Regime Agnosticism: Tacitus on the Nature of Republics and the Growth of Savagery

by

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Abbreviations

OCD: S. Hornblower, A. Spawforth, and E. Eidinow (edd.), *The Oxford Classical Dictionary*. 4th ed. Oxford: Oxford University Press, 2012.

OLD: Glare, Peter G. W., ed. *Oxford Latin Dictionary*. Oxford: Clarendon Press, 2010.

The names and titles of classical authors and texts are abbreviated in accordance with *OLD* and *LSJ*.

Tacitus's works are abbreviated as follows.

Agr.	*Agricola* (*De vitae e moribus Iulii Agricolae*)
Dial.	*Dialogus de Oratoribus*
Hist.	*Historiae*
Ann.	*Annales*

Abstract

Does regime type matter for politics? How should republicans in particular think about regime type, especially given the legacy of the Roman mixed regime? While we might normally think of regime type as being determinative of politics, I argue that this is less true than it appears at first glance. Through a reading of the Roman historian Tacitus, I show that republicanism is best understood as a politics of virtue and vice rather than a prescribed set of constitutional arrangements.

While Tacitus has not been read in this way before, attending to his use of rhetorical strategies allows us to see that he offers an oblique criticism of the Roman principate grounded in the emperors' character, not any inherent problem with the rule of one. Using Stoic themes, he condemns the emperors as vicious, cruel, and a corrupting influence on Roman political life. Since his criticism is non-institutional, I read Tacitus as a regime agnostic republican. I call this interpretation "regime agnostic" because on this view behaviors and choices are the basic elements of politics, and certain choices – virtues – are the constitutive element of specifically republican politics.

Tacitus is therefore a much more interesting political thinker than he has been given credit for. Contemporary republicans, especially the "neo-Romans," read him as a forerunner to their own project of reimagining the mixed regime. Yet Tacitus's regime agnostic republicanism raises pointed questions about the neo-Roman understanding of republicanism. Beyond the historical issues, it is too legalistic and so it misunderstands the nature of liberty and domination. Tacitus helps us to cut through these overly formal and structural definitions of liberty and

domination to see them for what they are – behaviors. I argue that this raises a continuity between ancient republicanism and a certain strand of liberal thought, though Tacitus does more than merely anticipate this. He offers theoretical resources for understanding the efficacy of individual action (and the importance of theorizing this), the nature of cruelty as a political problem, the need for virtue in both liberal and democratic societies, and the stakes of these concepts for liberal aspirations.

Chapter 1 Introduction

Central Questions

Do regimes matter? Do different regime types lead to different sorts of politics? And how should republicans in particular think about regime type, especially given the Roman legacy of the mixed regime? Questions about regimes are central to political theory and political science, from Plato's and Aristotle's foundational works to American foreign policy aims like "regime change" and "democratization." We might be tempted to think that the answer is obvious. Surely different regimes will produce different politics. Democracies will respect the people, aristocracies will value the best or most skilled citizens, oligarchies will favor the wealthy. The idea of a regime, after all, is that certain values are embedded within it – democracies value freedom, aristocracies value excellence, oligarchies value wealth.

Given this, the very notion of a "regime agnostic" political theory might sound like a contradiction in terms. And yet the idea that regimes are perhaps less central than they seem is not as far-fetched or unfamiliar as we might think. As the former United States Attorney for the Southern District of New York Preet Bharara observed in 2021:

> We say all the time in this country…that we are a nation of laws, not men. And that's completely true. But it is also true that at the end of the day, good laws, good rules, good regulations, even a good constitution doesn't save you from injustice, right? There are ways to pervert the purpose of the rule of law. There are ways to corrupt it. And there are ways to pull off miscarriages of justice no matter how good the laws are. […] If you're a person who believes, like I do, that [we] had an erosion of the rule of law over the last four years under the prior president and his Justice Department, consider the following. For the most part… the rules haven't changed. The Constitution hasn't changed. Statutes haven't changed. What has changed…is the identity of the people who are responsible. […] [These

> people] have figured out ways to do things to undermine what I think is fair and proper not by changing the rules, but just by changing personnel.[1]

Although Bharara does not use the phrase "regime agnosticism," the idea is the same. The fundamental rules of the American political and legal system did not change on January 20th, 2017, so this cannot explain the different political outcome that Bharara identifies (i.e., the erosion of the rule of law). Instead, Bharara argues that the changes in the people overseeing and working at the Justice Department – people with different identities, values, and goals than before – explains the difference in outcomes. On this view, core political values like justice and the rule of law that we might normally ascribe simply to the regime type of liberal democracy do not depend on its institutional arrangements but on the character of the individuals in the regime.

Perhaps this is true, we might say, for a liberal democracy, with its many different and even contradictory theoretical aspirations. But what about a republic? Are there not certain institutional arrangements that are central to – even constitutive of – a republic? We might immediately think of the mixed regime, the combination of the rule of the one, the few, and the many that Aristotle (384 BCE-322 BCE), Polybius (c.200 BCE-c.118 BCE), and Cicero (106 BCE- 43 BCE) explore. But then we might remember the "scheme of representation" so famously articulated by James Madison in *Federalist No.10* as the definition of a republic.[2] Even this briefest and most cursory overview, though, indicates that the concept of a republic admits of variation. As Nandini Pandey has written, "[i]n its original usage…the term *res publica* does not preclude a constitutional monarch, and in fact implies rule by an elite."[3] James Hankins

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[1] Sanders, "Immigration Under Biden, Plus Preet Bharara 'Doing Justice.'"

[2] Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, ed. Clinton Rossiter, Signet Classic (New York: Signet Classic, 2003), 76.

[3] Nandini B. Pandey, "Ovid, the Res Publica, and the 'Imperial Presidency': Public Figures and Popular Freedoms in Augustan Rome and America," *Polis: The Journal for Ancient Greek and Roman Political Thought* 37, no. 1 (January 17, 2020), 124.

writes that "[*respublica*] does not necessarily imply government by the people or power sharing among the aristocracy."[4] This captures the ambiguity that Pandey identifies, and yet differs in its assessment of the role of the aristocracy. The idea of republic clearly meant many things to many people. Perhaps this explains John Adams's impatient declaration that "I confess I never understood [what a republic was], and I believe no other Man ever did or ever will."[5]

To reflect on these conflicting intuitions and observations about constitutions, republics, and whether regime type matters, I turn to the Roman historian Tacitus (c.56 CE- c. 120 CE). This may seem like an odd choice. What could a nearly two-thousand-year-old historian teach us today about regimes and republics? Yet as I hope to show (and with respect to Adams), Tacitus offers significant theoretical resources for understanding regimes, the nature of their relationship to political outcomes, and the implications of regime agnosticism for republican political theory. Drawing on Tacitus, I argue that regimes are less central for or determinative of politics than we might think, especially for republican politics.

Tacitus takes up this question of regimes and their political importance and answers it in the negative. His regime agnosticism claims that political outcomes like equal respect for citizens, fair treatment under the law, and even liberty are more products of individual behavior, dispositions, and character traits like virtues and vices than they are of bare legal arrangements. Although I do not think Bharara had Tacitus in mind when he spoke, his observations are easily at home within Tacitus's political philosophy. Tacitus's historical works, treating the consolidation of imperial power after Rome's fall from republic to despotism and spanning from C.E. 14 to C.E. 70, do not tell a story of wholesale legal or institutional change. Rather, they

[4] James Hankins, *Virtue Politics: Soulcraft and Statecraft in Renaissance Italy* (Cambridge, MA: Harvard University Press, 2020), 75.
[5] From John Adams to Mercy Otis Warren, 20 July 1807, Founders Online, National Archives, https://founders.archives.gov/documents/Adams/99-02-02-5195.

depict the way that one man and a group of devoted sycophants corrupted a republic to devastating effect. He painstakingly shows how the emperors obfuscated the language of right and wrong, the sinister methods they employed to preserve a façade of legality while exploiting the public good to serve their private interests, how their sycophants parroted their corrupted language, and finally how a sense of servility and a culture of obsequiousness set in among the citizenry.

This serves as a corrective for how we commonly speak of “the Roman empire.” “Emperor,” or *princeps*, was not a legally constituted magistracy or even an official title.[6] It did have a republican association and a nominal precedence, but when Octavian – the first emperor, who later went by Augustus (63 BCE-14 CE) – took the title *princeps*, he masked the true nature of his power. As Clifford Ando has written, “Rome of the Principate was a nation where monarchy hid under the form of a republic.”[7] For this reason, the principate was an “informal” regime. The old republican social, political, and legal forms persisted, and imperial propaganda stressed that it had restored the republic. But Tacitus’s writings expose this pretense for what it actually was.

If Tacitus’s story is taken seriously, then it poses a problem for political theorists, especially those whose analyses look to institutional arrangements. How, if the laws did not change, could the Romans have sunk into despotism? More fundamentally, how is a republic even defined if not by reference to any specific legal or constitutional arrangement? In the face of these problems, Tacitus, as we will see, articulates a notion of republicanism that is defined more by the presence of virtue than any institutional arrangement like the mixed regime. In doing

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[6] See Balsdon, John Percy, Vyvian Dacre, and Miriam T. Griffin. "Princeps." In *The Oxford Classical Dictionary.*: Oxford University Press, 2012.
[7] Clifford Ando, *Law, Language, and Empire in the Roman Tradition*, 1st ed., Empire and After (Philadelphia: University of Pennsylvania Press, 2011), 86.

so, he also offers a larger vision of politics that is more concerned with behavior, choices, and actions than institutions. Such an understanding of politics in general and republicanism in particular resists codification. It must necessarily, then, be somewhat imprecise and messy. But this may be less of a flaw than it seems at first glance – politics itself is imprecise and messy. Definite answers, reducible to codified precepts, would be more alluring than accurate.

Methodology

But if Tacitus is to be a resource for political theorists and political scientists interested in regimes, then it must be the case that he clears some minimum bar of coherence. There is in fact a tradition of doubting this, mostly from scholars in the fields of Classics and History who claim that Tacitus's value lies in the bare historical facts that he communicates and his unique Latin style.

Any reader of Tacitus will notice the degree to which he engages in moral evaluation of political events and actors. Less obvious are the rare and seemingly random moments where Tacitus turns aside from the narrative to offer oblique comments in his own voice about philosophical matters. These comments are often dismissed by the skeptical scholars who see little value in Tacitus's direct thoughts. Tony Woodman and Ronald Martin, for example, gloss a passage on wisdom, free will, and fate at *Ann*. 4.20 by noting that Tacitus "is no more seriously concerned with fate and astrological determinism here than at 6.22.1-3, but uses these concepts as a convenient foil for the characteristic point that *posse etiam sub malis principibus magnos uiros esse* [it is possible for great men to exist even under bad emperors]."[8] Likewise, Miriam Griffin, asking whether Tacitus has a "theory of history, for systematic thinking about human life

[8] Ronald H. Martin and A. J. Woodman, eds., *Annals. Book IV.*, Cambridge Greek and Latin Classics (Cambridge [England]; New York: Cambridge University Press, 1989), 151.

and its vicissitudes," concludes that the "signs are not good, for no one who has considered these questions has emerged with a plausible picture of Tacitus as a thinker."[9] Griffin comes to this judgement by observing that Tacitus is inconsistent in his explanations for how events unfold, such that "[h]e is clearly not a systematic thinker when it comes to natural philosophy… [and t]he picture is not so different when we come to political theory."[10]

I have claimed that Tacitus offers theoretical resources for political theorists concerned with the question of regime type. How can this be, if the judgement of historians like Griffin is that "in the realm of abstract thought, brilliance of style triumphs over poverty of intellect"[11]?

My argument is that Griffin and by extension others who dismiss Tacitus's philosophical ability have come to their conclusion by paying insufficient attention to the rhetorical context and strategies that Tacitus uses to communicate theoretical ideas. There is thus an entire interpretive layer to his writings that we have largely missed. We can access this layer, as it were, by attending to Tacitus's rhetorical strategies, especially in passages where he speaks in his own voice.

Let us look first at two passages that should pique our interpretive interest. At *Agricola* 1.4, Tacitus writes "but now, being about to set forth the life of a dead man, there was need for leniency on my behalf, which I ought not to have had to seek, even if I had been about to criticize: these times [are/were] so savage and unsafe for virtue" (*at nunc narraturo mihi vitam defuncti hominis venia opus fuit, quam non petissem incusaturus: tam saeva et infesta virtutibus tempora*); at *Annales* 4.33, he writes "…you will find those who on account of similarity of character think that others' bad deeds are a reproach to themselves. Even glory and virtue have

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[9] Miriam T Griffin, "Tacitus as a Historian," ed. A. J Woodman, 2010, 168.
[10] Griffin, "Tacitus as a Historian," 172.
[11] Griffin, "Tacitus as a Historian," 172.

enemies, making opposing things known from too close a proximity. But I return to my undertaking" (*reperies qui ob similitudinem morum aliena malefacta sibi obiectari putent. etiam gloria ac virtus infensos habet, ut nimis ex propinquo diversa arguens. sed ad inceptum redeo*).[12]The point of these passages, carefully written in a vague Latin that could give their author plausible deniability, is to say that Tacitus cannot speak too openly. There are significant implications here. If it is the case that being too open would be dangerous, then we should expect that Tacitus would not present his views systematically. Griffin's criticism on this very score, then, suddenly seems less damaging to Tacitus.

Moreover, this is exactly what we should *expect* to find in antiquity – especially from an author writing under imperial rule. As Frederick Ahl has shown, critical writing in the ancient world proceeded more by indirect suggestion than direct statement, due in no small part to the dangers of offending powerful people.[13] This involved writing with "figures," that is, writing in a way such that the author communicates something different than what the bare words mean or appear to mean. Ahl's argument rightly recognizes the different interpretive assumptions of modern and ancient readers, their political circumstances, and the rhetorical tradition that the ancients developed for creating suggestive rather than open speech. Following Ahl, let us turn to this tradition to understand its theoretical assumptions and practical recommendations.[14]

[12] All translations from the Latin are my own unless otherwise noted. I have used the Oxford Classical Text series unless otherwise noted. In this passage, Tacitus (characteristically) omits the form of *esse*, the verb for "to be." Thus, there is an ambiguity: is Tacitus saying that times were hostile to virtue in the past (but no longer), or is he saying that times are (and continue to be) hostile to virtue? The context implies both, I think, with the implication that the current hostilities affect his ability to speak. However, being ambiguous allows Tacitus to claim plausible deniability, especially since "gapping" words is a key element of his larger style.
[13] Frederick Ahl, "The Art of Safe Criticism in Greece and Rome," *The American Journal of Philology* 105, no. 2 (1984): 174–208.The following discussion draws on Ahl's work, though its emphasis (in the modern sense) differs slightly.
[14] A similar version of what follows can be found in Max Lykins, "Servile Stories and Contested Histories: Empire, Memory, and Criticism in Livy's *Ab Urbe Condita*" (forthcoming 2022).

At its most general, ancient rhetorical theorists defined a figure as the term for "the form of a thought, as in bodies, which, however they are arranged, have by necessity some shape" (*forma sententiae, sicut in corporibus, quibus, quoquo modo sunt composita, utique habitus est aliquis*; Quint. *Inst.* 9.1.10). There was a secondary meaning, though, "in which [figure] is called *schema*, and indicates any purposeful change in either meaning or speech from the common and straightforward form" (*altero, quo proprie schema dicitur, in sensu vel sermone aliqua a vulgari et simplici specie cum ratione mutatio;* Quint. *Inst.* 9.1.11). This secondary meaning came in turn to be understood in a more specialized sense, a change that Quintilian (c.35/40 CE–c.96 CE) attributes to the 4th century BCE rhetorician Zoilus, "who thought that a *schema* was only an instance in which what appeared to be said differed from what was actually said" (*qui id solum putaverit schema, quo aliud simulatur dici quam dicitur*; Quint. *Inst.* 9.1.14). Although narrower, Quintilian reports that Zoilus's definition came to be the common definition for all *schemata* and *figurae*.

Schemata, then, are changes to speech that allow a speaker to mean something different than what their words appear to say. This includes the figures of simile, metaphor, irony, all of which are familiar enough to modern readers, and *emphasis*, a term that the ancients use to refer to instances where a speaker intends something different than what their words seem to mean. As Quintilian writes, *emphasis* "is among the figures of speech too, whenever something hidden is dug out from some remark" (*est emphasis etiam inter figuras, cum ex aliquo dicto latens aliquid eruitur*; *Inst.* 9.2.64).[15] This, of course, is effectively the opposite of how we use "emphasis" today to mean a point that we wish to explicitly make clear to an audience.[16]

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[15] Cf. *On Style* 287-290; Pseudo-Dionysius *Ars Rhetorica* 2.8-9; Pseudo-Hermogenes *On Invention* 4.13; Hermogenes *On Types of Style* 241 and 366.
[16] Cf Ahl, "Art of Safe Criticism,"179.

The virtue of these figures, from the rhetorical perspective, lies in their compactness.[17] Figures allow the rhetorician by their very nature to convey a great deal of meaning in a short space. They are therefore conducive to *deinotēs*, that is, the forceful style of speaking.[18] Forceful speech, writes Demetrius (c. 350 BCE- c. 285 BCE) in *On Style*, is achieved through brevity: "Letting a lot be evident in a little is more cunningly forceful."[19] He approvingly cites Spartan brevity as an example of forceful speech. When Philip threatened the Spartans with invasion, the Spartans replied in typically laconic fashion, writing "Dionysius at Corinth." Rather than an extended narrative about the tyrant Dionysius's downfall and exile, the concise statement works as a threat and is forceful for what it does *not* say (*On Style* 8; 241).[20] The hinting and implying are terrifying in a way that a narrative, which can be easily dismissed, is not (*On Style* 99-100).

Symbolic expressions, like the *schemata* outline above, are forceful because the listener is led to infer the meaning, rather than having a point spelled out for them (*On Style* 241; 265-66; 272-3). As Ahl notes in his discussion of figures, "the blunt speaker does not frighten us as much as the oblique speaker. The people we fear, [Aristotle] observes in Rhetoric 1382B, are: 'Not those among our victims, enemies, or adversaries who say everything *forthrightly*, but those who are gentle, ironic, up to everything. Since you cannot see when they are close, you can never see when they are far away.'"[21] Because they are oblique, figures are useful whenever direct speech is not advisable.

One such situation involves tact or good taste, as when a speaker is among friends. Demetrius offers Plato's *Phaedo* as an example: Plato indirectly reproaches Aristippus and

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[17] Cf Anonymous Seguerianus 1.78.
[18] *Deinos* also connotes fearsomeness and power; cf Hermogenes *On Types of Style* 370.
[19] Cited in Ahl, "Art of Safe Criticism," 176.
[20] Also discussed in Ahl, "Art of Safe Criticism," 176.
[21] Ahl, "Art of Safe Criticism," 175 (italics in original).

Cleombrotus for their absence in the final days of Socrates' life when Phaedo tells Echecrates that they were in Aegina rather than Athens (*On Style* 288; *Phaedo* 59c). Phaedo does not need to say that Aegina was close to Athens and that the trip would have been easy (Socrates says as much elsewhere – *Gorgias* 511d). Pseudo-Dionysius[22] (324, Usener-Radermacher), Pseudo-Hermogenes (*On Invention* 4.13), and Hermogenes (2nd. Cent. CE) (*On Types of Style* 378) make similar points about tact, as does Quintilian:

> There are three uses of this[23] figure [of *emphasis*]: first, if speaking openly is unsafe, second, if it is not seemly, and third, which is used for the sake of elegance and which, by its novelty and greater variety, delights more than if the narration were straightforward.[24]
>
> *eius triplex usus est: unus si dicere palam parum tutum est, alter si non decet, tertius qui venustatis modo gratia adhibetur et ipsa novitate ac varietate magis quam si relatio sit recta delectat* (*Inst.* 9.2.66)

Quintilian's first condition is the most relevant for understanding Tacitus.[25] Here, figured speech is useful and necessary because a tyrant prevents open expression.

> Of these, the first use abounds in the schools, as in the conditions of tyrants laying down their power and senatorial decrees composed after a civil war – and it is a capital crime to criticize someone for past actions, since that which is not suitable in the forum is not allowed in the schools.
>
> *ex his quod est primum frequens in scholis est. Nam et pactiones deponentium imperium tyrannorum et post bellum civile senatus consulta finguntur et capital est obicere ante acta, ut quod in foro non expedit illic nec liceat* (*Inst.* 9.2.67).[26]

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[22] See Malcolm Heath, "Pseudo-Dionysius Art of Rhetoric 8-11: Figured Speech, Declamation, and Criticism," *The American Journal of Philology* 124, no. 1 (2003), 83.

[23] Introduced in the previous section 9.2.65: "There is another (figure), bordering on or even the same, as *emphasis*…" (*huic vel confinis vel eadem est…*).

[24] Curiously, Quintilian seems to be the only extant rhetorician who adds this third category to the uses of figured speech, going against previous authors like Seneca the Elder (*Controv.* 1.24).

[25] Although Tacitus seems to indicate that tact (Quintilian's second condition) may be relevant as well; see *Ann.* 4.33.

[26] See also Russell's explanatory notes on these examples in Quintilian, *The Orator's Education*, trans. D.A. Russell (Cambridge, MA: Harvard University Press, 2001).

Ahl is quick to point out that Quintilian's tyrants are not mere *personae*, rightly emphasizing that such exercises in the schools were intended to be directly applicable to Roman life.[27]

Seneca the Elder (c. 50 BCE- c. 40 CE) also endorses this use of figured speech.[28] He praises his old friend Marcus Porcius Latro for his rhetorical skill in declaiming fictitious lawsuits (i.e., *controversiae*), including such cases where figured speech was needed. But, Seneca says,

> It did not please him to change his speech, to deviate from the straightforward path, unless either necessity compelled him, or a great advantage persuaded him. He denied that figures were invented for the sake of beauty, but to aid, so that something that would offend the ears if spoken openly might slide in furtively, from the side.
>
> *non placebat illi orationem inflectere nec umquam recta via decedere, nisi cum hoc aut necessitas coegisset aut magna suasisset utilitas. Schema negebat decoris causa inventum, sed subsidii, ut quod palam aures offensurum esset, si palam diceretur, id oblique et furtim surreperet.* (*Controv*. 1.pr. 23-4).[29]

Oblique criticism rests on three interrelated interpretive premises: the ability for facts to speak (as it were) for themselves, the speaker's ability to hide something within a phrase, and the listener's ability to uncover it. These are skills that can be practiced more or less effectively depending on the speaker's (and listener's) proficiency.

Do facts speak for themselves? The ancient rhetoricians thought so. Demetrius's point about the *Phaedo* is that Plato (tactfully) reproaches Aristippus and Cleombrotus without saying so explicitly: the facts of Aegina's proximity to Athens, the length of Socrates' imprisonment, and the low cost of the travel *are* the reproach (*On Style* 288). But for modern readers, the answer is no. As Ahl writes, "[e]ditors of the *Phaedo* usually ignore Demetrius's interpretation

[27] Ahl, "Art of Safe Criticism," 190.
[28] This theme appears elsewhere; see Demetrius 289-95; Apsines 1.16-19 and especially 1.85; Pseudo-Hermogenes *On Invention* 4.13.
[29] Text from Müller's Teubner.

or dispute it. We are simply not attuned to writing which proceeds by indirect suggestion rather than by direct statement.[30] Yet this is the grounding assumption for the ancient rhetoricians who theorize figures. Thus Quintilian:

> The facts themselves must lead the judge to suspicion, and we must remove other points, so that this suggestion alone remains. Often in this, emotions, delays, and words broken by silence are helpful. For thus the judge will be brought to look for something that he would perhaps not believe if he were to hear it, and that he *does* believe because he thinks that he found it for himself… In a word, the judge is most likely to believe figures if he thinks that we speak them unwillingly.
>
> *res ipsae perducant iudicem ad suspicionem, et amoliamur cetera ut hoc solum supersit; in quo multum etiam adfectus iuvant et interrupta silentio dictio et cunctationes. sic enim fiet ut iudex quaerat illud nescio quid ipse quod fortasse non crederet si audiret, et ei quod a se inventum existimat credat ... in summa, sic maxime iudex credit figuris si nos putat nolle dicere.* (*Inst.* 9.2.72)

Now, it is not *literally* the case that a fact can "speak for itself." This is, after all, a figure of speech. But it is true that context and facts can be shaped and presented so as to suggest a particular interpretation – one that does not require the explicit statement of the speaker – and this is what rhetoricians like Quintilian and Demetrius have in mind.[31]

One of the dominant metaphors in rhetorical treatments of figured speech is that of hiding or concealing. We saw that Quintilian defined *emphasis* as "whenever something hidden is dug out from some remark" (9.1.14). He repeats this at 9.2.65, saying there that "In this, we want to arouse a certain suspicion that we imply a meaning that we did not actually say. Our meaning in this case is not simply the opposite of what we said, as in irony, but something hidden and that

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[30] Ahl, "Art of Safe Criticism," 178-9.

[31] Although *emphasis* (or its identical but nameless figure that Quintilian mentions in 9.2.65) is not the same as irony, the two are related. Part of this, it seems to me, is due to a similarity in "letting facts speak." Irony can be useful in figured problems (*eschēmatismenon zētēma*) for its conduciveness to indignation (or *barytēs*). Speeches given in this manner often involve agreeing with the facts as an opposing speaker has laid them out while intending the opposite conclusion (Hermogenes *On Types of Style* 364-8; Apsines *Art of Rhetoric* 1.16-9 and 2.17-9).

the listener must uncover" (*in quo per quandam suspicionem quod non dicimus accipi volumus, non utique contrarium, ut in Εἰρωνείᾳ, sed aliud latens et auditori quasi inveniendum*).

In describing Latro's defining quality of *subtilitas*, Seneca writes that "plots that are concealed are more dangerous: a disguised sharpness, which is evident from its effect, concealed in its appearance, is the most useful (*magis nocent insidiae quae latent; utilissima est dissimulata subtilitas quae effectu apparet, habitu latet*; *Controv*. 1.21).

Complementing this is the idea that the listener can uncover this meaning. Thus, Quintilian says that remarks are not merely hidden, but must be uncovered by the listener (*auditori quasi inveniendum*). Similarly, Seneca the Elder uses *latent*/*latet* (lie hid, lurk, be concealed) to convey this idea. As Ahl says, "[i]n the forceful style, *deinotes*, the reader or listener must supply some information, do some work himself."[32] The meaning of a speaker's statement is unfinished until the listener uncovers the lurking suggestion. Moreover, this meaning is not accidental. The speaker intentionally hides these meanings.[33] The point is that a speaker does not need to explicitly make sensitive or critical statements – something that a tyrant's rule likely precludes anyway.

As in other styles of speaking and rhetorical devices, the ancients recommended certain strategies for creating *deinotēs* and figures. In dealing with tyrants, Demetrius recommends condemning others who display similar vices as the tyrant in question or praising those who have displayed the opposing virtue (292). He also approves the practice of praising a tyrant with a certain vice for the instances where he has avoided that vice (295). Quintilian, as we saw,

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[32] Ahl, "Art of Safe Criticism," 176.
[33] In addition to Quintilian and Seneca the Elder, cf. Hermogenes *On Types of Style* 241, Anonymous Seguerianus 2.78, Apsines 1.16-19, 1.85, and 2.17-9, Pseudo-Dionysius *Art of Rhetoric* chs. 8 and 9, Pseudo-Hermogenes *On Invention* 4.13, which all treat *emphasis* and figured problems as intentional and under the control of the (skillful) speaker.

recommends appearing to hesitate and introducing emotion as a way to arouse a listener's suspicion (9.2.71).[34] Curiously, he recommends *against* using words with ambiguous meanings (9.2.69) and arrangements (9.2.70) – precisely the strategies that other rhetoricians recommend. Pseudo-Hermogenes, for example, in the stock situation of a son confronting his father for an adulterous relationship with his (the son's) wife, urges the speaker to say the word "father" near "adulterer" to avoid the unseemly direct accusation (e.g., "I know you were not the adulterer, Father"; *On Invention* 4.13 209-210; cf. Demetrius *On Style* 291).[35] There is widespread agreement, though, that figures of any type should not be overused and therefore made obvious: "Even if your figures are perfect, they ought not to be too numerous. For figures become apparent by their sheer number, and they will not lack for offense, but persuasion (*sed ne si optimae quidem sint, esse debent frequentes. nam densitate ipsa figurae aperiuntur, nec offensae minus habent, sed auctoritatis*; Quint. *Inst.* 9.2.72).[36]

Figured criticism was prevalent in judicial rhetoric and literature more widely, including Romans living and writing under the principate. At 9.2.65, Quintilian notes that "there is another [figure], bordering on or even the same, as *emphasis*, which is widely used at the present time. Now I must come to this sort, which is extremely common and, I believe, eagerly anticipated (*huic vel confinis vel eadem est qua nunc utimur plurimum. Iam enim ad id genus, quod et frequentissimum est et expectari maxime credo veniendum est)*, a point that Demetrius echoes (287).

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[34] cf. Hermogenes *On Types of Style* 367, Longinus *On The Sublime* 17, Pseudo-Hermogenes *On Invention* 368, and Pseudo-Dionysius in D.A Russell, "Figured Speeches: Dionysius, Art of Rhetoric VIIII-X," in *The Orator in Action and Theory in Greece and Rome*, ed. Cecil W. Wooten, 2001,162.
[35] Cf Pseudo-Dionysius in Russell, "Figured Speeches." See also Russell's comments on the insignificance individual words (162-3). For the unseemliness of such an accusation, see Demetrius *On Style* 302 and Quintilian *Inst.* 9.2.76-80.
[36] Cf Longinus *On The Sublime* 17; Sen. *Controv.* 1.21-4; Hermogenes *On Types of Style* 376; Apsines 2.19.

Ovid (43 BCE- c. 17 CE), for his part, writes of an unspecified person (who is actually Augustus[37]) in his *Ibis* that

> Now as Battiades cursed Ibis/ I myself curse you and yours in the same way/ And likewise, I cover these verses with hidden matters/ and although I am unused to this sort of thing, I've followed him/ Mimicking his crafty evasions spoken against Ibis/ forgetful of my usual practice and judgement.
>
> *Nunc, quo Battiades inimicum devovet Ibin / Hoc ego devoveo teque tuosque modo/ Utque ille, historiis involvam carmina caecis / non soleam quamvis hoc genus ipse sequi / Illius ambages imitatus in Ibide dicar /Oblitus moris iudiciique mei*; *Ib*. 55-8.

Similarly, his *Tristia* enjoins the reader "so be silent – anyone who is seeking more must read on! – beware, lest you accidentally speak that for which there is no need! (*atque ita tu tacitus (quaerenti plura legendum) ne, quae non opus est, forte loquare, cave*; *Tristia* 1.1.21-2).[38] These works were written after Ovid's exile – a reminder that Augustus was willing to punish authors whom he deemed too outspoken.

There was precedent for historians to write this way as well. Forceful though latent meaning can be found in Livy's (59 BCE- 17 CE) *Ab Urbe Condita*, for example. The most notable example comes in the digression on Aulus Cornelius Cossus and the *spolia opima*, where Livy carefully insinuates that Augustus is a liar and despot.[39]

These rhetorical strategies, then, were subtly theorized, widely practiced, and well-known to readers in antiquity. We have every reason to read Tacitus in this light. The passages from the *Agricola* and *Annales* that we saw above are far from the only instances of Tacitus's oblique and suggestive rhetorical strategy. When Tacitus appears to hesitate, for example, at *Ann*. 6.22, or

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[37] See Sergio Casali, "Qvaerenti Plvra Legendvm: On the Necessity of Reading More in Ovid's Exile Poetry," *Ramus* 26, no. 1 (1997), 107.
[38] Cf Casali, "Qvaerenti Plvra Legendvm."
[39] Cf fn14 above. For the Cossus affair, see *Ab Urbe Condita* 4.17-20.

acknowledges that his profiles of virtue are an indirect critique of vice at *Ann*. 4.33,[40] or notes that the images of Brutus and Cassius (respectively, 85 BCE-42 BCE and 86 BCE-42 BCE; the lead conspirators in the assassination of Julius Caesar) were prominent by their *absence* at a funeral procession (*Ann*. 3.76), he is employing strategies specifically recommended by ancient rhetorical theorists. We will see similar passages throughout this dissertation, including passages in the *Agricola*'s proem that mention the murders of outspoken men and public burnings of writings that praised these men, allusions to imperial informers, and discussions of censorship and book burnings that appear in the *Dialogus* and *Annales*.

Proceeding this way opens up a coherent interpretive layer of the text that we would otherwise not be able to see. Far from indicating a "poverty of intellect,"[41] attending to Tacitus's rhetorical context and strategy underlying his remarks gives us reason to suspect that Tacitus does have a philosophical teaching to communicate in his works, one that may be useful for thinking about republicanism and despotism.

My language of "use" is purposeful and meant to recall what Arlene Saxonhouse has referred to as the "instrumental" approach to texts. On this view, "the text, as an object, becomes the impetus for reflection, the spur to curiosity…" as it bears on the universal questions that any political community must confront.[42] This is an unabashedly text-centric approach. The great value, as I see it, lies in the ability of a text to break us out of our ways of thinking about politics. Whether we think a text is "right" or not, by posing different questions and offering different answers, texts force us to think about what we share (or do not!) with it. They are, therefore, a

[40] Indeed, Woodman and Martin (Martin and Woodman, *Annals. Book IV*, 175) and more recently Woodman (A. J. Woodman, *The Annals of Tacitus. Book 4.*, Cambridge Classical Texts and Commentaries; 58 (Cambridge; New York: Cambridge University Press, 2018), 187) gloss this passage as an example of *emphasis* and cite Quintilian's discussion.
[41] Griffin, "Tacitus as a Historian," 172.
[42] Arlene W Saxonhouse, "Texts and Canons: The Status of the 'Great Books' in Political Theory, in "Political Science: The State of the Discipline," ed. Ada W Finifter, *Political Science: The State of the Discipline II*, 1993, 7.

resource for thinking about universals – questions about justice, power, legitimacy, or any number of other concepts that the experience of politics necessarily raises – and a guide for moving between these universals and their manifestations in particular circumstances.[43] I do not read Tacitus with the intent of finding his "recipe" or operationalizable "perspective" for implementing policies to resist despots. Instead, I see him as grappling with normative questions that are fundamental to humans as political creatures – among these are questions about the nature and character of power, the ability of language to capture or distort political and moral realities, and the scope and significance of human action; as well as witnessing and assessing political phenomena that are not bounded by any particular context – despotism, civil strife, and cruelty.

These methodological remarks may bring to mind the old (and bitter) debates between the "Cambridge school" and the followers of Leo Strauss, debates that have not entirely died down in recent years. Although I must have some first principles that inform my inquiry, I do not intend this project to add further fuel to that fire. The working assumption from Strauss is that great philosophic authors have a message to convey that is unconventional to their particular time and place because it aims at unqualified, trans-historic truth, which may be subversive to the ruling regime and its claim to authority. Given the risks of expressing an unconventional and subversive opinion, authors are forced to write in a way that hides their message from all but the

[43] The most influential account of this, for my understanding of methodology, has been Saxonhouse, "Texts and Canons." See also Arlene W Saxonhouse, *Exile and Re-Entry: Political Theory Yesterday and Tomorrow* (Oxford University Press, 2009); Joy Connolly, *The Life of Roman Republicanism*, Course Book (Princeton, NJ : Princeton University Press, 2014); Dean Hammer, *Roman Political Thought and the Modern Theoretical Imagination* (Norman: University of Oklahoma Press, 2014); Dean Hammer, *Roman Political Thought from Cicero to Augustine*, 2018; Mark Philp, "Political Theory and History," in *Political Theory: Methods and Approaches*, eds. David Leopold and Marc Stears (Oxford, United Kingdom: Oxford University Press, 2008). This approach self-consciously differs from Quentin Skinner, "Meaning and Understanding in the History of Ideas," *History and Theory* 8, no. 1 (1969): 3–53 and J.G.A. Pocock, "Texts as Events: Reflections of the History of Political Thought," in *Politics of Discourse: The Literature and History of Seventeenth-Century England*, ed. Kevin Sharpe and Steven N. Zwicker, 1987.

most attentive readers and relies on implication, ambiguity, plausible deniability, and apparent incongruity.

The great danger according to the historical perspective, polemically argued by Quentin Skinner in his *Meaning and Understanding in the History of Ideas*, is that a scholar without sufficient contextual awareness or sensitivity will simply read into a work the ideas they want to find there.[44] While I agree that avoiding anachronism is a good practice (even though my aims are not historical), nevertheless it is not quite accurate to suggest that a textual focus necessarily means ignoring context – the rhetorical theory that I outlined above is, in one sense, a contextual method for interpreting Tacitus. Neither does it mean that the "contextual approach" is immune to error, as the anachronistic use of "state" in certain contemporary republican scholarship on the Romans indicates. For my part, the text-centric approach is my method for avoiding reading things into Tacitus. By attending to the meaning and nuance of the original Latin, I aim to avoid anachronism while being open to what Tacitus has to say. The story he tells, and the philosophic remarks that he offers, make plain that Tacitus thinks he has something to teach his readers. An attitude towards the text that is sensitive to its ability to teach us about universals enables us to attend to these universals – if we heed Ovid's advice to read on and let the text speak.

Chapter Outline

I begin this dissertation with the case for reading Tacitus through a Stoic lens. In "Tacitus and the Schools of Ancient Philosophy," I examine a series of passages and argue that they employ Stoic themes to ground their analyses. Far from being ignorant of philosophical ideas,

[44] Skinner, "Meaning and Understanding in the History of Ideas," 9.

Tacitus clearly situates himself within the Epicurean and Stoic debate over free will and causation. I use this framework in a "case study" on the emperor Tiberius (42 BCE-37 CE). Tacitus clearly labels him an unhappy tyrant. But understanding the Stoic grounding to this assessment gives it a philosophical depth and rigor that has not been appreciated to date. He is therefore a much more theoretically interesting and sophisticated author than he has generally been given credit for. The larger importance of this is that it allows us to see a coherence running throughout his work, especially the *Annales*, that we would otherwise not see.

In "Stoic Ethics and Republican Virtues: Tacitus's Criticism of Imperial Vice," I present part one (of two) of what I term Tacitus's "non-institutional critique" of the principate. An analysis of various *exempla*, both positive and negative, show that Tacitus makes use of the four traditional cardinal virtues – courage, wisdom, justice, and moderation – in his appraisal of various Romans. But beyond merely presenting these virtues in his narrative, Tacitus uses them to assess Roman politics and criticize the principate for its vice. He links courage and wisdom to resistance to imperial politics. Courage, no longer manifested on the battlefield, becomes an open defiance to the princeps. Wisdom is neither openly defiant nor accommodating. Instead, it looks to blunt the worst cruelties of the princeps and his associates. Justice and moderation form another pair. Whereas Cicero had argued that the legal codification of equal standing would support justice, Tacitus argues that only moderation – the act of restraint – can guarantee equal standing and therefore justice. Lacking moderation, factions and individuals will seek to wield power over others for the sake of gratifying their own interests. Moderation, though, restrains us from dominating others.

The following chapter, "Stoic Affection and Imperial Savagery," takes up the second part of Tacitus's non-institutional critique. The fundamental trait of the principate was its cruelty,

both in the *principes* themselves and their associates, and made for a deadly complement to its vice. Tacitus openly deplores this, but as in Chapter 3, there are sophisticated philosophical reasons that underpin the assessment of imperial cruelty. To explore this, I turn to the Stoic concepts of *hormê* and *oikeiôsis* – the efficient cause of actions in Stoic philosophy of mind and the process by which we come to have an affective attachment toward natural things, respectively. The Stoics use these concepts to argue that we humans are naturally social and have a natural affective bond with others. This, I argue, grounds the repeated denunciations of cruelty and savagery and provides a normative framework for understanding why cruelty is wrong and compassion is good. Tacitus further explores the strategy behind imperial cruelty, especially as it appears in Tiberius's reign. Episodes from the reigns of Claudius (10 BCE- 54 CE) and Nero (37 CE- 68 CE), however, show the perils of this strategy.

These two chapters form Tacitus's non-institutional critique of the principate. Implicit in this view is the argument that our moral education may come from somewhere outside the regime. I explore this in Chapter Four, "Trivial Incidents and Wearisome Material: A Regime Agnostic Education." I reconstruct Tacitus's philosophy of history, showing that it draws on Stoic ideas of causality and responsibility and refocuses our attention on the supposedly trivial events that precede the grander outcomes that were traditionally the focus of historical writing. Obliquely, and through the character Thrasea Paetus, Tacitus communicates that he is giving his reader a morally didactic education in these very sorts of trivial events. Combined with his repeated use of medical metaphors, I read Tacitus as suggesting that his writings can cure Rome of its ills – a cautiously optimistic interpretation that goes against the usual pessimistic readings of him.

These chapters all build on each other, and so it should be clear by now that Tacitus is writing from a republican vantage point. And yet the fact that his criticism of the principate is *non*-institutional suggests that his republicanism involves something more than merely recommending the mixed regime. Accordingly, "Liberty and Corruption in a Regime Agnostic Republic" explores the meaning of liberty in a republic that is understood to be defined by virtue, not the mixed regime, and the strategy that a despot can use to corrupt a republic.

Finally, I conclude by dwelling on the theoretical significance of this interpretation of Tacitus. Beyond the interpretive questions, I use my reading of Tacitus to critique contemporary republicans, sometimes known as "neo-Roman" republicans, and suggest a surprising point of overlap between ancient republicanism and a certain strand of contemporary liberal theory. In short, by identifying moderation as his central political virtue, Tacitus offers theoretical resources for liberals who are less committed to institutional structures and instead cast liberalism as an ethos that embraces ambivalence, rejects dogmatic solutions, and seeks to avoid cruelty. Whether republican or liberal, a political philosophy understood as this sort of ethos is well-equipped to understand our contemporary political ills and, crucially, to understand that institutions will not and cannot save us.

As I hope these chapter outlines suggest, this project should be of interest to multiple sorts of scholars. Scholars of the ancient world, whether their interest is Roman studies, ancient philosophy, ancient history, or ancient political thought, will find much to engage with, especially the interpretive question of Tacitus's rhetorical strategy, his philosophy of history, and his use of Stoic themes.

Political theorists too have invoked the Romans for any number of ends. There is, I think, a tendency to view the Romans primarily as legal thinkers whose greatest (or even only) contribution to political theory is their tradition of legal writing.[45]

The most notable of these are the neo-Roman or neo-republicans, an intellectual movement primarily associated with Phillip Pettit and Quentin Skinner. To grasp the basic outlines of neo-Roman thought, let us begin with its distinctive understanding of liberty. Isaiah Berlin famously typologized liberty as "positive," meaning "self-mastery," and "negative," or "freedom from interference."[46] Phillip Pettit's highly influential 1997 *Republicanism: A Theory of Freedom and Government* recast Berlin's typology. Pettit argued for an understanding of liberty as "non-domination," that is, still a negative conception of liberty but with a more critical eye towards interference. The problem, as Pettit puts it, is that a slave with a non-interfering master is still a slave and can hardly be said to be free.[47] Non-interference therefore misses something crucial about liberty. Non-domination, in contrast, claims that liberty consists in freedom from the arbitrary interference of another. While this definition has undergone various modifications since *Republicanism* first appeared (e.g., specifying what counts as "arbitrary"), the basic outlines have remained the same. The political aim of this conceptual insight is to prevent citizens from dominating others and to prevent the state from dominating citizens. Accordingly, the "operationalization" of this political aim focuses on creating a constitution with limits on power and designing institutions that check each other. And so, to be a free individual

[45] See, e.g., Benjamin Straumann, *Crisis and Constitutionalism: Roman Political Thought from the Fall of the Republic to the Age of Revolution*, 2018, and Michael C Hawley, *Natural Law Republicanism: Cicero's Liberal Legacy*, 2022.
[46] See Isaiah Berlin, *Liberty*, ed. Henry Hardy (Oxford: Oxford University Press, 2017).
[47] Philip Pettit, *Republicanism: A Theory of Freedom and Government*, Oxford Political Theory (Oxford: Clarendon Press, 1997), 21-7.

means to be a citizen in a free state.[48] This, claim Pettit and Skinner, is the distinctively republican understanding of politics.

These arguments for understanding liberty as non-domination point to historical and normative continuities between their project and "the Romans." The neo-Romans stress the legal structure of the Roman Republic, frequently citing the jurist Ulpian and the early Byzantine codification of Roman law known as the *Digest*[49] alongside Cicero and the historians, (including Tacitus).[50] These bibliographical moves, though, conflate the works of authors like Tacitus with a tradition of juridical writing on the formal and legal institutions of the Roman *res publica*. Pettit's theoretical intention in particular is an attempt to articulate a legal and constitutional framework that is sufficient for securing liberty as non-domination. Following this lead, and with respect to Tacitus in particular, Thomas Strunk has recently argued in *History after Liberty* that the *Annales* can only be understood through the lens of non-domination.[51] On the neo-Roman view, which regards the Romans as primarily legal thinkers, politics and political theory is largely confined to formal institutional structures.

In critical contrast to these legalistic interpretations, my project aims to complement work by scholars who recognize that Roman authors thought deeply about issues that are not merely or even primarily legal. One of the most prominent among these is Dean Hammer, who writes that the distinctly Roman approach to political theory "goes beyond the formal institutional

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[48]Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 2012), 17.
[49] Skinner, *Liberty before Liberalism*, 5. The footnote refers to the *Digest*, which in turn cites Ulpian. Philip Pettit tells the story of Polybius and his analysis of the mixed regime in Philip Pettit, *Just Freedom: A Moral Compass for a Complex World*, First edition., Norton Global Ethics Series (New York: W. W. Norton & Company, 2014) 5-7. Emphasizing these formal arrangements, he further claims that Cicero and Livy also fit within this tradition.
[50]Cf Quentin Skinner, "A Third Concept of Liberty," in *The Liberty Reader*, ed. David Miller, 1st ed. (Routledge, 2017), 249, and Quentin Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2013), 67. Skinner's remarks in both of these instances assimilate Tacitus and the Roman historians into the legal tradition of non-domination.
[51] Thomas E Strunk, *History after Liberty: Tacitus on Tyrants, Sycophants, and Republicans*, 2017, 5-6.

arrangements and functions of the state…"[52] Others taking this broad approach include Daniel Kapust, whose *Republicanism, Rhetoric, and Roman Political Thought* characterizes the historians as "wrestl[ing] in psychologically rich ways with tensions and problems in the practice of rhetoric, its place in the political community…and its association with liberty and participatory government,"[53] Jed Atkins,[54] Ann Vasaly,[55] and Joy Connolly.[56] Tacitus does not spend his time giving a detailed legal analysis of this or that institution. Instead, his story often shows the inadequacy of a legalistic lens by pointing to the extra-legal or informal power that individuals exercised by virtue of their *auctoritas* (influence), through corrupt practices with a façade of legality and legitimacy, and through more sinister means like threats and creating a public culture of vice. So a sustained study of Tacitus's thought is well-positioned to complement the arguments of those who see the Romans as more than juridical thinkers.

It also complements a strand of liberal thought that cares more for the ethos and character traits that are suited to a liberal society than for debating the institutional arrangements necessary for the liberal state. Liberals of this kind stress that liberal society is a good, that liberal institutions are not automatically self-sustaining, and that liberalism therefore requires certain habits of citizenship to maintain itself. Surprising though it may seem, Tacitus offers significant theoretical resources for liberals who are concerned with the efficacy of individual agency and

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[52] Hammer, *Roman Political Thought from Cicero to Augustine*, 5.
[53] Daniel J Kapust, *Republicanism, Rhetoric, and Roman Political Thought: Sallust, Livy, and Tacitus* (Cambridge: Cambridge University Press, 2015), 8. Emphasis added. Other works take this approach too, like Daniel J. Kapust, "Between Contumacy and Obsequiousness Tacitus on Moral Freedom and the Historian's Task," *European Journal of Political Theory* 8, no. 3 (2009): 293–311.
[54] Jed W Atkins, "Non-Domination and the Libera Res Publica in Cicero's Republicanism," *History of European Ideas*. 44, no. 6 (2018): 756–73.
[55] Ann Vasaly, *Livy's Political Philosophy: Power and Personality in Early Rome*, 2018.Vasaly focuses on (among other things) Livy's use of *exempla* to convey moral truths about the character that good citizens ought to possess.
[56] In her *Life of Roman Republicanism*, Connolly writes that for "Roman thinkers, the founding term of politics is not rule. Desire, hope, passion, time, contest, and fantasy drive and guide political life" (Connolly, *The Life of Roman Republicanism*, 6).

the possibility for a non-coercive education in virtue. He is also especially relevant for understanding the problem of cruelty. In doing so, I argue that Tacitus helps us to reconsider the relationship between positive and negative liberty and the stakes of these concepts for liberal aspirations.

Chapter 2 Tacitus and the Schools of Ancient Philosophy

"The most outstanding man of philosophy was accustomed to declare – not in vain – that if the minds of tyrants could be pried open, lacerations and wounds would be visible, for as the body is torn apart by lashes, so is the soul torn apart by savagery, lust, and evil thoughts" (*Neque frustra praestantissimus sapientiae firmare solitus est, si recludantur tyrannorum mentes, posse aspici laniatus et ictus, quando ut corpora verberibus, ita saevitia, libidine, malis consultis animus dilaceretur*; *Ann*. 6.6). This vivid and forceful comment, made after the emperor Tiberius asks the gods to punish him if he is lying, is typically Tacitean. It is compact and its meaning lies in the reader understanding the allusion to tyrants with wounded souls, a reference to the closing myth of Plato's *Gorgias* (523a-527a) spoken by Socrates.[57]

Understanding this reference raises a larger set of questions. Is this allusion a stylistic ornament, merely for show, or is there a deeper meaning to it? What purpose does it serve in the narrative? Given its subject matter, what larger insight might this tell us about any philosophical themes in Tacitus's writings?

The answer, I suggest, is that Tacitus does in fact have a deeper meaning that he communicates to his reader. This remark is not merely for show or for stylistic effect. Scrutinizing it and other similar passages indicates that Tacitus draws on Stoic themes to ground

[57] As Martin notes in his commentary, "The reference is to Plato, *Gorgias* 524E, which Tacitus here paraphrases" (Ronald Martin, ed., *Annales, Book 5-6. English & Latin* (Warminster, England: Aris & Phillips, 2001), 118). There is an echo too of Book IX of the *Republic*, where the tyrant and the tyrannical soul are judged to be fearful and wracked with pain (e.g., 579e) and 729 times unhappier than a king (587e). See also Kelly E Shannon-Henderson, *Religion and Memory in Tacitus' Annals*, 2019, 214-217, who perceptively notes where Tacitus's criteria (savagery, lust, evil thoughts) differ from Plato's.

these remarks, and so I will argue in subsequent chapters that Tacitus's account of the virtues, his understanding of moral psychology, and his philosophy of history are best brought into focus through a Stoic lens. First, though, we must establish why reading Tacitus through a Stoic lens is warranted and examine the textual evidence in support of this reading.

I begin with a brief account of Stoic and Epicurean philosophy, two schools that were commonly contrasted in antiquity, before turning to the passage where Tacitus most explicitly juxtaposes these two rival philosophies. This reading highlights the peculiar (and perhaps partisan) contrast that Tacitus draws between Stoic and Epicurean thought, one that I argue reveals much more than a simplistic dislike for the emperor. Finally, I engage previous scholarly work on Stoic ethics, Stoic political theory, and Tacitus's relationship to Stoicism. This highlights a missed opportunity to see Stoic themes in Tacitus and suggests that attending to these themes allows us to appreciate the intellectual coherence in his works.

The Philosophical Background

Stoicism was a Hellenistic philosophy founded by Zeno of Citium (344 BCE-262 BCE). It claimed intellectual descent from Socrates and shared in large part the Socratic ethical framework. Our major source for the early history of Stoicism is Diogenes Laertius' *Lives of Eminent Philosophers* (180 CE- 240 CE), although Sextus Empiricus (c. 2nd cent. CE), Plutarch (46 CE- c.119 CE), and Galen (129 CE- c. 216 CE) also preserve some Stoic teachings and verbatim reports.[58] Additional Roman sources (though not always written in Latin) include Seneca (4 BCE- 65 CE), Epictetus (c.50 CE- c.135 CE), Marcus Aurelius (121 CE-180 CE), and

[58] Johannes Stobaeus, a fifth century CE compiler, preserves an earlier account of Stoic ethics from Arius Didymus as well (writing ca. the BCE/CE divide).

Cicero.[59] Following these authors, especially Diogenes, I offer a brief sketch of the outlines to the Stoic system,[60] although it is worth noting that there is no such thing as "orthodox" Stoicism.

The Stoics typically divided philosophy into ethics, physics, and logic. However, this was not a universal division (indeed Cleanthes, the second leader of the Stoa, who lived c. 330 BCE-c.230 CE, had a six-part system that included politics) and various Stoics assigned more or less precedence to any given field (*Lives* 7.38).

With respect to ethics, the characteristic approach among ancient philosophers was to identify an end or highest good (*summum bonum*) and articulate a corresponding theory of virtue about how to attain this highest good.[61] The Stoics were no exception and argued that the highest good was happiness or flourishing (*eudaimonia*), which they identified as coterminous with the life lived according to Nature and the virtuous life. (*Lives* 7. 87-88). By "Nature," the Stoics (in keeping with the Socratic tradition) mean objective reality and the inherent structure and order of the universe.[62] While such usage includes a perhaps more familiar sense of "Nature" as "natural phenomena," it also encompasses more than this – Nature is a beneficent source of goodness that provides normative standards for behavior and choice. As Diogenes writes, "[t]he world (*cosmos*), in their view is ordered by reason and providence" (7.138).

Conceiving of the cosmos as an inherent rational order prompts the Stoics to investigate and define the different kinds of species that are found within this order. Species are defined by their *telos*, that is, their particular goal or end. Though no works of this kind survive, Cicero's *De*

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[59] Cicero often writes from a Stoic perspective or discusses Stoic tenets, though he was not a Stoic himself.
[60] In addition to the primary sources, see Tad Brennan, *The Stoic Life: Emotions, Duties, and Fate* (Oxford: Clarendon Press, 2006), chs.4, 5, 9, and 11 and Brad Inwood, *Ethics and Human Action in Early Stoicism* (Oxford: Clarendon Press, 1987), particularly ch.6.
[61] Cf August. *De civ. D*. XIX.1, where he reports that the Roman scholar Varro calculated that there were 288 possible schools of philosophy, which he determined on the basis of the different possible answers to the question of the Supreme Good (*summum bonum*).
[62] Diog. Laert. 7.137-9; see also book III of Cic. *Fin*. for an overview of Stoic thought.

Finibus preserves evidence that this is how the Stoics differentiated the kinds of beings in the cosmos. Following his teacher Antiochus of Ascalon's (c.125 BCE-c.68 BCE) criticism of the Stoics, Cicero writes that "Chrysippus…showing the differences among living beings, says that the body is the principal part in some of them, in others the mind, and in some both parts are equal" (*Chrysippus…exponens differentias animantium ait alias earum corpore excellere, alias autem animo, nonnullas valere utraque re*; *Fin*. 4.28).[63] Cicero's speech tells us that Chrysippus conceived of the principal part of humans as mind and drew the ethical conclusion that the human *telos* or end is the exercise of the mind or the rational faculties.[64]

Virtue, then, is the perfection of the exercise of the rational faculty of mind, "the natural perfection of a rational being *qua* rational" (*Lives* 7.94). That is, the virtue of a Sage (the term the Stoics use to describe the perfectly virtuous person) is a stable quality of character that allows the Sage to make rational choices about what is natural and unnatural. Thus, Diogenes Laertius reports that Diogenes of Babylon (a Stoic philosopher; c.230 BCE- c.150/140 BCE) "expressly declares the end [*telos*] to be to act with good reason in the selection of what is natural" (*Lives* 7.88).

At the same time, the Sage's virtue constitutes his happiness, "for virtue is the state of mind which tends to make the whole of life harmonious" (*Lives* 7.89). Since only virtue is good, and only vice is bad, Stoic thought tends to be critical of popular conceptions of the happy life, especially the view that the happy life is the life of pleasure or wealth. These things are, strictly speaking, "indifferent," that is, neither good nor bad. This is a crucial category in Stoic thought.

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[63] Text from Schiche's Teubner. Chrysippus (c. 279 BCE- c.206 BCE) was the third leader of the Stoa.

[64] Cicero, of course, uses this as part of an argument that criticizes the Stoics for neglecting the role of the body in conceiving the human good. For my purpose here, however, the point is merely to show that this is the Stoic method for reasoning about a specie's *telos* and therefore what is natural for that species. Cf Brennan, *The Stoic Life*, 124-131; also, Seneca *Letters* 76.9-10 and Epictetus *Discourses* 1.6.12-22.

As Diogenes reports, "[One meaning of 'indifferent'] denotes the things which do not contribute either to happiness or to misery, as wealth, fame, health, strength, and the like" (*Lives* 7.104). While indifferents can be sub-categorized as "promoted" or "demoted," e.g., as health is "promoted" (in the sense of preferred) over sickness, the Stoics use this category to reinforce their claim that only virtue is good and only vice is bad.

Whereas the Sage's happiness consists of choosing virtuously in accordance with nature, Stoic authors are clear that vicious actors choose on the basis of mistaken views of what is natural or good. This anticonventional streak is also apparent in understanding Nature to be the antonym of opinion, e.g., "[it is clear] that we are born for justice, and that the just is decided not by opinion but by nature (*nos ad iustitiam esse natos, neque opinione sed natura constitutum esse ius;* Cicero *Leg.* 1.28)."

Since we can only be happy and virtuous by living according to Nature, it is necessary for the Stoic account that we have a means for choosing things that are in accordance with Nature.[65] Recognizing this, the Stoics defend the capacity for choice through the use of two concepts in their philosophy of mind: impression and assent.[66] Diogenes writes that a "presentation (or mental impression) is an imprint on the soul: the name having been appropriately borrowed from the imprint made by the seal upon wax" (*Lives* 7.46). In other words, an impression is a sensory input, like "it is raining" or "I should steal that loaf of bread." An assent is the internal psychological act of endorsing an impression, as in deeming the impression "it is raining" to be true and taking appropriate subsequent action.[67] Assent can (and should) be withheld from false

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[65] This also explains why choosing incorrectly causes unhappiness.
[66] "Assent" is the translation for *sunkatathesis*; "impression" for *phantasia*. See Diog. Laert. 7.46 and Cic. *Fat*. 39-45. In Chapter 3 I will discuss the concept of impulse, or *hormê*, as sub-category of assent in the Stoic philosophy of action. However, for now, only impressions and assent are necessary to illustrate Chrysippus's defense of compatibilist free will.
[67] Cf Epictetus *Discourses* 1.17.22.

impressions, as in deeming the impression "I should steal that loaf of bread" to be false and subsequently not stealing the bread. A person does not have control over the impressions that they are presented with, but the Stoics insist that a person *does* have control over their assent because it is "internal" to the person, unlike impressions, which are "external." This allows the Stoics make room for choice and also for culpability: a person who assents to a false impression has committed a mistake. Assent therefore grounds the Stoic argument that we are capable of choosing virtuously and that we are responsible for our actions, since we could have acted otherwise,[68] and allows them to claim that the virtuous life is the happy life lived in accordance with Nature.

Yet the Stoics also believe in a version of causal determinism – that is, the idea that all events were inevitably bound to happen because of prior events. The sources explain this by emphasizing the connection between events, often by highlighting the inherent order of the sequence or by using the imagery of a nexus or chain. Aetius writes that "[t]he Stoics [describe fate as] a sequence of causes, that is, an inescapable ordering and interconnexion." Aulus Gellius (125 CE- 180 CE) reports that Chrysippus held fate to be "a certain natural everlasting ordering of the whole: one set of things follows on and succeeds another, and the interconnexion is inviolable."[69] In *De Divinatione*, Cicero's character Quintus Cicero defends Stoic divination with reference to the notion of fate, "that is, an orderly sequence of causes, where cause, linked to cause, produces something from itself" (*id est ordinem seriemque causarum, cum causae causa nexa rem ex se gignat*; *Div*. 1.125).[70]

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[68] Cf A. A Long and D. N Sedley, *The Hellenistic Philosophers* (Cambridge: Cambridge University Press, 1990), 393.
[69] See Long and Sedley, *The Hellenistic Philosophers*, 336 (excerpts J and K).
[70] Text from Müller's Teubner.

This defense of both a morally responsible capacity for free will and determinism is called "compatibilism." As Sedley and Long note, "this [term] may understate the position. On the Stoic view determinism and moral responsibility are not merely compatible, they actually presuppose each other."[71] While the state of the extant sources is thinner than we might wish, nevertheless we can reconstruct the basic categories of causes that the Stoics used in their compatibilism. Among the types of causes that precede effects (generically known as *antecedens*), Chrysippus seems to have distinguished "complete and principal" causes from "auxiliary and proximate" causes.[72] This first category[73] refers to causes that are within an agent's control, namely, moral character, while the second[74] refers to external things like acts or impressions. The agent's moral character, that is, his disposition to assent to impressions in a certain way, is the primary cause for his action. As Cicero goes on to illustrate in *De Fato* 42, Chrysippus used these causal categories in an analogy of the movement of cylinders and cones.[75] The argument runs as follows: if a cylinder is pushed down a ramp, it will roll down in a straight line. If a cone is pushed down a ramp, it will spin and fall down a different path than the cylinder. Each object's path after being pushed is due to its shape or nature (not the movement of the stars, as astrological determinism would claim[76]). Neither the cone nor the cylinder can control the fact that they are pushed and that they must therefore fall down the ramp. The push is

[71]Long and Sedley, *The Hellenistic Philosophers*, 392; see also the passages and commentary on 333-43 and 386-94, from which I have benefitted and clarified my presentation of Stoic causes.
[72] *causarum enim…aliae sunt perfectae et principales, aliae adiuvantes et proximae*; *Fat*. 41. Text from Müller's Teubner.
[73] This type of cause goes by various names in the sources: Sedley and Long render *perfectae et principalis*, "complete and primary" (Long and Sedley, *The Hellenistic Philosophers*, 387); Clement uses "sustaining" (*sunektikon*) and "complete" (*autoteles*) (*Stromata* 8.9.33.1; "I" in Long and Sedley, *The Hellenistic Philosophers*, 336, section 55); see Long and Sedley, *The Hellenistic Philosophers*, 392-4. Cf also Margaret Graver's chapter on this in Brad Inwood, ed., *The Cambridge Companion to the Stoics* (Cambridge: Cambridge Univ. Press, 2009), 203.
[74] The "triggering" cause, as Sedley and Long term it, or "preliminary" (*prokatarkitka*) cause in Clement.
[75] Aulus Gellius reports this same defense at *NA* 7.2.11.
[76] Cf Cicero *Div*. 1.126: "thus it is clear that fate is called not a fate of superstition but of physics" (*intellegitur, ut fatum sit non id, quod superstitiose, sed id, quod physice dicitur*).

the auxiliary or triggering cause, since the object has no control over the fact that it is pushed. The analogy implies that each object *can* control its own shape (or nature), however, meaning that it is responsible for the particular path it takes in the course of rolling down the ramp. On Chrysippus's terms, the object's particular shape would be the sustaining or principal cause of its particular path.

The Stoics distinguish themselves from other Hellenistic virtue theorists like Aristotle and the Peripatetics by insisting that virtue alone is sufficient for happiness (*Lives* 7.102-107).[77] Things themselves – wealth, health, good looks, etc. – are "indifferent" and are strictly speaking irrelevant for the fully virtuous Stoic (the hypothetical Sage), whose happiness consists entirely in acting virtuously and avoiding vice by assenting to true impressions and withholding assent from false ones. Thus, things themselves are not good; it is only the correct *use* of things like wealth that is good.[78] Similarly, no action itself is virtuous. Instead, actions are virtuous provided that they are done in a virtuous way and from a virtuous orientation.[79]

It is worth underscoring a few of these fundamental Stoic ideas. First is the teleological account of the universe. On this view, Nature (Zeus, Divine Reason, or the divine *logos*) animates and permeates the universe, giving existence a moral purpose and order. Nature's standards take precedence over human standards and make it possible to determine whether actions are right or wrong. Second, because human beings are endowed with the capacity for reason, our psychology allows us to recognize and act in accordance with Nature (again, coterminous with Divine Reason, *logos*, or Zeus). The Stoic conception of Nature therefore sets

[77] See also Cicero *Paradoxa Stoicorum* Paradox II.
[78] Brennan, *The Stoic Life,* 2007, 121. Cf Epictetus, *Discourses and Selected Writings*, trans. Robert F Dobbin (London: Penguin, 2008), 113: "Show me one person who cares for *how* they act, someone for whom success is less important than the manner in which it is achieved." And cf Seneca *Letters* 95.43: "The same acts can be either shameful or upright; it is reckoned so by how or why it is done" (*Eadem aut turpia sunt aut honesta; refert quare aut quemadmodum fiant*).
[79] Inwood, *Ethics and Human Action*, 213.

the agenda for ethics. *Choice* is central in this process – human beings are not automata – and its presence means that we are responsible for our decisions. Finally, since what matters is not things themselves but the *use* of things and the *way* that actions are done, Stoic ethics are circumstance-dependent and cannot be codified in a list of precepts.[80]

The Stoics' main philosophical rivals were the Epicureans, the school so named from its founder Epicurus (341-270 BCE). While the Epicureans and the Stoics share a concern over how to be happy (a "therapeutic"[81] claim that perhaps explains their widespread popularity), they have competing understandings of nature and ethics. These competing understandings stem from their differences regarding physics and the *telos*, or end, of human existence.

The Epicurean universe is atomistic. Their physics held that existence is defined by matter (atoms being the smallest divisible unit) and void, or the lack of matter. In contrast to Stoic *pneuma*,[82] the proposed mixed substance of air and fire that constituted all things and permeated the cosmos, Epicurean atomic theory holds that the universe is an indifferent composite that is not imbued with inherent purpose.[83] Bodies in the universe are the result of random, accidental arrangements of atoms: "For certainly neither by design nor by a wise mind did the primordial atoms arrange themselves in order, nor, truly, did they make a contract among themselves to agree upon their movements"(*nam certe neque consilio primordia rerum/ordine se suo quaeque sagaci mente locarunt/nec quos quaeque darent motus pepigere profecto* (Lucr.

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[80] Cf Paul A Vander Waerdt, "The Stoic Theory of Natural Law" (1989), 10-14.
[81] Cf Martha Craven Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics*, 2018, especially chapter 1 on "Therapeutic Arguments"
[82] Diog. Laert. 7.142; see also Long and Sedley, *The Hellenistic Philosophers*, 274-9 for further primary sources and commentary on this Stoic concept.
[83] See Nussbaum, *The Therapy of Desire*, 32, who writes that "Epicureans…deriv[e] their norms of nature from a consideration of the ways living creatures operate in an indifferent universe."

1.1021-3).[84] Any observed order in the universe is merely an accidental arrangement of atoms over time. Accordingly, Nature is not beneficent, immanent, and orderly. It does not imbue the universe with positive ethical standards, nor does it provide purpose or a rational order.

Epicureans contend that their conception of nature preserves the possibility of free will. If the universe were a coherent whole, unified by an immanent Divine Logos and directed towards a given purpose, there would be no option to act contrary to it. Within the Epicurean universe, however, atoms "swerve" or move unpredictably.

> Finally, if all movement is connected – new always arising from the old in a fixed order – and first movements did not, by swerving, make another beginning, which might break the bonds of fate, lest cause infinitely follow cause, what is the origin of this freedom that exists for all living creatures throughout the earth?
>
> *denique si semper motu conectitur omnis/et vetere exoritur <semper> novus ordine certo/nec declinando faciunt primordia motus/principium quoddam quod fati foedera rumpat/ex infinito ne causam causa sequatur/libera per terras unde haec animantibus exstat*; Lucr. 2.251-6).[85]

The swerve introduces an element of randomness, leaving room for unforeseen events and thereby avoiding strict determinism. This must be true, Lucretius maintains, "lest cause infinitely follow cause."

As with the Stoics, Epicurean physics sets their ethical agenda. Unlike the Stoics, however, they argue that the happy life is the *pleasurable* life. This makes Epicureans hedonists, though not entirely in the conventional sense of the word: their conception of pleasure emphasizes *katastematic* pleasure, that is, a lack of pain. However, Epicureanism does not rule

[84] Cf 2.1056-64. Lucretius (c.99 BCE- c.55 BCE) was a Roman poet and philosopher whose *De rerum Natura* ("On the nature of the Universe") provides the bulk of our knowledge of Epicurean philosophy (the works of Epicurus being largely lost).
[85] See also Cic. *Fat*. 18 -19.

out the pursuit of pleasure in the positive and more conventional sense.[86] The Epicurean aims for pleasure, not virtue, because a universe without purpose and coherence does not care about virtue. Virtue is therefore only worthwhile for the Epicurean if it leads to pleasure. In fact, attempts to conceive of the universe as orderly tend to backfire on humans. Far from leading to happiness, they often result in anxiety – worries over whether we have lived up to certain standards or acted correctly. Lucretius, following Epicurus, singles out religion as a particular offender that causes widespread anxiety over questions of death and the afterlife.[87] Thus, the Epicurean understanding of the universe teaches us to seek pleasure over all else and rejects virtue theories like that of the Stoics.

Tacitus on Epicurean and Stoic Philosophy

The question of the happy life was a familiar topic in ancient philosophy. Socrates argues in the *Republic* and *Gorgias* that the life of the tyrant – conventionally judged to be the happiest – was in fact miserable. This, of course, is not an idle observation, but a criticism of the tyrannical life and those who aspire to it. In one sense, then, it is obvious how Tacitus uses this claim to criticize Tiberius. If we were disposed to read Tacitus as a stylist, we might stop here, claiming that the passage is an expression of Tacitus's dislike for Tiberius and that it requires no serious political or philosophical support. The effect on the narrative is clear – the tyrannical emperor rules badly and causes Roman life to be miserable.

But there is more that can be said. Elsewhere, Tacitus demonstrates a subtle grasp of philosophy and the debates on the nature of happiness between the Epicureans and Stoics. His

[86] See Jeffrey Purinton, "Epicurus on the Telos," *Phronesis* 38, no. 3 (1993), 314 and Lucr. 2.17-19 for the idea that Epicurean pleasure also includes "kinetic" pleasure, that is, the more usual notion of pleasure as the presence of sensation.
[87] See, e.g., Lucr. 1.62-79.

use of Stoic themes, taken from these debates, offers a much more theoretically interesting and sophisticated criticism of Tiberius than mere disdain and a desire for a gloomy effect.

The stark differences in Epicurean and Stoic philosophy, the stakes of their debates, and their contemporaneous popularity all contributed to leading authors to juxtapose the two schools (as in, for example, the opening scene of Cicero's *De Legibus*). Tacitus does the same, though his presentation of the schools' respective doctrines is compressed and somewhat selective. After recounting a story about Tiberius and his freedman astrologist Thrasyllus, Tacitus ponders the relationship between fate and free will, concluding in a long and insightful passage that

> Hearing this and similar things, I am uncertain as to whether the affairs of mortals unfold according to fate and unchanging necessity or by chance. Indeed, you will find disagreement among philosophers of old and those who follow their path, and many have been implanted with the belief that neither our starting points, nor ends, nor humans themselves are any concern to the gods; and that therefore grievous things frequently beset the good, while blessings fall to worse people. Others on the contrary think that fate indeed harmonizes to events,[88] but not because of wandering stars,[89] rather our beginnings are under the control of a nexus of natural causes; but, nevertheless, they leave the choice to us for our life, which once you have selected, a fixed order of outcomes follows. Neither bad things nor good things are that which the vulgar think: many who seem to be suffering from adversity are in fact happy, and very many are wretched although they have great wealth, if the former bear their heavy circumstances resolutely, and the latter use their prosperity foolishly. Nevertheless, most people cannot be shaken from the belief that their fate is fixed from birth.
>
> *Sed mihi haec ac talia audienti in incerto iudicium est fatone res mortalium et necessitate immutabili an forte volvantur. Quippe sapientissimos veterum quique sectam eorum aemulantur diversos reperies, ac multis insitam opinionem non initia nostri, non finem, non denique homines dis curae; ideo creberrime tristia in bonos, laeta apud deteriores esse. Contra alii fatum quidem congruere rebus putant, sed non e vagis stellis, verum apud principia et nexus naturalium causarum; ac tamen electionem vitae nobis relinquunt, quam ubi elegeris, certum imminentium ordinem. Neque mala vel bona quae vulgus putet: multos qui conflictari adversis videantur beatos, at plerosque quamquam magnas per opes*

[88] In other words, that there is an orderly and systematic relationship of cause and effect.

[89] Ancient astrology operated on the principle that the movement of the stars fixed a person's destiny from birth. See, e.g., August. *De civ. D.* book V chs. 1-11 for a discussion of fate and necessity, particularly chapter 8, where he distinguishes the Stoic notion of causal chains from astrology. As Martin notes (Martin, *Annals V & VI*, 148), "'wandering stars' translates 'planets' as Gk. = 'wandering' (i.e., 'not fixed')." So, Tacitus here demarcates between "astrological" determinism and a different sort of "natural" determinism, *both* of which are opposed to Epicurean atheism. Diogenes treats the Stoic conception of planets, stars, and heavenly bodies at *Lives* 7.144 – notably, there is no mention of the stars determining a person's fate.

> *miserrimos, si illi gravem fortunam constanter tolerent, hi prospera inconsulte utantur. Ceterum*[90] *plurimis mortalium non eximitur quin primo cuiusque ortu ventura destinentur…* (*Ann*. 6.22).

While he addresses such questions at other times (notably *Ann*. 4.20), this particular passage is the most explicit allusion to the Stoic and Epicurean schools. Nowhere else does Tacitus so directly talk about specific philosophical traditions (though other parts of the *Annales*, e.g., 14.57, name the Stoics but without any mention of their tenets).[91]

The passage identifies a school that believes in uncaring gods, which must be the Epicureans. Because of this belief, the Epicureans claim that virtue is unconnected to happiness. This is the only belief that Tacitus explicitly ties to this school. We may want to read "chance" (*forte*) as a reference to the swerve, but we should note that this is a question that Tacitus says *he himself* wonders about *before* beginning his discussion of the schools. So Tacitus does not necessarily present the Epicurean philosophy of free will – at best, he implies it and in doing so declines to give it any nuance. This is a stark contrast to his knowledgeable if compressed presentation of the other school, the Stoics, and their philosophy. Here Tacitus identifies a harmony between "our beginnings" and a "nexus of natural causes"[92] – a determinism that is explicitly not due to astrology[93] and that also allows for freely made choices. This is clearly the Stoic doctrine of compatibilism – the position that causal determinism is necessary for free will to exist and that the two positions are not mutually exclusive. The idea of natural or physical

[90] Read as an adversative particle (see Basil Lanneau Gildersleeve and Gonzalez Lodge, *Gildersleeve's Latin Grammar* (S.l: Andesite Press, 2017), 308), not as referring to a third distinct group, as A. J. Woodman, *The Annals of Tacitus. Book 4.*, Cambridge Classical Texts and Commentaries; 58 (Cambridge; New York: Cambridge University Press, 2018), 181. Thus, the meaning of the sentence is to distinguish Stoicism from strict determinists, be they astrological or Epicurean.

[91] The Stoics are mentioned at 14.57 through an indirect speech placed in the mouth of an associate of Nero, whereas in the passage at hand, Tacitus himself is speaking in the first person.

[92] My position here contrasts with Martin, *Annals V & VI*, 148-9, who argues that Tacitus "makes no attempt to come to grips with the deeply philosophical attempt that Chrysippus made to reconcile determinism and free will." See also Woodman, *The Annals of Tacitus, Books 5 and 6.*, 181-3.

[93] Cf fn73 above.

determinism as distinguished from astrological determinism is materially similar to *Div.* 1.126, and Tacitus's categories recall that of Cicero's in *De Fato*.

The *nexus naturalium causarum* corresponds to fate and the network of antecedent triggering causes – the external world that presents impressions to an agent. The choice that "once you have selected, a fixed order of outcomes follows" corresponds to primary or sustaining causes, that is, an agent's character or disposition to assent to impressions. On the Stoic view, providing scope for free choices does not mean that certain outcomes will not follow that choice. In fact, it requires that this be the case: as a cylinder follows a certain path, so does possessing a certain disposition result in a life that reflects one's character. Far from undermining or negating choice, this view reinforces the significance of our choices by acknowledging their consequences. As Sedley and Long note, for the Stoics, "answerability for our actions in no way requires an open future and might even be seriously jeopardized by one."[94] Thus Tacitus makes a strong case that the answer to the question of "whether the affairs of mortals unfold according to fate and unchanging necessity or by chance" is Stoic compatibilism. His silence on the Epicureans on this front suggests that he finds the school's answer unconvincing.

This is not an idle comparison of contrasting philosophies of choice. These beliefs are linked to different conceptions of happiness. The Stoics, who believe in compatibilist free will, understand that happiness is a matter of choosing proper actions rather than avoiding pain or possessing wealth. This contrasts with the Epicureans from earlier in the passage and the *vulgus*. But on closer examination, these views are the same. Both the Epicureans and the *vulgus* think that happiness is unconnected to a person's virtue and that sadness or wretchedness is

[94] Long and Sedley, *The Hellenistic Philosophers*, 394.

unconnected to a person's vice. There is a further parallel between the *vulgus*, who are mistaken about happiness, and "most people" (*plurimis mortalium*) who are mistaken about fate. While this group of "most people" is unnamed (and some take it as a third group[95]), on my reading, the passage ends up effectively grouping the Epicureans, *vulgus*, and *plurimis mortalium* into one group: determinists.[96]

While an Epicurean would protest this, of course, on the grounds that their school explicitly defended free will, Tacitus is not innovating in claiming that they are actually determinists. At the end of the extant text of his *De Fato*, Cicero does the same thing. He attacks the swerve as a defense of free will, saying "it seems true to me that no one has done more to uphold not only fate, but even necessity and force in all things, and has destroyed the voluntary movements of the mind, than he [Epicurus], who confessed that he was not able to resist fate in any other way except by taking refuge in these fabricated swerves (*nec vero quisquam magis confirmare mihi videtur non modo fatum, verum etiam necessitatem et vim omnium rerum sustulisseque motus animi voluntarios, quam hic, qui aliter obsistere fato fatetur se non potuisse, nisi ad has commenticias declinationes confugisset.; Fat. 48*)."

However partisan this might be, Tacitus's point is that how we think about free will and choice determines how we think about happiness. Unlike the Stoics, who (it is implied) correctly understand that we have some capacity for choice and that proper choices lead to happiness, most people are determinists and therefore mistaken about happiness as well.

Understanding this passage correctly offers analytic purchase into the larger narrative context. Tacitus embeds his first-person aside within a story about the emperor Tiberius's

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[95] E.g., Woodman, *Annales. Liber 5-6.*, 181
[96] On the question of whether Epicureans were astrologists, see Woodman, *Annales. Liber 5-6.*,183 and the references therein.

reliance on a Greek astrologer named Thrasyllus. In distinguishing Stoic compatibilism from astrological determinism and showing that our happiness depends on our ideas about fate, Tacitus offers a subtle criticism of the emperor Tiberius.[97] His credulity toward the astrologer places him among the *plurimis mortalium* who "cannot be shaken" of their mistaken belief in fate and who do not understand that happiness consists in virtue.

His nuanced account of Stoic freedom paired with the clear dismissal of determinists of all types suggest that Tacitus is drawn to Stoicism. This is not to argue that Tacitus necessarily "was" a Stoic. Rather, I mean that Tacitus uses Stoic themes to ground his criticisms of the emperors and assessments of Roman politics. In subsequent chapters, I will demonstrate his uses of specific themes. For now, though, let us return to the question of Tiberius's misery. In the passage that opened this chapter, we read that Tiberius confessed to daily torments[98] that Tacitus takes as proof that "his crimes and shameful deeds had turned into punishment for him" (*facinora atque flagitia sua ipsi quoque in supplicium verterant*; *Ann.* 6.6). It is not difficult to read this passage and see that its claim that Tiberius is unhappy works as a criticism of the emperor. But it becomes much more sophisticated and theoretically interesting when we recognize the Stoic themes that Tacitus uses to ground his criticism here and throughout the books that deal with Tiberius. As we know, Tiberius is caught up in popular beliefs about astrology. These preclude him from correctly understanding his capacity for choice, which in turn means that he cannot recognize that happiness consists in virtue – that is, the rational choice of natural things. Instead, like the *vulgus*, Tiberius pursues pleasure. While his habits saw distinct phases throughout his life (*morum quoque tempora illi diversa*), in the end "he broke out into both crimes and shameful deeds, and afterwards, when shame and fear had been cast off, he

[97] On the debate over Tacitus's own beliefs (or perhaps lack thereof) in astrology, see chapter 5.
[98] This same letter is quoted nearly verbatim in Suet. *Tib* 67.

simply pursued his own inclinations" (*postremo in scelera simul ac dedecora prorupit postquam remoto pudore et metu suo tantum ingenio utebatur*; *Ann*. 6.51).

I claimed earlier that Tacitus's reference to Tiberius and the *Gorgias* depended on the reader understanding the allusion. This is true, but now we can go further and say that the full force of the remark is understood once the reader completes the meaning by understanding the Stoic themes that Tacitus uses to think about free will and happiness. Tiberius is not unhappy because Tacitus disliked him or because the narrative mood requires it. He is a wounded tyrant because he is vicious in a specifically Stoic sense. Tiberius is a case study in misery – but the sophisticated reasons why only appear when we recognize the Stoic themes that Tacitus uses to make his analysis.

Tacitus and Stoic Scholarship

Despite the previous section's argument that Tacitus uses Stoic themes and that his narrative coherence emerges when these themes are recognized, scholars have not always acknowledged this – and some have even rejected any such connection. Additionally, Stoic scholars have not always acknowledged or appreciated the political force of Stoic ethics. Thus, my argument that Tacitus uses Stoic concepts to criticize the emperors allows us to correct a missed opportunity in two literatures. Tacitus's use of Stoic themes means that he is more than merely a great stylist. It also demonstrates the political salience of Stoic ethics.

While it may be easy now to see how Stoic concepts could be brought to bear on political questions, before the publication of Andrew Erskine's 1990 *The Hellenistic Stoa* there were few

sustained or focused treatments of Stoic political theory to be found in the literature.[99] Stoic political theory or the political theoretic implications of Stoic philosophy were treated as an afterthought if they were discussed at all. Pioneering scholars of Stoic and Hellenistic ethics like Inwood[100] and Long,[101] while insightful and careful about the nature of Stoic philosophy, have little to say explicitly about how Stoic ethics might bear on politics or political theory.

The most common opinion held simply that the Stoics had no real preference for any particular constitution (monarchy, aristocracy, or democracy) and largely left the matter at that. Brunt, for example, wrote that the "Stoics as such had no theoretical preference for any particular form of government."[102] Rist thought that they "neither rejected nor embraced politics[103]; Sandbach found that they had no political program but generally favored "conscientious administration."[104] Reesor was somewhat of an outlier in arguing that the Stoics favored kingship, though this would not be a particularly original position to hold in antiquity,[105] nor would Shaw's claim that the "Middle Stoics"[106] mostly confined themselves to quibbling over the proper proportions of the "mixed regime."[107] In his 1983 essay "Greek Ethics after MacIntyre," A.A. Long places the Stoics within the Aristotelian tradition and even suggests that

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[99] B.D. Shaw's 1985 "The Divine Economy: Stoicism as Ideology" and Margaret E Reesor, *The Political Theory of the Old and Middle Stoa* (New York, 1951) are exceptions. Long and Sedley, *The Hellenistic Philosophers* does include a section on Stoic political thought, although this is one topic among many others that the volume treats.
[100] Inwood, *Ethics and Human Action*.
[101] A. A. Long, *Stoic Studies* (New York: Cambridge University Press, 1996), published in 1996 with essays ranging back to 1971
[102] Originally written in 1975, published in P. A Brunt, *Studies in Stoicism*, ed. Miriam T Griffin, Alison Samuels, and Michael H Crawford, 2013, 304.
[103] John M. Rist, *Stoic Philosophy* (London: Cambridge U.P., 1969), 199.
[104] F. H. Sandbach, *The Stoics*, Ancient Culture and Society (New York: Norton, 1975), 140-8.
[105] Reesor, *The Political Theory of the Old and Middle Stoa*. That is, because of the widespread practice and acceptance of kingship in antiquity.
[106] A scholarly periodization of the Stoics that includes Antipater of Tarsus (d. 130/129 BCE), Panaetius (d. 110/109BCE), and Posidonius (d. 45 BCE). For scholars who use this periodization, the "Middle" Stoics are often regarded as innovative or otherwise deviating from the "Old' Stoics Zeno, Cleanthes, and Chrysippus (who all died in the second century BCE).
[107] Shaw, "The Divine Economy," 50.

they offer a more satisfactory ethical theory than Aristotle.[108] Long himself does not consider the content and force of his argument to have political implications, even in a 1995 postscript to the original article, though it could easily be viewed as such.

The 1990s saw a shift among attitudes towards Stoicism and political theory. Most notable was the publication of Andrew Erskine's *Hellenistic Stoa*. Erskine focuses on Zeno's *Republic* and argues for the direct political relevance of Zeno's thought to Greek politics of the third century BCE. He opens by claiming that "[t]he Hellenistic Stoa displayed a consistent interest in political theory, beginning with the founder of the school, Zeno of Citium."[109] It is a marked shift from earlier the analyses of Brunt, Rist, and Sanbach. Erskine stakes out a position in which conventional politics is coterminous with political theory. He approvingly cites Quentin Skinner's "vigorous critique" of the notion that a text can be studied in abstraction from its historical environment as a self-sufficient object of inquiry.[110] In doing so, the "text" (for Erskine, fragments and writings from Greeks critical of Stoicism, like Plutarch, and Romans writing centuries after Zeno, like Cicero) becomes an expression of historical circumstances. Thus, he announces that he "is seeking to consider whether [changes in Stoic thought and social and political upheaval] are related and, if so, the nature of the relationship."[111]

Erskine's argument set the tone for a new wave of scholarship. For example, David George places Lucan and his *Civil War* within "the context of the intra-Stoic debate over Cato's participation in the civil war," and notes that this debate stemmed from a "problem" in the Stoa's political theory, namely its indifference toward constitutional forms that was a result of its claim

[108] Referring to the philosopher Alasdair MacIntyre, whose landmark 1981 *After Virtue* played a major role in reviving virtue ethics within the academy. Macintyre's overarching claim is that moral philosophy needs a teleological grounding. See Alasdair C MacIntyre, *After Virtue* (London: Bloomsbury Publishing PLC, 2013).
[109] Andrew Erskine, *The Hellenistic Stoa: Political Thought and Action* (London: Bristol Classical Press, 2011), 9. (Originally published in 1990.)
[110] Erskine, *The Hellenistic Stoa*, 2fn7.
[111] Erskine, *The Hellenistic Stoa*, 3.

that virtue was sufficient unto itself.[112] Even Sedley, in maintaining that the Stoics had no political theoretic tradition of comparing constitutions, notes that Erskine made a "significant attempt to undo this picture."[113] Brown argues that Chrysippus advocated for public participation and political engagement as the exercise of virtue.[114] Notably, Brown does not cite Erskine – perhaps a testament to the fact that viewing Stoic philosophy as relevant to politics was, in the decades after Erskine's book, not necessarily a surprising claim to make.

Paul Vander Waerdt's assessment of Stoic political thought differed sharply from Erskine's, though he also regarded the Stoics as serious political theorists rather than philosophers whose political teachings were incidental at best.[115] In his 1989 dissertation on Stoic natural law, Vander Waerdt argued that the "community of Sages" (Zeno's proposed political community of the virtuous) was not a literal, physical co-habitation of all the Sages in the world, but a sharing of natural law or a rational disposition to act in harmony with Nature. Natural law is not a list of codified precepts but the rational attitude or orientation of an agent that proceeds from a proper understanding of Nature and therefore allows the Stoic Sage to act in accordance with Nature at all times. On this view, the Stoic conception of natural law both places them firmly within the Platonic-Aristotelian tradition and provides a superior response than Plato and Aristotle to the Sophists' challenge that natural right is nonexistent.[116] On Vander Waerdt's

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[112] David B George, "Lucan's Cato and Stoic Attitudes to the Republic," *Classical Antiquity* 10, no. 2 (1991), 239-58.
[113]David Sedley, "The Ethics of Brutus and Cassius," *The Journal of Roman Studies.* 87 (1997), 50fn50.
[114] Eric Brown, "Contemplative Withdrawal in the Hellenistic Age," *Philosophical Studies* 137, no. 1 (2008): 79–89. And see also 82fn11.
[115] While Vander Waerdt finished his dissertation in 1989, just before Erskine published, it was not published as a book and so Erskine's *Hellenistic Stoa* is more fitting to mark a moment of change in Stoic scholarship. Vander Waerdt's work is insightful and valuable, but as a thesis it simply did not generate the attention that *The Hellenistic Stoa* did. See Vander Waerdt, "The Stoic Theory of Natural Law."
[116] Vander Waerdt, "The Stoic Theory of Natural Law," 30-4.

interpretation, the Stoics are deeply committed to the tradition of Socratic political philosophy, which held that philosophy and politics are in potentially deadly tension.

In this vein, Vander Waerdt's 1991 review of Erskine's *Hellenistic Stoa* takes issue with the reduction of political philosophy to expressions of social status.[117] He emphasizes that Zeno's community does not require positive law, since the Sages' rational disposition allows them to act correctly in all circumstances, and thus that there is no "regime" in the usual sense of monarchy, aristocracy, or democracy. Though he does not explicitly make this point, it is worth noting the parallel between circumstance-dependent Stoic ethics and a "regime agnostic" political theory where character and individual behavior, not institutions, are seen as the primary driver of political outcomes. Like Stoic ethics, a regime agnostic political theory resists codification or classification merely on the basis of its formal legal arrangements. In short, while Vander Waerdt and Erskine agree that the Stoics were political thinkers, they disagree in their assessment of how the Stoics viewed the relationship between politics and political theory.

Erskine's book in particular generated interest in the Stoics as political thinkers. Brunt's "Political Attitudes of the Old Stoa"[118] is largely a reply to *The Hellenistic Stoa*, and it is interesting to note how Brunt in 1992 differs from 1975. While he disagrees with much of Erskine – particularly the historical claims of Stoic involvement in third century revolutions – his attitude had clearly shifted. Brunt argues that Stoic thought often lent itself to accommodation rather than criticism and finds the practical impact of Stoic thought lacking even as he recognizes a different sort of contribution to political thought: the concept of natural law.[119] Even this,

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[117] Paul A Vander Waerdt, "Politics and Philosophy in Stoicism: A Discussion of A. Erskine, 'The Hellenistic Stoa: Political Thought and Action,'" in *Oxford Studies in Ancient Philosophy. Vol. 9, 1991* ed. Julia Annas (Oxford: Clarendon Press, 1991).
[118] Unpublished before 2013; but presumably written around 1992. Brunt, *Studies in Stoicism*.
[119] Brunt, *Studies in Stoicism*, 93-4.

which Brunt thinks is a rather modest contribution, is a marked change from 1975, where his sole focus was the practical political implications of Stoic thought – an analysis that omitted any mention of Stoic contributions to political theory.

However, the most notable reply to Erskine's work was Malcolm Schofield's 1999 *The Stoic Idea of the City*. Like Erskine and Vander Waerdt, Schofield takes an interest in Zeno's idea of the "community of Sages." Schofield concludes that Zeno's cosmopolitanism (that is, the idea that all human beings belong to one universal community rather than to conventional territorial communities like Athens, Rome, or the United States) laid the groundwork for the natural law tradition and turned Stoic thought away from *polis*-centered political thinking. This cosmopolitan streak is the defining feature of Stoic political thought, not any specific features of Zeno's city.[120] In this way, Schofield rejects Erskine's more literal reading of Zeno. Schofield also differs from Vander Waerdt (implicitly, since the bibliography does not refer to anything by Vander Waerdt) in conceiving of natural law as providing "injunctions" and in laying the groundwork for later natural law theorists, from Cicero to Pufendorf "to beyond."[121]

More recent work continues in the vein of Erskine, Schofield, and Vander Waerdt in its recognition of the Stoics as political theorists. Julia Wildberger, Jed Atkins, and Katja Maria Vogt, for example, all assess the influence of natural law theorizing on Stoic political thought. For Wildberger, natural law allows the Stoics to critically evaluate existing political communities.[122] For Vogt, natural law supports both the descriptive and normative aspects of Stoic cosmopolitanism.[123] Atkins argues that the Stoic concept of natural law was present from

[120] Malcolm Schofield, *The Stoic Idea of the City* (Chicago, Ill.; London: University of Chicago Press, 1999), 95
[121] Schofield, *The Stoic Idea of the City*, 103
[122]. Jula Wildberger, *The Stoics and the State: Theory - Practice - Context*, 1st Edition., Staatsverständnisse; Volume 105 (Baden Baden, Germany: Nomos, 2018).
[123] Katja Maria Vogt, *Law, Reason, and the Cosmic City: Political Philosophy in the Early Stoa* (New York; Oxford: Oxford University Press, 2012).

the founding of the school (not a development by Chrysippus) and that this understanding of natural law allowed Zeno to "unhitch his social and ethical teachings' dependence on individual constitutions," something that Plato in the *Laws* was unable to fully accomplish.[124]

While the trend toward recognizing the political potential of Stoic ethics is welcome, Tacitus has been mostly absent from this picture. There is no scholarly consensus on Tacitus's affiliation or lack thereof with Stoicism. Griffin and Brunt, for example, deny coherence in Tacitus's works and so by implication deny philosophical affiliation. Others disagree. In 1962, John Paul Armleder argued that Tacitus endorsed Stoic tenets like courage, mercy, and a "strong and happy mind [existing] under any exterior."[125] William Turpin sees a "clear connection" between Tacitean *exempla* (moral examples in the narrative to be emulated by readers) and Stoicism.[126]

The strongest case against Tacitus's affiliation with Stoic thought is found in Marcia Colish's *The Stoic Tradition Antiquity to the Early Middle Ages*.[127] She writes that Tacitus "communicates more overt information about Stoicism than either [Sallust or Livy] while at the same time assuming an attitude toward the Stoa that ranges from the noncommittal to the actively hostile."[128] Like Griffin and Brunt, Colish's case rests on the assertion that Tacitus lacked consistency: "he is neither systematic nor consistent in his attitude towards the gods, fate, and causation in history."[129]

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[124] Jed W Atkins, "Zeno's Republic, Plato's Laws, and the Early Development of Stoic Natural Law Theory," *Polis: The Journal for Ancient Greek and Roman Political Thought* 32, no. 1 (2015), 182.
[125]John Paul Armleder, "Tacitus' Attitude to Philosophy," *The Classical Bulletin* 38, no. 6 (April 1, 1962), 89.
[126] William Turpin, "Tacitus, Stoic Exempla, and the Praecipuum Munus Annalium," *Classical Antiquity* 27, no. 2 (2008), 359.
[127] Marcia L. Colish, *The Stoic Tradition from Antiquity to the Early Middle Ages*, Studies in the History of Christian Thought. v. 34-35 (Leiden: E. J. Brill, 1985). See also her extensive bibliography.
[128] Colish, *Stoic Tradition*, 304
[129] Colish, *Stoic Tradition*, 309. See also 308 for a similar comment regarding Tacitus on astrology, fate, and the passage at 6.22 (among other passages that deal with such topics).

Colish also adds a unique argument that Tacitus is often critical of the Stoic characters in his histories (rather than the view that he presents them as moral *exempla*). I will answer the "consistency charge" in the next three chapters (particularly regarding history in chapter 5), so for now let us focus on Colish's argument that Tacitus criticizes his Stoic characters and that this shows his distance from the Stoic school. Publius Egnatius may put on an outward appearance of Stoic seemliness (*auctoritatem Stoicae*) despite possessing a flawed character, but this reads more like a criticism of Egnatius than the condemnation of Stoic hypocrisy that Colish reads it as.[130] When Tigellinus condemns Plautus for adopting Stoic arrogance (*Stoicorum adrogantia*), it must be noted that Tigellinus is a lackey of Nero's whom Tacitus criticizes at *Ann*. 14.57 (this is elided in Colish's reading). Given this earlier criticism, Tigellinus's hostility toward Stoicism seems less a comment by Tacitus on Stoicism than on Tigellinus

Finally, and critically, is the case of Thrasea Paetus (d. 66 CE), a notable Stoic and one of the most prominent *exempla* in the entire extant *Annales*. Tacitus calls him "virtue incarnate" (*virtutem ipsam*), but Colish argues that a "passion for glory, and in some cases the lust for wealth and power as well, afflict…other members of the Stoic opposition of even greater eminence."[131] She points out that Paetus led a campaign against the Parthians (recounted at *Ann*. 15.8-9) that achieved moderate success but could have been more successful had Paetus "moderated his plunder" and if he had taken the basic precautions of securing the areas he captured as well as his grain supply. This, Colish concludes, constituted Paetus's greed, ambition, and lack of foresight – vices on any ethical view, but a particularly galling hypocrisy for an eminent Stoic. However, Colish does not note that the leader of the Parthian campaign is

[130] Colish, *Stoic Tradition*, 310; original reference to *Ann*. 16.32
[131] Colish, *Stoic Tradition*, 311-2. Discussions on other prominent Stoics like Seneca and Helvidius Priscus are subject to the same interpretive troubles as with Egnatius and Plautus: misunderstanding Tacitus's tone and reading him as critical when in fact he is not.

not *Thrasea* Paetus, but *Caesennius* Paetus, whom Tacitus mentions by name shortly before the passage that Colish analyzes at *Ann*. 15.6. Thus, Colish's argument that "the same concern for self-aggrandizement and the same lack of prudence exemplified by Thrasea [*sic*] the general were at the root of his policy as Thrasea the conspirator" [132] falls apart.[133] So the possibility that Tacitus draws approvingly on Stoic thought remains open, at the very least.

By way of concluding, I will note that Tacitus's characterization of Tiberius's wretchedness suggests that Tacitus does draw on Stoic themes, that he does so for serious – not merely stylistic – purposes, and that this includes a specifically political analysis. The common interpretive thread in the following chapters is Tacitus's use of Stoic themes to ground a sophisticated political analysis with a republican valence, so my argument bears on a common concern for both Stoic scholars and Tacitean scholars. Tracking the Stoicism in Tacitus's works will help us to see the narrative unity and theoretical sophistication in his historical narratives, while recognizing that there is a Stoic underpinning to Tacitus's narrative will help us to appreciate the political potential of Stoic ethics.

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[132] A reference to his opposition to the emperor Nero.
[133] Colish, *Stoic Tradition*, 311-12.

Chapter 3 Stoic Ethics and Republican Virtues: Tacitus's Criticism of Imperial Vice

Virtue and vice are central to Tacitus's writings, especially his historical narratives. No reader can fail to notice the moral judgements – sometimes favorable, more often caustic, but always vivid – that he passes against a range of emperors, sycophants, and assorted Romans. Scholarly reactions to these moral judgements have been mixed: some find these subtle and interesting, while others regard Tacitus as a largely unexceptional and conventional thinker.

The eminent Sir Ronald Syme, for example, is generally appreciative of Tacitus as an intellect but sees his moral thinking as mostly conventional.[134] In a telling footnote, he remarks that "[i]f many features in the make-up of Tacitus (as of other educated Romans) be described as 'Stoic', that does not take one very far, or very deep."[135] Similarly, Peter Brunt argues that Stoicism as a system was congenial to established political orders. Following Origen (*Contra Celsus* III. 744; c.185 CE-c.253 CE), Brunt reasons that if the Stoics hold that actions are strictly speaking indifferent, then the positive laws of political communities can and should regulate these indifferents. While unjust positive laws (i.e., those that disregard natural law) could potentially "be regarded as void…there is no record of their marking any actual laws in this way." [136]

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[134] Ronald Syme, *Tacitus. Vol. 2* (Oxford: Clarendon Press, 1997). See Ch. XXXIX "Tacitean Opinions."
[135] Syme, *Tacitus. Vol. 2*., 257fn1.
[136] Brunt, *Studies in Stoicism* Ch. 2 *The Political Attitudes of the Old Stoa*, 39 and 94. See especially sections 15 (38-9), 49 (64-5), and 87 (93-5). Consider also "ch7 "Stoicism and the Principate," esp. 277-9.

Syme was not the only one to see Tacitus as a conventional thinker. Writing on the opening of the *Annales*, Griffin finds that Tacitus even at his most critical is picking up on earlier historical conventions and sources also used by Suetonius (c.69 CE-c.122 CE), among others.[137] T.J. Luce argues that "[m]any of the ideas, opinions, and beliefs we find in Tacitus do indeed form a stockpile, but they are not peculiar to him, but were the common property of his contemporaries who were trained in ancient rhetoric, which is to say nearly the entire educated class."[138] Colish, as noted earlier, regards Tacitus's moral statements as "either commonplaces or…reflect[ing] the virtues attributed to the emperors in imperial propaganda."[139] The attitude that Tacitus as a beneficiary of Domitian (51 CE- 96 CE) would not criticize the principate[140] is an old one and can be found, for example, in R.L. Roberts' 1936 article "Tacitus' Conception of the Function of History." Here Roberts writes that Tacitus, as "a distinguished servant of the imperial régime – quaestor, aedile, praetor, consul, and pro-consular legate," "appreciated…the true value and significance of the Roman Empire…"[141]

Such a view can also be found in commentaries, particularly regarding the philosophical passages like *Ann*. 4.20 and 6.22. Ronald Martin says that, in the discussion of free will, fate, and the philosophical schools (*Ann.* 6.22) "Tacitus puts before the reader nothing that is either original or profound."[142] This is echoed in Martin's and Woodman's commentary on *Annales* IV,

[137] Griffin "Tacitus, Tiberius, and the Principate" in *Politics and Philosophy at Rome: Collected Papers*, ed. Catalina Balmaceda (Oxford: Oxford University Press, 2018), 135-6.
[138] Torrey James Luce, "Tacitus' Conception of Historical Change," in *Past Perspectives: Studies in Greek and Roman Historical Writing*, ed. I. S. Moxon, J. D. Smart, and A. J. Woodman (Cambridge: Cambridge University Press, 1986), 149.
[139] Luce, "Tacitus' Conception of Historical Change," 305.
[140] As Frederick Ahl notes, this attitude – sometimes stated, sometimes not – often underpins modern critics' judgement that it is "unthinkable" that an author would dare to criticize an emperor. See Ahl, "Art of Safe Criticism," 192.
[141] Roberts *Greece & Rome vol 6 no 16 Oct 1936*, 11. Though Roberts does think Tacitus was a Stoic, he also emphasizes Tacitus's conventionality. See also Barrett's Introduction to the *Annales* xviii-xix.
[142] Martin, *Annals V & VI*, 142 (commentary 22 "Excursus on Fate and Chance").

where they make the similar claim that Tacitus is not "seriously concerned" with philosophical matters of free will and determinism, but instead is only superficially interested in how these concepts can serve as foils for his praise for Agricola (40 CE-93 CE).[143]

These scholars share an attitude that finds in Tacitus (and the Stoics) the conventional and the familiar. Tacitus may loom large in the tradition of Roman historiography, but on this view he does so as a thoroughly conventional Roman thinker whose brilliance lies more in having mastered the conventions than any independent thought. If there is anything innovative in Tacitus, it is his unique style and often difficult Latin.

There are political judgements embedded in these interpretations, however, and they are not always made explicit. While it might seem obvious to note, to the extent that we find an author like Tacitus or a philosophical system like Stoicism conventional, or an expression of particular historical circumstances and dominant opinions, we will be unable to recognize any possible *critical* dimensions to them. Yet this is exactly what we saw in the last chapter – Tacitus's Stoic-themed criticism of Tiberius as a wretched tyrant. The arguments we saw above are therefore missing something crucial in their readings.

A stronger interpretation, then, is to view Tacitus and his ethical thought as expressing something more than mere convention. In fact, he offers the opposite: a criticism of Roman politics and political life. In this chapter, I argue that one aspect of Tacitus's criticism of the principes is their vice.[144] While this is recognizably republican, it is not a structural or constitutional critique of monarchy. It is a condemnation of character. The principate, after all,

[143] Martin and Woodman, *Annals. Book IV*, 151.As we saw in this last chapter, there is good reason to think otherwise. I quote the remarks here to demonstrate a different dimension, namely, their assumption that Tacitus is derivative and unoriginal.

[144] In the next chapter, I will argue that Tacitus's psychologizing and use of emotionally evocative episodes forms the second part of his non-institutional critique of the principate.

was not the formal product of a new constitution or a second founding, nor was the princeps an office like that of consul or praetor. Instead, it was an informal and personal system, where the emperor combined official powers (e.g., annually renewing *tribunicia poteastas*, the power of the office of tribune of the plebeians, and occasionally holding consulships) with unofficial powers of suggestion, intimidation, and influence. While imperial propaganda presented this state of affairs as a return to the republic, it was anything but. The locus of the emperor's power was informal and unofficial, and so a formal legal analysis (let alone critique) of the principate would be a contradiction in terms.[145]

Beyond documenting virtues and vices in the narrative, Tacitus shows their political salience and their potential to take on a new republican valence under the principate. Since he does this by drawing on demonstrably Stoic themes, the coherence of his critique comes into focus when read through a Stoic lens, as we saw in the Tiberius example in Chapter 1.

My argument resembles interpretations from William Turpin and Catalina Balmaceda, though I differ from them on certain points. Turpin argues that while Tacitus's stated moral purpose in writing history has often been read as a mere conventional statement (and here he points to Syme as one such reader), we should instead take Tacitus seriously as a moral thinker.[146] Once we do this, we can appreciate that Tacitus's narrative has a clear purpose and thorough Stoic orientation through its use of *exempla*, that is, character studies meant to offer a moral guide to readers.

Likewise, Balmaceda's 2017 *Virtus Romana* proposes to study the Roman notion of *virtus* as an ethical concept put forth by historians who have been mostly (and incorrectly)

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[145] See Paul Zanker, *The Power of Images in the Age of Augustus*, trans. Alan Shapiro (Ann Arbor: The University of Michigan Press, 1995). Zanker speaks of the constitutional role of the princeps only in scare quotes (e.g., 225-6 and 229).
[146] Turpin, "Praecipuum Munus Annalium," 359-60.

"studied as literary artists expressing important ideas of their times" and not more properly as "constructors of society in their own right, who, on the grounds of their personal political experience…and knowledge were in a privileged position to evaluate and promote change in political thinking."[147] For Balmaceda, Tacitus uses *virtus* to connote an individual's internal attitude towards reality, and she regards him as leading to defensive and less conspicuous manifestations like resistance, moderation, and constancy.[148]

Both Turpin and Balmaceda rightly recognize that Tacitus is not thoughtlessly reproducing conventional opinion. Instead, he reimagines the classical virtues and vices in an imperial context and uses them to critically assess the Julio-Claudian emperors. Tacitus himself signals this shift to his reader when he writes that "No one should compare my annals with the writings of those who have composed the early histories of the Roman people (*nemo annalis nostros cum scriptura eorum contenderit qui veteres populi Romani res composuere*; *Ann*. 4.32)." The change from republic to principate finds a parallel in how history is written. Since history in the ancient world had a didactic and moral purpose, changes in how a historian wrote history were more than merely stylistic or literary. Such changes in writing would reflect a larger change in what was worthy of remembrance or what was necessary to remember, decisions that required an author's judgement and that reveal something about the author's thoughts.

I go beyond Turpin's assessment by emphasizing the narrative unity in these moral appraisals and, later in this dissertation, by developing this as a core feature of Tacitus's regime agnostic republicanism. Likewise, I depart from Balmaceda's assessment that Stoicism merely provided theoretical arguments for pre-existing conventional Roman values.[149] My focus is not

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[147] Catalina Balmaceda, *Virtus Romana: Politics and Morality in the Roman Histories*, 2021, 2.
[148] Balmaceda, *Virtus Romana*, 242-4.
[149] Balmaceda, *Virtus Romana*, 30, with an instructive reference to Brunt's "Stoicism and the Principate," cited above in this chapter.

on Roman society as such but on Tacitus's use of Stoic themes, especially how he uses these to *criticize* Roman society.

The cardinal virtues, especially in Socratic and Stoic thought, were traditionally accounted as courage, justice, moderation, and wisdom. These can be found throughout Tacitus's works, particularly the *Annales*. [150] In the narrative, these virtues function as two sets of pairs – justice and moderation in one, courage and wisdom in the other. Justice and moderation are mutually reinforcing, while courage and wisdom both bear on questions of political action and resistance. Accordingly, I have structured the chapter around these pairs of cardinal virtues.

Rather than offer a definition of virtue and vice, Tacitus uses his stories, character studies, and obituaries to show what the virtues are. This means that he often presents a negative example or vicious character as a way of addressing the contrasting virtue, as he explicitly notes at *Ann.* 4.33 ("…Even glory and virtue have enemies, making opposing things known from too close a proximity" *etiam gloria ac virtus infensos habet, ut nimis ex propinquo diversa arguens*). This in turn means that my task of reconstructing his notion of virtue is partly positive (i.e., highlighting Tacitus's praise for certain characters) and partly negative (i.e., working out the implications for virtue by studying Tacitus's condemnation of vicious characters).

Courage

We saw above that Tacitus signals to the reader that there has been a shift in how history should be written. In the full passage, he addresses his reader, saying that

> No one should compare my annals with the writings of those who have composed the early histories of the Roman people. They, with freedom to digress, recounted huge wars, the storming of cities, kings having been routed and captured, or if at any time they turned to internal affairs, the disagreements of the consuls against the tribunes, agrarian and corn laws, and the struggles of the plebs and of the nobles. My labor is inglorious and limited –

[150] Although the *Agricola*, *Dialogus*, and *Historiae* will feature in this chapter as well.

> peace unmoved or only weakly broken, grim affairs in Rome, and a princeps careless about extending the empire.
>
> *nemo annalis nostros cum scriptura eorum contenderit qui veteres populi Romani res composuere. Ingentia illi bella, expugnationes urbium, fusos captosque reges, aut si quando ad interna praeverterent, discordias consulum adversum tribunos, agrarias frumentariasque leges, plebis et optimatium certamina libero egressu memorabant: nobis in arto et inglorius labor; immota quippe aut modice lacessita pax, maestae urbis res et princeps proferendi imperi incuriosus erat.* (*Ann*. 4.32)

While the larger meaning is that a new mode of rule means that the old ways of thinking about history and glory are no longer fitting, Tacitus illustrates this by highlighting a specific change in the manifestation of courage. Of the six examples of republican historical topics, three of them deal with war.[151] Under the princeps, two of the three examples are about peace, with only the tepid qualifier of "peace weakly broken." The contrast is clear, and the examples are revealing. This is not the classical republican sense of courage as great deeds in battle, as we find in the republican histories of Livy or Sallust (86 BCE- c.35 BCE). The old arena for displaying courage is no longer relevant. In its place, courage finds a new mode of expression: resistance to imperial despotism. It is courage reconsidered in the light of the principate, a change that captures the corresponding change in regime.

Thrasea Paetus is one of the most conspicuous characters in the *Annales*, in large part because of his resistance to Nero. We first encounter him in an otherwise banal senatorial meeting where he speaks against the trivial[152] matter (*vulgarissimum senatus consultum*) of allowing the Syracusans more than their allotted number of gladiatorial shows (13.49). This provides his detractors an opportunity to criticize him (*praebuissetque materiem obtrectatoribus arguendae sententiae*), yet Thrasea is not deterred. He tells his friends that his reason (*rationem*)

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[151] Cf Lydia Spielberg, "Language, Stasis and the Role of the Historian in Thucydides, Sallust and Tacitus," *American Journal of Philology* 138, no. 2 (2017), 360-6.
[152] I will return to this passage in Chapter 5, where the focus will be on trivialities and their place in Tacitus's philosophy of history.

for the objection was to honor the senators (*patrum honori dare*), by demonstrating that those who concerned themselves with trivial matters would also attend to larger concerns (*magnarum rerum curam non dissimulaturos qui animum etiam levissimis adverterent*). Thrasea must have known that speaking out in the Senate would generate hostile attention, so his speech should be read as an act of courage since his concern is not for his reputation among the emperor's sycophants or for his personal safety. Thrasea's use of the future active participle (*dissimulaturos*) also reveals that his action was not done only on account of present concerns but out of concern for the future actions and character of the Senate.

Principled stands like this eventually led Nero to kill Thrasea. In 16.21 Tacitus vividly describes the formation of this plan as a moment where the emperor "desired to extinguish virtue itself" (*virtutem ipsam excindere concupivit*). *Concupit*, with its connotations of coveting and inordinate desire, is not a neutral verb. Using it creates a pointed contrast with Thrasea's *virtutem* and throws his character into further relief. This virtue manifests itself in the courageous way that Thrasea confronts the charges of a sham accusation and certain death. In the face of this, Thrasea is not despondent (*non demisit animum*) and asks the emperor to notify him of the charges, claiming that he will clear himself (*expurgaturum adseverans*). Again, Thrasea's refusal to be consumed by the present and calm determination to meet the future is revealed through his use of a future active participle. Nero had vainly hoped that Thrasea would have been cowed by the prospect of a trial, but Thrasea's courage ends up causing *Nero* to fear *Thrasea* (*vultumque et spiritus et libertatem insontis ultro extimuit*; *Ann*. 16.24).

Finally, in the face of his impending death, Thrasea calls together a gathering of outstanding men and women to discuss philosophy (*Ann.* 16.34-5). The scene echoes Socrates's final moments in the *Phaedo*. Like the Platonic dialogue, which discusses the immortality of the

soul, Thrasea and a Cynic philosopher named Demetrius inquire into the nature of the soul and the question of the separation of the soul and the body (*de natura animae et dissociatione spiritus corporisque inquirebat*). When the word comes that the Senate has made its decision, Thrasea accepts this (*accepto…senatus consulto*), retreats to his bedroom, and in the presence of Helvidius Priscus and Demetrius opens his veins.

Although extant manuscripts of the *Annales* end here, at this most critical and dramatic moment, 16.34 and 16.35 provide us *some* information about Thrasea's final moments and its philosophical nature. We should note that Thrasea's death is in keeping with his character as it has been presented in earlier episodes. Even in his final moments, Thrasea refuses to be consumed with fear. He does not cling to life, but instead (again) looks to the future through his discussion of the soul. The philosophic nature of his death heightens Thrasea's standing for two reasons. First, it parallels Seneca's suicide, as Tacitus has both men perform libations to Jupiter the Liberator. In doing so, they demonstrate reverence and a desire to instruct others even as they are dying.[153] Secondly, it contrasts with the death of someone like Petronius, whom Tacitus criticizes (16.19) for discussing "playful poems and easy verses" instead of the immortality of the soul and the principles of philosophers.[154]

Thrasea's death is thoroughly Socratic. The narrative events themselves recall the *Apology* and the *Phaedo*: the condemnation by the senate after a trial founded on personal animosity rather than sound legal charges, the discussion of the soul's immortality, and the courage and resolve shown by Thrasea in the moments before his death.[155] The contrast to

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[153] Seneca says this at 15.64. Thrasea echoes this at 16.35. Thanks to Celia Schultz for pointing this out to me.
[154] **See** Timothy Hill, *Ambitiosa Mors: Suicide and Self in Roman Thought and Literature*, 2010 and Holly Haynes, "The Tyrant Lists: Tacitus' Obituary of Petronius," *American Journal of Philology American Journal of Philology* 131, no. 1 (2010): 69–100.
[155] The Stoics (and Cynics) claimed intellectual descent from Socrates, so the presence of the Stoic Thrasea and the Cynic philosopher Demetrius is telling. Since Epicureans held that death was a lack of sensation and that there was no immortal, immaterial soul for humans to be concerned about, this death scene is not an Epicurean one, in either a

Petronius is clear, and though Tacitus does not provide the details of this discussion, its subject matter is enough to recall the Socratic tradition.[156]

The death of Seneca also captures the new meaning of courage as resistance. Although Seneca tutored and mentored Nero for years, the emperor turns on him and orders his killing, which Tacitus describes as a particular joy for the emperor (*laetissima principi*). As with Thrasea, Nero's motivation throws his own vices and his victim's virtues into stark relief. Seneca is described as calm at 15.61 (*nulla pavoris signa, nihil triste in verbis eius aut vultu deprensum*) and undaunted at 15.62 (*interritus*). He laments that he cannot pay back his friends for their kindnesses with a will, but nevertheless offers the one very valuable thing which remains to him: the model of his life and character (*unum…pulcherrimum habeat, imaginem vitae suae relinquere testatur*). Seneca himself exhorts his friends to show courage (*ad firmitudinem revocat*).

Seneca's death scene of 15.64 recalls Socrates even more explicitly than Thrasea's. In his first attempt to commit suicide Seneca asks for the poison that the Athenians used to kill their condemned (*orat provisum pridem venenum quo damnati publico Atheniensium iudicio extinguerentur promeret*) – a reference to the hemlock that Socrates famously drank. After his death, Seneca was cremated without a funeral ceremony, which an earlier version of his will had requested. The fact that Seneca ordered this even at the peak of his wealth and power, Tacitus notes, shows that he placed less importance on worldly concerns than the manner of his death (*cum etiam tum praedives et praepotens supremis suis consuleret*).

strict sense or a commonplace hedonistic sense. As *Ann*. 6.22 showed, Tacitus equates Epicurean philosophy with vulgar hedonism.

[156] E.g., the *Phaedo*, the closing myths of the *Republic* and *Gorgias*, and even works in the later Platonic tradition like the *Axiochus*.

Resistance is not limited to philosophers and their private suicides. The trials of Cremutius Cordus (21 BCE- 25 CE) and Subrius Flavus (d. 65 CE), two otherwise undistinguished men, offer a window in the public and political nature of courage as resistance.

Cremutius Cordus was a historian whose praise for Brutus and Cassius resulted in a treason trial. That alone signals an indirect condemnation of the Caesars and the principate, which Tacitus underscores by placing the story directly after his remark in 4.33 that "you will find those who on account of similarity of character think that others' bad deeds are a reproach to themselves. Even glory and virtue have enemies, making opposing things known from too close a proximity. But I return to my undertaking."[157] Cordus's trial illustrates the exact danger that Tacitus informs his reader of in the apostrophe of 4.33. Praising Brutus and calling Cassius the last of the Romans (*Romanorum ultimum*), is an indirect criticism of Julius Caesar, Augustus, and by extension the reigning *princeps* Tiberius. In Ahl's terminology, Cordus is speaking *aperte* but not *palam*. He does not tell his reader (or, perhaps more accurately, Tacitus does not tell his reader) that Caesar was a despot who ended Roman *libertas*. The reader does not need Cordus (or Tacitus) to say this in so many words, however. If Cassius was the last Roman, the reader can make the judgement that the man who defeated him in battle, Caesar, was something altogether different.

The advisability of such statements about Brutus and Cassius is beside the point (as noted, the implication of Cordus's praise is not difficult to work out[158]), but the trial provides Cordus a public opportunity to speak his mind one final time (*Ann.* 4.34-5). This he did, because

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[157] *Reperies qui ob similitudinem morum aliena malefacta sibi obiectari putent. Etiam glora ac virtus infensos habet, ut nimis ex propinquo diversa arguens. Sed ad inceptum redeo.*
Cf. also Tacitus's remark at 3.76 that at Junia's (=Cato's niece's) funeral, the busts of Brutus and Cassius "outshone all others by the very fact that their effigies were not present (*sed praefulgebant Cassius atque Brutus eo ipso quod effigies eorum non visebantur*)."
[158] Cordus's remark is rather obvious, and as Ahl notes, "if art is concealment, what is obvious is not really art" (Ahl, "Art of Safe Criticism," 174).

Cordus was "resolved to give up life" (*relinquendae vitae certus*). Rather than appealing for the emperor's mercy, Cordus claims that posterity will remember him and grant him the same glory as is due to Brutus and Cassius (*qui non modo Cassii et Bruti set etiam mei meminerint*). He was sentenced to death and his works were publicly burned, but even this fails, since Tacitus reports that his manuscripts were hidden and later republished.

This prompts Tacitus to break the narrative and remark that

> It is all the more pleasing to mock the stupidity of those who believe that present-day might is able to extinguish even the memory of subsequent generations. For, on the contrary, the authority of suppressed talent grows, and both foreign kings and those who use the same sort of savagery have brought forth nothing except disrepute for themselves and glory to their victims
>
> *quo magis socordiam eorum inridere libet qui praesenti potentia credunt extingui posse etiam sequentis aevi memoriam. Nam contra punitis ingeniis gliscit auctoritas, neque aliud externi reges aut qui eadem saevitia usi sunt nisi dedecus sibi atque illis gloriam peperere*; *Ann.* 4.35.

This statement works as a gloss on the unnamed others (*qui*) from 4.33 who want to censor historians who display virtues as a way of criticizing vices. The censors of memory are foreign kings (*externi reges*)[159] or those who wield the same savagery (*qui eadem saevitiam usi*) – in other words, the princeps. While the object of imperial savagery here is Cremutius Cordus, Tacitus himself is also a fitting object for this statement. He writes the same sort of history as Cremutius and so by his own admission is subject to at least the threat of the same imperial savagery. The episode does not need to explicitly say that Tacitus as a historian stands in opposition to imperial censorship. Recounting the trial and offering the analysis he does is itself an act of resistance. Underscoring the futility of imperial domination in the face of Cordus's

[159] We should note the political implications here – "king" (*rex*) was not an office that the Romans looked favorably upon. Julius Caesar (100 BCE- 44 BCE) avoided the title, as did Augustus and all other emperors. Livy records that Brutus, after expelling Tarquin, made the Romans swear an oath never to allow another king to reign in Rome (2.1).

courage and truth telling is also a warning to any of Tacitus's potentially hostile contemporary readers.[160]

Decades after Cordus's trial, a conspiracy against Nero provided a Praetorian tribune named Subrius Flavus with a similar opportunity for resistance. After the conspiracy was discovered, Flavus was caught in a web of denunciations. Though at first he tried to defend himself, "after he was pressed, he embraced the glory of confession" (*dein, postquam urgebatur, confessionis gloriam amplexus*; *Ann.* 15.67). "Confessing" and "glory" may not be a likely pair at first glance, but under the principate, it is an apt phrase. The trial presents a new opportunity to display courage, since the traditional venue of courage in battle no longer obtains. Like Cordus, Flavus seizes the moment to denounce Nero in public and so the episode invokes again the theme of courage as resistance. But Tacitus uses the episode to do more than merely reaffirm a previously established point. As tribune of a Praetorian cohort, Flavus was not a particularly noteworthy person or political player, though he was also far from an ordinary soldier. Thus, there is something curious in Tacitus's explanation that "I have reported [Flavus's] very words because although they were not published, as were Seneca's, it is no less fitting that the powerful and unadorned sentiments of a military man be known" (*ipsa rettuli verba, quia non, ut Senecae, vulgata erant, nec minus nosci decebat militaris viri sensus incomptos et validos*; *Ann.* 15.67). There is a double effect in this downplaying of Flavus's middling but not humble rank – it creates a contrast in status between the tribune and the great philosopher and statesman Seneca but a similarity in speech and deed. Flavus might not speak with the polished rhetoric of Seneca or wield the same political and social influence, but these external circumstances are irrelevant to his ability to exercise courage in resisting Nero.

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[160] Cf *Ann.* 4.33.

Wisdom

For the Stoics, wisdom can mean the perfection of one's rational faculties,[161] such that only the perfectly virtuous Sage is wise.[162] But it can also mean the capacity for reasoning well about particulars and given circumstances, as Cicero writes in his *De Officiis*:

> The investigation and discovery of the truth belongs to that first category in which we place wisdom and prudence…for as a man sees most clearly that which is the truth in a given case, and as he is able to see and explain the cause perceptively and quickly, so he is usually held to be most prudent and wise – and rightly so"
>
> *quae prima discripta est, in qua sapientiam et prudentiam ponimus, inest indagatio atque inventio veri…Ut enim quisque maxime perspicit, quid in re quaque verissimum sit, quique acutissime et celerrime potest et videre et explicare rationem, is prudentissimus et sapientissimus rite haberi solet*; *Off.* 1.15-6.[163]

In this vein, Tacitus presents Marcus Lepidus (c.30 BCE-30 CE) as an *exemplum* of wisdom for his capacity to reason well about his circumstances, namely the new political reality of the principate. This account of wisdom is also integrated into the question of (Stoic) free will in a passage that heavily resembles the passage from the previous chapter. Like courage, wisdom in an imperial context is used to resist despotism. But wisdom differs from courage in that it is not openly defiant and works from within the imperial system, so it allows its possessor to participate in public life. Tacitus's account of Lepidus sheds light on this particular understanding of practical wisdom, demonstrating a point of continuity with the characterization of Curiatus Maternus from the *Dialogus de oratoribus*.

This claim about participation needs some initial clarification. In republican times, it was easy (for some) to enter into public life and engage in public speaking and political activity.

[161] Cf Seneca Letters 85 and 89.4-5.
[162] Cf Diog. Laert. 7.87-8, 94.
[163] It may be worth repeating that Cicero himself was not a Stoic, though he often wrote from a Stoic perspective and had his characters in dialogues adopt Stoic doctrines. The *De Officiis* is Cicero's presentation (and completion) of the Stoic Panaetius's teachings.

Cicero, perhaps overly aspirational that traditional republican life might weather the storm of the last century BCE, argues that "it is against our moral obligations to be drawn away to private studies from doing deeds. For all praise of virtue depends on action" (*Off.* 1.19 *...cuius studio a rebus gerendis abduci contra officium est. virtutis enim laus omnis in actione consistit...*). But traditional republican civic activity was not available under the principate – at least not in the same way as it was previously. Tacitus grapples with the fact that the traditional demarcation between the active life, with its public connotation, and the private life has been blurred. In his biography about his father-in-law, the military commander Agricola, Tacitus notes that "[Agricola] understood the rule of Nero, during which inaction was a substitute for wisdom" (*gnarus sub Nerone temporum, quibus inertia pro sapientia fuit* 1.6). Much has been written about Tacitus's characterization of Agricola,[164] but what I want to emphasize is the contrast (on this reading of *pro*) between inactivity (*inertia*) and wisdom (*sapientia*). Even though Agricola held traditional republican offices during Nero's reign, Tacitus describes the year of Agricola's tribuneship in the same way as he describes the year between his time as quaestor and tribune: "quiet and retired" (*quiete et otio*). Agricola's praetorship is likewise marked by "the same tenor of silence" (*idem praeturae tenor et silentium*). In short, holding public office under a *princeps* no longer necessarily counted as active.[165]

Curiatus Maternus, one of the main characters in the *Dialogus de oratoribus*, offers a new model for the active life. Instead of pursuing his legal career and vying for offices, Maternus has

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[164] See, eg, Myles Lavan, "Slavishness in Britain and Rome in Tacitus' Agricola," *The Classical Quarterly* 61, no. 1 (2011): 294–305, Holly Haynes, "The Tyrant Lists," and S. J Bastomsky, "The Not-so-Perfect Man: Some Ambiguities in Tacitus' Picture of Agricola," *Latomus* 44, no. 2 (1985): 388–93 (especially the discussion on the multiple senses in which *pro sapientia* can be read).
[165] Cf *Ann*. 1. 81.

turned instead to literature. His tragedies – a *Cato*,[166] which he has recited, and a *Thyestes*,[167] which he intends to recite – are obviously political in nature: the recitation of the *Cato* is said "to have offended the minds of the powerful" (*offendisse potentium animos diceretur Dial.* 2). When his friends ask him to write a *Cato* that is safer even if less literary (*emiterres Catonem non quidem meliorem, sed tamen securiorem*), Maternus replies that his *Thysestes* will say anything that his *Cato* did not (*quod si qua omisit Cato, sequenti recitation Thyestes dicet*; *Dial*. 3). The clear implication is that Maternus writes literature as a way to resist despotism.[168] So it is Maternus, despite his retirement from public speaking and legal obligations, and not Agricola who provides a model for public engagement and benefiting the community. Maternus is active in the participatory sense that Cicero praises – doing things that benefit the whole rather than engaging in merely private studies and endeavors— even though his form of participation is perhaps not entirely what Cicero envisioned.

Tacitus suggests that wisdom allows its possessor to participate in public life even under the principate. It manifests as opposition to imperial despotism even though it not openly defiant like courage can be. When Tiberius began to feel that the honors paid to Agrippina's sons Nero (6 CE-31 CE) and Drusus (8 CE-33 CE) threatened his hold on power, he conspired with Sejanus[169] to bring down prominent supporters of what Sejanus called the "Agrippinan party." Among the victims were Gaius Silius (d. 24 CE) and his wife Sosia Galla (d. 24 CE), whose only offense (according to Tacitus) was her affection for Agrippina (*Ann*. 4.18). The trial, predictably, condemned the two, and their estates were seized and divided. Sosia's was initially split evenly –

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[166] Marcus Porcius Cato the Younger (95 BCE-46 BCE), famous republican enemy of Caesar who committed suicide after losing at the battle of Pharsalus in the civil war.
[167] A figure from Greek mythology who warred with his brother for control of their kingdom, with tragic results. Seneca had written a play of the same name, based on an earlier play by Euripides.
[168] Hence the use of *potentium*, from *potens, potentis* (might, force) instead of *potestatem*, from *potestas*, *potestatis* (legal power), to describe the unnamed "powerful" whom Maternus has offended.
[169] Prefect of Tiberius's Praetorian Guard; lived 20 BCE-31 CE.

that is, with half going to her children and the other half to her accuser[170] – until Marcus Lepidus successfully counter-proposed that the accusers receive one-quarter, as the law required.

This prompts Tacitus to pause and reflect on Lepidus's character and career under Tiberius:

> I am coming to understand that this Lepidus was a venerable and wise man,[171] suited for his times: because he changed for the better many things originating from the savage sycophancy of others. Nevertheless, he was not lacking in a sense of proportion, since his influence upon and favor with Tiberius grew equally. On account of this I am compelled to be uncertain whether the inclination of a princeps towards some men and hostility towards others springs from fate and lots from birth, as in other things, or whether there may be something in our intentions that allows us to forge a path between inconsiderate stubbornness and debasing obsequiousness, a path free from both adulation and danger.
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> *Hunc ego Lepidum temporibus illis gravem et sapientem virum fuisse comperior: nam pleraque ab saevis adulationibus aliorum in melius flexit. Neque tamen temperamenti egebat, cum aequabili auctoritate et gratia apud Tiberium viguerit. Unde dubitare cogor fato et sorte nascendi, ut cetera, ita principum inclinatio in hos, offensio in illos, an sit aliquid in nostris consiliis liceatque inter abruptam contumaciam et deforme obsequium pergere iter ambitione ac periculis vacuum.* (*Ann*. 4.20)

In this truly remarkable passage, Tacitus paints Lepidus as a man whose wisdom allows him to skillfully navigate his political circumstances. He resists the savagery of the emperor's sycophants and flatterers and changes the outcomes of their proposals for the better, all while maintaining influence and favor with the emperor. Staying within "the system" is necessary to benefit others, since Lepidus would have been no help had he been openly defiant or had he withdrawn from public life. This, of course, contrasts with Agricola, whose passivity or lack of participation (*inertia*) came at the expense of *sapientia*.[172] The form of participation in the principate – advising the *princeps*, speaking in trials, dealing with the "savage sycophants" who

[170] Successful prosecutions for treason resulted in the accuser receiving a portion of the condemned's estate.
[171] This is the only individual whom Tacitus characterizes as *sapiens*. See Martin and Woodman, *Annals. Book IV*, 150, who also note how rarely Tacitus offers "unqualified praise;" McCulloch, *Narrative Cause in the Annals of Tacitus*, 182 notes this as well, though he thinks Tacitus also offers such praise to Agricola (see fn. below).
[172] While D. C. A Shotter, ed., *Annals IV* (Warminster, England: Aris & Phillips, 1999), 152, McCulloch, *Narrative Cause in the Annals of Tacitus*, 181, and Martin and Woodman, *Annals. Book IV*, 151 see parallels to Agricola in this passage, as I read it, Lepidus and Agricola are dissimilar with respect to wisdom.

attach themselves to the imperial court – requires a deft grasp of particular circumstances and how best to navigate them.

Tacitus uses his reflection on Lepidus's character to ask a bigger question about free will. Was it fate that Lepidus's actions turned out the way that they did, or was it due to something in his character, and therefore under his control? As elsewhere, Tacitus claims suspension of judgement in the face of two opposed explanations,[173] although this seems ironic since one of the explanations is much stronger. In this case, he presents either fate or free will as the explanation for Lepidus's career and achievements.[174] There are multiple reasons to think that Tacitus favors the free will explanation over fate.

First, Tacitus's sincere or implied belief is almost always presented as the second explanation in these "suspended judgement" moments.[175] This is the case at *Ann.* 1.10, where Tacitus implies that Octavian orchestrated the deaths of the consuls Hirtius (c.90 BCE-43 BCE) and Pansa (d. 43 BCE); at Ann. 2.42, where the suggestion is that King Archelaus (23 BCE-18 CE) committed suicide after a treason trial arranged by Tiberius (more on this below); at *Ann.* 15.38 where Tacitus implies that Nero caused the Great Fire (also discussed below); and at *Ann.* 6.22, where, as we saw in the previous chapter, Tacitus asks exactly the same question as at 4.20.

Second, the passage clearly resembles (and complements) *Ann.* 6.22. Others have noticed the resemblance, like Martin and Woodman in their commentary. They write that Tacitus "is no

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[173] Apparent hesitation is a strategy recommended by Quintilian *Inst.* 9.2.71; Hermogenes *On Types of Style* 367, Longinus *On The Sublime* 17, Pseudo-Hermogenes *On Invention* 368, and Pseudo-Dionysius in Russell 2001: 162. This allows the speaker to open an apparently settled question.
[174] As 6.22 makes clear, these views are attributed to Epicureanism and Stoicism, respectively.
[175] There are certain exceptions to this general interpretive rule. Following J. H. W. G. Liebeschuetz, *Continuity and Change in Roman Religion* (Oxford: New York: Clarendon Press; Oxford University Press, 1979), in Chapter 3 I will argue that this does not pertain to how characters in the narrative think (e.g., Galba at *Hist.* 1.18), and in Chapter 6 I will explain why *Ann.* 3.55 is an exception. Cf Donald Sullivan, "Innuendo and the 'Weighted Alternative' in Tacitus," *The Classical Journal* 71, no. 4 (1976): 312–26. Recall also that this is a strategy recommended by rhetorical theorists as a way to re-open questions that are perceived to be settled.

more seriously concerned with fate and astrological determinism [at 4.20] than at 6.22.1-3" and that he is merely "us[ing] these concepts as a convenient foil for the characteristic point that *posse etiam sub malis principibus magnos viros esse* ("it is possible for great men to exist under bad emperors" [the famous conclusion in *Agr.* 42])."[176] We saw in Chapter 2 that 6.22, *pace* Martin and Woodman, is in fact a deep engagement with the Stoic account of compatibilist free will, to the point that Tacitus suggests it is the answer to the question of free will. Likewise, this passage only makes sense when we recognize its Stoic themes – even if it is not written like a "proper" philosophical treatise – and how these themes answer the question that Tacitus poses.

As in *Ann.* 6.22, the two explanations that Tacitus presents recall Cicero's discussion of Chrysippus in *De Fato*. Cicero presents Chrysippus and the Stoics as defending free will for the express purpose that it preserves character traits like responsibility and agency. If strict determinism were true, then "it results that there is no justice either in praise or condemnation, honors or punishments" (*Fat.* 40). In other words, it would mean that we do not own our character, habits, and actions. A person's qualities, whether good or bad, would be the result of antecedent causes over which they had no control and so would not really belong to the person. As we saw in the previous chapter, the Stoics distinguished "complete and principal" antecedent causes from "auxiliary and primary" ones and so they claimed to have reconciled determinism with a person's responsibility and ownership of their character traits. Tacitus uses these categories too and gives us every indication that he thinks that our character traits do belong to us.

[176] Martin and Woodman, *Annals. Book IV*, 151.

Therefore, it seems inaccurate to claim that Tacitus inclines toward "what the majority of human beings believe."[177] The majority's view would exclude the ability to praise Lepidus for his character traits, since praise is only meaningful if Lepidus was free to choose his own actions. If we read Tacitus as adhering to the fate explanation, the passage simply would not make sense. Tacitus is either completely confused (the commentary's implication) or he is employing a Stoic notion of compatibilist free will to ground his praise of Lepidus. Here as elsewhere, viewing Tacitus's remarks through a Stoic prism offers a stronger and more coherent interpretation than without. Granting this, we are able to read Lepidus as an *exemplum* whose wisdom allows him to reason about particulars and choose well in any circumstance. His participation within the imperial system is not openly defiant like a courageous resistor. Yet Lepidus complements defiance by curbing the worst actions of the princeps and (perhaps more importantly) his attendants. This is the sort of phenomenon, I think, that Brunt sensed when he characterized the Stoics as tending toward accommodation or conventionalism.[178] However, as it appears in Tacitus, at least, "working within the system" is not acquiescing to injustice. Rather, it is doing what is in an agent's (limited) power to make things better. For Cordus, whose trial would have proceeded regardless, courageous and defiant resistance is fitting. But Lepidus is wise enough to know that going out of his way to resist the princeps would be futile (and perhaps even self-regarding and glory-seeking). As someone in a position of influence, it is Lepidus's duty to ameliorate imperial savagery where possible and it his wisdom that allows him to do this.

[177] Martin, *Annals V & VI*, 149, although Martin further notes that it only *seems* as if Tacitus does this, because he is ultimately ambivalent about the whole matter. This, I think, is also mistaken. Such moments of suspended judgement or apparent hesitation are a rhetorical strategy. See above fn174.
[178] Brunt, *Studies in Stoicism*, e.g., 95, 117,120.

Justice

Perhaps the most extensively considered and debated cardinal virtue in antiquity is justice, which Cicero calls "the highest luster of virtue" (*virtutis est splendor maximus*; *Off.* 1.20). Aristotle observes in the *Politics* (3.12) that in discussions of justice there is widespread agreement that it is an equality of certain things for certain persons. Yet, while true, this statement is imprecise and so it raises secondary questions: equality and inequality in what sort of things and for whom. Answering these questions, Aristotle notes, involves political philosophy.

Tacitus, while not an Aristotelian, appears to accept this way of framing the question and answers the secondary questions by linking justice (*iustitia*) to equality of standing (*aequalitas*[179]). This resembles Cicero's Stoic-influenced ethical thinking, though Tacitus makes a further connection between *aequalitas* and moderation rather than defining *aequalitas* in reference to legal arrangements like the mixed regime. This twofold connection of justice to equality and equality to moderation means that Tacitus's account of political justice is marked by personal virtues and character traits writ large rather than depending on legal arrangements or specific regime types. It is also a potent conceptual weapon for criticizing the emperors as vicious.

In describing the rise of Augustus and the loss of memory of the *res publica* (*Ann*. 1.3-4), Tacitus observes that "accordingly, the nature of the *civitas* was changed, and there was no trace of the old-fashioned and sound customs: with equality having been put aside, all gazed upon the commands of the princeps" (*igitur verso civitatis statu nihil usquam prisci et integri moris: omnes exuta aequalitate iussa principis aspectare*). The passage draws a conceptual contrast

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[179] *OLD* s.v. *aequalitas* 3a and 3b.

between the old nature of the community that marked it as a *res publica* and the new state of affairs, which is marked by the abandonment of *aequalitas*.[180] A similar point is made at 2.42, where Tacitus recounts Tiberius's trial of the Cappadocian king Archelaus. In his exile, Tiberius had felt slighted by Archelaus[181] and so was determined to humiliate the man after he succeeded Augustus. Archelaus's decision to commit suicide in the face of the trial was not due to the nature of the charges themselves, but in large part "because equality, not to mention inferiority, is unfamiliar to kings" (*quia regibus aequa, nedum infima insolita sunt*).

Tacitus also draws a connection between *aequalitas* and modesty in two passages notable for their similarity and theoretical character. Just before the account of the first battle of Bedriacum, fought between Otho and Vitellius in the civil wars of 69 C.E., Tacitus notes that some of his sources claim that common soldiers and mid-level officers on both sides tried to arrange a truce. Tacitus finds this unlikely, both for practical reasons like differences in language between the armies and because

> The old lust for power,[182] having long ago been implanted in mortals,[183] has burst forth and grown with the spread of empire; for, when circumstances were modest, equal standing was easily maintained. But after the whole world was subjected and rival cities and kings were cut down, there was leisure to covet wealth free from care, and the first struggles between the senators and the plebeians blazed up.
>
> *vetus ac iam pridem insita mortalibus potentiae cupido cum imperii magnitudine adolevit erupitque; nam rebus modicis aequalitas facile habebatur. Sed ubi subacto orbe et aemulis urbibus regibusve excisis securas opes concupiscere vacuum fuit, prima inter patres plebemque certamina exarsere.* (*Historiae* 2.38)

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[180] This characterization, of course, directly challenges the imperial propaganda that associated the *princeps* with virtues like *aequalitas*, e.g., as it might appear on coinage (as in the examples cited below in fn197.).
[181] Tacitus says that Archelaus *nullo officio coluisset* – "he had regarded [Tiberius] with no courtesy," *Coluisset* is a form of the verb *colo*, which may also carry connotations of worship or reverence.
[182] The word used here (*potentia*) denotes unlawful power based on force or violence. Since Latin has a word for lawful power or authority (*potestas*), Tacitus's use of *potentia* is unambiguously negative. Cf fn165 above.
[183] Tacitus indicates that humans are not necessarily covetous or modest – there exists a capacity for both ways of life.

The passage, with its contrast between imperial concepts and their antonyms, is typically Tacitean. That is, to fully understand its force, the reader needs to do some work – carefully considering the set of concepts and their associations so that they might complete the meaning of what Tacitus does not directly state. The first set of concepts is that associated with empire and its growth. Among these are a lust for power, hierarchy, greed, subjugation of foreign rivals on a worldwide scale, and domestic discord. These concepts are explicitly stated with the exception of hierarchy, which is the implied antonym of equal standing. In Tacitus's theorizing, lust for power leads to empire and foreign conflict, while lust for wealth leads to domestic discord and hierarchy.[184] In other words, the political arrangements of empire are caused by and find a parallel in the character vice of avarice.

The second set of concepts, as-yet unnamed, contrasts with the imperial set. Among these are a suppression of the lust for power, equal standing, a lack of avarice, modest political circumstances, and domestic concord. Unlike the set of imperial concepts, most of these concepts are merely implied. The explicitly stated concepts are modest circumstances (*rebus modicis*) and equal standing (*aequalitas*). The others are implied antonyms. Under modest circumstances, the lust for power is controlled, suppressed, or otherwise non-operative. Lust for wealth is likewise suppressed. Tacitus does not explicitly name these qualities. However, since they are the antonyms of the lust for power (*cupido potentiae*) and greed (*concupiscere opes*), the implication is that they are moralized conceptions of a lack of avarice – that is, modesty. Finally, there is domestic concord. Although Tacitus does not explicitly name the community that he contrasts

[184] Here I differ from Ash (Tacitus, *The Histories*, 181), who claims Tacitus identifies the destruction of foreign enemies as the source of moral decline. Tacitus identifies two dimensions of moral decline: lust for power that manifests in international conflict, and lust for wealth that manifests in domestic discord. I read Tacitus as claiming that these qualities are bad in and of themselves, whereas for Ash the moral decline springs from the lack of foreign adversaries and not any intrinsic qualities of lust and avarice.

with empire, its equal standing, concord, and modesty strongly suggest that whatever name we give it, this is a just community. The political arrangements of this just community are caused by and find a parallel in the personal virtue of modesty, or a lack of avarice. The logic is the same as in the imperial example, though the moral qualities are reversed.

The line of inquiry at *Ann.* 3.26 also implies that avarice corresponds to empire and modesty corresponds to a just community. At this point in the narrative, Tacitus is recounting the effects of the *Lex Papia Poppaea*, a law passed by Augustus aimed at supplementing the previously enacted *Lex Iulia de maritandis ordinibus*. The *lex Iulia*, part of Augustus's social legislation, obliged citizens to marry and produce legitimate children.[185] The exact content of the *Lex Papia Poppaea* is unclear, but Tacitus notes that professional informers (*delatores*) were using the law to initiate sham trials against their personal enemies. "This fact," he writes, "suggests that I ought to examine more deeply the origins of the law and by what means it has come to this unending number and variety of laws (*ea res admonet ut de principiis iuris et quibus modis ad hanc multitudinem infinitam ac varietatem legum perventum sit altius disseram*). This means going back to the beginning of humanity,[186] before the existence of laws:

> The oldest of mortals, at that point possessing no evil desires, were living without disgrace and crime and therefore without punishment or coercion. There was no need for rewards since honesty was sought for its own sake; and where they desired nothing contrary to these upright customs, they were forbidden nothing through fear. But after equality was cast off, and ambition and force appeared in place of modesty and proper shame, despotisms arose and have remained lastingly among many peoples.
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> *Vetustissimi mortalium, nulla adhuc mala libidine, sine probro, scelere eoque sine poena aut coercitionibus agebant. Neque praemiis opus erat cum honesta suopte ingenio peterentur; et ubi nihil contra morem cuperent, nihil per metum vetabantur. At postquam*

[185] See Crawford, Michael. "Lex." In *The Oxford Classical Dictionary.*: Oxford University Press, 2012.
[186] Like Cic. *Leg.* 1.28; these passages are also reminiscent of Sallust (e.g., Cat. 53). As noted in A. J. Woodman and Ronald H. Martin, eds., *The Annals of Tacitus. Book 3.*, Cambridge Classical Texts and Commentaries; 32 (Cambridge UK; New York: Cambridge University Press, 1996), 239-40, descriptions of primitive people living in a "golden age" is a common feature in ancient literature. Cf, e.g., Seneca *Epistulae* 90.4-6.

> *exui aequalitas et pro modestia ac pudore ambitio et vis incedebat, provenere dominationes multosque apud populos aeternum mansere.* (*Ann*. 3.26)

First, we should note that in addition to the clear conceptual connection between this passage and *Histories* 2.38, it also recalls *Ann.* 1.4 through its word choice. Specifically, Tacitus uses the same verb (*exuo, -ui, -utum*) in this passage as he does in the historical narrative at 1.4.[187] Understood together, these passages show that the principate is characterized by an unjust lack of *aequalitas*. Their subtle connection is an example of Tacitus using theoretical abstractions to critically evaluate concrete historical politics. Such reflection, we should note, displays exactly the sort of narrative cohesion and (political) philosophical sophistication that Brunt, Griffin, and Colish deny to Tacitus.[188]

As in the *Histories*, Tacitus makes a connection between political affairs and personal virtue and vice. Despotisms, characterized by grasping ambition, violence, lust, and coercion, are contrasted with a simple and modest political community, one that is not given a specific regime name but is characterized by the presence of equality. This unnamed community (as in the previous passage) is undoubtedly meant to be regarded as just, both because of the association of *aequalitas* and through the contrast to coercive, factious, and generally violent *dominationes*. Noteworthy too is the choice of the word *morem* ("custom, habit, way") instead of something like *legem* ("law"). This point recalls *Ann*. 1.4, where the nature of the old *res publica* has changed because its customs (*moris*) have been lost. Despotic and just political communities are known not through an analysis of legal or institutional arrangements, but behavior.

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[187] This verb is not especially common in surviving Latin literature in general (2084th most frequent, per *Logeion*; Tacitus is also not among the authors who use the word most often).

[188] And in fact, *Ann*. 3.26-8 is the very selection that Griffin uses as evidence "to dispel the notion that we are dealing with an abstract [political] thinker" (Griffin, "Tacitus as a Historian," 164).

So far, we have seen that justice is a social virtue that mediates between people and their community. But this initial definition only raises further questions. For Aristotle, aware of this same need for further specificity, this meant asking who in the community was equal and what sort of things they shared. Tacitus's answer to Aristotle's central question of political philosophy is that the just community is marked by *aequalitas*, or an equality of standing. His position resembles Cicero, who also turns to *aequalitas* as a way to answer the question that Aristotle raises.

Specifically, there are parallels to Scipio's defense of democracy in Cicero's *De Re Publica* 1.46-50, where Scipio notes (1.49) that equality does not mean equality of possession or ability, but equality of status recognized in law, and Cicero's articulation of justice in *De Officiis*. In these passages, Cicero links justice, mutuality, and equal moral standing by proposing that some measure of equality be recognized in law.[189] This resemblance helps us to see the Stoic themes in Tacitus's account, but also raises an instructive point of difference on how the two authors imagine *aequalitas* is to be maintained. Ultimately, the two diverge on the crucial question of how to support *aequalitas* (and thereby support justice). For Cicero, the answer is to codify it in law. For Tacitus, however, the answer is that justice and *aequalitas* must be supported by the virtue of moderation – an argument about behavior, not institutions.

Before we turn to this, though, it is worth exploring what these authors mean by *aequalitas*, which I have rendered as "equal moral standing." Cicero and Tacitus, I argue, draw on Stoic arguments to ground their notion of equal moral standing. Cicero, of course, was not a Stoic, but he openly endorses many Stoic ethical and political teachings, and his dialogues are

[189] This is *not* meant to make Cicero sound like a democrat, which he was certainly not. Through Scipio, he defends aristocracy and monarchy as well, though the defense of aristocracy is not a defense of inherited nobility but superiority in character and intellect (*praesertim cum hoc natura tulerit, non solum ut summi uirtute et animo praeessent inbeclillioribus, sed ut hi etiam velint parere summis*; *Rep*. 1.51).

often written from a Stoic perspective and contain Stoic characters. The picture is somewhat different with Tacitus. Certain scholars like Griffin[190] and Colish[191] deny that Tacitus is coherent enough to articulate philosophical ideas. Yet he demonstrates a sophisticated understanding of Stoic thought, and key episodes in the narrative only make sense when we read Tacitus as drawing on Stoic themes, even if he is not as explicit about this as Cicero.[192]

Stoic philosophy lent itself to theorizing about human moral equality. Stoic cosmology understood the universe as an ordered whole, populated by three categories of beings: plants, non-human animals, and humans.[193] This delineation emphasized that human beings *qua* human beings were characterized by the capacity for rationality and the community that arose from sharing in rationality. It underpinned cosmopolitan arguments, as in the 2nd century BCE Stoic author Hierocles.[194] He developed a model of human relations that resembled concentric circles. Each person was at the center of their own circle, with a second circle containing close family members, a third relatives, followed by more distant relatives, fellow citizens, and so on, until the final circle, which embraced humanity as a whole. Hierocles argued that

> It is the task of a well tempered man, in his proper treatment of each group, to draw the circles together somehow towards the center, and to keep zealously transferring those from the enclosing circles into the enclosed ones…It is incumbent on us to respect people from the third circle as if they were those from the second, and again to respect our other relatives as if they were those from the third circle. … The right point will be reached if, through our own initiative, we reduce the distance of the relationship of each person.[195]

Similarly, the Stoic Seneca writes to Lucilius in *Epistulae* 47 that

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[190] Griffin, "Tacitus as a Historian," 172.
[191] Colish, *Stoic Tradition*, 304-13.
[192] E.g., at *Ann*. 6.21-2, Tacitus's discussion of free will and fate uses the Stoic categories of complete causes and preliminary causes (cf. Long and Sedley, *The Hellenistic Philosophers*, 387). He uses this to make a larger point about the emperor Tiberius's misunderstanding of free will and subsequent unhappiness, characterizing the emperor as a tyrant with a wounded soul (a clear reference to Plato's *Gorgias*). Cf also *Ann*. 4.20, where the discussion of Lepidus makes a similar point about the Stoic understanding of free will and fate.
[193] See A.A. Long "The Logical Basis of Stoic Ethics" in Long, *Stoic Studies*, 142.
[194] Whose writings are unfortunately fragmentary.
[195] Long and Sedley, *The Hellenistic Philosophers*, 349.

> I gladly hear from those who come from you that you are living on friendly terms with your slaves. This is becoming of a person of your prudence and learning. 'They are slaves,' some say. No, they are human beings. 'They are slaves.' No, they are house mates. 'They are slaves.' No, they are low-born friends. 'They are slaves.' No, fellow slaves, if you recognize that fortune values both of you the same
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> *Libenter ex iis qui a te veniunt cognovi familiariter te cum servis tuis vivere: hoc prudentiam tuam, hoc eruditionem decet. 'Servi sunt.' Immo homines. 'Servi sunt.' Immo contubernales. 'Servi sunt.' Immo humiles amici. 'Servi sunt.'' Immo conservi, si cogitaveris tantundem in utrosque licere fortunae.* (*Epistulae* 47.1)

And: "if you will, think about this fact: he whom you call your slave has arisen from the same seeds, enjoys the same sky, breathes just as you, lives just as you, and dies just as you!" (*Vis tu cogitare istum quem servum tuum vocas ex isdem seminibus ortum eodem frui caelo, aeque spirare, aeque vivere, aeque mori!*) (*Epistulae* 47.10). This does not lead Seneca to recommend abolition, but it does lead him to recognize that there is a certain arbitrariness to hierarchical social conventions (at least with respect to the fundamental hierarchy in antiquity – the distinction between slave and free[196]).

This, then, is what the Stoics mean by moral equals. There may very well be hierarchical social conventions like slavery, but these are not natural, and we have a moral duty to treat others a certain way in light of this fact. When Cicero and Tacitus invoke *aequalitas*, they are drawing on the theoretical resources found in Stoic thought. As Cicero has the Stoic character Cato say in *De Finibus*, "a community of men among men is approved by nature. The fact of being human makes it necessary that man not be considered alien to any other man" (*communis hominum inter*

[196] Recall that this is the paradigmatic neo-Roman example of domination. Ando (Ando, *Law, Language, and Empire*, 91) criticizes the idea that Roman thought could serve as the basis for a contemporary liberatory project, since no extant Greek or Roman recommended abolition. Here his critique of the neo-Romans, which is otherwise insightful, falls short by blurring the distinction between text and circumstance (c.f. Saxonhouse, *Exile and Re-Entry*). Was Seneca an abolitionist? No, of course not. But his text provides potent resources for theorizing human equality in the service of an abolitionist argument.

homines naturalis sit commendatio, ut oporteat hominem ab homine ob id ipsum, quod homo sit, non alienum videri; *Fin*. 3.63).

Cicero employs this notion of equality elsewhere. In *De Re Publica* 1.46-50, Scipio notes in his defense of democracy (1.49) that equality does not mean equality of possession or ability, but equality of status recognized in law. There is a clear parallel to Cicero's later articulation of justice in *De Officiis*. In these works, Cicero links justice, mutuality, and equal moral standing by proposing that some measure of equality be recognized in law. This resemblance helps us to see the similarities between Tacitus's and Cicero's accounts but also raises an instructive – and crucial – point of difference on how the two authors imagine *aequalitas* is to be maintained.

Cicero writes in *Off.* 1.20 that "the primary function of justice is [to ensure] that no one does harm to another unless he has been provoked by injury, and next, to use common things for the benefit of the community, and private things for the benefit of individuals (*sed iustitiae primum munus est, ut ne cui quis noceat nisi lacessitus iniuria, deinde ut communibus pro communibus utatur, privatis ut suis*)." The primary function is not especially surprising or sophisticated, insofar as it articulates an intuitive understanding of peace akin to something like the Golden Rule. It is worth noting, though, that it requires social relations between people – even a bare minimum of two individuals. The second function has more interesting implications for political theory because it deals with thorny, perennial political issues. Now, while the invocation of property to explain justice has led some scholars (notably Neal Wood) to identify Cicero as a precursor to a (Lockean) tradition defending possessive individualism,[197] I think that

[197] Neal Wood, *Cicero's Social and Political Thought* (Berkeley; Los Angeles; Oxford: University of California Press, 1991).

the real force of the passage lies in the idea that justice requires an understanding of the nature of the individual, the community, and the relationship between the two.[198]

That the nature of this relationship is the question at hand becomes clear when Cicero, continuing the discussion of justice, says at 1.22 that "we ought to follow Nature as a guide, to contribute to the common advantage by a mutual exchange of obligations, by giving and receiving, and by our skills, our works, and our talents, binding together a society of men amongst men (*naturam debemus ducem sequi, communes utilitates in medium afferre mutatione officiorum, dando accipiendo, tum artibus, tum opera, tum facultatibus devincire hominum inter homines societatem*)." A community is defined by (or required by Nature to realize) the presence of reciprocal and mutual relationships.

Similarly, in Book 2 of *De Officiis*, Cicero writes that a consequence of the natural drive to form communities is that "laws and customs were formed, and so then an equal apportionment of justice and a fixed mode for living [resulted] (*leges moresque constituti, tum iuris aequa discriptio certaque vivendi disciplina*, 2.15)." And later we read that "fairness in law has always been sought; for law cannot exist otherwise (*ius enim semper est quaesitum aequabile; neque enim aliter esset ius*; *Off*. 2.42)." This connection between justice and equality appears in *De Legibus* as well. While examining whether justice is to be sought for its own sake, Marcus argues at 1.48 that "all good men love equality itself and justice itself (*omnes viri boni ispam aequitatem et ius ipsum amant)*."

These passages are particularly revealing in the way that they associate justice (*ius*) and equality (*aequalitas*). The idea is akin to the discussion from Book 1 of *De Officiis* and its

[198] Invoking property is a relevant example because the just apportionment of it can only be answered once the categories of "individual" and "community" are outlined. Thus, it would be a red herring to read the passage as primarily dealing with property and not the more fundamental question of how individuals relate to the community.

language of mutuality (*mutatione*) and reciprocity (*dando accipiendo*).[199] So it is clear that justice in the Stoic sense is a social virtue that requires that we recognize some measure of equal moral standing with one another. That Tacitus draws this same connection between justice and *aequalitas* further reinforces its Stoic nature. It suggests that there is an underlying purpose and coherence to these remarks and theoretical passages despite their scattered placement in the narratives.

Yet Tacitus, for his part, is explicit in defining the equal (and therefore just) community as marked by personal characteristics like moderation (*modicus*) in both *Ann*. 3.26 and *Hist*. 2.38 instead of defining it with reference to the mixed regime or any particular legal arrangement.[200] We should note how this marks a change in emphasis from Cicero, whose argument codifies *aequalitas* in law. Since Tacitus, however, is writing under a deceptive regime that used the façade of traditional legal arrangements to mask its despotism, he emphasizes that *aequalitas* is secured through virtues like moderation rather than codified in law. Moderation, as the antonym of ambition and force, restrains individuals from trying to dominate others and the community. By drawing a comparison between personal virtues and *iustitia* and *aequalitas* communities on the one hand and personal vices and *dominationes* on the other, Tacitus makes virtue, not constitutional arrangements, central to his political theory and political evaluations. In the next section, we will examine Tacitus's account of moderation, but for now let us dwell on the

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[199] Such association appears elsewhere in Cicero's corpus, e.g., *Cat.* 2.25 and *De Or*. 1.56. The question of *aequitas*'s meaning is taken up by several scholars from a numismatic angle, particularly Andrew Wallace-Hadrill (Andrew Wallace-Hadrill, "Galba's Aequitas," *The Numismatic Chronicle* 141 (1981): 20–3; Andrew Wallace-Hadrill, "The Emperor and His Virtues," *Historia: Zeitschrift Für Alte Geschichte* 30, no. 3 (1981): 298–323), Carlos F. Noreña, *The Communication of the Emperor's Virtues* (2001), and Nathan Elkins, *The Image of Political Power in the Reign of Nerva* (2017).

[200] While Cicero does engage in this sort of constitutional analysis, he also draws on the language of virtue and vice and Roman *exempla*. Thus, he is not merely a constitutional or legal thinker (as, e.g., Straumann, *Crisis and Constitutionalism* implies). Additionally, it is worth clarifying is that Tacitus *does* reference laws after the excerpted passage from *Ann*. 3.26. However, he further characterizes (3.27) good and bad laws as dependent on whether the law dealt with the community as a whole or was motivated by base and private aims (*aliaque ob prava*).

significance of pointing to a character trait like moderation as the defining feature of equal standing, rather than to a legal framework.

This move suggests that Tacitus does not think of constitutions as primarily or necessarily promoting certain virtues.[201] The Greek notion of *politeia* connotes a certain way of life or an ethos just as much as a particular constitutional arrangement. It is an ethical education for the citizens living in the regime. Tacitus, however, appears to be working with a different conception in which regimes are not teachers so much as arenas, where character is revealed and displayed more than it is formed. There is a clear parallel here to the core Stoic ethical notion that links virtue to mental states, not to precepts or an otherwise codified list of rules. This also tracks with Tacitus's defense of Stoic compatibilism, which emphasizes choices as products of our internal decisions and characteristics.

It would be a mistake to dismiss this concern for virtue instead of constitutional arrangements as an example of Tacitus's intellectual shortcomings. By looking to virtue instead of constitutions, Tacitus is not "failing" to meet the standards of political thought.[202] There is more to political philosophy than examining legal arrangements and constitutional forms. Tacitus recognizes this and offers virtue as an alternative to mixed regime theorizing as to what "fills in" the initial formulation of justice. Because his conception of *aequalitas* is linked to qualities of character and personal virtues, and because it is *not* located in any specific regime structure or legal arrangement, Tacitus's understanding of justice is regime agnostic. It is a lack of pride or arrogance (*modicus*, moderation or temperance) writ large. This is a character assessment, not a legal analysis. Not delineating the constitutional form or legal arrangements of the just regime *is* Tacitus's point.

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[201] That is, he is "regime agnostic." This idea will be further developed in later chapters.
[202] As, e.g., Griffin, "Tacitus as a Historian," 164.

As with courage and wisdom, Tacitus is using justice to criticize the *principes*. Associating justice with *aequalitas*, or equal standing, is a way to condemn the pride of a princeps. Tiberius forces King Archelaus to commit suicide because the king did not sufficiently honor Tiberius when he was a young man in Archelaus's kingdom – not because Archelaus was proud (*superbiam*), but for strategic political reasons.[203] After a trial condemns Archelaus, Tacitus implies that he committed suicide because "equality, not to mention inferiority, is unknown to kings" (*regibus aequa, nedum infima, insolita sunt*; *Ann*. 2.42). There is a certain irony at work in this story – Archelaus does not act out of pride, but the princeps Tiberius does and this makes him resemble the kings who do not know equality more than Archelaus, whom the statement nominally refers to. "King" was not a title that the Romans looked favorably upon, even in imperial times, especially given its association with the legendary king Tarquin the Proud. Without stating it so bluntly, the story throws into relief Tiberius's pride, disdain for equality, and therefore his injustice.

The emperor by his very nature stood above his subjects. Augustus may have tried to hide this by assuming the title *princeps*, or "first man" (with echoes of *princeps senatus*, traditionally granted to a leading Senator), but Tacitus saw this for the lie that it was.[204] "Justice" was a key concept in Augustus's imperial propaganda. He writes in his *Res Gestae* that

> On account of my service and by a senatorial decree, I was called Augustus and the doors of my temple were covered in laurels by public act and a civic crown was fastened above my doorway and a golden shield was placed in the Julian senate house, and through its inscription declared that the senate and the Roman people had given it to me because of my virtue, clemency, justice, and piety. After this time, I stood above all others in influence, but I held no more legal power[205] than the others who were my colleagues in each office.

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[203] At the time of Tiberius's exile, Augustus had placed his grandson Gaius in charge of the East. Thus, friendship with Tiberius could have been dangerous (*Ann*. 2.42).
[204] Cf *Ann*. 1.9; As the OCD entry states, "*princeps* was not an *official* title." (Balsdon, John Percy, Vyvian Dacre, and Miriam T. Griffin. "Princeps." In *The Oxford Classical Dictionary*.: Oxford University Press, 2012.)
[205] Augustus uses the word *potestatis*, denoting legitimate or lawful power. Cf fn168 above.

> *Quo pro merito meo senatus consulto Augustus appellatus sum et laureis postes aedium mearum vestiti publice coronaque civica super ianuam meam fixa est, et clupeus aureus in curia Iulia positus, quem mihi senatum populumque Romanum dare virtutis clementiaeque et iustitiae et pietatis causa testatum est per eius clupei inscriptionem. Post id tempus auctoritate omnibus prastiti, potestatis autem nihilo amplius habui quam ceteri, qui mihi quoque in magistratu conlegae fuerunt.* (34)[206]

As in the whole of the *Res Gestae*, Augustus elides his extralegal power and clothes himself in the language of tradition and virtue. Justice is a central quality in this propaganda, as the shield's inscription shows, and the claim rests in part on Augustus's insistence that he was legally equal to his colleagues and fellow citizens even if he was influential beyond all others. Tacitus disarms this claim at *Ann*. 1.4. The observation that "because equality had been cast off, everyone looked to the commands of the *princeps*" does not need to rely on the emperor having certain legal powers. Instead, it only needs to be the case that people follow the emperor's lead. Influence (*auctoritas*) is not codified in law; rather, it exists in practice and as a matter of fact.

Augustus was influential, independent of and beyond his legal power. He wielded this *personal* power because everyone understood him to be in command. Therefore his power, the way he wielded it, and its effects were more a product of his character, habits, and mental states than the formal laws of the Roman political community. Tacitus understands this and so in his theoretical passages speaks of justice and equality as products of internal mental states and character dispositions rather than law. Doing so allows him to go beyond codified constitutional analysis, to embrace virtue and vice as core political concerns, and to criticize *principes* like Augustus and Tiberius.

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[206] Text from Alison E Cooley, ed., *Res Gestae Divi Augusti* (Cambridge; New York: Cambridge University Press, 2010).

Moderation

We saw above that Tacitus defines justice with reference to equality of standing, understood in terms of personal character traits like modesty rather than legal arrangements. Tacitus's account of moderation, which I turn to now, is a core aspect of his answer to Aristotle's central question of political philosophy. As the theoretical passages in *Ann*. 3.26 and *Hist*. 2.38 show, its presence is the key feature of these just communities. Empires lack moderation – that is, they are avaricious – and so they experience foreign conflict, domestic discord, and political hierarchy. Moderation is a political virtue for Tacitus because it ensures equality and therefore makes communities just.

Tacitus uses moderation within the main narrative as part of his anti-imperial criticism, complementing the theoretical asides. He brings moderation's valence to bear on Nero, one of his most immoderate characters. Specifically, he does this in the extended episode or narrative unit surrounding the Great Fire where Tacitus presents him as a tyrant who cannot recognize limits and attempts to rule nature[207] itself in the pursuit of satisfying his appetites. Nero's actions allow the reader to understand that moderation is a virtue that denies appetite free reign, is in harmony with nature, and that provides for legitimate rule over both oneself and the political community. (This, we might note, is the very strategy that Tacitus identifies as potentially dangerous – demonstrating the nature of virtues and vices by drawing a contrast with their opposite quality.[208]) A short appearance by Seneca at the end of this narrative unit confirms this understanding of moderation and complements Nero's negative example.

[207] Nero struggles against nature in the sense of natural phenomena but also in the larger normative sense.
[208] Also used in the example of King Archelaus above; cf Demetrius *On Style* 292.

The events surrounding the Great Fire of 64 CE (*Ann.* 15.36-45) are notorious and shocking, even for the famously immoderate Nero. This episode begins with Nero planning to leave Rome but quickly changing course and remaining in the capital to reassure the people that he was not deserting them or abdicating his responsibility to feed them (15.37). As proof, he provided extravagant banquets, one of which Tacitus singles out: "And the banquets most famous for extravagance and scandal were those prepared by Tigellinus [c.10 CE- 69 CE],[209] which I will report as an example, lest the same extravagance be repeated over and over (*celeberrimae luxu famaque epulae fuere quas a Tigellino paratas ut exemplum referam, ne saepius eadem prodigentia narranda sit*)." This statement draws the reader's attention to the story and alerts us to the fact that we may take it as representative of Nero's character.

The banquet features a variety of luxuries and opportunities for debauchery: exotic animals, ivory- and gold-trimmed ships, and brothels full of prostitutes, male and female, noble and common. Tacitus vividly portrays Nero, who was "defiled by means of lawful and unlawful things, neglected no disgrace by which he could be more corrupt, except that a few days later he wedded one from that defiled crowed, who was named Pythagoras, in the manner of a usual wedding ceremony" (*ipse per licita atque inlicita foedatus nihil flagitii reliquerat quo corruptior ageret, nisi paucos post dies uni ex illo contaminatorum grege (nomen Pythagorae fuit) in modum sollemnium coniugiorum denupsisset*). In this wedding the emperor himself played the part of the bride. Throughout this story, Tacitus underscores that torches lit the entire scene, or in other words, Nero used artificial means to reverse the usual course of nature: "finally, all things were gazed upon that even in a woman darkness covers" (*cuncta denique spectata quae etiam in femina nox operit*) (15.37).

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[209] A member of Tiberius's Praetorian Guard and the same Tigellinus who condemns Plautus's "Stoic arrogance" at 14.57.

Tacitus returns to this opposition shortly, but only after linking the previous scene to the Great Fire and Nero's subsequent reaction to it. Directly following his remarks at 15.37, Tacitus says "Calamity followed, whether by chance or the emperor's contrivance is unknown (for previous authors have put forth both possibilities) (*sequitur clades, forte an dolo principis incertum (nam utrumque auctores prodidere)*). This calamity is the Great Fire of 64 CE, which destroyed more of Rome than any earlier fire. Tacitus details the fire's course and the toll it took on the City's people and infrastructure, then remarks that

> Nero used the ruin of his homeland and raised a palace in which not so much the gems and the gold were meant to be marvelous, having long been familiar and proclaimed in luxurious displays, as much as the fields and lakes, and in the manner of a wilderness, woods in one place, and in another, open spaces and views.
>
> *Nero usus est patriae ruinis extruxitque domum in qua haud proinde gemmae et aurum miraculo essent, solita pridem et luxu vulgata, quam arva et stagna et in modum solitudinum hinc silvae inde aperta spatia et prospectus*. (*Ann.* 15.42)

Tacitus links the previous banquet scene (which he had marked out as worthy of our attention) with the fire and Nero's reaction in two ways. First, by using *sequitur* ("to follow, come after, logically ensue"), Tacitus indicates a connection between the disaster and what preceded it.[210] Second, as he does elsewhere,[211] Tacitus presents two possible reasons for an event – but with the obvious implication that the darker interpretation is the real reason. In this case, the darker interpretation[212] is that Nero plotted to burn large portions of Rome so that he could build what was known as the *Domus Aurea,* "The Golden House." The palace is designed to indulge Nero's appetite for luxury – that is, his immoderation – which was also the reason for throwing the banquet and holding the wedding. Therefore, Tacitus insinuates that we are meant to see an

[210] Cf Shannon-Henderson, *Religion and Memory*, 319 and fn112 (and see her references).
[211] See *Ann.* 1.10 (on the death of the consuls Hirtius and Pansa by either the enemy or then-Octavian's machinations) for example; also discussed below in the section on Wisdom.
[212] This is also the second option; see p16 and fn40 above.

essential similarity between Nero's indulgence in the banquet and subsequent wedding on the one hand and his setting fire to Rome to build an extravagant palace on the other. There is more than a temporal connection between the banquet and wedding scene and the fire.

Let us return to the opposition of the natural and the artificial as it appears in this extended episode. As we, Tacitus underscores the fact that torches are used to light the orgy as darkness falls on Tigellinus's banquet. Likewise, at the wedding, torches are used to shed light on things that "night covers" (*nox operit*). The fire itself is strongly suggested to be Nero's contrivance (*dolo*). As for the palace, its supervisors and architects (*machinatoribus*, which may also mean "contrivers") were Severus and Celerus (c. 1st cent. CE), "whose talent and presumptuousness attempted through artifice even things which nature had denied (*quibus ingenium et audacia erat etiam quae natura denegavisset per artem temptare*, 15.42)." "Things which nature had denied" is in this instance water – the site occupied by the palace was either arid or marshy, and so Severus and Celerus attempted to create a long irrigation system to bring in water from the Tiber. Tacitus calls this a feat of intolerable effort (*intolerandus labor*). Nero, however, "as he was covetous of the incredible, attempted to dig through the hills near the Avernus (*Nero tamen, ut erat incredibilium cupitor, effodere proxima Averno iuga conisus est*)." As with the torches in the banquet, Tacitus presents an opposition between nature and human artifice, which is used to satisfy immoderate appetites by imposing itself on nature. Tacitus labels Severus and Celerus as *audax*, a word with almost exclusively negative connotations of foolhardiness, overreaching, subversion, and even violence. This mirrors the vicious behaviors of the banquet and the wedding and further reveals the connection between immoderation, vice, and the desire to overcome and rule nature.

Nero's immoderation is not confined to his private life. In the opening of the entire scene (15.37), Tacitus says that Nero "arranged for banquets in public places and used the whole city as if it were his house" (*publicis locis struere convivia totaque urbe quasi domo uti*). *Convivia* signifies a private gathering, a gathering held in a person's house and therefore fit for the household but not the public. By throwing these private banquets in public places, Nero treats the public city as if it were his private household and elevates himself above all others. He becomes, in effect, the *paterfamilias* of the entire city, despite the fact that the entire city is not his family. The inability to distinguish boundaries and recognize limits is *the* mark of tyranny in antiquity.[213] So not only does the scene of 15.36-45 shed light on Tacitus's conception of immoderation, it also reveals the essentially *political* nature of this vice. In its lust to satisfy appetites and its inability to recognize the limits between nature and artifice, immoderation is the core characteristic of despotic rule. This sort of thinking is reminiscent of Books VIII and IX of Plato's *Republic*, where Socrates explores the psychology of regime types and the qualities of the tyrant. It is also reminiscent of the Stoic tendency to compare tyranny to the life ruled by appetites instead of reason.[214]

The contrast between immoderate tyranny and Stoic moderation becomes even clearer in the concluding chapter of the unit. Tacitus reports that Nero had to plunder Italy and the provinces to pay for his palace. Seneca, disapproving of this, distanced himself from the whole affair by retiring to the country. Nero's rumored response was to poison Seneca, who "supported his life through a very simple diet of wild fruits and, if thirst prompted him, a running stream"

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[213] Here I mean tyranny in the negative sense that we are familiar with, not in the more neutral sense of earlier Greek thought, where *tyrannos* could refer to a ruler like Peisistratos who had no hereditary claim to rule. See Arlene W Saxonhouse, "The Tyranny of Reason in the World of the Polis," *The American Political Science Review* 82, no. 4 (1988): 1261–75 on this point and on the tyrant's inability to distinguish boundaries.
[214] E.g., Seneca *Clem*. 1.11.4; Epictetus *Discourses* IV.1; M. Aur. *Med*. II.2.

(*persimplici victu et agrestibus pomis ac, si sitis admoneret, profluente aqua vitam tolerat*; *Ann*. 15.45). Tacitus carefully structures this short sub-story to echo his characterization of Nero that began at 15.37. Where Nero is immoderation embodied, Seneca and his diet are extremely moderate (*persimplici*) and he drinks only if necessary. Where Nero the tyrant tries to rule nature through human artifice, Seneca lives in harmony with nature. The fact that both stories involve water reinforces the parallelism.[215] Seneca's Stoicism is an obvious, if unspoken, aspect of this story and contrasts with Nero's tyranny. His presence, however brief, provides a positive example of moderation, where Nero's immoderation allows the reader to infer in reverse Tacitus's conception of the virtue.

A moderate person, unlike Nero, would recognize and respect others as worthy moral agents in their own right, not as objects to be manipulated in the pursuit of satisfying appetites, since immoderation or avarice necessarily lead to the domination of others. The similarity between Nero's actions and the theoretical empires of *Ann*. 3.26 and *Hist*. 2.38 suggest that Tacitus sees a connection between the personal and the communal manifestations of avarice. So Nero's immoderation or avarice is more than an isolated or merely personal character flaw – it is essentially and necessarily connected to his greater political injustice as princeps. Moderation is needed to avoid such domineering rule. It is the means to reign in our appetites, to keep them from going beyond what is appropriate, and to living in harmony with nature. It makes rule, whether over a political community or oneself, just. It is a potent concept that Tacitus employs to make a character-based, not regime-based, criticism of the princeps.

[215] Cf Suet. *Iul*. 44

Conclusion

Tacitus offers accounts of the four cardinal virtues that are adapted to the new political realities of the principate. But virtues are not *expressions* of this new reality – they are standards for assessing it. Virtues in an imperial context find new modes for their expression (as in courage and wisdom) and new targets of evaluation (as in justice and moderation). This is a critique of the emperors, but it is a *non-institutional* critique. The emperors are domineering despots not because the rule of one is inherently despotic, but because they were vicious. In this non-institutional critique, moderation becomes the central political virtue for its ability to underwrite equality, justice, and even liberty itself by alerting us to questions of restraint and proportionality in our behavior. In the narrative, Nero's immoderation is proof of his despotic disregard for others.

That the virtues are context-sensitive and linked to mental states and personal character rather than adherence to a list of precepts is, I argue, a mark of its Stoic quality. And so reading Tacitus through a Stoic lens allows us to see a coherence and theoretical sophistication in the narrative.

The point of this argument is not classification for the sake of classification. Instead, there are two mutually reinforcing implications of reading Tacitus with an eye towards Stoic themes. First, this helps us to appreciate Tacitus as a thinker and not merely a reporter. It helps us to see organizational threads running throughout his works (particularly the historical writings) and points to an overarching narrative cohesion. It also speaks to a level of philosophical sophistication and capacity for abstract thought, both of which are denied to Tacitus by unsympathetic scholars. It is no wonder that Tacitus appears more as a brilliant stylist than a coherent narrator if the prime criterion for understanding his narrative cohesion is ignored.

Second, Tacitus's work underscores the potential political force of Stoic ethical thought. This potential was long unrecognized among Stoic scholars. Andrew Erskine and Malcolm Schofield, two of the early pioneers in re-thinking Stoic political thought, emphasized democratic egalitarianism and cosmopolitan natural law (respectively) as core Stoic contributions to political thought. Reading Tacitus as a Stoic is instructive for highlighting some key similarities and points of departure with these landmark studies. While the egalitarianism that Erskine identified does find some parallel in Tacitus's conception of justice and moderation, it does not manifest in him advocating for radical democracy. Likewise, Tacitus does not use Stoic concepts to engage in utopian speculation about a cosmic city, but instead uses them as standards for assessing real-world Roman politics. This is not necessarily to say that Erskine and Schofield are "wrong," but that Tacitus points to different directions that Stoic political theory can pursue and so broadens our understanding of its political force.

Chapter 4 Stoic Affection and Imperial Savagery

In the year 33 CE, the emperor Tiberius ordered mass executions against anyone who had been accused of working with Sejanus, the formerly influential Praetorian prefect who had been arrested and executed for treason two years earlier. Reflecting on the violence, Tacitus observes that "as savagery gained force, compassion was spurned" (*quantumque saevitia glisceret, miseratio arcebatur*; *Ann*. 6.19).

This is arguably the most arresting statement in Tacitus's entire corpus.[216] It is forceful in the extreme.[217] It conveys a criticism of Tiberius for this specific action, but also suggests a larger insight about the nature of compassion and its political significance. I will develop the implications of this passage shortly, but for now let us note simply that the phrase makes this larger, theoretical point.

Yet the theoretical underpinning to such emotional and psychological statements has not always been recognized.[218] Ronald Martin and A.J. Woodman write, for example, that Tacitus's use of *misericordia* or compassion is among the "standard ploys of the forensic orator."[219] Even while praising Tacitus's rhetorical ability, the implication of "ploy" is that the word and its effect are more style than substance.

[216] *Pace* Calgacus's famous *ubi solitudinem faciunt pacem appellant.*
[217] Cf Ahl, "Art of Safe Criticism."
[218] This mirrors the argument from the previous chapter, namely, that the grounds to Tacitus's moral statements have not always been recognized.
[219] Martin and Woodman, *Annals. Book IV*, 162.

This idea is found elsewhere too. Decades ago, W.H. Alexander wrote that in a class taught from 1896-1897, it was often said "that [Tacitus's] 'psychology' was one of his most striking features."[220] N.P. Miller argued that Tacitus's extensive use of indirect speech was "probably connected with the convenience of *obliqua* [indirect speech] to express dramatically the thoughts and feelings of an individual – the psychological *obliqua* which seems so suited to [Tacitus's] temperament."[221] And elsewhere Ronald Martin notes that Tacitus "shows an unremitting awareness of the gap between the [private and public] spheres of human existence. Because of it he shows an interest in psychology that was as rare in the ancient world as it is commonplace with us."[222] These interpretations treat psychology as an attractive stylistic or literary quality, but not necessarily as having a theoretical basis.

Translated editions also draw attention to the literary merit of Tacitus's psychologizing. Rhiannon Ash in her introduction to the Penguin Classics *Histories* admiringly notes the narrative's "sheer emotional power and vividness."[223] Anthony Barrett's introduction to the Oxford World Classic's edition of the *Annales* declares that Tacitus's style "is in many ways remarkable," in no small part because "in both vocabulary and syntax, he showed a penchant for the unusual and the striking." "It might be objected," Barret notes, "that [such] archaicisms were intended to invoke an earlier, perhaps purer, age [,] but much of the time it seems that he was intent on producing a startling effect."[224]

These comments, coming as they do in the introductions to translated editions of Tacitus, are intended to convince potential readers that the text is a worthwhile read. But in doing so they

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[220] W. H. Alexander, "The 'Psychology' of Tacitus," *The Classical Journal* 47, no. 8 (1952), 326.
[221] N. P Miller, *Dramatic Speech in Tacitus* (Baltimore, 1964), 293.
[222] Ronald H. Martin, *Tacitus* (London: Batsford Academic and Educational, 1981), 215.
[223] Cornelius Tacitus, *The Histories*, ed. Rhiannon Ash, trans. Kenneth Wellesley (London; New York: Penguin Books, 2009), xv.
[224] Cornelius Tacitus, *The Annals: The Reigns of Tiberius, Claudius, and Nero*, trans. John Yardley (Oxford: Oxford University Press, 2008), xvi.

too underscore Tacitus's literary merits, not necessarily his theoretical ones. There is a critical similarity between this and Miriam Griffin's argument that we saw in the Introduction, namely that Tacitus uses whatever literary or rhetorical skills necessary to produce a "gloomy effect."[225] Yet as the passage above indicates, it certainly seems that there is more to Tacitus's emotional language than mere style.

Accordingly, in this chapter I focus on Tacitus's psychologizing tendencies and the specifically emotional and affective dimension in his writings. I argue that these episodes have a firm theoretical grounding in the Stoic philosophy of mind. In other words, the style and the substance are inextricably linked. Tacitus uses this to highlight the savagery and inhumanity of the Julio-Claudians. His criticism of imperial emotion therefore complements the moral criticism that we saw in the previous chapter and forms the second part of his non-institutional critique of the principate. It also further reinforces the political potential of Stoic philosophy by theorizing compassion or affective fellow feeling as the grounds of human political society.

Savagery and Compassion

Let us return to the passage we saw above. The full episode is perhaps the clearest and most direct presentation of *saevitia*, or savagery, one of the central categories in Tacitus's psychology of emotion, and a charge that he levels against the *principes* and their sycophants throughout his corpus. The episode begins with the downfall of Sextus Marius (d. 33 CE), an enormously wealthy man from the Spanish province whose wealth lent him an unfortunate prominence. Tiberius took notice and had Marius thrown off the Tarpeian Rock[226] on suspicion

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[225] Griffin, "Tacitus as a Historian," 171.

[226] A steep cliff on Rome's Capitoline Hill that was often used for executing criminals. See Timothy Peter Wiseman, "Tarpeian Rock," ed. Eva Margareta Steinby, *Lexicon Topographicum Urbis Romae* (Roma: Edizioni Quasar, 1993), vol. IV. pp. 237-8.

of incest, after which his wealth was seized (*publicarentur*). This execution sent Tiberius on a killing spree:

> Having been incited by the punishments, he ordered that all who were being held in jail on grounds of association with Sejanus[227] should be slain. The carnage was enormous – all sexes, all ages, famous and ignoble alike, strewn about or in heaps. Neither family nor friends were allowed to stand near, to weep, or even to look at the bodies for long. Guards were stationed, taking note of each person's grief, and escorted the rotting corpses while they were being dragged into the Tiber, where, floating or being pushed to the shore, there was no one to cremate or even touch them. The strength of fear had destroyed the fellowship of the human lot, and as savagery gained force, compassion was spurned.
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> *Inritatusque suppliciis cunctos qui carcere attinebantur accusati societatis cum Seiano necari iubet. Iacuit immensa strages, omnis sexus, omnis aetas, inlustres ignobiles, dispersi aut aggerati. Neque propinquis aut amicis adsistere, inlacrimare, ne visere quidem diutius dabatur, sed circumiecti custodes et in maerorem cuiusque intenti corpora putrefacta adsectabantur, dum in Tiberim traherentur ubi fluitantia aut ripis adpulsa non cremare quisquam, non contingere. Interciderat sortis humanae commercium vi metus, quantumque saevitia glisceret, miseratio arcebatur* (*Ann.* 6.19).

The episode is an obvious example of cruelty, but Tacitus further illustrates the extreme depths of Tiberius's *saevitia* through the word choice and the setting. *Strages* indicates slaughter, bloodshed, and destruction. It can also carry the sense of these things as being inflicted in battle, and the wreckage (including bodies) that result from such violence – shades of meaning that this scene captures precisely.[228] Tiberius compounds his cruelty by denying cremation (at this time, the preferred method for disposing the dead) to his victims, a practice often reserved for criminals, and by subjecting the bodies to mutilation.[229] The death of Marius also sets the tone for Tiberius's treatment of the subsequent victims, since execution by being thrown from the Tarpeian Rock was traditionally reserved for murderers and traitors.[230] The passage, it hardly

[227] By this point, Sejanus had fallen from favor and had been executed.
[228] OLD s.v. *strages* 2 and 3b.
[229] See Valerie Hope *Roman Death: The Dying and the Dead in Ancient Rome* (2009): 80-2.
[230] Wiseman, "Tarpeian Rock," in *Lexicon Topographicum Urbis Romae* (Roma: Edizioni Quasar, 1993), 237-8. For the story of Tarpeia, see Livy 1.11.

needs saying, does not describe a just ruler responding proportionally to actual threats to the public good. Instead, Tiberius is cast as a bloodthirsty murderer who wreaks utter and needless cruelty on his fellow citizens as if they are criminals. This *saevitia* suggests not only a barbaric but also an inhuman dimension to Tiberius's actions.[231] Far from Cicero's depiction of human political society as grounded in affection and a mutual agreement about justice,[232] Tiberius's rule over Rome resembles an occupied city in the midst of war.

The passage becomes much more theoretically interesting in its final sentence. There Tacitus comes to a larger insight about cruelty. Savagery and compassion are not merely different qualities, but polar opposite emotional states. This is indicated by the adjective *quantum* and its implied correlative *tantum*. Moreover, the verbs *glisco*[233] (swell, increase, and especially as used with emotions, grow more forceful) and *arceor*[234] (to be shut out, pushed away, spurned) indicate that this relationship is mutually exclusive or zero-sum. Where savagery reigns, compassion cannot exist.

Compassion (*miseratio*[235]) or grief, pity, and similar emotions are not simply maudlin sentiments. Instead, Tacitus portrays these emotions as natural – with all the ethical implications of that word – and fundamentally opposed to *saevitia*. Approximately five years before the murder of Marius, a knight named Titus Sabinus was accused of plotting against Tiberius. The context to this accusation is complicated. Supposedly, Sabinus was in the habit of praising Germanicus, the deceased son-in-law of Tiberius whose military success and popularity among the people had roused Tiberius's suspicion. Though the details are murky, Tacitus hints at

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[231] OLD s.v. *saevitia*.
[232] See *Rep*. 1.25 and 1.39.
[233] OLD s.v. *glisco*
[234] OLD s.v. *arceor* 2B ("spurn')
[235] OLD s.v. *miseratio*. Tacitus also uses similar words, e.g., *misericordia* and *misereo*.

Tiberius's guilt in Germanicus's untimely death from poison.[236] Therefore, the fact that Sabinus continued to pay respects to Germanicus's family was politically loaded (at least to a suspicious mind) and not likely to be taken lightly by Tiberius. Tacitus makes this explicit by noting that Sabinus's practice made him "praised among the good and implacable to the unjust" (*apud bonos laudatus et gravis iniquis*; *Ann*. 4.68).

Informers trapped Sabinus into making incriminating statements by praising Germanicus. Having been misled, Sabinus "poured forth tears – for during times of misfortune human souls are soft – and made complaints. He inveighed daringly against Sejanus, his cruelty, his pride, and his ambition" (*Sabinus, ut sunt molles in calamitate mortalium animi, effudit lacrimas, iunxit questus, audentius iam onerat Seianum, saevitiam, superbiam, spes eius*, *Ann*. 4.68). The use of *molles* here is typically Tacitean – that is, unusual and even counterintuitive. The word normally indicates softness or even effeminacy,[237] but here it has an obviously positive connotation and seems similar to *miseratio* in its opposition to *saevitia*. There is a clear moral dimension to this. The fact that Sabinus is "praised among the good and implacable to the unjust," plus the contrast to Sejanus' cruelty and other vices, suggest that the compassionate reaction is natural, both in the sense of common and morally praiseworthy.

Though this story is ostensibly about one man and his downfall, Tacitus turns it into a more universal claim that witnessing others' misfortune generates in the observer.[238] We can see this too in the aftermath of the *strages* in 6.19. Tiberius's cruelty extends so far as to have guards take note of the grief expressed by the family and friends of the victims, a move that suggests

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[236] Tac. *Ann*. 3.8-19.

[237] See, e.g., Tony Harrison "The Tears and the Trumpets" Arion: A Journal of Humanities and the Classics 9, no. 2 (2001): 1–22 and Clifford Weber "*Mollis* and its Stylistics Resonance in Vergil" *Vergilius* (2019): 33–42., especially the bibliography in fn2.

[238] This idea has a long history. See Polybius *Histories* 27.9 and Adam Smith, *The Theory of Moral Sentiments*, ed. Ryan Patrick Hanley (New York: Penguin Books, 2014), 85-6. Cf also Max Lykins, "Dostoyevsky and the Defense of Compassion," *Political Research Quarterly* 2021, 1.

both that grief is a natural reaction and that Tiberius, in his cruelty, sees outward expressions of grief as a threat to himself. Tacitus uses the particulars of that story as well to arrive at a more universal observation. Corresponding to the growth of savagery and exclusion of compassion, he writes that "[t]he strength of fear had destroyed the fellowship of the human lot" (*interciderat sortis humanae commercium vi metus*). While *commercium* is a recognizable cognate to "commercial," its sense in this passage has less to do with economic activity than with human interaction broadly speaking.[239] This language points to a fundamentally social understanding of humans. By equating *commercium* with empathetic, other-regarding feelings like *miseratio*, the passage suggests that compassion or affective attachment to others is a default emotional state of affairs that *saevitia* interrupts, rather than vice-versa.

Hormê, Oikeiôsis, and Stoic Psychology

Independent of their literary or rhetorical value in producing a certain mood in the narrative, Tacitus is clearly using savagery and compassion as normative concepts. But where do they get this normative valence? In keeping with the previous two chapters, I argue that Stoicism provides a lens through which we can bring Tacitus's thought into focus.

Despite the contemporary connotation of the English *stoic*, Stoic philosophy did not uniformly reject emotion. As Margaret Graver writes, "to deny any role for feeling in the life of the wise would be to claim that human beings are endowed by nature with psychic equipment for which we have no legitimate use" (2007: 36). The Stoics argued that certain emotions, including the affective motivation to benefit others, were natural. As Diogenes reports,

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[239] *Commercium* in the figurative sense can mean interaction, sharing, or any sort of "dealing" in a general sense. See OLD *commercium* and Saskia T. Roselaar, "The Concept of Commercium in the Roman Republic," *10.7834 Phoenix* 66, no. 3–4 (2012), 383-5.

> They [the Stoics] say that there are three good feelings [*eupatheiai*]: joy, watchfulness, wishing. […] Just as certain passions fall under the primary ones, so too with the primary good feelings. Under wishing: kindness, generosity, warmth, affection. [7.115]

Sedley and Long gloss this passage (and others on the Stoic treatment of emotion) by noting that "[p]assion is thereby revealed as an unhealthy state of mind, [but is] not synonymous with emotion in ordinary language (S-L p.420).[240]

The Stoic framework makes use of two closely related concepts: *hormê* and *oikeiôsis*. Understanding these allows us to see how Tacitus grounds the emotional states of savagery and compassion and how he uses them as the second part of his non-institutional critique of the principate.

Let us begin by refining the impression-assent schema that was presented in the Schools of Ancient Philosophy chapter. As I stated there (fn65), there is an additional concept that Stoic philosophy of mind invokes when considering the efficient cause of actions, namely, *hormê* or impulse. The exact nature of *hormê* and its status in Stoic thought is not entirely clear, given the source issues.[241] However, it can be safely described as the final mental event that precedes action and the sufficient cause for undertaking that action. For example, when a person acts, the following takes place in their mind: the agent receives an impression about acting ("I should work on my dissertation"), then grants assent ("it is true that I should work on my dissertation"). At the end of this process,[242] the Stoics posit the notion of *hormê*, or impulse, as the mental event that moves the actor to undertake the relevant action. This is different from an impression that does not involve acting ("It is raining") and its subsequent assent ("it is true that it is raining"). The assent in the first example about dissertation writing is an assent to an impression about

[240] See also Brennan, *The Stoic Life*, 110, and chapter 7 in general.
[241] See, eg, Inwood, *Ethics and Human Action*, chs3-4; Long, *Stoic Studies*, 117-9 and chapter 5.
[242] See Brennan, *The Stoic Life*, 85-6 for a discussion of why the Stoics posit the *hormê* to avoid an unending regress of synthetic thoughts.

acting. In its chain of events, *hormê* or impulse is the mental event that moves the agent to the act of writing.

Despite the connotation of the English rendering "impulse," the concept of *hormê* does not necessarily mean that our actions are thoughtless, spontaneous, or otherwise random (although it is possible to act this way). The Stoics argued that impulses are structured to certain objective ends by *oikeiôsis*, or the process by which we come to have an affective attachment to natural things.[243] As in other parts of Stoic philosophy, *oikeiôsis* provides both a description of and an evaluative standard for assessing the world. As we will see, this is a pregnant idea with important political implications. Frustratingly though, especially given how important the concept is, the surviving texts are quite meager – a few paragraphs in larger works and some fragments of a treatise on *oikeiôsis* from the otherwise unknown Stoic Hierocles.

In its most basic sense, the term was used to claim that Nature renders every living being's constitution *oikeion* (or appropriate) to itself. As Diogenes reports,

> (1) [The Stoics] say that an animal has self-preservation as the object of its first impulse, since nature from the beginning appropriates it, as Chrysippus says in his On Ends book I. (2) The first thing appropriate to every animal, he says, is its own constitution and the consciousness of this. For nature was not likely either to alienate the animal itself, or to make it and then neither alienate it nor appropriate it. [Sedley-Long 57A/p.346]

Similarly, the Stoic character Cato in Cicero's *De Finibus* argues that "Immediately at birth – for this is the proper starting point – a living being is attached and entrusted to itself for the sake of preserving itself and things that preserve its bodily health (*simulatque natum sit animal – hinc enim est ordiendum – ipsum sibi conciliari et commendari ad se conservandum et ad suum statum eaque, quae conservantia*; 3.16).[244]

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[243] On the difficulty of rendering *oikeiôsis* in English, see Brennan, *The Stoic Life*, 154-5 and Long and Sedley, *The Hellenistic Philosophers*, 351.
[244] Cf Epictetus *Discourses* 1.6.12-22.

As we saw in Chapter 2, the Stoics conceived of the universe as an inherent rational order populated by different species. Part of this analysis came from the Stoic classification of groups of species – namely, plants, non-human animals, and human beings.[245] Human beings have a unique place in this order. Two passages from Diogenes and Seneca explain this idea with reference to *oikeiôsis*:

> (4) Nature, they say, is no different in regard to plants and animals at the time when it directs animals as well as plants without impulse and sensation, and in us certain processes of a vegetative kind take place. But since animals have the additional faculty of impulse, through the use of which they go in search of what is appropriate to them, what is natural for them is to be administered in accordance with their impulse. (5) And since reason, by way of a more perfect management, has been bestowed on rational beings, to live correctly in accordance with reason comes to be natural for them. For reason supervenes as the craftsman of impulse.[246]
>
> There is a constitution for each stage of life, one for an infant, one for a boy, [one for an adolescent,] one for an old man. All are attached to the constitution in which they exist.
>
> *Unicuique aetati sua constitutio est, alia infanti, alia puero, <alia adulescenti>, alia seni: omnes ei constitutioni conciliantur in qua sunt.* (Seneca *Epistulae* 121.15)

Different beings or types of beings have different natures. Plants are passive, but animals, who have sensation, are directed by *oikeiôsis* to use their senses and impulses for preserving their lives (i.e., finding food, water, shelter, and the like). But, as Diogenes and Seneca note, human beings come to be constituted by rationality, not mere sensation. Starting from infancy, which is a state similar to animals, we eventually emerge as adult humans in possession of reason. Since the nature or constitution of these adult humans differs from other animals, what is appropriate (*oikeion*) to its constitution changes as well. As an infant, it is natural to act on the impulses that

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[245] See "The Logical Basis of Stoic Ethics" in A. A. Long, *Stoic Studies* (New York: Cambridge University Press, 1996), 142.
[246] Diog. Laert. 7.85-6 in Long and Sedley, *The Hellenistic Philosophers*, 346.

preserve our constitution – seeking food, for example. But in the adult stage of life, the life according to nature is the life according to reason.

The Stoics ingeniously use the concept of self-preservation to ground an argument that we are other-regarding, not selfish, and that our motivations spring from this concern for others. Cato notes in *De Finibus* that "nature brings it about that children are loved by parents [...because] it could not be consistent that nature wanted to produce offspring and not care that the offspring be loved" (*natura fieri ut liberi a parentibus amentur...neque vero haec inter se congruere possent, ut natura et procreari vellet et diligi procreatos non curaret*; *Fin*. 3.62).

This is similar to a number of other sources – Diogenes reports that the Stoics believed that familial affection was a characteristic of good parents and children (117); Epictetus echoes this at 1.11 in a chapter on familial affection; and Marcus Aurelius urges himself to treat others kindly as if they were relatives (9.27).

Cato then explicitly links familial affection to the foundation of human society more broadly: "from this source, we find the beginning of the common association of humankind" (*a quo initio profectam communem humani generis societatem persequimur*; *Fin*. 3.62).

Let us pause for a moment. There appears to be a gap in the argument, in no small part due to its extremely compressed nature.[247] Cato implies that concern for one's own family is similar to concern for non-family members. This raises the question of how the concern for family is transferable to non-family.

This appears in other Stoics as well, notably Hierocles, the 2nd cent. BCE Stoic author whose fragmentary writings are the only extant source that deals directly with *oikeiôsis*. He

[247] In Long's words, it is "an argument of lightning brevity" (Long, *Stoic Studies*, 254).

articulates a model of human relations that indicates that the difference between family members and non-family members is merely one of degree, not kind.

> (I) Each one of us is as it were entirely encompassed by many circles, some smaller, others larger, the latter enclosing the former on the basis of their different and unequal dispositions relative to each other. (2) The first and closest circle is the one which a person has drawn as though around a center, his own mind. This circle encloses the body and anything taken for the sake of the body. For it is virtually the smallest circle, and almost touches the center itself. (3) Next, the second one further removed from the center but enclosing the first circle; this contains parents, siblings, wife, and children. The third one has in it uncles and aunts, grandparents, nephews, nieces, and cousins. The next circle includes the other relatives, and this is followed by the circle of local residents, then the circle of fellow-tribesmen, next that of fellow citizens, and then in the same way the circle of people from neighboring towns, and the circle of fellow-countrymen. (4) The outermost and largest circle, which encompasses all the rest, is that of the whole human race.[248]

The passage is notable for its similarity to Cato's argument. It does not appear that Hierocles (and to the extent that this allows us to generalize, the Stoics) consider that obligations to family and non-family are qualitatively different.[249] The Stoics must have had additional arguments to support this claim, though they are not found in Cato's immediate argument or in Hierocles' fragments.

We can supply the answer by turning to other Stoics. Seneca claims that all human beings are in some sense related: "Nature produced us from the same stock, since it brought us forth from the same material and for the same purposes. It imbued a mutual love in us and made us sociable" (*Natura nos cognatos edidit, cum ex isdem et in eadem gigneret; haec nobis amorem indidit mutuum et sociabiles fecit*; Letters 95.52).[250] In a similar vein, Cicero (in his own voice) writes in *De Officiis* that

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[248] Long and Sedley, *The Hellenistic Philosophers*, 349. I have changed the spelling of certain words to reflect American rather than British conventions.
[249] As Long and Sedley write in their gloss, "a man instinctively, without training, experiences himself as the closest object of his concern, while his concern for other people progressively diminishes as their blood relationship to him declines from that of his closest relatives to 'the whole human race'" (Long and Sedley, *The Hellenistic Philosophers*, 353).
[250] Cf Letter 47, where Seneca argues that slaves are not morally inferior to free persons.

> It seems that we must look more deeply for the principles of human fellowship and society that are natural; for the first is that which is found in the universal fellowship of humankind. That bond is reason and speech, which by teaching, learning, communicating, discussing, and judging reconciles humankind to itself and joins them in, as it were, a natural society
>
> *quae naturae principia sint communitatis et societatis humanae, repetendum videtur altius; est enim primum, quod cernitur in universi generis humani societate. Eius autem vinculum est ratio et oratio, quae docendo, discendo, communicando, disceptando, iudicando conciliat inter se homines coniungitque naturali quadam societate*; *Off*. 1.50.

The answer to the gap in Cato's argument is that adult humans are in a community by virtue of sharing reasonable natures. In this sense, then, the Stoics can speak of a natural human community.

Because humans *qua* humans have a "common association," the affective, other-regarding impulses for protecting this community arise from *oikeiôsis*. Infants seek to preserve their own nutrition-seeking constitutions, and adults seek to exercise their reason-possessing constitution – but critically, they also seek to preserve the community that arises from sharing this constitution with other humans. As Cato says, "we see that mankind is born to protect and preserve other men" (*ad tuendos conservandosque homines hominem natum esse videamus*; *Fin*. 3.68).

Therefore, the basis of society for the Stoics is an affective drive to benefit others, and Cato can make the argument that human beings are, like certain other animals, fundamentally social: "... ants, bees, and storks do certain things for the sake of others as well. Human behavior in this respect is even more closely bonded. We are therefore by nature suited to form unions, societies, and political communities" (*…formicae, apes, ciconiae aliorum etiam causa quaedam faciunt. Multo haec coniunctius homines. Itaque natura sumus apti ad coetus, concilia, civitates*; *De Fin*. 3.63).

There are deep political implications in this idea. It allows the Stoics to make descriptive and evaluative claims about the naturalness of affection for others and the naturalness of human sociality. Hierocles, for example, uses his model to argue that

> Once these [concentric circles] have all been surveyed, it is the task of a well-tempered man, in his proper treatment of each group, to draw the circles together somehow towards the center, and to keep zealously transferring those from the enclosing circles into the enclosed ones ... (6) It is Incumbent on us to respect people from the third circle as if they were those from the second, and again to respect our other relatives as if they were those from the third circle. For although the greater distance m blood will remove some affection, we must still try hard to assimilate them. The right point will be reached if, through our own initiative, we reduce the distance of the relationship with each person.

This sort of argument (drawing on Zeno's Community of Sages in his lost *Republic*) often underlies interpretations of Stoics as cosmopolitans.[251] Without disputing this, I want to draw our attention to another implication of Hierocles', namely, that we should relate to others – family or no – on the basis of affective goodwill. Such a claim is fully in keeping with other Stoic political claims, as in Cicero's[252] exhortation at the beginning of *De Re Publica* that "we are greatly impelled by an urge for increasing the resources of the human race, and we are eager to bring about, by our advice and labors, a safer and wealthier life for humankind – and we are incited to this choice by the spurs of Nature herself" (*maxime rapimur*[253] *ad opes augendas generis humani, studemusque nostris consiliis et laboribus tutiorem et opulentiorem vitam hominum reddere, et ad hanc voluntatem ipsius naturae stimulis incitamur*; *Rep.* 1.3). Cicero's statement also posits that it is natural to have affective motivations for benefiting others. His word choice reflects this – *rapimur*, *studemus*, *voluntatem*, *stiumulis*, and *incitamur* all connote something

[251] See, among others, Forman-Barzilai, Fonna. 2010. *Adam Smith and the Circles of Sympathy: Cosmopolitanism and Moral Theory*. Ideas in Context; 96. Cambridge, UK; New York: Cambridge University Press; Schofield, *The Stoic Idea of the City*.
[252] I will take this up more explicitly in Chapter 5, but let it be noted here that while Cicero was not a Stoic himself, his writings are often sympathetic to Stoic positions, and his political writings in particular draw on Stoic themes.
[253] OLD s.v. *rapio* 11b.

like an urge or an impulse to engage in this sort of behavior. Therefore, political community is natural for the same reason as the individual's drive for self-preservation is natural. *Oikeiôsis* allows the Stoics to nullify any tensions between the individual and the community. Properly understood, then, society is characterized by harmony, cooperation, and affective association, not antagonism and conflict.

Imperial Savagery

A consistent theme in the extant portrait of the emperors is their *saevitia* and the grief that it so often causes. Since grief plays such an integral role here, it is worth dwelling on this specific emotion for a moment. Cicero reports that the early Stoic scholarch Cleanthes held that grief was an irrational distress. It could be cured, so to speak, by understanding that the object of grief was not truly good (since only virtue is good) and therefore not worthy of distress.[254] Cicero objects through a story about Socrates and the Athenian noble Alcibiades (c.450 BCE-404 BCE: when Socrates persuaded Alcibiades that his noble birth was, morally speaking, worthless, Alcibiades tearfully asked Socrates to give him a virtuous life and relieve him of his vicious one. Cicero asks whether Cleanthes would disapprove of this story. Alcibiades, after all, is distressed that he lacks virtue, the one truly good thing on the Stoic account. While Cicero's larger philosophical project argues against certain Stoic tenets, his point here raises an interesting question. Without departing from the core Stoic framework, is it rational to lament the deprivation of a good?

I suggest that we should read Tacitus as taking up this question and answering in the affirmative. To grieve the loss of a family, friend, or fellow citizen is to grieve the loss of

[254] Tusculan Disputations 3.77. See also Graver, *Stoicism & Emotion*, chapter 9 for an extended discussion of this line of thinking.

someone who is by nature *oikeion*. Human beings are, on the Stoic view, inherently social creatures, and so to be deprived of this constitutes a very real harm. Tacitus uses episodes about grief to highlight the unnatural and vicious acts of the emperors and the naturalness of human social bonds. These episodes point to an understanding of despotism that centers on its vicious affect rather than any institutional or legal arrangement.[255] They also highlight a strategy that despots can use to strengthen their grip on power – suppressing other-regarding emotions — while at the same time revealing the limits of this strategy.

Let us turn now to another episode from Tiberius's reign. We saw that after the vicious slaughter following the killing of Sextus Marius (Ann. 6.19), Tacitus noted that "Neither family nor friends were allowed to stand near [the bodies], to weep, or even to look [at them] for long. Guards were stationed, taking note of each person's grief." He presents a similar thought process a few chapters before Sextus Marius's story. Here (Ann. 6.9-10), an old friend of Tiberius's brother Drusus, Sextus Vistilius, provokes the emperor's hostility. With his customary and ironic suspended judgement, Tacitus says that Vistilius either defamed Caligula (12 CE- 41 CE) future emperor and member of the imperial family) as sexually deviant or that Tiberius thought that he had done so (*causa offensionis Vistilio fuit, seu composuerat quaedam in Gaium Caesarem ut impudicum, sive ficto habita fides*; *Ann*. 6.9). Tiberius isolated Vistilius, who attempted to commit suicide, stopped short to beg for Tiberius's forgiveness, and then, upon receiving a "callous" (*immiti*) reply, went through with the deed.

This led to a further round of treason trials, but the danger took an unusual form: Tacitus remarks that "not even women were exempt from danger. Because they were unable to be accused of attempting to seize the *res publica*, they were blamed on account of weeping. An old

[255] This complements the argument from the previous chapter, which highlighted the vicious nature of the Julio-Claudian despotism and Tacitus's non-institutional criticism of the emperors' vices.

woman, Vitia (d. 32 CE), the mother of Fufius Geminus (d. 29 CE), was murdered because she had wept at the slaying of her son (*ne feminae quidem exsortes periculi. Quia occupandae rei publicae argui non poterant, ob lacrimas incusabantur*; *necataque est anus Vitia, Fufii Gemini mater, quod filii necem flevisset*; *Ann*. 6.10)."

As in the Marius and Sabinus episodes, Tiberius tries to suppress grief – visible proof of his own savage actions – in others. Tacitus insightfully notes during Sabinus's episode that "grief, once it has burst forth, is more difficult to hold back (*maesta, ubi semel prorupere, difficilius reticentur*; *Ann*. 4.69)." Vitia's grief at the killing of her son (someone who would appropriately be *oikeion* to her) is a threat to Tiberius's power because it is a visceral and visible reminder of his unnatural savagery. The gender dynamics of the Roman world excluded women from public life, but the fact that Tiberius equates displays of grief to usurpation is striking. His power necessarily relies on domination and destroying the natural affinity humans have for others. Tiberius grasps this fact and, savagely but accurately, also understands that his power is more secure as its cruelty is less visible.

The same logic underlies the stories of Marius and Sabinus. Both stories present grief – or the possibility of grief – as a threat to imperial power. This provides further motivation for Tiberius to suppress grief – not only is it inherently dangerous, as the previous passages highlight, but something in its nature makes it harder to hold back once it has been expressed. Tacitus's portrait of Tiberius's emotions contains a sophisticated theory of why a despot has a strategic reliance and suppressing grief.

These episodes also suggest an understanding of despotism that is "informal" or extra-institutional.[256] Tiberius strengthens his power through expressions of a savage mental state and

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[256] Cf Lykins *Servile Stories and Contested Histories: Empire, Memory, and Criticism in Livy's Ab Urbe Condita* (forthcoming 2022).

the resulting mental states of his victims and subjects. Despotism, on this view, is defined more by its vicious character than by any institutional or legal arrangement.

In contrast to Tiberius, Nero's savagery is crudely straightforward. The depiction of Nero's cruelty aligns well with the theoretical insights we have seen in other passages. At the same time, Tacitus also highlights Nero's inability to employ the strategy that Tiberius grasped so well. To dispel the rumors that he had started the Great Fire,[257] Nero

> Judged as guilty and designated the most extreme torture on those hated for their crimes, whom the common people called Christians. [...] Therefore, those who confessed were arrested; next, by their evidence, a huge number were convicted, not so much because of the accusation of arson as for hatred of humankind. And they were mocked as they were dying, so that, covered with the skins of wild animals, they perished from being mangled by dogs, or they were nailed to crosses or set on fire, and when daylight faded they were burned to give light in the darkness. Nero presented his gardens for the spectacle and was providing a show as in the circus, mingling with the people in a charioteer's outfit or standing on a racing chariot. Hence, although they were hostile criminals and worthy of unusual and exemplary punishment, a sense of compassion arose [for them], as they were being destroyed not, as it seemed, for the public good, but for the savagery of one man.
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> *...subdidit reos et quaesitissimis poenis adfecit quos per flagitia invisos vulgus Christianos appellabat. [...] Igitur primum correpti qui fatebantur, deinde indicio eorum multitudo ingens haud proinde in crimine incendii quam odio humani generis convicti sunt. Et pereuntibus addita ludibria, ut ferarum tergis contecti laniatu canum interirent, aut crucibus adfixi aut flammandi, atque ubi defecisset dies in usum nocturni luminis urerentur. Hortos suos ei spectaculo Nero obtulerat et circense ludicrum edebat, habitu aurigae permixtus plebi vel curriculo insistens. Unde quamquam adversus sontis et novissima exempla meritos miseratio oriebatur, tamquam non utilitate publica sed in saevitiam unius absumerentur.* (*Ann.* 15.44)

This is a straightforward depiction of savagery's incompatibility with human fellowship. As in the scene of Tiberius's slaughter after the death of Marius, Nero resembles a conqueror in a state of war more than the leader of a community. His play-acting at being a charioteer also makes

[257] See chapter 3.

him an absurd conqueror, although no less bloodthirsty, and underscores that the entire series of punishments serves nothing but his own gratification.

If human society is a natural, mutual association for promoting the common good, and if it is rooted in the same natural desire as self-preservation, then *saevitia* is clearly unnatural. It is hostile to the sense of self-preservation, the social tendencies, and the affective urge to benefit others, all of which are bestowed by Nature. All this is fully in keeping with the picture of Stoic ethics that we have seen throughout this dissertation. As the passage indicates, if Nero did intend to punish the Christians for the public good (whatever that might look like), then his actions would be justified. Instead, Nero's warped motivation results in an act contrary to, and even destructive of, the public good.

But the passage also reinforces an insight about compassion that we saw earlier – namely, that it arises from witnessing suffering as a natural human reaction.[258] Tellingly, this occurs despite the fact that, to the Roman mind, the Christians were "hostile criminals" and deserving of extreme punishment. The depth of Nero's savagery (combined with his other chief vice, avarice[259]) leads him to make a public spectacle of the Christians' punishment. Strategically speaking, this is a critical mistake. Nero creates the very conditions that elicit compassion and in doing so, calls attention to his own criminality. Unlike Tiberius, who intentionally makes his cruelty invisible, Nero makes the results of his cruelty visible, and so the ploy to blame the Fire on the Christians backfires.

So, beyond confirming that savagery is unnatural and antithetical to the basis of human society, the passage is also a demonstration of how savagery may backfire on the despot. Like Tiberius, Nero's mental state is fundamentally savage and therefore destructive of human

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[258] Cf *Ann*. 12.26.
[259] See chapter 3.

fellowship. Tacitus means this as a criticism of both emperors, of course, but there is a contrast between how the two *used* their savagery. As we just saw, Nero's savagery points to a lack of strategy in his rule. Tacitus portrays Tiberius, however, as a cunning despot who uses savagery "well" (as Machiavelli might say), that is, in a way that strengthens his grip on power. Nero does not understand the critical point that a savage ruler must suppress nature and make natural things, like other-regarding emotion, invisible.

Yet an episode from the reign of Claudius reveals the limits of the strategy that Tiberius so cunningly employs.[260] Claudius is incapable of experiencing grief and compassion and is therefore something of a mid-point between Tiberius, who suppresses others' emotions, and Nero, who unintentionally elicits them. Tacitus's assessment of Claudius is perhaps the most damning portrait of imperial emotion. This may be surprising, given his apparent dissimilarity to Tiberius and Nero – his most obvious character trait (on the Roman view) is effeminacy, and arguably the most notable event in his reign is his wife's infidelity. But the similarity is there and emerges when we read through the lens of emotion. It is worth underscoring that this analysis demonstrates a great interpretive strength in the "Stoic emotion" lens, namely, its ability to identify a thematic similarity in Tacitus's treatment of the emperors. This suggests a cohesion in Tacitus's plan for the *Annales* that we would otherwise not see and speaks to his intellectual sophistication, above and beyond any stylistic merits.

Messalina (c. 17/20 CE-48 CE), Claudius's wife, was infamous for her extramarital affairs. For most of the extant chapters in book 11, Tacitus paints Claudius as an oblivious cuckold. Eventually, however, Claudius learns of Messalina's affairs, who is forced to commit suicide:

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[260] This is a potentially optimistic reading of Tacitus. For more on why I think we should read Tacitus this way, see the following chapter.

> When Claudius was feasting, it was announced that Messalina had perished, though whether by her own hand or by another's was not clarified. He did not ask about it, requested his cup, and finished the meal in his usual manner. Not even in the following days did he give signs of hatred or joy, anger, or sadness, or finally any emotions of a human, neither when he gazed upon the accusers rejoicing nor his children weeping.
>
> *Nuntiatumque Claudio epulanti perisse Messalinam, non distincto sua an aliena manu. Nec ille quaesivit, poposcitque poculum et solita convivio celebravit. Ne secutis quidem diebus odii gaudii, irae tristitiae, ullius denique humani adfectus signa dedit, non cum laetantis accusatores aspiceret, non cum filios maerentis*. (*Ann*. 11.38)

The suicide of his wife, even under the circumstances, seems reason enough for Claudius to experience sadness or grief. Even if this were not the case, the pain of his children should move Claudius to feel some sort of pain on their behalf. Claudius's wife and children are or should be o*ikeion* to him – in fact, they should be in the innermost concentric circle, following Hierocles' model. The fact that they are not suggests something is majorly wrong with Claudius's understanding of appropriate human relationships. As Tacitus makes clear elsewhere, witnessing others' suffering moves humans to compassion. That Claudius does not experience this at all – let alone as a result of seeing his own children suffer – is proof of his unnatural psychology and inhumanity.

This episode, then, raises a difficulty in pursuing the despot's strategy of suppressing emotion. Claudius is revealed as inhuman and savage for his conspicuous absence of emotion. The ruler who goes too far by making emotions like grief or compassion invisible in himself therefore runs the risk of revealing his rule for what it is – an unnatural and savage despotism.

Conclusion

Tacitus's analysis of emotion centers on an opposition between compassion (*misericordia*, *miseratio*, etc.) and savagery (*saevitia*). He suggests that compassion is a natural human emotion that arises from witnessing suffering in others. This is part of a larger argument

that views humans as social animals for whom (political) communities are natural. While Tacitus's episodes take place in the context of witnessing suffering, he uses them to make the larger claim that other-regarding emotions are the bonds that tie these communities together. In other words, humans are innately drawn to one another.

Such a view is fully in keeping with the Stoic system. The Stoics invoked the concept of *hormê*, or impulse, in their philosophy of mind as the motivation that generates an action. The Stoics also endorse certain emotional impulses like familial affection, arguing that the Sage would possess these emotions as a result of his wisdom. So the Stoics are not stoic in the sense of the English word: the category *hormê* includes the Sage's rational emotions. Even for non-Sages, nature structures our impulses through *oikeiôsis*, the process by which we come to have an affective attachment to "things according to nature." Included in this category are an inherent drive to benefit others and the communities that humans belong to by virtue of being rational social creatures. These ideas ground Stoic arguments about the duties we owe political communities and other persons.

Tacitus's analysis of emotions is best read in this vein, I think. This allows us to see that his presentation of emotions like compassion and grief is not primarily a rhetorician's way of creating a certain mood (though it certainly has this effect). Instead, it is first and foremost a criticism of imperial savagery. There is a similarity here with the analysis that we saw in Chapter 1. Tacitus's use of savagery and compassion is, on one level, a fairly straightforward indictment of the various bad behaviors of Tiberius, Claudius, and Nero. Yet on another level, recognizing the Stoic themes underlying these terms makes the indictment much more sophisticated and theoretically interesting – not to mention potent.

This analysis complements that from the previous chapter. Taken together, they form the two parts of what I term Tacitus's non-institutional criticism of the principate. Understanding the principate as constituted by vice and savagery is regime agnostic. Put differently, on Tacitus's view, the *principes* are despots because of their personal characteristics. Rome's legal and constitutional arrangements – which were not fundamentally different from the pre-Augustan era – are immaterial to this analysis.

Chapter 5 Trivial Incidents and Wearisome Material: A Regime Agnostic Education

In the most famous deeds, there is not always a manifestation of virtue or vice; a trivial thing like a phrase or a jest often makes a greater revelation of character than battles where thousands fall, or the greatest armaments, or sieges of cities. Plutarch, *Life of Alexander* 1.2

Implicit in Tacitus's non-institutional critique of the principate is the idea that the regime is more like an arena for displaying character than a teacher that forms it. Certainly the "restored republic" did not make Tiberius into a Brutus. Rather, the emperor cunningly manipulated the traditional institutions to cement his power, as when he took control over consular elections by encouraging certain candidates not to canvass for votes or submitting their names himself to register to stand for the consulship (*Ann.* 1.81).[261]

The view of the regime as teacher has venerable roots. Aristotle argues in both the *Ethics* and the *Politics* that virtues like justice are, in some sense, dependent on or conditioned by the regime that a person lives in. Distributive justice,[262] he notes, is akin to a geometric proportion – an equal person should receive an equal share of the thing being distributed, and an unequal person an unequal share. And yet this leads to a further question. What is the criterion for being an equal? This is contested and variously defined – democrats say that the relevant criterion is free birth, oligarchs, wealth, aristocrats, virtue (*Ethics* 1131a10-29). An oligarchy will define the just distribution of honors or political offices differently than a democracy.

[261] The exact mechanisms that Tiberius used, described in the full passage, are unclear. But what is clear is that Tiberius informally controlled the consulship and could decide who would hold it (the consulship being the chief magistracy under the Roman constitution).
[262] This is justice as a part of virtue, not justice in the "complete" sense of virtue in its entirety. See Book V chapters 1 and 2.

Moreover, in the *Politics*, he writes that "a regime is an arrangement in cities connected with the offices, establishing the manner in which they have been distributed, what the authoritative element of the regime is, and what the end of the community is in each case" (IV.1.1289a15-18).[263] The last clause is crucial – different regimes have different values and ends and so those who share in the regime (i.e., citizens) will have these values and ends because the regime teaches them to hold these.

Aristotle is certainly good company to keep with respect to this question. And yet there was another view in antiquity that held that virtue was not formed by regime type, but in fact the opposite – that regime type was an expression of a way of life that was conceptually prior to the regime. In the *Republic*, just before the famous discussion of regime types and types of souls, Socrates says to Glaucon

> [Socrates] Do you know…that it is necessary that there also be as many forms of human characters as there are forms of regimes? Or do you suppose that the regimes arise "from an oak or rocks" and not from the dispositions of the men in the cities, which, tipping the scale as it were, draw the rest along with them?
> [Glaucon] No…. I don't at all think they arise from anything other than this. (*Republic* 544d).[264]

This precisely reverses the causality in Aristotle's argument. The regime reflects the values and dispositions – which exist prior to the regime – of the citizens. Rather than a teacher of values, the regime is a reflection of these values and an arena for displaying them. But if the regime is an arena for displaying character and does not necessarily form it, then where do we get our moral education? I hinted at this in Chapter 3, and we are now in a position to develop the idea more fully. Tacitus's answer, presented in a typically oblique fashion, is that we learn from the experiences of others and that the person most suited for presenting this is the historian.

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[263] Carnes Lord trans., *Aristotle's Politics*, (Chicago: University of Chicago Press, 2013), 98.
[264] Allan Bloom, trans., *The Republic of Plato* (Boulder: Basic Books, 2016), 222.

It is no accident that Tacitus reaches this conclusion. Under the principate, it was not necessarily true that political power – the locus of decision making – lay in the regime. It therefore confounds the basic typology of ancient political theory, with its regimes of the one, the few, or the many classified as either proper or deficient. The principate *resembled* tyranny but was not the same because power did not reside in its formal structures. To the extent that citizens were "educated" under this state of affairs, it was not coming from the regime in the strict sense. This problem called for a different conceptualization than the Aristotelian one, and so Tacitus replaces the regime with the historian as the primary source of civic and ethical education.

Perhaps it is surprising, then, that many scholars have denied that Tacitus has a philosophy of history underpinning his efforts. There are three conceptually distinct but often complementary reasons for this conclusion. First are those who regard him as lacking any sort of consistent philosophy of history, often pointing to contradictory statements about divine intervention, or as having at best a stylistic and emotional consistency.[265] This position may be traced to Elizabeth Walker's 1952 M.A. thesis, where she identified pessimism as the unifying theme in Tacitus's histories.[266]

Others have argued that Tacitus wanted his histories to impart moral lessons upon his readers.[267] This view does not necessarily require Tacitus to have a philosophy of history, though. Providing moral guidance to readers calls more for persuasive skills than a coherent

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[265] Griffin, "Tacitus as a Historian," Syme, *Tacitus. Volume 1*, F. R. D Goodyear, ed., *The Annals of Tacitus, books 1-6* (Cambridge: University Press, 1972).
[266] Bessie Walker, *The Annals of Tacitus a Study in the Writing of History* (Manchester: Univ. Pr., 1968). See also Ronald Mellor's review of Ellen O'Gorman's *Irony and Misreading in the "Annals" of Tacitus.* Ronald Mellor, review of *Review of: Irony and Misreading in the "Annals" of Tacitus*, by Ellen O'Gorman, *Bryn Mawr Classical Review.*
[267] Roberts, "Tacitus' Conception of the Function of History," Turpin, "Praecipuum Munus Annalium," Ronald Mellor, *Tacitus* (New York: Routledge, 1993).

account of why events unfold in certain ways. Indeed, Wiseman sees Tacitus's writings as a rhetorical performance in assigning praise and blame, arguing that this defines ancient history as a subgenre of rhetoric, that is, as distinct from "history" in the sense of drawing conclusions about the past from a selection of evidence.[268] His influential *Clio's Cosmetics* inaugurated a shift in Roman historiography towards seeing the historians as rhetoricians and the historical genre (in the ancient world) as rhetorical literature, a position also found in McCulloch, Woodman , and Kraus and Woodman.[269]

These three positions are conceptually distinct, but they are also complementary and often found in various combinations (e.g., Wiseman combines the "moral edification" and "rhetorical performance" views). The skeptical view denies that Tacitus has a philosophy of history. Though the moral edification and rhetorical performance views do not preclude it, they also do not require that scholars examine whether Tacitus has a philosophy of history.

While this view has been dominant, some scholars like J.H.W.G. Liebeschuetz and more recently Kelley Shannon-Henderson have dissented.[270] Both authors offer a critical assessment of the omens (*prodigia*), divine interventions, and religious element of the narrative that the first group of skeptics point to as evidence for Tacitus's lack of a philosophy of history. Liebeschuetz points out that Tacitus is most often concerned with the subjective reactions that *prodigia* engender and argues that variations in these reactions do not undermine the *prodigia* themselves. Shannon-Henderson argues that Tacitus (in the *Annales*) attributes the decline of traditional

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[268] Timothy Peter Wiseman, *Clio's Cosmetics: Three Studies in Greco-Roman Literature* (Bristol: Bristol Phoenix Press, 2010).

[269] McCulloch, *Narrative Cause in the Annals of Tacitus*, A. J Woodman, *Rhetoric in Classical Historiography: Four Studies*. (Routledge, 2014), Christina Shuttleworth Kraus and A. J. Woodman, *Latin Historians* (Oxford: Oxford Univ. Press, 1997).

[270] Liebeschuetz, *Continuity and Change in Roman Religion*; Shannon-Henderson, *Religion and Memory*.

Roman religious practices to the principate and that the gods punish the Romans in accordance with their religious negligence.

For my part, I agree with Liebeschuetz and Shannon-Henderson. Liebescheutz is correct that the inconsistent conclusions various characters draw from omens seems more a point about the difficulty in interpreting omens than skepticism of Roman religion as such, and Shannon-Henderson convincingly shows that the neglect for traditional cultic worship tracks with Tacitus's account of political strife.[271]

Complementing these arguments for consistency, I focus on Tacitus's repeated apologies for writing about "trivial incidents" (*parva*; *levia*) in his histories. I argue that these apologies are ironic and point us towards a coherent philosophy of history. While previous scholars have read these comments as generic and stylistic requirements,[272] I show that they are instead consistent with Stoic themes, specifically, the nexus that binds (trivial) causes and (important) effects together. These trivial incidents, Tacitus claims, are particularly useful for teaching virtue and discouraging vice. The person most suited for gathering these trivial incidents together is the historian, whose role is therefore inherently political. In arguing that even trivial incidents involve the exercise of free will (and may therefore be virtuous or vicious), Tacitus highlights the contingency that runs throughout history. Important events like the continued rule or accession of certain emperors could easily have transpired otherwise had its central figures chosen to act differently. In typical fashion, Tacitus avoids saying all of this directly, instead leaving it to the reader to make these connections, which I draw out and reconstruct here. This Stoic philosophy

[271] I would simply add to these arguments that if we think Tacitus employs Stoic themes in his narrative, the presence of both supernatural causation and varying human reactions to divine intervention (i.e., the exercise of choice) is easily consonant with the Stoic doctrine of compatibilism (and see chapter 1 of this work as well).
[272] Kraus and Woodman, *Latin Historians*, 109.

of history actually makes Tacitus a cautious optimist, as it leads him to reject the view that we are trapped in an inevitable cycle of historical decay.

Trivial History

At multiple places in the *Annales*, Tacitus offers the same apology to his reader: his material is wearisome,[273] trivial, and repetitive. In *Annales* 4.32, for example, he writes

> I am not unaware that many of the things that I have reported and that I will report seem trivial and inconsequential to relate, but no one should compare my annals with the writings of those who have composed the early histories of the Roman people… My labor is inglorious and limited – peace unmoved or only weakly broken, grim affairs in Rome, and a princeps careless about extending the empire. Nevertheless, it will not be without use to look into these things, trivial at first glance, out of which the movements of great events often arise.
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> *Pleraque eorum quae rettuli quaeque referam parva forsitan et levia memoratu videri non nescius sum: sed nemo annalis nostros cum scriptura eorum contenderit qui veteres populi Romani res composuere. […] nobis in arto et inglorius labor; immota quippe aut modice lacessita pax, maestae urbis res et princeps proferendi imperi incuriosus erat. Non tamen sine usu fuerit introspicere illa primo aspectu levia ex quis magnarum saepe rerum motus oriuntur.*

This is a puzzling passage. On the one hand, understanding "trivial" (*levia*) events is useful. And yet Tacitus seems to expect that his reader will not care for a history of trivial events – it is not the traditional and exciting sort of history – and that they need convincing of the more basic point that such a history will be useful. Why say this?

One possible answer is that stylistic and generic conventions motivate Tacitus to make this apology. Christina Kraus and Tony Woodman, for example, see this passage as performing two conventional functions: first, helping to separate between years, in keeping with the practice

[273] Tacitus uses the word *taedium* to convey this (e.g., *Ann*. 6.7 and 16.16). The word connotes both boredom in the familiar sense, ennui – boredom in a larger, existential sense – and also a sense of aversion or loathing towards something. See the OLD s.v. *taedium* and Peter Toohey, "Some Ancient Notions of Boredom." *Illinois Classical Studies* 13, no. 1 (1988): 151–64. I have generally rendered *taedium* as "weariness," since it seems to capture this range of meaning.

of writing annalistic history, and second, an acknowledgement to his readers that Tacitus is aware of their "desire for variety."[274] On this view, the historian discusses conventional topics in such a way that the reader is entertained, as with foreign affairs, which "conventionally offered the change to an exotic locality and the chance of enthralling adventures."[275] Yet Tacitus only reaffirms his belief that his material will be wearisome:

> But as this brings profit, so they offer little in the way of entertainment. For the places of peoples, the variety of battles, the deaths of famous leaders – these take hold of and refresh the minds of readers. But I present savage orders, never-ending accusations, false friendships, the ruin of innocent people – the causes of death always the same.
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> *Ceterum ut profutura, ita minimum oblectationis adferunt. Nam situs gentium, varietates proeliorum, clari ducum exitus retinent ac redintegrant legentium animum: nos saeva iussa, continuas accusationes, fallaces amicitias, perniciem innocentium et easdem exitii causas coniungimus.* (*Ann*. 4.33)

Here Tacitus clearly distinguishes useful history from entertaining history, even suggesting that the two modes are in tension with each other.

But Tacitus makes so many apologies for this material, like the one at *Ann*. 4.33, that the reader is led to suspect that there is something more behind them. He confesses at *Ann*. 6.7 that

> I am not unaware that the dangers and punishments of others have been omitted by many writers, growing tired with so many examples, or were themselves fearful lest they distress their readers with the same weariness they dreaded: [but] many things worthy of knowing have come to my attention, although not proclaimed by others.
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> *neque sum ignarus a plerisque scriptoribus omissa multorum pericula et poenas, dum copia fatiscunt aut quae ipsis nimia et maesta fuerant ne pari taedio lecturos adficerent verentur: nobis pleraque digna cognitu obvenere, quamquam ab aliis incelebrata.*

Similarly, at *Ann*. 16.16, he writes

[274] Kraus and Woodman, *Latin Historians*, 93-4; 109-10.
[275] Kraus and Woodman, *Latin Historians*, 110.

> Even if I were recording foreign wars and deaths met on behalf of the *res publica* that were so similar in their outcomes,[276] the abundance of such material would have overcome me, and I would look out for weariness in my readers, despising the deaths of citizens, however honorable, as nevertheless sorrowful and unending.
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> *Etiam si bella externa et obitas pro re publica mortis tanta casuum similitudine memorarem, meque ipsum satias cepisset aliorumque taedium expectarem, quamvis honestos civium exitus, tristis tamen et continuos aspernantium.*

These are similarly apologetic as the statement at 4.33. Yet this last statement makes an even stronger point – that *all* historical material, including traditional topics, may induce weariness, especially in large quantities. It cannot be avoided, and so there is no such thing as "entertaining" history. Since Tacitus repeats (even develops) this idea throughout the *Annales*, we should read these statements as pertaining to the work as a whole, and not as comments that are limited to specific episodes, as Woodman reads the digression at 4.33.[277]

These apologies for the so-called trivial and wearisome material are ironic and function instead as moments where Tacitus calls attention to his historical method. As he writes in the opening of the *Histories*, it is necessary to examine the background (*repetendum*) to the year in question, "so that not only the events, which are commonly products of chance, may be known, but also their reasons and causes (*ut non modo casus eventusque rerum, qui plerumque fortuiti sunt, sed ratio etiam causaeque noscantur*; *Hist*. 1.4)." Even outcomes that were not intended or expected have a rational and intelligible causal relationship with prior events.

Tacitus uses this framework to introduce the origins of using treason law and fraudulent accusations to cement imperial power. At *Ann*. 1.72, Tacitus remarks that Tiberius, despite his

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[276] This remark comes after an episode where an exiled poet informs on two men to re-establish himself in Nero's good graces. Tacitus makes this statement after recounting the "servile" death of one of these men, the gifted soldier Ostorius Scapula, going on to criticize his ignoble death. Without going too far afield from this chapter's larger focus on the philosophy of history, I would suggest that Tacitus is critical of Scapula for the same reason that he praises Cremutius Cordus: openly defiant resistance to the emperor is warranted in certain circumstances, including Scapula's. Scapula fails to recognize this and so his death is blameworthy.

[277] Woodman, *The Annals of Tacitus. Book 4*, 180-1.

attempts to appear modest by refusing titles like "father of the fatherland" (*patris patriae*), nevertheless "he did not thereby create any belief in his public-spiritedness, for he had revived the treason law (*non tamen ideo faciebat fidem civilis animi; nam legem maiestatis reduxerat*). While it resembled the previous law, Tiberius claimed merely to follow Augustus's precedent, who had used the law to banish a personal enemy, the orator Cassius Severus (d. 32 CE). Quickly, an accuser came forth to charge two equestrians with disrespecting the cult of the deified Augustus, prompting Tacitus to remark that

> It will hardly be annoying to recount these first test charges brought against Falanius and Rubrius, Roman knights of modest means, so that it might be known by what origins and how by Tiberius's skill this most grievous ruin crept into practice, then was repressed, and finally blazed forth and seized everything
>
> *Haud pigebit referre in Falanio et Rubrio, modicis equitibus Romanis, praetemptata crimina, ut quibus initiis, quanta Tiberii arte gravissimum exitium inrepserit, dein repressum sit, postremo arserit cunctaque corripuerit, noscatur*; *Ann.* 1.73

The remark about the origins of the treason trials uses the exact method that we would expect Tacitus, based on the preceding analysis, to use. There is a special focus drawn to an initial and seemingly unimportant event, which is causally connected to later – and more important – outcomes.

Tacitus echoes this at *Ann.* 2.27, where the first instance of a larger accusation – a coup against Tiberius – takes place. Libo Drusus (d. 16 CE), a member of the prominent Scribonian family, is encouraged by Firmius Catus, an older senator and close friend, to seek out astrological advice. The suggestion is that Drusus's familial connections to Pompey (106 BCE-48 BCE) and Augustus make him a potential candidate for taking Tiberius's place as *princeps*. Tacitus remarks that "I will carefully explain the beginning of this affair, its unfolding, and its

end, because that was the first time these things were discovered,[278] which for so many years has consumed the *res publica* (*eius negotii initium, ordinem, finem curatius disseram, quia tum primum reperta sunt quae per tot annos rem publicam exedere*). As elsewhere, there is an emphasis on the origin of a practice because of its ability to shed light on later, more important outcomes.

This historical method has a rather Stoic flavor to it. The role of Stoicism in Tacitus's writings is, as we have seen throughout this work, contested, and often even denied. This includes his historical methodology and philosophy of history. Ronald Mellor and William Turpin come the closest to recognizing the Stoic foundations to Tacitus's histories. Mellor writes that "as a moral historian, Tacitus demands that individual responsibility and free will remain a central element in his narrative."[279] Turpin wants "to point out six aspects of *exempla* that were important both to the Stoics and to Tacitus."[280] I do not disagree with either author, but I do want to emphasize that the moral education that the *exempla* offer is set within a philosophy of history that is grounded in Stoic themes. Tacitus encourages his readers to follow the example of certain outstanding men *because* historical events unfold in a certain rational manner. This "because" clause (not found in Mellor's or Turpin's argument) is thoroughly Stoic and recalls the digression of 6.22 where Tacitus endorses Stoic compatibilism, the position that embraces free will and orderly, regular relationships between causes and effects. As we saw in Chapter 2, the Stoic notion of compatibilism combines free will with causal determinism.[281] Events are connected to each other in an orderly, causal manner. The Stoic nexus of causality, in other

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[278] I.e., that accusations of treason could be used to suppress potential rivals.
[279] Mellor, *Tacitus*, 31.
[280] Turpin, "Praecipuum Munus Annalium," 365.
[281] As we also saw in Chapter 2, Tacitus rejects astrology and criticizes Tiberius for his belief in it. Libo Drusus similarly falls prey to such thinking.

words, collapses the distinction between "trivial" and "important" events.[282] The trivial events are the seeds of the important outcomes, and so they are just as worthy of historical attention – possibly even more so, given their explanatory power.

Writing about Plutarch's *Cato*, Simon Swain observes that "the combination of high principle and obsession with minutiae, so characteristically Stoic, emerges fully in the narrative of Cato's quaestorship."[283] This idea raises an intriguing possibility for interpreting Tacitus. If it is characteristically Stoic to obsess over minutiae (or trivialities), then Tacitus's repeated description of his history as "trivial" is one way to communicate its Stoic nature. Beyond citing Brunt's discussion of the Stoic Marcus Aurelius's fastidiousness as emperor, Swain does not dwell on the point or explain why attention to detail is specifically Stoic. The answer may be, as my analysis suggests, that such an approach is rooted in Stoic compatibilism.

There is, moreover, an anti-Epicurean aspect to this philosophy of history. The apologies to his readers, which characterize Tacitus's writing as educative and *not* entertaining, are a clear if subtle allusion to Lucretius's famous remark in *De Rerum Natura* (1.921-50) that Epicurean teachings require "the sweet honey of the Muse" (i.e., the entertainment of poetry; *musaeo dulci…melle*). In pointedly contrasting his historical narrative in its entirety to any form of entertainment (or pleasure – the Epicurean watchword), Tacitus again invokes the intellectual opposition between Stoics and Epicureans and again associates his writing with the Stoics.[284] Tacitus is not actually sorry that his material might seem trivial or wearisome. In fact, on this view, he is perfectly happy to present trivial, wearisome events because this distinguishes his

[282] Cf Epictetus, *Discourses and Selected Writings*, 67: [Arrian] "So in your view great tragedies are merely the result of this – somebody's 'impression'?" [Epictetus] "The result of that and that alone. [12] You take the *Iliad*: it's nothing but people's impressions and how they dealt with them… [13] Now, if an impression had come to Menelaus that perhaps he was better off losing such a wife – well, that would have meant the loss to us not just of the *Iliad* but the *Odyssey* as well." [Arrian] [14] "So you're saying that matters so great owe their origin to something so trivial?"
[283] Simon Swain, "Plutarch's Lives of Cicero, Cato, and Brutus," *Hermes* 118, no. 2 (1990), 198.
[284] As we have seen, Tacitus does this elsewhere, e.g., *Ann*. 6.22.

writings from those of a rival school of thought. And by casting important events as causally connected through a sequence of prior events, Tacitus pushes back against the Epicurean "swerve" and arguments for the inherent randomness of the universe. (This, to be clear, is not meant to deny that "chance" events can happen – something Tacitus emphasizes throughout his works – but rather that even these sorts of events are part of larger sequences of causation.)

Marcia Colish offers an extensive discussion of what a Stoic conception of history would look like in her *Stoic Tradition from Antiquity to the Early Middle Ages*. This framework is partly accurate and partly inaccurate in its attempt to capture core Stoic concerns. Colish uses her "hypothetical extrapolation from Stoic doctrines…to provide a yardstick against which the work of the Roman historians can be measured" to argue that Tacitus was not using Stoic themes.[285] Perhaps ironically, however, I think that her framework is actually quite helpful for understanding the Stoicism in Tacitus – both in where it gets things right and where it goes astray.

By my count, Colish identifies four primary criteria, plus some important secondary criteria or implications, that a historian imbued with Stoicism would employ.[286] These are: (1) a metahistorical outlook reflecting a physics of flux and the manifestation of the divine *logos* in the world, governing historical processes in cyclical patterns, and (2) a conception of time as incorporeal, such that individual events lose their uniqueness; a (3) a deep concern for how anthropology, psychology, and ethics impact history, leading to (3.1) psychological explorations of virtue and vice, (3.2) an embrace of free will as a necessary part of moral choice, and (3.3) attempts to reconcile free will and divine causation; and (4) a didactic understanding of the historian's role.

[285] Colish, *Stoic Tradition*, 290-1.
[286] Colish, *Stoic Tradition*, 291-2.

Let us set aside the first two criteria for the moment. As I have argued throughout, Tacitus is primarily concerned with individual psychology, its relationship to freely made moral decisions, and the way that this manifests in political history. We see this in his account of the virtues and vices and in the affective impulses that motivate action. These explorations are grounded in a compatibilist outlook, where human free will, determinism, and divine causation complement one another, and they suffuse his histories in their entirety. And, as we will see, Tacitus does this for a self-avowedly didactic purpose. Colish does not regard Tacitus as a Stoic influenced historian in large part because she does not identify his own voice in critical passages like *Ann.* 6.22. Thus, she claims that Tacitus is inconsistent in "his attitudes toward the gods, fate, and causation in history."[287] But we have seen that Tacitus is in fact consistent if proper care is taken in identifying his own voice. Moreover, the consistent message fits seamlessly into criteria 3 and 4. A concern for psychology and virtue combined with a didactic emphasis nicely captures Tacitus's histories.

Criteria 1 and 2, however, are questionable. First, criterion 1 is too imprecise. The notion of flux is critical to Heraclitus(c.535 BCE-c.475 BCE), for example, so a historian who emphasized the theme of flux cannot necessarily be said to have written a Stoic history. Secondly, the idea that cosmological history is marked by a cycle, wherein the universe is born out of and eventually consumed in a great conflagration (*ekpyrosis*), was not an essential Stoic idea. Panaetius, Boethus (2nd Cent. BCE), and Diogenes of Babylon did not hold this view.[288] And the most famous ancient historian to posit historical cycles, Polybius, was not a Stoic.[289] Incidentally, Tacitus does mention cycles or seasons of behavior at *Ann.* 3.55 (plus possible

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[287] Colish, *Stoic Tradition*, 309.
[288] Rist, *Stoic Philosophy*, 175 and fn4.
[289] And cf. Aristotle *Physics* 223b for another non-Stoic example of cyclical time thinking.

allusions to this at *Dial*. 12 and 41), though this is not necessarily the same as cycles of history.[290] Finally, I am skeptical of this point because it is so difficult to reconcile with criterion 3, the Stoic emphasis on free will, that is clearly essential to Stoic thought. For this reason, criterion 2 (or its implication, at least, that individual events are not unique) is also a potentially uneasy fit with criteria 3 and 4. I say "potentially" because there are two ways to understand Colish on this criterion. She writes that "[time as an incorporeal], coupled with the cyclical pattern of destruction and recreation, would tend to deprive individual historical events of their uniqueness." If she means that events may resemble one another, then criterion 2 falls into the same problem as criterion 1 – namely, that it is not specific enough to capture only a Stoic notion of history. She might also mean this statement in a more normative sense, i.e., individual events are unimportant or trivial. But as we have seen, the Stoics did indeed care for "minutiae" and trivialities, and so criterion 2 taken in this sense would be faulty as well.

In short, the reasons why criteria 3 and 4 are apt *and* the reasons why criteria 1 and 2 are less apt further support the conclusion that Tacitus's philosophy of history is best understood in a Stoic light. While criteria 3 and 4 are not *sufficient* to show this, their combination with the other evidence presented in the preceding chapters support reading Tacitus as drawing on Stoic themes.

The Didactic Purpose of Trivial History

There is a larger purpose to this focus on trivial events. Since these events are not actually trivial (*parva*, *levia*) but are bound up in a chain of causes to important (*magna*) events,

[290] As I will argue in Chapter 5.

they are well suited for morally didactic purposes. Just before the passage at *Ann.* 4.33 that we saw in the previous section, Tacitus writes that

> It will be advantageous to investigate and look back on these trivial things, because few have the wisdom to distinguish the better from the worse, the useful from the harmful, [and] most people learn from the experiences of others.
>
> *haec conquiri tradique in rem fuerit, quia pauci prudentia honesta ab deterioribus, utilia ab noxiis discernunt, plures aliorum eventis docentur.*

Since most people learn from others, the purpose of gathering together trivial events is to teach them. This is not only a didactic but a *morally* didactic notion of history. It is also an argument for the historian, not the regime, as the source of citizen education.

Tacitus develops this idea elsewhere too.[291] At *Ann.* 3.65, after recounting activities in the Senate, he writes

> I have hardly intended to pursue every motion except those noteworthy through their integrity or notorious for their shamefulness, because I judge this the paramount duty of history – that virtues not pass by unremarked and that there be a fear for disgrace and posterity that attaches to depraved words and deeds.
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> *Exequi sententias haud institui nisi insignis per honestum aut notabili dedecore, quod praecipuum munus annalium reor ne virtutes sileantur utque pravis dictis factisque ex posteritate et infamia metus sit.*

This history is explicitly directed toward moral ends. Trivial events are the seeds, so to speak, out of which important events grow. These important events demand that actors caught up in them make choices – like resisting despotism, speaking the truth when accused of treason, or working to moderate the worst actions of the regime. But because trivial events are part of the causal nexus leading to the important outcome, our reactions to them carry the same moral weight and responsibility as any subsequent important decision. This raises the stakes of

[291] We have already seen the remark at *Ann.* 4.32 that "it will not be without use to look into these things, trivial at first glance, out of which the movements of great events often arise" (*Non tamen sine usu fuerit introspicere illa primo aspectu levia ex quis magnarum saepe rerum motus oriuntur*).

cultivating a consistently correct moral orientation and makes the vantage point of 4.33 and the other digressions intelligible. Because trivial decisions are connected to significant ones, we are able to learn from the trivial decisions when they are presented to us by a competent historian – they allow the many who are not wise "to distinguish the upright from the worse, the useful from the harmful." If this were not the case, then history as an enterprise would be senseless, since the causal relationship between events would not exist, and no moral lessons could be drawn from studying history.

At the same time, the focus on trivial things is not equivalent to a focus on *all* things – which would be more properly termed a lack of focus than anything else. The historian still needs to examine the mass of evidence and use his judgement to determine which pieces of evidence are best suited to history's paramount duty of praising virtue and condemning vice. Tacitus echoes this in the passage at 6.7. In addition to its emphasis on the trivial and wearisome nature of the events in his history (as we saw), the final clause emphasizes the moral point of such a work. Tacitus writes that he has found "many things worthy of knowing" that other historians have not discussed. The word for "worthy," *digna*, carries a strong moral connotation.[292] Immediately following this digression is the story of an *equite*, Marcus Terentius, who was accused of treason. His defense speech proves so effective that his accusers themselves were banished: "The courage of the speech, and the fact that someone had been found who would express the things that everyone was thinking,[293] was effective to such a degree that his accusers were punished either with exile or death (*constantia orationis et quia repertus efferent quae omnes animo agitabant eo usque potuere ut accusatires eius…exilio aut morte multarentur*;

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[292] OLD s.v. *dignus* 2; cf. Lucr. 5.1-3.
[293] Rather than deny the charge that he was friends with Sejanus, Terentius acknowledges the friendship and notes that his accusers courted Sejanus's friendship as well, hoping to gain favors from him.

Ann. 6.9)." The story is clearly *digna*, worthy of remembrance for Terentius's courage and a lesson to the reader to emulate such courage.

The most significant episode, however, that captures the moral and didactic aim of Tacitus's philosophy of history is in the first appearance of Thrasea Paetus. We saw in Chapter 3, where the focus was on virtue, that Thrasea was a notable example of courage. Now we are in a position to see how his appearance in the otherwise banal senatorial session also demonstrates Tacitus's philosophy of history and obliquely communicates his own role as this sort of historian.

Tacitus describes the matter for debate in this episode – whether to allot more gladiatorial shows to the Syracusans than usual – as unimportant. It is a "thoroughly ordinary decree" (*vulgarissimum senatus consultum*; *Ann*. 13.49) that Tacitus says he would not mention were it not for Thrasea's speaking out against this. As we know from *Ann*. 3.65 and 6.7, this must mean that there is a moral bent to this episode. And indeed, Thrasea's critics (and friends) ask why he attended to such a trivial matter (*cur…tam levia consectaretur*) when he should have concerned himself with more important things like war, taxation, and legislation. Thrasea's response (presented through indirect speech) is that

> He did not amend the decree for this end out of ignorance of the present state of affairs, but to give honor to the senators, because he made clear that those who turned their mind to even the lightest matters would not be disguising their care for important matters.
>
> *non praesentium ignarum respondebat eius modi consulta corrigere, sed patrum honori dare, ut manifestum fieret magnarum rerum curam non dissimulaturos qui animum etiam levissimis adverterent*.

This statement perfectly encapsulates the Stoic position on trivial (here *levis*) matters and their similarity to important matters (*magnarum rerum*). Thrasea indicates that the two are inextricably bound to each other. By caring for such trivial things as the number of gladiatorial

shows in Syracuse, he is taking part in governing the *res publica* just as if he were dealing with issues of war, taxation, and legislation – obviously political matters that involve significant moral questions about justice and certainly *magnarum rerum* in a traditional sense.

As we know from Chapter 3, and as the reader discovers in the later books of the *Annales*, Thrasea's most notable trait is his courage. Eventually his defiance toward Nero leads to his forced suicide. It is clear from Tacitus's historical methodology that we are meant to see a direct connection between the more important (and traditionally suited for historical writing) issue of Thrasea's political opposition to Nero and his concern for something as seemingly insignificant as the gladiatorial shows. Trivial matters are not only bound up to important outcomes through a sequence of causation – they are also *morally* comparable. A historical method that attends to these matters, then, is morally didactic as well, since the competent historian can present these for the education of the reader.

But the passage does more than merely restate the teachings from earlier in the *Annales* – it deepens the analysis. The claim that "those who turned their mind to even the lightest matters would not be disguising their care for important matters" does not just describe Thrasea – it describes *Tacitus himself*. This is *exactly* what he has been doing throughout the entire *Annales*.[294] In recognizing this, the reader retroactively reinterprets the meaning of the earlier statements on trivial affairs. Tacitus's apologies are ironic because he actually intends for his treatment of this subject material to demonstrate his care for the more important and traditional topics of history. In particular, the episodes marked by these apologies (*Ann.* 1.72 and 2.27) are moments where imperial power was strengthened through vicious and deceptive means. The use of these false accusations perfectly captures the nature of the principate: the façade of traditional

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[294] And perhaps throughout his entire corpus.

legal authority covering a new, despotic mode of wielding power that operated through threats and intimidation.

It is not merely that Tacitus is proposing a philosophy of history in some detached sense – it is that he is *actively engaged* in a historical project along these lines. And in grasping this, the reader also recognizes that Thrasea is a sort of stand-in for Tacitus. The education that Thrasea gives by attending to trivial matters, his political opposition to Nero, and even his Stoicism, I suggest, find a direct parallel in Tacitus himself. As we saw in Chapter 1, using one person (or set of persons) to comment on a different person with similar characteristics is a strategy specifically recommended by Demetrius in *On Style* (292-5) as a way to communicate safely. Tacitus is especially cautious in how he does this since he notes at *Ann.* 4.33 that this strategy must not be too obvious. Accordingly, we should see a parallel between Thrasea and his resistance to imperial rule and Tacitus's exposing of the trivial roots of despotic imperial power. So this episode also affirms the *republican* nature of Tacitus's philosophy of history.

We can see a further republican dimension to this philosophy of history elsewhere in the narrative sequence of events. In these episodes, Tacitus reveals the tenuousness of imperial power by showing the trivial events that it depended on. In the beginning of Tiberius's reign, a slave pretending to be his master Agrippa Postumus (12 BCE-14 CE; Augustus's exiled grandson, whom Tiberius had executed) nearly overthrew the *princeps*. As Tacitus puts it, "the recklessness of a single slave, had help not promptly arrived, would have overturned the *res publica* through discord and civil war" (*mancipii unius audacia, ni mature subventum foret, discordiis armisque civilibus rem publicam perculisset*; *Ann.* 2.39). The slave, whose real name Tacitus reports as Clemens, happened to bear a striking resemblance to Agrippa, and also happened to be an effective manipulator of rumors. This led to the story of Agrippa's miraculous

reappearance spreading throughout Italy, including a huge crowd that welcomed Clemens at Ostia. Tiberius waffles on his course of action, but eventually his secretary Sallustius Crispus (grandnephew of the historian of the same name) sends two spies to capture the pretend Agrippa. The subterfuge is successful, and Clemens is eventually brought before the emperor, who "being questioned by Tiberius as to how he had become Agrippa, is said to have responded 'in the same way that you became Caesar'" (*percontanti Tiberio quo modo Agrippa factus esset respondisse fertur 'quo modo tu Caesar'*; *Ann.* 2.40). This is a forceful answer from a slave turned near-emperor. Clemens is in effect stating that Tiberius's power is fraudulent. The fact that a single slave who happens to look like Agrippa – an insignificant and trivial fact, in and of itself – is able to pose a serious threat to Tiberius's rule highlights just how tenuous Tiberius's hold on power is.

Tacitus's story of Claudius's death and Nero's accession also turns on insignificant happenstance. At a banquet one night, Claudius drunkenly remarked that his fate was to suffer and punish his wives' infidelity (*Ann*. 12.64). His wife Agrippina overheard this and was frightened by it. She quickly schemed to poison Claudius and install her son Nero as emperor. The first dose of poison was ineffective "either because of Claudius's idleness or his drunkenness; and at the same time a bowel movement appeared to have aided him as well" (*socordiane an Claudii vinolentia; simul soluta alvus subvenisse videbatur*; Ann. 12.67). Ultimately, though, Agrippina does manage to kill Claudius. During the uncertainty of conducting funeral rites and gathering the Senate, she physically restrained Brittanicus (41 CE-55 CE; Claudius's son by his third wife Messalina, and therefore a claimant to the throne) by pretending to be overcome with grief. Nero then proceeded to the cohort of Praetorian guards who were on duty, whose commander prompted them to proclaim Nero emperor. Yet, Tacitus

remarks, "it is said that some of them had wavered, looking around and asking where Britannicus was. Soon, because no man proposed otherwise, the soldiers went along with that which was offered" (*dubitavisse quosdam ferunt, respectantis rogitantisque ubi Britannicus esset: mox nullo in diversum auctore quae offerebantur secuti sunt*; *Ann.* 12.69).[295] That the accession of Nero – whose incompetence leads to the fall of the Julio-Claudians – depended on the strength of Claudius's stomach and the unenthusiastic decision of a group of wavering soldiers is at once deeply funny and also a further display of the tenuousness of a *princeps*'s hold on power.

In both examples, the rule and future rule of the emperors are jeopardized by trivial and seemingly insignificant events – effectively, happenstance. The outcomes are perfectly explainable by a historian with the benefit of hindsight even though they were unexpected or in doubt in the moment. Claudius happening to make his drunken remark, Agrippina happening to hear him, and Britannicus's absence could easily have transpired otherwise. It is noteworthy as well that Tacitus points to character or psychology as the reasons for why these events unfolded the way that they did. The slave's *audacia*, Tiberius's indecision (*Tiberium anceps cura distrahere*), Agrippina's conspicuous terror (*in praecipuo pavore*), and the soldiers' reported wavering (*dubitavisse*) are all mental states that are (on the Stoic view, at least) within the agents' control. Tacitus's history does not unfold through a rote, mechanical process that turns humans into automata. In other words, outcomes depend on the character and choices of those involved. It is easy to imagine alternative outcomes if only certain choices were different or chance events transpired differently.

The republican valence to portraying imperial history in this manner lies in its challenge to the ideology of imperial rule as a divinely sanctioned "end of history." As Paul Zanker has

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[295] Perhaps an echo of Livy *Ab Urbe Condita* 5.55.

shown, a major theme in Augustan propaganda was that of the golden age (*saeculum aureum*), a new era inaugurated by Augustus as the culmination and representation of a divine world order.[296] As Zanker writes,

> The fusion of myth and history was realized in the creation of a timeless present. A concept of the future, in the sense of a further development, did not exist in this system. The *saeculum aureum* had dawned, and it was only a question of maintaining and repeating it. After a period of rapid and drastic change, Rome had arrived at a state of equilibrium, a timeless and mythically defined present. Internal harmony and external strength, fertility and prosperity, would all continue unabated, at least so long as the Julii ruled and both princeps and people made sure to worship the gods as was proper and live according to the ways of their forefathers.[297]

On this view, not only Augustus himself but the rule of his successors was cast as divinely sanctioned and foretold. History, in the sense of events whose significance cannot be determined as they are unfolding, was over. In its place was a golden age where events would conduce to the harmonious maintenance of Julio-Claudian rule.

Tacitus, however, reveals tenuousness, contingency, and doubt running throughout the Julio-Claudian dynasty. The rule of Tiberius, Claudius, and Nero only continued due to the way that trivial events transpired – events that easily could have gone otherwise. Even the act of writing history – independent of its content – cuts against the imperial claim of the *saeculum aureum.* Tacitus's historical methodology is premised on the idea that the historian needs to sift through the mass of events and determine which ones are worth reporting for their moral character. The historian may discover events worth knowing that have gone unrecorded by others.

Tacitus writes that he will "present savage orders, never-ending accusations, false friendships, the ruin of innocent people – the causes of death always the same." There is no

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[296] See also Alain Gowing *Empire and Memory: The Representation of the Roman Republic in Imperial Culture* (2005: 154) (though I disagree with Gowing that Livy's history supports the claim of Augustus-as-culmination).
[297] Zanker, *Power of Images*, 215.

equilibrium here – Julio-Claudian rule is challenged and marked by internal strife. At the same time that a history of insignificant events undercuts the divine sanctioning of imperial rule, it also raises the possibility of resistance and defiance. Far from the smooth harmony of the *saeculum aureum*, Tiberius, for example, is challenged by a slave (who, it hardly needs saying, occupies the lowest possible social position in Roman society), nearly overthrown by him, and ultimately insulted and stripped of any pretensions of divinity.

Optimism and The Historian's Curative Role

Recognizing the irony in Tacitus's apologies allows us to see that these moments are in fact statements of his historical philosophy and methodology, where the ultimate goal is to impart moral lessons on readers. Understood this way, I suggest that we can read Tacitus in a new light. Where previously the dominant interpretation of him has been as a pessimist,[298] his philosophy of history actually reveals him as an optimist (though a cautious one, to be sure).

The logic behind this interpretation runs as follows. Tacitus draws on the Stoics to emphasize free will and its moral importance. Unless it were possible for someone to learn from Tacitus's writings, the effort to teach his readers would be in vain. And if it is possible to learn, then it is possible that our actions can change for the better. This would mean that we are *not* trapped in an inevitable cycle of decay and destruction. Tacitus does not explicitly mention Polybius or his theory of *anakuklosis*, but his didacticism combined with the Stoic-influenced emphasis on free will offers a potent counter to the Polybian theory of history.

Although it goes against the conventional wisdom, the optimistic interpretation actually makes much more sense. Tacitus's optimism is hiding in plain sight if we care to look for it and

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[298] Walker, *The Annals of Tacitus a Study in the Writing of History*, Syme, *Tacitus. Volume 1*, Griffin, "Tacitus as a Historian."

can be seen in a number of passages, including some very prominent ones, spanning the *Agricola* (Tacitus's first published work) through the *Annales* (thought to be his last). Two themes in addition to his philosophy of history support this reading: a rejection of simplistic praise for the past and the rather common use of medical analogies.

The proem to the *Agricola* points toward the future rather than the past and is both a justification for the work at hand as well as the act of writing itself. In the reign of the previous emperor Domitian, "we saw the extreme of submission, having been deprived of even the fellowship of speaking and listening by the informers (*[vidimus ultimum esset] nos quid in servitute, adempto per inquisitiones etiam loquendi audiendique commercio*; *Agr*. 2)." However, with Domitian's death, "now at last courage is coming back (*nunc demum redit animus*; 3)," a fact that offers Tacitus the opportunity to speak: "there will be no regret to having written about – even in a clumsy and unrefined voice – the memory of our prior servitude and the proof of our present blessings" (*non tamen pigebit vel incondita ac rudi voce memoriam prioris servitutis ac testimonium praesentium bonorum composuisse*; 3). In other words, despite the difficulties he outlines, Tacitus thinks that it is possible for the Romans' political and social fortunes to improve and implies that he himself will play a part in this improvement through his writing.[299]

In the *Dialogus de oratoribus*, the pairs of back-and-forth speeches end with the main speaker Maternus urging his listeners to avoid lionizing the past for its own sake. We will return to the *Dialogus* in the next chapter, but for now we can simply note that one of the work's themes is the question of decline and whether the past was better than the present. The characters Aper and Messalla argue for the superiority of the present and past, respectively, but the

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[299] It is beyond the scope of this chapter, but there is an open question as to whether this amounts to endorsing Trajan, the current emperor under whose rule Tacitus was writing. I suspect that Tacitus is far from a partisan for Trajan, despite the fact that Domitian's death likely did allow for relatively freer speech.

speeches end without a clear winner, with Maternus saying "let everyone enjoy the fortune of his own age without disparaging other times" (*bono saeculi sui quisque citra obtrectationem alterius utatur*; *Dial*. 41). The mere fact that Maternus avoids an uncritical admiration for the past is noteworthy enough, given the rhetorical commonplace of decline narratives,[300] but there is also the implication that the present has its own value and worth.

This sentiment appears in the *Annales* as well. Looking back on the life of the German general Arminius (18/17 BCE- 21 CE), who in 9 CE inflicted a major defeat on the Roman general Varus (46 BCE-9 CE) at the Teutoberg forest, Tacitus concludes that "he is unknown in the histories of the Greeks, who admire only their own deeds, and likewise hardly famous among the Romans, since[301] we extol the past and are negligent towards recent events" (*Graecorum annalibus ignotus, qui sua tantum mirantur, Romanis haud perinde celebris, dum vetera extollimus recentium incuriosi*; *Ann*. 2.88). Here it seems clear that Tacitus is both reporting a conventional Roman attitude – habitual praise for the past that is tied to disparagement of the present – while also criticizing it. This tracks with a more explicit comment made in his own voice later in the *Annales*. After noting changes in behavior brought about by various emperors, Tacitus adds that "not all things were better among our ancestors – our age too offers many examples of praiseworthiness and artistic skill worthy of imitation by posterity.[302] Truly, may these competitions over honor with our ancestors endure"

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[300] Doing full justice to this topic would be a book in and of itself, but even a few examples can show how widespread and varied the topic of decline was. Outside of Tacitus, moral decline is a major theme (perhaps even *the* major theme) in both Livy and Sallust. The earliest Greek historians use this theme as well: Thucydides notes the political and moral chaos brought about by *stasis* in his famous Corcyran episode (3.80-86), and Herodotus reports (1.67) that the mythic hero Orestes was seven cubits tall (approximately 11'6 in.). Here humanity's decline is physical, not moral, yet the reader still gets the sense that the story praises the past and laments the present. This idea also appears in *Iliad* 12.440 and 12.521 and Pliny (alluding to Homer, in fact, among others) *Natural History* 7.73-4.

[301] Taking *dum* in a causal sense. See Gildersleeve and Lodge, *Gildersleeve's Latin Grammar*, 568.

[302] Including, say, Tacitus's own works.

(*nec omnia apud priores meliora, sed nostra quoque aetas multa laudis et artium imitanda posteris tulit. Verum haec nobis in maiores certamina ex honesto maneant*; *Ann*. 3.55). These comments are not those of a pessimist lamenting the present as irredeemably worse than a lionized past. The stronger interpretation, one that makes sense in light of his didacticism, is that Tacitus was an optimist, however cautious or guarded he may have been.

Entailed in Tacitus's optimism is his recognition that Rome's current state is less than ideal, however. He makes frequent use of medical metaphors to describe his material. In the proem to the *Agricola*, he writes that "by the nature of human frailty, cures work more slowly than diseases" (*natura…infirmitatis humanae tardiora sunt remedia quam mala*; *Agr*. 3). To the degree that he is optimistic that his own writings can be a cure, Tacitus diagnoses Rome as diseased or ill.

We find this notion in the *Annales* as well. The same passages that detail his historical methodology also use medical metaphors. At 3.65, he writes

> Those times were so contaminated[303] and degraded by adulation that not only the leading citizens, whose prominence compelled them to protect themselves through obsequiousness, but all the ex-consuls, a great part of those who had held the praetorship, and many other lesser senators rose up in rivalry, proposing excessive and foul measures.
>
> *tempora illa adeo infecta et adulatione sordida fuere ut non modo primores civitatis, quibus claritudo sua obsequiis protegenda erat, sed omnes consulares, magna pars eorum qui praetura functi multique etiam pedarii senatores certatim exsurgerent foedaque et nimia censerent.*

At 6.7, Tacitus offers a conspicuously similar analysis:

> This was the deadliest feature brought forth by those times, since leading senators were practicing even the lowest sorts of accusations – some openly, but more through secret means; and you were not able to distinguish aliens from kin, friends from strangers, something recent from something obscured by age: likewise, people were accused for anything discussed, whether in the forum or in a dinner party, as everyone was quick to

[303] OLD *infectus* (~*us*) refers to the act of dyeing or staining an object. Its meaning as "contaminated" or the like is a transferred sense. It is related to the verb *inficio*, which may mean (s.v 4) to taint, poison, or infect.

> outstrip others and mark a defendant – some to protect themselves, more as if they had been infected by contact with a disease.
>
> *Quod maxime exitiabile tulere illa tempora, cum primores senatus infimas etiam delationes exercerent, alii propalam, multi per occultum; neque discerneres alienos a coniunctis, amicos ab ignotis, quid repens aut vetustate obscurum: perinde in foro, in convivio, quaqua de re locuti incusabantur, ut quis praevenire et reum destinare properat, pars ad subsidium sui, plures infecti quasi valetudine et contactu* (*Ann.* 6.7)[304]

Once again Tacitus likens the political situation to a disease. This may seem unrelentingly grim and difficult if not impossible to reconcile with the optimistic interpretation I have advanced. Certainly, Tacitus paints a bleak picture of the political and social circumstances under the principate. And yet, if a tyrant and his complicit sycophants are diseases, then no matter how bad things may seem, the implication is that they *can* get better – provided that someone offers the right treatment to this political disease. The stakes may be high, but the conclusion is not foregone.

In reading these passages, we would do well to remember Tacitus's opening statements in the *Agricola*. Rome may have been ill, but its spirit is returning, and it is recovering from its disease – albeit gradually, since "by the nature of human frailty, cures work more slowly than diseases." As with the Thrasea episode, Tacitus avoids openly saying what he is doing. But the implication is clear. Tacitus is the doctor, and his writings – specifically, his morally didactic histories – are the treatment for Rome's social and political ills.

Conclusion

The nature of the principate as an informal despotism means that Tacitus cannot follow Aristotle and assert that regimes offer citizens an ethical education. Instead, he articulates a

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[304] Tacitus speaks of the frenzy of accusation elsewhere (1.73 and 2.27) in ways that are reminiscent of diseases, though he does not explicitly use medical language. See Woodman, *Annales. Liber 5-6*, 117.

conception of history, grounded in Stoic philosophy, that offers readers the moral education that the regime cannot. The competent historian presents this through a careful selection of and focus on the trivial incidents that lead to "important" events – the material that history was traditionally concerned with, like war and governance. In doing so, the historian provides a moral education in virtue and vice to his readers. In typical fashion, Tacitus ironically apologizes for his supposedly trivial and wearisome material and obliquely implies that *he* is engaged in this very sort of morally didactic history. The careful reader comes to understand that trivial incidents are imbued with moral weight and that they have a responsibility to act virtuously even in trivial matters.

This philosophy of history might strike us as antiquated or unsophisticated. Yet there is, I think, something worthwhile and important to it. Questions of choice and moral responsibility take center stage in Tacitus's history. Writing nearly two millennia after Tacitus, Alexis de Tocqueville captures the value of this mode of historical writing in a chapter of *Democracy in America*.[305] His analysis contrasts aristocratic and democratic historical methods for their tendencies to view the unfolding of events as due to, respectively, the character of a small number of important actors or the workings of general forces:

> Historians who write in aristocratic ages are wont to refer all occurrences to the particular will or temper of certain individuals; and they are apt to attribute the most important revolutions to very slight accidents. […] When the historian of aristocratic ages surveys the theatre of the world, he at once perceives a very small number of prominent actors, who manage the whole piece. These great personages, who occupy the front of the stage, arrest the observation, and fix it on themselves. […] Those who write in democratic ages have another more dangerous tendency. When the traces of individual action upon nations are lost, it often happens that the world goes on to move, though the moving agent is no longer discoverable. […] I would moreover observe, that such principles are peculiarly dangerous at the period at which we are arrived. Our contemporaries are but too prone to doubt of the human free-will, because each of them feels himself confined on every side by his own weakness; but they are still willing to acknowledge the strength and independence

[305] Of course, aristocratic notions of excellence suffused ancient republicanism (see, e.g., Cic. *Rep*. 51-3), so I do not think there is any tension between Tacitus as a republican and Tocqueville's label of "aristocratic" history.

> of men united in society. Let not this principle be lost sight of; for the great object in our time is to raise the faculties of men, not to complete their prostration.[306]

Tocqueville, characteristically, writes neither to simply proclaim one side or the other "right." He is concerned with the dangerous effects of democratic history's downplaying of free will and suggests that a democracy would do well to recover the notion of free will found in aristocratic history. So not only do his categories capture something useful about Tacitus's historical approach, but he also alerts us to the inherently political stakes within these different historical approaches. In doing so, he perhaps stops us from rejecting a history like Tacitus's outright.

Tocqueville was writing about early American democracy, not the principate, and yet there is something similar in his analysis and Tacitus's. The principate both narrowed the scope for the exercise of (political) will in a traditional sense while raising the stakes of individual choices. Lepidus, for example, whom we met in Chapter 3, felt it necessary to distance himself from the traditional political arena,[307] yet his advice and influence on Tiberius carried enormous weight – especially for the victims of Tiberius's savagery. The principate might make its inhabitants despair and "prone to doubt of the human free-will," but the sort of history that Tacitus tells (and the philosophy underpinning it) shows why free will matters.

As Tocqueville helps us see, this sort of history is by its very nature well-suited for a political project like Tacitus's. A philosophy of history framed around trivial incidents and individual choices complements the non-institutional critique of the principate that we have seen

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[306] Alexis de Tocqueville, *Democracy in America*, trans. Henry Reeve (New York: Bantam Books, 2004), 602-6. The chapter is "Characteristics of Historians in Democratic Ages."
Cf Carolyn Dewald's introduction to the *Oxford World's Classics* edition of Herodotus's *Histories*: "[A]ncient social memory habitually supplied highly personal motives as explanations for events that modern historians would consider largely the product of impersonal economic or social forces." (Herodotus, *The Histories (Oxford World's Classics)*, trans. Robin Waterfield (Oxford University Press, 2008, xxxi-ii; and see the rest of Dewald's remarks on xxxii).

[307] Lepidus turned down Tiberius's offer to be proconsul of Africa, for example, later preferring the proconsulship of Asia, since it had no accompanying army. See Cadoux, Theodore John, and Ernst Badian. "Aemilius (RE 75) Lepidus (5), Marcus" in *The Oxford Classical Dictionary*: Oxford University Press, 2012.

in the previous chapters, because this framework is more conducive to analyses of ethical choices and affective motivations than a large-scale account of multiple general and impersonal forces. The Stoic nature of this history also sheds light on why Tacitus downplays the importance of structural conditions like the regime. Strictly speaking, all that is not virtue or vice is a matter indifferent. A regime is a set of legal arrangements – a matter indifferent – and what is important from the Stoic perspective is the manner in which we *use* indifferents, not the indifferents themselves. Tiberius is a despot because of his vicious abuse of Rome's political institutions and traditions, not because the rule of one person is vicious *per se*.

We should also recognize how this places the historian into a *necessary* opposition to despotism. I argued that Tacitus's rejection of decline narratives and pessimism makes him a cautious optimist. In light of his emphasis on moral responsibility and free will, this optimism and rejection of inevitable decline entails an obligation for the historian to resist despotism.

Writing about the trial of the historian Cremutius Cordus, Tacitus highlights the despot's strategy for erasing memory and the historian's aim to preserve it. We saw Cordus in Chapter 3 as an example of courage, but now we are in position to appreciate a further layer of this episode, namely, the fact that Cordus was a historian who wrote about sensitive political themes. In the narrative, his trial for writing about Brutus and Cassius appears just after the authorial aside where Tacitus implies that discussing virtue and vice too openly may be dangerous. The importance of following that comment with the trial of a historian should not be lost on us. Cordus ends his defense speech by invoking the memory of Brutus and Cassius, rhetorically asking "is part of their memory not preserved by writers" (*partem memoriae apud scriptores retinent*; *Ann.* 4.35)? He reminds his audience that "posterity renders to every man his due. There will be no lack, if ruin befalls me, of those who will remember not only Cassius and Brutus but

also me" (*suum cuique decus posteritas rependit; nec deerunt, si damnatio ingruit, qui non modo Cassii et Bruti set etiam mei meminerint)*. Tacitus follows the episode by noting that "it is all the more pleasing to mock the stupidity of those who believe that present-day might is able to extinguish even the memory of subsequent generations" (*quo magis socordiam eorum inridere libet qui praesenti potentia credunt extingui posse etiam sequentis aevi memoriam*). The censors of memory are foreign kings (*externi reges*)[308] or those who wield the same savagery (*qui eadem saevitiam usi*) – that is, the *princeps*. The historian, since he preserves memory, is necessarily opposed to the emperor and his savagery, and therefore becomes associated with liberty. And of course, one of those *scriptores* whom Cordus predicts will remember him is Tacitus himself.[309] So it is not merely that writing history is political – it is a specifically republican lesson in resisting despotism and savagery.

[308] We should note the political implications here – "king" (*rex*) was not an office that the Romans looked favorably upon. Julius Caesar avoided the title, as did Augustus and all other emperors. Livy records that Brutus, after expelling Tarquin, made the Romans swear an oath never to allow another king to reign in Rome (2.1).
[309] See Woodman, *The Annals of Tacitus. Book 4*, 188-204, especially fn75 for its bibliography and the gloss of the episode as a whole on 188.

Chapter 6 Liberty and Corruption in a Regime Agnostic Republic

The republic is nothing but a name, without substance or form
Nihil esse rem publicam, appellationem modo sine corpore ac specie
Attributed to Julius Caesar by Titus Ampius, as reported by Suetonius *Divus Julius* 76

It is clear from Tacitus's non-institutional critique of the principate and his account of history that he is a republican. And yet this republicanism does not take the shape that we might expect – that is, a stated preference for the mixed regime or any other sort of constitutional theorizing. As he writes in *Annales* 4.33,

> Either the people or the nobility or a king rule all nations and cities: the type of *res publica* created by a selection of these is more easily praised than brought into existence, or, if it does exist, it is hardly able to endure.
>
> *cunctas nationes et urbes populus aut primores aut singuli regunt: delecta ex iis et consociata rei publicae forma laudari facilius quam evenire, vel si evenit, haud diuturna*[310] *esse potest*

So it would seem that Tacitus's republicanism is not reducible to a simple regime preference. And yet this is not the view to be found in Tacitean scholarship, especially in works concerned with his relationship to republicanism and the republican tradition.

Accordingly, in this chapter I will examine the foundations of Tacitus's "regime agnostic" republicanism, as I have called it, reconstructing his notion of liberty and the conditions under which liberty is maintained or corrupted. While my analysis has so far been heavily focused on the historical works, especially the *Annales*, I will devote a significant amount of attention here to the *Dialogus de oratoribus*. The *Dialogus* contains arguably the most

[310] An allusion to – and departure from – Cic. *Rep*. 1.41.

sustained line of political philosophizing in Tacitus's entire corpus. It is therefore central to any understanding of Tacitus's regime agnosticism.

To reconstruct Tacitus's notion of liberty, I will first show that the character Maternus in the *Dialogus* is engaged in theorizing, not commenting on contemporary events. This is a critical contrast to other interpretations and allows us to see Maternus and Tacitus in a theoretical rather than historical light. Next, I will turn to the nature of the regime that Maternus imagines, showing that its political outcomes are specifically tied to character and mental states, not its constitutional or legal arrangements. Not only does his speech illustrate regime agnosticism, but it also articulates a specifically republican vision of this, where liberty is the ultimate end. While this is, to some degree, a departure from Ciceronian thought, there are points of similarity between the two. Recognizing this provides a better understanding of Roman republican thought and its political implications than otherwise available. Finally, I will examine a series of episodes from the reign of Nero that demonstrate the "mechanism" by which a despot can corrupt republican liberty.

The *Dialogus* as Political Theory

Tacitus's stated reason for writing the *Dialogus* was the deficiency of eloquence in his own times. "Often you ask of me," he writes to his friend Fabius Iustus (late 1st cent. CE/early 2nd cent. CE; suffect consul in 102 CE) at the beginning of the work, "why, when previous ages overflowed with the talent and glory of so many outstanding speakers, our own age especially – deprived and bereft of the praise of eloquence – hardly retains the name of oratory itself." (*Saepe ex me requiris, Iuste Fabi, cur, cum priora saecula tot eminentium oratorum ingeniis gloriaque floruerint, nostra potissimum aetas deserta et laude eloquentiae orbata vix nomen ipsum oratoris retineat*). The *Dialogus* is Tacitus's memory of a conversation on the very same topic conducted

by some of the most prominent public speakers of his youth.[311] What follows are, aside from some minor "plot" occurrences and remarks from the otherwise silent Julius Secundus, three pairs of speeches: the first between Marcus Aper and the main character Curiatus Maternus about (respectively) the relative benefits of public oratory and privately-written poetry; the second between Aper and the newly arrived Valerius Mesalla regarding the superiority of modern and ancient eloquence (with an interlude during Messalla's speech); what would have been the third and final pair of speeches is unfortunately only partial: a lacuna cuts off Messalla's speech and the text resumes partway through Maternus's second speech, where he examines the political and historical conditions informing Greek and Roman oratory before abstracting from history to propose a theoretical regime.

Maternus's second speech is the culmination of these debates and, as T.J. Luce writes, a "tour de force" of "impassioned eloquence that transcends the earlier arguments in persuasion and power."[312] Its place in the text as the final speech and its rhetorical force lend it an importance and prominence beyond the other speeches. It is also the most important part of the *Dialogus* for the question of regime agnosticism. Near its end, Maternus asks:

> [41.3] But if any community could be found in which no one did wrong, an orator would be as superfluous among the innocent as a doctor would be among the healthy. Indeed,[313] in this manner, as the art of medicine has little use and profit among those peoples who enjoy the strongest conditions and the healthiest bodies, so the honor of oratory is lesser, and its glory more obscure among good customs and those having been practiced in deference to the ruling one.
> [41.4] For[314] what need is there for long speeches in a senate, since the best men agree quickly? What need is there for many assemblies among the people, since regarding the *res publica* the unskilled and the many do not deliberate well, but the wisest one does? What

[311] The claim to reproduce years- or even decades-old conversations from memory is a common *topos*. It may also remind us of the historian's role in preserving memory as discussed in the preceding chapter.
[312] Torrey James Luce, "Reading and Response in the Dialogus," in *Tacitus and the Tacitean Tradition*, ed. A. J. Woodman and Torrey James Luce (Princeton University Press, 2014), 17.
[313] The MSS are divided here. I will discuss below why I read *enim/inde* instead of *tamen/autem*. See Winterbottom and Ogilvie 1975: 106 and Winterbottom's 1970 revision of Peterson's Loeb translation.
[314] The MSS agree that 41.4 reads *enim*, which means that its rhetorical questions are both logically and grammatically connected to the theoretical regime of 41.3.

need is there for voluntary accusations, since there is wrongdoing so rarely and so sparingly? What need is there for hostilities and defense speeches exceeding the proper boundary, since the clemency of the one hearing the case is extended to the ones in danger?

[41.3] *quod si inveniretur aliqua civitas, in qua nemo peccaret, supervacuus esset inter innocentis orator sicut inter sanos medicus. quo modo enim/inde/tamen/autem*[315] *minimum usus minimumque profectus ars medentis habet in iis gentibus, quae firmissima valetudine ac saluberrimis corporibus utuntur, sic minor oratorum honor obscuriorque gloria est inter bonos mores et in obsequium regentis paratos.*
[41.4] *quid enim opus est longis in senatu sententiis, cum optimi cito consentiant? quid multis apud populum contionibus, cum de re publica non imperiti et multi deliberent, sed sapientissimus et unus? quid voluntariis accusationibus, cum tam raro et tam parce peccetur? quid invidiosis et excedentibus modum defensionibus, cum clementia cognoscentis obviam periclitantibus eat?*

Many scholars take these passages to be a reference to the historical and factual reality of Rome. T.J. Luce writes that it is based on "a historical perspective" and Roland Mayer glosses the passage as a reference to "our civil condition nowadays," a position that Daniel Kapust and Thomas Strunk echo.[316]

Shadi Bartsch offers perhaps the most forceful articulation of this view in her 1994 book *Actors in the Audience*. There, she argues that the contradictions between Maternus's first and second speeches are so significant that the second speech must be read as "doublespeak," by which she means that the speech *seems* to be "a speech in praise of [the current emperor] Vespasian [9 CE-79 CE]," although it actually criticizes him on a deeper level by its incongruity with Maternus's first speech.[317] On her view, the "wise monarch" (*sapientissimus et unus*) is Vespasian, meaning that she reads chapter 41 as Maternus referring to the present and actual conditions of Rome. This needs to be the case if her argument is to hold. Her analysis cites a

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[315] The MSS are divided here. I will discuss below why I read *enim/inde* instead of *tamen/autem*. See Winterbottom and Ogilvie 1975: 106 and Winterbottom's 1970 revision of Peterson's Loeb translation.
[316] Luce, "Reading and Response in the Dialogus," 17; Roland Mayer, ed., *Tacitus, Dialogvs de Oratoribvs* (Cambridge: Cambridge Univ. Press, 2001), 214; Kapust, *Republicanism, Rhetoric, and Roman Political Thought*, 129; Strunk, *History after Liberty*, 248fn16.
[317] Shadi Bartsch, *Actors in the Audience: Theatricality and Doublespeak from Nero to Hadrian*, 1994, 107.

range a passages and phrases from the *Dialogus* but omits the phrase "but if a community could be found… (*quod si inveniretur aliqua civitas*)."[318]

Close attention to the original Latin text raises questions about Bartsch's reading, showing that the implications of her omission are critical. With this phrase, Maternus signals that his focus is shifting from his previous historical analysis to a theoretical analysis. This is a moment that invites our critical scrutiny and, as I will argue, bringing this to bear draws attention to a number of strong reasons for reading chapter 41 as a genuine case of political theory rather than historical commentary.

First, Tacitus ends the previous chapter (41.2) with the sentence "But for all that, it would be better not [to have a reason] to complain than to be vindicated [after having complained]" (*atqui melius fuisset non queri quam vindicari*). *Atqui* is a strong word used chiefly in the context of argumentation, one that, as an adversative particle, signals the end of a particular train of thought.[319] Second, Tacitus follows this with the sentence that starts 41.3 "But if any community could be found… (*quod si inveniretur aliqua civitas*)." In grammatical terms, this is a present-contrary-to-fact condition, or a sentence that (as the name implies) expresses a hypothetical thought that does not correspond to factual reality. The community that Maternus imagines is one with no wrongdoing, an idea that reinforces the hypothetical nature of this thought and its disjuncture from 41.2.

The second sentence of 41.3 raises a problem. Some manuscripts start this sentence with *tamen* (or *autem*), implying a difference between the first and second sentences of 41.3.[320]

[318] Luce omits this as well. He says of Maternus that "he praises the security and happiness of the age, the near unanimity of senatorial opinion, the wise rule by a single man," and takes these to be referring to the present political climate of Rome, citing 41.4 (Luce, "Tacitus' Conception of Historical Change," 112). Bartsch's only reference to 41.3 is to the phrase *bonos mores*.
[319] Gildersleeve and Lodge, *Gildersleeve's Latin Grammar*, 307.
[320] OLD s.v. *autem* 1, though see 4 for *autem* as amplifying or explaining ("indeed," "and in fact"); s.v. *tamen* 1.

Roland Mayer's text reads *tamen*, which prompts his gloss that "*tamen*, if correct, implies an ellipse in the train of Maternus's thought: [though we do not have an ideal state, in which pleaders would be unnecessary], our civil conditions nowadays is 'none the less' such that their position is of less importance and so they are less well thought of." Like Luce and Bartsch, Mayer's gloss rests on the assumption that Maternus is talking about the actual historical conditions at Rome. But it results in a rather contrived reading: Mayer has to assume a gap in Maternus's train of thought and supply an additional thought to correct this. However, the logic of the text does not actually require this. In fact, the second sentence of 41.3 continues the thought from the first sentence. Using a second medical analogy connects these sentences, since Maternus used one to characterize this hypothetical community in the first sentence.[321]

Other manuscripts read *enim* (or *inde*), a particle that makes both grammatical and logical sense. Unlike *tamen*, *enim* is usually postpositive, that is, placed after the first word in the sentence, which is where the word in question occurs in 41.3.2.[322] *Enim* (and *inde*, though to a lesser degree) expresses a cause or a reason and therefore a continuation with the previous sentence. Accordingly, reading *enim* in 41.3.2 makes both grammatical and logical sense.

Now, this is critical to the question at hand because it means that the hypothetical community of 41.3.1 is connected to the rest of chapter 41.3 *and* 41.4, which begins with its own *enim* and which raises a series of rhetorical questions. These rhetorical questions point to a series of political and social conditions in the imagined regime. We will turn to these next, but for now we need to recognize the importance of this one small particle *enim*. It ties together these two chapters and turns what would otherwise be an odd one-off reference into an extended theoretical

[321] Cf Chapter 4, where I argued that medical analogies were central to Tacitus's philosophy of history and his own role as a "doctor" to an ailing Rome.
[322] *autem* is also postpositive, but as a disjunctive particle it does not make logical sense given the preceding sentence. OLD s.v. *enim* 3; s.v. *inde* 10a and 10b.

reflection on an imagined political community. Far from an encomium of Vespasian and contemporary Rome, the *Dialogus* and its imagined regime wades into genuinely philosophical terrain outside of historical circumstances.

Maternus's Theoretical Regime

Having demonstrated that Maternus is engaged in political theory, let us turn now to examine the features of this regime and its politics. While there is a senate in this *civitas*, it is not an expression of the elite's material interests but of harmony among the best[323] men – hence its lack of extended and presumably contentious debate. Likewise, there is little scope for popular input and decision making. In two short rhetorical questions, Maternus has done away with key elements of the mixed regime (the regime that blended features of democratic, aristocratic, and monarchic constitutions). The monarchical element remains and obviously takes precedence over the senate.[324] But the monarch is not just any king – he is the "wisest one" (*sapientissimus et unus*), a description that should immediately make us think of Plato and the figure of the philosopher-king from *Republic* 473d.[325]

The next two rhetorical questions move us from constitutional arrangements to the question of speech and the monarch's mind in perceiving this speech. His clemency (*clementia*) precludes treason (*maiestas*) trials and rampant accusations. The point is straightforward enough, but perhaps not its significance, and so we might wonder why Maternus raises the issue in the

[323] The word *optimi* has a Ciceronian ring to it. Cf *Rep*. 1.51-2, where Scipio refers to the aristocracy as *optimum*. These men are *opti* on the basis of their virtue, Scipio argues, and not their wealth.
[324] The fact that a senate even exists, however, should not be overlooked. As Scipio argues in *Rep*. 1.53, an aristocratic element is necessary for a *civitas* to recognize degrees of merit and excellence.
[325] Other clues and allusions to Plato abound in the *Dialogue*, including its form, mock trial, and aporetic ending. For more on this see Arlene W Saxonhouse, "Tacitus' Dialogue on Oratory: Political Activity under a Tyrant," *Political Theory Political Theory* 3, no. 1 (1975): 53–68. These clues and allusions reinforce the reasons given in the preceding section for viewing the *Dialogue* as a genuine theoretical work rather than a direct commentary on contemporary Roman society. It also calls to mind Cicero's ideal statesman in *Rep*. 2.43 (*unius sapientia*).

first place, making a lack of abusive speech and informer culture a central political feature of this imagined *civitas*. As we saw in previous chapters, where characters were falsely charged and where senators feverishly rushed to accuse others before they themselves were accused, the rampant informer culture under the emperors plays an integral role in Tacitus's historical narratives. From false accusations to spying on Roman citizens, professional informers (*delatores*) are woven into the fabric of the emperors' vices and despotism.

The *Dialogus* is centrally concerned with this phenomenon, especially as it is an (ab)use of oratory,[326] and the *delatores* haunt its pages from the very beginning to its end, where the philosopher-king dispenses with them. When Aper and Secundus (followed by a young Tacitus) first find Maternus, he is diligently working his poetry. His play *Cato*[327] is rather obliquely "said to have offended the minds of the powerful" (*offendisse potentium animos diceretur*, 2), a fact that worries Secundus, who asks whether "the rumors of malicious men" (*fabulae malignorum*, 3) give Maternus any pause. In his first speech, Aper names Eprius Marcellus and Vibius Crispus as examples of successful public speakers, although they were in fact notorious *delatores* (active in the middle and late 1st century CE). Later, Aper references Vipstanius Messalla's and his brother's eloquence (15.1). This brother was Marcus Aquilius Regulus, a "notorious *delator* and violent orator"[328] who successfully prosecuted three consuls under Nero as well as Rusticus Arulenus (c.35 CE-93 CE) during the reign of Domitian.[329]

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[326] *Delatores* who successfully prosecuted a case were entitled to some of the accused's property – a practice which easily lent itself to abuse.
[327] Cato the Younger was a noted Stoic and opponent of Julius Caesar. He committed suicide after the battle of Pharsalus, where Caesar defeated the senatorial forces led by Pompey.
[328] See Winterbottom's note in Cornelius Tacitus, *Tacitus. Agricola. Germania. Dialogus.*, ed. Eric Herbert Warmington, trans. Maurice Hutton et al. (Cambridge (Mass.); London: Harvard University Press, 2000), 268fn1.
[329] In *Hist*. 4.62, Tacitus places a speech in the mouth of Curtius Montanus (whom Bartsch speculates may be the "real life" Maternus; see Bartsch, *Actors in the Audience*, 260-1 fn.68) where he inveighs against Regulus. Pliny also disparages him more explicitly. See *Epistulae* 1.5 and 2.20.

Tacitus is clear about the political effects of a rampant informer culture in his other works. The most prominent theme in the proem to the *Agricola* is open speech,[330] whether oral or written, and the methods that the previous emperor Domitian used to suppress it. As we noted in the previous chapter, Domitian's reign "saw the extreme of submission, with even the fellowship of speaking and listening taken away by the informers [i.e., *delatores*] (*Agr*. 2 *[vidimus ultimum] nos quid in servitute, adempto per inquisitiones etiam loquendi audiendique commercio*)." An unnamed triumvirate of *delatores* also publicly burned the works of the Stoics Thrasea Paetus, Helvidius Priscus (1st cent. CE), and Rusticus Arulenus, because "obviously they thought that the voice of the Roman people and the liberty of the senate and the conscience of all humankind would be destroyed in the fire" (*scilicet illo igne vocem populi Romani et libertatem senatus et conscientiam generis humani aboleri arbitrabantur*; *Agr*. 2). There is a clear echo of this in Tacitus's remarks after Cremutius Cordus's trial (discussed in chapters 3 and 5) that "it is all the more pleasing to mock the stupidity of those who believe that present-day might is able to extinguish even the memory of subsequent generations" (*quo magis socordiam eorum inridere libet qui praesenti potentia credunt extingui posse etiam sequentis aevi memoriam*; *Ann*. 4.35).

It is critical to note that Tacitus does not discuss the Romans as being in a condition of slavery (*servitūs*) because of their relation to a particular regime type or legal, institutional arrangement. Rather, *servitūs* is thematically linked to the suppression of speech and the resulting culture of fear: public burnings of manuscripts and a lurking menace that precludes open expression without fear of repercussion.[331] While this is, on one level, surely a response to

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[330] See the previous chapter as well for this topic, especially Tacitus's role in speaking after the death of Domitian.
[331] A.J. Woodman argues for a similar interpretation in his commentary on the *Agricola*. See A. J. Woodman and Christina Shuttleworth Kraus, eds., *Tacitus: Agricola*, 2014, 81-2. See also Brunt, *Fall of the Roman Republic*, 10-11.

certain emperors and their tolerance or lack thereof for criticism, the broader point here is that liberty can only exist in an environment free from intimidation and threats.

And so now, returning to the theoretical monarch and the question raised above, we can fully appreciate the final two rhetorical questions.[332] Maternus is not merely indicating that *delatores* and their threats of violence are not present in this *civitas*, he is also claiming that *this* fact makes the *civitas* free. In other words, *libertas* is present for reasons that have nothing to do with the regime type *per se* and everything to do with the character of the monarch and the behavior that he influences. He is superlatively wise, not suspicious or fearful about treason, and forgiving. These character traits are responsible for the political outcome (i.e., liberty) in this *civitas*. This is the essence of regime agnosticism. Tacitus through Maternus illustrates that politics and political conditions in the *civitas* take their shape because of the monarch's virtuous character, not for any legal or constitutional reasons.

Republican Regime Agnosticism

On one level, Maternus gives us an illustration of regime agnosticism *per se*. But the fact that Tacitus specifically indicates that Maternus's theoretical *civitas* is free means that this is not a neutral presentation of regime agnosticism. *Libertas* is the ultimate political end for republican theorists and republican politics, and so this *civitas* is a republic – which can only be the case if *libertas* is not the product of certain constitutional and legal arrangements. This leads to some startling conclusions: first, that on Tacitus's view monarchy and *libertas* can coexist; second, that Tacitus is not necessarily hostile toward monarchy. For the regime-minded, this is a radical

[332] "What [need is there] of voluntary accusations, since there is wrongdoing so rarely and so sparingly? What [need is there] of hostilities and defense speeches exceeding the proper boundary, since the clemency of the one hearing the case is extended to the ones in danger?"

redefinition of "republic." The tendency to equate the mixed regime with republicanism is tempting but misleading, though. Thomas Paine, for example, expresses this when he writes in *The Rights of Man* that

> What is called a *republic*, is not any *particular form* of government. It is wholly characteristical of the purport, manner, or object for which government ought to be instituted, and on which it is to be employed, RES-PUBLICA, the public affairs, or the public good; or, literally translated, the *public thing*. It is a word of a good original, referring to what ought to be the character and business of government. […] Republican Government is no other than Government established and conducted for the interest of the public, as well individually as collectively. It is not necessarily connected with any particular form…[333]

Paine's definition resembles Tacitus's and the ancient strain of thought. The literal definition of a republic as the "public thing" says more about how the regime acts toward the political community than about the legal or constitutional form of the regime, and Paine's language captures this idea by focusing on the moral intent more than the structure of the regime.

Cicero works through a similar line of thought in his *De Re Publica*. There, Scipio begins with the claim that "the *res publica* is the property of the people, but a people is not a gathering of all men having been brought together in whatever manner, but a gathering of many united by an agreement regarding justice and a mutual participation in welfare" (*res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus*; *Rep.* 1.39). He adds that

> Every people, which is a certain sort of assembled multitude, as I have said, and every *civitas*, which is an organization of a people, and every republic, which, as I have said, is

[333] Thomas Paine, *The Rights of Man*, [New American ed,], Everyman's Library; Philosophy and Theology (New York: Dutton, 1951), 174. To be sure, Paine continues on to say that "republic" is necessarily opposed to monarchy, a claim that Tacitus and Maternus reject, and that is most associated with representation; in other places, Paine specifies certain institutions that define republics. The point is not that Paine was a Tacitean regime agnostic republican, but that he helps us to see that character rather than form or legal arrangement is central to republicanism. See also Connolly, *The Life of Roman Republicanism*, where this passage from Paine is part of a larger discussion over the contested definitions of "republic." And see also Hankins, *Virtue Politics*, which argues that republicanism did not come to be the antonym of monarchy until the Italian Renaissance.

> the property of the people, must be ruled by some process,[334] that it might endure. Moreover, this process must always in the first place be brought about for the same reason as that which produced the *civitas.*
>
> *omnis…populus, qui est talis coetus multitudinis, qualem exposui, omnis civitas, quae est constitutio populi, omnis res publica, quae, ut dixi, populi res est, consilio quodam regenda est, ut diuturna sit. Id autem consilium primum semper ad eam causam referendum est, quae causa genuit civitatem*; *Rep*. 1.41.

In other words, a "people" is a subsection or certain type of a multitude or gathering of many individual persons. A *civitas* is an organization of a people, and a republic is a subsection or certain type of *civitas* where the *civitas* belongs to the people; thus, there are some *civitates* that are not *res publicae*.

Scipio continues this by claiming that any *civitas*, and by definition any *res publica* as well, needs a regime to rule it. "Next this process must be distributed either to one or to certain chosen ones or it must be taken up by the entire multitude" (*deinde aut uni tribuendum est aut delectis quibusdam aut suscipiendum est multitudini atque omnibus* 1.42). Later, of course, he will suggest a mixed regime as the fourth option.

Let us stop here and recognize that Cicero and Scipio have just said that a *res publica* can exist *under any regime*. What defines the *res publica* is that it is the type of *civitas* that belongs to the people and that it is presided over by a regime that recognizes this principle. In other words, a *res publica* is not any specific sort of regime – not even a mixed regime – but more like an attitude or a characteristic trait that the regime exhibits towards the *civitas*. Any regime – the one, the few, or the many – can exhibit this attitude and treat a *civitas* as belonging to the people (that is, *res populi*). The threshold for a *res publica* is the attitude that the regime takes toward

[334] I have rendered *consilium* as "process" because it seems to be the most neutral and ecumenical term. Other meanings include council, deliberative body, purpose, etc. There are problems with these, however, from the perspective of political theory: "council" seems to imply multiple persons and therefore exclude monarchy (clearly not what Cicero intends), "deliberative body" may make political theorists think of Habermas and deliberative democracy, and so on. OLD sv *consilium* 5.

the *civitas*, not any specific legal or constitutional arrangement. This attitude, and therefore the status of the *civitas* as a *res publica*, proceeds from the way that the regime (or more accurately the individuals in the regime) *thinks* about the *civitas*.

Maternus's monarch offers a helpful illustration of how this works. The last two rhetorical questions[335] demonstrate the monarch's justice through showing that he has wisdom (in recognizing that there are few treasonous conspirators) and clemency (which he offers to any accused victims). Since the *maiestas* trials in the historical narratives so often deal with supposed criticism of the emperor, the implication is that Maternus's monarch is dealing with criticism of his rule as well, or at least open speech about political matters. However, his virtues of wisdom, clemency, and justice make him act differently than Tiberius, for example, and thus he demonstrates an attitude toward the *civitas* that it does not belong to him as his personal property but is instead the people's property (*res populi*). His perception of the world and therefore his virtuous actions preserve *libertas* and specifically make the *civitas* a *res publica*.

There is a critical similarity between Maternus's monarch and the analysis of moderation from Chapter 3. We saw then that Tacitus thinks that moderation – not legal codification – upholds justice. Nero's avarice or lack of moderation leads him to rule as a tyrant and a despot. He used his power to rule the Roman political community for the sake of gratifying his own desires, disregarding the citizens and their claims to equal standing. Tacitus characterizes Seneca, in contrast, as moderate and therefore just. I would suggest that a similar process is a play here. Maternus's monarch is just, wise, and forgiving. We should understand these virtues

[335] "What [need is there] for voluntary accusations, since there is wrongdoing so rarely and so sparingly? What [need is there] for hostilities and defense speeches exceeding the proper boundary, since the clemency of the one hearing the case is extended to the ones in danger?"

as stemming from a larger sense of restraint or moderation, which is, then, the virtue that is ultimately responsible for the *civitas* being a *res publica*.

Ancient political thinking regarding regimes typically recognized three "proper" types with three corresponding "deficient" types: kingship/tyranny, aristocracy/oligarchy, and democracy/ochlocracy.[336] Aristotle explores these in the *Politics*, for example (III.6), as does Cicero in his *De Re Publica* (1.39-70), where Scipio offers a Latin gloss on Plato's account of regime degeneration from *Republic* 8. But the dividing line between any proper regime and its deficient form is not a change in the regime's constitutional or legal arrangements. Rather, it is the manner of the regime's rule, that is, whether it rules with an eye toward the advantage of the public or the regime. In Aristotle's terminology, for example, deficient political rule is akin to "mastery," since the rule of a master over a slave is for the master's benefit. This means that the change from kingship to tyranny, for example, is entirely a matter of the monarch's behavior rather than any material legal changes. As Scipio explains, "when a king begins to be unjust, that type [of regime] dies on the spot, and that same man is a tyrant" (*cum rex iniustus esse coepit, perit illud ilico genus, et est idem ille tyrannus*; *Rep.* 1.65). On the regime agnostic view, since a *res publica* can be ruled by any regime, the term *res publica* itself simply denotes that the regime type is proper, not deficient.

Tacitus's regime agnosticism captures this strain of ancient thought while also helping us to recognize it more clearly for what it is: the notion that republicanism denotes a manner or

[336] The proper and deficient rule by the many (what we would conventionally call "democracy") took multiple names in antiquity: Aristotle uses "polity" (*politeia*) to denote the proper form, and "democracy" the deficient; Polybius uses "democracy" and "ochlocracy;" Cicero has Scipio use "freedom" and "slavery" for this (*libertas* and *servitus*). Later, in Part 2 ch.19 of *Leviathan*, Hobbes says that popular discourse uses "democracy" and "anarchy" to signify proper and deficient forms of "Popular Common-wealth" (though he criticizes the use of "anarchy" to signify a form of government; furthermore, his purpose is to deny the proper/deficient distinction: "But [tyranny and oligarchy] are not the names of other Formes of Government, but of the same Formes misliked." Thomas Hobbes, *Leviathan*, ed. Richard Tuck, Revised student edition., Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1996), 129-30.

characteristic of regime behavior rather than a certain type of regime itself. Maternus's theoretical vision centers around the presence of *libertas*, understood as a state of affairs where the *civitas* belongs to the citizens, who are not threatened or intimidated into "ceding" this ownership. On the regime agnostic view, political outcomes depend on the character of the individuals in the regime. If these individuals, like Maternus's monarch, cultivate proper virtues like justice, wisdom, and above all, moderation, the *civitas* will be a *res publica*.

Emulation and Republican Liberty

Republicans have long recognized that liberty requires constant vigilance if it is to be preserved. For a regime agnostic republican, this manifests in a primary concern for public and political behavior rather than a focus on institutions. The danger lies in the possibility that virtuous behavior can be corrupted into vicious behavior, not in any wholesale constitutional or institutional change.

To illustrate this, let us step away from the Roman world briefly and into another grim chapter of history. The historian Christopher Browning's 1992 *Ordinary Men* is an exploration of how a reserve police battalion made up of middle-aged German men unfit for regular military service wound up playing a central role in the Nazis' Final Solution. By 1942, the Nazi "resettlement" policy had given way to mass killings, and Reserve Police Battalion 101 was to play a major role in the new extermination policy. But the unit was not comprised of ardent Nazis. The men were middle-aged, so their formative years had seen political and social norms other than Nazism. They were largely from lower-class and working-class backgrounds, where

Communist and labor union affiliation would have been common. And they were mostly from Hamburg, one of the least Nazified cities in Germany.[337]

All this presented the battalion's commanders with a problem: how to get their "ordinary men" to go along with the orders for mass executions. The first execution that the battalion participated in, near the Polish town of Józefów, was a disorganized and inefficient affair.[338] The process was psychologically difficult for the men, not because of any moral objection to the extermination policy but due to "the sheer horror of the killing process itself."[339] Later executions were much more efficient, a change that Browning directly attributes to the "sadism" leadership of a battalion lieutenant and his ability to "set the tone" for his men, conditioning them to act with greater cruelty and less scruples.[340]

The tale of *Ordinary Men* raises a question: how does a system of political cruelty corrupt its members and get them to "buy in," in the sense that they choose to act in ways that they would otherwise not? Despite the vast differences in time and circumstances, this is the same question that I see Tacitus asking about the principate's despotism. In the opening scenes of the *Annales*, he writes that "At Rome, the consuls, senators, and equites all rushed into servitude. The more famous a man was, the greater his hypocrisy and eagerness" (*Romae ruere in servitium consules, patres, eques. Quanto quis inlustrior, tanto magis falsi ac fesinantes*; *Ann.* 1.7). Later, in passages that we saw in the previous chapter, he twice describes the Senate as falling prey to sycophancy and servility as if it were a disease:

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[337] Christopher R Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*, 2019. See Chapter 5, especially 47-8.
[338] Browning, *Ordinary Men*, 57-77. Brown is clear that although his history is a "bottom up" account of the past that attempts to understand the men of Reserve Police Battalion 101, it is not an attempt to empathize with or excuse the killers. Let me echo this sentiment. On some level, the battalion's members knew that what they did what criminal and morally loathsome, even if their later interviews (the documentation that Brown bases his account on) betray rationalization, excuses, and revisionism (see Ch. 8 in particular).
[339] Browning, *Ordinary Men*, 76.
[340] Browning, *Ordinary Men*, 87.

> Those times were so stained and degraded by adulation that not only the leading citizens, whose prominence compelled them to protect themselves through obsequiousness, but all the ex-consuls, a great part of those who had held the praetorship, and many other lesser senators rose up in rivalry, proposing excessive and foul measures.
>
> *tempora illa adeo infecta et adulatione sordida fuere ut non modo primores civitatis, quibus claritudo sua obsequiis protegenda erat, sed omnes consulares, magna pars eorum qui praetura functi multique etiam pedarii senatores certatim exsurgerent foedaque et nimia censerent.* (*Ann.* 3.65)

Similarly,

> This was the deadliest feature brought forth by those times, since leading senators were practicing even the lowest sorts of accusations – some openly, but more through secret means; and you were not able to distinguish aliens from kin, friends from strangers, something recent from something obscured by age: likewise, people were accused for anything discussed, whether in the forum or in a dinner party, as everyone was quick to outstrip others and mark a defendant – some to protect themselves, more as if they had been infected by contact with a disease.
>
> *Quod maxime exitiabile tulere illa tempora, cum primores senatus infimas etiam delationes exercerent, alii propalam, multi per occultum; neque discerneres alienos a coniunctis, amicos ab ignotis, quid repens aut vetustate obscurum: perinde in foro, in convivio, quaqua de re locuti incusabantur, ut quis praevenire et reum destinare properat, pars ad subsidium sui, plures infecti quasi valetudine et contactu* (*Ann.* 6.7)[341]

How is it that the Roman republic, with its tradition of liberty and culture of political contestation, slid into despotism? Tacitus's answer is not constitutional or regime change. Instead, his story centers around corruption and the capacity for the emperors to cultivate vice among the Roman people and habituate them, as if spreading a disease, to act in ways that were antithetical to republican values. When Tacitus says that "traces of a dying liberty remained" (*manebant etiam tum vestigia morientis libertatis*; *Ann.* 1.74) or "some likeness of the *res publica* remained" (*manebat…quaedam imago rei publicae*; *Ann.* 13.28), he detects these with reference to the behavior of individual citizens, not to any legal arrangements.

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[341] Tacitus speaks of the frenzy of accusation elsewhere (1.73 and 2.27) in ways that are reminiscent of diseases, though he does not explicitly use medical language. See. Woodman, *The Annals of Tacitus. Book 4*, 117.

Surveying the aftermath of Augustus's ascension to supremacy, Tacitus writes that

> [T]he younger men had been born after the victory at Actium, and even most of the old men had been born during the civil war: how many remained who had seen the *res publica*? Accordingly, the nature of the *civitas* was changed, and there was no trace of the old-fashioned and sound customs: with equality put aside, all gazed upon the commands of the princeps.
>
> *iuniores post Actiacam victoriam, etiam senes plerique inter bella civium nati: quotus quisque reliquus qui rem publicam vidisset? igitur verso civitatis statu nihil usquam prisci et integri moris: omnes exuta aequalitate iussa principis aspectare*.[342] (*Ann*. 1.3-4)

We should note that the verbs – *vidisset* and *aspectare* – are verbs of sight that raise a contrast between the *res publica*'s invisibility and the prominence of the emperor's commands (which are like a spectacle). Under this new state of affairs, the emperor's commands, actions, and even the man himself become the focal point of politics.

As I read him, Tacitus is more concerned with documenting the effects of this state of affairs than with fleshing out its theoretical basis. The remarks above are the closest he comes to this. Accordingly, we must turn elsewhere for theoretical insight into this process. As with Browning and Tocqueville, it may initially seem out of place to bring in a thinker as removed from Tacitus's circumstances as Adam Smith. And yet, as we will see, Smith's categories and approach to the question are helpful for shedding light on Tacitus's thinking, despite the differences in circumstances. Specifically, in his *Theory of Moral Sentiments*, Smith also explores how visibility lends itself to outsized public influence and the potential this has for dangerous political consequences.

"The man of rank and distinction," Smith writes, "is observed by all the world. Every body is eager to look at him, and to conceive, at least by sympathy, that joy and exultation with

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[342] We should note that Tacitus describes the change in *civitas* by reference to custom or behavior (*moris*), not institutional arrangement.

which his circumstances naturally aspire him. His actions are the object of public care… In a great assembly he is the person upon whom all direct their eyes…"[343] As in the *Annales*, visibility is the foundation of influence and social prominence. "Upon this disposition of mankind, to go along with all the passions of the rich and the powerful, is founded the distinction of ranks, and the order of society. Our obsequiousness to our superiors more frequently arises from our admiration for the advantages of the situation, than from any private expectations of benefit from their good-will. Their benefits can extend but to a few…" [344] Visibility elevates some over others, which in turn engenders a culture of servility because there is something attractive in prominence itself. Finally, "[e]ven when the people can be brought [to oppose prominent men and monarchs], they are apt to relent every moment, and easily relapse into their habitual state of deference to those upon whom they have been accustomed to look up to as their natural superiors."[345] Once established, it is difficult to undo hierarchy and its associated habits because the elevation of some few to fame changes how the many act. The sense of servility and deference to the prominent few becomes an ingrained habit, and what began as a merely conventional distinction comes to be regarded as a natural distinction.

To be sure, there are differences between Smith and Tacitus (and the ancients in general). Where Smith attributes this phenomenon to human nature, and a flawed human nature at that, the tradition Tacitus picks up on[346] would likely point to convention or ancestral tradition as the source of this and other social ills (as in Plato *Republic* 538a-e and *Gorgias* 483a, or Cicero *Leg.* 1.16-18), since Nature and philosophy are not in competition with one another – in fact, philosophy has Nature as its object, on the ancient view. The Stoics, who are part of the Socratic

[343] Smith, *The Theory of Moral Sentiments*, 64.
[344] Smith, *The Theory of Moral Sentiments*, 65.
[345] Smith, *The Theory of Moral Sentiments*, 66.
[346] This is, broadly speaking, the Socratic tradition. Stoicism is one branch of this family.

tradition, forcefully reject the idea that Nature equips humans (and all beings) with defective faculties.[347] And where Smith is writing from the vantage point of mass society and (relative to the ancient world) democracy, Roman political society was a much more restricted domain for elites only. Yet, regardless of the phenomenon's source (nature or convention), Smith offers real insight into its workings. The separation or distinction of one allows him to wield an informal sort of power through the behavior of the many who emulate his behavior and make him the object of their deference and sympathy.

Smith and Tacitus accurately observe that visibility raises problems for political communities. In both of their stories, social and political visibility create the conditions not only for a mimetic politics but a destructive and vicious politics. However, mere visibility and consequent emulation are not sufficient for this. As we will see, it is possible for an emperor to influence citizens for the better. And since there is no conceivable society that has *no* prominent people, it would strain credibility to claim that a society is vicious *merely* because its political structure makes some one citizen (or some few citizens) prominent.

The missing piece is vice. As Smith notes, the "disposition to admire, and almost to worship, the rich and powerful… is… the great and most universal cause of the corruption of our moral sentiments." Such "candidates for fortune too frequently abandon the paths of virtue; for unhappily, the road which leads to [wisdom and virtue], and that which leads to [wealth and greatness], lie sometimes in very opposite directions."[348]

Tacitus sounds a similar note in his recounting of Nero's reign. As we saw in Chapter 3, Nero is a tyrant and a despot whose vicious desires (Tacitus implies) led him to start the Great Fire. His position as emperor afforded him a nearly unlimited amount of overt power to exercise

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[347] See Graver, *Stoicism & Emotion*, 36.
[348] Smith, *The Theory of Moral Sentiments*, 77.

his vice, to the detriment of the Roman people. But Tacitus explores another, more insidious means by which Nero harmed the political community: his ability to turn his own warped mental states into a public vice. This, in other words, is a vicious environment – a public culture where vice flourishes because citizens unreflectively emulate the actions of a leader. The disease metaphors that we saw above are apt because vice, as promoted by a corrupting leader, flourishes less by citizens making cold and calculated decisions than by this unreflective emulation of others' behavior.

Tacitus's story is about Nero's desire to perform on stage as an actor, which probably does not strike a modern reader as vicious. But since actors in Greek and Roman society had a particularly low social status, it was inappropriate for a noble to aspire to be an actor (from the perspective of a traditional-minded Roman noble, at least). Now, contemporary readers are unlikely to share this view. But the importance of the following episodes, which trace Nero's increasingly public performances, lies not so much with our feelings about the substantive vice at stake as with the *mechanism* that allows Nero to transform his own desire into something that was publicly approved.

The story begins with Nero's mental state. He had a "deep-seated desire in him to drive a four-horse chariot and a no less repulsive eagerness to sing with a harp like a stage performer" (*vetus illi cupido erat curriculo quadrigarum insistere nec minus foedum stadium cithara ludicrum in modum canere*). This desire, by itself, is a warped mental state, entirely internal to Nero. However, once he had assassinated his mother Agrippina, he "gave himself over to all desires which, although imperfectly restrained, a semblance of respect for his mother had impeded" (*seque in omnis libidines effudit quas male coercitas qualiscumque matris reverentia tardaverat*; *Ann.* 14.13).

At this point, he could no longer be held back, so Seneca and Burrus (d. 62 CE), his advisors, enclosed a spot in the Vatican where he could drive the chariot without making it a public spectacle (*clausumque valle Vaticana spatium in quo equos regeret haud promisco spectaculo*). But

> soon the Roman people were actually invited to watch, and they showered him with praises, because a crowd craves entertainment and is delighted if a prince is inclined the same way. Besides, the public nature of his shame did not satiate him, as they expected, but brought incitement. Thinking that the shame could be lessened if he corrupted many others, he led the descendants of noble families, who put themselves up for sale because of poverty, onto the stage.
>
> *mox ultro vocari populus Romanus laudibusque extollere, ut est vulgus cupiens voluptatum et, si eodem princeps trahat, laetum. Ceterum evulgatus pudor non satietatem, ut rebantur, sed incitamentum attulit. Ratusque dedecus molliri, si pluris foedasset, nobilium familiarum posteros egestate venalis in scaenam deduxit*; *Ann*. 14.14).

Though it is not clear how the crowd was assembled, the effect is clear. The crowd spurs Nero on to further acts – paradoxically, their delight serves both as incitement but also a source of shame. To lessen his shame, Nero needs others (i.e., high-status Romans for whom public acting is inappropriate) to shame themselves as well. Tellingly, he has to bribe impoverished nobles to do this – it is not an act that they otherwise would have chosen. The bribe also carries a threat of coercion, because "payment from he who is able to command carries the force of compulsion" (*merces ab eo qui iubere potest vim necessitatis adfert*; *Ann*. 14.14). This first bit of public attention sets other events (not just changes in mental states) in motion and widens the circle of participation.

Soon thereafter, Nero instituted a new set of games. These "Juvenalian Games" were expressly instituted because Nero "was not yet ready to be disgraced on a public stage" (*ne tamen adhuc publico theatro dehonestaretur*; *Ann*. 14.15). In other words, they are an intermediate step along the way to acting on his vicious mental state. There is a notable

difference between these games and the unnamed stage appearances in *Ann*. 14.14, though. This time, there was widespread participation in the performances (*in quos passim nomina data*) and "neither nobility, age, nor previous honors were a deterrent to anyone from participating in the art of Greek or Latin acting, even the gestures and movements hardly suitable to men" (*non nobilitas cuiquam, non aetas aut acti honores impedimento, quo minus Graeci Latinive histrionis artem exercerent usque ad gestus modosque haud virilis*; *Ann*. 14.15). The example set by Nero and the bribed nobles (however coerced their performance was) clearly changed to some degree what counted as acceptable behavior. Some of the shame that was present in 14.14 has worn off, and the participation is no longer bribed or coerced. In the narrative, the appearance of the bribed nobles is directly antecedent to the introduction of the Juvenalian Games, suggesting that the visibility (and literal performance) by Nero and the nobles is directly, causally linked to the Juvenalian Games.

The infrastructure surrounding the games also contributed to the growth of public vice. Tacitus writes that to support the games, Nero "built…meeting halls and inns, with items inciting excess offered for sale" (*extructaque…conventicula et cauponae et posita veno inritamenta luxui*) and had "stipends given out, which the good spent under compulsion, the profligate out of vainglory" (*dabanturque stipes quas boni necessitate, intemperantes gloria consumerent*).[349] "Accordingly, shameful and disreputable acts increased, and nothing added more license to our long declining customs than that cesspool" (*inde gliscere flagitia et infamia, nec ulla moribus olim corruptis plus libidinum circumdedit quam illa conluvies*; *Ann*. 14.15). The coordinating conjunction *inde* denotes a causal relationship to the preceding sentences. As in the discussion of *Ann*. 619 in Chapter 4, the verb *gliscere* indicates a zero-sum relationship between vicious acts

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[349] See Cornelius Tacitus, *The Annals*, trans. A. J Woodman (Cambridge; Indianapolis, Ind.: Hackett, 2004), 282fn30.

and once-upright customs. This infrastructure provides an even wider scope for engaging in vicious behavior, and while Tacitus does not explicitly name what was for sale, the notion of luxury's corrupting influence is a common theme among Roman authors.[350]

A few chapters later (14.20-1), Nero proposes another new set of "Quinquennial Games."[351] This new institution was "variously judged, as with nearly all novelties" (*varia fama, ut cuncta ferme nova*; *Ann*. 14.20). Unnamed detractors argued that

> The ancestral customs that had gradually been forgotten were now being utterly overturned through imported indulgence, so that anything corruptible or corrupting would be visible in the city, and the youth were declining from foreign inclinations, by spending their time at gymnasia, in idleness, or in shameful love affairs – all this because of the influence of the princeps and the senate, who not only granted license to vices, but applied pressure so that Roman nobles might disgrace themselves on stage on the pretext of reciting speeches and poems.
>
> *Ceterum abolitos paulatim patrios mores funditus everti per accitam lasciviam, ut quod usquam corrumpi et corrumpere queat in urbe visatur, degeneretque studiis externis iuventus, gymnasia et otia et turpis amores exercendo, principe et senatu auctoribus, qui non modo licentiam vitiis permiserint, sed vim adhibeant ut proceres Romani specie orationum et carminum scaena polluantur. Ann*. 14.20

As in the preceding episodes, the games are criticized by traditionalists as corrupting, inappropriate, and vicious. Yet in this episode, unlike the previous ones, there is a faction that voices support for the games. Tacitus records that "license itself was pleasing to most people, although they were excusing it by using upright names," arguing that it was of little consequence "to give a few nights every five years to joyfulness more than to indulgences, nights during which nothing forbidden would be able to be hidden in the light of so many fires" (*pluribus ipsa*

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[350] Sallust's *Bellum Catilinae* 1-3 and *Bellum Jugurthinum* 1-4 are probably the most famous examples, but see also (e.g.,) Livy *Ab Urbe Conditia* 34.4. Also, as we saw in Chapter 3, Tacitus takes a dim view of *avaritia* in *Ann*. 3.26-28 and *Hist*. 2.38.

[351] Although he did not take part in these initial games, Tacitus is clear that they are part of Nero's eventual goal of performing publicly. At 15.33, he records that Nero had previously sung only at home or in the Juvenalian Games but was looking for larger audiences. By 16.4, he explicitly intends to perform at the upcoming set of Quinquennial Games.

licentia placebat, ac tamen honesta nomina praetendebant…laetitiae magis quam lasciviae dari pacuas totius quinquennii noctes, quibus tanta luce ignium nihil inlicitum occultari queat; *Ann*. 14.21).

In the span of these chapters, what began as Nero's vicious mental state has ended in a public culture where most (*pluribus*) find the vice agreeable. He deepens his control over the Roman *civitas* through his ability to "set the tone" as emperor and the general human tendency toward imitation. Citizens emulate his vice and internalize it as a habit, although they are not aware that they are acting viciously and (on the Stoic analysis) are assenting to false impressions of how they should behave. While I do not think that we do (or should) share Tacitus's feelings toward theatrical performance, I do think that the vice of self-indulgence is worth taking seriously. One of the core claims from ancient republicans is the difficulty involved in self-governance and the need for sacrifice, as well as the corrupting influence of pleasures both material and immaterial.[352]

These episodes are primarily about the capacity for a leader to shape public behavior, not (at least primarily) to document a historical event. In fact, the story of the Quinquennial Games concludes with the remark that "admittedly, the spectacle passed with no signs of disgrace" (*sane nullo insigni dehonestamenta ide spectaculum transiit*), which raises the question of why Tacitus would even report this (non)event if his aims were historical. While Tacitus does not explicitly identify who the detractors and supporters were, nor explicitly endorse one side, his word choice suggests that his sympathies lie with the detractors rather than the supporters of the games. *Sane* is a concessive adverb and using it rather than a conjunction like *enim* ("indeed," "for this

[352] See, e.g., Cicero *Rep*. 1.1, *Off*. 1.93-106, especially 103, 105, and 106, in addition to the sources cited in note 10 above; later, Machiavelli writes approvingly of a republic's need for poor citizens (*Discourses* 1.37, 2.19, and 3.25, among others). Consider also the Stoic implication that being ruled by appetite definitionally precludes the exercise of reason and therefore virtue.

reason") to report that disgraceful events did *not* happen indicates that Tacitus, like the detractors, would have expected these disgraceful events to happen. For the supporters to offer a pretense of upright behavior (*honesta nomina preatendebant*) suggests that they are rationalizing something that they know to be wrong or unseemly. For these reasons, the force of the episode lies in the detractors' argument and its ability to give voice to the mechanism that a leader like Nero (and his senatorial sycophants) use to encourage vice. Emphasizing this is notably different from, for example, Suetonius's account, which implies only that Nero coerced the nobles into performing (*Ner*. 11-12).

Not every example from an emperor is negative or vicious. Embedded in one of Tacitus's more notable authorial asides (3.55) is an account of how a leader can influence citizens for the better. With no foreign disturbances, the year 22 saw widespread domestic suspicion that sumptuary legislation (i.e., measures against conspicuous consumption) would be enacted. The magistrates passed the issue on to Tiberius, who wrote to the senators and declined to take any action. Nevertheless, certain practices like extravagant dinner parties gradually faded, "the causes of which change I am eager to look for" (*causas eius mutationis quaerere libet*," writes Tacitus.

> Once, rich noble families or families of eminent fame fell on account of their eagerness for consumption. […] After the savage massacres, and when outstanding fame was deadly, those who remained turned to wiser customs. At the same time, new men from the towns and colonies and even the provinces were frequently enlisted into the senate and brought their domestic frugality, and although many arrived at a wealthy old age through fortune or hard work, nevertheless their prior spirit remained. But the outstanding promoter of frugal customs was Vespasian,[353] himself old-fashioned in his appearance and eating. From that point on, deference to the princeps and the love for emulating was more powerful than punishment by the laws and fear. Or perhaps there is a certain cycle in all things, so that just as there are successions of seasons, so there may be transformations of customs. And not all things were better among our ancestors – our age too offers many examples of praiseworthiness and artistic skill worthy of imitation by posterity. Truly, may these competitions over honor with our ancestors endure.

[353] Emperor from 69-79 CE.

> *Dites olim familiae nobilium aut claritudine insignes studio magnificentiae prolabebantur. […] postquam caedibus saevitum et magnitudo famae exitio erat, ceteri ad sapientiora convertere. Simul novi homines e municipiis et coloniis atque etiam provinciis in senatum crebro adsumpti domesticam parsimoniam intulerunt, et quamquam fortuna vel industria plerique pecuniosam ad senectam pervenirent, mansit tamen prior animus. Sed praecipuus adstricti moris auctor Vespasianus fuit, antiquo ipse cultu victuque. Obsequium inde in principem et aemulandi amor validior quam poena ex legibus et metus. Nisi forte rebus cunctis inest quidam velut orbis, ut quem ad modum temporum vices ita morum vertantur; nec omnia apud priores meliora, sed nostra quoque aetas multa laudis et artium imitanda posteris tulit. Verum haec nobis in maiores certamina ex honesto maneant. Ann.* 3.55

Here, thrift prevails over extravagance – but not through legal channels (as the citizenry expected in 22 C.E.). Instead, Vespasian himself influences citizens' behavior through his role as *princeps*, which gives him outsized visibility and distinction above other citizens. And while Tacitus is less explicit than the *Theory of Moral Sentiments*, the phrase "love for emulating" (*aemulandi amor*) suggests a general human tendency in the vein of Smith's observations for copying the behavior of prominent people.[354] In keeping with his regime agnosticism, Tacitus claims that these factors are more capable of promoting changes in behavior than fear of legal penalties or such penalties themselves.[355] The same mechanism, then, is at work as we saw in Nero's instituting of games.

But there are notable differences between this episode and the Neronian episodes that point to greater difficulties in promoting virtue than vice. As Tacitus writes, "decency is retained only with difficulty even in honest pursuits, much less could shame, modesty, or any other upright custom survive among such contests for vice" (*vix artibus honestis pudor retinetur, nedum inter certamina vitiorum pudicitia aut modestia aut quicquam probi moris reservaretur*; *Ann*. 14.15). On a strict Stoic view, anything that is not virtue is vice, so there is an exceedingly high bar for virtue and a correspondingly low bar for vice. In a vicious environment (the sort that

[354] It also connotes a competition or rivalry, as Tacitus outlines in the last sentence of the passage.
[355] Cf Smith, *The Theory of Moral Sentiments*, 67, where a king's "air," "manner," and "deportment," […] "supported by rank and preeminence, are, upon ordinary occasions, sufficient to govern the world."

Nero created and that Vespasian found himself in), Tacitus suggests that it is more difficult to influence people toward virtue through imitation than to promote vice.

Second, on a strictly Stoic account, merely imitating behavior (even virtuous behavior) is not the same thing as virtue, which by definition is a deliberate choice.[356] Acting from deference and a love for emulating by definition rules out acting from the knowledge of what is good and bad, which is the condition for virtue. The deference to the emperor that leads to frugality in this case is the same deference that led to Augustus's consolidation of power in the early years of his reign (*Ann.* 1. 4 and .7) or that was at work when Nero changed the customs surrounding games. So deference and emulation are (to use a Stoic phrase) matters indifferent, that is, neither good nor bad in and of themselves.

There is also an interpretative challenge posed by the idea cyclical change. It would seem as if Tacitus undercuts his earlier claims in this digression by positing such cycles, not human agency, as the true driver of change. Readers may remember from Chapter 3 that I argued that when Tacitus offers multiple and mutually exclusive explanations, his sincere or implied belief is almost always the second option.[357] They may also remember from Chapter 5 that I argued that Tacitus's philosophy of history rules out cyclical thinking. Clearly both cannot be true in this instance, so which is it?

Woodman and Martin suggest that Tacitus favors the cyclical theory and that the end of the digression (*nisi forte…maneant*) is an alternative to the earlier explanation, namely, the positive influence of Vespasian's example.[358] On their view, the "real purpose" of *nisi forte* ("Unless perhaps…") is "to effect the transition to the statement of the opposite (*nec omnia apud*

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[356] Cf, *The Stoic Life*, 37.
[357] See fn38 in Chapter 1.
[358] See the full treatment of 3.55 in Woodman and Martin, *The Annals of Tacitus. Book 3*, 401-413. Although I differ on certain points, the discussion on the whole is extremely helpful for understanding this digression.

priores meliora) [not all things were better among our ancestors] with which the coda of the excursus is introduced."[359]

Yet, *nisi forte* is often ironic,[360] and elsewhere Tacitus introduces his "multiple explanations" with an ironic and affected sense of uncertainty and coordinating conjunctions,[361] which are not present in 3.55. Finally, given his Stoic-influenced emphasis on human choice, I do not think Tacitus actually intends to posit cyclical theory as an alternative explanation to human agency. At most, he may mean that certain individuals like Vespasian *choose* to react to previous practices like luxurious dining, and that certain customs come in and out of fashion. Even this, though, would not be an alternate explanation so much as a qualification.[362] For these reasons, I would suggest that *nisi forte…maneant* is a response to the troubling implications on the limits of positive influence that I noted above.

After this sentence, Tacitus shifts the focus from the emperor to "many examples of praiseworthiness and artistic skill" (which would, of course, include his own work) that are "worthy of imitating" by posterity. This is an interesting move – despite his praise for Vespasian, Tacitus does not say that he is worthy of being imitated. Tacitus admittedly does not name the "many examples" (*multa*) that are worthy of imitation. But the *Annales* as a whole is full of praiseworthy characters (see Chapter 3) whose virtues Tacitus casts in a Stoic light. Furthermore, the contest with Romans of old is a contest over that which is *honestum* (*certamina ex honesto*), a word that recalls Cicero's use of *honestum* in his *De Officiis* to mean "(Stoic) virtue."[363] So

[359] Woodman and Martin, *The Annals of Tacitus. Book 3*, 407.
[360] Gildersleeve and Lodge, *Gildersleeve's Latin Grammar*, 378.
[361] *sive…seu* 1.10; *mihi…in incerto iudicium est* 6.22; *incertum* 15.38. Cf Hermogenes *On Types of Style* 367 (p.100) for using apparent hesitation to call doubt on a topic considered to be settled.
[362] See Gildersleeve and Lodge, *Gildersleeve's Latin Grammar*, 378 Remark 4 for how *nisi forte*, when not ironic, indicates a limited qualification of a previous statement.
[363] See P.G. Walsh's translation, in Marcus Tullius Cicero, *On Obligations*, trans. P. G Walsh (Oxford; New York: Oxford University Press, 2001), xviii. There are echoes of this in *Fin*. 2.21.

Tacitus proposes that his reader focus not on the emperors – even a relatively good one like Vespasian – but on his examples of Stoic virtue.

Readers will remember that Tacitus's most explicit praise for virtue is reserved for Marcus Lepidus (4.20) and Thrasea Paetus (16.21). At 4.20, Tacitus's digression on Lepidus leads him to the question of free will, where he implies his support for the view that "there may be something in our intentions that allows us to forge a path between inconsiderate stubbornness and debasing obsequiousness, a path free from both adulation and danger" (*sit aliquid in nostris consiliis liceatque inter abruptam contumaciam et deforme obsequium pergere iter ambitione ac periculis vacuum*). And as I argued in Chapter 5, Thrasea's main teaching is that a virtuous person will care about seemingly trivial or inconsequential matters, because they are causally linked to more important events and therefore the choices involved in them are a matter of moral responsibility.

Tacitus uses these exemplars to teach something very different than emulation. Both men's presence in the narrative orients the reader toward the issue of free and deliberate choice – its importance, its dangers, and the obligations its exercise incurs. These are not portraits for rote imitation, but an argument for cultivating the Stoic qualities that enable a person to act wisely and rationally. Deference and a "love for emulating" cannot reliably lead to good behavior or virtue, so Tacitus proposes learning from the examples of virtuous men, who educate their students in making choices.[364] On the Stoic view, only a rational choice can lead to virtue – imitation may accidentally produce a certain outcome, but it cannot be called virtue.[365] So by

[364] As I will discuss in the Conclusion, Joshua Cherniss's treatment of exemplarity in Joshua L Cherniss, *Liberalism in Dark Times: The Liberal Ethos in the Twentieth Century* (Princeton, N.J.: Princeton University Press, 2021), argues that emulating exemplars need not be a "slavish imitation," but something closer to "conscious human action" (210).
[365] The Stoic concepts are *kathêkon* and *katorthôma*, respectively, befitting and perfect actions. While only the Sage's action counts as virtuous *katorthôma*, ordinary people may perform the same action and imitate *katorthôma*, which would be *kathêkon*. The difference is the way the action was done, not the bare fact of the act itself. See

replacing emulation of the emperor with learning from virtuous teachers, Tacitus offers a surer path for republican behavior.

Conclusion

Maternus undertakes a sustained line of political philosophical inquiry, not merely historical commentary, in his second speech in the *Dialogus de oratoribus*. He constructs a regime whose politics is clearly the product of the behavior of its monarch and the behavior that the monarch's example inspires or discourages. This regime is a republic because of the monarch's virtuous recognition that the *civitas* belongs to the people and because his moderation – manifesting in justice, wisdom, and clemency – restrains the monarch from dominating the people and wielding power over them as a master over slaves. Virtue is central to this republic and its liberty, much more so than any of its institutional arrangements.

The understanding of politics as behavior is part of Tacitus's larger insight that most of us learn from the experiences of others. Emulation is therefore a crucial element – perhaps even the dominant one – explaining why we act as we do. In the last chapter, we saw how this manifested in Tacitus's philosophy of history. A competent historian can present the experiences of examples, both good and bad, for the sake of educating the reader in what to emulate and what to avoid. But here we have seen the downside to this. While emulation itself is morally neutral, it is easier for a despot to habituate citizens to vice than for an exemplar to inspire virtue. The bar for virtue is higher, and there are many ways to be vicious. The despot then has a strategic advantage, as it were, in cementing despotic rule. Nevertheless, Tacitus attempts to turn his readers' attention away from the emperors and towards exemplars like Thrasea and Lepidus.

Brennan, *The Stoic Life*, 43; Diog. Laert. 7.108-9; SVF 3.495-6; Long and Sedley, *The Hellenistic Philosophers*, 361.

My reading points to some interpretive difficulties of contemporary readings of Tacitus and his relationship to republicanism. Republicans agree, nearly by definition, that liberty is the constitutive element of a republic. And yet there is disagreement over what this liberty consists of. Tacitus argues that it is the product of virtue, not institutions, for the reasons we have seen above. Renaissance and contemporary scholars, however, have advanced the opposite view – that Tacitus argues for a certain constitutional and legal arrangement to effect and ensure liberty.

Most notably, this includes classicists like Thomas Strunk, whose 2017 *History After Liberty* re-opens the debate (ongoing since Tacitus's revival in the Renaissance) about Tacitus's partisan regime preference. Recent scholars like the political theorist Daniel Kapust (following Peter Burke) have read Tacitus as a moderate who "eschew[s] extremes," accepts that "[t]he principate was the reality of Rome," and whose "project…is neither revolutionary nor reactionary, but centers on the cultivation of prudence and learning to navigate the murky and dangerous waters of a political world that is neither wholly free nor wholly servile."[366] Earlier Renaissance readers of Tacitus had labelled him as "Black" (a supporter of monarchy) or "Red" (an anti-monarchical parliamentarian) for their partisan purposes, leading Burke and Kapust to label their Tacitus as "Pink," since they seek to reconcile the earlier readings.

Strunk offers a broadside against such moderation, arguing for "the revival of the Red Tacitus interpretation" against the "distorted and undue emphasis on the influence of a 'middle way,' the avoidance of political extremes." Strunk's Tacitus is a "radical, subversive historian" whose concept of *libertas* is "a scathing critique of the Principate as a system."[367] This radical Tacitus fits neatly in the neo-Roman schema. Strunk defines Tacitus's understanding of political

[366]Daniel Kapust, "Tacitus and Political Thought," 2011, 524-5 in Victoria Emma Pagan, ed., *A Companion to Tacitus* (Chichester [England]; Malden, Mass.: Wiley-Blackwell, 2013).
[367] Strunk, *History after Liberty*, 5-6.

libertas as "freedom from domination (*dominatio*)" and "the freedom to participate in the politics of a free state, or, to put it negatively as well, freedom from the usurpation of political participation" (23).[368]

Strunk's understanding of *libertas*, and therefore his larger understanding of Tacitus, is predetermined by his neo-Roman approach. While he rightly points out that "Tacitus' conception of *libertas* is deeply embedded in the actions and behavior of individuals," and while he later includes a chapter on "*Libertas* As Freedom Of Speech And Expression," Strunk ultimately comes down in favor of the institutional sense of *libertas*. He insists that a "*dominatio* is that state, that constitution which replicates the relationship between master and servant in the relationship between its citizens" and that Tacitus saw the principate "as just such a state with the *princeps* as *dominus* and the formerly free citizens…reduced to servitude."[369] Furthermore, he writes that while "Tacitus does make judgments about personal character based on independent or obsequious behavior," "[t]here is…a fundamental problem in this definition [of *libertas* as behavior], for it ignores… [certain passages that] refer to political systems and institutions, not to individual apolitical virtues or the assertion of one's personal dignity."[370]

My reading of the *Dialogus* should call this into question. The neo-Roman understanding of liberty, which is the defining feature of its self-understanding,[371] is an *institutional* understanding, where liberty is the product of constitutional and legal arrangements.

But an institution-oriented understanding of liberty is simply not Tacitean, and arguably it is not even Roman. As Maternus's monarch shows, regime agnosticism identifies liberty as the

[368] Strunk, *History after Liberty*, 23. This second definition is a response Patchen Markell, "The Insufficiency of Non-Domination," *Political Theory* 36, no. 1 (2008): 9–36.
[369] Strunk, *History after Liberty*, 25.
[370] Strunk, *History after Liberty*, 26.
[371] See Lovett and Pettit, "Neorepublicanism," 13.

product of a regime's virtuous characteristics, like clemency, wisdom, and justice. That claim is rooted in the earlier Ciceronian definition of a *res publica* as a certain type of *civitas* where the regime acts virtuously toward the *civitas*, that is, by recognizing it as the people's property.

Instead, my reading shows us how and why Tacitus is regime agnostic and suggests that a republic is defined by the presence of virtue. Republican vigilance, therefore, must be directed to behavior to perceive any nascent domination that threatens to corrupt the republic. As the history of the Julio-Claudians showed, traditional institutions were insufficient to save the Romans from despotism. The emperors wielded power through threats and intimidation – something we have seen throughout this dissertation – but also through their outsized prominence. That "most people learn from the experiences of others" (*Ann*. 4.33) is a dangerous fact under a *princeps* who knows how to turn this to his advantage. Where a republic is characterized by virtue, despotism is characterized just as much by inculcating vicious habits as it is by wielding overt control.

Chapter 7 Conclusion: Will Institutions Save Us? The Growth of Savagery and the Limits of Neo-Roman Liberty

Chapter Summaries

This dissertation has argued that Tacitus, drawing on Stoic themes, articulates a vision of politics that centers on behavior, and more specifically a vision of republicanism that centers on virtue. Let us briefly take stock of these arguments before turning to their larger significance for contemporary political theorists.

Drawing on the insights of ancient rhetorical theorists in Chapter 1, Chapter 2 argues that Tacitus demonstrably uses Stoic themes to ground his political evaluations. Far from being ignorant of philosophical ideas, I showed that Tacitus is deeply aware of Stoic and Epicurean concepts, debates between the schools surrounding free will and causation, and Platonic dialogues like the *Gorgias*. While this does not change the substance of his evaluations (e.g., Tiberius as a tyrant), it does give them a philosophical depth and rigor that has not been appreciated to date. This also allows us to see a coherence running throughout his works – primarily the *Annales* – that we would otherwise not be able to see. Tacitus on this view is a much more theoretically – as opposed to merely historically – interesting and sophisticated author than he has generally been given credit for.

In Chapter 3, we saw the first part of Tacitus's non-institutional critique of the principate. An analysis of various *exempla*, both positive and negative, shows that Tacitus uses the traditional four cardinal virtues – courage, wisdom, justice, and moderation – in his appraisal of

various Romans. But beyond merely documenting these, he uses them to assess Roman politics and criticize the principate for its vice. Courage and wisdom are linked in their resistance to imperial politics. Courage, no longer the province of military action against foreign enemies, becomes an open defiance to the princeps. Wisdom, as seen in Marcus Lepidus, is neither openly defiant nor accommodating. Instead, it looks to blunt the worst cruelties of the princeps and prevent sycophants from entirely taking over the emperor's ear. Justice and moderation are also linked. Cicero had argued that justice and the equal standing of citizens in a community were to be codified in law. Tacitus, however, argues that only moderation, or the act of restraint, can guarantee equality and therefore justice. Lacking moderation, factions and individuals will seek to wield power over others for the sake of gratifying their own interests. Moderation, though, restrains us from dominating others and preserves equal standing.

Chapter 4 presents the second part of Tacitus's non-institutional critique of the principate. A fundamentally cruel affect suffuses the *principes* and their various associates and complements the vices from the previous chapter. Tacitus deplores this, but, as in Chapter 2, there are sophisticated philosophical reasons that deepen this assessment of imperial cruelty. To explore this, I turn to the Stoic concepts of *hormê* and *oikeiôsis*, that is, the efficient cause of actions in Stoic philosophy of mind and the process by which we come to have an affective attachment toward natural things, respectively. The Stoics use these concepts to argue that humans are social creatures and that we have natural affective bonds towards each other. This, I argue, grounds Tacitus's repeated denunciations of savagery. Moreover, it provides a normative framework for understanding why cruelty is wrong and compassion is natural. In the narrative, Tacitus documents Tiberius's cunning use of cruelty and suppression of grief. The strategy that Tiberius

uses, though, is perilous, as seen in Claudius's suppression of his own grief and Nero's obvious cruelty.

These two chapters form what I have called Tacitus's "non-institutional critique of the principate." Implicit in this criticism is the idea that our moral education may come from somewhere outside the regime. I explored this idea in Chapter 5, where I reconstructed Tacitus's philosophy of history. He draws on Stoic ideas of causality and responsibility to show that all incidents, however trivial they may seem, are useful for teaching moral lessons. Obliquely, and through the character Thrasea Paetus, Tacitus communicates that he is involved in giving his reader this sort of morally didactic education. Combined with his repeated use of medical metaphors, the implication is that Tacitus's histories can cure Rome of its ills.

It is apparent throughout this argument that Tacitus writes from a republican vantage point. And yet the fact that his critique of the principate is *non*-institutional means that his republicanism must involve something different than a simple preference for the mixed regime. Indeed, his doubt that the mixed regime can endure – the very feature that Cicero argues is its biggest advantage – suggests that his republicanism is actively not interested in constitutional theorizing. Accordingly, Chapter 6 explores Tacitus's regime agnosticism. On this view, a republic is defined more by the manner in which a regime and its agents treat the *civitas*, or political community. When they behave virtuously, recognizing that the *civitas* belongs to the people, the *civitas* is a republic (*res publica est res populi*). Lacking this, it is a deficient regime – a despotism where the regime and its agents rule for the sake of satisfying their appetites and dominate the people. In a republic, liberty flourishes. But if, as we saw in Chapter 4, most people learn from the experiences of others, then a despot's vicious behavior can inculcate similar habits among the people, leading to a public culture of vice and a corresponding loss of liberty. Liberty

is therefore much more fragile than we might otherwise think, and so republicans must be vigilant in preserving it.

Republicanisms Ancient and Modern

Tacitus's political philosophy strips away the pretense of the Julio-Claudian principate. In truth, the regime was, as Clifford Ando writes, "a nation where monarchy hid under the form of a republic."[372] In ordinary language, we speak of "the Roman empire," but this obscures the insidiousness of the early principate and its self-presentation as the restored republic. It is more accurate to say that under the Principate, the regime in the classical sense – the arrangement of offices, as Aristotle puts it – was turned into an apolitical rubber stamp for the princeps, who was the real ruler although not necessarily a magistrate. For this reason, I have referred to the principate as an "informal" regime throughout this dissertation.

But, to the extent that this is true, this raises problems for political theoretic analyses that look to the formal structure of the Roman political community for insights into the nature of republicanism and its historical grounding. In particular, the neo-Roman or neo-republican movement among contemporary political theorists is susceptible to this problem. Broadly speaking, neo-Roman republicans advance a theory of freedom as "non-domination," understood to be a theory of citizenship within a regime that is constitutionally limited in its power for the specific purpose of precluding arbitrary rule over citizens.[373] As its name suggests, the school of thought sees both historical roots and conceptual connections to Roman thought.

Philip Pettit's highly influential 1997 *Republicanism: A Theory of Freedom and Government* first set the stage for the theoretical understanding of liberty as non-domination and

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[372] Ando, *Law, Language, and Empire*, 86.
[373] Cécile Laborde and John W. Maynor, eds., *Republicanism and Political Theory* (Malden, MA: Blackwell, 2008), 2.

its subsequent academic popularity. Non-domination, according to Pettit, is a negative conception of freedom that seeks to protect against an actor with "the capacity to interfere arbitrarily in your affairs."[374] But this understanding was not new, Pettit claimed. It is drawn from the "older, republican tradition… the tradition associated with Cicero at the time of the Roman Republic; with Machiavelli…and various other writers of the Renaissance Italian republics; with James Harrington and a host of lesser figures in an after the period of the English Civil War; and with the many theorists of republic or commonwealth in eighteenth-century England and America and France."[375] While Pettit's analysis is mostly focused on the latter group of English and American thinkers, the Roman roots of the theory (on his view) are quite clear, especially in his use of Latin terms like *libertas*, *civitas*, *dominium*, and *imperium*, among others.

Pettit is not alone in looking to the Romans as the forebearers of a grand tradition. Quentin Skinner – the chief neo-Roman historian – writes in the introduction to the second volume of *Republicanism: A Shared European Heritage*, that "A good place to begin this chapter – and indeed this entire volume on republican values – is with the rubric *De statu hominis* from the opening of the *Digest* of Roman law, perhaps the most influential of all the classical discussions of the concept of civil liberty." The *Digest*, Skinner notes, sets forth the fundamental republican distinction between free persons and slaves. An understanding of slavery as being under the dominion of another person implies a definition of individual liberty as simply not being under the dominion of another. Skinner then notes that "While this summary was exceptionally influential, we already encounter a very similar analysis at a much earlier date

[374] Pettit, *Republicanism*, 23.
[375] Pettit, *Republicanism*, 5-6.

among the historians and philosophers of ancient Rome, and especially in the writings of Cicero, Sallust, Livy, and Tacitus."[376]

With this statement Skinner accomplishes two things: first, eliding the potentially inconvenient fact that the *Digest* was compiled under the emperor Justinian in the early 500s CE (with significant contributions from the jurist Ulpian's writings of the late second and earlier third centuries CE, also under imperial rule[377]); second, creating a bibliography that conflates philosophical and historical works with the tradition of juridical writing on the Romans' formal and legal institutions. As Skinner wrote in his earlier work *Liberty Before Liberalism*, the "authorities on whom [the English commonwealth] writers chiefly rely for their understanding of slavery are the Roman moralists and historians. But the views of these ancient authorities had in turn been derived almost entirely from the Roman legal tradition eventually enshrined in the *Digest* of Roman law. It is accordingly to the *Digest* that we need to direct our attention if we wish to recover the concepts and distinctions that came into general use."[378] On this view, the legal tradition subsumes all else and becomes the most important – and potentially only – source for thinking about Roman republicanism.

This view is problematic because to the extent that Cicero and the historians' texts are even consulted, they are treated as merely juridical works expressing legal concepts. Their literary qualities are set aside or unrecognized. As I have argued throughout this dissertation, the coherence of Tacitus's claims and narratives only come forth when we recognize their literary, textual subtleties and grapple with them. These literary dimensions are, moreover, not merely

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[376] Quentin Skinner, "Classical Liberty and the Coming of the English Civil War," in Martin van Gelderen and Quentin Skinner, eds., *Republicanism: A Shared European Heritage. The Values of Republicanism in Early Modern Europe* (Cambridge: Cambridge University Press, 2002), 9.
Skinner's historical work in this vein began much earlier. I cite this particular work as a representative example that clearly illustrates the claim for the historical Roman roots of liberty as non-domination.
[377] See Ando's criticism of this in chapter 5 "Domesticating Domination" of his 2011 *Law, Language, and Empire*.
[378] Skinner, *Liberty before Liberalism*, 38.

stylistic, but intimately connected with the philosophical themes that Tacitus presents and, in certain cases, endorses (and the same goes for Cicero). The need to recognize the literary qualities of a work applies to other authors as well, namely Sallust and Livy, though neither Pettit nor Skinner do this in their effort to appropriate the Roman authors for their theory of liberty.

Additionally, the claim that authors like Tacitus "derived" their views "almost entirely" from the Roman legal tradition rests on contestable assumptions. Specifically, it requires that these texts be a representation of the prevailing political and social ideas of its context. Yet as I have argued, Tacitus's texts are highly critical of Roman society, and even his remarks about life under Nerva and Trajan are not without a certain forcefulness.[379] In reading his works, we are constantly reminded of Tacitus's *distance* from his historical circumstances and even his ability to critique them on occasion. This also holds true for his largest source of philosophical inspiration, Stoicism. As the Stoics argue, philosophical truth is accessible through reason – *not* history. There are certain elements of empiricism in Stoic thought, as in Chrysippus's argument that the human *telos* was "living in accordance with the experience of what happens by nature"[380] But this empirical bent does not mean that Stoic thought is conditioned by its circumstances. The larger debate here – whether philosophical thought is merely an expression of circumstances and whether texts are epiphenomenal – is beyond the scope of this conclusion and not likely to be settled any time soon. Indeed, Skinner himself has played a prominent (and

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[379] It may have been true that speech was freer under Nerva (30 CE- 98 CE; reigned 96-98 CE) and Trajan (53 CE-117 CE; reigned 98-117 CE) than under Domitian, at least insofar as Tacitus felt that he could start writing and publishing then. At the same time, he says in the opening chapter of the *Historiae* that he will write about the blessings of Nerva's and Trajan's reigns in his old age. Of course, he never wrote this work – instead, he produced the *Annales*, the history of Julio-Claudian despotism. This fact itself tells us much about Tacitus's attitude toward Trajan.

[380] Drawn from a passage of Stobaeus's *Anthology* quoted in Long and Sedley, *The Hellenistic Philosophers*, 394. See also Epictetus *Discourses* 2.6.9-10.

even polemical) role in this debate. Yet it remains an inconvenient fact for such historicism that Tacitus's texts and thought are highly critical of Roman society.

And so one of my major claims is that Tacitus is not only *not* at home in the neo-Roman schema, but that he also reveals the limits of its legalism. This is less true of Cicero, who does of course turn to the law at key points in his political philosophy. But, as my comparisons to him have shown, Cicero is not an exclusively legalistic thinker either. He too is less at home in the neo-Roman schema than Skinner might wish. Finally, while I have not turned to Sallust and Livy in this dissertation, I strongly suspect that they too are not easily fitted to neo-Roman legalism.

Virtue and the Limits of Structural Domination

My questioning of its overly legalistic focus also raises a number of conceptual challenges for the neo-Romans. In particular, I believe it is distinctly ill-equipped to understand and confront our contemporary political troubles. There is, I think, a widespread sense that there is something gravely wrong with our politics. There is also widespread disagreement over the nature of this "something." As I noted in the Introduction to this dissertation, the Constitution and the fundamental institutional organization of the country have not drastically changed. The crisis lies in behavior – the vice of prominent figures, the emulation of their vices, and the wider culture of hostility that these have spawned. Confronting this crisis, many observers have asked: will institutions save us?[381]

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[381] See, e.g., Jennifer Victor "How to distinguish conservative policy actions from democracy-threatening actions" (https://www.vox.com/mischiefs-of-faction/2017/1/30/14440346/distinguish-conservative-policy-democracy-threat); Julia Azari, " What we learned about American democracy in 2017" (https://www.vox.com/mischiefs-of-faction/2017/12/29/16829536/american-democracy-2017/); Leonard Pitts Jr. "We were told our institutions would save us" (https://proxy.lib.umich.edu/login?url=https://www.proquest.com/newspapers/we-were-told-our-institutions-would-save-us/docview/2296096553/se-2?accountid=1466); Charles Krauthammer "Once Again, The Guardrails Hold" (https://www.investors.com/politics/columnists/charles-krauthammer-once-again-the-guardrails-hold/); Magdi Semrau, " Can Our Democratic Institutions Save Us From Authoritarianism?" (https://www.damemagazine.com/2022/01/06/can-our-democratic-institutions-save-us-from-authoritarianism/);

For the neo-Romans, the answer is "yes." To see this, let us turn to the foundations of neo-Roman thought. The primary places to begin a neo-Roman political analysis are the fundamental constitutional and institutional legal arrangements of a state. After Pettit's initial clarifications of the nature of non-domination, he writes in *Republicanism* (his first statement of the neo-Roman argument) that "[this] book is designed to show how institutions can be designed – specifically, designed in a republican pattern – so that people's enjoyment of non-domination is more or less smoothly maximized."[382] Freedom as non-domination is categorically different from a good like friendship, which can be pursued privately. Instead, "[t]he lesson is that we should explore the alternative and more promising strategy of relying on constitutional provision, and the remainder of the book [186 pages] is given to that pursuit."[383]

A similar structural focus persists in more recent neo-republican scholarship. Recent literature often references or argues for the "systematic," "systemic," or otherwise institutional nature of domination and freedom as non-domination.[384] Pettit's later restatements of liberty as non-domination reveal a similar focus, as in his 2014 *Just Freedom*, where fully half of the book concerns itself with "The Institutions of Freedom."[385] In a similar vein, Frank Lovett's *General Theory of Domination* proposes a notion of "justice as minimizing domination," an idea that he "states more formally" as "[s]ocieties are just to the extent that their basic structure is organized so as to minimize the expected sum total domination experienced by their members, counting the

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382 Pettit, *Republicanism*, 92.
383 Pettit, *Republicanism*, 95.
384 Dorothea Gädeke, "Who Should Fight Domination?: Individual Responsibility and Structural Injustice," *Politics, Philosophy & Economics* 20, no. 2 (2021); Dorothea Gädeke, "Does a Mugger Dominate? Episodic Power and the Structural Dimension of Domination," *Journal of Political Philosophy* 28, no. 2 (2020): 199–221; Rafeeq Hasan, "Republicanism and Structural Domination," *Pacific Philosophical Quarterly* 102, no. 2 (2021): 292–319; Sandven H, "Systemic Domination, Social Institutions and the Coalition Problem," *Polit. Philos. Econ. Politics, Philosophy and Economics* 19, no. 4 (2020): 382–402.
385 Philip Pettit, *Just Freedom: A Moral Compass for a Complex World*, First edition., Norton Global Ethics Series (New York: W. W. Norton & Company, 2014), 159.

domination of each member equally."[386] The language of constitutional provision, systems, and basic structure reveal just how central formal institutions are to the neo-Roman analysis.

This legalistic approach leads the neo-Romans to identify certain constitutional arrangements, especially the mixed regime, as the constitutive feature of a republic. As Pettit writes in *On the People's Terms: A Republican Theory and Model of Democracy*, "…if the republic is to secure the freedom of its citizens then it must satisfy a range of constitutional constraints associated broadly with the mixed constitution." This is drawn from the republican tradition, which held that the "mixed constitution was meant to guarantee a rule of law – a constitutional order – under which each citizen would be equal with others and a separation and sharing of powers – a mixed order – that would deny control over the law to any one individual or body."[387] As Pettit writes, "to enjoy…non-domination, after all, is just to be in a position where no one can interfere arbitrarily in your affairs, and you are in that position from the moment that the *institutions* are in place."[388] Similarly, neo-Roman arguments frequently cite William Blackstone's remark that "*laws*, when prudently framed, are by no means subversive but rather introductive of liberty."[389]

But was this the Roman view of the mixed regime? The mixed regime as it is found in Cicero's[390] *De Re publica* is the blend of the three proper regimes, where after detailing the

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[386] Frank Lovett, *A General Theory of Domination & Justice* (Oxford: Oxford University Press, 2010), 159.
[387] Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012), 5-6. Dorothea Gädeke critiques Pettit for an ambiguity in his notion of domination and proposes a more stringent definition that centers on "structurally constituted positions of power and disempowerment." See Gädeke, "Who Should Fight Domination?," 196. She makes a similar claim in Gädeke, "Does a Mugger Dominate?" See also "From Neo-Republicanism to Critical Republicanism" in Bruno Leipold, Karma Nabulsi, and Stuart Gordon White, eds., *Radical Republicanism: Recovering the Tradition's Popular Heritage* (Oxford: Oxford University Press, 2020), where her critique is that the mixed regime falls short as an institutional guarantee of structural non-domination.
[388] Pettit, *Republicanism*, 107. Emphasis added.
[389] See Pettit, *Republicanism*, 107 and Lovett and Pettit, "Neorepublicanism," 16. Emphases added.
[390] For reasons of space, I do not include an analysis of Polybius here. However, I will say briefly that there are major differences between the two thinkers that have not been recognized or at least considered in the neo-Roman literature.

problems with the pure regimes, Scipio says "I think that a certain fourth type of *res publica* ought to be most esteemed, which is moderate blend from the three which I spoke of earlier" (*quartum quoddam genus rei publicae maxime probandum esse sentio, quod est ex his, quae prima dixi, moderatum et permixtum tribus*; 1.45). Now, strictly speaking (and for the reasons we noted above), Scipio's use of "type of *res publica*" should indicate that a *res publica* cannot be rigidly and merely identified with one sort of regime arrangement, not even the mixed regime.[391] The neo-Roman view does just this, even though Scipio's initial presentation of regimes in 1.39 says a *civitas* "must be ruled by some process, that it might endure" (*consilio quodam regenda est, ut diuturna*[392] *sit*). The question of endurance or stability is the driving question behind Scipio's presentation of the three regime types. While he points to other features of these regimes, Scipio's focus is ultimately on the change and corruption that the simple regimes experience (1.65-8). This concern leads him to recommend the mixed regime, because while it incorporates the best features of the simple regimes, it also has the stability lacking in any of the others (1.69). The mixed regime is not about guaranteeing a rule of law (at least not in any direct sense) or producing liberty; it is about preventing constitutional corruption and upheaval.

Equating the republic with the mixed regime makes the neo-Romans too trusting of the capacity for institutions to preserve liberty. Shifting the emphasis in the above Pettit and

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[391] Brunt, *Fall of the Roman Republic*, 2 writes that because the Latin language lacked a word for constitution or form of government, Cicero uses *res publica* to refer to a monarchy (an "uneasy" match). Brunt suggests that Cicero could have used the Greek *politeia* (as he does elsewhere -- *Att*. vii. 8.4), although this only raises a further question of why Cicero, in Brunt's words, "makes do with *res publica*." I think that this means that Cicero wishes to avoid the connotation of *politeia* (i.e., a certain way of life or ethos just as much as constitutional arrangements; see chapter 2) and that recognizing this demonstrates why regime agnosticism is a helpful concept for understanding Cicero on republicanism, especially since Cicero *does* use *civitas* in *De Re Publica* in this way. At 1.68, Scipio says "if the good citizens overthrow [a tyrant], as often happens, [then] the *civitas* is restored" (*quos si boni oppresserunt, ut saepe fit, recreatur civitas*). Niall Rudd renders *civitas* as "constitutional government" in his translation *De Re Publica* (Cicero, *The Republic and The Laws*, trans. Niall Rudd, Oxford World's Classics (Oxford: Oxford University Press, 1998), 32). Scipio presumably has in mind the "process (*consilium*)" from 1.41 and 1.42 when he says the *civitas* is restored.

[392] Tacitus uses this same adverb in his criticism of the mixed regime that we saw in Chapter 6 (fn303).

Blackstone passages from "institutions" and "laws" to "moment" and "introductive" points to a temporal claim: once proper constitutional and legal arrangements are enacted, then there is liberty. Tacitus, however, emphasizes that liberty is the product of certain non- or extra-constitutional conditions, like the regime's respect for the *civitas* and the absence of menacing citizens like *delatores*. This is an entirely different temporal claim. Cicero holds to this as well: Scipio says that "when a king begins to be unjust, that type [of regime] dies on the spot, and that same man is a tyrant" (*cum rex iniustus esse coepit, perit illud ilico genus, et est idem ille tyrannus*; *Rep*. 1.65). Liberty is therefore much more fragile than on the neo-Roman view. It is not self-sustaining and merely having good institutions is not sufficient. Tacitus and the Romans offer a cautionary tale, while the neo-Romans tell a reassuring story where liberty, if threatened, can be fixed simply by attending to institutions.

The Stoic philosophy of mind grounds this cautionary tale. Observing that "the guardrails held" against an executive who is a "systemic stress test"[393] obscures the process by which individuals (whether in institutions or not) act. Agents receive impressions about the world and – depending on the agent's character – grant or withhold assent to these impressions. There is nothing automatic or unthinking about the choices of people, at least from the standpoint of moral responsibility. An elections official refusing to commit fraud is not an example of an institutional check on despotism, something that occurs independent of any person's deliberate choice, but an act of honesty and justice. In other words, virtuous behavior, not institutions, preserves republican liberty (just as vicious behavior destroys it).

The neo-Roman response would likely point to their conception of civic virtue as a guard against this criticism. "The widespread enjoyment of republican [neo-Roman] freedom is most

[393] Krauthammer, "Once Again, the Guardrails Hold."

likely to be optimized in a society where the citizens are committed to that ideal," write Pettit and Lovett.[394] Similarly, Pettit in *Just Freedom* claims that "a contestatory citizenry is a necessary means for keeping the mixed constitution in place."[395] But this objection raises another point of difference – both historical and theoretical – from Tacitus specifically and the Romans in general on the nature of virtue. On the neo-Roman view, virtue is "instrumentally useful both in bringing about the right sorts of laws, institutions, and norms on the one hand, and in ensuring their durability and reliability on the other." In fact, the word "virtue" is only used because it is traditional and omnipresent in earlier literature; the neo-Romans would prefer "civic-minded disposition." For this reason, neo-Roman virtue is not strictly connected to liberty: "citizens do not enjoy republican freedom, on the neo-republican [neo-Roman] view, by being virtuous – that would be some version of the positive liberty notion."[396] Positive and negative liberty is a reference to Isaiah Berlin's 1969 *Four Essays on Liberty*, where negative liberty is "freedom from" and positive liberty is "freedom to" or "self-mastery." The neo-Roman claim from the beginning[397] has been that neo-Roman republican liberty is negative, that is, freedom from domination. Elsewhere, Pettit characterizes citizen contestation or vigilance as "a motivated variety of virtue – a sort of virtue that is independently reinforced by personal interest and spontaneous investment – as distinct from virtue of a pure, moralistic kind."[398] Virtue is

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[394] Lovett and Pettit, "Neorepublicanism," 23.
[395] Pettit, *On the People's Terms*, 5. See also Pettit's initial statement in Pettit, *Republicanism*, 211, where "checking the Republic" (i.e., designing proper institutions) takes precedence over "civilizing the Republic" (creating norms conducive to republican governance).
[396] See further remarks at Lovett and Pettit, "Neorepublicanism," 23. See also Pettit, *On the People's Terms*, 305 (point 14): "This is a motivated form of virtue, deriving from personal interest or spontaneous commitment, and ought not to be in short supply."
[397] E.g., Pettit, *Republicanism*, 27-31.
[398] Pettit, *On the People's Terms*, 227-8. This parallels Benjamin Constant's famous "liberty of the ancients" and "liberty of the moderns" (positive and negative, respectively). Pettit's objection to Berlin is that he defines negative liberty such that only non-interference can count as negative liberty.

therefore merely an instrument for supporting the mixed regime, which for the neo-Romans is the real core of republicanism and liberty as non-domination.

This is a major departure from the ancient view of virtue, however. As Maternus's monarch shows, regime agnosticism identifies liberty as the product of the relevant agent's or agents' virtuous characteristics, like clemency, wisdom, and justice. That claim is rooted in the earlier Ciceronian definition of a *res publica* as a certain type of *civitas* where the regime acts virtuously toward the *civitas*, that is, recognizing it as the people's property. More broadly speaking, the consistent use of Stoic themes that Tacitus (and Cicero, for that matter) employs in his works gives the lie to the neo-Roman claim. Stoicism is perhaps the best example of a philosophy of self-mastery, the very sort of "pure, moralistic" virtue that Pettit rejects. If, as I have argued, Stoicism is the philosophical foundation for Tacitus's political philosophy, then Tacitus cannot be part of the neo-Roman historiography,[399] and in fact his thought provides a strong contrast to and criticism of the theoretical claims of neo-Roman republicanism.

Insisting on the instrumental nature of virtue leaves the neo-Romans open to another line of criticism. The end of this instrumental virtue is to ensure that the mixed regime stays in place, which is to say that institutions take conceptual priority over virtue for the neo-Romans. Political theoretic lenses that emphasize structures and place less weight on behaviors run the same risk that Tocqueville identifies in democratic historians (which we saw in chapter 5). In a democratic society,

> When… all the citizens are independent of one another, and each of them is individually weak, no one is seen to exert a great, or still less a lasting power, over the community. At first sight, individuals appear to be absolutely devoid of any influence over it; and society

[399] This also gives further grounds for viewing Cicero as outside of neo-Roman historiography as well.

> would seem to advance alone by the free and voluntary concurrence of all the men who compose it.[400]

The democratic historian is therefore led to focus on general, impersonal forces as the explanation for why events unfold as they do, such that "the historian sees much more of actions than of actors."[401] While there is some sense to this, because "[g]eneral facts serve to explain more things in democratic than in aristocratic ages," Tocqueville elegantly captures the insidious potential of this idea in a passage worth quoting at length:

> Those who write in democratic ages have another more dangerous tendency. When the traces of individual action upon nations are lost, it often happens that the world goes on to move, though the moving agent is no longer discoverable. As it becomes extremely difficult to discern and to analyze the reasons which, acting separately on the volition of each member of the community, concur in the end to produce movement in the old mass, men are led to believe that this movement is involuntary, and that societies unconsciously obey some superior force ruling over them. But even when the general fact which governs the private volition of all individuals is supposed to be discovered upon the earth, the principle of human free-will is not secure. A cause sufficiently extensive to affect millions of men at once, and sufficiently strong to bend them all together in the same direction, may well seem irresistible: having seen that mankind do yield to it, the mind is close upon the inference that mankind cannot resist it. […]
> Historians who live in democratic ages, then, not only deny that the few have any power of acting upon the destiny of a people, but they deprive the people themselves of the power of modifying their own condition, and they subject them either to an inflexible Providence, or to some blind necessity. […]
> In perusing the historical volumes which our age has produced, it would seem that man is utterly powerless over himself and over all around him. The historians of antiquity taught how to command: those of our time teach only how to obey; in their writings the author often appears great, but humanity is always diminutive. If this doctrine of necessity, which is so attractive to those who write history in democratic ages, passes from authors to their readers, till it infects the whole mass of the community and gets possession of the public mind, it will soon paralyze the activity of modern society, and reduce Christians to the level of the Turks.[402]

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[400] Tocqueville, *Democracy in America*, 602-3.
[401] Incidentally, Tocqueville contrasts this systematizing with the ancients: "Ancient literature, which is so rich in fine historical compositions, does not contain a single great historical system, whilst the poorest of modern literatures abound with them. It would appear that the ancient historians did not make sufficient use of those general theories which our historical writers are ever ready to carry to excess" (604). As I hope that chapter 4 has shown, this is not true – for Tacitus at least. I leave the question of ancient historians such as Thucydides to other scholars.
[402] Tocqueville, *Democracy in America*, 604-5. It is worth noting that Tocqueville's condescending view towards Eastern peoples as prone to despotism (an idea found as far back as Aristotle and Herodotus) is wrong but only

The democratic historian's focus on impersonal forces at the expense of individual choices inculcates a tendency to doubt the efficacy and even existence of free will. The political effects of this are ironically anti-democratic – it paves the way for despotic control by making democratic citizens doubt the exercise of their own democratic power. So, paradoxically, an aristocratic history – or at least a touch of it – is actually necessary for preserving democratic society.

There is a parallel between the historical focus on impersonal forces and the political theoretic focus on formal, legal institutions like regime type. The structural political focus has a similar effect on how contemporary republicans view individual choice and the efficacy of free will in republican politics. It creates complacency and confusion over who acts, both in the general political sense and in the specifically republican sense of who dominates. Dorothea Gädeke, for example, writes that "[d]omination, at its core, refers not to an action but to structurally constituted positions of power and disempowerment and thus to a structural form of injustice."[403] She argues elsewhere that a mugger does not dominate his victim because "episodic forms of power… hinge[] on context: whether the mugger dominates his victim depends on whether his power is structurally enabled…[404] I confess that I find this to be a distinction without a difference. The conclusion that domination is divorced from action is like Tocqueville's assessment of democratic history – it conditions us to think of domination as an abstract relation rather than a concrete action. The responsibility for domination is therefore obscured. Gädeke writes elsewhere in the same article that "structurally constituted, robust domination is not itself

incidental to his observation. We can reject this view without also rejecting Tocqueville's larger point about the potential danger of democratic history.

[403] Gädeke, "Who Should Fight Domination?," 196.

[404] Gädeke, "Does a Mugger Dominate?," 219 (see also 206). Cf Hasan, "Republicanism and Structural Domination" and Alexander Bryan and Ioannis Kouris, "Should Republicans Be Interested in Exploitation?," *Res Publica*, 2022.

an action. It is not something I can choose to do or refrain from doing." Citing an example of an abusive husband in a sexist society, she concludes that "[w]hat the husband does, and especially whether he chooses to take advantage of his power, does not alter the fact that he dominates his wife *simply in virtue of his position with a sexist structure of social* power."[405]The role of this sexist structure in Gädeke's example would be, in Tocqueville's terms, the superior force that is involuntarily and unconsciously obeyed by society at large. And yet what is it? The "structure" is an agglomeration of behavior – one that calcifies into a norm that is in turn emulated. It is therefore the product of choice. However small of a part one husband's choice to be abusive, say, plays in the overall norm, it is still relevant as a deliberate assent to the impression that abuse is morally acceptable. Speaking of a culture of abuse as a structure independent of individual choices will, I suspect, make us "prone to doubt of the human free-will."[406]

From a more concretely political perspective, the "domination as structure" view cannot capture what was uniquely insidious about the princeps – namely, his ability to dominate others *independent* of holding magistracies. Gädeke's larger point is that a mugger's "episodic power" sheds no light on the meaning of domination and that it reveals the need for republicans to focus exclusively on structural power asymmetries. Yet the logic of the principate, as it appears in Tacitus's corpus, showed that it was not *necessary* for the princeps to hold any office (as indeed "princeps" was not an official position within the constitutional arrangements of the Roman political community). It is true that a princeps like Tiberius would hold the occasional consulship, and they were all granted perpetual tribunician authority. But holding office was not the real source of the princeps's power. It is not the case that Tiberius's power was lesser in years that he did not hold the consulship – *Ann.* 1.81 makes clear that Tiberius had the final say

[405] Gädeke, "Does a Mugger Dominate?," 207 (emphasis added).
[406] Tocqueville, *Democracy in America*, 605.

in who the consuls would be. The real locus of decision making – the action and behavior of politics – occurred outside of the formal institutional and political arrangements of the Roman *civitas*. Augustus himself had hinted at this in the *Res Gestae* when he wrote that "I stood above all others in influence, but I held no more legal power than the others who were my colleagues in each office" (*auctoritate omnibus prastiti, potestatis autem nihilo amplius habui quam ceteri, qui mihi quoque in magistratu conlegae fuerunt.*; *Res Gestae* 34). As we saw in Chapter 3, Nero's domination was a product of his avarice or lack of moderation. This vice led him to regard other citizens as inferiors and to unjustly wield power over them. *That* was the source and nature of his domination. The overly legalistic or structural emphasis in contemporary republicanism obscures this fact and its political implications.

None of this should be taken to mean that I (or Tacitus, for that matter) deny that institutions are important.[407] Neither Tacitus nor I are "regime nihilists." Rather, as I wrote in Chapter 3, Tacitus works with a conception of a regime that is more like an arena than a teacher. To continue this metaphor, the sort of arena that an agent is in will play a role in how that agent acts and expresses their character. But this is not the same thing as arguing that the regime *conditions* or *determines* the character of an agent. Instead, reading Tacitus changes how we view the apparent dichotomy of "structural versus individual" domination. It is not structures that dominate (or act) – individuals within them *choose* to dominate and are therefore morally responsible for these actions.[408] An institution designed to limit domination will not do so if it is

[407] Cf Tocqueville: "For myself, I am of opinion that at all times one great portion of the events of this world are attributable to general facts, and another to special influences. These two kinds of cause are always in operation: their proportion only varies. […] The historians who seek to describe what occurs in democratic societies are right, therefore, in assigning much to general causes, and in devoting their chief attention to discover them; but they are wrong in wholly denying the special influence of individuals, because they cannot easily trace or follow it" (Tocqueville, *Democracy in America*, 603-4).

[408] A point of similarity, in fact, to Gädeke "Does a Mugger Dominate?," 212, although her focus ultimately prioritizes structures over individuals and falls into the trap that Tocqueville describes.

filled with vicious people who choose to disregard the rules that, on paper, limit their capacity to act. This may very well give us good reason to create institutional arrangements that lessen the opportunities for vicious agents to dominate. But this too would be a deliberate choice, and the politics of creating better institutions depends on the character of those involved.

The risk that these scholars run is that by defining republicanism in terms of the mixed regime's (or any other arrangement's) use in combating structural domination, they will *disempower* republican citizens by downplaying or even ignoring the centrality of virtuous behavior in maintaining the republic. Insisting that domination is not an act deprecates the political efficacy of individual action – especially the sort of virtuous actions that are anti-despotic – and teaches citizens to be complacent. Tocqueville precisely captures the danger of this in his analysis. Complacency is conducive to despotism. A republic needs it citizens to care for virtue, but this can only be achieved with a proper theoretical focus that teaches the existence and importance of free will. As with a democracy's need for aristocratic history, a republic needs aristocratic virtue – in the Ciceronian sense of moral excellence – to endure.

In a series of article-length debates with Pettit and Lovett, Thomas Simpson has offered another line of criticism with respect to the neo-Roman claim that institutions can preclude domination. He poses the following question: given what a potentially dominating agent *could* do, what *will* they do?[409] Non-domination focuses exclusively on the first clause of the question and seeks to structure institutions so that the second clause is irrelevant. Simpson uses the question to illustrate the capacity for civic trust to answer the second clause, arguing that placing trust in fellow citizens *not* to interfere is perfectly consistent with a free society. Non-domination erroneously thinks that liberty can only be sustained when the second clause is irrelevant. His

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[409] Thomas W Simpson, "Freedom and Trust: A Rejoinder to Lovett and Pettit," *Philosophy & Public Affairs* 47, no. 4 (2019), 423.

question, though, also raises a different point that he does not explore but that I want to pursue. If we were to grant that republicans should be concerned with the question's first clause, would an exclusively legal strategy *work* for restricting potential domination?

I am skeptical that this is the case. Tacitus's story of the emperors' despotism highlights the frailty of relying purely on the laws to prevent republican corruption. In the first place, domination in his story operates more through informal channels than institutions or even overt force. Even when the emperors do use formal processes like trials to silence their perceived enemies,[410] Tacitus is clear that such trials are the consequence of the "contagious sycophancy" of the emperor's associates and senators (e.g., the list of treason trials from 6.7). In other words, the reason for the loss of liberty is a preexisting loss of virtue, reluctance to exercise independence, and rise of sycophancy. Institutionally "checking" overt acts of domination misses the *source* of domination and its damaging, anti-republican effects.

Implicit in the view that domination is an action is that there will always be the possibility for some people in some situations to dominate others. Good institutions cannot preclude the potential that a strong person *could* harm a weaker one, a cunning person *could* swindle a naïve person, and so on. (There is always the option of retroactive punishment, of course, but this is not the same thing as precluding domination as the *possibility* of acting to harm others.) What would it mean to preclude domination understood thus? The question calls to mind *Harrison Bergeron*, the Kurt Vonnegut short story where the United States Handicapper General forces strong people to wear weights and intelligent people to wear distracting radio transmitters in their ears to stop them from "taking unfair advantage of their brains."[411] Vonnegut underscores the absurdity of a politics that aims to preclude through law the exercise

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[410] The sort of domination that could be restricted by, say, legally banning such treason trials.
[411] Kurt Vonnegut *Palm Sunday/Welcome to the Monkey House: An Autobiographical Collage* Vintage, 1994, 11.

of unequal and potentially dominating capabilities. As these examples show, the range of physical capabilities and intellectual talents make the *possibility* of domination endemic to political life. The republican insight here ought to be that we cannot design this away. Preventing domination, understood as an act and not a structural relationship, requires focusing on virtue and the sorts of character that produce different behaviors among their possessors and promote trust in fellow citizens' restraint. Actions may be virtuous, and therefore moderate and just, or vicious, and therefore domineering. But both options require a choice to be made.

Lacking a political philosophy that understands choice, we will be unable to understand what politics really *is* – actions that express our capacity for free will. This in turn will make us unable to diagnose the real source of threats to liberty – vicious behavior that abuses this capacity for free will. Tacitus observed that Tiberius's cruelty had wrought an enormous change over the Roman *civitas*: "The strength of fear had destroyed the fellowship of the human lot, and as savagery gained force, compassion was spurned" (*interciderat sortis humanae commercium vi metus, quantumque saevitia glisceret, miseratio arcebatur*; *Ann.* 6.19). There is an all-too familiar ring to Tacitus's observation. Our current crisis is just this – a growth of savagery. It is not, at least primarily, to be found in institutions but in behavior, specifically the cruelty stoked by prominent officials and private citizens. As we have recently seen, despotic threats are just as much about inculcating a sense of vice and cruelty as they are about legal change. In fact, the vice and the cruelty tend to precede and lay the groundwork for subsequent legal actions. I do not think that despots and their sycophants are "prone to doubt of the human free-will." They exploit the human tendency to emulate prominent figures and in doing so threaten liberty with the growth of savagery.

This is why reading Tacitus is valuable for political theorists, not just classicists and historians. He shakes us out of our complacency regarding institutions, shows us that we are not immune to despotism, and offers normative insights into the nature of virtue and republicanism.

Before expanding on these, though, I want to offer some anticipatory justification for turning to the Romans in general and Tacitus in particular for normative insight. The first and perhaps most obvious objection is that the Romans were a brutal slave society, unsuited for or even antagonistic towards modern political assumptions.[412] Similarly, it might be objected that Tacitus was neither a liberal nor a democrat, and so he cannot – and should not – be an inspiration to contemporary political theorists.[413] These criticisms fall short on two fronts: not distinguishing between texts and the society in which a text was written, and not distinguishing between politics and political theory.

It is of course true that the Romans waged bloody imperial wars for centuries and built their empire on widespread slavery. But does this mean that authors were necessarily partisan chauvinists and that we should identify them with the "official policies" of the Roman *civitas*? As with Skinner's interpretive method, I think the answer is to view certain authors – or their texts, at any rate – at some remove from their historical circumstances. Perhaps the most famous denunciation of Roman imperialism (*pace* Augustine; the Bishop of Hippo in the late 3rd and early 4th century CE) comes from the British chieftain Calgacus in Tacitus's *Agricola*, who rouses his troops with a vivid description of Roman imperialism:

> Plunderers of the earth, they ransack the sea after the land fails, having laid all things to waste. If an enemy is rich, they are avaricious, if poor, ambitious; neither the East nor the West has satiated them. Alone among peoples they covet wealth and poverty, striving

[412] See, e.g., Ando, *Law, Language, and Empire,* 86-8.
[413] Though see the intriguing passage at *Ann.* 6.42 for a surprisingly democratic sentiment from Tacitus.

> equally for both. Robbing, slaughtering, stealing go by the disingenuous name of "empire," and where they make a wasteland, they call it peace.
>
> *raptores orbis, postquam cuncta vastantibus defuere terrae, mare scrutantur: si locuples hostis est, avari, si pauper, ambitiosi, quos non Oriens, non Occidens satiaverit: soli omnium opes atque inopiam pari adfectu concupiscunt. auferre trucidare rapere falsis nominibus imperium, atque ubi solitudinem faciunt, pacem appellant* (*Agr.* 30).

Is Calgacus speaking for Tacitus? Why is Agricola's speech, coming after Calgacus's, so lackluster? Is Tacitus praising his father-in-law Agricola for defeating the British? The text leads us to these questions and in doing so helps us reflect on questions of imperialism, war, and whether they could ever be justified. While there are many interpretive difficulties around the *Agricola*, it is not an uncomplicated celebration of Roman imperialism. When we recognize this, we come to see that a text and its society are not necessarily the same thing and so ought to be distinguished.

Moreover, from a political theoretic perspective, the value in reading a text often lies in its ability to help us think about questions beyond our own circumstances and grasp what is universal or common between our questions and the text's.[414] And here I will insist on a difference between the practice of politics, in the sense of "getting in the arena," and the discipline of political theory. In my capacity as a political theorist, I am not interested in "operationalizing" Tacitus. Instead, my interest lies in the text. An author may be "right" about a given question, but more importantly – and *even if* an author is not "right" – reading texts helps us break out of established ways of answering questions and thinking about politics. The text is a resource, not a political program that we must either adopt or reject wholesale.

[414] See Saxonhouse Texts and Canons; cf Lykins 2022 forthcoming in *Michigan Journal of Law and Society*.

And so, despite the fact that Tacitus was neither a liberal nor a democrat, there is a real value in reading him.[415] The core republican claim that I have advanced through reading him is that domination is a behavior. Its roots lie in the vice of avarice and the corresponding lust to wield power over others, who are conceived of as inferiors, for the sake of gratifying one's appetite. The corollary to this, as we saw in Chapter 3, is that moderation is the key republican virtue that opposes domination.

Let us return to the neo-Roman conception of civic virtue, since we are now in a position to see why it is incompatible with Tacitean moderation. As I hinted at above, the neo-Roman move to rely on institutions to stabilize the republic often does so at the expense of virtue despite their claims to the contrary. Pettit's first statement of republican philosophy offers two solutions to the problem of corruption, that is, the "temptations of unconstrained power" to dominate others. The first is to "sanction" bad agents by punishing or rewarding them for their actions. The second is to "screen" – to subject potential office holders to processes like vetting or to remove certain options from lists of potential actions. Both options are "devices whereby we might make the republic a resilient or stable phenomenon: an institution which is fit to survive the worst that nature and culture can confront it with."[416] This is a telling remark – the republic is defined *as* a legal institution *against* nature and culture, including a culture's prevailing norms.

The institutional (or legalistic or structural) focus ends up defining the neo-Roman republic and excludes consideration of behavior and norms from having anything to do with the republic. While Pettit does claim that some conception of virtue is necessary for his ideal

[415] Cf Stephen Salkever, *Finding the Mean: Theory and Practice in Aristotelian Political Philosophy*, 1994, 238 for a similar argument about Aristotle and his use for contemporary liberal democracy; see also Arlene W Saxonhouse, *Free Speech and Democracy in Ancient Athens* (Cambridge: Cambridge University Press, 2006), 207-8 for the value of Greek texts for contemporary democratic theory.
[416] Pettit, *Republicanism*, 210-14.

republic, "no one can seriously believe that those influences [citizen virtue] are sufficient on their own to guard against corruptibility."[417]

The legalistic focus has blind spots, however. As Thomas Simpson has argued, if pressed, the neo-Roman view must ultimately abandon any reference to virtue. The fact that domination can only be prevented by external checks "precludes the possibility of relying on civic virtue," so that "[o]ne enjoys republican freedom only if there is an institutional arrangement that ensures that one is not vulnerable to anyone's decision to invade or not to protect one."[418] In their response article, Pettit and Lovett write that "we are happy to concede…that virtuous self-restraint would not remove domination."[419] In doing so, the neo-Roman project elides a major (arguably *the* major) tradition of republican thought that emphasized "not so much the machinery of government as the proper *spirit* of the rulers, the people and the laws which needs above all to be sustained."[420]

Simpson argues that legalism prevents the neo-Roman from seeing the value of civic trust – the result of a powerful party's virtuous self-restraint from interference in a weaker party – which ought to be regarded as a sign of good government and not a failure of ensuring non-domination.[421] I do not disagree but want to make the stronger claim that, since republican freedom is essentially defined by the presence of virtue,[422] its stability depends on the exercise of

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[417] Pettit, *Republicanism*, 211. And ultimately, "civic virtue" for Pettit (in the initial formulation, at least) ends up merely as "civility". Later work doubles down on this claim, e.g., *On the People's Terms*, where much of the book is given to detailing "an institutional model of democracy that is meant to illustrate what the republican theory requires" (2012: 132).
[418] Thomas W Simpson, "The Impossibility of Republican Freedom," *Philosophy and Public Affairs* 45, no. 1 (2017), 52.
[419] Frank Lovett and Philip Pettit, "Preserving Republican Freedom: A Reply to Simpson," *Philosophy & Public Affairs* 46, no. 4 (2018), 372.
[420] Quentin Skinner, *The Foundations of Modern Political Thought* (Cambridge; New York: Cambridge University Press, 1978), 45.
[421] Simpson, "Freedom and Trust," 423-4. Cf also Niko Kolodny, "Rule Over None II: Social Equality and the Justification of Democracy," *Philosophy & Public Affairs* 42, no. 4 (2014), 293.
[422] As I argued in Chapter 5.

those virtues.[423] The "likeness of the *res publica*" (*imago rei publicae*) that Tacitus sees at *Ann*. 13.28 centers around the decisions by magistrates to refrain from abusing their legal authority and the Senate's censuring of magistrates who previously did abuse their legal authority.[424] This "virtuous self-restraint," as the debate terms it, is exactly what Lovett and Pettit claim is antithetical to their "neo-Roman" understanding of republican liberty. But Tacitus's story is ultimately much more easily at home in Blair Worden's analysis that "[i]t is as a politics of virtue that republicanism most clearly defines itself."[425]

Pettit's likely reply would be that the capacity for arbitrary interference "can only be contained by external checks that remove or replace the interference option or put it cognitively off the menu."[426] This is an interesting way of putting the point, although the mechanism for this – criminalization through a system of law – raises some questions. The basic assumption is that "law communicates public disapproval of offenders and leads most people to put most offences off the menu of possibilities that they consider as genuine options."[427] While this may seem reasonably intuitive, Tacitus's story cuts against this claim. He identifies a general human tendency to emulate *leaders*, not the law. As he writes, Vespasian's frugal lifestyle was more effective at promoting citizen frugality than fear of a law against extravagance (*Ann*. 3.55). Of course, the dark side to this is the capacity for a would-be despot to exploit this tendency to emulate. Acting viciously allows them to stoke the very sort of vicious behavior that dominates others through informal channels like intimidation – even within a legal regime that supposedly

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[423] Cf Simpson, "The Impossibility of Republican Freedom," 51.
[424] We might also think of Maternus's monarch from the *Dialogus*, who, as monarch, is obviously in a position to interfere with citizens but whose virtuous self-restraint preserves *libertas* in Maternus's imagined *civitas*, thereby giving it the status of *res publica*.
[425] Blair Worden, "Marchamont Nedham and English Republicanism," in *Republicanism, Liberty, and Commercial Society: 1649-1776*, ed. David Wootton (Stanford, Calif.: Stanford Univ. Press, 1996), 46.
[426] Pettit, *On the People's Terms*, 63. See also 70-1, 118, and 296 (point 12).
[427] Pettit, *On the People's Terms*, 118. See also 117-122.

prevents dominating interference. To use Pettit's phrase, Tacitus shows that leaders determine what is "on the cognitive menu" for the citizenry, or at least for their supporters, through their actions. This suggests that the republican concern should be the behavior of leaders and citizens, not (primarily) institutions, and the rich republican tradition of theorizing virtue and vice arguably exists for this exact reason.[428]

There is a similarity between Simpson's argument for trust and Tacitus's concept of moderation. Both are rooted in a sense of restraint. Since domination is an act, it is always *possible* that an agent will attempt to dominate others. Moderation, however, teaches us not to act on this possibility. A society marked by civic trust, as Simpson argues, is a successful one. Trust indicates the presence of the widespread and durable restraint that is necessary for republican liberty. Moderation, therefore, is the central defining virtue of a republic, and restraint is the defining act of a republic.

The concession to Simpson that "virtuous self-restraint would not remove domination" is a telling one. The neo-Roman claim that restraint will not reduce domination leaves them no other option than to claim that domination can only be precluded through proper institutions, whose purpose is to structure citizen relations such that none have the capability to dominate others. Recall the question that Simpson poses: given what an agent *could* do, what *will* they do? By trying to institutionally preclude the question of what an agent *could* do, the neo-Roman line of thought ends up as an attempt to create a republic without action or choice and therefore without politics. In effect, neo-Roman legalism (unknowingly) aims to "de-politicize" politics. This is, of course, an impossibility. Politics involves choices, behavior, and actions. This cannot be changed, although a political theory that tries to understand politics in this manner – and

[428] Ryan Balot, "Polybius' Advice to the Imperial Republic," *Political Theory* 38, no. 4 (2010): 483–509.

especially one with "operational" aspirations – will ultimately leave us without the proper lens for understanding politics. The growth of savagery cannot be understood as a legal phenomenon. As we have seen from Tacitus, despotism involves habituation to vice and creates a political and social environment of fear, hostility, and cruelty. This makes necessary a philosophy that emphasizes *choice*, as Tacitus's use of Stoic themes does, to counter the unthinking habits learned under despotism.

Liberalism and (Ancient) Republicanism

There is an opportunity in all of this to think of the relationship between republicanism and liberalism in a new and fruitful way. The classic articulation of the problem, as it appears in neo-Roman literature, goes back to Isaiah Berlin. His typology of negative and positive liberty – respectively, freedom from external interference and self-mastery – grounded the basics of his liberalism. This distinction calls to mind Benjamin Constant's essay on "The Liberty of the Ancients and the Liberty of the Moderns," where ancient liberty consisted of participating in a political community and modern liberty consists of being left to one's own devices. As Constant put it, "among the ancients the individual, almost always sovereign in public affairs, was a slave in all his private relations. As a citizen, he decided on peace and war; as a private individual, he was constrained, watched and repressed in all his movements…"[429] The neo-Roman project adds a third dimension to the positive-negative dichotomy. Pettit argues that non-domination avoids the problems of positive liberty (which Berlin had associated with "many of the nationalist, Communist, authoritarian, and totalitarian creeds" of his day[430]) while explaining the evils of, for example, a slave owner who does not interfere in his slaves' daily life and therefore carving out a

[429] Accessed online at https://oll.libertyfund.org/page/constant-the-liberty-of-ancients-compared-with-that-of-moderns-1819.
[430] Berlin, *Liberty,* 191.

better way of understanding negative liberty.[431] On this view, the typology is liberal: liberty as non-interference; republican: liberty as non-domination; totalitarian: positive liberty.

And yet this schema is not as neat as it appears. Tacitus's central republican virtue is moderation, that is, the virtuous restraint from dominating others. The key insight this brings is that domination is an act – one that is intimately bound up with avaricious appetites and the desire to gratify these at the expense of fellow citizens (as in Nero's example). At the same time, its opposite – recognizing that fellow citizens are moral equals and treating them as such –is an act as well. But both the commitment to dominate and the recognition that it is just to be moderate are qualities of character. Conceived in this way, negative liberty *depends* on a certain sort of positive liberty, and so I would suggest, *contra* Berlin, that political theory cannot avoid engaging in this sort of thought. A political community marked by liberty needs to be thoroughly committed to the (positive) ideal of moderation, from its private citizens to its public officials. Perhaps the best way to ensure this is through a commitment to the rule of law, which we should think about as a mutual commitment, grounded in moderation, to put the rule of the political community out of the reach of any one person's or faction's will.

So, through the debate with Simpson, we have an argument for restraint's centrality to liberalism – the very one that I have made for republicanism as well. This is not to deny the many differences between the two modes of politics and political theory; rather it is to say that, to the degree that both liberalism and republicanism are rich traditions incapable of being pinned down as one "fixed and unified creed," there are points of similarity.[432]

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[431] Pettit, *Republicanism,* 31-5.
[432] Helena Rosenblatt, *The Lost History of Liberalism: From Ancient Rome to the Twenty-First Century* (Princeton: Princeton University Press, 2018), 265.

Thus, I want to suggest that we may see a surprising point of overlap between ancient republicanism, with its tradition of virtue, and liberalism, with its insistence on individual autonomy.[433] And in fact, recent work in liberal political theory has broken similar ground, though it has not explored the possibility of learning from Roman republicanism. In fact, Tacitus offers significant theoretical resources for understanding the role of virtue, the efficacy of individual agency, the possibility of a non-coercive education in virtue, the nature of cruelty as a political problem, and finally the stakes of these concepts for liberal aspirations.

Against the criticism that liberalism rejects thinking about values, virtues, and the good,[434] there is a strain of liberal thought that stresses the virtues and dispositions of citizenship that support liberal institutions and society. Stephen Macedo, for example, argues that, even accepting the common liberal view that "[g]overnment ought not to try [to] make people virtuous," "[l]iberal politics depends on a certain level and quality of citizen virtue, which is in many ways promoted by life in a reasonably just and tolerant, open liberal regime."[435] Macedo is far from the only liberal to make this sort of argument: it appears variously in work by William Galston, Sharon Krause, John Bowlin, Aurelian Craiutu, and Joshua Cherniss, among others.[436]

These are not, to be sure, arguments in favor of developing or promoting anything like Stoic virtue, highly demanding and life-altering in its acceptance. Yet there is in this literature a

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[433] Although I noted in the Introduction how my non-legalistic reading of Tacitus and to a lesser extent Cicero differentiated myself from legal-minded authors, there is a point of similarity between myself and Michael Hawley's argument that elements of the liberal tradition were inspired by Ciceronian republicanism.
[434] E.g., Michael Sandel (though he hardly counts as "illiberal") in Michael J Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982) and Michael J Sandel, *Democracy's Discontent: America in Search of Public Philosophy* (Cambridge, Mass.; London: The Belknap Press of Harvard University Press, 1998).
[435] Stephen Macedo, *Liberal Virtues* (Oxford [England]; New York: Clarendon Press: Oxford University Press, 1990), 3.
[436] William A Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* (Cambridge: Cambridge University Press, 2002); Sharon R Krause, *Liberalism with Honor* (Cambridge, Mass.: Harvard University Press, 2002); John R Bowlin, *Tolerance Among the Virtues* (Princeton University Press, 2019); Aurelian Craiutu, *Faces of Moderation: The Art of Balance in an Age of Extremes* (Philadelphia, Pa.: University of Pennsylvania Press, 2017); Cherniss, *Liberalism in Dark Times*.

recognition of a certain tension, not unlike what we have seen in the passages from Tocqueville. Liberal societies *are* a good, or can at least be conceived as such, and its institutions are also not automatically self-sustaining. They require a certain kind of citizenry. This might seem to jeopardize the liberal ideal of an open society where citizens can pursue their own moral ends and develop their character as they see fit. Commonly, this literature stresses the need for toleration (Bowlin), moderation (Macedo and Craiutu), or temperance (Cherniss).[437] As liberals, these arguments tend to avoid speaking of "domination" and "despotism" (likely due to their republican valence), but the point is similar. Craiutu and Cherniss, for example, emphasize that moderation (or temperance) is a necessary counterweight to violence and ruthlessness.

Without the presence of such virtue, there is a risk in losing that most central liberal value – an open society where people are free to pursue their own ends and follow their own conscience. So an open society requires the virtue of moderation and for that reason is not *so* open that it will allow for would-be despots and their intemperance, immoderation, and intolerance. Liberals like Macedo may be wary of how "thick" this virtue must be.[438] But reading Tacitus suggests that it *must* be present in a just society. My own suspicion, drawn from my grounding in the republican tradition, is that the political blessings secured by virtues are likely to be more enduring as they are more strongly held by citizens. Moderation as a merely civic virtue – a disposition adapted "in public" but not genuinely believed – is unlikely to be the

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[437] There are terminological differences (e.g., Macedo distinguishes liberal moderation from mere toleration [Macedo, *Liberal Virtues*, 71-2], and Cherniss prefers temperance to moderation [Cherniss, *Liberalism in Dark Times*, 225fn28]), but the larger idea underlying these terms is the same – a disposition that is suitable for a liberal society. Following Tacitus, I will simply call this "moderation" in what follows.

[438] Civic republicans beyond the neo-Romans share this concern. See Bruce A. Ackerman, *We the People*, vol. 1 (Cambridge, Mass.: Belknap Press of Harvard University Press, 1991), 199; Shelley Burtt, "The Politics of Virtue Today: A Critique and a Proposal," *The American Political Science Review* 87, no. 2 (1993): 363-4; Cass R. Sunstein, "Beyond the Republican Revival," *The Yale Law Journal* 97, no. 8 (1988), 1541fn8. But see Paul Weithman, "Political Republicanism and Perfectionist Republicanism," *The Review of Politics* 66, no. 2 (2004), 285-312, (esp. 285) for why "thin" and merely civic virtue may be insufficient.

bulwark against despotism that it could be if it is held as a genuine moral virtue.[439] Tacitus's exemplars did not cast aside their virtues, as it were, in private. Thrasea and Lepidus were enemies of despotism *because* their virtues were so deeply held.

The question of civic or perfectionist moral virtue itself raises a question about education and promoting virtues. To the extent that we think a virtue is merely civic, we may be less zealous in promoting it through political institutions and in seeking converts. This, at least, seems to underlie liberal skepticism about promoting virtue, which may evoke Constant's image of the ancient citizen who was a public sovereign and a private slave. Macedo, as one of these liberals, writes that "[l]iberals reject the intrusive tutelary apparatus and rigid controls necessary to inculcate virtue and achieve the manageable homogeneity required by the demands of ancient citizenship."[440] While Macedo is right to worry about what could be involved in promoting virtues, reviving the "tutelary state" at the expense of liberal values is not the only option.

As Tacitus helps us to see, a moral and political education has more to do with examples and learning from others' experiences than indoctrination at the hands of a "tutelary state." Indeed, he suggests that such exemplarity is a more effective means of changing behavior than legal prohibitions (*Ann*. 3.55). There is a crucial similarity here to work by Sharon Krause and Joshua Cherniss.

Krause argues that liberalism needs to recover a sense of honor to inspire citizens' public actions. Without a conception of citizen agency, "the formal limits specified by our Constitution are only 'parchment barriers.'"[441] On Krause's view, a sense of honor provides the motivation

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[439] Cf John Adams's April 16, 1776, letter to Mercy Warren: "Public Virtue cannot exist in a Nation without private, and public Virtue is the only Foundation of Republics. There must be a possitive Passion for the public good, the public Interest, Honour, Power, and Glory, established in the Minds of the People, or there can be no Republican Government, nor any real Liberty" [spelling and capitalization in the original].

[440] Macedo, *Liberal Virtues*, 98. I leave to the side the question of whether Macedo's readings of Plato and Aristotle are adequate. Here I am only concerned with the question of promoting virtue.

[441] Krause, *Liberalism with Honor*, 9.

toward vigilance that citizens need to protect their liberties. Honor both allows us to recognize what is exceptional in the example of a Lincoln, a Douglass, or a King and inspires us to live up to these examples. "Such exceptional citizens protect and serve our liberties, and they also vindicate our faith in individual agency. […] They inspire us to reach for the exercise of agency that too often seems to elude us, and in so reaching we may become more fully the agents of our destinies and defenders of our liberties than we otherwise would be."[442] This sense of honor reinforces the paradoxes that we have seen in Tocqueville, namely, the need for an aristocratic notion of excellence to permeate a regime that is not an aristocracy. "The use of democratic euphemisms to mark aristocratic qualities does a disservice to American democracy," writes Krause.

> Too often…the language of equal dignity is unreflectively extended to qualities of character…that are anything but equal. […] When this happens, the extraordinary character of these qualities is obscured from view. This results in the vague but misguided impression that because in principle we all enjoy the equal status of intrinsic dignity we also intrinsically possess – and so can be relied on automatically to enact – the extraordinary qualities of character needed to support the principle.[443]

So honor's aristocratic roots actually allow it to support a free society. This does not require a crude and coercive state education, as Macedo worries. It relies instead on the powerful example set by extraordinary Americans.

In a similar vein, Joshua Cherniss takes up what he calls the "liberal problem of pedagogy" by turning to the power of exemplarity to produce an ethos of tempered liberalism. He notes, following Judith Shklar, that "while liberalism's success may depend on the prevalence of certain dispositions and sorts of conduct, liberal theory refuses to foster these features 'as models of human perfection' – and liberal policy refrains from imposing them

[442] Krause, *Liberalism with Honor*, 12-3.
[443] Krause, *Liberalism with Honor*, 17.

through coercion or systematic conditioning." The answer, for Cherniss, is found "through a pedagogy of *exemplification* rather than indoctrination." This encourages observers to take up certain dispositions, perspectives, and habits of citizenship through the power of one's own example. It also turns on "emulation," understood "not [as] slavish imitation, but a conscious, critical attempt to identify what is admirable and applicable in the exemplar." A pedagogy of exemplarity and emulation is well-suited to a liberal society:

> As a form of persuasion and guidance, rather than conditioning or compulsion, exemplification relies more on conscious human action – and requires less comprehensive control over background conditions and the experiences of the learner – than a program of habituation. At the same time, since it employs the force of example rather than (or in addition to) purely rational persuasion, it can appeal to the emotions, and promote skills of judgment that are not rule-based.[444]

As in Krause's formulation, a pedagogy of exemplarity can inculcate virtues that support a liberal society without compromising its most basic values. Tacitus suggests that this sort of education is inevitable. Emulation is deeply embedded in humans as social creatures. The question is not whether citizens *will* follow the example of prominent people, but *which* examples they will follow. Insofar as we wish to preserve liberty and guard against domination, we must offer examples of virtues, especially moderation, against the vicious examples that are all-too common. The stakes are high, but the conflict is unavoidable.

Cherniss's larger argument centers on a conception of liberalism as an ethos, not a set of institutional arrangements. Specifically, the exemplars in his book are "tempered" liberals, by which Cherniss refers to thinkers who "reaffirmed the moral value of scruples."[445] There is a clear connection between the Tacitean concept of moderation as restraint and Cherniss's tempered liberalism, emphasizing humility, ambivalence, and skepticism toward self-

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[444] Cherniss, *Liberalism in Dark Times*, 209-10.
[445] Cherniss, *Liberalism in Dark Times*, 6.

righteousness. The challenge that these tempered liberals faced was ruthlessness, or the sort of politics that felt no scruples and observed no limits in its pursuit of total victory. "Such ruthlessness," Cherniss observes, "poses a serious problem: how can liberals respond effectively to it without emulating it?"[446]

He asks this as part of a book on twentieth century liberals, but there is a larger theoretical question and longer authorial tradition involved. Ruthlessness or a lack of scruples is a mode of politics committed to making utopias and unconcerned with the costs of attaining them. It is therefore blind to cruelty – and in fact, ruthless politics may encourage cruelty. As Cherniss notes, Judith Shklar famously took up the question of cruelty in *Ordinary Vices*, grounding her "liberalism of fear" in the *summum malum* of cruelty and pain.[447] There are ancient roots to this as well. As we have seen, one of Tacitus's major lines of critique against the principate is its savagery and strategic use of cruelty.[448]

While there is a definite connection between this and the liberal critique of cruelty, Tacitus does more than merely anticipate later thinkers. Savagery is not a concept that exists in isolation as a *summum malum.* Rather, it is intelligible as part of a larger philosophical framework – Stoicism – that holds cruelty as normatively bad and its opposite, compassion, good. These in turn form a larger argument that humans are naturally social and have natural goods arising from their constitutions as a species. Tacitus therefore reinforces the intuition of those who suspect cruelty is a political problem (including but not limited to liberals) while also suggesting that its diagnosis requires the kind of deep ethical philosophy that many liberals are

[446] Cherniss, *Liberalism in Dark Times*, 4.
[447] Judith N. Shklar, "Putting Cruelty First," *Daedalus* 111, no. 3 (1982): 17–27 and Judith N Shklar, *Ordinary Vices* (Cambridge, Mass. Belknap Press, 1984).
[448] And see Polybius 27.9 for another ancient observation that suffering is communicable. See also Max Lykins, "Dostoyevsky and the Defense of Compassion" for a similar line of thought with respect to Dostoyevsky's notion of compassion, its place in the broader tradition of thinking about cruelty, and its implications for liberal thought.

averse to grounding liberalism in. This raises larger questions about balancing liberal commitments. Addressing them in full is beyond what I can do here. That said, however, without implying that there is a clear cut (much less satisfying) answer to liberals, I do think that Cherniss's approach holds some promise. Conceiving of tempered liberalism as an ethos explicitly contrasts it with an understanding of liberalism as a set of formal rules and principles.[449] The similarity to Stoic ethics and Tacitean politics is clear. The vantage point of ethos at least allows us to ask moral, not merely empirical, questions about politics. To the extent that liberals want to grapple with questions of virtue (especially moderation), exemplarity, the efficacy of individual action, and cruelty, the republican writings of the Romans in general and Tacitus in particular are instructive.

Will institutions save us? That question has underpinned much of this conclusion (and, implicitly, this entire dissertation). It was of course not original to me. Yet as in others, it sprang from my own sense – more an intuition than a worked-out analysis – that there was something deeply wrong in our politics. Turning to the writings of a Roman historian from nearly two thousand years ago might seem like an odd or even counterproductive way to explore this intuition. I hope that this dissertation has demonstrated why it was not.

Tacitus helps us to see that institutions are not necessarily where politics "happens," so threats to liberty and the sources of political disease are also not necessarily found in an institutional setting. As James Hankins has observed in *Virtue Politics*, institutions "are necessary guardrails, but they are not sufficient on their own to prevent corruption and ensure the healthy functioning of the state. Human beings who occupy offices and who staff institutions have to possess a certain character for those institutions to be successful."[450] The insight from

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[449] Cherniss, *Liberalism in Dark Times*, 31.
[450] Hankins, *Virtue Politics*, 505-6.

Tacitus's corpus is that politics is about actions and behaviors, and moreover, that *people* act – not institutions, or at least, institutions only act insofar as the people within them act. Ultimately, reading Tacitus might lead us to reply with our own question – since people act, how could institutions save us?

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