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INTRODUCTION

In an influential book that indicated the direction that interpretations of Roman political thought were to take for decades to come, Sheldon Wolin summarized the failure of the Romans to provide a vision of politics. Of Roman thinking in general, Wolin offered the observation that "the student of political ideas must deal with a period notoriously lacking in great political thinkers."[1] The "little there was in the way of systematic theory proves on closer analysis to be more often Greek than Roman in origin."[2] Cicero, according to Wolin, defined a set of Roman principles that diminished politics to "nothing but the pursuit of interests."[3] The historians were content "to report the drift of events rather than to master them, and to resign [themselves] to a world ultimately unconquerable."[4] The philosophy of Seneca was reduced to "groveling helplessness" in the face of absolutism.[5] And political philosophy had "exchanged its political element for a vapid moralism."[6] Possessing neither the seductive appeal of Athenian democracy nor the theoretical originality of Plato and Aristotle, the Romans seemed to have little to say to the student of political thought.

The Romans did not always help their case. So concerned was Cato the Censor with the arrival of an embassy of the three heads of the major

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[1] Wolin 2004 (orig. 1960), 65. [2] Wolin 2004, 65. [3] Wolin 2004, 81.
[4] Wolin 2004, 77. [5] Wolin 2004, 84. [6] Wolin 2004, 85.

Greek philosophic schools in 155 BCE (to appeal a Roman fine) that he sought to have their business sped up so that they could return to Greece.[7] Sallust felt the need to justify writing about history and Cicero about philosophy when they could no longer take part in politics (Sal. *Cat*. pref. 3; Cic. *Tusc*. 2.1).[8] Virgil has Anchises, the father of Aeneas, tell his son to remember that the Roman art is ruling, not the Greek accomplishments of science, art, craft, and oratory (*A* 6.847–53). Seneca the Younger was prohibited from teaching philosophy to Nero since it was contrary to the upbringing of a ruler (Suet. *Nero* 52). And Tacitus notes in his biography written upon the death of his father-in-law, Gnaeus Julius Agricola, that Agricola would have pursued philosophy with more zeal than is appropriate for a Roman had not his mother moderated his disposition (*Agric*. 4, which is similar to Ennius' warning reported in Cic. *Tusc*. 2.1). Attitudes toward philosophers played out in severe ways. Under Nero being a Stoic could be used as a criminal charge.[9] Later emperors, starting with Vespasian around 74 CE, also executed or expelled philosophers. This period reached its darkest moments under Domitian in 93 CE with the treason trials of two biographers of Stoics, Thrasea Paetus (ordered to commit suicide under Nero) and Helvidius Priscus (executed under Vespasian), and the mass expulsion of philosophers. At the heart of these concerns was a suspicion of philosophy as undermining authority and the practice of traditional virtues.[10] Plutarch explains how Cato feared that the youth would come to value a reputation based on words rather than the disciplined and communal virtues of the farmer-soldier (Plut.

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[7] Cato the Elder's motion was precipitated by the arrival of a Greek embassy of three philosophers representing the three major schools (155 BCE) – Carneades, the head of the Academy, Diogenes the Stoic, and Critolaus of the Peripatetics – to appeal Rome's decision to fine Athens for the destruction of Oropus (Plut. *Cato Mai*. 23.1). Particularly upsetting to Cato the Elder was when Carneades argued in defense of the virtue of justice in a rhetorical demonstration and then the next day spoke as convincingly, before an admiring crowd, in defense of injustice (Plut. *Cato Mai*. 22.4–5). On the episode, see Gruen 1996, 175–77. For helpful discussions of the Roman encounter with Hellenistic thought and culture, see Gruen 1992; 1996, 158–92; Wallace-Hadrill 2008.

[8] See Baraz 2012 on Cicero's use of his prefaces to justify his philosophic project.

[9] Griffin 1976, 363.

[10] On the Roman suspicion of philosophy, see Griffin 1997a, 18–22.

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Cato Mai. 22.4).[11] And Seneca recalls how the philosophers were expelled as corruptors of youth (*corruptores iuventutis*) (Sen. *Cons. Helv*. 10.8).

It is testimony to the persistence of the view of the Romans as uncritical, even anti-philosophic, that no contemporary work exists that looks comprehensively at their political thought.[12] This book challenges these assumptions, arguing that the Romans were engaged in a wide-ranging and penetrating reflection on the meaning of their political existence. In these reflections, the Romans did not create utopias; they did not imagine another world. Their writings about politics were continually, almost relentlessly, shaped by their own experiences: the ubiquity of violence, the enormity and frailty of power, and an overwhelming sense of loss of the traditions that oriented them to their responsibilities as social, political, and moral beings. However much the Romans are known for their often complex legal and institutional arrangements, or for the extensive work of their jurists in interpreting law[13], ultimately the power of their political thought lies in their exploration of the extra-institutional, affective foundation of political life: tradition, trust, duty, friendship, kinship, and love. In this affective foundation one can identify the core contribution of Roman political thought: political concepts like liberty, power, and authority are neither born from the mind of the philosopher nor shaped by the tidiness of reason but forged in collective experiences that are messy, often ugly,

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[11] See also Gildenhard 2011, 75–76 on Cato the Elder's view of rhetoric.

[12] On the neglect of Roman political thought, see Hammer 2008, chapt. 1. There has been renewed interest in the political thought of the Romans, upon which this book builds. See Schofield 1995a; Asmis 2004; 2005; Connolly 2007; Hammer 2008; Garsten 2009; Kapust 2011; Lowrie 2009; 2013; Arena 2012.

[13] The jurists, such as Gaius and Ulpian, reflect a development in Roman society in the second and third century CE of legal specialists who wrote extensive legal commentaries as well as advised private parties and magistrates. We know many of the jurists by way of what becomes known as the *Corpus Iuris Civilis*, a collection and codification of law by Justinian. The work is comprised of a collection of juristic writings (*Digesta* in 533 CE), an attempt to unify them as the Code (*Codex* in 534 CE), and a textbook meant for students of law (*Institutiones* in 535 CE). Valuable discussions of the jurists and the Roman legal tradition include De Zulueta 1953; Daube 1969; Bauman 1983; 1985; 1989; Frier 1985; Ando 2011 (on the use of fictions to extend and adapt law). For approaches that attempt to reconstruct and read the jurists as original texts of Roman thought and philosophy, see Honoré 1981; 1982.

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and, even with the careful juridical thinking that shows up with the later jurists, ambiguous.[14]

There are several choices I have made in organizing this book, guided by the aim of communicating the diversity, depth, and excitement of Roman political thought. First, the phrase "political thought" conjures a variety of overlapping approaches and goals, ranging from historicist to philosophic.[15] For some, political thought is akin to political history, using texts to reconstruct institutions, practices, and social relations or to explore traditions of language and ideas.[16] Others see political thought as an ongoing process in which individuals and groups are engaged in negotiations about cultural meanings and relations of power. Texts (as well as other aspects of material culture) emerge as sites of performance that play out assumptions, tensions, and criticisms of political, social, or cultural practices.[17] Political thought can also be seen as contributing to a more systematic analysis of political phenomena[18] or as identifying enduring questions about what it means to be a

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[14] Ando points out that the bulk of jurists' texts that have been handed down to us "were systematically edited so as to provide or conduce the formulation of decision rules," excising discussions of "problems of justification, legitimation, or implementation" that arose from different sources of law (the praetor and emperor), different legal traditions, and evolving social, economic, and political concerns (2011, 20). What the jurists did was draw on "the metaphorical association of soil, system of law, and affective bond as mutually implicated ways of articulating members in a Roman political community" (2011, 26).

[15] On the range of approaches to the study of politics in the ancient world, see Hammer 2009.

[16] Institutions and constitutional structures: Mommsen 1887–88; Talbert 1984; Lintott 1999; prosopography: Münzer 1920; Gelzer 1962; social power: Syme 1939; social history: Raaflaub 2004; Hölkeskamp 2010; class structure and relations: De Ste. Croix 1981; legitimacy: Ando 2000; language traditions: Pocock 1972; Skinner 1988.

[17] There are a variety of inspirations for these approaches, including cultural anthropology (e.g., Victor Turner), sociology (e.g., Erving Goffman; Pierre Bourdieu), semiotics (e.g., Mikhail Bakhtin), linguistics (e.g. J. L. Austin), phenomenology (e.g., Hannah Arendt), philosophy (e.g., Friedrich Nietzsche; Michel Foucault; Giorgio Agamben), literary analytic approaches of New Historicism and cultural poetics (e.g., Stephen Greenblatt), narratology (e.g. Gérard Genette), and feminist theory (e.g., Judith Butler). Explanations and applications of these approaches can be found in Parry 1963; Putnam 1970; Hammer 2002b; Connolly 2007; Lowrie 2009.

[18] For example, Sabine 1937; Morgenthau 1950.

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political being.[19] Finally there are theorists who uncover in these texts notions of truth and virtue that transcend the historical time.[20]

In my approach, I have paid serious attention to the historical and cultural contexts that frame the concerns and arguments of the Roman writers analyzed in this text. In doing so, I have tried not to impose on these quite different texts – ranging from philosophic to historiographic to poetic – a singular conception of what political thought looks like or in what form it should appear. Instead, I have approached these writings as practices of thought. In using the term "practice" I am suggesting that the discourses by which political ideas are articulated contain layers of their own past as they are formed through a history that is both learned and experienced. And through these discourses, new practices, purposes, and meanings are generated as participants encounter and communicate different experiences and opportunities. The political thought that emerges does not always (in fact, rarely) exhibit the logic of a philosophic system. Instead it exhibits the logic of practice[21]: the assimilation of different practices, interests, and experiences into symbolic systems that orient how one makes sense of and responds to the political world. What constitutes this political world goes beyond the formal institutional arrangements and functions of the state, encompassing a range of questions that includes, but is certainly not limited to, "What do we value and how are these values expressed in the goals of community life and organization?"; "What binds us together?"; and "On what basis are social relationships, including issues of power and authority, organized?" Where I depart from solely historical approaches is in the reason for engaging with this past. The Roman struggle to make sense of their political world gives us insight into what it meant for them, and can mean for us, to be political beings.

A second choice involves defining what even counts as Roman since Rome was a multi-ethnic empire that grew up alongside, enveloped, and variously appropriated a variety of intellectual and cultural traditions.

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[19] See, for example, Arendt 1958; 1963; 1968; Wolin 2004.

[20] Classic statements of this approach can be found in Voegelin 1952; Strauss 1964.

[21] The language is from the title of Bourdieu 1990, though I am not adopting Bourdieu's approach.

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I have defined the Romans geopolitically, focusing on writers who were involved in or connected in some way to Roman governance (Cicero, Sallust, Seneca, Tacitus, Marcus Aurelius, and Augustine) or who wrote in Latin for a Roman audience (notably Lucretius, Livy, and Virgil). I have also included discussion of those under Roman rule whose writings informed these primary authors (such as Polybius and Epictetus).

A third choice I have made relates to different ways to organize the texts, either by particular authors or by themes and schools of thought. Both methods have a great deal to recommend them. Thematic organization allows the reader to see the development, continuities, and discontinuities of particular ideas or activities across time. One could imagine a number of fascinating themes by which to organize Roman thought, some of which have already been done: rhetoric, law, imperialism, cosmopolitanism, the people, power, authority, liberty, virtue, spectacles, and Stoicism, as examples. I have chosen to organize the chapters by author and text. Although the organization of political thought by author is traditional, it is surprisingly less common in talking about the Romans.[22] The tendency among political theorists, instead, is to mine Roman texts for particular themes, concepts, or practices with the result that the arguments developed by these Roman authors are treated less seriously. I want the Romans to speak for themselves as important thinkers grappling with their own political world. For that same reason I have not explored the legacy of the Romans, a wide-ranging and long-standing influence on such thinkers as Grotius, Machiavelli, Montaigne, Montesquieu, Rousseau, Weber, Arendt, and Foucault as well as on traditions of monarchical theory, constitutionalism, and international relations and law.[23] There are themes that emerge, though, that connect

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[22] See Hammer 2008, chapt. 1.

[23] Discussions of this legacy can be found in Carlyle and Carlyle 1950 (medieval); Pocock 1975 (republicanism); Schellhase 1976 (Tacitus and republicanism); Canning 1996 (medieval); Skinner 1998 (republicanism); Coby 1999 (Machiavelli); Millar 2002 (constitutional thought); Hammer 2002a (Arendt); 2008 (Machiavelli, Montesquieu, Arendt, Foucault); Stacey 2007 (monarchical theory); Kinsbury and Straumann 2009 (Grotius); Straumann 2011 (constitutional thought). As I argue in Hammer 2008, even though scholars recognize the importance of the Romans to such modern thinkers as

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author to author, that speak to us today, and that lead us to understand what is Roman about Roman political thought.

Finally, I have let the Romans speak in their own terms rather than view them through the lens of contemporary theoretical approaches.[24] Of course where we stand always influences what we see. But it is important to avoid an abstractness that the Romans never imagined because context plays such a vital role in their thought. To the contemporary political theorist steeped in abstraction, Roman political thought seems mired in a hopelessly complex array of names, places, laws, and events. But in this complexity we can locate the conceptual core of Roman political thought. For the Romans, the human artifacts that surrounded them provided a foundation, like Livy's *Ab urbe condita* ("From the founding of the city," the modern title of Livy's *History*), by which they related not just to those things, but also to each other.

POLYBIUS, ROMAN REPUBLICAN POLITICAL INSTITUTIONS, AND CULTURE

For many (certainly for his contemporaneous Greek readership), Polybius (ca. 200–118 BCE) serves as the entrée into Roman political thought. He is emblematic of the complex relationships that developed in this Roman imperial world. A rising leader in the Achaean League, Polybius was rounded up along with a thousand other Achaean elites and held prisoner in Rome for suspicion of being opposed to Roman rule of Macedonia. Held for seventeen years, he became a companion of Scipio Aemilianus, who would emerge as one of the most powerful Roman statesmen of the time. Polybius was given access to the highest levels of Roman society, remaining in Rome even when released. He was not just a Greek in a Roman world; he was a Greek theorizing about a Roman political system

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Machiavelli, Montesquieu, Arendt, and Foucault, that importance is often downplayed or misunderstood.

[24] I have nothing against this approach. In an earlier book, for example, I viewed the Romans by way of a series of modern thinkers (see Hammer 2008).

that had already achieved empire.[25] For Polybius, Rome's ability to bring "the whole world under their sway" (Polyb. 6.50.6) while also preserving liberty lay in large part in its political system, which naturally grew or evolved over time (see Polyb. 6.5–9; 6.43.2; 6.51.5–6; 6.57.1). That mixed system of government contained aristocratic (the senate), democratic (the people), and monarchical (the consuls) elements.[26] Political power, according to Polybius' well-known formulation, was distributed among different parts of the state so that no one institution held power. Each part brought to the system its own inclinations and interests and each required the cooperation of the other in order to get something done. In times of emergency, the state acted "in concord and support" (6.18.2). In times of peace, the efforts of one part toward supremacy – a fact of human nature – could be "counterworked and thwarted" by the others (6.18.7). For Polybius the mixed constitution worked both to provide stability in any given moment because no group could act without restraint and to slow down the process of *anacyclosis*, the tendency of states to follow a cycle of degeneration.

Polybius is, of course, talking about the Roman republic (ca 509–31 BCE), a period whose beginning is shrouded in myth and end dissolves in violence. Though it is difficult to assess his impact on Roman thought, he found his way into Cicero's discussion (and re-imagining) of the mixed constitution and was certainly read by Livy. And in many ways,

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[25] See Champion 2004 on how Polybius variously represents Rome as possessing both Hellenic virtues guided by reason and barbarian characteristics of irrationality and passion.

[26] There is an extensive tradition that views Roman politics by way of its constitutional aspects: by its institutions, procedures, rules of participation and election, offices, formal powers, and relationships between offices. See especially Mommsen 1887–88; Rainer 1997, 9; Millar 1998, 15, 99, 208ff; Lintott 1999; Straumann 2011. For a critical view of these constitutional approaches, see Hölkeskamp 2000. Meier uses the term "organic constitution" (1980, 56). Wieacker views the constitution as an ongoing political process (1988, 353–54). Interpretations of Polybius' view of the Roman constitution vary: Polybius as classifying Roman constitution as aristocratic: Nicolet 1983, 18–22; Nippel 1980, 151; Lintott 1999, 22; Polybius as recognizing broader role of the people: Walbank 1992, 224–30; Millar 1998, 24 (on role of people in Polybius' account); Arena 2012, 92–93 (role of the people but with an aristocratic bias). On Polybius' account of the role of the people, see 6.14.1–12.

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Polybius saw the difficulty of easily categorizing the Roman political system. It was not quite the closed oligarchy that would assume near consensus in scholarship, a tightly knit network confined to the major families who competed and controlled the highest offices.[27] Nor could Rome qualify as a democracy, if by that we mean a fundamental equality of everyone to participate in the governance of the community.[28] Rome's political institutions were a complex array of hierarchically organized units, created at different times and for different purposes through their history. These hierarchies were incorporated structurally into Roman politics through a census that differentiated expected contributions to the state by ranks of wealth and accordingly allocated voting on the principle that those who had the most property should also have the most say.[29] Polybius gives us insight, and I will reference those observations, but an understanding of the system requires that we move beyond him.

The sovereignty of the people, the *populus Romanus*, was perhaps the most fundamental (and most difficult to grasp) principle of the Roman republic. We must be careful when we apply this single term to ancient Rome. Sovereignty is a modern concept, datable to the sixteenth century, referring both to the control a state has over its own territory and to a supreme authority within a state.[30] Something like sovereignty clusters around two different, though overlapping, concepts: *libertas*, which is

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[27] Earlier scholarship argued that Roman politics was controlled by a small number of wealthy families who maintained their power through patron-client relationships and alliances. See Münzer 1920; Syme 1939; Taylor 1949; Badian 1958; Gelzer 1962; Scullard 1973.

[28] Recent scholarship has pointed to considerably more turnover and competition within the elite. The argument of democratic aspects of the Republic is made most notably by Millar 1998. For summaries of the debate, see Ward 2004 and Hölkeskamp 2010, 10, fn 35. Scholars noting turnover and competition but not democracy include Brunt 1965; 1971b; 1988, 351–502; Meier 1980, 15, 163 on plurality; Wiseman 1985; Develin 1985; Gruen 1995; Yakobson 1999; Mouritsen 2001; Morstein-Marx 2004; Hölkeskamp 2010, 36–39.

[29] Dumézil argues that the Latin root *cens-* (as in *census*) is cognate with a Sanskrit root for praise (1969, 103–24). The census, in this sense, is a public recognition of merit.

[30] For the difficulties of the use of the term for ancient Greece, see Davies 1994.

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premised on the people being the source of authority for the internal affairs of the *res publica*, and *imperium*, the power of command held by the Roman people and surrendered to their magistrates.[31] The importance of the people, at least as equals to the senate, is captured in the acronym associated with the state, SPQR (*Senatus Populusque Romanus*), which would show up on coins and inscriptions. More suggestive of something like sovereignty is the formal designation of the state as *res publica populi Romani Quiritium*, "the *res publica* of the citizens of the Roman people" (Varro *Ling*. 6.86).[32] The people were the sovereign body in the sense that their decisions were needed to legitimate political processes, including electoral outcomes, judicial outcomes (the people could pardon those who might appeal to them as well as determine capital charges), and legislative outcomes (including approving measures and being able to restrict some aspects of traditional senatorial prerogative).[33]

This sovereignty gained institutional expression through a complex, ongoing battle by plebeians (those who were not part of the original, ruling patricians) for both political protections and expression, including access to political and religious offices. This struggle is often referred to as the conflict of the orders (though virtually no contemporaneous evidence survives).[34] The conflict is marked by an initial secession of the plebs in 494 BCE (Livy 2.23–24, 32–33), what was in essence a strike or withdrawal from the city by the plebs, that resulted in the creation of the *concilium plebis*, an assembly open only to plebeians, and the establishment of plebeian magistrates called tribunes. Tribunes were deemed inviolable (*sacrosanctus*), which meant that there were penalties for physically harming or interfering with them. They had the power to convene the *concilium plebis* (*ius agendi cum plebe*), intercede or appeal on behalf of plebeians against coercion by other magistrates (*auxilium*), and veto any action or decision by a magistrate (*intercessio*). The *concilium plebis* was usually presided over by a tribune. In addition to passing

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[31] Ando 2011, 73–74.

[32] See Williamson 2005, 66; Straumann 2011, 285; Schofield, in Hammer (forthcoming).

[33] Brunt 1988, 338–39.

[34] On the complexity of sorting out the historical evidence of the nature of the conflict between patricians and plebs in the early Roman republic, see Mitchell 1986; 1990; Raaflaub (ed.) 1986a; 1986b; Richard 1986; Momigliano 1986; Cornell 1995.