

Andreea-Raluca BARBOȘ\* Decebal NEDU\*\*

## LIVIA DRUSILLA'S MARRIAGE WITH OCTAVIAN AND DRUSUS MAIOR'S PATERNITY

*-Abstract-*

The amnesty granted to the fugitives in the spring of 39 B.C. generated changes not only in the political and social life of Rome, but also within the families of Tiberius Claudius Nero and Octavian Caesar. Livia Drusilla's divorce, pregnant with the second child, and her hasty marriage with Octavian, who had divorced Scribonia shortly after the birth of Julia Maior, yielded numerous rumours recorded by the ancient historians and intensely debated by the modern ones. If their marriage, criticised and ridiculed at that time, was accepted as legal, no matter the political or sentimental implications, Drusus Maior's paternity still represents, after 2000 years, a debated subject. The fact that Ti. Claudius Nero recognised the child and accepted him in his house does not constitute an unquestionable element in establishing the filiation. A rejection would have probably meant a reopening of the conflict between Ti. Claudius Nero and Octavian Caesar as well as the tarnishing of Livia Drusilla's image by the public exposure of the adultery. For Octavian, to recognise Drusus Maior would have meant public scorn and confirmation of the slanderous statements made by Marcus Antonius. Analyzing the information provided by the literary sources, the modern historians have tried to clarify this situation, attempting either to establish Drusus Maior's date of birth, or to place him close to Octavian on the basis of the character traits apparently inherited along the Julian line. Moreover, another element that allowed the scales to tip in favour of the Julian filiation was his epilepsy, a disease specific to Octavian's lineage.

*Keywords:* Octavian, Livia Drusilla, Ti. Claudius Nero, Drusus Maior, paternity, marriage.

## CĂSĂTORIA LIVIEI DRUSILLA CU OCTAVIANUS ȘI PATERNITATEA LUI DRUSUS MAIOR

*-Rezumat-*

Amnistia acordată fugarilor în primăvara anului 39 a.Chr. a produs schimbări nu numai în viața politică și socială a Romei, ci și în interiorul familiilor lui Tiberius Claudius Nero și Octavianus Caesar. Divorțul Liviei Drusilla, însărcinată fiind cu cel de-al doilea copil, și căsătoria precipitată cu Octavianus, divorțat de Scribonia la scurt

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\* "Paul Păltănea" History Museum of Galați, Romania (barbos.andreea@yahoo.com).

\*\* "Dunărea de Jos" University of Galați, Faculty of History, Philosophy and Theology, Department of History, Philosophy and Sociology (decebalnedu@gmx.com).

timp după nașterea Iuliei Maior, au dat naștere a numeroase zvonuri înregistrate de istoricii antici și intens dezbătute de cei moderni. Dacă mariajul celor doi, criticat și ironizat la vremea aceea, a fost acceptat, indiferent de implicațiile politice sau sentimentale, ca fiind legal, paternitatea lui Drusus Maior încă mai reprezintă, la peste 2000 de ani de la evenimentul respectiv, un subiect fierbinte. Faptul că Ti. Claudius Nero a recunoscut copilul și l-a acceptat în casa lui nu reprezintă elemente incontestabile în stabilirea filiației. Probabil, un eventual refuz ar fi însemnat redeschiderea conflictului dintre Ti. Claudius Nero și Octavianus Caesar și pătarea imaginii Lिवiei Drusilla prin expunerea publică a adulterului. Pentru Octavianus, recunoașterea lui Drusus Maior ar fi însemnat oprobriul public și confirmarea afirmațiilor calomnioase lansate de Marcus Antonius. Analizând informațiile oferite de izvoarele literare, istoricii moderni au căutat să clarifice această situație, încercând fie să stabilească data nașterii lui Drusus Maior, fie să-l apropie de Octavianus prin trăsăturile de caracter aparent moștenite pe linia Iuliilor. De asemenea, un alt element care a permis înclinarea balanței în favoarea filiației iuliene a fost epilepsia, boală specifică familiei lui Octavianus și transmisă din generație în generație.

*Cuvinte cheie:* Octavianus, Livia Drusilla, Ti. Claudius Nero, Drusus Maior, paternitate, căsătorie.

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The hasty marriage of Livia Drusilla with the triumvir Octavian Caesar and the birth of her second son in the house of the new husband represented two important chapters in the history of the Roman Empire, but also in the family of the future emperor Augustus. The first aspect offered to the Claudians the opportunity to get later the control over the Empire through the future emperor Tiberius. The second problem allows us to analyse, on the basis of the facts and rumours recorded by the ancient historians, the complex relations among the members of the imperial family.

In the spring of 39 B.C., both the precarious financial situation of the triumvirs and the fact that the population of Rome was suffering from lack of food determined Octavian, Mark Antony and Sextus Pompey to look for a compromise solution<sup>1</sup>. The meeting of the three in Misenum was facilitated by close friends of them, among whom Scribonius Libo, Sex. Pompey's father-in-law and Octavian's brother-in-law<sup>2</sup>.

<sup>1</sup> Appianus, *Bella civilia* 5.67-68.

<sup>2</sup> Cassius Dio 48.36.1; Plutarch, *Antonius* 32.1; Velleius Paterculus 2.77.1; E. D. Huntsman, *Livia before Octavian*, in *Ancient Society*, 39 (2009), p. 144; M. Flory, *Abducta Neroni uxor: the Historiographical Tradition on the Marriage of Octavian and Livia*, in *Transaction of the American Philological Association*, 118 (1988), p. 344; R. Seager, *Tiberius*, Oxford, 2005, p. 7.

Among the subjects debated during the meeting there was the return of the aristocrats who had run away from the triumvirs, as well as of those who had been on the lists of outlaws, with the exception of those who had been condemned as participants in the assassination of Caesar<sup>3</sup>. The personal safety and the return of their fortunes were guaranteed for the pardoned ones, according to the problems that had determined them to leave Rome<sup>4</sup>. Thus, according to Appian, those “who had fled just because they had been afraid and had lost their fortune by force” were given back all their assets, except for the furniture, and those who had been outlawed recovered only a quarter of everything they had owned<sup>5</sup>. Cassius Dio does not specify either the categories of refugees, or the manner in which the fortunes were to be given back, but specifies the honours that some of those coming back to Rome were about to enjoy: “some would be immediately awarded the function of tribune and that of *praetor*, as well as the priesthoods”<sup>6</sup>. Velleius Paterculus records the names of some characters that benefited from the agreement of the three triumvirs: Cladius Nero, Marcus Silanus, Sentius Saturninus, Aruntius and Titius<sup>7</sup>.

The results of the negotiations were written down and the documents were sealed and sent to be placed in the Temple of Vesta in Rome<sup>8</sup>. Once in force, the amnesty allowed the fugitives Tiberius Claudius Nero, Livia Drusilla and Tiberius, their son, to safely return to Rome, by the end of the summer of 39 B.C.<sup>9</sup>, where they settled on the Palatin, very close to Octavian’s residence<sup>10</sup>. Velleius Paterculus and Cicero mention that the land the house of tribune Marcus Livius Drusus was built had been successively sold to Cicero, in May 45 B.C., then to Censorinus and finally to Statilius Sisenna<sup>11</sup>. However, Suetonius claims, based on authors worthy of his trust, that Tiberius was born on November 16, 42 B.C. in the house on the Palatin, but he does not mention whether that residence belonged to Livia or it had already been confiscated or sold<sup>12</sup>.

Although we do not have concrete evidence, it seems that the family of Ti. Claudius Nero was also helped by Scribonia, Octavian’s wife, related to Livia

<sup>3</sup> Appianus, *Bella civilia* 5.71-72; Cassius Dio 48.36; Velleius Paterculus 2.77; E. D. Huntsman, *op. cit.*, p. 145.

<sup>4</sup> Velleius Paterculus 2.77.

<sup>5</sup> Appianus, *Bella civilia* 5.72; Cassius Dio 48.36.

<sup>6</sup> Cassius Dio 48.36.

<sup>7</sup> Velleius Paterculus 2.77.3; M. Flory, *op. cit.*, p. 347.

<sup>8</sup> Appianus, *Bella civilia* 5.73.1; Cassius Dio 48.37.1.

<sup>9</sup> Suetonius, *Tiberius* 4.3; Tacitus, *Annales* 5.1.1; Cassius Dio 48.15.3; M. Flory, *op. cit.*, p. 344; A. A. Barrett, *Livia: First Lady of Imperial Rome*, London, 2002, p. 18.

<sup>10</sup> E. D. Huntsman, *op. cit.*, p. 145.

<sup>11</sup> Velleius Paterculus 2.14.3; Cicero, *De natura deorum* 3.80.

<sup>12</sup> Suetonius, *Tiberius* 5.

through Marcus Livius Drusus Libo<sup>13</sup>. However, if there was no support whatsoever, given the fact that Scribonia was repudiated very soon, at least the sources do not record any dispute between these two women<sup>14</sup>. Moreover, we could assume that the presence of Livia at Octavian's *depositio barbae*, on September 23, 39 B.C., was due to Scribonia, still the wife of the triumvir<sup>15</sup>. From this perspective, B. Levick claims that Scribonia's hate for Livia manifested much later, when, together with her daughter, Julia Maior, she supported the careers of her two grand-children Gaius and Lucius, with the purpose of eliminating Tiberius from the succession equation<sup>16</sup>.

The marriage between Octavian and Scribonia, contracted in 40 B.C., was based on political reasons. Towards the end of 39 B.C., Octavian had already planned a campaign against Sex. Pompey for the next year. The hasty divorce from Scribonia, which happened in 39 B.C., and the marriage with Livia Drusilla meant, from a political point of view, a change in the system of alliances and an indirect declaration of war<sup>17</sup>. Unfortunately for Octavian, the attack on the naval base in Sicily, in 38 B.C., was a failure<sup>18</sup> and it was not until 36 B.C. that Sex. Pompey was eliminated from the struggle for power.

Whether the marriage between Octavian and Livia Drusilla was done only because the triumvir wanted to enter the alliance with a part of the great families of the Roman aristocracy or was the result of the sudden feelings between these two will be further debated, taking into account both the virulent propaganda of Mark Antony and the recordings of ancient authors regarding the rumours circulating around Rome. Velleius Paterculus, Suetonius, Cassius Dio and Pliny the Elder are those who claim that Octavian was not guilty of taking Livia Drusilla away from her husband. Tacitus notes though, using the phrase *abducta Neroni uxor*, that the marriage of the future emperor would have been the result of the uncontrolled passion specific to tyrants, kidnapping her, in spite of the fact that she was pregnant<sup>19</sup>. Moreover, Suetonius mentions Livia's kidnapping, but he does not support the truthfulness of this action, considering it the result of the rumours circulating at that time<sup>20</sup>. The reasons mentioned by Tacitus in order to emphasise

<sup>13</sup> E. D. Huntsman, *op. cit.*, p. 145, 154.

<sup>14</sup> *Ibidem*, p. 146.

<sup>15</sup> A. A. Barrett, *op. cit.* 2002, p. 21.

<sup>16</sup> B. Levick, *Julians and Claudians*, in *Greece and Rome*, 22 (1975) 1, p. 34.

<sup>17</sup> E. D. Huntsman, *op. cit.*, p. 146.

<sup>18</sup> Appianus, *Bella civilia* 5.81-92.

<sup>19</sup> Tacitus, *Annales* 12.6.2; A. A. Barrett, *Agrippina. Sex, Power and Politics in the Early Empire*, London, 1996, p. 14; M. Hammond, *The Sincerity of Augustus*, in *Harvard Studies in Classical Philology*, 69 (1965), p. 145.

<sup>20</sup> Suetonius, *Augustus* 62.2; M. Hammond, *op. cit.*, p. 145.

the abuse made by Octavian refer mainly to the physical aspect of Livia Drusilla<sup>21</sup>. She is described as an extremely beautiful woman, fact supported, at the beginning of the 1<sup>st</sup> century A.D. by the poet Ovid as well<sup>22</sup>. The statuary representations, on their turn, although stylized, display a feminine figure with distinctive features<sup>23</sup>.

Tacitus stated further on that he was not sure whether Livia opposed contracting a marriage with the man because of whom her family had been persecuted<sup>24</sup>. G. Marañón and A. A. Barrett considered that the divorce from Ti. Claudius Nero and the acceptance of a marriage with Octavian were based on Livia Drusilla's ambition. The latter was perfectly aware of the fact that the future of her husband was uncertain, especially due to his age, but also due to the wrong choices he had made before 39 B.C., while Octavian had the power, even if not alone<sup>25</sup>. Nevertheless, these opinions are based on feeble arguments. Livia indeed proved in time to be an extremely calculated and ambitious woman but, in the year she married Octavian, she could not anticipate the results of the confrontations with M. Antony and Sex. Pompey. If Octavian's success was one of the reasons of her accepting the marriage, it could not be anything but the result of a moment's calculation. Most probably, given the previous experiences, Livia saw in this new marriage only the possibility of recovering of what she had lost by confiscation and gaining some security for herself and her children<sup>26</sup>.

According to Tacitus, the scandal was also amplified by the fact that Octavian "ironically" asked the pontiffs' opinion regarding a problem related to tradition: "can a woman who is pregnant with another man be married, according to tradition, before she gives birth?"<sup>27</sup> Unfortunately, the ancient historian does not record the priests' answer to this question. Cassius Dio notes that Octavian seemed rather troubled by the fact that Livia was 6 months pregnant, and the pontiffs' notice was necessary, from his point of view, in order for the contracted marriage to be perfectly legal<sup>28</sup>. Unlike Tacitus, Cassius Dio invokes the normality of such a request, further recording the answer as well: "in case of doubt regarding the paternity, the marriage should have been postponed"<sup>29</sup>. The same author was keen on mentioning that "it is very possible that the priests really found this dispensation

<sup>21</sup> Tacitus, *Annales* 5.1.2; A. A. Barrett, *op. cit.* 2002, p. 21.

<sup>22</sup> Ovidius, *Epistulae ex Ponto* 3.1.117: "Ca Venus de frumoasă ..." ("As beautiful as Venus...").

<sup>23</sup> M. Flory, *op. cit.*, p. 351.

<sup>24</sup> Tacitus, *Annales* 5.1.2; Velleius Paterculus 2.75.3; A. A. Barrett, *op. cit.* 2002, p. 16.

<sup>25</sup> G. Marañón, *Tiberius. A Study in Resentment*, London, 1956, p. 30, 87; A. A. Barrett, *op. cit.* 1996, p. 14; A. A. Barrett, *op. cit.* 2002, p. 21.

<sup>26</sup> E. D. Huntsman, *op. cit.*, p. 148, 154.

<sup>27</sup> Tacitus, *Annales* 1.10.5.

<sup>28</sup> Cassius Dio 48.44.2.

<sup>29</sup> Cassius Dio 48.44.2.

among the decisions of the elders but, anyway, even if they had not found it, they would have still granted it”<sup>30</sup>. Therefore, Livia’s marriage with Octavian was valid because there were no doubts about the paternity of the child that was to be born<sup>31</sup>.

The negative tradition regarding the marriage between Octavian and Livia, presented by Tacitus, has its origin in the slanderous letters sent by M. Antony in the period previous to the battle of Actium<sup>32</sup>, and we find details about their content in Suetonius. In his letters, M. Antony was reproaching Octavian not only the hasty marriage with Livia (who was pregnant), but also the promiscuous life he was leading. Thus, M. Antony claimed that during a dinner, where Octavian had guests, he forced the wife of a man who had a consular rank to leave the room in order to go with him in the bedroom. On their return, the woman’s hair was messed up and her ears were red<sup>33</sup>.

J. Carcopino and K. Scott claim that the party (*convivium*) M. Antony referred to was the aftermath of engagement or marriage between Octavian and Livia; therefore, the forced woman, could have been the triumvir’s new wife<sup>34</sup>. If this was the situation, both Octavian and Livia must have been already divorced from their partners, and the birth of Julia Maior seems to have taken place in September 39 B.C. W. Suerbaum stands quite opposite to these two historians. After analysing Suetonius’ account, he notices that the word *et* appears in the sentence, element that makes the connection between two distinct events: the hasty marriage with Livia and the kidnapping of the consul’s wife. As a matter of fact, W. Suerbaum’s opinion can also be supported by the fact that Livia had not been married to a man of consular rank<sup>35</sup>.

Unlike the information recorded by Tacitus, the others ancient historians claimed that the divorce between Livia and Ti. Claudius Nero happened amiably, the latter even playing the role of the father at the moment of the marriage of his former wife with Octavian. Claudius Nero’s attitude raised numerous questions among the modern historians, and the opinions are divided, starting from a

<sup>30</sup> Cassius Dio 48.44.2; E. D. Huntsman, *op. cit.*, p. 149, 150.

<sup>31</sup> A. A. Barrett, *op. cit.* 2002, p. 23; G. Marañón, *op. cit.*, p. 29.

<sup>32</sup> M. Flory, *op. cit.*, p. 352.

<sup>33</sup> Suetonius, *Augustus* 69.1.

<sup>34</sup> J. Carcopino, *Passion et politique chez le Césars*, Paris, 1958, p. 74; K. Scott, *The Political Propaganda of 44-30 BC*, in *Memoirs of the American Academy in Rome*, 11 (1933), pp. 39-40; see also J. Carcopino, *Le mariage d'Octave et de Livie et la naissance de Drusus*, in *Revue Historique*, 161 (1929), pp. 234-236.

<sup>35</sup> W. Suerbaum, *Merkwürdige Geburtstage. Der nichtexistierende Geburtstag des M. Antonius, der doppelte Geburtstag des Augustus, der neue Geburtstag der Livia und der vorzeitige Geburtstag des älteren Drusus*, in *Chiron. Mitteilungen der Kommission für Alte Geschichte und Epigraphik des Deutschen Archäologischen Instituts*, 10 (1980), p. 339; M. Flory, *op. cit.*, p. 352; G. Marañón, *op. cit.*, p. 24.

duplicitous behaviour to a public demonstration of the fact that their divorce was legal.

Suetonius' account regarding the moment of the divorce shows Ti. Claudius Nero's calm and detachment. He appears to comply with Octavian's request<sup>36</sup> without manifesting any kind of opposition, although at that moment Livia was about to bring her second child into the world<sup>37</sup>. G. Marañón, analysing the information provided by the historic sources from a psychological perspective, noted that Ti. Claudius Nero's attitude could be justified both by his old age and by the fact that he was perfectly aware of Livia's adultery<sup>38</sup>. The information regarding this aspect that generated Ti. Claudius Nero's resignation can not be sustained with irrefutable evidence. Analysing the situation from a different angle, B. Levick emphasises the political problems that Ti. Claudius Nero had to put up with as a supporter of Caesar's assassins as well as his wish of avoiding any conflict with Octavian<sup>39</sup>.

Octavian's request, recorded by Suetonius, can be justified by the type of marriage contracted by Livia and Ti. Claudius Nero. If the marriage was *sine manu*, the husband's agreement was not imperiously necessary, and Livia could have been mentioned as a decisional factor in undoing the marriage. M. Flory claims, on the basis of historic sources, that Livia was married *cum manu*, because Claudius Nero appears as giving her away as if he had been her father<sup>40</sup>. E. Huntsman believes however that Ti. Claudius Nero represented the father figure because he was Livia Drusilla's only paternal relative, being her legal guardian as well<sup>41</sup>. However, this hypothesis generates some problems because the Roman law did not accept the marriage between the legal guardian and the women under his protection<sup>42</sup>.

In spite of the fact that he does not give many details, Velleius Paterculus confirmed the fact that Ti. Claudius Nero gave Livia Drusilla away to Octavian

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<sup>36</sup> Suetonius, *Tiberius* 4.3.

<sup>37</sup> A. A. Barrett, *op. cit.* 2002, p. 22; G. Marañón, *op. cit.*, p. 26; R. Seager, *op. cit.*, p. 7; E. Rifner Parker, *The Education of Heirs in the Julio-Claudian Family*, in *The American Journal of Philology*, 67 (1946) 1, p. 33.

<sup>38</sup> G. Marañón, *op. cit.*, p. 35; R. P. Saller, Roman Kinship. *Structure and Sentiment*, in B. Rowson, P. Weaver (ed.), *The Roman Family in Italy. Status, Sentiment, Space*, Oxford, 1997, p. 33.

<sup>39</sup> B. Levick, *op. cit.*, p. 34.

<sup>40</sup> M. Flory, *op. cit.*, p. 347.

<sup>41</sup> E. D. Huntsman, *op. cit.*, p. 148.

<sup>42</sup> *Ibidem*: supporting the theory of Ti. Claudius Nero's guardianship, E. Huntsman tries to demonstrate the fact that Livia and her first husband were first cousins, Livia's father being born on the Claudius Nero side.

willingly, before the conflict with Sex. Pompey<sup>43</sup>, when the future emperor Tiberius was 3 years old<sup>44</sup>. Therefore, the divorce between them took place the day after the baby had been born, between the second half of November and the 31<sup>st</sup> of December, 39 B.C. Unlike Velleius Paterculus, Cassius Dio does not mention the moment of the divorce, but he reminds us that after Octavian had consulted the pontiffs, Ti. Claudius Nero gathered Livia Drusilla's dowry and gave it to her exactly like a parent<sup>45</sup>. In the 4<sup>th</sup> century A.D., when Aurelius Victor wrote, no other variant was circulating but that of an amiable divorce and of Livia being offered into marriage to Octavian<sup>46</sup>.

Based on the information provided by the ancient historians, we can draw the conclusion that the marriage between Livia Drusilla and Octavian was facilitated by Ti. Claudius Nero in spite of the fact that his second child was soon to be born. The negative aspects presented by Tacitus are tightly related to the denigration campaign launched by M. Antony against Octavian and to the rumours circulating Rome.

According to the notes of Suetonius, M. Antony was reproaching Octavian, by means of letters, that he had repudiated Scribonia. The reason for her banishment would have been the fact that she "was resenting the fact that a man with no morals had such a great power"<sup>47</sup>. In other words, the divorce between them would have been caused by Scribonia's intolerance of her husband's adulteries but no aversion against Livia results from the the Suetonian text. Probably, the events following the divorce allowed the historians to speculate on the feminine characters involved in Octavian's adulteries, since Suetonius notes that, "as far as the adulteries are concerned, not even his friends deny them, but they excuse him for having committed them not out of promiscuity but in order to better know the plans of his enemies by questioning their wives"<sup>48</sup>. M. Antony claimed in one letter that Octavian "would have procured, with the help of his friends, lovers whom they would undress and inspect, be they mothers, or adult maids, as if they had been sold by Toranius, the slave merchant"<sup>49</sup>.

Although Scribonia's intolerance seems perfectly justifiable, we have to take into account the fact that her marriage with Octavian had been contracted on political grounds, and the divorce was imminent if we consider the future

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<sup>43</sup> Velleius Paterculus 2.79.2.

<sup>44</sup> Velleius Paterculus 2.94.1.

<sup>45</sup> Cassius Dio 48.44.3.

<sup>46</sup> Aurelius Victor, *De Caesaribus* 1.23.

<sup>47</sup> Suetonius, *Augustus* 69.1; M. Hammond, *op. cit.*, p. 145; M. P. Charlesworth, *Some Fragments of the Propaganda of Mark Antony*, in *Classical Quarterly*, 27 (1933), p. 175.

<sup>48</sup> Suetonius, *Augustus* 69.1.

<sup>49</sup> Suetonius, *Augustus* 69.1.

emperor's plans regarding the elimination of Sex. Pompey. The couple's unhappiness, described by the ancient historians, does not seem to be in accordance with the epigraphic material. Scribonia did not remarry but the epigraphs refer to the status of ex-wife of Caesar [Augustus]<sup>50</sup> that she maintained. Therefore, neither Octavian, who had a daughter with Scribonia, nor Livia, as a legitimate wife starting with January 38 B.C., manifested any opposition regarding the manner in which Julia Maior's mother presented herself in society. As a matter of fact, Scribonia is no longer mentioned in the sources between 38 and 2 B.C. At this moment, she appears as a voluntary companion of Julia Maior into exile on island of Pandateria, fact which brought her the appreciation and eulogies of the ancient historians.

Once the arrangements made, the marriage between Octavian with Livia Drusilla was celebrated on January, 17, 38 B.C., according to the calendar in Verulae, discovered in 1922<sup>51</sup>. The wedding ceremony was followed by a small banquet, probably due to Livia's condition, attended by 12 persons. Referring to this moment, Suetonius mentions that the party of "the twelve gods" took place in secrecy, but he did not record the reason for organising this event. Further on, Suetonius writes down that the participants were dressed as "gods and goddesses", "Augustus himself being disguised as Apollo"<sup>52</sup>. Although the ancient historian does not mention how Livia and Ti. Claudius Nero were dressed, we may assume that they were given the parts of Juno and Jupiter. According to legend, Apollo had kidnapped Juno from her husband and had had an adulterous relationship with her, and the wedding banquet could have been a parody of gods' infidelities<sup>53</sup>. This fact seems to be supported by some lyrics by an anonymous author circulating in that period and which remained preserved in Suetonius' imperial biographies: "as soon

<sup>50</sup> CIL VI, 26032 = ILS 126: *Ex domo / Scriboniae Caesar(is) / libertorum libertar(um) / et qui in hoc monument(um) / contulerunt*; CIL VI, 7467 = ILS 7429 = AÉ 2001, 169: *Dipirus Antigoni vicar(ius) / ben<e=I>ficio Heliconis / Scriboniae Caesaris / vestificis / an(norum) XIX*; CIL VI, 26033 = AÉ 2008, 84: *Libertorum et / familiae / Scriboniae Caesar(is) / et Corneli Marcell(i) / f(ili) eius / [in fr(onte)] p(edes) XXXII / [in ag]r(o) p(edes) XX*; CIL VI, 31276 = ILS 8892 = AÉ 1891, 123 = AÉ 1892, 73: *Sentia Lib[onis] / mater Scr[iboniae] / Caes[aris]*.

<sup>51</sup> V. Ehrenberg, A. H. M. Jones, *Documents Illustrating the Reigns of Augustus and Tiberius*, Oxford, 1976, p. 46; AÉ 1937, 5, r. 18-19: *XVI n(efas) p(iaculum) feriae ex s(enatus) c(onsulto) quod eo die / Augusta nupsit divo Aug[us]t(o)*; G. Radke, *Verulae*, in *Realencyclopädie der classischen Altertumswissenschaft*, 8A.2 1958, col. 1688; M. Flory, *op. cit.*, p. 348; A. A. Barrett, *op. cit.* 1996, p. 14; Idem, *op. cit.* 2002, p. 313; G. Marañón, *op. cit.*, p. 29; R. Seager, *op. cit.*, p. 7; E. D. Huntsman, *op. cit.*, p. 145, 150; J. Edmondson, *Augustus*, Edinburgh, 2009, p. 187; J. Burns, *Great Women of the Imperial Rome. Mothers and Wives of the Caesars*, New York, 2007, p. 7.

<sup>52</sup> Suetonius, *Augustus* 70.1.

<sup>53</sup> M. Flory, *op. cit.*, p. 354.

as the banquet table had taken the host / and Mallia had seen six gods and six goddesses, / when Caesar in his impiety had parodied Apollo, / when he enchanted the table companions with new adulteries of gods, / then all divinities left the lands, / and Jupiter himself ran from his golden throne”<sup>54</sup>.

The parody of god committed adulteries may be related to Octavian’s tolerant attitude towards the theatre scenes that referred to infidelity. This aspect results from the verse of Ovid, although his politics promoted moral life and fought against this kind of relations: “You see how much money was spent on these plays! / You’ve seen them; and gave them to the whole world to see; / That much goodness lies within your greatness! / With your eyes, that watch the entire world, / You’ve seen so many adulteries on stage!”<sup>55</sup>

According to Suetonius, it was not Octavian’s impiety to put this parody on stage that gave birth to the revolt of the population of Rome, but the fact that “poverty and hunger reigned at that moment”. The next day, one could hear in the streets of Rome: “the gods have eaten all the wheat, Caesar is indeed Apollo, but Apollo the executioner”<sup>56</sup>.

Unlike Suetonius, Cassius Dio makes reference neither to the “divine” theme of the banquet offered by Octavian, nor to the revolt of the poor population of Rome. He embraces though a humoristic perspective, describing a savoury incident that happened during the wedding feast: “a talkative child, one of those children the matrons used to grow up naked just for their fun, seeing Livia next to Octavian Caesar and, further away, Nero, sitting next to another table companion, went to her and said “What are you doing here Mistress? Your husband – pointing towards the latter – is sitting over there!”<sup>57</sup>

After comparing them, the two descriptions demonstrate the negative impact that Octavian’s marriage with Livia and the idea of comparing themselves with the gods had upon the Roman citizens. Moreover, they also indicate the participants’ perception of an embarrassing situation, expressed through the words of a slave.

The hasty marriage, Livia’s pregnancy and the birth of Drusus Maior within the marriage with Octavian offered M. Antony new reasons to attack his partner in ruling the Roman Empire. The paternity of Livia’s second son was intensely debated in Rome<sup>58</sup>. The historic sources unanimously claim that Livia was pregnant at the moment of contracting the second marriage<sup>59</sup>, but, according to *fasti*

<sup>54</sup> Suetonius, *Augustus* 70.1.

<sup>55</sup> Ovidius, *Tristia* 2.509-514.

<sup>56</sup> Suetonius, *Augustus* 70.2; M. Flory, *op. cit.*, p. 357; A. A. Barrett, *op. cit.* 2002, p. 26.

<sup>57</sup> Cassius Dio 48.44.3.

<sup>58</sup> Suetonius, *Augustus* 69.1; Tacitus, *Annales* 4.34.5, 5.1.2; M. Flory, *op. cit.*, p. 345, 352.

<sup>59</sup> Suetonius, *Augustus* 62.2, *Tiberius* 4.3, *Claudius* 1.1; Velleius Paterculus 2.95.1; Tacitus, *Annales* 5.1.2; Cassius Dio 48.44.

*Verulani*, the birth of Drusus Maior happened on January 14, 38 B.C., that is only 3 days before his mother's wedding. With reference to this problem, Suetonius makes two contradicting statements. Firstly, he notes that "Drusus ... was born three months after Livia, being pregnant, had married Augustus", recording even a Greek verse suitable for the situation: "the lucky ones have children in just three months"<sup>60</sup>. According to this mention, Drusus Maior came into this world in the March-April interval, 38 B.C. Later on, the historian suggests January 14, 38 B.C. as Drusus Maior's birth date. M. Antony, Claudius' grandfather<sup>61</sup>, was born on the same day and the above mentioned piece of information most probably developed against the background of rehabilitating the former triumvir by the fourth emperor of Rome<sup>62</sup>. As a matter of fact, Suetonius recalls an edict issued by Claudius which justified his persistence on celebrating the birthday of his father, Drusus Maior, through "its coincidence with the birthday of his ancestor, Mark Antony"<sup>63</sup>. After the Actium defeat in 31 B.C., the senate had issued a decree through which M. Antony's official dignities were abolished, without declaring him though *hostis populi Romani*<sup>64</sup>. His birthday was set among the ill-fated ones<sup>65</sup>, and the members of his family no longer had the right to use the first name of Mark<sup>66</sup>. These measures taken by the senators can be considered as the equivalent of *damnatio memoriae*, even if the person referring to is still alive<sup>67</sup>.

Getting back to Drusus Maior's *dies natalis*, the fact that the ancient historians claimed he was born in Octavian's house has not prevented the modern historians from debating this topic. Thus, G. Radke believed that recording Drusus Maior's birth date on January 14<sup>th</sup>, 38 B.C. was nothing else but relating to the old Roman calendar, before C. Julius Caesar's reform (fact which is evident in the case of M. Antony's *dies natalis*)<sup>68</sup>. Even if this opinion seems pertinent, the *fasti Verulani* were made though long after the Julian reform. From this perspective, it seems very hard to believe that the officials from Verulae were recording special

<sup>60</sup> Suetonius, *Claudius* 1.1; A. A. Barrett, *op. cit.* 2002, p. 313; C. J. Simpson, *The Change in Praenomen of Drusus Germanicus*, in Phoenix. The Journal of the Ontario Classical Association, 42 (1988) 2, p. 173.

<sup>61</sup> Suetonius, *Claudius* 11.3; E. D. Huntsman, *op. cit.*, p. 149; A. A. Barrett, *op. cit.*, 2002, p. 26, 314; R. Seager, *op. cit.*, p. 7; C. J. Simpson, *op. cit.*, p. 173.

<sup>62</sup> Suetonius, *Claudius* 11.3; Cassius Dio 60.5.1.

<sup>63</sup> Suetonius, *Claudius* 11.3.

<sup>64</sup> C. H. Lange, *Res Publica Constituta: Actium, Apollo and the Accomplishment of the Triumviral Assignment*, Brill, 2009, p. 136.

<sup>65</sup> *AE* 1937, 5, 1. 14: *[V]itiosus ex (senatus) c(onsulto). Ant(oni) natal(is)*; St. Weinstock, *Divus Iulius*, Oxford, 1971, p. 209.

<sup>66</sup> Cassius Dio 51.19.1.

<sup>67</sup> C. H. Lange, *op. cit.*, p. 136.

<sup>68</sup> G. Radke, *Der Geburtstag des älteren Drusus*, in Würzburger Jahrbücher für Altertumswissenschaft, 4 (1978), p. 211-213.

events using the old calendar without indicating any parallel between the two dates. On the other hand, J. Carcopino considered that the marriage was contracted after the birth of Livia's son, only the engagement being celebrated in September, after which Livia moved to Octavian's house<sup>69</sup>. On his turn, E. Huntsman suggested a larger time interval for the birth of Drusus Maior and that was March-July 38 B.C.<sup>70</sup>.

According to a simple calculation, if Livia was 6 months pregnant when she got engaged to Octavian, in the autumn of 39 B.C., then the child could have been born in January 38 B.C., having been conceived in March-April 39 B.C., while Livia was in Greece with her husband Ti. Claudius Nero<sup>71</sup>. If the pregnancy however was in its sixth month of evolution on the marriage day, on January 17, 38 B.C., Drusus Maior could not have been born later than the end of March 38 B.C. or the beginning of April in the same year<sup>72</sup>. Drawing a conclusion on the basis of this calculation, any birth date after the March-April time interval could have raised suspicions regarding the paternity of the child.

Looking into this matter, G. Marañón took into account the pros and cons of Octavian's paternity in the case of Drusus, relying especially on the comparison between the characters of Livia's two sons. The starting point of Octavian's paternity would be the haste displayed in connection to performing the marriage. The passion born between the protagonists, invoked by the ancient historians, is not supported by G. Marañón, because an advanced pregnancy leads to the disappearance of interest in the opposite sex<sup>73</sup>. From the same perspective, for a man who was not involved in the procreation act it is almost impossible to fall in love so strongly with a pregnant woman that he could not wait for three more months before celebrating the marriage<sup>74</sup>. Therefore, the marriage of these two would be the consequence of an adulterine relationship which resulted in a son. In order to support this point of view, G. Marañón sustained, on the grounds of literary sources, that Drusus Maior displayed a character close to that of Augustus. His joviality, receptivity, intelligence as well as his distinctive manners, difficult to match by those around him,<sup>75</sup> seemed to have been inherited from his alleged step father and from Julius Caesar. These traits distinguished him from Tiberius, who always manifested the tendency to isolate himself, as well as a taciturn, precautious and tough nature, similar to that of Ti. Claudius Nero<sup>76</sup>.

<sup>69</sup> J. Carcopino, *op. cit.* 1929, p. 235; A. A. Barrett, *op. cit.* 2002, p. 26, 313.

<sup>70</sup> E. D. Huntsman, *op. cit.*, p. 149.

<sup>71</sup> Suetonius, *Claudius* 1; A. A. Barrett, *op. cit.* 2002, p. 27.

<sup>72</sup> A. A. Barrett, *op. cit.* 2002, p. 313.

<sup>73</sup> G. Marañón, *op. cit.*, p. 30.

<sup>74</sup> *Ibidem*.

<sup>75</sup> Velleius Paterculus 2.97.2.

<sup>76</sup> G. Marañón, *op. cit.*, p. 32.

Another element invoked in favour of this theory would be the disorder which affected several generations of Julians. In the case of Julius Caesar, epilepsy manifested both by crises, and by fantastic dreams<sup>77</sup>. Caesar's niece, Atia, Augustus' mother, also suffered from dreams. For example, Suetonius recalls that, before getting pregnant, "Atia ... went in the middle of the night to a festivity in Apollo's honour, left her palanquin in the temple and fell asleep, while the rest of the matrons left home; suddenly, a snake snapped at her and withdrew shortly after that; ... when Augustus was born 9 months later, he was considered to be Apollo's son"<sup>78</sup>. The same Suetonius notes that Augustus himself, "for the whole spring, used to have numerous chimerical nightmares which were less frequent and less chimerical the rest of the time"<sup>79</sup>. We do not know for certain whether Germanicus inherited this disease but his son, Caligula, was definitely affected by it. Suetonius mentions the fact that the visible manifestations of the disease disappeared after his adolescence, but he continued to be "tortured by strange dreams: he dreamt for instance, among others, that he had talked with the ghost of the sea"<sup>80</sup>.

Going back to Drusus Maior, Suetonius and Cassius Dio recall that during the consulate in 9 B.C. (having Titus Crispinus as colleague), Livia's son ran the military campaign in the Chatti lands. Both versions mention a woman of barbaric origin with a superhuman stature who spoke Latin who either forbid Drusus Maior to advance<sup>81</sup>, or foresaw his near death<sup>82</sup>.

Given the fact that the sources do not mention any case of epilepsy in the Claudia family before the birth of Drusus Maior, G. Marañón considered that this aspect might represent an essential element in establishing paternity in favour of Octavianus<sup>83</sup>. As a matter of fact, Suetonius considered that "Augustus loved him so much when he was alive that named him co-heir along with his sons [Gaius and Lucius], as he declared once publicly, asking the Gods to make all Caesars similar to him, and asked for him personally to have a death as glorious as his. He did not only place lyrics written by himself on his grave, but also wrote a history of his life in prose"<sup>84</sup>.

In order to put an end to rumours and prove that he was not the father of the son that Livia gave birth to in his house, Octavian sent Drusus Maior (initially

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<sup>77</sup> Suetonius, *Caesar* 8.

<sup>78</sup> Suetonius, *Augustus* 94.4.

<sup>79</sup> Suetonius, *Augustus* 91.1.

<sup>80</sup> Suetonius, *Caligula* 50.3.

<sup>81</sup> Suetonius, *Claudius* 1.2.

<sup>82</sup> Cassius Dio 55.1.3.

<sup>83</sup> G. Marañón, *op. cit.*, p. 33.

<sup>84</sup> Suetonius, *Claudius* 1.5; A. A. Barrett, *op. cit.* 2002, p. 27, 43.

named Decimus)<sup>85</sup> to Ti. Claudius Nero, to be raised together with Tiberius, his older brother<sup>86</sup>. On this occasion, the future emperor noted in his memoirs: “Caesar gave the father back the child born by his wife, Livia”<sup>87</sup>. That was an absolutely normal gesture for the Roman society, the children remaining under the father’s custody after the mother had left the house. Moreover, the father had the right to keep one sixth of his former wife’s dowry in order to support the children, but we do not know whether Ti. Claudius Nero resorted to this legal provision<sup>88</sup>.

The theory defending Ti. Claudius Nero’s paternity is based on much fewer arguments. The fact that Drusus Maior was recognised by his mother’s former husband and raised together with Tiberius should not be taken as a strong argument, because Ti. Claudius Nero showed weakness and proved, by giving his wife away, his will to avoid a conflict with Octavian. S. Baring-Gould considers that Ti. Claudius Nero’s paternity could be demonstrated by the physical likeness of the two brothers<sup>89</sup>. The statues and effigies made to honour the two indicate indeed certain similarities but we have to take into account the fact that Tiberius and Drusus Maior could have inherited those features from Livia<sup>90</sup>. As a matter of fact, the stylization of features at the moment of making the statues does not permit us to make a clear picture of the fine elements which would have gotten Drusus Maior closer to Octavian or Ti. Claudius Nero.

Another element which can be taken into consideration when supporting Ti. Claudius Nero’s paternity would be the lack of heirs born by Livia during her marriage with Octavian. In spite of the fact that ancient historians invoked the passion that appeared between the two protagonists as the reason for their hasty marriage, Pliny the Elder claimed that “Livia’s aversion towards intimate relations” was the cause of the couple’s sterility<sup>91</sup>. Suetonius noted that the two weds wanted children enormously and that Livia even got pregnant. Premature birth or spontaneous abortion could be enumerated among the causes that might have left Livia sterile<sup>92</sup>. Therefore, it was not the lack of passion or the aversion towards intimate relations that was the cause of the absence of children in Octavian’s

<sup>85</sup> Suetonius, *Claudius* 1.1; E. D. Huntsman, *op. cit.*, p. 149; R. Syme, *Imperator Caesar: A Study in Nomenclature*, in *Historia. Zeitschrift für Alte Geschichte*, 7 (1958) 2, p. 174.

<sup>86</sup> Cassius Dio 48.44.5; A. A. Barrett, *op. cit.* 2002, p. 27; G. Marañón, *op. cit.*, p. 32; M. Flory, *op. cit.*, p. 347; E. Fantham, *Julia Augusti. The Emperor's Daughter*, New York, 2006, p. 23.

<sup>87</sup> Cassius Dio 48.44.5.

<sup>88</sup> E. D. Huntsman, *op. cit.*, p. 149.

<sup>89</sup> S. Baring-Gould, *The Tragedy of the Caesars. A Study of the Characters of the Caesars of the Julian and Claudian Houses*, London, 1892, p. 170.

<sup>90</sup> G. Marañón, *op. cit.*, p. 34.

<sup>91</sup> Pliny the Elder, *Naturalis Historia* 7.11.

<sup>92</sup> Suetonius, *Augustus* 63.1.

family<sup>93</sup>. A proof that sustains this point of view is the fact that they remained married for 52 years although the divorce on account of sterility was an option frequently used by the Romans<sup>94</sup>.

Although Ti. Claudius Nero cooperated with Octavian and gave up his own family probably to win the latter's benevolence, his career was not supported and he never reached consular magistrateship<sup>95</sup>. The reason was not the lack of merits of Livia's former husband but the political situation. The triumvirs had designated the pairs of consuls for numerous years and Ti. Claudius Nero died in 33 B.C. In this year, according to records, the consular magistrateship was held by *Imperator Caesar divi Iuli f.* and Lucius Volcatius Tullus<sup>96</sup>. The death of Ti. Claudius Nero brought to light the friendly relationship between these two men also proven, for that matter, by his attending Livia's wedding<sup>97</sup>. According to the testamentary provisions recorded by Cassius Dio, Livia's first husband designated Octavian as the legal guardian of his two sons<sup>98</sup>: Tiberius, who delivered the eulogy for his father when he was 9<sup>99</sup>, and Drusus Nero, only 5 years old<sup>100</sup>.

Livia's marriage with Octavian, as shown above, was based on certain political reasons. On the other hand, in spite of ancient cynicism, the resilience of their marriage proves the existence of an emotional relationship as well which had led to the existence of this couple. Livia came to Octavian's house when she was already pregnant with her second child. Although the literary sources indicate Livia's advanced pregnancy at the wedding moment, Drusus Maior's birth date cannot be precisely determined. Under these circumstances neither the Julian, nor the Claudian lineage can be supported with maximum certainty. However, in our opinion, most arguments are in favour of Octavian's paternity.

<sup>93</sup> G. Marañón, *op. cit.*, p. 34.

<sup>94</sup> A. A. Barrett, *op. cit.* 2002, p. 120.

<sup>95</sup> E. D. Huntsman, *op. cit.*, p. 152; R. Seager, *op. cit.*, p. 7.

<sup>96</sup> *Fasti Consulares inde a Caesaris nece usque ad Imperium Diocletiani* 1881, p. 5.

<sup>97</sup> E. D. Huntsman, *op. cit.*, p. 147; M. Flory, *op. cit.*, p. 347.

<sup>98</sup> Cassius Dio 48.44.5; Horatius, *Carmina* 4.4.27-28; A. A. Barrett, *op. cit.*, 2002, p. 27; M. Flory, *op. cit.*, p. 347; E. Fantham, *op. cit.*, p. 23, 25; G. Marañón, *op. cit.*, p. 64.

<sup>99</sup> Suetonius, *Tiberius* 6.4; R. Seager, *op. cit.*, p. 8; E. Rifer Parker, *op. cit.*, p. 34; E. D. Huntsman, *op. cit.*, p. 153.

<sup>100</sup> Suetonius, *Tiberius* 4.3.