The Conspiracy of Libo Drusus – and what follows from it*

di *Barbara Levick*

I should like to draw attention, in the wake of Andrew J. Pettinger, who has recently published an admirable book on the subject[1], to the conspiracy of M. Scribonius Libo Drusus in AD 16. It is prominent in the pages of Tacitus' *Annals* (as well as figuring in Velleius Paterculus, Suetonius, and Cassius Dio)[2], but essentially as an example of the relentless cruelty of the Emperor Tiberius to a foolish and indebted member of the aristocracy:

27. 1. At about the same time a member of the family of the Scribonii, Libo Drusus, was denounced for promoting revolution. The beginning, progress, and outcome of that affair I shall give a full account of, as that was the first occasion for the discovery of devices that gnawed at the Commonwealth for so many years. 2. Firmius Catus, a senator who enjoyed the closest friendship with Libo, brought a young man who lacked foresight and was an easy victim to inanities into contact with the promises of Chaldaeans, magical rites, and even interpreters of dreams. He also put in front of him his forebear Pompey, his great-aunt Scribonia, who had once been Augustus' wife, his cousins the Caesars, and a house full of ancestral masks. He urged him on into luxury and debt, sharing his depravities and his financial difficulties. 28.1. As soon as he acquired enough witnesses and slaves who would acknowledge their evidence, he requested an audience of the Princeps, revealing the charge and the man accused through Vescularius Flaccus, a Roman knight who was on closer terms with Tiberius. 2. Caesar did not rebut the accusation, but refused a meeting: discussion could take place through the same intermediary, Flaccus. But meanwhile he honoured Libo by giving him a praetorship, invited him to meals, showed no unfriendliness in his expression, no sign of emotion in his language (so deep had he buried his resentment). He preferred to know all the man's actions and words, although he could have stopped them, until a person called Junius, who had been lured into using incantations to call up shades from the underworld, brought information before Fulcinius Trio. 3. Trio's talents were well known among the accusers, and his hankering for an evil reputation. He immediately laid hold of the accused man, went to the consuls, and demanded an enquiry before the Senate. The Fathers were duly summoned, with the added warning that they were to debate an item of baleful significance.

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1. Pettinger 2012.

2. Tacitus, *Ann.* 2, 27, 1-31, 3; Velleius Paterculus, 2, 129f.; Suetonius, *Tiberius* 25, 1, 3; Cassius Dio 57, 15, 4f.

29. 1. Meanwhile Libo put on mourning dress and with women of the highest rank made a tour of great houses, offering prayers to his kinsfolk, demanding a spokesman to save him from the danger he was in. They refused one and all; the excuses were varied, the fear identical. 2. On the day the Senate met, Libo, worn out with fear and ill health or, as some have related, pretending illness, was carried in a litter to the doors of the Senate. He leant on his brother, proffered his hands and words of supplication to Tiberius. He was received with a stony expression. Eventually Caesar read out memoranda and the names of their authors, so regulating them as to avoid seeming to minimize or magnify the charges.

30. 1. The accusers Trio and Catus were joined by Fonteius Agrippa and C. Vibius. They were in contention for the role of giving the concluding speech against Libo, until Vibius, seeing that Libo had come into court without counsel and the prosecutors would not give way to each other, declared that he would make the charges one by one. He brought forward memoranda so demented that they showed Libo asking whether he would have riches sufficient to pave the Appian Way with coin as far as Brundisium. 2. They contained other items of this kind, stupid, mindless, or, on a more forgiving interpretation, pitiful. The prosecutor, however, focused on one notebook in which sinister (or unclear) marks in Libo's writing had been set against the names of the Caesars and of members of the Senate. 3. The accused denied it was his hand, and the Senate decided that his slaves, who identified it, should be examined under torture. An ancient decree of the Senate forbade torture in capital cases brought against a master. Tiberius, cunning as he was and one to devise legal novelties, ordered them to be sold off one by one to the public auctioneer, with the evident purpose of using his slaves to carry on the case against Libo without infringing the Senate's decree. 4. On this the defendant asked for an adjournment to the following day, returned home, and entrusted his final pleas to the Princeps to his kinsman P. Quirinius. 31. 1. The reply was that he should apply to the Senate. Meanwhile his house was surrounded by the soldiery. They were making an uproar in the vestibule, while Libo, tormented even at the feast that he had ordered as his last treat, called for his executioner, took his slaves' hands and put a sword into them. 2. While the slaves were shaking or in flight they overturned the light that had been set up on the table. In deadly darkness Libo aimed two blows at his abdomen. His freedmen ran up when they heard the groans as he fell, and the soldiery stood off. 3. The case however was still carried on to the end before the Senate with the same keenness, and Tiberius took an oath that he would have pleaded for Libo's life, guilty as he was, if he had not first committed suicide.

The next chapter is devoted to penalties, rewards, and the expulsion of soothsayers, and the one that follows that to senatorial disquisitions on luxury. Velleius Paterculus, a contemporary, also notices Libo *noua molientem,* and his *scelerata consilia*; Suetonius has *res nouas clam moliebatur* (the verb must go back to a previous source, perhaps to an original charge), and Dio, besides recording an attempt at revolution on the part of Libo, treats at length of the runaway slave Clemens' adventures and death in the palace.

As Pettinger remarks, the affair had not attracted much attention from modern scholars before his own work, except from commentators on Tacitus, and not as something to be taken seriously; the exceptions he mentions are R. S. Rogers, and myself, who, however briefly, treated it seriously as a conspiracy linked with the impostor Clemens, who posed as the exiled and executed Agrippa Postumus. The volume of Pani 1979 was not known to Pettinger; chapter 3 is devoted to the

opposition to the succession of Tiberius, with the plot of Libo Drusus central at pp. 64-69; the significance of optimate *Concordia* (see below) is noted, and attention drawn to the connexion between links between Julia II and Germanicus (pp. 76-78).

It might be said that topics of this kind, descended from the prosopographical work of Gelzer, Münzer, and Syme, are not fashionable any more; social and economic history fills the lists. However, it does not matter where enlightenment comes from, as long as it comes.

Now Pettinger too has taken the affair seriously. He is right. Indebted and foolish Drusus Libo may have been (foolish because he was so unlikely to succeed in his scheme), but he did consult soothsayers and certainly contemplated a takeover of the government. His real guilt, rather than the cowardice of his natural allies, would be the reason why eminent men were unwilling to defend him. That guilt, according to the official record, meant that he plotted (*nefaria consilia*) against Tiberius, his sons, and other leading men in the state[3]; it happened that in 17 Tiberius and his sons would all be in Rome and so vulnerable. On his side he had birth and Tiberius' unpopularity, especially with the masses at Rome, not only from the fact that he had divorced Augustus' daughter Julia, who had died in exile in 14, starved to death on Tiberius' orders, it was said, and for the execution of Agrippa Postumus (where the orders came from remains unclear, Augustus or Tiberius) but for his own hostility towards expenditure on such popular luxuries as games (there had been a down-turn in prosperity toward the end of Augustus' life). Now Libo could produce an Agrippa Postumus miraculously returned to life (*munere deum servatus*), whom one might suppose he thought he could use as a puppet Princeps. The associated movement of Clemens helps to explain the severe measures taken by the Senate, as Pettinger argues, and (though he does not make this point) the conjoining of offerings to Jupiter, Mars, and Concord in the aftermath. For Concord was a deity that belongs to optimate supremacy[4], and the movement of Clemens the runaway slave was popular and lower-class.

So far so good. But in Pettinger's view this carries a reinterpretation of Tiberius' accession and early years. First, Tiberius was not held back from accepting the Principate by Republican principle or by hypocrisy; he was affected by the mutiny of the troops on the Rhine. Then, the conspirators were not aiming to replace Tiberius and his sons as an imperial dynasty: they aimed at restoring the Republic. The two parts of the book, especially combined, have a strong claim to originality, the second less convincing. It is thorough and scholarly, with much attention to legal questions. For prosopography is not the only tool used by Pettinger: he is indefatigable in his exploration of legal issues, after the fashion of R. A. Bauman. That is an approach that has pitfalls too, if too much attention is paid to the law, and not enough to exploitation of it.

One failing might be the author's insistence on *maiestas*, however qualified as sedition, as Libo's offence. The charge against Libo was «intent to cause revolution

3. *Fasti Amiternini* for 13 Sept. (*Documents*, p. 52).
4. *Concordia*: Tacitus, *Ann.* 2, 32, and see Levick 1978.

as interpreted under the *lex maiestatis*» (26f.). That is not what the sources say: they give a description of the offence itself, as we have seen, and that was what was brought before the Senate with extreme speed, not the charge of *maiestas*, often petty, such as the replacement of one emperor's head with another on a statue, which would have required the full rigmarole of a formal prosecution, not an urgent approach to the consul. Far nearer the mark is it when the author compares the proceedings against Libo with those against the Catilinarian conspirators in 63 BC. It was in an honourable effort to bring about an end to these trivial charges of *maiestas,* as P. A. Brunt argued[5], that an emperor might "abolish *maiestas*" at the beginning of his reign. Both in 63 BC and in AD 16 we have a trial in the senate, regulated more by political considerations than by legal procedure. The ancient texts, including the official record, make it clear that the charge was revolution, involving the assassination of Tiberius and his heirs, not diminishing their *maiestas*.

It is in Chapter 3 that Pettinger embarks on his attempt to show the connexion between Agrippa Postumus and Libo Drusus. He begins with Agrippa's adoption by Augustus in AD 4, arguing that it was intended to control the sixteen year-old. That is very likely, but not perhaps the whole story. Agrippa was fatherless and *sui iuris*, but he will have had a *tutor*, Augustus or possibly Tiberius. The adoption brought him under the *potestas* of Augustus, but so had the adoptions of Gaius and Lucius Caesar his brothers (although by a different method), and they had led to the highest hopes. There was some carrot as well as stick in the procedure. Any such hopes fell through: taking the *toga uirilis* in AD 5 brought no further honours such as Gaius and Lucius had received. On the contrary, Agrippa offended Augustus and suffered *abdicatio*, which I sought to elucidate in 1972[6]. This view of it as annulment of family relations, a punitive emancipation, is disputed by Pettinger (pp. 67-73). It is here, though, that one feels reservations. He discusses the "abdication" of Agrippa Postumus, which ended Postumus' connexion with the imperial family and in particular Postumus' relationship with Augustus as his son through the adoption by *adrogatio* along with Tiberius in AD 4. *Abdicatio* Pettinger regards as an alien concept, and so he has to ask whether «Augustus put together a defective will knowing that no one would dare challenge it» (pp. 73, n. 41). The trouble with this implausible idea of a Roman will of the first importance being constructed with deliberate flaws is that desperate men in the last decade of Augustus' principate *were* prepared to challenge Augustus, if only through the pamphleteering mentioned by Tacitus and Suetonius[7].

Pettinger rightly sets political events of the first years of our era against a background of famine, disease, natural disaster, and discontent in the provinces. They are important for the case because they made it more tempting for the least well-off members of society to support subversive movements such as those of Agrippa Postumus and his clique and later that of the impostor

5. Trivial charges: Tacitus, *Ann.* 1, 74, 3. *Maiestas* abolished: Brunt 1984.
6. *Abdicatio*: Levick 1972.
7. Pamphlets: *e.g.* Tac., *Ann.* 1, 72, 3f.; Suet., *Tib.* 59.

Clemens, and for the troops to put forward their own demands. In the fifth to seventh chapters of his book Pettinger sets out the problems, how they were taken advantage of by dissidents, and how Augustus met them, the protagonists being the younger Julia and her husband L. Aemilius Paullus consul AD 1, whom Pettinger regards as Tiberius' chief rival, P. Plautius Rufus, T. Labienus and Cassius Severus. Moreover he interprets the letter that Augustus wrote to the Senate in AD 12 (Dio 56, 26, 2), in which he "entrusted" (parakatetheto) Germanicus to the senate and the Senate to Tiberius as preventing Germanicus from *unintentionally* fostering a relationship with the Senate which could prove awkward for Tiberius, and parts of the Senate from *intentionally* fostering such a relationship with Germanicus (p. 145). This is a strong reading of the words, allowing glimpses of dissent within the ruling house; but they may mean only that Augustus was stressing that the interests of all parties lay together, and that those of the Senate depended on Tiberius – as indeed they did, given his later attempts to get them to give honest opinions and act upon them[8]. And while Tiberius was marked out for the succession (AD 4), but not definitively designated (AD 13), trouble broke out and was fostered in connexion with a new tax intended to fund the Military Treasury, the 20% tax on inheritances, with damage to Tiberius (Dio 56, 28, 6, precisely on AD 13, when Tiberius was back in Rome). The tax was unfit for Roman citizens. This chapter provides a good account of affairs in the first decade AD, though every student will make his own story, nuanced one way or another.

It is with Chapter 9 that we come to the hesitation of Tiberius – so-called. Pettinger rehearses the sources and concludes (p. 163) that «the idea that Tiberius was […] Republican […] should be abandoned». «The events of 17 September AD 14 were markedly similar to those of 27 BC», after which Octavian's power was sustained. (But the fact that similar arguments were used does not prove anything about the intention of the speakers.) Pettinger instead aims to show, on the basis of Suetonius' formulation (*Tib.* 25, 1) that the cause of the hesitation was fear of the imminent dangers all around him, while explaining the gradual nature of Tiberius' position *vis-à-vis* the Senate, in particular that Libo Drusus was already an issue for Tiberius. In the following Chapter elaborate arguments exonerate Tiberius from the charge of executing Agrippa Postumus, exiled on Elba: the person responsible was Sallustius Crispus, his political adviser, who possessed a copy of Augustus' seal[9]. Unsettled by the news of Agrippa's murder, Tiberius now heard of sedition in Germany and Pannonia – and of unrest among

8. Augustus may also have been telling the senate what the succession order must be: Tiberius supreme. Compare the passage on Germanicus' power relative to that of Tiberius: W. Eck *et al.* 1996, 40f., ll. 34f.

9. Pettinger over-plays his hand (p. 182) by mistranslating Tac., *Ann.* 1, 53, 6 to present Tiberius "authoring the view" (*auctore Tiberio*) in his autobiography that the proconsul of Africa had Sempronius Gracchus executed; rather it means that the proconsul had been instructed by Tiberius. Why should the writers who gave this report not have said that their source was the Emperor himself?

the nobility. Scholars hold that his behaviour was not affected by this news, but Pettinger thinks they are wrong.

The interpretation depends on news of the mutinies in Pannonia and Lower Germany reaching Rome before the meeting of the Senate on 17th which consecrated Augustus and continued with discussion of Tiberius' position. However, Tiberius had ceased to demur over the nature of his principate by the end of the debate of 17 September, while the lunar eclipse that brought the Pannonian mutiny to an end occurred ten nights after that, 26-27th. But that, in Pettinger's view (p. 186), «ignores the possibility that unforeseen issues emerged hastening a final solution, despite the ongoing nature of the mutiny». That was indeed opportune. While Pettinger is quite right to insist that persistent efforts were made between AD 4 and 14 to undermine Tiberius' position very largely by rumours misrepresenting Augustus' attitude towards him, and suggesting that he preferred Germanicus, that does not mean that all Tiberius had to do on 17 September was to bring an end to the idea of another who might share power with him – Germanicus – and then to end his "hesitation". There is no word of Germanicus in the "accession debate"; when Suetonius writes (*Tib.* 25, 2) that fear caused Tiberius to ask for a part in the Republic «since no one person was adequate for the whole, unless with the help of another or even with several» he is not referring to Germanicus, but to the past reign which had seen Augustus sharing his powers with Agrippa and later Tiberius, and his consultation of the Senate. This is part of Tiberius' attempt to bring the Senate into serious decision-making; the "Germanicus question", such as it was, had been settled by Augustus' injunction to the senate of AD 12[10].

Now to the significance of Libo Drusus in AD 14. It is attested by Suetonius, who says that Tiberius waited two years before bringing down a man who was secretly planning revolution. (Suetonius confuses the *praenomina* of the two brothers: L. Libo was consul in AD 16)[11]. Pettinger's solution to the problem of the gap, in which Libo seems to have served as praetor alongside Velleius Paterculus and his brother, is to treat his activities in AD 14 and 16 separately. Accusations of planning revolution in 14 are very strong, though the activities were "secret". Pettinger sees the answer in Libo's consultation of astrologers. Libo harped on his kinship with the Caesars – and his Pompeian ancestry, implying a political stance that was far removed from the autocracy of Augustus' last years. «Men who had supported Gaius, Aemilius Paulus, and finally Agrippa embraced the politics of reform».

Pettinger makes much of the date of the praetorian elections of AD 14, at which the potential rebel of the accession debate was awarded his office. For, in order to solidify his own position, Tiberius had to do a deal with Libo to obviate the danger caused by Libo's alliances. Libo agreed to accept Tiberius's *commendatio*, so showing support for the government. Then Tiberius agreed to accept supreme

10. Pettinger writes (2012, p. 193) that «Levick's belief that Tiberius never formally accepted the Principate is contradicted by actual evidence», without specifying there what the evidence is.

11. Libo in Suetonius: *Tib.* 25, 3.

power. Attractive as this scenario is, it has something artificial about it. Libo was already committed to a praetorship before Augustus died, for he was one of those commended by him; and the "offer" of something so minor to a high aristocrat was hardly enough to make him break faith with his friends and his principles. It was deprivation of the right to stand that would have been significant.

When it comes to the travels of the runaway slave Clemens, Pettinger has to admit that Suetonius has made a mistake in adding it to the items that caused Tiberius to hesitate in AD 14[12]: his interpretation of the affairs in impossible. In 16 the supporters of Agrippa Postumus rallied to Libo Drusus – many *equites* and senators. With the real Agrippa dead, they convinced themselves that he had actually escaped execution, with the help of the gods. In Pettinger's view, and he may well be right, potential advocates refused to help Libo not out of fear but because of his connexion with Clemens. However, he rejects the proposition that, with Tiberius and his sons dead, and the now superfluous Clemens also despatched, Libo would have been proclaimed Emperor. Rather they would have restored the Republic, squeezing out the popular Germanicus. But Tiberius had been doing his best to get Germanicus to return from Germany, and he was certainly back for his triumph in May 17. The political fruits of such a restoration seem meagre: a restoration of popular elections. It was the younger Seneca's conviction that Libo entertained ambitions that were too high for anyone in that age, or a man like himself in any age at all[13].

In fine, Pettinger can conclude that his exposition entails a new model for constructing Tiberius' principate. Republicanism, *moderatio* or *dissimulatio* are inadequate. Tiberius responded to an actual fear: anything less than supreme power would have meant his assassination. The Tiberian Principate was grounded in the Augustan – which Tacitus failed to appreciate. After 16, senators and *equites* were left to consider their positions. Most, unable to stomach Tiberius, rallied behind Germanicus, then Agrippina and her sons. Rightly, Pettinger calls for re-examination of first century historical works.

His own work is thought-provoking, and he is right to insist on the significance of Libo's plot. Yet we may doubt whether it or something akin went back to AD 14. Nor need we discard Tacitus' and Seneca's picture of a profligate and reckless young men, driven to think the impossible by debt and notions of what his own position demanded. We have several strands of sedition: his, Agrippa Postumus', Clemens', the military, the *plebs*, all operating opportunistically against the background of military failure and provincial and Italian debt against an untried and unloved ruler. Anyone who believes that popular movements agaist autocracy or oligarchy are inextricably bound together might consider the anonymous anecdote about Saturninus and Glaucia, the notorious *populares*: in 100 BC the *popularis* tribune Saturninus shattered the *sella curulis* of the *popularis* praetor Glaucia, «so that he might seem more *popularis*»[14].

12. Suetonius' list: *Tib.* 14, 1.
13. Seneca's view: *Epist. Mor.* 60, 10.
14. *Liber de uiris illustribus*, 73, 2.

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Abstract

This paper is written in support of A. Pettinger's view of the conspiracy of Libo Drusus, in AD 16, as a serious attempt on Tiberius against a background of general discontent. It deviates only on subordinate issues (the use of the procedure on *maiestas minuta* against Libo; the *status* of Agrippa Postumus after *abdicatio*) and more importantly on the idea that Libo's activities were a factor in any "hesitation" of Tiberius in AD 14.
Keywords: Conspiracy, Libo, Tiberius, AD 14-16.