

“The Most Political People We Have Known”:
Law, Liberty and Politics in
Republican and Imperial Rome

JYOTIRMAYA SHARMA

We do not know why Augustus Caesar banished Ovid to a lifetime of bitter exile in Tomis on the shores of the Black Sea, but the destruction of the great author of the *Metamorphoses* by the Emperor-God can be seen as one battle in the war of the myths for which they stood. It is one of the great paradoxes of this war that the Sword wins almost all the battles, but the Pen eventually rewrites all these victories as defeats.

– Salman Rushdie reviewing Christoph Ransmayr’s
The Last World in *The Independent on
Sunday*, 13 May 1990.

In her seminal book, *The Human Condition*, Hannah Arendt characterizes the Romans as “the most political people we have known.”¹ For Arendt, a celebration of the Romans is part of a larger celebration of politics, which she identifies with the ‘public space’. But there are those, like Judith Shklar, who wonder what can be there to celebrate about politics. The more substantive question behind Shklar’s scepticism is not whether we ought to celebrate or denounce politics, but the sobering inquiry, “What *is* politics?”²

Political thinkers remain divided as to what constitutes the content, scope and limits of the political. Moral and political philosophy has often directed its efforts in delineating a substantial, autonomous, and coherent notion of the political. In spite of attempts to identify certain eternal questions – power, authority, freedom, justice, legitimacy, obligation – that seem to form the core of what can be identified as the political, Western political thought has remained bereft of coming any closer to pointing towards a widely shared political ideal.

Attempts are being made to this day to grapple with the problem: what constitutes a political relationship. In one sense this is a simpler question to answer than the more definitive question what *is* politics. This is not to suggest that there can be one answer that will take us closer to a commonly acceptable political ideal. Perhaps the hope of achieving a definitive answer itself is utopian. But as long as there are debates about

fundamental political values, the need to mark out the contents of what constitutes a political relationship will also continue to exercise the human mind.

One way of making sense of our current political concerns is to project these problems in the past and learn from the experience of the ancients. To this day, at least in that part of the world which we know as the Western world, every conflict between liberty and absolutism brings to mind the picture of Rome. It is a picture of two Romes. Republican Rome on the one hand, standing for liberty, law, and the primacy of the Senate, and Imperial Rome symbolizing despotism, intrigue, capricious emperors, and most of all a complete eclipse of the values of liberty and the rule of law. This constant referring back to Rome serves both as invocation of an important and instructive epoch in history, but also provides a normative scale against which subsequent political developments and growth of political institutions can be measured.

This paper is a retelling of the story of Republican Rome and of Imperial Rome. Machiavelli felt that the central feature of Republican Rome was its success in preserving liberty. This was accomplished by giving the populace a share in the government. This did not necessarily mean participation, but at least some kind of representation. Machiavelli's eulogy of the perfection of the Republican Constitution conforms, by and large, to Polybius' view that though Rome could not be called a democracy, there certainly was a provision for the voice of the populace to be heard in its scheme of things. Such is the compelling need to paint Republican Rome as a model for the success of the mixed form of government and primacy of the rule of law, so strong is Polybius' voice urging us to consider a certain 'democratic' element in the Republican Constitution, that even a contemporary writer, far removed from the times of a Polybius or a Machiavelli, feels the need to talk in terms of "the presence of a liberal outlook in Roman antiquity."³

There are less enthusiastic voices too. Montesquieu is not overwhelmed by the Republican experiment of Rome, but neither is he entirely dismissive. For him, Republican Rome still serves as an ideal, but he also comments on the fragility of the whole enterprise. He acknowledges that the most significant achievement of Republican Rome was the presence of intelligent legislators who devised ways both to moderate and mask the dominance of the ruling class and managed to minimize inequality within the ruling class.

Imperial Rome, on the other hand, has few such enthusiastic apologists. Yet, post-classical Europe, with its constant pre-occupation with questions

of peace and order has had more to borrow and learn from the experience of Imperial Rome, especially the Augustan period, than from the history of the Republican period. One question, above all, has bothered every historian, every theorist who has turned his gaze to look in the direction of Imperial Rome: how did the Roman Empire acquire such awesome power, and how did it legitimize it? This question has often returned to haunt Western Europe, and sometimes the whole of humankind: after all Germany did claim for long to have reincarnated the Roman Empire from at least AD 800 (apart from the brief Napoleonic interlude).

In this retelling of the story of Rome, of Republican Rome and Imperial Rome, it emerges that it is not always easy for the sword to win, nor does the pen always tell the truth. There are no saints nor are there villains in this story. It is a story of shades of grey. That is why, perhaps, the earnest theorist in search of a definitive political ideal flounders. What ultimately emerges is inevitably ambiguous, full of contradictions and paradoxes, incommensurable, and sometimes a bit too self-important. In the end the picture is that of several shades of grey.

II

The Republican Constitution was designed to prevent the arbitrary use of power by the rulers. A highly complicated set of institutions and arrangements were constructed in order to ensure that legitimate authority was not overridden. The Romans felt the need for strong government, but were constantly plagued by the fear that limited power of the executive might turn into absolute power.

It is said that Rome's response to matters of a practical nature was never sentimental. Rather, it was felt that feeling and sentiment should never come in the way of pursuing the interest of the state.⁴ Another feature that marked Roman attitude to politics in general, and the notion of authority in particular, was the habit of consulting competent advisers. They recognized that there were some people who were worthy and better qualified to suggest a course of action to other people.⁵

The Republican Constitution exhibited both the above mentioned features in good measure. The Romans constructed a vast and complex network of distribution of powers, privileges and rights, and the notion of personal liberty under the rule of law.

What is, however, fundamental to understanding the Republican Constitution is the disjuncture between the underlying principles and

inherent potentialities of the constitution as against the actual character it assumed and the manner in which it worked. Notions such as distribution of powers, *libertas* of the Roman citizen, and other privileges and rights were “almost always circumscribed by a reality entirely contradictory to professed aims.”⁶

Therefore, when men like Cicero and Tacitus extolled Republican principles, and chief among them *libertas*, it is a matter of deep doubt if such a commitment to *libertas* actually ever ranked top in their scale of priorities or hierarchy of values.⁷ As long as one does not take on board the laboured emphasis that the longevity of an aristocratic ideal – an ideal which paints the picture of a vibrant civic culture, but in reality riddled with privilege and the most blatant forms of corruption – was indeed the very essence of Roman history, then it is time to revise the view that Roman history is indeed the history of the free Republic. A view that presents the Roman Republic as an enterprise the most striking features of which are stability and unity, must give way to a picture that betrays predilections to historical change or even some form or the other of radical transformation.⁸

One of the earliest features of Ancient Rome was the importance of the Senate. It was a body consisting of the richest landowning families. In the course of its development over many centuries, the Senate along with the magistrates formed the core of oligarchic power in Rome. The senatorial aristocracy consolidated its power with the overthrow of the Roman kings (or more accurately the Etrurian kings) at the end of sixth century.

Republican Rome saw a rise in the power of the Senate in the fifth and early fourth century BC. Overall, the Roman Republic was organized on a military basis, infusing a sense of discipline and obedience towards the leaders among the citizens.⁹ The actual rulers of Rome still came from among the richest and ancient families, the old patrician nobility. Politics remained the prerogative of the rich.¹⁰ All officers of the state – the commanders of the army, presidents of the popular assembly and the Senate, judges, treasurers and priests – were members of the senatorial aristocracy.

The power of the Senate continued to grow during the fourth and early third centuries. This importance was not a result of constitutional rights, but a pre-eminence handed down by custom. Its influence rested not so much on its statutory powers, but on its overwhelming *auctoritas* and custom.¹¹

No substantial change in the Roman Constitution is visible in the

second century BC. A process of co-opting the plebeians to a greater degree, both at Rome and the Latin and allied cities is visible. This, however, does not change the overaweing presence of the Senate. Foreign wars led to demands for a more strong government. The Senate stepped in to fulfill this demand.

Attempts were made in the second century BC to introduce reforms to remove the concentration of power in the hands of a single aristocratic class. The reforms of Tiberius Sempronius Gracchus were wide and sought to correct the objectionable features of the Roman constitution. What was central to these reforms was the attempt to undermine the strength of the Senate. Tiberius Gracchus was charged with attempting to establish a tyranny of the Greek type. Gaius Gracchus continued the policy of reform after Tiberius's murder, the central feature of these reforms being a reduction of the powers of the Senate.

After Gaius Gracchus's death, a conservative reaction ensued. This was a period of constant struggle for power between the democrats (*Populares*) and the members of the senatorial aristocracy (*Optimates*) for control of the government. Each side indulged in the systematic extermination of his political opponents.¹²

Sulla introduced the most radical measures to consolidate the power of the Senate. It was the first attempt to establish the power of the Senate under the overall protection of a body of laws. He substituted legislation for tradition. This was done at the expense of drastically reducing the powers of the tribunes and the popular assembly. The reforms of the Gracchi were made redundant. The overall effect this had was to legalize the authority of the oligarchy.¹³ At the same time Sulla exercised autocratic power. His rule was form of "legalized robbery,"¹⁴ where the rule of law was replaced by the law of the strongest.

The last years of the Late Republic were marked by the rise to predominance of ambitious soldiers. All political ideas were replaced by the personal ambition of military leaders. Caesar's dictatorship and the post-Caesarian Triumvirate effectively brought the supremacy of the Senate to an end.

What the above explanation of the importance of the Senate shows is an aristocratic republic at work. After all, the notion of *res publica* entails that it also should be *res populi*. It posits, at least in theory, a notion of citizens sharing in the political control of the state.

In theory, the foundation of political control of the Roman Republic was based on the conduct of its citizens. However, the Romans refined the notion of *res publica* to mean something entirely different. This

reformulation postulated the participation of the people in the affairs of the state. It further clarified that the government should be for the people. It, however, did not necessarily imply that the government should be *by* the people.¹⁵ The Roman Republic was a *res publica* on the strength of incorporating in its constitution a nominal right to govern for each of its citizen.

The term *libertas* indicated the capacity for the possession of rights, and the absence of subjection. It defined the status of an individual. The importance of *libertas* for Romans was that it was an acquired civic right, and was not to be seen as an innate right of man.¹⁶ In this sense it is closely associated with the notion of *civitas*. The overall political structure of the Roman state determined the nature and scope of *libertas* that a Roman citizen possessed.

Further, *libertas* could only be enjoyed under the law. This introduces the notions of restraint and moderation into any discussion of *libertas*. Once the importance of law is introduced into the concept of *libertas*, it becomes a duty as well as a right. The emphasis shifts from the autonomy of the will to the definition of citizenship in terms of reciprocal social relations.

If the above was tenable, then there has to be an additional element introduced in our understanding of *libertas*. This is the notion of equality before law. *Aequa libertas* in the Roman Republic did not mean complete equalitarianism however. It did not imply democratic equality of any sort. Putting it in another way, democratic equality in the Roman sense did not mean social parity. Equality before law established an absence of legal discrimination between citizens, equality of all personal rights, and equality of the fundamental political rights.¹⁷

Equality of fundamental political rights, however, did not amount to a right to govern. *Libertas* was, therefore, the upper limit of political rights, and was not to be seen as a universal civic right.¹⁸ Once *libertas* was recognized as the minimum of political rights, it opened the possibilities of differentiation beyond this sphere.

The Romans were never ambiguous about the question of who should govern. Landowning senatorial families with their wealth, mutual alliances, and their *clientelae* exercised an inherited and unchallenged authority. It was an authority which was well entrenched within the Roman Constitution. This constitution itself was inherited and built over centuries. It was neither open to discussion nor to reform. It gave the ruling oligarchy a monopoly of all forms of political initiative.¹⁹ It is in the light of the position of this ruling oligarchy that the reforms of Tiberius

Gracchus can be seen as revolutionary. He sought to reduce the powers of the Senate by making the popular assembly more involved with the actual decisions of public business. Certain core privileges of the Roman oligarchy came under threat as a consequence of these reforms. These included land reforms, new agrarian laws, proposals that would amount to extending of franchise and a far more representative set of jury courts.

What was it that made members of the ruling oligarchy far more suitable to govern than most other citizens? It was the possession of *dignitas*, above all, that enabled an *auctor* to govern. *Dignitas*²⁰ in its original sense was the respect and esteem a worthy personality commands. In a political sense it indicates to the acquiring of either a particular office, or the prestige that is accumulated through holding such an office. The notion of *dignitas* is to be contrasted with that of *honor* and *gloria*. *Dignitas* attaches to a man permanently, and passes on to his descendants.

Further, it was *dignitas* that granted a Roman *auctoritas*. It is also closely associated with *nobilitas*, which was mark of regard for a person's ancestors and their *dignitas*. It is worth noting that *dignitas* was a quality which did not rest on laws. Cicero's dictum *legum servi sumus ut liberi esse possimus* seems hollow when one considers the possibility of nobles identifying *dignitas* with the distinctions and preserves of their own class. Indeed, the conflict between *libertas* and *dignitas* was a central feature of the Republican period.²¹ What was the net result of this conflict?

Romans were getting increasingly worried about the increase in powers of the executive, the *magistratus*. The people, *populus* had no control over the executive. Indeed it was said that the power of the consuls was regal in character. In order to check the growing power of the executive from assuming arbitrary powers, a system of constitutional checks on the duration and exercise of those powers were introduced. These were seen as measures that would safeguard political liberty.²² At the same time the Roman government which was elected by all the full citizens was largely independent of the popular will.

It is maintained by Fergus Millar and J.A. North²³ that though Rome was not in any sense a democracy, it had elements that could provoke comparisons with classical Athenian democracy. Therefore, following Polybius²⁴ they stress that any view of Roman politics would be incomplete if it does not include a recognition of the power people exercised in their assemblies in however imperfect a manner. North emphasizes that in spite of the non-democratic and non-participatory nature of Roman Constitution, it would be in order to argue that the electorate was the

arbiter of Roman aristocrats' status and political power. This can be seen in the context of divisions within the oligarchy. Democratic politics and popular voting was used as means of arbitration between oligarchic families locked in one or the other kind of competition. The democratic element was not a separable part of popular intervention. North sees it as a symbiosis of ambitious politicians and of people in need of a political voice. The arguments cited above are difficult to accept. In the first instance, it is difficult to imagine similarities between such radically different constitutions such as that of Republican Rome and the classical Athenian constitution. Roman constitution and its institutions were non-participatory in the extreme.

Polybius saw the Roman constitution certainly not as a democracy, but as a 'moderate oligarchy'. Whether 'moderate' or 'extreme', the story of Republican Rome is the story of an oligarchy:

The Roman oligarchy was thus not merely a *de facto* one, emerging from the mass of the people by a natural sociological process, but a *de jure*, timocratic oligarchy based on a property qualification . . . [T]he entire civic mass was divided into a rigid hierarchy based on property and affecting the most elementary civic activities such as voting or participating in assemblies; it would have been paradoxical if more important activities such as the magistracy had been an exception to the rule. Thus the Roman constitution itself drew a clear line between those who were entitled to take a direct part in public affairs and those who were not.²⁵

It must be clarified that Roman hierarchy was not based on wealth alone: other considerations mattered, especially those of birth. But wealth (in the form of a complex network of patronage, apart from anything else) played a centrally decisive role. It should therefore not be surprising at all that most ancient cities, and Rome was certainly not an exception, however much open and democratic they were nonetheless were based on timocratic principles.²⁶

What was crucial in absence of popular checks on the functioning of government was the need to check the power of all the main organs of government. This would prevent the possibility of any of them from encroaching upon the authority of the others. If arbitrary use of power was not checked, there was a possibility of any one of these parts of the government taking control of the state. This was done by a distribution of powers (*not* separation of powers) among the main organs of government, namely, *populus*, *magistratus*, and *senatus*.

Cicero provided one of the most ambitious restatements of Republicanism in his model of the mixed form of government. A restatement of Republican principles was intended to serve a number of

objectives. Firstly, it would fulfil the need for strong government. This did not, however, mean that such a government would resemble one form or the other of absolutism. Secondly, there would be an attempt to remove the sway of sectional interests. This is ensured, at least in theory, by an emphasis on the notion of equality before law. A *res publica* was after all the common weal of all the people, *res populi*, and not of any section of the people.

Cicero's typology of governmental forms is similar to that of Plato and Aristotle. His ideal constitution shuns both democracy and absolutism of any sort. The mixed form of government, therefore, signifies distribution of power in the state. It is based on a balance of rights, duties, and functions. This meant that the Senate had enough authority, the government enough executive power, and the people enough freedom.²⁷ This does not, however, mean in any sense that power is *equally* distributed among the various governmental forms. Equality before law did not imply complete egalitarianism of rights.²⁸

Since the centrepiece of this mixed constitution was the idea that the state should be based on an acceptance of the rule of law, it is in order to ask questions regarding the source, legitimacy and fairness of laws.

Cicero answers these questions by introducing the notion of natural law. In this concept Cicero hopes to find a firm basis for the rule of law. He was conscious of the inherent conflict between the conceptions of law as will and law as reason.²⁹ The resolution of this was to grant natural law (law of reason) supremacy over statutory law (law as will). In this way, Cicero demonstrates the essential identity between the reason which directs the universe and the reason of the good man.³⁰ Man was unique in the universe because of the powers of reasoning; he was not merely unique, but was also superior.

Cicero's theoretical typology of governmental forms is deeply flawed. It fails to achieve two of its central objectives, namely, a strong government which is not based on the principle of absolutism, and the removal of sectional interests by establishing a firm basis for the rule of law.

When Cicero speaks of an even balance between the Senate, the executive and the people, he in fact is pointing towards an aristocratic republic centred round the pre-eminence of the Senate. A case for the distribution of powers can only be argued convincingly from a strictly legalistic perspective. Once this theoretical typology is translated into actual Roman practice and historical experience, it points conclusively towards a preponderance of the Senate.

The argument Cicero puts forward regarding removal of the influence

of sectional interests is even more difficult to hold. Cicero's idea of distribution of power does not change the composition of the elite. It was not enough to assert the importance of the rule of law and equality of all before it. Once the people had elected the officers of government, they are largely dependent on the will or opinion of their electors. Authority in Rome was a factor of establishing and maintaining "consensual deference."³¹ It is also worth remembering that the consuls exercised power that was regal in character.

A word must also be said about Cicero's strong support of private property. The property owning individuals were his "army of supporters."³² The senatorial aristocracy had increased their prosperity through "blessings of heaven."³³ Cicero argues that people have a just entitlement to their property, but fails to establish a criterion for deciding whether an entitlement was just.³⁴ In searching for such a criterion, Cicero sought refuge in the tenets of Stoic philosophy which had been pliant in the hands of Roman aristocracy in helping them to justify their excesses. Consequently, Cicero justifies private property by stating that virtue overrides any other kind of value. Private property can never come into conflict with virtue, since virtue will invariably triumph over it. This is a weak attempt of Stoic philosophy in general, and Cicero in particular to create a moral justification for institutions based entirely on legal rights and obligations.

Further, though Cicero claims to be aiming at distribution of power among the various constitutive elements of the state, his solution remains hopelessly one-sided and partial to the propertied senatorial aristocracy. Cicero despised the common people. He echoes Plato and Aristotle in asserting that to give power to the people was a sure way of ensuring tyranny. The people were "the riff-raff," "that agitating bloodsucker on the treasury, the wretched, hungry rabble."³⁵ They were entirely unfit to govern. For governing was the art of the specialist and the ignorant citizen could not be trusted:

Greek states, however, are governed entirely by the whims of a mass assembly which even sits to do business. I need not therefore remind you of how the Greece of today has long been plagued and afflicted by assemblies such as these. But even the Greece of old, which once enjoyed such vast wealth, power, and renown, was destroyed by this same single constitutional flaw, the absence of any control or limit to the powers of its mass assemblies. When all those ignorant citizens, men with neither experience nor knowledge of affairs took their seats in a theatre they entered upon useless wars, put revolutionaries in office, and expelled all the best elements from the city.³⁶

What, then, is Cicero's solution to the constitutional flaw of the Greeks?

The *Optimates* were the best men to govern the *res publica*. They were to ensure that the ideals and objectives of the *res publica* were guarded and protected. What were these ideals and objectives?

Let me enumerate them: religious observances and the auspices; the power of the executive influenced by the Senate; laws and traditions; the verdicts of civil and criminal courts; loyalty towards our provinces and allies; the good name of the government, with its twin supports, the army and the treasury.³⁷

Democracy in all its forms had to be rejected. The best men had to be nurtured and retained. The individual had no bulwark against the state. For the Greeks, an appeal to the law of nature was an individual's last defence even against law. The Romans were primarily concerned with good legislation. While a man still had his rights, it was a factor of recognition from above.³⁸ The emphasis was on order and the overall welfare of the state. Therefore, all rights and guarantees for the individual flowed from this larger purpose.

This is, however, not the complete picture. One of the main reasons why Cicero rejects equalitarianism and abhors democracy is because in the process of creating democratic equality (*isonomia*) *dignitas* is disregarded. It has already been noted that *dignitas* was a quality that did not have its basis in laws or constitutionally defined privileges.

Cicero's attempt at establishing a set of absolute values, which would be independent of the fluctuations of human laws was marred by an indecent pursuit of *dignitas*. Notions of service and merit that were traditionally associated with *dignitas* and *nobilitas* were transformed into an exclusive, arrogant, and complacent clique. *Dignitas* was reduced to a form of reckless and unjust domination.³⁹ Cicero himself defined *dignitas* to mean unselfish and unconditional duty. It was not to be seen as a title to respect and a means of achieving political pre-eminence.

What all this points towards is the fragility of constitutions as a means of ensuring political as well as personal freedom. After all, Romans were proud of the fact that they had the best constitution that any state could wish for. Yet, a mad pursuit of *dignitas* accompanied by an equally disastrous competition for power made the Roman constitution impotent and dysfunctional. It increasingly found itself incapable of even maintaining law and order. Mere legal provisions were inadequate in the face of collapse of the moral fabric of Roman society.

III

What often accompanies Cicero's defence of Republican principles is a strong and uncompromising invective against kingship. Cicero calls kingship a "forbidden evil"⁴⁰ for Rome. It was comparable to tyranny. The context in which Cicero uses the notion of kingship is almost always Greek, and implies the experience of Greek tyranny. Kingship deprived, in the first instance, citizens equality before law. The relation between a king and his people was not one of equality,⁴¹ but similar to that between master and slaves.

The Romans were after all not entirely innocent of the institution of kingship. Ancient Rome was ruled by kings. Under Etruscan domination, the king's powers were clearly defined in terms of the *imperium*, the supreme civil and military authority (based on the king's right to ascertain by divination, *auspicium*, the will of the gods).⁴² The King's authority was absolute and was represented by a two-headed axe enclosed in a bundle, *fascis*, of rods.

Towards the end of the sixth-century BC, the kings were overthrown by the local aristocracy. In spite of this change, the Etruscan constitution was retained in its place, with minor alterations. Rome's last king, Tarquinius Superbus, is seen by sources such as Cicero to be tyrant. This is despite the fact that he was known to have benefited Rome. Certainly, the Roman kings founded institutions which the Romans were proud of.

Republican Rome saw itself opposed to kingship on the ground that it infringed the scope of *libertas*.⁴³ At the same time, this does not seem a good enough reason to justify opposition to kingship. After all, the *libertas* of the Senate and the *libertas* of the People did not always coincide. Caesar's rule completed the process of disintegration of the Republican constitution. He, in the words of Cicero, established an "autocratic monarchy."⁴⁴ His reign was that of a sole ruler elected to rule for life.

Cicero's opposition to kingship gives rise to the belief that the Roman Republic was bitterly opposed to kingship in every form. This is a view that is widely echoed by modern day writers.⁴⁵ There is indeed some justification in holding such a view after Caesar's reign. However, is it possible to trace Roman dislike for kings from the time of the fall of the Roman kings in sixth-century BC to Caesar's day? If not, then when and how did this vehement hostility towards kings originate?

The influence of Greek history and political thought on philosopher-politicians like Cicero, and historians such as Polybius was considerable. This habit of looking up to Greece was not merely a way of finding explanations for the rise and pre-eminence of Rome and its institutions.

Rather, men like Cicero and Polybius followed Plato's and Aristotle's example of clinging to "two outworn phrases of Greek politics."⁴⁶ These two articles of faith were the belief in the city-state as the unit of government, and the hope in educating people to true aristocracy and high integrity.

Polybius⁴⁷ attempted to clarify his notion of a mixed constitution (which was influenced by Aristotle's pupil Dicaearchus) with the help of a theory of constitutional cycles which can be traced back to Plato and Aristotle. This theory posits that kingship degenerates into tyranny, which in turn is replaced by an aristocracy. This aristocracy degenerates into oligarchy, which in turn gives way to democracy. Finally, democracy collapses into mob-rule. Cicero himself endorsed the cyclical theory of constitutions.

Therefore, Tarquinius features as a bad king in ancient Roman sources because he was the last king. In other words, because of the application of the cyclical theory of constitutions, the last king had to be a tyrant.⁴⁸

Also, Latin does not make a clear distinction between tyrants and kings. There is no word in Latin for tyrant. It does have *tyrannus*, but it is simply *tyrannos* latinized.⁴⁹ Hence, the word *rex* (meaning ruler of people or state, who is recognized as such by the ruled and by himself) or *regnum* (indicating a king's-reign or kingdom or to monarchy as a constitution) could have taken on some of the bad connotations of the Greek *tyrannos*. The explanation regarding Greek influence on Roman history does not, however, explain the origin and use of the terms *rex* and *regnum* as terms of political invective. Nor is the deep-rooted and vehement nature of aversion to kingship by the likes of Cicero sufficiently explained. Andrew Erskine⁵⁰ has persuasively argued that Roman hostility to kings in the second century BC was largely focused on foreign kings. Even if this argument is tenable, most references to foreign kings were in a neutral descriptive sense. The Romans were deeply impressed by Eastern kings in the initial stages of their contact with them.⁵¹

However, as a consequence of Rome's persistent conflict with the East, Roman propaganda began to exhibit an antagonistic attitude towards such kings.⁵² Rome saw itself as a free state, and felt it was its duty to aid similarly free city-states against 'kings' and 'tyrants.'⁵³ As a constitutional state, Rome's diatribe against Eastern monarchies gained further legitimacy.

Thus, the use of *rex* and *regnum* in political invective came about as a consequence of comparison with Eastern kings. It is suggested that the first reliable record of the use of the term *rex* in a polemical sense in

Roman domestic politics can be attributed to the elder Cato. Cato's image of the king is one where not even morality is a restriction on the absolute power of the king.⁵⁴ The picture that emerges in this instance, and in many of Cicero's utterances, is that of the Hellenistic king.

The Roman idea of foreign and Eastern kings was, in the first instance, one of wealth, power and prosperity. At the same time, Eastern kings were seen to exercise arbitrary and absolute power.⁵⁵ This was incompatible with constitutional government which existed in Rome. Therefore, continuation of office beyond statutory limits was denounced as *regnum*. Similarly, it was used with regard to use of extraordinary powers – *potestates extraordinariae*. Polybius felt that monarchy by nature disliked equality and made everybody slaves in the process. *Dominatio* inevitably led to *servitus*.

IV

Caesar's rule brought an end to the last remaining vestiges of the Republican Constitution. His rule was absolute. He was called a tyrant in the mould of Greek tyrants by some of his contemporaries. Others saw in him the marks of a Hellenistic monarch. There was, however, a consensus that Caesar's rule amounted to an arrogation of despotic power. What constitutionalists like Cicero failed to recognize was the fact that Caesar's wielding of despotic power was only a result of the disintegration of the Old Republic and its constitution and not its cause.⁵⁶

Scholars such as Francis Dvornik⁵⁷ and Ch. Wirszubski⁵⁸ have argued that the transformation of the Roman Republic into the Principate should essentially be seen as a disguised Hellenistic monarchy. Dvornik in a persuasively argued and much celebrated article puts forth the view that much was found to be of great worth in Hellenistic ideas of kingship⁵⁹ in the process of legitimizing the rule of the *princeps*.

Similarly, Wirszubski argues that a misinterpretation of certain elements of Hellenistic philosophy of kingship may have stimulated absolutism under the early Empire.⁶⁰ The notion of king as Law Incarnate had in its original formulation its basis in the notion of natural law. Though this doctrine was not at all concerned with positive law, the Romans in the early Principate seemed to use it in the sphere of positive law to reinforce an already existing absolutism,⁶¹ or even to mitigate it.

It is correct to say that parallels can be found between certain aspects of the Roman Principate and Hellenistic monarchies. At the same time

such parallels could be misleading. The Roman practice of absolutism was very different from the power exercised by Hellenistic monarchs. Differences in the machinery and purpose of government, modes of gaining legitimacy and the existence of a world empire distanced the Augustan Principate from the model of Greek tyrannies with their example of violence and lawlessness, as well as the tradition of Hellenistic monarchies which were characterized by a half-baked, contradictory and hesitant nature.

Thus, the uniqueness of Roman absolutism lay in its comprehensiveness and all-embracing nature. The Principate replaced a long period of senatorial ascendancy and supremacy which "entailed the evils of monopoly."⁶² The basis of this was a predatory imperialism which had undermined the material basis of civic life. The senatorial aristocracy had subverted the very basis of the Latin commonwealth, which was the rights and liberties of the common people. The Late Republic had consolidated the idea that liberty and peace needed a firmer foundation than simply the restoration of the sovereignty of the Senate and so-called popular institutions.⁶³

An important feature of Roman absolutism that the Principate inaugurated was that it introduced a new form of government. Interestingly, and perhaps ironically, a central element of this new form of government was Augustus'⁶⁴ management of the Senate. Augustus restored the ancient constitution. This included a complete restoration, in appearance, of the Senate.⁶⁵ The Senate was allowed to exist and enjoy all its past privileges. Augustus treated the Senate with great respect. All *appearance* of unconstitutional actions was scrupulously avoided. He tacitly committed himself to respecting the former Republican instruments of government. He established himself as head of the Senate and First Citizen, or *princeps*.⁶⁶ Thus this new form of government was called the Principate.

In reality, the Senate was reduced to a legitimizing body to his rule. It was devoid of any actual powers; Augustus was able to preserve Republican forms without granting them much substance. In relation to the Senate, Augustus reserved the powers of appointment, dismissal and considerable patronage.⁶⁷ He assumed new military and administrative powers, and this was accomplished by reorganizing the army around himself and his power. Historians consider the control of military and financial affairs by Augustus as the two pillars of his reign.⁶⁸ Military affairs were entirely withdrawn from the competence of the Senate and the Popular Assembly.

Further, as the richest man in the state Augustus often came to the

rescue of the treasury at the request of the Senate.⁶⁹ He gained complete control of the Senate by allowing the Senators to retain all their social privileges. Most post-Augustan emperors followed this tradition. The near impotence of the Senate only meant that the power of the *princeps* had no checks and as a consequence became more autocratic.

One important feature that sums-up the new form of government introduced by the Augustan Principate is that the distinction between the private property of the state and the Emperor became fainter and fainter.⁷⁰ The overwhelming control exercised by the *princeps* over a period of time lost its personal character and became a part of the machinery of government.

In fact, Augustus had established an absolute monarchy which was wrapped⁷¹ by him in "republican swaddling clothes." Augustus's power was absolute and there is much truth in a later formulation of Ulpian – *Quod principi placuit legis habet vigorem* – illustrating the position of the *princeps*.

A single most significant feature of Roman absolutism was the successful establishment of the Emperor at the centre of all things. The Empire created "objects and opportunities that focused a man's political and religious emotions alike"⁷² on the Emperor. The Augustan Principate and the Roman Empire can be seen as instances of the "successful organisation of idolatry."⁷³ Emotions such as gratitude, loyalty and worship were all concentrated upon the ruler.

The position of the Emperor is captured dramatically in the notion of *providentia*.⁷⁴ This notion combines in itself two elements. One is that of a ruler who has the 'foresight' or 'forethought' of a wise magistrate to avoid dangers. At the same time this foresight is also that of a loving father, who looks after the welfare of the family, and tends for its future. In this role the emperor was seen to have been chosen by gods to exercise his *providentia* for the good of his people. It was one of the chief attributes of a monarch.

This idea of the supremacy of the emperor and consequent accumulation of power at the top can be explained in another way.⁷⁵ A major cause of civil strife in the Republican period, as has been seen in Section II, was the ambitious competition among the ruling aristocracy for *dignitas*. This was made possible because a principle of collegiate leadership was in place, and hence civil and military power was widely distributed among a number of men.

The supremacy of one man established a *dignitas* which surpassed all, being immune to competition and trial for strength. Augustus's *potesta*

was beyond compare.⁷⁶ Though this power was given legitimacy by the Senate and the People's Assembly, no limit was set to this power. This power was permanent and irrevocable. Similarly, the *auctoritas* of the *princeps* was "permanently pre-eminent, just as he was permanently supreme; it overshadowed and dwarfed all other *auctoritates*."⁷⁷

This pre-eminent *auctoritas* of the *princeps* can be seen as one of the most distinctive features of Roman absolutism. The *auctoritas* of the *princeps* was not legally enforceable. Once *auctoritas* is translated into real terms it connotes power, just as influence and its use are powers.⁷⁸ Since *auctoritas* is, on the other hand, not defined, there is no limit that can be set on the scope of *auctoritas*.

It has been argued that since *auctoritas* derives solely from the force of personality it is not necessarily a threat to freedom, especially the Republican idea of freedom.⁷⁹ This line of argument is inconsistent with Republican principles, since mere removal of *dominatio* does not ensure *libertas*. Rather, it rests on the establishment of positive institutions. The over-whelming *dignitas*, *auctoritas*, and *potestas* of the *princeps* ruled out any possibility of the restoration of such institutions.

Further, it has been suggested that it was the possession of *auctoritas* that made a man *princeps*.⁸⁰ In other words, *auctoritas* was the cause and not a consequence of a man's being *princeps*. This argument fails to take into consideration an important point. During the Principate, the entire administration of the Roman state was centralized in the hands of the emperor. Thus it was very difficult to make fine distinctions between *auctoritas* on the one hand, and *imperium* and *potestas* on the other. Hugh Last⁸¹ rightly describes Augustus' *auctoritas* as an acquired ability to get his own way.

Propaganda and creation of belief, to use M.P. Charlesworth's⁸² famous formulation, helped enormously in granting legitimacy to Roman absolutism. This primarily meant convincing people of the fitness of the emperor to rule, as also his good intentions towards their benefit and advancement.

One of the main instruments of propaganda was the recruitment of poets and prose writers to glorify the emperor. Important poets of the period like Virgil and Horace were court poets. The emperors themselves indulged in self-glorification and wrote accounts of their own exploits (like Augustus's *Res Gestae* and the *Meditations* of Marcus Aurelius).

Magnificent buildings, roads, bridges, theatres and amphi-theatres were erected bearing inscriptions that would make the name of the emperor known and help glorify it. Emperors also had letters and

decrees to towns cut in stone or marble.

Another important instrument of propaganda was the use of coinage as a very potent means of fashioning opinion and influencing the views of the people. This was partly due to the fact that coins were universally used.

In his time Augustus emphasized his benevolence by paying for the grains citizens were entitled to. He paid for and gave largesses to soldiers, veterans, and his guards. Vast amounts were spent on magnificent shows, circuses, and games. Juvenal was not very much off the mark when he remarked that the emperors controlled the Roman populace with bread and circuses.

Another significant political device for legitimizing Roman absolutism was the deification of emperors. Every province had at least one temple of Augustus.⁸³ There was also a tradition of dedicating private shrines and alters in loyalty and gratitude to a reigning emperor.⁸⁴ Terms such as *Soter* and *Euergetes* were used, but they did not necessarily imply divinity.⁸⁵ *Soter* was used for later Roman emperors as a formal predicate. Ruler-worship during the Principate became an expression of homage and loyalty. However, neither Augustus nor his successors were regarded as gods.

What is significant is that deification of a living ruler was essentially a political contrivance.⁸⁶ This particular gesture has nothing Oriental about it, as it is commonly thought.⁸⁷ Alexander had used the device of deification in order to legalize absolutism. The absolutism unleashed by the Principate felt a similar need to legalize certain arbitrary actions.⁸⁸ The interesting fact in the Roman case is that in application of the principle of deification, a distinction was drawn between *ingenui* and *liberti*, between citizens by birth and citizens by adoption.

Augustus exercised "a somewhat veiled concentration of power"⁸⁹ in his hands. The outward forms of Republican constitution were maintained. Much imagination and wealth was invested in obtaining legitimacy for his rule. To the hard-boiled constitutionalist Augustus could neither be considered a despot nor even a tyrant. His prerogatives were after all set by the Senate and Popular Assembly, and in theory were limited and constitutional. Augustus could also lay rightful claim to a single great achievement, namely, the restoration of peace.

To sum up, Augustus promised two things to the Roman people: transformation of the state into a vehicle of the rule of law and providing support for the personal freedom of the masses. In return, the people granted him overwhelming *auctoritas*. The promise of ensuring rule of law and personal liberty to the people was a crucial, almost fundamental,

pre-condition for the promotion of Augustus' own version⁹⁰ of *libertas* (as contrasted from *libertas* meaning civic freedom), namely, freedom as the expression of political will, of the power and control that inheres in the *auctoritas* of the powerful ruler.

When historians paint Augustus as a despot, they look exclusively to the early part of his political life. During this period he was *imperator*: there was a certain element of exercise of naked power that marked Augustus' rule at this juncture. However, in 27 BC he changed this:

He . . . built himself into the framework of the Republic as an agent to whom the Senate and Roman People assigned certain specific powers and functions. Notably, the control of the sinews of power, the armed forces and to a considerable extent, the finances.⁹¹

In order, therefore to legitimize his rule, he used the twin notions of *tribunicia potestas* and *levitas popularis*. The former consisted of the reimposition of the rule of law, and the latter represented the personal expression of the power of the *princeps*. Thus in spite of all its shortcomings, the Principate was a genuine attempt at re-establishing the *res publica*, in the sense of the primacy of the common good of the people. When this notion of "common good" is translated in real terms, it amounted to freedom from the tyranny of a faction, freedom from fear and want, and, most importantly, peace.

Though Augustus' achievements were considerable, there were, in theory, no effective safeguards against abuse of power by the emperor. Not only was his *auctoritas*, *dignitas*, and *potestas* supreme, he also had a claim to a sort of technical legitimacy. There was no power of equal status in relation to the emperor, who could coerce him against wielding despotic power.

In the face of institutionalized despotism and absolute power, the only mitigating factor could be the personal virtues of the *princeps*. This hope was expressed in the use of the term *Optimus Princeps*,⁹² which alluded to the excellence of the emperor. It indicated that he possessed those virtues which the Romans respected.

What were these virtues? They were *Virtus*, *Clementia*, *Iustitia* and *Pietas*. Of these virtues, a word must be said about *Clementia*⁹³ and *Pietas*.

The importance of *Clementia* is to be gauged in terms of how much a citizen's *libertas* depended entirely on personal qualities of the emperor such as *Clementia*. Seneca in his *De Clementia* emphasizes the importance of clemency as a virtue of emperors:

Mercy, then, makes rulers not only more honoured, but safer, and it is at the same time the glory of sovereign power and its surest protection. For why is it that kings have grown

old and have handed on their thrones... while a tyrant's sway is accursed and short? What difference is there between a tyrant and a king (for they are alike in the mere outward show of fortune and extent of power), except that tyrants are cruel to serve their pleasure, kings only for a reason and by necessity?⁹⁴

Seneca felt that clemency moderated the employment of power. It was, however, to be seen as a self-imposed check.

After Augustus, however, *Clementia* became "too much a despotic quality; the mercy of a conqueror towards those whose life he holds in his hands, the gracious act of an absolute monarch towards his subjects."⁹⁵ One gets an indication of the absolute nature of power exercised by Emperors like Diocletian or Constantine by the fact that they used to be addressed *Tua Clementia*.

Similarly, *Pietas* represented a ruler's feeling of duty and love towards the Roman people, including their traditions and their religion. In the ruled it took the form of loyalty of the subjects to the emperor who is considered as head of the family, meaning the Empire.

However, in the third century for Emperors like Caracalla, Gallienus and Claudius II it meant 'mercy to the conquered.'⁹⁶ Thus a combination of *Pietas* and *Clementia* represents the indulgence of a despot towards the conquered and the weak whom he holds in his power.

The third century witnessed the final stage in the refinement of absolute power into despotic power. The emperor was addressed as 'eternal.' A new emperor was greeted with cries of 'We have been consecrated to thee.' The final picture is that of Constantine with "the diadem and robes of state, the adulation of troops of chamberlains and eunuchs."⁹⁷ He was addressed by others as 'lord' and he called himself *dominus*.

NOTES

1. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), p. 7.

2. Bonnie Honig, "Coming to Terms" in *Memorial Tributes to Judith Nisse Shklar, 1928-1992*, p. 38.

3. John Gray, *Liberalism* (Milton Keynes: Open University Press, 1986), p. 5.

4. M. Rostovtzeff, *A History of the Ancient World Vol. II Rome* (Oxford: Clarendon Press, 1928), p. 72.

5. Ch. Wirszubski, *Libertas as a Political Idea at Rome During the Late Republic and Early Principate* (Cambridge: Cambridge University Press, 1968), pp. 34-35.

6. *Ibid.*, p. 32.

7. Orlando Patterson, *Freedom, Volume I: Freedom in the Making of Western Culture* (London: I.B. Tauris & Co. Ltd., 1991), see part III, especially chapters 13 and 14.

8. There are two excellent works which seek to alter the unitarian view of Republican Rome popular among historians and political theorists alike. Kurt A. Raaflaub (editor), *Social Struggles in Archaic Rome* (Berkeley: University of California Press, 1986). See especially Raaflaub's chapters, 'The Conflict of the Orders in Archaic Rome: A Comprehensive and Comparative Approach,' and 'From Protection and Defense to Offense and Participation: Stages in the Conflict of the Orders.' The other excellent study is Claude Nicolet's *The World of the Citizen in Republican Rome* translated by P.S. Falla (Berkeley and Los Angeles: University of California Press, 1988 edition).

9. Rostovtzeff, pp. 31-32.

10. Unlike 4th Century Athens, public service in Rome was an unpaid vocation. This explains partly the predominance of the patrician families in the political arena in Rome.

11. Wirszubski, p. 21; Rostovtzeff, p. 53.

12. Rostovtzeff, pp. 105-14; Wirszubski, pp. 31-60. Raaflaub has persuasively argued that one element of the traditional picture of the Conflict of the Orders is the central focus given to the struggle for plebeian participation in political leadership. It is argued that there always existed a class of wealthy and noble plebeians who had the will, resources, and eagerness to compete for admission to high office and leadership. This argument tends to point towards a social-economic and specifically political component of the Conflict of the Orders from the very beginning (it began in late fourth century BC and is artificially dated by the first secession of the plebs (494) to the enactment of the Hortensian Law (287)). Raaflaub suggests, instead, a four stage approach to the Conflict of the Orders:

i) Conflict between aristocracy and non-aristocracy;

ii) Emergence of a plebeian elite of increasingly wealthy and influential families of various origins.

iii) The challenge by a plebeian upper class of the patrician monopoly of political and religious power and leadership for the first time, beginning with the aftermath of the sack of Rome.

iv) Period of Roman expansion against the Latins and the Samnites; the *nexum* (debt-bondage) finally abolished in 326.

Also see Claude Nicolet, *The World of the Citizen in Republican Rome* translated by P.S. Falla (Berkeley and Los Angeles: University of California Press, 1998 edition), pp. 208-17.

13. Rostovtzeff, pp. 126-27.

14. *Ibid.*

15. Wirszubski, p. 14.

16. *Ibid.*, pp. 1-4.

17. *Ibid.*, pp. 13-15.

18. *ibid.*, pp. 9-10.

19. J.A. North, 'Democratic Politics in Republican Rome,' *Past & Present* 126, Feb. 1990, p. 15.

20. Wirszubski, pp. 12-13, pp. 36-38.

21. *Ibid.*, p. 16.

22. *Ibid.*, pp. 21-23. The formal institutions representing the so-called 'popular' will of the people such as Assemblies, Tribunes, and elections were merely, to borrow Toynbee's phrase, shadow-boxing elite affairs. Tribunes remained inviolable only in the 5th and 4th Centuries BC. From the third century onwards, the tribunes belonged to the senatorial nobility. Every attempt made thereafter to increase the powers of the Senate resulted in

a reduction in the powers of the tribunes and popular assembly.

23. See for example, Fergus Miller, 'The Political Character of the Classical Roman Republic,' *Journal of Roman Studies* LXXIV, 1984, pp. 1-19; J.A. North, 'Democratic Politics in Republican Rome,' *Past & Present*, 126, February 1990, see especially pp. 11-12; also A.E. Astin, 'Roman Government and Politics,' in A.E. Astin and F.W. Walbank, eds., *The Cambridge Ancient History*, Vol. VIII, 1985, pp. 163-81.

24. A fuller discussion of Polybius' views can be found on page 23.

25. Claude Nicolet, p. 4.

26. *Ibid.*, p. 4.

27. Wirszubski, pp. 81-83.

28. *Ibid.*

29. *Ibid.*, pp. 84-85.

30. Gerard Watson, 'The Natural Law and Stoicism,' in A.A. Long, ed., *Problems in Stoicism* (The Athlone Press), 1971, pp. 228-29.

31. J.A. North, pp. 16-17.

32. Cicero, *Res Publica*, OUP edition, 1970 (selected and translated by W.K. Lacey and B.W.J.G. Wilson), *Ad Atticum*, I, 19, 4, p. 160. Also see, Patricia Springborg, *Western Republicanism and the Oriental Prince* (Polity Press, 1992), pp. 35-36.

33. *Ibid.*; *In Catilinam*, IV, 19, p. 137.

34. Julia Annas, 'Cicero on Stoic Moral Philosophy and Private Property,' in Griffin and Barnes, eds., *Philosophia Togata*, p. 170.

35. Cicero, *Ad Atticum*, I, 16, 11, pp. 155-56.

36. *Ibid.*, *Pro Flacco*, 16, pp. 168-69.

37. *Ibid.*, *Pro Sestio*, 98, pp. 208-09.

38. Gerard Watson, pp. 231-32.

39. Wirszubski, pp. 37-38.

40. Cicero, *Selected Works*, Penguin Edition, 1987, p. 139.

41. *Ibid.*, p. 138.

42. Rostovtzeff, pp. 19-20; also, pp. 22-23.

43. Wirszubski, p. 5; Rostovtzeff, p. 72.

44. Cicero, *Selected Works*, p. 148.

45. John Procopé, 'Greek and Roman Political Theory,' in J.H. Burns, ed., *The Cambridge History of Medieval Political Thought c. 350-c. 1450*, p. 30.

46. E.R. Goodenough, 'The Political Philosophy of Hellenistic Kingship,' *Yale Classical Studies* 1, 1928, p. 56.

47. An excellent view of Polybius, including the question of cyclical theory of constitutions, is to be found in Thomas Cole's 'The Sources and Composition of Polybius VI,' in *Historia*, 13, 1964; also see Chapter X of Thomas Cole's *Democritus and the Sources of Greek Anthropology* (Western Reserve University Press), 1967.

48. Andrew Erskine, 'Hellenistic Monarchy and Roman Political Inveective,' *Classical Quarterly* 41(1) 1991, pp. 110-11.

49. *Ibid.*, p. 120.

50. *Ibid.*

51. *Ibid.*, p. 116, pp. 117-19.

52. *Ibid.*, p. 118.

53. Rostovtzeff, p. 72.

54. Erskine, pp. 118-19.

55. *Ibid.*, p. 118, p. 120.

56. Wirszubski, p. 91.
57. Francis Dvornik, 'The Emperor Julian's 'Reactionary' Ideas on Kingship,' *Late Classical and Medieval Studies in Honor of A.M. Friend* (Princeton University Press), 1955, pp. 71-81.
58. Wirszubski.
59. Dvornik; These ideas gained prominence in circles favouring pre-eminence of the *princeps*, and especially influenced many prominent jurists.
60. Wirszubski, pp. 134-35.
61. *Ibid.*, pp. 134-35.
62. Charles Norris Cochrane, *Christianity and Classical Culture* (Oxford: Oxford University Press), 1957, see part I, chapter I, especially pp. 17-18.
63. Mason Hammond, "Res Olim Dissociabiles: Principatus Ac Libertas," *Harvard Studies in Classical Philology*, Vol.67, 1963, p. 96.
64. Rostovtzeff; Augustus was a title given to Octavian, which hitherto had been given only to certain gods. The title implied that something different and better was being created. The same idea is at the root of Roman belief in the religious essence of individual genius. Octavian was seen as the restorer and augments of the state, and invested with the highest authority (*auctoritas*), the word *auctoritas* is incidentally derived from the same root as the word 'Augustus.' See pp. 178-79.
65. Rostovtzeff, pp. 176-79; p. 191; Wirszubski, pp. 110-20.
66. Rostovtzeff, pp. 178-79.
67. *Ibid.*, p. 191.
68. *Ibid.*, p. 190.
69. *Ibid.*, p. 189.
70. *Ibid.*, p. 222.
71. Martin P. Nilsson, *Imperial Rome* (London: G. Bell and Sons Ltd.), 1926, p. 16.
72. M.P. Charlesworth, 'The Virtues of a Roman Emperor: Propaganda and the Creation of Belief, *Proceedings of the British Academy*, 1937, pp. 110-11.
73. *Ibid.*, p. 127.
74. *Ibid.*, pp. 117-21.
75. Wirszubski, pp. 98-99.
76. *Ibid.*, pp. 110-11.
77. *Ibid.*, p. 114.
78. *Ibid.*, p. 113.
79. *Ibid.*, pp. 112-13.
80. Hugh Last's review of A. Magdelain's *Auctoritas Principis* in *Journal of Roman Studies* Vol. XL, 1950.
81. *Ibid.*, p. 121.
82. M.P. Charlesworth.
83. Rostovtzeff, pp. 203-05.
84. M.P. Charlesworth, p. 110.
85. Arthur Darby Nock, *Essays on Religion and the Ancient World Vols. I & II* (Oxford: Clarendon Press), 1972.
86. William Scott Ferguson, 'Legalized Absolutism en Route from Greece to Rome,' *American Historical Review*, Vol. 18, 1912, p. 32; A.D. Nock, Vol.I, p. 135.
87. W.S. Ferguson, p. 34.
88. *Ibid.*, p. 43.
89. Wirszubski, p. 123.

90. Orlando Patterson, p. 220, p. 256.
91. Mason Hammond, p. 96.
92. Wirszubski, pp. 153-54.
93. *Ibid.*, p. 58.
94. Seneca, *De Clementia*, I. XI. 1-XII.1.
95. M.P. Charlesworth, pp. 112-13.
96. *Ibid.*, p. 114.
97. Martin P. Nilsson, p. 107.