ALL IN THE FAMILY: THE APPOINTMENT OF EMPERORS
DESIGNATE IN THE SECOND CENTURY A. D.

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The monstrous vices of the son have cast a shade on the purity of the father's virtues. It has been objected to Marcus, that he sacrificed the happiness of millions to a fond partiality for a worthless boy; and that he chose a successor in his own family, rather than in the republic.¹

Gibbon famously described the period of the so-called adoptive emperors as the happiest for the human race. He ascribed this bliss to a number of just rulers, whom he assumed had come to power through a conscious system of adoption, with childless emperors being free to choose anyone they deemed worthy as their successors. That perception keeps lingering on. Michael Rostovtzeff's adoptive emperors were *exempla* of virtuousness, putting the welfare of the state over their paternal love: 'In his family life the emperor had to disregard his love for his own children; he had to look for the best man among his peers and raise him to the throne by adoption'.² Likewise, Pierre Grimal argued that it was Marcus' own emphasis on family and human warmth (φιλοστοργία) that led him to appoint his son Commodus as his successor, thus implying a positive choice, rather than an unavoidable act.³ Most recently Richard Reece once more echoed Gibbon:

By the second century AD the family principle of the first emperor Augustus (27 BC - AD 14), had given way to a principle of adoption ... The dynastic principle wormed its way back into the system with the marriage of Marcus Aurelius to the daughter of Antoninus Pius, Faustina II. The dynastic principle immediately demonstrated its faults when their son, Commodus (180-192) proclaimed himself as the reincarnation of Hercules.⁴

¹ E. Gibbon, *The History of the Decline and Fall of the Roman Empire* (1776), chap. 4.

² M. Rostovtzeff, *Social and Economic History of the Roman Empire* (Oxford 1957²), 122.

³ P. Grimal, *Marc Aurèle* (Paris 1991), 216. Cf. D. Baharal, *The Victory of Propaganda. The Dynastic Aspect of the Severan's Imperial Propaganda. The Literary and Archaeological Evidence (193-235 AD)* (Oxford 1996), 14: 'This era is also known as the rule of the adopted emperors ... During his lifetime each emperor chose the person whom he considered the wisest, most capable and most suitable to be his heir, adopting him as his son regardless of family ties'.

⁴ R. Reece, *The Later Roman Empire. An Archaeology AD 150-600* (Stroud 1999), 163.

The above authors denied the importance of a dynastic principle in a particular period of the Principate. Egon Flaig goes even further. In the last few years he has repeatedly tried to call the entire idea of a principle of dynastic succession into doubt. Flaig argues vehemently against such a principle, which according to him consistently failed to function properly in periods of crisis, and thus did not exist:

Ein dynastisches 'Prinzip' konnte daher nun so lange 'wirken', wenn eben keine Usurpation erfolgte oder erfolgreich war. Das heißt, er versagte im Ernstfall. Aber der Ernstfall ist die Probe darauf, welche politischen Beziehungen wirken und welche nicht. Folglich war das dynastische 'Prinzip' in der römischen Monarchie – zumindest in der Prinzipatepoche – wirkungslos und damit inexistent.⁵

This argument is flawed. Systems that do not work still can, and very often do, exist. The fact that dynastic factors were not always decisive in extreme circumstances – that they only worked till a usurpation removed the present ruling house – does not mean they were absent. Numerous examples can illustrate as much. In Britain a revolution caused the dynastic claims of the House of Stuart to fall short, after which they were duly replaced by the House of Hannover – now the house of Windsor. Here too, dynastic claims failed in an extreme situation. Yet nobody would claim the dynastic principle was absent from the British monarchy. Just because a dynasty is occasionally replaced, does not mean dynastic succession is 'inexistent'.

One may well agree with Flaig that there was no organ in the Roman state that could confer legitimacy on a *de facto* ruler; that the Principate was essentially an acceptance system, not one founded on constitutional legitimacy. But this does not disallow the existence of a dynastic principle. There are few, if any, situations in Roman history, in which dynastic claims were ignored. Which factors caused Claudius to come to power, other than his Julio-Claudian blood? Why was Claudius Pompeianus, a Syrian of relatively obscure origins, believed to have been offered the empire twice – first by Pertinax after Commodus' death, and later when Didius Julianus asked him to be co-emperor – if not for the fact that Lucilla, Marcus' eldest

⁵ E. Flaig, 'Für eine Konzeptionalisierung der Usurpation im Spät Römisches Reich', in: F. Paschoud/J. Szidat (eds.), *Usurpationen in der Spätantike*. Historia Einzelschriften 11 (Stuttgart 1997), 15-34; 20. Cf. Idem, *Den Kaiser herausfordern. Die Usurpation im Römischen Reich* (Frankfurt-New York 1992).

daughter, and Lucius Verus' widow, was his wife?⁶ Even an imperial candidate like Galba, whose 'links with the Julio-Claudians were so tenuous as to be worthless in terms of loyalty', still tried to make what he could of those links, strongly emphasising his links with Livia, putting her head on coins and calling himself 'Lucius Livius Galba' in at least one official document.⁷ The systematic slaughter of members of the imperial family by reigning emperors further shows the perception that close relatives were a liability that could endanger one's own position.⁸ In Andrew Lintott's words: 'Did not dynastic connections in themselves confer, if not legitimacy, acceptability?'⁹

The adoption of Trajan by Nerva appears to be the one instance in which dynastic connections did not operate. On this occasion family ties did not rule supreme. Nerva apparently actually passed over relatives in order to adopt his successor (Cassius Dio, 68.4.1), though they 'were so unimportant we do not even know their names' – let alone what happened to them after Trajan came to power.¹⁰ In any case, the circumstances surrounding Trajan's adoption were suspect. Nerva's authority had proved to be not all-encompassing, forcing the elderly emperor to punish Domitian's killers against his own will.¹¹ With the threat of anarchy, and an alleged break-up in army discipline (Pliny, *Panegyric* 6.2: *Corrupta est disciplina castrorum*), it should come as no surprise that the childless Nerva chose to adopt the governor of Upper Germany, a man of distinguished background and career

⁶ IGR 1.1509; SHA, *Marcus Aurelius* 20.6-7; Herodian, 1.8.3; SHA, *Pertinax* 4.11; SHA, *Julianus* 8.3; M. L. Astarita, *Avidio Cassio* (Rome 1983), 75-6 n. 60, 110; G. Alföldy, *Konsulat und Senatorenstand unter den Antoninen. Prosopographische Untersuchungen zur senatorischen Führungsschicht* (Bonn 1977), 184. T. Hölscher, 'Claudische Staatsdenkmäler in Rom und Italien. Neue Schritte zur Festigung des Principats', in: V. M. Strocka, *Die Regierungszeit des Kaisers Claudius (41-54 n. Chr.). Umbruch oder Episode* (Mainz 1994), 91-105; 93, 103.

⁷ BMC I, nos. 201-2, Pl. 58.4; SEG 15.873: 'Λουκίου Λιβίου <Σ>εβαστού <Σ>ουλπικίου Γάλβα' [= M. McCrum/A. G. Woodhead, *Select Documents of the Principates of the Flavian Emperors* (Cambridge 1961), no. 328]. Cf. also the behaviour of Nymphidius Sabinus, who started to spread rumours that he was Gaius' illegitimate son, the moment he began 'to think of himself as potentially more than a kingmaker'; Th. Wiedemann, 'From Nero to Vespasian', in A.K. Bowman, *et. al.*, eds., *Cambridge Ancient History X² (= CAH X²)* [Cambridge 1996], 256-82; 261-2.

⁸ M. Corbier, 'La Maison des Césars', in: P. Bonte (ed.), *Epouser au plus proche. Inceste, prohibitions et stratégies matrimoniales autour de la Méditerranée* (Paris 1994), 243-91; 274-5, with references.

⁹ A. Lintott, 'The Emperor and his Army', *Classical Review, new series* XLIV (1994), 130-2; 131.

¹⁰ R. M. Geer, 'Second Thoughts on the Imperial Succession from Nerva to Commodus', *Transactions and Proceedings of the American Philological Association* 67 (1936), 47-54; 49. On Nerva: PIR² (1936), no. 1227.

¹¹ Cassius Dio, 68.3.3; Pliny, *Panegyric* 6.1-3.

– and the general whose troops could reach Rome most rapidly, if he so desired.

One should also remember that there had not been much time for people to get used to Nerva – nor to develop dynastic sentiments towards any of his relatives. Trajan's adoption was, in many respects, extraordinary, and more like a self-imposed usurpation than standard succession. Quite how extraordinary is made clear by Pliny, who in his *Panegyric* to Trajan of AD 100, states that this is indeed a hitherto unheard way to become emperor.¹² Pliny puts a positive turn on affairs, unsurprising for someone presenting a panegyric in the emperor's presence.

No tie of kinship or relationship bound adopted and adopter; your only bond was that of mutual excellence, rendering you worthy either to choose or be chosen .. Nor is there a more fitting way to adopt a son, if the adopter is the *princeps* .. If he is destined to rule all, he must be chosen from all .. Not to adopt someone, who in the eyes of all could have proved a ruler even without adoption, would indicate the wanton tyranny of power.¹³

An anti-dynastic speech indeed, constructing an entire new system of government. Then again, Pliny could hardly have told Trajan anything else to his face. To use it as evidence for common senatorial ideas as to how succession should be arranged, is pushing the argument too far.¹⁴ Only a few years later Dio Chrysostom accentuated the importance of relatives, and the fact that one inevitably had to take their positions into account:

And should not the ties of blood and kinship be especially dear to a good king? For he regards his kith and kin as a part of his own soul, and sees to it that they shall not only have a share of what is called the king's felicity, but much more, that they shall be thought worthy to be partners in his authority ... and those kinsmen who live honourable lives he loves beyond all others, but those who do not so live he considers, not friends, but relatives. For other

¹² Pliny, *Panegyric* 7.1: '*O novum atque inauditum ad principatum iter!*'

¹³ Ibidem 7.4-7: '*Nulla adoptati cum eo qui adoptabat cognatio, nulla necessitudo, nisi quod uterque optimus erat, dignusque alter eligi alter eligere .. Nec decet aliter filium adsumi, si adsumatur a principe .. Imperaturus omnibus eligi debet ex omnibus .. Superbum istud et regium, nisi adoptes eum quem conste imperaturum fuisse, etiamsi non adoptesses*'. Cf. Tacitus, *Histories*, 1.15, where Galba's adoption of Piso, another choice outside of the family (without an alternative within the family at hand) in a situation of crisis is presented as break for the better: '*Sed Augustus in domo successorum quaesivit, ego in re publica*'. Galba's speech has many similarities to *Panegyric*, 7-8.

¹⁴ H. Nesselhauf, 'Die Adoption des römischen Kaisers', *Hermes* 83 (1955), 477-92: '*..damals gängige Gedanken...*'.

friends he may cast off when he has discovered something objectionable in them, but in the case of his kinsmen, he cannot dissolve the tie; but whatever their character, he must allow the title to be used.¹⁵

Trajan, though no kinsman of Nerva, was still adopted before becoming emperor-designate, like all emperors without sons adopted their preferred successors, presenting them, in effect, as a son-by-law. This, at the most banal of levels, could be used as evidence to support the claim that throughout the principate (including the period of the adoptive emperors) succession was a dynastic affair. Yet even when there was no son to succeed, the emperor was in no way free to choose any successor he saw fit. Succession in the second century, under the so-called system of adoptive emperors, may appear to have been a simple choice for the best man amongst the emperor's peers, but those peers, out of necessity, had to belong to an exclusive group of imperial relatives.

Indeed, ignoring a relative could be dangerous. Those with imperial blood could be the natural focus-point for any who were discontented with a current ruler. An insurrection against an emperor was deemed to be far easier if an imperial relative would lead it. Often members of the imperial family were popular among the troops, sometimes also those fallen from favour.¹⁶ Even if one wants to see, e.g., Tacitus' description of Tiberius' fear of a possible insurrection by Germanicus as mainly a literary invention, it would still be an invention along lines that the audience Tacitus was writing for could have believed in. A rebellion led (or at least endorsed) by a kinsman of the emperor was thought of as a possibility. Without such a leader, it was almost unthinkable that a rebellion could succeed. As Timpe showed years ago, the military, in particular, strongly supported the idea of a ruling family, and would form an immense obstacle to any non-relative who would claim the supreme power.¹⁷ Though this did not inevitably mean that the *nearest* member of the family would succeed, it did imply the near-impossibility of a

¹⁵ Dio Chrysostom, *Peri Basileias* 3.119-21.

¹⁶ G. Rowe, *Omnis spes futura paternae stationis: public responses to the Roman imperial succession* (DPhil; Oxford 1997), 174 [forthcoming as: *Princes and Political Cultures: The New Senatorial Decrees from the reign of Tiberius* (University of Michigan Press)].

¹⁷ Tacitus, *Histories* 3.38; Tacitus, *Annals* 1.42, and especially 2.76: '...penitus infixus in Caesares amor praevaleret'. Cf. Ammianus Marcellinus, 26.7.10, 16. D. Timpe, *Untersuchungen zur Kontinuität des frühen Prinzipats* (Wiesbaden 1962), 88: 'Aus diesem Grund ist er ἐπιεικής, weil und indem er aus βασιλικὸν γένος ist'; J. Lendon, *Empire of Honour. The Art of Government in the Roman World* (Oxford 1997), 254: 'Soldiers felt a strong dynastic loyalty'.

non family member taking preference over a relative. Elagabalus' alleged dynastic claims as Caracalla's son still earned him the support of the military in AD 218, and when their loyalty to him diminished, they transferred it to his adoptive-son Severus Alexander, who was also his cousin by blood.¹⁸ The succession to Claudius by Nero is a clear example of an adopted, slightly more remote, family member taking preference over Claudius' natural son Britannicus. The fact that the military seem to have supported Nero does not, however, imply the lack of dynastic favouritism on their part that Flaig argues for.¹⁹ Nero was, of course, as much as Britannicus – if not more than he – a member of the Julio-Claudian house. He was also adopted at a rather young age, the natural son of the reigning emperor's wife, and married to Claudius' daughter Octavia. Even more importantly, Nero was the great-grandson of Augustus himself, and closely related to the still immensely popular Germanicus, whereas the only alternative to the throne – Britannicus – was also under age. The support of the armies is therefore in no way comparable to that for a mere 'citizen' against an heir of the blood.

Earlier, the succession to the murdered Caligula had already shown the preference for a dynastic emperor on the part of, at any rate, the Praetorian guard. The discussion after Caligula's death (and, notably, that of his baby daughter, who was murdered along with him) had not so much been *whether* a member of the dynasty was to be the new princeps, but *which*. The Praetorians had recognised Claudius' *possessio* of the Julio-Claudian estate, and thus his status as head of the Julio-Claudian House. This made it difficult, if not impossible, for the Senate to accept the claims put forward by Marcus Vinicius, who was also intrinsically connected to the ruling dynasty.²⁰

Likewise, the *plebs* preferred the ruling house – and the stability it brought – over estranged usurpers. One could, rightfully, argue that the popularity of members of the *Domus Augusta* had much to do with the fact that they were the sole benefactors of the brilliant glory of the triumph, and, from Domitian onwards, the only ones who could please the populace with games and spectacles.²¹ Yet this limitation of audience-pleasing in itself denotes the

¹⁸ Cassius Dio, 79.14.1-2, 79.34.4; Herodian, 5.3.10; 5.4.2-4; SHA, *Macrinus* 9.4; 14.2; 15.2; SHA, *Elagabalus* 1.4.

¹⁹ Tacitus, *Annals* 12.69; Flaig 1992, op.cit. (n. 5), 203; M. Griffin, *Nero. The end of a dynasty* (London 1984), 33.

²⁰ Th. Wiedemann, 'Tiberius to Nero', *CAH X*², 198-255; 231.

²¹ Cassius Dio, 54.2.4; Suetonius, *Domitian*, 4.1.

unwillingness to let power and popularity escape the boundaries of the imperial house.

A Roman house was, however, 'not a natural thing, but a deliberate construction, fashioned through marriages and adoptions and exclusions of undesirables'.²² Thus, one could suggest, outsiders could be adopted into the dynasty, and 'natural' successors passed over, creating a 'dynastic system' which was as dynastic as the Empire was still the Republic. But though deliberately constructed, rules had to be obeyed. Adoption might seem an almost perfect way to make those who were suitable to rule through their qualities part of the ruling family, but there was always tradition to take account of. Jane Gardner notes how in Roman society 'A definite preference is shown for adopting persons related by blood, or at least by marriage, where any are available'. Similarly, Corbier has stated that 'the choice of the adopted heir was normally made from amongst the closest relations: either consanguineals (paternal or maternal) or relations by marriage'.²³ To adopt someone when there was a close male relative – let alone a son – in the *familia* already, would be noted, and possibly criticised, as Tacitus makes implicitly clear:

He [i.e. Augustus] ordered Tiberius to adopt [Germanicus], though there was already an adult son in Tiberius' house²⁴

There were even those who kept track of the distinguished houses that had an 'undiluted' line of succession.²⁵ From that point of view, Claudius' adoption of Nero was an aberration – outstanding as Nero's ancestry may have been. It is again Tacitus who points out that:

²² Rowe 1997, op.cit. (n. 16), 3. Cf. F. Millar, 'Ovid and the *domus Augusta*: Rome seen from Tomoi', *Journal of Roman Studies* 83 (1993), 1-17; 17: '... an Imperial 'family' which was itself a succession of constructions'.

²³ J. Gardner, *Family and Familia in Roman Law and Life* (Oxford 1998), 115; M. Corbier, 'Divorce and Adoption as Familial Strategies', in: B. Rawson (ed.), *Marriage, Divorce, and Children in Ancient Rome* (Oxford 1991), 49-79; 67.

²⁴ Tacitus, *Annals*, 1.3: '...per adoptionem a Tiberio iussit, quamquam esset in domo Tiberii filius iuvenis...'. Cf. Corbier 1991, op.cit. (n. 23), 66: 'The criticism seems perfectly understandable: the adoption seemed pointless, even suspicious, when the main obligation of head of the family, the transmission of name and possessions, was already assured'. See also Tacitus, *Annals* 2.43: 'Tiberius ut proprium et sui sanguinis Drusum fovebat'.

²⁵ R. P. Saller, 'Familia, Domus, and the Roman conception of the family', *Phoenix* 38 (1984), 336-55; 351: 'For all Romans the *domus* was closely related to wives, children, and other relatives. For aristocrats it was also associated in a concrete way with lineage, for which it could stand as a symbol'.

It was noted by the experts that, prior to this [Claudius' adoption of Nero], there was no trace of an adoption in the patrician branch of the Claudian house, which had lasted without interruption from Attus Clausus downward²⁶

If only for reasons of snobbery, prestige, and tradition, one would do well to keep adoption, and hence – in case of the imperial house – succession to the supreme position, within the family. Loyalty from the part of the army and the people which was rooted in dynastic considerations formed an added reason – and one that should not be underestimated – to adopt an heir who was dynastically related anyhow. This was indeed what second-century emperors did.

Trajan was Hadrian's father's first cousin. After the latter's death, Trajan became Hadrian's guardian. Hadrian's wife was Vibia Sabina – Trajan's grandniece. The two probably married soon after Trajan's accession.²⁷ This wedding, like most royal weddings, must have been a public event. An occasion 'which embodied or provided opportunities for dynastic pronouncements'.²⁸ The title *Augusta*, bestowed on Vibia's mother and grandmother in AD 107, only further emphasised the dynastic importance of the union.²⁹

To phrase family relations in terms of inheritance: 'Had Trajan been a private citizen who had died intestate, his property would have been distributed between Hadrian's wife, and her unmarried sister. If they had refused, Hadrian and his sister Domitia Paulina would have been the beneficiaries. Hadrian was thus the natural heir to any property of such a nature that a woman could not acquire it'.³⁰

Not all second-century emperors were quite so unproblematically dynastic in appointing heirs. Hadrian's measures to facilitate succession remain, at first look, somewhat enigmatic. The announcement of Lucius Ceionius Commodus as his heir in AD 136 raises a number of questions. They could all be solved by Carcopino's wonderfully romantic notion of Ceionius as Hadrian's bastard son, whose existence could only be disclosed after Vibia

²⁶ Tacitus, *Annals* 12.25: '*Adnotabant periti nullam antehac adoptionem inter patricos Claudios reperiri, eosque ab Atto Claudio continuos duravisse*'.

²⁷ Geer 1936, op.cit. (n. 10), 50.

²⁸ Rowe 1997, op.cit. (n. 16), 27, though he was talking of the Julio-Claudian period.

²⁹ CIL XI 1333; CIG 2576-7.

³⁰ Geer 1936, op.cit. (n.10), 50 n. 12.

Sabina's death earlier in AD 136.³¹ It could be true, of course, though it seems somewhat unlikely that the unknown author of the *Historia Augusta* would have missed gossip of quite such outrageous extravagancy. As it is, he has come up with a spectacularly scandalous theory of his own; Commodus' personal beauty was the sole reason for his election. Sir Ronald Syme suggested remorse, from Hadrian's side, for the execution of Avidius Nigrinus, Ceionius Commodus' stepfather, and father-in-law, as reason for the surprising choice.³²

Anthony Birley answered the question 'why this man', by arguing that Hadrian was already trying to make the young Marcus Aurelius, who *was* related to him, a strong candidate for an eventual emperorship.³³ Marcus had been married at Hadrian's wish to Ceionia Fabia, one of Ceionius Commodus' daughters. Commodus was tubercular, and was not likely to reign for long. Since his own son was only five years old, the 15-year-old Marcus would have been a strong contestant for succession.³⁴ This argument is strengthened by Antoninus Pius' ensuing rise to power. Antoninus was, of course, Marcus' uncle, and Hadrian made Antoninus adopt his nephew, and Lucius Verus.³⁵ Marcus' bond to the now-dead Ceionius Commodus was dissolved; the betrothal to Ceionia Fabia was broken off, only to be replaced by a marriage to Faustina Minor – Antoninus' daughter.³⁶ Those with stronger dynastic claims to succeed Hadrian than Marcus on his own would have had (*i.e.* Hadrian's 90-year-old brother-in-law Julius Servianus, and the latter's grandson Pedanius Fuscus Salinator), were forced to commit suicide.³⁷ It should also be observed that two kinsmen of Marcus, C. Ummidius Quadratus and L. Catilius Severus, fell out of favour with

³¹ J. Carcopino, 'L'hérédité dynastique chez les Antonins', *Revue des Etudes anciennes*, 51 (3-4) (1949), 262-312. For the dissemination of the image of Ceionius Commodus as intended successor, see now: J. M. Højte, 'The epigraphic evidence concerning portrait statues of L. Aelius Caesar', *Zeitschrift für Papyrologie und Epigraphik* 127 (1999), 217-38. For a refutation of Carcopino's notion: R. Syme, 'Ummidius Quadratus, *capax imperii*', *Harvard Studies in Classical Philology* 82 (1979), 287-310 = *Roman Studies* III (Oxford 1984), 1158-1178; 1170-1.

³² SHA, *Hadrian* 23.8-11; Cassius Dio, 69.17.1; CIL XIV 2112 (=ILS 7212); PIR² C 605; A.R. Birley, *Marcus Aurelius. A Biography* (London 1987), 233; R. Syme, *Tacitus* (Oxford 1958), 601.

³³ On Marcus' kinship to Hadrian, see Cassius Dio, 6.21.2, which states that Hadrian preferred Marcus Aurelius over Lucius Verus amongst other reasons, 'on account of his kinship'.

³⁴ A.R. Birley, *Hadrian: The Restless Emperor* (London-New York 1997), 289-90. Further bibliography and sources can be found in Birley 1987, *op.cit.* (n. 32), appendix 2, 'The Antonine Dynasty', 232-48.

³⁵ Birley 1997, *op.cit.* (n. 34), 295-6.

³⁶ SHA, *Marcus Aurelius* 6.2. Cf. SHA, *Verus* 2.4; Marcus Aurelius, *Meditations* 1.17.2; 1.17.7.

³⁷ SHA, *Hadrian* 23.1-3, 7-9; 15.8; 25.8; Cassius Dio, 69.17.1-3.

Hadrian in the emperor's last year. This 'surely suggests the possibility of competition for the role of placeholder for Marcus'.³⁸

This implicit, essentially dynastic, choice of Marcus Aurelius, would portray Antoninus Pius as a mere temporary solution – a sort of stop-gap emperor.³⁹ But, at the same time, it also strengthened Antoninus' position. By adopting Marcus Aurelius, Antoninus Pius created a dynastic claim to the throne of his own. He was the father and father-in-law of someone who was – although by no means directly – a member of the current ruling house. This dynastic web of power also safeguarded stability. Though the 52-year-old Antoninus had no children of his own, an easy succession was assured; after Faustina Minor had first given birth, even for two generations to come. Walter Ameling noted in this context: 'Kinder (..) garantierten den Fortbestand der Dynastie und damit die politische Stabilität des Reiches. Eine eindeutige, sichere Regelung der Nachfolge erreichte man am leichtesten durch die Übertragung der Macht auf einen Sohn'.⁴⁰

One should not fail to mention, here, the family-tree devised by Ginette di Vita-Evrard, in which she argues for direct kinship – though by no means close – between Antoninus Pius and Hadrian.⁴¹ Though ties of blood between Hadrian and his successor would not further clarify the earlier choice for Ceionius Commodus (indeed, one could argue that they obscure the motives for this choice even further: in appointing Commodus, Hadrian would have ignored a candidate who appears to have been a family member), they would, once more, imply underlying dynastic considerations.

Behind the facade of a system of adoption, dynastic interests loomed large. These interests only became more noticeable as time went on. It is surely no accident that in the third century Rome saw child-emperors for the first time in her history. Little wonder, then, that when Commodus survived his childhood, his father made him the obvious emperor-to-be. Only once, in the

³⁸ Birley 1987, op.cit. (n. 32), 240.

³⁹ This notion of a 'stop-gap' emperor (often a son-in-law) can also be applied to Tiberius, though he, of course, survived his intended successor.

⁴⁰ W. Ameling, 'Die Kinder des Marc Aurel und die Bildnistypen der Faustina Minor', *Zeitschrift für Papyrologie und Epigraphik* 90 (1992), 147-66; 147.

⁴¹ G. di Vita-Evrard, 'Des Calvisii Rusones à Licinius Sura', *Mélanges de l'École française de Rome (Antiquité)* 99 (1987), 281-338; Eadem, 'La famille de l'empereur: Pour de nouveaux "Mémoires d'Hadrien"', in: J. Charles-Gaffiot/H. Lavagne (eds.), *Hadrien. Trésors d'une villa impériale* (Milan 1999), 26-36; 32. Discussed by M.-Th. Raepsaet-Charlier, 'Nouvelles recherches sur les femmes sénatoriales du Haut - empire romain', *Klio* 75 (1993), 257-71; 263-4. I am grateful to Mme. Raepsaet-Charlier for drawing my attention to this genealogy.

entire history of Rome, did reigning fathers ignore their sons when appointing successors. Maxentius and Constantine, sons of the Tetrarchs Maximian and Constantius, instantly showed why it had not been tried before, and the ensuing wars only ended with Constantine's eventual victory. Marcus did not risk as much, and kept to the dynastic principle, as his predecessors had done before him.

The offers to Ti. Claudius Pompeianus to take on the empire after Commodus' death, or partake in its rule, would, if true, show how deeply this principle was imbedded in Roman tradition. Pompeianus had retired from politics after a failed attempt to assassinate the emperor Commodus in AD 182/3 had involved several people close to him, though not himself. The conspiracy by Pompeianus' wife Lucilla and his brother's son Claudius Pompeianus Quintianus (who was also Lucilla's son-in-law through marriage to her daughter by Lucius Verus), once more showed the danger of imperial relatives.⁴² According to the *Historia Augusta*, Pertinax, who was indebted to Ti. Claudius Pompeianus for much of his career, called his old patron back to Rome and offered him the supreme position. Cassius Dio, though, who was present when Pompeianus returned to Rome, does not mention such an offer in any way. Nor is there further evidence to support the claim that Didius Julianus had asked Pompeianus to 'share the empire with him'.⁴³ Yet even if he was not offered the supreme position, he was apparently still considered a serious candidate for it.

The importance attached to dynastic considerations also seems to have been the cause for much of the hostility surrounding Marcus Aurelius' surviving 'relatives'. The *gentes* that through marriage connections had been allied to either Lucius Verus or Marcus have been expertly traced by H.-G. Pflaum.⁴⁴ He noted that whenever any of those whose lineage could be followed back to either of the two *Augusti* showed any political ambition whatsoever, calamity struck, often instigated by the reigning emperor. Thus, Commodus killed off 'toute la gens des Petronii Surae Mamertini', who were connected to Commodus' sister Cornificia, in AD 190.⁴⁵ M. Peducaeus

⁴² Cassius Dio, 73.4.4-6; Herodian, 1.8.3-6; SHA, *Commodus* 4.1-4; F. Grosso, *La lotta politica al tempo di Commodo* (Torino 1964), 148; PIR 6 (1998), 248, stemma 26, shows a family tree of the Claudii Pompeiani. For Ti. Claudius Pompeianus: PIR 2 (1936), no. 973; Claudius Pompeianus Quintianus: PIR 2 (1936), no. 975; Lucilla: PIR 1 (1933), no. 707.

⁴³ SHA, *Pertinax* 4.11; SHA, *Julianus* 8.3; Cassius Dio, 74.3.1-2; Grosso 1964, op.cit. (n. 42), 110 (n.2 for further references). See for Pertinax' career: CIL XI 5743.

⁴⁴ H. G. Pflaum, 'Les Gendres de Marc-Aurèle', *Journal des Savants* (1961), 28-41, with a family tree between pp. 42-3.

⁴⁵ Pflaum 1961, op.cit. (n. 44), 40; 36-7.

Plautius Quintillus, husband to Fadilla, another sister of Commodus, survived Commodus' reign, but was killed, in his turn, by Septimius Severus in AD 205.⁴⁶ Younger generations down the imperial bloodline were not safe either. Ti. Cl. Aurelius Pompeianus, son of Ti. Claudius Pompeianus and Lucilla, was killed by Caracalla, shortly after Geta had been murdered.⁴⁷ The list goes on. Of all the *gentes* that had sons marrying daughters of Marcus Aurelius, only the Claudii Severi stayed out of harm's way. That might have had to do with the premature death, preceding that of Marcus himself, of Anna Galeria Aurelia Faustina, who had married Cn. Claudius Severus. It seems, however, more probable to presuppose that their being undisturbed was a direct result of the fact that 'les membres de cette famille eurent la prudence de ne montrer aucune ambition politique et de séjourner la plupart du temps dans leurs propriétés d' Asie Mineure'.⁴⁸ It was wise to publicly take a distance from political ambitions for those with imperial blood in their veins, however diluted.

One important aspect of imperial succession has not yet been touched upon – the transference of the imperial possessions. These possessions were more magnificent in the second century than ever before, and their transfer from one emperor to the next already made it almost impossible for Marcus Aurelius to ignore Commodus when designating his successor. The immense property, which had accumulated ever since Augustus, in effect allowed the emperor to govern the realm. As Fergus Millar put it: 'the possession of private wealth by the emperor, the various means which he deployed to increase it at the expense of some of his subjects, and the endless stream of gifts and liberalities in cash and kind which he conferred on others, were all fundamental elements in the nature of his regime, and were basic to the setting and style of his life, and to the pattern of his relations with his subjects'.⁴⁹ The imperial treasures were, occasionally, even put on display. Herodian recounts how Commodus exhibited the imperial wealth during a procession for the mother of the gods – apparently common practice at that particular festival:

⁴⁶ Pflaum 1961, op.cit. (n. 44), 35.

⁴⁷ Pflaum 1961, op.cit. (n. 44), 33. Cf. P.M.M. Leunissen, *Konsuln und Konsulare in der Zeit von Commodus bis Severus Alexander (180-235 n. Chr.)* (Amsterdam 1989), 202.

⁴⁸ Pflaum 1961, op.cit. (n. 44), 41; 29-31.

⁴⁹ F. Millar, *The Emperor in the Roman World* (London 1992²), 201.

All the tokens of people's wealth and the treasures of the imperial house – things of marvellous material and workmanship – are paraded in honour of the goddess.⁵⁰

The question of whether this wealth was, legally speaking, 'private' or 'public' property – a question with major repercussions for the mode of transference of possessions from one emperor to another – has been the cause of heated debate, most prominently between Fergus Millar and Peter Brunt.⁵¹ Ultimately it appears impossible to solve. However, even if the bulk of the possessions may effectively have gone with the job, part of them were also perceived to belong to the family. Pliny, in his *Panegyric* shows how – at least to the public eye – the private property of the emperor (*fiscus*) is still seen as separate from the treasury (*aerarium*), during the reign of Trajan:

It may be thought that you are less strict in your control of the *fiscus* than of the treasury (*aerarium*), but in fact you are all the stricter through believing that you have a freer hand to deal with your own money than with the public's.⁵²

Whereas Ulpian stated that:

For the property of the *fiscus* is, as it were, the private property of the emperor.⁵³

An automatic transference of the entire *patrimonium* from one emperor to another is, furthermore, contradicted by passages in the *Historia Augusta*, which explicitly state how Hadrian and Antoninus Pius drew up wills for, at

⁵⁰ Herodian, 1.10, 5. Cf. Herodian, 5.6, 8.

⁵¹ Of the utmost importance in the debate: F. Millar, 'The fiscus in the first two centuries', *Journal of Roman Studies* 53 (1963), 29-42; Idem, 'The aerarium and its officials under the empire', *Journal of Roman Studies* 54 (1964), 33-40; Idem 1992, op.cit. (n. 49), 175-201; P.A. Brunt, 'The 'Fiscus' and its Development', *Journal of Roman Studies* 56 (1966), 75-91 (= *Roman Imperial Themes* [Oxford 1990], Ch. 7, 134-162); Idem, 'Remarks on the Imperial Fiscus', *Liverpool Classical Monthly* 9/1 (1984), 2-4 (= *Roman Imperial Themes*, op.cit., Ch. 16, 347-353); B. Levick, 'Caesar omnia habet. Property and Politics under the Principate', in: A. Giovannini/D. van Berchem, edd., *Opposition et resistances à l'Empire d'Auguste à Trajan* (Geneva 1986), 187-212.

⁵² Pliny, *Panegyric* 36.3: 'At fortasse non eadem severitate fiscum qua aerarium cohibes: immo tanto maiore quanto plus tibi licere de tuo quam de publico credis'.

⁵³ Dig. 43.8.2.4: 'Res enim fiscales quasi propriae et privatae principis sunt'. Note, however, that this passage has been interpreted diametrically opposed by E. Lo Cascio, *Annali del Istituto per gli Studi Storici* 3 (1971/2), 55ff., and P.A. Brunt. As Brunt himself put it ('Remarks' 1984, op.cit. [n. 51], 3 = 'Remarks' 1990, op.cit. [n.51], 351): '... no consensus will ever be reached on its implications'.

least, part of their *patrimonium*.⁵⁴ Unreliable a source as the *Historia* may be, these passages do show a perception of the imperial possessions as being linked, at least partly, to the imperial family, rather than just to the job.

This perception alone made it nearly impossible for Marcus to exclude Commodus as his heir. He could of course have adopted somebody else, and as in Roman law there was no legal distinction between adopted children and those born in lawful marriage, the adopted son would have had exactly the same rights as the natural one.⁵⁵ Yet this would not in itself have taken the rights of natural sons away. In order to exclude Commodus from his will, Marcus would have had to expressly disinherit him, otherwise the will became void.⁵⁶ Even after explicit disinheritance, Commodus could still have challenged the law as ‘undutiful’.⁵⁷ Such a course of action might have appeared justified to a large part of the populace, as ‘society generally held that children should inherit – that disinheritance was to be avoided’.⁵⁸ When there was no son, a *paterfamilias* was also not entirely free to distribute his wealth as he saw fit. Many relatives could challenge a will, if they had been excluded, or sometimes just forgotten, and they could do so for a period of up to five years.⁵⁹ Though this could strengthen the case for dynastic considerations (if a near male relative was adopted, there would be a person less to challenge the will), the argument should not be pushed too far. The chances of anyone actually suing against the explicit wishes of a reigning emperor were minimal, if not absent. A final legal issue which can be taken into consideration is the loyalty of imperial freedmen, which was officially also part of the inheritance.⁶⁰ However, the freedmen at the court seem to have placed their loyalty with whomever was in charge, rather than anyone else.

Similarly, Septimius Severus’ retroactive adoption into the Antonine family in AD 197 might be seen in terms of inheritance. One could argue

⁵⁴ SHA, *Hadrian* 24.1-2; SHA, *Antoninus Pius* 7.9-10; 12.8. For the use of ‘*patrimonium*’ in the ancient world see Millar 1992, op.cit. (n. 49), 625-7.

⁵⁵ Gardner 1998, op.cit. (n. 23), 117.

⁵⁶ Justinian, *Institutiones* 2.13, pr.: ‘*sed qui filium in potestate habet, debet curare ut eum heredem instituat vel exheredem nominatim faciat*’.

⁵⁷ Justinian, *Institutiones* 2.18.

⁵⁸ E. Champlin, *Final Judgements. Duty and Emotion in Roman Wills 200 BC - AD 250* (Berkeley-Los Angeles-Oxford 1991), 107.

⁵⁹ *Dig.* 5.2.1 (Ulpian): ‘*omnibus enim tam parentibus quam liberis de inofficioso licet disputare*’; 5.2.5 (Marcellus); 5.2.8.17 (Ulpian); 5.2.9 (Modestinus).

⁶⁰ Through the *ius patronatus*. On the freedmen, and their place within the imperial organisation: A. Winterling, *Aula Caesaris. Studien zur Institutionalisierung des römischen Kaiserhofes in der Zeit von Augustus bis Commodus (31 v. Chr. – 192 n. Chr.)* (München 1999), 23-6.

that the ‘adoption’ was fuelled by a desire to be the legally correct heir to the Antonine wealth.⁶¹ But the necessity to form part of an older tradition, to find dynastic popularity with the people and the armies, must surely have been of greater importance. One should not forget Severus’ famous last words of advice to his sons: ‘Be harmonious, enrich the soldiers, and scorn all other men’.⁶² Free popularity with the armies must have sounded even better. The extent to which Severus disseminated his claim to be *divi Commodi frater* further shows that the dynastic connection was meant to be broadcast to several layers of society, not just to learned jurists.⁶³ Eventually Severus went so far as to rename Jerusalem as *Col(onia) Ael(ia) Cap(itolina) Comm(odiana) P(ia) F(elix)*, probably on a visit to the region in AD 201.⁶⁴ Legal motives can hardly have formed the reason for this striking honour to Severus’, now almost ten-year-dead, virtual brother. More probably, Septimius Severus was once more legitimating his position by emphasising his connection to the previous ruling family. Thus, the last emperor of the second century placed himself firmly within a dynastic framework, whilst creating a dynasty of his own.*

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⁶¹ Severus was, after all, schooled as a jurist. See the article by W.J. Zwalve in this volume.

⁶² Cassius Dio, 77.15.2: ‘ὁμονοεῖτε, τοὺς στρατιώτας πλουτίζετε, τῶν ἄλλων πάντων καταφρονεῖτε’.

⁶³ CIL VIII 9317; Cassius Dio 76.7.4; 76.9.4; SHA, *Severus*, 10.6; 11.3–4.

⁶⁴ Y. Meshorer, *The coinage of Aelia Capitolina*, (Jerusalem 1989), 60, 62, 84–6 nos. 66–67, 88 nos. 81–81a; L. Kadman, ‘When was Aelia Capitolina Named ‘Commodiana’ and by whom?’, *Israel Exploration Journal* 9 (1959), 137–40; 140. Grosso, op.cit. (n. 42), 581–4, fig. 3 erroneously ascribes this renaming to Pescennius Niger on the basis of a counterfeit coin.

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