoted by Lucilla takes shape around the senatorial elite, so much so that Herodian qualifies this decision as “ruinous” not only for Marcus Ummidius Quadratus, but also “for the whole Senate”

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ricaduta nei contenuti storiografici, sia quanto a orientamento degli interessi della ricerca storica sia quanto a elaborazione o rispecchiamento di pure soltanto embrionali forme di ideologia funzionariale”. A profound reading of Herodian’s work suggests, on the contrary, that the historian enjoyed an average legal education, aimed at training the cadres of the imperial bureaucracy (the attention to Pertinax’s provision mentioned in 2.4.6 is decisive in this sense): on the other hand, the era of Herodian’s “Werdegang” is that of the consolidation of *de officio* literature and of monographic works written in order to satisfy the informational needs of the new intermediate cadres of the imperial apparatuses. All are profiles that Ceconi chose to ignore in his paper. For criticism of Ceconi, see also Galimberti 2014, 25–26.

7 Hdn. 1.6.4–6.

8 Hdn. 1.6.6, on which cf. Marasco 1998, 2841. But more generally, on the theme of the “ubiquity of the *urbs*”, cf. Kelly 2004, 114–137 and Marotta 2016a, 99–121. For the notion of *nobilitas* in Herodian, cf. Bérenger-Badel 2005, 299–315.

(1.8.4), towards which the emperor thus develops an incurable form of aversion after the failure of the conspiracy (1.8.7).<sup>9</sup>

And again, some of the “most eminent senators” (οἱ ἐξέχονται τῆς συγκλήτου βουλῆς) secretly wrote to Clodius Albinus to support his candidacy as emperor as an alternative to Septimius Severus, recognizing Albinus’s magnanimity and especially the similarity of class (ἐκ προγόνων εὖ γεγονότα).<sup>10</sup> The issue of class appears, however, beyond the ascertainments of Herodian, to be sold off, a value that is now very thinly anchored to a changing world, and in some way a harbinger of conflicts. With regard to the attempted usurpation of Albinus, Herodian also records a session of the Senate in which Septimius Severus exhibits documentary evidence of the support provided to Albinus by a part of the Senate; afterwards, the emperor begins to punish the senators.<sup>11</sup>

The hostility towards the most important senators is a constant, since the aristocratic logic is perceived as a threat by several emperors.<sup>12</sup> Even before the conspiracy promoted by Lucilla, Commodus intended to eliminate “many of the most eminent senators” (πολὺ πλῆθος τῶν τῆς συγκλήτου πρωτευόντων), among them the elders and friends (φίλοι) of Marcus Aurelius.<sup>13</sup> To this same group of senators, of ancient Italic descent, made even more honorable by a long military and civil activity, belongs Pertinax who – as Herodian points out – was the only survivor among the venerable friends of Marcus Aurelius.<sup>14</sup> The conspirators, therefore, offer the throne to Pertinax because he is the most austere, authoritative and expert among the senators.<sup>15</sup> Pertinax is, in short, even if not of patrician rank, the champion of the Senate (2.3.11) and in some ways he guarantees that sapiential continuity to which indeed in other circumstances the Senate had resorted in the history of the empire of Rome, as for example with Galba and then with Nerva.<sup>16</sup>

Nevertheless, when senators are acclaimed emperors by the troops or the *cives*, they ask for the recognition of the Senate, even more so if they have

9 On this topic see also Zimmermann 1999, 66–79.

10 Hdn. 3.5.2; cf. Talbert 1984, 35.

11 Hdn. 3.8.6–7. On Clodius Albinus as “senatorial” candidate to the imperial power see Zimmermann 1999, 189–194. On the repression of Septimius Severus see at least Okón 2012.

12 In the same sense is to be understood the elimination of senators promoted by Caracalla in the aftermath of Geta’s death 4.6.2–4. Among those, Caracalla killed also potential *capaces imperii* such as the homonymous son of Pertinax and Claudius Pompeianus, son of Lucilla and then a nephew of Commodus.

13 Hdn. 1.17.2.

14 Hdn. 2.1.4.

15 Hdn. 2.1.9.

16 Talbert 1984, 35; Schettino 2017, 87–88.

an affinity with that class. After being acclaimed emperor in the province of Africa, Gordian tries, for example, to gain the consent of his peers.<sup>17</sup> He writes letters then “to all the prominent men in Rome, including the leading senators, most of whom were his friends and relatives” (7.6.3: πρὸς ἕκαστον τῶν κατὰ τὴν Ῥώμην πρωτεύειν δοκούντων, τοῖς τε τῆς σύγκλητου δοκιμωτάτοις ... ὧν ἦσαν αὐτῷ πλείστοι φίλοι τε καὶ συγγενεῖς); and, at the same time, “he also sent open letters to the Senate and the Roman people” (7.6.3: δημόσια γράμματα πρὸς τε τὸν Ῥωμαίων δῆμον καὶ τὴν σύγκλητον), i.e., to the two bodies participating in the formal conferment of imperial power. The Senate was in fact responsible for the enactment of a *senatus consultum de imperio* followed by a popular ratification through the approval of a *lex curiata de imperio* (even if by now only through the expression of the vote by the *lictores* of each *decuria*).<sup>18</sup> The existence of such formal enactments still in the Severan age is well documented by Ulpian, who was broadly contemporary to Herodian. In the first book of his *Institutiones* he wrote: *Quod principi placuit, legis habet vigorem: utpote cum lege regia, quae de imperio eius lata est, populus ei et in eum omne suum imperium et potestatem conferat* (D. 1.4.1 pr.: “Whatever the Emperor has decreed has the force of law; since by a royal law which was passed concerning his sovereignty, the people conferred upon him all their own authority and power”). In addition, the imperial chancellery of Alexander Severus wrote in 232 CE about such a *lex imperii* (C. 6.23.3), and Herodian clearly shows the existence of senatorial decrees that preceded the *lex imperii*.<sup>19</sup>

It is therefore correct to affirm that the people (δῆμος)<sup>20</sup> and Senate of Rome hold on a formal level the power, from time to time transferred to the new emperor. This allows Macrinus (not by chance a jurist,<sup>21</sup> previously head of

17 Davenport & Mallan 2019, 424–426.

18 In line with the formal conferment of powers to the emperors by the Senate and the people, there is a task of welcoming the emperors who enter for the first time or return to Rome. Herodian recorded “Senate and the Roman crowd” (1.7.3: πᾶσά τε ἡ σύγκλητος βουλὴ καὶ πανδημεὶ ὄσοι τὴν Ῥώμην κατῶκουν) gathered near the *pomerium* on the occasion of the entrance of Commodus, and then twice for Septimius Severus, (2.14.1 and later, after the defeat of Clodius Albinus, 3.8.3), and finally for Caracalla and Geta after the death of their father (4.1.3).

19 On these two texts and on the problem of the *leges de imperio* see Mantovani 2009, esp. 132–134.

20 On the notion of δῆμος in Herodian see now Motta 2017, who clearly highlights the polysemy of such a word in the Herodianic vocabulary, however neglecting the relevant (institutional and political) consequences of a statement such as that of Hdn. 8.7.5 (see below) according to which “the imperial power” (ἀρχή) was “from of old the common possession of the people of Rome” (κοινὸν [κτῆμα, scil.] τοῦ Ῥωμαίων δήμου ἄνωθεν).

21 On this point see now Buongiorno 2020, 201–205.



the imperial chancellery of Caracalla) to write to the King of the Parthians that he had obtained imperial dignity from the Romans, to whom the ownership of the *imperium* belongs (4.15.7, 'Ρωμαίοι ... ὧν ἐστὶν ἡ ἀρχή), where, on a strictly formal level, the emperor is "only" *pro tempore* entrusted of this imperial power.<sup>22</sup>

After the fall of Maximinus, the defeated soldiers are obliged to recognize in Pupienus and Balbinus and in Gordian III the emperors elected by the Senate and the people (8.6.2; but see also 8.7.3). The first part of Pupienus' speech to Maximinus' army<sup>23</sup> (8.7.4–5) summarizes this ideology:

Ὅσον μὲν ὑμᾶς ὤνησε μεταγρόντας τε καὶ τὰ Ῥωμαίων φρονήσαντας, πείρα μεμαθήκατε, ἀντὶ πολέμου μὲν εἰρήνην ἔχοντες, πρὸς < δὲ > θεοὺς οὐς ὁμωμόκατε, [καὶ] νῦν φυλάσσοντες τὸν στρατιωτικὸν ὄρκον, ὅς ἐστι τῆς Ῥωμαίων ἀρχῆς σεμνὸν μυστήριον. χρὴ δ' ὑμᾶς καὶ τοῦ λοιποῦ διὰ παντὸς τούτων ἀπολαύειν, τὰ πιστὰ τηροῦντας Ῥωμαίοις τε καὶ συγκλήτῳ καὶ αὐτοκράτορσιν ἡμῖν, οὐς ἐξ εὐγενείας καὶ πολλῶν πράξεων [καὶ] μακρὰς διαδοχῆς ὥσπερ κατ' ἀκολουθίαν ἐπὶ τοῦτο ἀναβάντας κρίναντες ὁ δῆμος καὶ ἡ σύγκλητος ἐπέλεξαντο. 5. οὐ γὰρ ἐνὸς ἀνδρὸς ἴδιον κτῆμα ἡ ἀρχή, ἀλλὰ κοινὸν τοῦ Ῥωμαίων δήμου ἄνωθεν, καὶ ἐν ἐκείνῃ τῇ πόλει ἡ τῆς βασιλείας ἵδρυται τύχη· ἡμεῖς δὲ διοικεῖν καὶ διέπειν τὰ τῆς ἀρχῆς σὺν ὑμῖν ἐγκεχειρίσμεθα. (...).

How much it has profited you to change your minds and support the actions of the Romans you have learned from recent experience. Now you are at peace instead of at war. You are enjoying the protection of the gods by whom you swore. And you are keeping your soldier's oath, that sacred rite of the Roman empire. All good things are yours to enjoy from this time on, for you have confirmed your pledges to the Senate and the Roman people and to us, your emperors, chosen by the Senate and the people for our nobility of birth, the many positions of authority we have held, and the long succession of offices which made it appear that we had risen to the throne by a regular cursus. 5. The imperial power is the personal property of no man. It is from of old the common possession of the people of Rome, and in that city the destiny of the imperial power flows

22 On the imperial ideology of Macrinus, see also Marasco 1996, 187–195.

23 For an exegesis of this text see also Marotta 2016b, 42–43, which highlights both how "Erodiano tenta di conformarsi non senza difficoltà alle nomenclature istituzionali", and how, in the eyes of a historian like Herodian, "il potere imperiale costituisce un bene comune del popolo romano".

out. To us, and with your help, have been entrusted (ἐγχεχειρίσμεθα)<sup>24</sup> the administration and management of the affairs connected with such a power (τὰ τῆς ἀρχῆς) (...).

In general, Herodian shows an interest in this institutional sphere and mainly in the formal mechanisms of the transmission of imperial power and is therefore attentive first of all to the registration of senatorial decrees issued in this regard.<sup>25</sup> He places particular emphasis on those decrees of conferring imperial powers in which the Senate plays, so to speak, a decisive role, that is, the choice of the new emperor or the endorsement of the choice made by the *milites* or in conspiracies.

In 2.3.2–5, Herodian describes some of the senatorial session that conferred powers to Pertinax;<sup>26</sup> of particular interest is the reproduction of the *sententia* with which Manius Acilius Glabrio formalizes his vote for the conferral of powers.<sup>27</sup> On the other hand, the three months of Pertinax's reign passed through a unanimous *consensus* of the senatorial class (2.4.8), and in general Herodian shows particular interest in the policy of Pertinax aimed at reforming the *fiscus* and the attempts to end the prevalence of informers.<sup>28</sup> There is no explicit reference to the activity carried out by the Senate, but Pertinax's political tendencies suggest that the measures outlined by Herodian were the result of a work shared by the emperor with the senatorial assembly.

The epilogue of the unfortunate reign of Pertinax and the short-lived rise of Marcus Didius Julianus, which gave way to the civil wars of the year 193 CE, provide the first example of the marginalization of the Senate. Under Julianus, Herodian records only one meeting of the Senate, in order to ratify an *epistula* of the emperor which requested joining his power with that of Septimius Severus, in an attempt to curb Severus's march towards Rome.<sup>29</sup>

The story of Julianus allows Herodian to carry out some considerations on the Senate as champion of an ideal of empire opposed to the tyranny to which the soldiers aim. It is a central theme, to which our historian has the

24 Note the use of the verb ἐγχεχειρίζω, with the same meaning that we can find, e.g., in Hdn. 4.12.4 or in Cass. Dio 60.21.2: on this point see Buongiorno 2014, 83.

25 On this topic see widely Buongiorno 2017, 215–230, with bibliographical references.

26 Incredibly Talbert 1984, 301, doubts the formal value of the conferral of powers on Pertinax in AD 193.

27 Hdn. 2.3.4.

28 Hdn. 2.4.6–8. This interest is probably a trace of his activity as an imperial procurator. For an overview of Herodian's attention to the theme of fiscal delation, see Spagnuolo Vigorita 1978; the theme needs, however, a fine-tuning. On the normative activity of Pertinax see Mazza 2009.

29 Hdn. 2.12.3. Cf. Zimmermann 1999, 152–170.

opportunity to return in the last book (see § 4 below), but to which he pays intermittent attention in the course of his narration. Through the auction staged by the Praetorians – which the “more respectable and honest” senators were avoiding (2.6.5) – there is a corruption of ethics that will cause the soldiers to disrespect both the imperial power (2.6.14) and also the Senate, which, together with the people, is the formal depositary for conferring power.

Even the acclamation to the power of Pescennius Niger, certainly well seen at least by some fringes of the Senate of Rome but carried out in Antiochia with the support of *militēs*,<sup>30</sup> is reconstructed by Herodian without putting any emphasis on the reactions of the Senate as a whole.<sup>31</sup> Herodian reproaches Pescennius Niger (2.8.9), and later Macrinus (5.2.3), for having lingered in Antioch rather than moving towards Rome. This point of view gives us a precise idea of the perception of Rome as the *caput* of imperial power: if the βασιλεία is where the emperor resides (1.6.5), Rome remains, even when the emperor is far away, “the house of imperial power” (ἡ βασιλείος ... ἐστία, 2.10.9). In Rome resides the foundation of imperial authority. In this sense Herodian seems to understand the difficulties for the maintenance of the balance of power connected with the creation of a new Senate,<sup>32</sup> alternative to that of Rome (4.3.6) and destined to be placed in Antioch or Alexandria and in which those who, among the senators, came from Asia would first sit.

On the other hand, as Herodian has Pupienus say (perhaps having himself had the opportunity to hear this speech) that the imperial power is the personal property of no man and it was from of old the common possession of the people of Rome, because in that city the destiny of the imperial power flows out (8.7.5).<sup>33</sup>

The stark identification of imperial power with the *polis* of Rome is a clear allusion to a republican ideology, within which the imperial ideology took root to the point of compressing it: but this ideology, although decidedly rarefied, had not yet completely disappeared (at least on a formal level). After Maximinus' death, for a short time, the Senate tried to restore republican models. In this sense the reference to a *contio* in 8.6.8 can perhaps be understood.

30 A city that in Herodian's geography appears to be of absolute importance, so much so as to suggest that he came from there.

31 Hdn. 2.7.7–10.

32 Pending the planned division of the empire considered by Caracalla and Geta, 4.3.5.

33 The practice, however, now imposes to interpenetrate this tradition with the consent of the *militēs*, so much so that the other not insignificant reproach made in Niger (2.8.10) is that of not having sought the consent of the Danubian troops.

#### 4 Accounts of the Senatorial Activity

Herodian therefore describes the activity of the Senate as being connected with the essential events of imperial power. This description becomes more tenuous when the historian examines the conduct of emperors on which he formulates a negative judgment. A useful example in this regard is the excursus on the honors decreed to Commodus by the Senate.

Herodian does not relate the active role of the Senate in conferring honors such as the modification of the names of the months of the year or the elevation of statues, including one placed in front of the *Curia*,<sup>34</sup> attributing instead the paternity of such an honour to the emperor. Similarly, he does not explicitly mention the Senate with regard to Caracalla's attempt to receive the *cognomen ex virtute* of *Parthicus* (4.10.1). He does, however, recall – but this has the function of underlining the state of subordination of the senatorial assembly – the measure by which Caracalla himself was conferred the triumph (4.11.9). For the rest, in the account of Caracalla's campaign in the East, the Senate disappears completely and the attention on Rome is reduced to the memory of the role played by Flavius Maternianus for the management of internal affairs.<sup>35</sup>

With reference to the short parenthesis of Macrinus, Herodian also mentions the *senatus consultum* that conferred the *cuncta principibus solita*<sup>36</sup> and nothing else. The action remains confined to the East and the activity of the Senate of Rome is once again lost. With reference to the reign of Elagabalus, Herodian again describes the Senate in a passive way: saddened, together with the people, with regard to the news of the succession from Macrinus to Elagabalus and forced therefore to suffer the express will of the *milites*,<sup>37</sup> and then still forced, together with the equestrian order, to attend the rites and sacrifices made by this extravagant emperor.<sup>38</sup> Our historian does not even remember the role of the Senate in the process of conferring the title of Augusta for Julia Cornelia Paula. Another fleeting allusion to the Senate is in the *epistula* addressed by Elagabalus to the *patres* to justify the rape of a Vestal, that is Julia Aquilia Severa, without Herodian considering it opportune to record the decrees in this circumstance issued by the *patres*.

However, Herodian explicitly recalls the active role of the Senate to highlight the dissent against emperors considered nefarious. During the reign of

34 Hdn. 1.14.9. See Galimberti 2014, 152–153.

35 Hdn. 4.12.4. On this topic see Buongiorno 2014, 81–89.

36 Hdn. 5.2.1.

37 Hdn. 5.5.2.

38 Hdn. 5.5.9.

Elagabalus, Herodian explicitly records the session of June 221 CE in which it was decided to confer the consulate and the title of Caesar to Severus Alexander and on the adoption of this young boy by Elagabalus; the reasons for this explicit reference lie in the narrative necessity to introduce such a figure but above all to describe the dissent of the senatorial elite, which manifests itself in the form of “laughter barely held back, despite the vote in favor of the requests” of Elagabalus (Hdn. 5.7.4: γελοιώτατα ψηφισαμένων πάντων ἃ ἐκελεύοντο).<sup>39</sup>

An active role of the Senate is also recorded with regard to the decrees concerning the demolition of the statues of Commodus after his death:<sup>40</sup> in place of the statue once standing in the Senate was decreed the elevation of an image of *Libertas*.<sup>41</sup> Another active role is also recorded to mark the conferring of honors to some emperors, especially to those on whom the judgment is predominantly positive. In the perspective of Herodian, Septimius Severus is an emperor with “chiaroscuro” traits, but whose attitude towards the Senate is, at least in the phase preceding the usurpation of Clodius Albinus, positive (2.14.3 and also 2.15.5): in light of this, it is not to be excluded that the source of the dream described at 2.9.6, which foretold to Septimius Severus’ rise to imperial power, is to be found in the reasons for the decree (evidently a senatorial decree) that would have authorized the erection of a bronze statue reminiscent of this auspicious omen. The active role of the Senate is also recalled with regard to the granting of honors, again to Septimius Severus, after the military campaigns conducted until 201 CE.<sup>42</sup>

Although the effectiveness of power is now in the hands of the emperors, and they are more and more frequently the expression of a military force sometimes perceived as different and other, in the geography of power Herodian continues to place the Senate at the top of the republican public powers.<sup>43</sup> He therefore reveals himself attentive to formal powers. For example, he shows himself aware (2.12.5) of the fact that consuls have the *ius agendi cum patribus*, that is, they can summon the Senate, *a fortiori* when there is no emperor or if the Senate wants to remove one emperor from office. This is what actually happens to determine the end of Julian’s power. Herodian relates the exact sequence of events: summoned by the consuls, the senators declare Julianus to be a *hostis publicus*, they decide to send a *tribunus militum* to execute his death

39 For an assessment of Herodian’s perspective on the reign of Elagabalus see usefully Hidber 2006, 217.

40 Hdn. 2.6.10.

41 Hdn. 1.15.1.

42 Hdn. 3.9.12.

43 Hdn. 2.11.4.

sentence, and last but not least they confer the whole power to Septimius Severus, to whom they had already attributed the title of Caesar, also decreeing that a legation be sent to the new emperor (2.12.6). From the *Historia Augusta* (*Sev.* 6.1–2) we learn that it consisted of about one hundred members and met him at *Interamna Nahars*.

On the whole, therefore, beyond the ideological choices that induce him to compress the discussion, Herodian not only seems to draw on documents that precisely recall the work of the senatorial assembly, but also seems to perceive some legal nuances. In fact, he shows that he is well aware of some procedures of typical senatorial prerogative: the drawing of lots for the governors of the senatorial provinces, such as *Africa proconsularis*,<sup>44</sup> or – as we have seen – the conferment of *cognomina ex virtute* and triumph to the emperors.

But the most significant example in this regard is the report of the Senate session immediately following the murder of Geta by Caracalla. This account (4.5) contains an attention to detail that is also a sign of the quality of the source used by Herodian: he records the auspicious sacrifices made by the emperor, who summoned and presided over the assembly; Herodian also notes how recourse to the armed escort for entry into the Senate by the emperor was regulated by a practice, now perceived as a *mos* (ἔθος), which in this case Caracalla would not have respected.

Also, the reworking of the oration pronounced by Caracalla to the senators in this circumstance (4.5.2–7) contains some explicit references to the conflicts in the history of the imperial *domus*,<sup>45</sup> through the various dynasties. These references seem to rework material dependent, if not directly from the original text of Caracalla's oration, which evidently merged into the *acta senatus* and became an integral part of the text of the *senatus consultum*,<sup>46</sup> which decreed Geta's posthumous declaration as *hostis publicus*.<sup>47</sup> On the other hand, other *testimonia* of the oration held in the Senate by Caracalla in such a circumstance remain in the tradition of Cassius Dio (Cass. Dio 77.3.3 Boiss. = Xiph. 328 R.St.) and complete the picture with the news of an amnesty urged by the emperor (of which Herodian's account gives no trace).<sup>48</sup>

44 Hdn. 7.5.2.

45 As for example the one between Britannicus and Nero, on which see Narducci 1998, 479–488.

46 On the structure of the *senatus consulta*, see generally Buongiorno 2016.

47 Regarding parallel traditions, see Galimberti 2017, 132–133.

48 The variant contained in Petr. Patr. exc. Vat. 136 is less reliable. According to it, after going to the Senate, Caracalla refused to speak in public because he suffered from hoarseness. For an introduction on the role of the Senate in Cassius Dio's history of the reign of Caracalla see now also Sillar 2001; Scott 2015, 157–175.

Herodian's attention also invests the places of senatorial power. He often refers to the *curia Iulia* (1.14.9), of which he seems to know the topography,<sup>49</sup> as well as the presence of a seat reserved for the emperor (2.3.3–4) and of a space, delimited by the *Ara Victoriae*, in which the people could find space (7.11.3). To the arrival of Elagabalus in Rome Herodian appends the notice of the installation in the middle of the *Curia* of a painting representing the new emperor with the Solar Deity; this painting was placed in an elevated place, so much so as to overhang the statue of Victoria, and at this precise point all the senators would have been used to offer incense and aromas and make wine libations (5.5.7).<sup>50</sup> At the *curia Iulia* Maximinus would also place a painting of his own (7.2.8). The *Curia Iulia* is not the only location for senatorial meeting of which the historian has knowledge, since in the narrative of the frenzied events leading to the election of Pupienus and Balbinus he recalls the temple of Jupiter Optimus Maximus at Capitoline Hill.<sup>51</sup>

## 5 In the Antechamber of Anarchy

The Senate has greater ideological significance in the last three books of Herodian. First of all, the importance of the senatorial assembly increases considerably in the last phase of the Severan dynasty. The assembly of sixteen senators, “eminent for the venerable age and the intact life” (τοὺς δοκοῦντας καὶ ἡλικία σεμνοτάτους καὶ βίω σωφρονεστάτους), chosen as counselors and collaborators of the emperor, carried out in fact a function of direction that was appreciated by the people and soldiers and (above all) by all Senate, since such an assembly removed the “form of imperial power” (σχῆμα βασιλείας) from tyrannical absolutism, restoring the principles of aristocracy (ἀριστοκρατία; see 6.1.2).<sup>52</sup>

The positive feedback to the behaviors of Julia Maesa is confirmed by the conferment at her death (226 CE) of the *funus publicum* and then by the celebration of her apotheosis, even if Herodian does not explicitly recall the related senatorial decrees.<sup>53</sup> But, as in other parts of the work, for the rest of the

49 With some lack; see Talbert 1984, 514–515 with references.

50 Cf. Bartoli 1951–1952, 47–54. Unjustified criticism against Herodian's account on this very point can be found in Talbert 1984, 128.

51 On this point, see Talbert 1984, 116–117.

52 The *consilium* which Alexander Severus had availed himself of was in any case disbanded by Maximinus, after this emperor took power (7.1.3), as a form of “rejection of the Senate” by the new emperor; cf. Davenport & Mallan 2019, 422.

53 Hdn. 6.1.5.



sixth book Herodian's attention shifts to the military camps, as he narrates the campaigns carried out by Alexander and then the usurpation of Maximinus and the killing of the young emperor and of his mother Julia Mamaea.

The coming to power of Maximinus draws Herodian's attention to some procedures with an ideological background that seem to become standardized: among these, as had already happened for Elagabalus, the placing in the *curia* of a painting with the image of the emperor, not present in Rome (and which, moreover, would never have reached it). In this case also Herodian records instead the authoritative act assumed by the Senate to decree the destruction of such a painting as of other monuments built up in honor of Maximinus.<sup>54</sup>

The Senate finally becomes the real protagonist in Herodian's narrative of the events following the killing of the praetorian prefect Vitalianus, the public reading of the edict of Gordianus to the people and the delivery of his letters to the consuls and senators.<sup>55</sup>

The people invade the forum "in the grip of crazy enthusiasm" (ὥσπερ ἐνθουσιῶν διέθει πανταρχοῦ), because – as Herodian writes – the masses are by their nature inclined to welcome political upheaval and the Roman crowd in particular, because of its huge and varied multitude, which seems to be particularly prone to change.<sup>56</sup> On the other hand, while the crowd tears down the statues of Maximinus, the Senate meets to confer imperial powers on Gordian and his son and at the same time to declare Maximinus as *hostis publicus* (in this sense the anodyne expression "to suppress the honors of Maximinus" (τὰς δὲ τοῦ Μαξιμίνου τιμὰς ἀνατρέπουσι)).<sup>57</sup> At the same time, the Senate sends ambassadors in all the provinces (πρὸς πάντας ἡγουμένους), with the task of carrying letters in which the decisions of the Senate and the people of Rome are announced (both precisely perceived as holders of power that each emperor holds *pro tempore*), so urging each governor to support the will of the fatherland and (mainly) of the Senate.<sup>58</sup>

It is however interesting to note that in this same passage Herodian makes a distinction between provincial citizens and citizens of Rome, believing the latter to be the repositories of the supreme power, while the provincials, though now citizens, are linked to Rome, "like their ancestors, by a form of *amicitia* and *societas*"<sup>59</sup> (7.7.6: αὐτὰ τε φίλα καὶ ὑπήκοα ἐκ προγόνων). This statement betrays the difficulty for an imperial functionary, active before the *constitutio*

54 Hdn. 7.2.8.

55 Hdn. 7.6.9. On this central role see also Zimmermann 1999, 252–280.

56 Hdn. 7.7.1.

57 Hdn. 7.7.2.

58 Hdn. 7.7.5. See also *HA, Max.* 15.2–3; cf. Talbert 1984, 411.

59 Or rather "subordinate *societas*", as the adjective ὑπήκοον suggests.



*Antoniniana*, to think according to new categories, of a now ecumenical empire, and especially to justify why it was the *populus* in Rome to decide – albeit formally – the fate of the entire empire. It is clear how Herodian manifests the full perception of the creeping crisis that shakes the third century; in other words, he understands the “senso della crisi”, as Santo Mazzarino pointed out.<sup>60</sup>

In a system in which provinces and governors are in some ways profiling themselves as centrifugal monads, the reactions of the governors are very different. So, if more of them seem “to recognize the authority of (the Senate and the people of) Rome” (προσέθεντο Ῥωμαίοις, as Herodian wrote), there is no lack of episodes of extreme loyalty to Maximinus.<sup>61</sup> Herodian does not specify either the provinces or the identities of these governors: this is not the purpose of his work, which, as we have said, is not a story *tout court* but a “monographic” story of imperial power: this allows him to clarify that the choice of the Gordians was, first of all, the “decision” (γνώμη) of the city of Rome (7.7.6).

The growing contrast between Senate and *militēs*, and between Romans of the *polis* (Rome) and Romans of the provinces, emerges therefore also in the words of the emperor Maximinus (7.8.7–9), to whom Herodian attributed a “violent invective against Rome and its Senate” (βλάσφημά τε πολλὰ ἐς τὴν Ῥώμην καὶ τὴν σύγκλητον).

In this phase of differentiation with the armies, following the revolt of Capelianus and the death of the Gordians, the Senate is therefore still called to outline a scenario of succession. The description of Herodian becomes minute, also to paint the anxiety (ταραχὴ) and the silence (ἀφασία) that affected the people and especially the Senate as a result of the events.<sup>62</sup>

Herodian describes the session, held in the cella of the temple of Capitoline Jupiter, and extraordinarily behind closed doors,<sup>63</sup> to rely on Jupiter as a guide, witness and counselor of the decisions to be taken.<sup>64</sup> The review of the possible *capaces imperii*, and the choice of many of the senators to indicate the names of Pupienus Maximus and Balbinus (7.10.3) leads the assembly to confer

60 Mazzarino 1966, 204; on the reasons for the absence of the *constitutio Antoniniana* in Herodian's account see Galimberti 2016. For a reconstruction of this constitution and its effects on the imperial society see now Imrie 2018 and mainly Licandro 2020 for the exegetical problems concerning *P. Giss.* 40.1.

61 Hdn. 7.7.6.

62 Hdn. 7.10.1.

63 On this procedure, apparently also used on the occasion of the deposition of Maximinus (Hist. Aug. *Gord.* 12.1), see Kolb 1972, 21–22, with bibliography; Kolb formalizes it under the name of *senatus consultum tacitum*. But in detail on the sequence of the senatorial decrees that led to the succession from Maximinus to the Gordians see Buongiorno 2017, 225–226, with bibliography.

64 Hdn. 7.10.3–5.

the powers to two emperors (7.10.5); this has the effect of introducing in the imperial legal order the scheme of perfect collegiality typical of the republican model constituted by the consular magistracy.

Here therefore, as already happened with Alexander Severus, who was joined by a college of *patres*, the Senate proposes itself as a defender of an aristocratic way, even if it is no longer able to break away from the vertical structure of the imperial model. This “aristocratic way” to the exercise of imperial power is therefore anchored in a republican model, as can be seen in the final part of Pupienus’ speech.<sup>65</sup>

In the face of the perplexities of the urban *plebs* with respect to the choice of Pupienus in particular, the compromise solution of nominating as Caesar the very young Gordian III, thus flanked by the two *Augusti*, reveals the Senate’s attempt to appear as conciliatory as possible in order to overcome situations of potential discord within the civic body.

In general, Herodian gives us back a Senate that, carrying out a hegemonic function and defending tradition, is forced into a constant tension. It is a tension with respect to which there is no lack of imprudence on the part of some senators;<sup>66</sup> but the senatorial assembly as a whole demonstrates a full sense of tradition, as shown by the measures taken with a *senatus consultum* approved in the winter of 238 CE. Herodian makes the stylistic choice of separating the decrees of such a senatorial decree: the *tumultus* operated in Italy against Maximinus is undoubtedly to be traced to the initiative of the Senate, in recall of an ancient republican tradition. Similarly, the command assignments to senators with the best military expertise recall the republican experience.<sup>67</sup> In this same senatorial framework, as Herodian explicitly states (8.2.5), the Senate also considered the defense of Aquileia, the first of the cities of *Regio X Venetia et Histria* at risk of being occupied by Maximinus, entrusting it to two senators with proven military experience, Rutilius Prudens Crispinus and Tullius Menophilus,<sup>68</sup> belonging to that college of *XXviri* of which we are variously informed but of which there is no reference in Herodian’s account (7.10).<sup>69</sup> But the same *senatus consultum* also seems to be referred to in 8.5.5, where it is stated that the Senate had also sent men of consular rank, together with the best soldiers chosen from all over Italy, to guard every port and every stretch

65 Hdn. 8.7.6.

66 Hdn. 7.11.1.

67 Hdn. 7.12.1.

68 On the political role of Crispinus and Menophilus see now Davenport & Mallan 2019, 429–430.

69 On this college of *XXviri* see Mazzarino 1966, 282–284; on the problems related to the chronology of its institution see the bibliography recorded by Mecella 2013, 269–270.

of coast so that no one could leave by sea in order to transfer information to Maximinus.

The events narrated in Herodian's work, and in particular the convulsive sequence of events in 238 CE,<sup>70</sup> show how, from the death of Marcus Aurelius onwards, imperial power was now irreversibly based not only on the delicate balance within the factions of the Senate and between the Senate as a whole and the crowd, but also and above all between these urban, so to speak, components and the *milites*, the latter being the violent expression of an empire now all composed of *cives* where provincials were determined to reclaim their spaces. The break of the balance between *milites* and Senate, recalled in 8.8.4, and then consequently the break of the relations between Pupienus and Balbinus (8.8.5), determined the end of the brief power of these two emperors,<sup>71</sup> sent to death by the Praetorians and mocked by them as nothing more than "emperors of the Senate" (8.8.6: ἀπὸ συγκλήτου βασιλεῖς). All in all, military power fits into this story as a wedge between the Senate and the urban masses, acclaiming Gordian III behind the justification that he, unlike Pupienus and Balbinus, also benefited from popular support (8.8.7).

Herodian's story ends with the accession of Gordian III, beloved by the crowd and consequently acclaimed emperor by the Praetorians, who retreated into the *castra praetoria* "waiting" for the Senate to adapt to their imposition. We are now in the midst of the *Soldatenkaiserzeit* and the Senate, after a last illusory moment of autonomy, consumed with the election of Pupienus and Balbinus, is now definitively crushed by the overwhelming, "impious and wicked" (8.8.8) power of arms, thus ending up being destined, for the future, only to the ratification of the choices of the στρατόπεδον.

## 6 Concluding Remarks

If Cassius Dio is the highest expression of a senatorial historiography on the imperial power, Herodian expresses a non-senatorial historiography that, however, recognizes in the Senate the ideological peak of the system of powers in Rome. On the other hand, as Giuseppe Zecchini rightly pointed out, Herodian surely foreshadows the imminent crisis of the imperial system in the

<sup>70</sup> On this topic the classical reference remains Dietz 1980; but see also Hilali 2007, Haegemans 2010, and now Mecella 2017.

<sup>71</sup> For a demonstration of the authenticity of this information see Dietz 1976, 381–425, and now Davenport & Mallan 2019, 433–434.

inadequacy of the emperors of his time.<sup>72</sup> But he also expresses the consciousness that Senate, despite its institutional role, can do nothing to stem this drift. And in this consideration, we can uncover the same level of “institutional anxiety” of Cassius Dio.<sup>73</sup>

The imperial power is indeed in Herodian’s eyes a power that originates from senatorial conferment; after the death of Marcus Aurelius and the failed experience of Commodus, the Senate was most often forced by the events to confer it on the basis of pressure exerted by a vulgar, violent and out of control military power.

In this sense the history of the Senate in Herodian is thus the story of a process of progressive marginalization and decline not only of the senatorial assembly, but of an entire ideology.<sup>74</sup> A republican ideology, an aristocratic way to imperial power, survived even among alternate events during the entire experience of the dynastic principate but destined to an inexorable decline after the year 238 CE.

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72 See Zecchini 2016, 187–188. On Cassius Dio and his ages see mainly the papers of M. Molin, C. Ando, and G. Zecchini in Fromentin 2016; on Cassius Dio as a politician see also the essays edited by Lange & Madsen 2016.

73 “Inquietudine istituzionale” is a delightful formulation of Zecchini 2016, 188. According to Davenport & Mallan 2019, 438, despite the explicit references to values such as εὐνοία (*benevolentia*) and ὁμόνοια (*concordia*), typical of the rhetorical line of Dio of Prusa and Aelius Aristides, “Herodian is closer in spirit to Cassius Dio than Dio of Prusa”. On the other hand, ὁμόνοια (*concordia*) was also part of the Augustan imperial ideology, which saw at the very top of the Roman institutional system the Senate and the People (*SPQR*; see now Moatti 2018, 259–268), and to which the “constitutional” vision of Herodian seems clearly to be inspired. On the relevance of the Senate in the balance of powers from Herodianic perspective, see also Canfora 1999, 340. In this regard, Schettino 2017, 74, rightly points out that “il racconto erodiano è estraneo alla logica senatoriale, benché non *a priori* in conflitto con essa”.

74 In any case, the definition of Widmer 1967, 52–57, which expressly speaks of “Unterwürfigkeit” of the Senate, seems to be excessive. But these clear-cut judgements are the result of an ancient prejudice on Herodian’s “anti-historicity”, which was rightly questioned by Hidber 2006; other bibliography is recorded and put into perspective by Galimberti 2014, 9.

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