The Walls of the Romans: Boundaries and Limits in the Republic

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Michael James Conboy

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encouragement and reassurance to help me through difficult and stressful times. I hope I will be able to be as supportive to her as she has been to me.
The ancient Roman Republic knew few written laws and its structure was predominantly formed from the Romans’ understanding of ancestral traditions. The Republic had no police force and, because of the sacred boundary around Rome, the *pomerium*, no army in the city. As such, implicit in the traditions of the Romans was a system of maintaining social order without the need for the use or threat of physical force. This thesis examines what structures comprised the Republic and maintained social order within Rome.

Chapter one addresses the importance of the *mos maiorum*, the adhesive which bound the Romans together, and its contradictory aspects. Chapters two and three discuss the Romans’ understanding of proper and improper action in this system. Chapter four explores how envy potentially served to undermine the Republican society and how the Romans protected themselves from such adverse interactions. Chapter five, the conclusion, depicts the end of the Republic as a matter of a lack of systemic restraint and inversion of the Republican system, which meant the Romans needed a new system to maintain civil order.
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Introduction

The Walls Triumphant

Ancient Rome was a walled city and the ancient Romans were a walled people. With no central or official peacekeeping force to keep the population of Rome from killing one another or collapsing into civil war, the Romans relied on implicit boundaries and limitations to maintain a working civil order. Being walled in together, the Romans had to deal with each other at a face-to-face level. As such, the structure of Roman society and civilization had implicit and sometimes unconscious mechanisms which allowed for society to be restrained without the use of or threat of force.

Everything that was “Rome” resided within what the Romans called the pomerium. The pomerium expressly marked where “Rome” began and where “Rome” ended. Thus also the pomerium marked certain social aspects of the city. In discussing the pomerium, Monte Pearson, in Perils of Empire, writes that “One of the unique aspects of Republican Rome was the sacred border around the city, the pomerium…, which excluded Roman military units from the city. While religious prohibition made it difficult for a would-be-king to stage a military coup, it also meant that soldiers could not be called to restore public order.”\(^1\) Individual Romans were on their own within the city; the city had no official forceful way to maintain order or protect themselves from would-

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be criminals. As such, it was up to the Romans themselves to keep the city going and free from violence.

With the following of and adherence to the “way of the ancestors,” the *mos maiorum*, the Roman Republican system achieved a certain socially restrictive element in Roman behavior. The way in which the Romans understood and viewed their world was directly influenced by the way they understood how their ancestors understood their world. Within this system, the Romans knew certain proper “ways to act” and certain improper ways “not to act,” which their ancestors had learned by trial and error. The Romans’ understanding of this was in part psychology and in part understanding of the *mos maiorum*; the Romans believed they were bound to the *mos maiorum* and that they lived completely by it.

Though the Romans did draw necessary lines in their daily lives, there were some areas of the Roman world that were not so separate. Carlin Barton, in *The Sorrows of the Ancient Romans*, notes “that ancient Romans did not draw lines between what we might label psychology (individual or social), and sociology or politics. Our rigid separation of the emotions from behavior, or the intimate from the public sphere, was not one that the Romans made.” The Romans did not differentiate between “politics” and “business” or “personal” life from what one may call their “emotional” life. All these areas were one and the same. We tend to think of these aspects of life to be separate and in different “spheres.” One’s “personal” life may be completely different from one’s “business” life or “political” life. The Romans did not make this distinction. Between what we may consider “politics” or “daily life,” the Romans did not differentiate; the Romans viewed

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how one Roman acted in politics or in business as the same way he acted within his own home (that is, within his individual and independent life).

“‘Economics,’ ‘politics,’ ‘emotions,’ etc.,” continues Barton, “were intertwined in a way that is bewildering for us and can appear as a failure to discriminate, needing correction.”

One must understand that the Romans had no separated life from the public’s view. Everything that was a Roman was open for other Romans to see. This “mutual surveillance” was a reason for the effectiveness of the Romans’ system because of the emotions that the system encompassed. The Romans wanted and needed to be viewed to show the other Romans how properly they were acting. Thus within the Republican system, were the structures which kept the Romans acting properly and thus kept the system standing.

In attempting to construct the implicit structure of the Republic, I have not hesitated to cite from all genres of ancient literature which I have experience in. I have not “limited” myself to one author or another from one time period or another and did not want to get only one Roman opinion on the matter. Most Latin authors who are still available to us in modern times are products of the later Republic and early Empire. Authors like Cicero, Livy, Seneca, and Pliny the Elder were writing in times where the Republican system was either extremely unstable or de facto defunct. Their views, though probably not “exactly” or “truly” what the early Republican Romans were like, demonstrates how the late Republicans viewed the early Republic and its institutions.

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3 Barton, Sorrows of the Ancient Romans, p. 7.
4 All translations are my own unless otherwise noted. In translating Latin, I have maintained the meaning of the sentences over their aesthetic value. Where the Latin and English meet line-for-line, specifically in Latin poetry, I have attempted to keep the original structure of the Latin in my translations. Where this may have compromised the overall meaning of the Latin, I have not hesitated to disregard the poetic structure in favor of a more accurate translation.
The later authors will therefore express how they themselves viewed the workings of the Republic and explain the systems under which the Romans believed their ancestors lived.
Chapter One

The Way of the Ancestors: The “Rigid” Republic

Romans of the Republic knew little writing. The structure of Roman society was based almost entirely on oral traditions passed down from generation to generation. The Romans believed, however, that these traditions were the reason why the Romans way of life was superior to others. Ronald Syme explains that “The Romans as a people were possessed by an especial veneration for authority, precedent and tradition, by a rooted distaste of change unless change could be shown to be in harmony with ancestral custom, ‘mos maiorum’ – which in practice meant the sentiments of the oldest living senators.”5 According to Syme, the Romans did not want to act outside or contrary to the mos maiorum because the ancestral customs were the means by which the Romans had succeeded in the past. In the De Re Publica, Cicero, citing Ennius’ Annales, holds that “The Roman Republic stands firm on ancient traditions (mores) and honorable men (viri).”6 The Romans kept the Republic standing due to the mos maiorum and the men who followed that tradition. Cicero is clear, however; the mores and the men of Rome kept the Republic standing. The Republic’s structure and success was based upon the interplay of the mos maiorum and the men of Rome. The mores of the Romans, thus, were principal Romans’ understanding of proper action.

Furthermore, because the mos maiorum was based on the Romans’ understanding of their past actions, older men, specifically the oldest senators in the ruling class, had a

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6 Cicero, De Re Publica 5.1.1: Moribus antiquis res stat Romana virisque.
greater authority on the matter. The oldest senators had a greater connection with the past than the younger senators and thus could speak “more accurately” on the matter of the past and past tradition. Because of the nature of the interpretation of the *mos maiorum*, Roman traditions and society could thus willfully be changed by these “oldest senators.” Since the Romans looked up to these senators for guidance on issues of ancestral custom, the senators had a natural power to interpret or set the *mos maiorum* to their own agenda.⁷ While this might very well be the case, it does not undermine or chance the importance of the *mos maiorum*. Even if certain senators deliberately or unconsciously changed interpretations of the traditions, Romans still had no other path to go. All aspects of Roman life were based in this perceived consistent tradition.

The Romans’ veneration of their ancestors was on the religious level; the Romans worshiped their ancestors as gods, so they had a deep reverence for their past actions. Cato the Elder, in his *De Agricultura*, writes that “The head of the household (*pater familias*), when he arrives at the farm, as soon as he pays respect to the household god (*Lar familiaris*), if he is able, let him inspect the farm on the same day….”⁸ When the head of the household arrived at his farm, the very first thing he ought to have done, before inspecting the farm and before any other actions, was pay respect to the divine manifestation of the farmer’s ancestor. In this particular instance, Cato is referring to the worship of the *Lar familiaris*, which Margaret Waites notes that this “Lar was originally worshiped as the spirit of the ancestor who had founded the family and still watched with

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⁷ Or these senators could simply misinterpret the traditions of the past, not necessarily in a mischievous or malevolent way.

⁸ Cato, *De Agricultura* 2.1: *Pater familias, ubi ad villam venit, ubi larem familiarem salutavit, fundum eodem die, si potest, circumeat*....
devotion over the fortunes of his descendants.”

This divine respect and devotion meant that ancestors in the Roman mindset were of paramount importance and thus that respect and devotion to the *mos maiorum*, the “tradition of the ancestors,” was also of paramount importance.

The Romans, however, were not the only traditions-based culture. The ancient Greeks, for example, also behaved in accordance with a traditional understanding of the world. According to the Greek Polybius, the key to the greatness of the Roman Republic was the Romans’ religious institutions. “I believe,” writes Polybius, “that it is the very thing which among other peoples is an object of reproach, I mean superstition, which maintains the cohesion of the Roman state.”

Roman religious institutions, in addition to the familial worship of the *lares* and other household gods, were a part of the Roman tradition, the *mos maiorum*. The Romans’ religious tradition, therefore, was the reason for Rome’s cohesion and thus greatness, according to Polybius. In this sense, the Greeks, compared to the Romans, were not as devoted to their religious traditions and hence were not as cohesive to their state.

Though the Romans were dependent on the *mos maiorum* for knowledge about processes and institutions which worked “in the past,” they also could assimilate new institutions as well. It was this ability to incorporate new and sometimes improved institutions into the Republican system which so impressed Polybius. In discussing the

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11 Traditions must begin somewhere, for example, and so the Romans had to have adopted certain traditions from other peoples as well as “discover” and start their own traditions. According to Livy, for example, the Romans adopted the *pomerium* from the Etruscans (an older and “more experienced” civilization) (Livy 1.44.4-5).
better methods and institutions of Greek armies, Polybius contends that “The Romans, when they noticed this, soon learnt to copy the Greek arms; for this too is one of their virtues, that no people are so ready to adopt new fashions and imitate what they see is better in others.” 12 When other civilizations, like the Greeks, Etruscans, or Latins, did things well, the Romans freely copied the other civilizations’ methods. 13 It is clear that Polybius believes this to be a great feature of the Romans and a key to their adaptability. After some time, moreover, these “foreign” institutions would become part of the mos maiorum. If the Romans discovered a new institution or tactic, they could integrate it into Roman society, thus making the new institution a tradition to later Romans. The mos maiorum thus, in theory, represented a conglomeration of all those learned institutions which “worked best.”

The description of the Romans thus far is problematic, because it depicts the Romans in an apparently contradicting way. The Romans are both ancestor worshipers, wholly concerned with tradition, and freely and openly adopting new institutions into their system. When understanding the Romans, one must accept these contradictions, if one is to understand the structure of the Roman Republic. What made the Republic function was not logically consistent as the Roman people themselves were not logically consistent.

When examining the mos maiorum, it is necessary for one to recognize that the traditions, customs, and cultural norms of authors like Livy and Cicero are not the “actual” or “real” traditions of the earliest Romans. Both Livy and Cicero are primarily

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13 The first King of Rome, Romulus, adopted many Etruscan institutions besides the pomerium. Romulus also adopted the curule seat, toga praetexta, and his personal bodyguard, the lictors (Livy 1.8.2-3).
writers of the last century BCE. The traditions and customs of Livy’s history are most
definitely not the traditions and customs of the “actual” Romans who lived in sixth or
fifth century BCE Rome. What Livy and Cicero are describing, when they talk about
their understanding of “ancient” traditions, is necessarily what the later Roman
Republics believed to be part of the mos maiorum. All aspects of the mos maiorum are
necessarily from the later Roman perspectives because the Romans had very few literary
texts and records before the third century BCE.

Livy himself notes that he wrote his first five books, describing the founding of
Rome by Romulus, traditionally dated 753 BCE, to the Gallic sack of Rome in 390 BCE,
with poor records and written sources. At the beginning of his sixth book, Livy explains:

…I have put forth in five books, obscure affairs with excessive antiquity, just as
those which are distinguished with difficulty from a great distance far off, and
because records, the only faithful guard of memory of the same affairs having
been done, were small and few, and because, even if there were records in
pontifical commentaries and other public and private records, when the city was
burned, most records perished. Hereafter a clearer and more certain history will
be put forth as if from the roots of the second origin of the city renewed more
joyously and prosperously at home and military abroad.¹⁴

Livy’s account of the early Republic is, by his own account, as if he was describing
something that is far off in the distance and hard to see. Livy had few records to use (as
they were destroyed when the city was sacked), so his construction must be from his, and
the other Romans of the time, traditional understanding of their past, or derived from
foreign, non-Roman sources. The history of Rome itself is thus steeped in the mos

¹⁴ Livy 6.1.1-3: ...quinque libris exposui, res cum vetustate nimia obscuras, velut quae magno ex intervallo
loci vix cernuntur, tum quod parvae et rarae per eadem tempora litterae fuere, una custodia fidelis
memoriae rerum gestarum, et quod, etiam si quae in commentariis pontificum aliisque publicis privatisque
errant monumentis, incense urbe plerae interiere, clariora deinceps certioraque ab secunda origine velut
ab stripibus laetius feraciusque renatae urbis gesta domi militiaeque exponentur.
maiorum. When attempting to examine or reconstruct the mos maiorum, one necessarily must do so through the later Romans’ understanding of their own traditions (for the majority of ancient Roman literature was written from the second century BCE on). This implies that the later Republican values, which the Romans believed came directly from their earlier counterparts, infuse and enrich the Romans’ description of the mos maiorum. Those traditions which “were” important in the earlier Republic, therefore, necessarily also were important in the later Republic. Since most of our written texts from the ancient Romans were products of later Republican history, we have no way to gauge a sense of the true “early” Roman experience. Livy’s early Romans, though not wholly accurate representations for sixth century BCE Rome, does represent Livy’s account of the situations. Therefore, the traditions of the Romans after the collapse of the Republic, though not as structurally important, were still wholly present in Roman life. The force of the mos maiorum, as was for Cato, Polybius, and Cicero, was the greatness of Rome. That Rome had acquired so much (almost the entire Mediterranean in Cicero’s time), was due to the mos maiorum, contradictions and all.15

The mos maiorum itself is a complicated entity. Once cannot claim that the Romans had “one single” tradition, but a multitude of intertwined customs which made up the whole of the mos maiorum. According to Livy, at first Rome was a melting-pot of people from the area surrounding Latium.16 From this melting-pot came a common sense of being “Roman” and with this “Roman-ness” came a collection of acceptable social norms and expectations. Because Roman families, which were the essential building

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15 Cicero remarks that custom alone cannot create such an empire without men and that men alone cannot create such an empire without custom; both custom and men are needed for the greatness and stability of the Roman Republic (Cicero, De Re Publica 5.1.1).
16 Livy 1.8.5-7.
blocks of the early Republic and early Senate, had their own backgrounds and their own “ways of doing things,” each Roman family, that is, had their own traditions. These familial traditions made up the collective mos maiorum. The mos maiorum, therefore, was multi-form though still a single “Roman tradition.” The Romans, of course, did share certain aspects of their traditions together, such as festivals and processions. This too was conflicting in the nature of the mos maiorum; the Romans were highly individualistic in their “family religion,” but also shared in the “state religion” with all the other Romans as well.

In the fifth century BCE, the Romans empowered a group of ten men (the decemviri) with completing the XII Tables, a written code of traditionally based laws for the Republic. With their position of “decemvir,” these men ruled Rome instead of the normal magistracies. When, however, the decemviri were supposed to give up their power and reestablish the normal Republican government, the decemviri did not abide by this. “The Ides of May came,” contends Livy, “With no one having been elected to the magistracies, for the decemviri, now private citizens, came neither with their minds

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17 Livy 1.8.7.
18 In the same way that one might claim the existence of an “American tradition,” though families in the United States might also have their own traditions. To exemplify this, I shall use an example from my own personal experience with American custom. This example may seem “fuzzy,” “underdeveloped,” or “lacking specifics” which is the point (to show the amorphousness and “simple” understanding of traditions). Through my own experience of American custom, I affirm that on top of a generic American Christmas tree (for those who celebrate Christmas, that is) a family is to place a star. In my family, however, I grew up with an angel on top of our Christmas tree and I now hold that when I have my own home with my own Christmas tree, I shall put an angel on top of that to continue my own family’s tradition. This does not mean, however, that I am not partaking in the general “American tradition,” but that individual families may also have their own “twist” on traditional institutions and still be considered a part of the “common tradition.” I suspect this is equivalent, in logic and in practice, to the Romans’ understanding of the mos maiorum.
19 See Jörg Rüpke, Religion in Republican Rome: Rationalization and Ritual Change (Philadelphia: University of Pennsylvania Press, 2012), pp. 39-14 for a description of Roman festivals and how they eventually were attended by nearly all of the population of the city.
lessened to restrain their authority, nor to sight without the insignia of their office. This
seemed to be not at all dubious royal tyranny.”\textsuperscript{20} The \textit{decemviri} simply do not allow the
Romans to elect proper and normal magistrates; the \textit{decemviri} kept their powers, and
insignia of their power, in an apparent coup. Livy even notes that “Liberty was wept for
among the whole people, nor did any defender come forth or seem to be going to.”\textsuperscript{21} The
Romans wept for liberty, but no one stood up to the \textit{decemviri}, because the \textit{decemviri}
were still the executive authority in Rome.

The seizure of power by the \textit{decemviri}, however, was not unprecedented in
Roman history. Livy writes that when the last king of Rome ascended to the throne,
“indeed he was not having any right of royal power according to anything besides force,
since he was ruling neither by decree of the people, nor by the authority of the fathers.”\textsuperscript{22}
Tarquinius Superbus claimed the kingship of Rome by force, not by process,\textsuperscript{23} and the
Romans accepted this (until the Rape of Lucretia). The \textit{decemviri}, in the same manner,
seized power by the force of their office and not process. The Romans \textit{also} accepted the
\textit{decemviri} control of the city as they had with Tarquinius.

The Romans did not reject the notion of someone ruling over the people of Rome.
In fact, when the Romans first established the Republic, after the overthrow of Tarquinius
Superbus, Livy claims that one “may date, however, the origin of liberty thence, rather
because the consular authority was made annual, than that any diminishment was made

\textsuperscript{20} Livy 3.38.1-2: \textit{Idus Maiae venere. Nullis subrogatis magistratibus privati pro decemviris neque animis
ad imperium inhibendum imminutis neque ad speciem honoris insignibus prodeunt. Id vero regnum haud
dubie videri.}
\textsuperscript{21} Livy 3.38.2: \textit{Deploratur in perpetuum libertas, nec vindex quisquam existit aut futurus videtur.}
\textsuperscript{22} Livy 1.49.3: \textit{...neque enim ad ius regni quicquam praeter vim habet, ut qui neque populi iussu neque
auctoritatibus patribus regnaret.}
\textsuperscript{23} Which was for the Senate to elect a new king (Livy 1.17.11).
from the kingly power. The first consuls kept all the rights and emblems [of the king]...”

The first consuls kept all the same power and authority of the kings; the difference between the kings and consuls was that there were two consuls and that a Roman could only be a consul for a year. The limitation in the term of office, as opposed to being a king for life, made the consulship more appealing than the kingship. In this system, the Romans only had to suffer a bad or incompetent consul for a year, not for his life time.

The Romans, hence, did not weep for liberty because the *decemviri* had power over them, but that they had power over the Romans with no time restrictions, no limitations whatsoever, and they were breaking the traditional Republican system of electing new officers each year. The *decemviri* were both going against tradition by remaining in office beyond their allotted time and seizing power in the same tradition of Tarquinius Superbus. The traditions of the Romans were, at times, contradictory and conflicting.

Not all Romans, however, usurped or attempted to usurp the authority of the Republic when they had the chance. In the fifth century BCE, when Rome needed decisive action in dealing with the Aequi, the Roman Senate summoned Quinctius Cincinnatus from his farm to serve as dictator. Livy writes that Cincinnatus quickly completed his dictatorial duty (i.e., defeated and subdued the Aequi) and “On the sixteenth day, Quinctius resigned the dictatorship, which he had accepted for six months.”

In theory, Cincinnatus could have reigned as dictator for the full six months.

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24 Livy 2.1.8: *Libertas autem originem inde magis quia annuum imperium consulare factum est quam quod deminutum quicquam sit ex regia potestate, numeres. Omnia iura, omnia insignia primi consules tenuere*...

25 Livy 3.29.7: *Quinctius sexto decimo die dictatura in sex menses accepta se abdicavit.*
and had near absolute authority in Rome,26 but chose not to. With his job completed, Cincinnatus restrained himself and his power. The temptation and desire to rule did not affect Cincinnatus as it did the *decemviri* and Tarquinius. Cincinnatus was a good and noble Roman precisely because he limited himself and exercised his legitimate authority only *as needed*. Cicinnatus reigned as dictator in 458 BCE, thus his tradition of restraint was most likely known to the *decemviri* who ruled Rome from 450 to 449 BCE. The conglomeramation of the *mos maiorum* may have meant that the Romans had a difficult time extracting “specific” traditions for “specific” events and thus the *decemviri* had a plethora of traditional “paths” to choose from. What they specifically *should* have done, is dependent on how they viewed the *mos maiorum* at that specific moment.

The importance of the *mos maiorum* is problematic because the Romans’ attempt at following the “old ways” was seldom consistent. In ancient Rome, where there were very few written texts of evidences of the past, the Romans could only function with what they believed the ancestors had done in the past. But this does not follow that either what the ancestors did in the past was itself consistent, or that the Romans consistently followed what their ancestors had done. Thus, it was both “traditional” for the Romans to break up conglomerations of power, like the kingship of Rome, and to seize sole power for themselves, like King Tarquinius and the *decemviri* had. The Romans’ understanding of the *mos maiorum* was thus itself amorphous.

The laws which the *decemviri* were empowered to write, moreover, were not “new” to the Romans; the *XII Tables* were based on the traditions of the Romans, simply codified to ensure an “equal” playing field among the patricians and the plebeians. The

26 And, in theory, could have attempted to usurp the executive or “imperial” power of the Republic as Tarquinius or the *decemviri* had.
laws of the *XII Tables* were relatively simple and did not establish a “governmental structure.”²⁷ “If a plaintiff summons a defendant to court,” for example, “let the defendant go to court. If the defendant does not go, let the plaintiff call bystanders as witnesses. Then, let the plaintiff physically seize the defendant.”²⁸ Or: “If a father puts his son up for sale three times, let the son be free from the father.”²⁹ These laws are relatively simple, but did provide a basic and general conveyance of implicit social traditions that, once written down, the patricians could no longer abuse the plebeians with.³⁰ The Romans thus understood an apparent relationship between the *leges* and the *mores*. In the same contradictory fashion as the collection and dispersal of power in Rome, the Romans also understood that the “implicit” traditions could be conveyed with “explicit” laws.

The traditions of the Romans were paramount in their understanding of their success. In the fourth century BCE, when Rome engaged a Gallic tribe and lost, the Gauls sacked and occupied the city of Rome. After buying back their city, the Romans contemplated abandoning Rome and settling in near-by Veii. In a speech to convince the people to stay in Rome, a prominent Roman, Camillus, questions the Roman people as to “What, finally, is this new disaster to our city?”³¹ According to Camillus, it was the Romans’ disregard for their religious institutions which directly led to the sacking of

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²⁷ Cf. U.S. Const. art. I, § 1, cl. 1: “All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives,” or U.S. Const. art. I, § 8, cl. 1: “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States….”

²⁸ *XII Tabulae* 1.1: *Si in ius vocat, <ito>*. *Ni it, antestamino. Igitur em capito.*

²⁹ *XII Tabulae* 4.3: *Si pater filium ter venunduit, filius a patre liber esto.*


³¹ Livy 5.51.7: “*Quid haec tandem urbis nostrae clades nova?*”
Rome.\textsuperscript{32} Roman religion, however, as Polybius had discussed, was itself traditionally based; the Romans would not have had an understanding of their own religious structure without the \textit{mos maiorum}. Thus, when the Romans ignored their religion, and in a sense, ignored the \textit{mos maiorum}, Rome got sacked. If, moreover, the Romans were to continue their disregard for religion, and hence the \textit{mos maiorum}, then Rome would get sacked again.\textsuperscript{33} Rome’s success, therefore, was directly dependent on the Romans’ following of the \textit{mos maiorum}.

The Romans’ understanding of their world was steeped in the \textit{mos maiorum} and the \textit{mos maiorum} was itself a mass of contradictions. When understanding the Roman world, then, one must be prepared to face the likes of “important” traditions that the Romans ignore, or conflicting traditions that the Romans follow to the letter. Though an apparent inconsistency, the \textit{mos maiorum}, in its layers of “shape” and “form” was rigid and lax, black and white, completely important and totally useless. With such a conglomeration of traditions from individual Roman families, it must have been difficult for the Romans to understand their traditions to be “single,” though still seeing it as “steady.” Still, the Romans drew their lives and their actions from their own understanding of the \textit{mos maiorum}. The \textit{mos maiorum}, for the Romans, expressed the timeless collection of those reliable institutions which allowed for the Republic to grow and be successful. The traditions of the Romans could not be “destroyed” or “abandoned,” but the emphasis of their importance could wane. It was up to the Roman people, all of them together within the sacred \textit{pomerium}, to enforce their perceived and implicit “rules of the game.” Without the importance of the \textit{mos maiorum} and its

\begin{footnotes}
\item[32] Livy 5.51.8.
\item[33] Livy 5.51.9-10.
\end{footnotes}
content, the Romans would not “cease to be,” but they also would not be bound to themselves and to Rome in the same manner as they once were.

The Romans knew “proper ways to act” in accordance with their own understanding of the *mos maiorum*. The inherent ambiguity of the traditions of the Romans meant that the Romans did not understand a single *specific* way to act and thus the best way to operate must have been somewhere in the middle. The “middle way” was to ensure that one did not step too far outside the limits of the cultural norms, too far from the balancing act of Roman life. The Roman way, the *mos maiorum*, was a way of restriction and discipline, of understanding and exemplifying the “right” and “proper” ways to act in society. The next chapters will therefore examine what, exactly, those structures and institutions were which the Romans believed kept the Republican system of balance firm and lasting.
Chapter Two

The Roman Conscience, Part I: Religio and Superstitio

The Romans had a sense of proper and improper actions in the world. Those actions that the Romans felt to be “impious” or “improper,” with respect to the world and the “Powers That Be,” causes the Romans a feeling of uneasiness and fear of divine retribution. This uneasiness could manifest itself in two ways: Either a Roman felt this about doing some action, or he felt it while or after performing some “improper” action. The Romans called this feeling religio. Religio was not, as the term may imply, necessarily concerned with Roman “religion” or with “religion” in general, but with how the Roman acted in the entire Roman world. Religio was the inhibiting feeling that a Roman felt when doing a wrong or improper action. This action could be anything from performing a religious ceremony to talking amongst one’s friends. When a Roman did something wrong or was about to do something wrong, religio was the feeling that informed the Roman of his transgression and forced the Roman into action to quell and disperse the feeling of religio. Thus religio was an emotional force that ensured the Romans act properly in order that they not be a target of reprisal.

34 I have chosen to use the more overarching term “Powers That Be” to extend the idea that the Romans would be concerned with those forces in the world which are not only “religious,” as the term “the gods” might imply, but any power beyond the direct control of a Roman. These forces might very well be a specific “divinity,” like Jupiter, Juno, or Minerva, but they might also be completely unnamed and unknown.

35 This is not to suggest in any way that the Romans did not have a “religion,” merely that the term religio did not mean the term religion. The Romans of course had a religious system and religious understanding of the world. This chapter is not, necessarily, concerned with that system as such. We shall see that religio had integral “religious” aspects, but the term encompassed more than strict “Roman religion.”
Temples are sacred spaces and, as such, should not be burned down or desecrated. For one to burn down a temple is for one to evoke retribution from the Powers That Be. The Romans believed that religio should stop one from burning down a temple. When the Latins had rebelled from peace with Rome in 377 BCE, Livy explains that they burned down the city of Satricum and set fire to buildings indiscriminately, except for one temple. Livy notes, however, that “thereupon neither their religio nor fear of acting improperly to the god is said to have kept [the Latins] away, but a terrible voice rising from the temple with gloomy threats had dispelled impious fires at a distance.”

The Latins avoided the temple not because of their feeling of religio, but because of a supposed voice that had scared them away with threats. Religio, this awareness of proper action, should have prevented the Latins from burning down the temple, an obvious sacrilegious act, but did not. The Latins were so caught up in the moment of rebellion from the Romans that they had forgotten about acting properly towards the Powers That Be. The Latins had burned down the rest of the town, which presumably had other temples in it. Had the Latins been in a normal mood, then their sense of religio would have prevented them from doing such impious actions.

The feeling of religio, however, was not only concerned with religious buildings or religious institutions. In the Second Punic War, for example, one of the consuls wanted to depart and fight the Carthaginian general, Hannibal, but the other consul wanted to delay. As Livy describes, “Because although Varro took [the delay] badly, still the recent fall of Flamininius and the memorable naval defeat of the consul Claudius in the

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36 Livy 6.33.5: ...inde eos nec sua religio nec verecundia deum arcuisse dicitur sed vox horrenda edita templo cum tristibus minis nefandos ignes procul delubris amovissent.
First Punic War struck *religio* into his soul.” Varro wanted to go out and fight Hannibal, but his colleague, the other consul, Paulus, did not. Despite wanting to fight Hannibal, Varro felt *religio* about the whole affair because of the defeats the Romans suffered during the First Punic War. Varro, in essence, was scared that he too would suffer the same fate as the consul Claudius. His *religio* was the force that was making him worry about and doubt fighting the Carthaginians. Varro was faced with conflicting emotions in this scenario. One the one hand, Varro wanted to fight, but, on the other hand, Varro’s *religio* was serving as a warning to him and causing him to fear the possibility of his failure.

Past events had struck Varro’s soul with *religio*. Because Varro was aware of these events, he had the feeling of *religio* warning him. The Romans also understood this warning with respect to omens and portents. “The praetors departed to the provinces,” explains Livy, “*religio* was holding back the consuls, because after some prodigies had been reported, they were not easily obtaining favorable omens.” The praetors were able to depart to their tasks, but the consuls were not because of their *religio*. Because the consuls were not able to get good and proper omens, they felt that, if they had left for their assignments, then something bad would have happened; *religio* was this feeling of dread. That is, the Powers That Be were giving them these bad prodigies and essentially

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37 Livy 22.42.9: *Quod quamquam Varro aegre est passus, Flamini tamen recens casus Claudique consulis primo Punico bello memorata navalis clades religionem animo incussit.*

38 The same Claudius who, according to Suetonius, “when the chickens which were to be used for taking auspices were not eating and through contempt of *religio* had been plunged into the sea, as if in order that they drink since they were unwilling to eat, began a naval battle near Sicily; and having been defeated…” (Suetonius, *Tiberius* 2.2: *Claudius Pulcher apud Siciliam non pascentibus in auspicando pullis ac per contemptum religionis mari demersis, quasi ut biberent quando esse nollent, proelium navale iniit; superatusque...*).

39 Livy 27.23.1: *Praetores in provincias profecit; consules religio tenebat, quod prodigiiis aliquot nuntiatis non facile litabant.*
explicitly telling the consuls not to depart. Had the consuls departed, then they would have been acting improperly towards the Powers That Be and the Powers That Be would have sought retribution. The consuls’ *religio* was thus this feeling of impending retribution from the Powers That Be should they leave.

During the trial of Lucius Valerius Flaccus, when Flaccus was charged with extortion in the provinces, Cicero contends that Romans are better than Greeks in giving evidence, because although “Having been angered by Flaccus, Marcus Lurco gave evidence... He said nothing which could harm [Flaccus], although he was longing to do so; because *religio* was impeding him…”⁴⁰ Though Lurco was angered by Flaccus, Lurco still could not bring himself to be dishonest in the trial. Lying in a trial is wrong, and unlike the Greeks who apparently do not share this notion with the Romans, a Roman would be held to tell the truth because of their feeling of *religio*. Lurco wanted to give false and harmful evidence about Flaccus, he even *desired* (*cuperet*) to do so, but he was unable because of the looming threat of *religio*. *Religio* was the restraining force that kept Lurco true and honest in the trial.

Like Lurco, Publius Septimius was also angry with Flaccus and hence also wanted to do harm to him in court. Cicero tells us that “Still he was hesitating, still *religio* was opposing his anger.”⁴¹ Septimius also could not bring himself to lie “under oath,” because his own feeling of *religio* was preventing him from doing improper actions. Cicero believes this to be a good thing and that it keeps people only telling the truth in trials. One is not supposed to lie while in court, and the threat of *religio* and the

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⁴⁰ Cicero, *Pro Flacco* 4.10: *Iratus Flacco dixit M. Lurco.... Nihil dixit quod laederet eum, cum cuperet; impediebat enim religio....

⁴¹ Cicero, *Pro Flacco* 4.11: *Tamen haesitabat, tamen eius iracundiae religio non numquam repugnabat.*
response from the Powers That Be was enough to keep a Roman speaking the truth in court.

Religio was a feeling that also kept social order in the Romans’ minds. When discussing patricide and matricide, Cicero notes that “paternal and maternal blood will hold great force, great compulsion, great religio….”42 The blood of one’s own father and mother holds this great religio; one is not supposed to harm one’s parents. Religio is the force that is supposed to prevent one from harming a parent. And because of this great force, “from which if any stain has arisen [from the paternal or maternal blood], not only is the stain not able to be cleaned, but it seeps through to the soul to this extent, that the highest rage and madness follows.”43 If one should commit the act of patricide or matricide, then one would be “stained” by the blood which holds such a great force of religio. This feeling that one has acted in such a monstrous way would be like a stain of the blood which would literally drive a person mad. The feeling of religio would be so great, so tremendous a feeling for the murderer, that he would go insane.

The paternal and maternal murderer would live in a state of constant fear, because of the religio that parental blood holds. According to Cicero, this religio could also never be dispersed. Thus patricide and matricide is so great that there is no relief from the feeling that one has acted improperly towards the Powers That Be. The Powers That Be would always be looking for vengeance on the parental murderer and the murderer would be in constant fear from this vengeance (a cycle which would cause great distress).

42 Cicero, Pro Sexto Roscio Amerino 24.66: magnam vim, magnam necessitatem, magnam possidet religionem paternus maternusque sanguis….
43 Cicero, Pro Sexto Roscio Amerino 24.66: ex quo si qua macula concepta est, non modo elui non potest, verum useque eo permanat ad animam, ut summus furor atque amentia consequatur.
Religio could be used as a barrier against others, in order to prevent them from acting in some way. In Plautus’ Mercator, Charinus laments that Eutychus “has erected religio there as a barrier for me; I shall withdraw myself there.”\(^{44}\) In this sense, religio has a very physical force in the world. The religio erected by Eutychus actually made Charinus change his path and his actions. Eutychus, moreover, was able to “erect” this barrier of religio simply by explaining that the right path was in one direction (the direction which Eutychus wanted him to go), and the wrong path in another direction.\(^{45}\) By pointing out that one direction was the right or proper path, and the other the wrong or improper path, Eutychus was in essence trapping Charinus into feeling that religio wanted Charinus to go in one direction, rather than another.

Eutychus did not have any religious or divine insight; simply by voicing that one direction was better and more proper than another was enough to cast the shadow of religio on Charinus’ other path. This is not to suggest that, had Charinus gone in the opposite direction that Eutychus wanted, he would have acted improperly towards the Powers That Be. Eutychus’ own power of religio, his own ability to denote and voice right action from wrong action, was enough to convince Charinus of the threat of religio. If a Roman could be convinced of the right action, then a Roman could be convinced that there was a religio to be felt.

For a Roman to feel religio, however, does not guarantee that a Roman would act a certain way. Since religio was an emotional response to feeling that an action was improper, one could, in theory, ignore the feeling. In the De Natura Deorum, Cicero contends that “Caelius wrote that Gaius Flaminius, after having ignored religio, fell at the

\(^{44}\) Plautus, Mercator 881: Religionem illic mi obiecit: recipiam me illuc.
\(^{45}\) Plautus, Mercator 874-880.
Battle of Trasimene, causing a large wound to the Republic.”46 Flaminius had ignored the bad omens, thus ignored the force of religio. Religio served as a warning to Flaminius that he should not attempt to fight the Carthaginians until the Romans had acquired the proper signs from the Powers That Be. Since Flaminius ignored religio, he also ignored the ominousness that he should not fight at Lake Trasimene. Supposedly, if Flaminius had respected the feeling of religio and understood that he was acting not in accordance with the Powers That Be, then Flaminius would not have been defeated and killed at the battle. Religio was a warning to Flaminius when the omens did not turn up favorable for his campaign.

Cicero’s Caelius continues that “It can be understood that with the destruction of these men, the Republic has been expanded by the commands of those who had observed the religiones.”47 That the Republic’s empire had expanded to such a size was because of those who had acknowledged and respected the threats of the religiones. The Roman leaders avoided or quelled religiones and thus no retribution came from the Powers That Be. Had the other Roman generals and leaders acted like Flaminius, then the Romans would have been defeated more in battle and would not have acquired such a vast empire. Cicero thus pins the formation of the Roman Empire on the ability for the Romans to interpret and act upon their sense of religio.

Religio has a dual sense with respect to the state and the individual. Whereas religio to the individual can be simply feeling unease about doing something, religio as a matter of state has definite consequences. Livy contends that a consul of the Second

46 Cicero, De Natura Deorum 2.8: C. Flaminium Caelius religione neglecta cecidisse apud Trasumenem scribit cum magno rei publicae vulnere.
47 Cicero, De Natura Deorum 2.8: Quorum exitio intellegi potest eorum imperiis rem publicam amplificatam qui religionibus paruissent.
Samnite War, Lucius Papirius Cursor, said “‘For the rest, whoever is present at the auspices, if he announces something falsely, then he himself undertakes a religio onto himself.’”⁴⁸ A religio sensed by an individual is not necessarily accepted by all others. That is, one who feels a religio about something may not experience a feeling shared by the rest. Conversely, if someone feels a religio, then he may use this to influence opinion, much like Eutychus did to Charinus in Plautus’ Mercator. When matters of the state are concerned, however, one does not want just anyone controlling the interpretations of religio, because, as Cicero noted, frivolous interpretation of the religiones can lead to the destruction of entire Roman legions and serious harm to the Republic.

Papirius declared, moreover, that anyone who witnessed the auspices and made false claims about it should be feeling religio himself. When the army and the state are involved, one does not want to misstep with religio. Religio was a serious matter for the Romans that could destroy the army and perhaps even the Republic itself. Hence, Papirius takes a hard line with the reporting of the auspices and the concerns of the religiones. If someone announces a religio falsely (either intentionally or not), then that wrong and improper act will also cause that that Roman ought to feel religio for the improper action.

Any religiones attached to a state official, thus, was important to deal with. For if an official, like a consul, had some religio attached to his name, then the entire state could be threatened. Livy contends that “Before Quintus Fulvius, the consul, conducted any matters of the Republic, he said that he wished to free both himself and the Republic

⁴⁸ Livy 10.40.11: “Ceterum qui auspicio adest si quid falsi nuntiat, in semet ipsum religionem recipit...”
from *religio* by fulfilling his vows.⁴⁹ Before becoming consul, on his last campaign against the Celtiberians, Fulvius had vowed to put on games to Jupiter and construct a temple to Fortuna Equestris.⁵⁰ Fulvius thus came into office with a task that needed to be completed. Not fulfilling vows promptly was bad and improper. For Fulvius not to feel *religio*, and to save the state from it as well, he had to do what he had vowed to do to relieve the stress of *religio*. Fulvius’ removal of *religio* was more important that an average individual Roman doing so, because Fulvius was the consul, the chief magistrate of Rome. Matters of *religio* concerning the consul were almost certainly matters of *religio* concerning the state. For like Flamininus, if Fulvius had not dealt with the *religio* of his obligation, then the Powers That Be might have destroyed Fulvius’ army on a campaign and thus damaged the Republic in reprisal.

Fear of *religio* was healthy for the Romans. *Religio* and the fear of *religio* kept a Roman acting honestly and properly in society. This was especially useful for the magistrates since an error concerning *religio* for a consul could be devastating to the state itself. A result of this understanding of *religio*, however, naturally led some Romans to over-emphasizing the importance of *religio*. The Romans also believed that a hyper-sensitivity or a hyper-fear of *religio* was called *superstitio*.

Cicero, in the *De Natura Deorum*, contends that “…our ancestors distinguished *superstitio* from *religio*. For those who all day were praying and sacrificing so that their children might survive were called *superstitiosi*.”⁵¹ In a world where infant mortality

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⁴⁹ Livy 40.44.8: *Q. Fulvius consul priusquam ullam rem publicam ageret, liberare et se et rem publicam religione votis solvendis dixit velle.*

⁵⁰ Livy 40.44.9.

⁵¹ Cicero, *De Natura Deorum* 2.71-72: ... *maiores nostri superstitionem a religione separaverunt. Nam qui totos dies preabantur et immolabant ut sibi sui liberi superstites essent superstitiosi sunt appellati*...
was extremely high and parents routinely outlive their children, propitiating the Powers That Be to allow one’s child to live past infancy was not strange and not hyper-fearful. To pray and sacrifice all day, to do nothing but try to ensure the life of one’s child, however, was improper and irrational. As Cicero noted, those who did this, who were so excessively concerned with religio, were called superstitiosi, or “superstitious.” Thus superstition was excessive concern for religio, excessive concern for acting properly towards the Powers That Be to ensure complete support from them.

For the Romans, the world was a mysterious and dangerous place. In the modern world, science and an understanding of natural phenomena has alleviated many fears of “uncontrollable” forces in the world, but the Romans had a very limited understanding of the forces at work in the world. As such, as Brenda Lewis writes, the “Earth has always been a terrifying place in which to live and the idea of making sacrifices to propitiate its fury is as old as human life itself.” It is understandable for one to pray for the safety of one’s children because the world is such a dangerous place, even by modern standards. Many uncontrollable forces occupy the world and these forces can be deadly to mankind. As such, the Romans understandably prayed for the safety of their children. Still, excessive concern, to the point of paralysis, was not “rational” for the Romans and hence why Cicero denotes these types of religio-worriers as superstitiosi.

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52 According to Donald Todman, 300 out of 1,000 children died in antiquity before reaching adulthood, whereas fewer than 10 out of 1,000 infants die in contemporary times (Donald Todman, “Childbirth in Ancient Rome: From Traditional Folklore to Obstetrics,” Australasian and New Zealand Journal of Obstetrics and Gynaecology 47 [2007]: p. 84).
53 Modern civilizations, however, of course still believe in forces beyond one’s control. Luck is not an empirical force and cannot be quantified or measured, but many still attempt to cultivate luck (e.g., rabbit’s feet, horseshoes, “lucky” pennies, four leaf-clovers).
Superstitio was not looked upon favorably in Roman society. The rhetorician Quintilian notes “that it is as distinct as the curious man (curiosus) is from the diligent man (diligens) and as superstitio is from religio”55 The “curious” man is the “unbalanced” “diligent” man, just as superstitio is the unbalanced notion of religio. Religio is the proper and right concern of retribution from the Powers That Be. Superstitio is the excessive and meaningless fear of religio and the Powers That Be. Since it was natural and even advantageous for the Romans to fear the Powers That Be and attempt to act as appropriately as possible in the world, other Romans would not be concerned with “light” or “reasonable” fear. When religio, however, becomes too great an inhibiting emotion, then the Romans believed that a Roman was acting with regards to superstitio.

Religio was a fear of retribution from the Powers That Be. The Romans did not “construct” or “make up” religio; religio was the name the Romans gave the feeling of threat for doing some action. How one should act is implicit within the bounds of whichever civilization one lives. For the Romans, the boundary within which he ought to be living was the boundary of the mos maiorum. That is, because of the all-encompassing importance of the mos maiorum, the Romans ought to do as the tried and tested mos maiorum bid, lest they feel religio for not doing the proper thing, which was to follow and abide by the mos maiorum. This circular construction allowed for the Romans to feel the need to act within the mos maiorum without other Romans physically enforcing the traditions. That is, nothing forced the Romans to act in accordance with religio except for the Romans themselves; the Roman system was self-regulating. The

55 Quintilian, Institutio Oratoria 8.3.55: ...ut a diligenti curiosus et religione superstitione distat.
Romans’ feeling of *religio* encouraged the Romans to act properly; *religio* did not physically force the Romans to act or not to act. The Romans, of course, could ignore their sense of *religio* (though this was usually not a good idea), but they generally tried to abide by it.
Chapter Three

The Roman Conscience, Part II: Pudor and Verecundia

If *religio* was the sense of acting properly towards the uncontrollable forces in the world, then *verecondia* and *pudor* were the senses of acting properly towards other people. For the Romans, shame kept a person acting within the limits of society, within the bounds of civilization. How a Roman was supposed to act towards another Roman or another person was based around a Roman’s sense of shame. Thus, for a Roman to act honorably, or to act properly or pristinely, was for a Roman to feel a great sense of shame. For a Roman, feeling shame was to be able to know what was proper and what was improper.

Barton, in *Roman Honor*, contends that “To have a sense of honor in ancient Rome was to have a sense of shame. Latin shame – *pudor* – embraced a set of finely calibrated and counterpoised emotions ranged along a balance bar pivoting on the fulcrum of the blush.” 56 Shame was the emotion that kept a Roman acting properly towards another Roman. The fear of the Powers That Be, those forces outside the control of a normal Roman, kept a Roman adhering to their notions of *religio*, lest they be a target for the Powers That Be. Another Roman or person, however, was not as daunting or as threatening as a god or force of nature. The emphasis of shame in Roman society kept the Romans acting how they felt or believed to be proper; they embraced the discomfort to push themselves to act honorably.

Terence’s Clitipho, for example, feels shame from his father’s criticism of his actions: “Alas!” laments Clitipho, “Now how totally displeased I am with myself, / how full of shame!” Having been chastised for his actions by his father, Clitipho expresses his desire to be forgiven, which entails acting how his father views as “proper.” Clitipho did not want to be ashamed and did not want to act shamefully, which is why he wanted his father’s forgiveness. The other Roman, Clitipho’s father, judging Clitipho’s actions as shameful, causes Clitipho to feel the shame himself, because he was embarrassed by the assertion of shameful acts. Hence, to rid himself of this feeling of shame, Clitipho must appease his father, Chremes.

Before understanding what he has done and feeling the shame of his actions, Clitipho asks his father what disgraceful acts he had committed. Chremes responds: “If you wish to know, then I shall tell you: you are an inert buffoon, a fraud, a glutton, / and a debauchee; think that, and then think that you are our son.” Until this point, Clitipho’s life had been a life of excess, a life with no sense of shame. Clitipho did what he wanted, ate what he wanted, and slept with whom he wanted, without thought of others and without the thought of what others were thinking about him. Chremes also holds that the shameful actions of the son reflect back to the father; Clitipho’s actions make Chremes feel shame for his son. To chastise him in his lack of feeling of shame (and to shame him further into acting properly), Chremes wanted Clitipho to think about

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57 Terence, *Heauton Timorumenos* 1043-1044: eheu, quam nunc totus displiceo mihi, / quam pudet!
58 Terence, *Heauton Timorumenos* 1049.
60 Thus, since Chremes believed his son must act properly, which is to act the opposite as he had been acting, one can understand that Chremes understood “proper” action to mean actions of modesty, actions of limited scope; modest and limited actions were less likely to be shameful acts.
his lineage and remember that he not only represents himself in the Roman world, but also his family and his parents.

Shame is an active emotion; one feels shame for doing or committing some action. The Romans called this feeling of shame *pudor*, but the fear of acting shamefully, that is improperly, among other Romans (without actually committing any shameful act), was called *verecundia*. Broadly defined, *verecundia*, like *religio*, was the fear of acting improperly. Whereas *religio* was a fear of acting improperly towards the Powers That Be, *verecundia* was the fear of acting shamefully improper towards other Romans and other people in society.

Cicero, for example, believed that a benefit of friendship and friends was that a friends made a Roman want to act properly in front of another Roman. In his *Laelius De Amicitia*, Cicero explains:

> It is suitable, however, to be a good man oneself, then to seek for another similar man like oneself. In such things, which we now are discussing for some time, the stability of friendship is able to be strengthened, when men, united by goodwill, will in the first place rule these passions to which other men are slaves; they will rejoice in equality and justice, and each one will undertake everything on behalf of the other; neither will one ever demand from the other anything unless it is honorable and proper; not only will they cherish and value among each other, but also respect one another.  

Friendship and friends are a benefit for a Roman, according to Cicero, because they keep a Roman acting right and proper. If one takes Cicero’s advice, then one who is a good man should find another good man and become friends. This friendship acts as a

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61 Cicero, *Laeulius De Amicitia* 82: *Par est autem primum ipsum esse virum bonum, tum alterum simile sui quaerere. In talibus ea, quam iam dudum tractamus, stabilitas amicitiae confirmari potest, cum homines benevolentia coniuncti primum cupiditatibus eis quibus ceteri serviant imperabunt; deinde aequitate iustitiaeque gaudebunt, omniaque alter pro altero suscipiet; neque quidquam unquam nisi honestum et rectum alter ab altero postulabit; neque solum colent inter se et diligent, sed etiam verebuntur.*
symbiotic relationship; both friends keep the other from acting improperly (because one would not want one’s friend to think poorly of one).

Moreover, because a friend is someone about whom one actually cares and whose opinion matters, then one will more wholeheartedly try to act properly in his presence. Friendship, thus, inhibits one from acting according to passion (which men without friends are more likely to be subject to), because one who has a friend will always be concerned with acting piously, lest one’s friend sees one doing something improper and think badly of one. This constant fear in friendship is *verecundia*, the fear of doing something wrong that will cause others (specifically, in Cicero’s instance, one’s friends) to look upon the Roman unfavorably. This was the best part of friendship for Cicero, who claims that “For he who takes *verecundia* from [his friends], takes the greatest jewel of friendship.”

*Verecundia* was the greatest aspect of friendship, because *verecundia* kept Romans acting respectfully towards one another. Theoretically, if a Roman were to act wrongly towards another Roman (thus ignoring one’s sense of *verecundia*), then that Roman’s friends would think badly of his actions. This should cause the Roman to feel shame for his actions, thus demonstrates that the actions were wrong and that he had violated the bond between him and his friends. *Verecundia* was the emotional force that was supposed to prevent this scenario from happening.

Rome, moreover, was a face-to-face society and friendship was only one aspect of a larger social network. Rome was small and everyone knew and interacted with everyone else in the city. Hence Robert Kaster contends that:

> Being aware of others being aware of you, though certainly not the whole of life, was a desirable part of it; while it was understandable your goal to receive the

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62 Cicero, *Laelius De Amicitia* 82: *nam maximum ornamentum amicitiae tollit qui ex ea tollit verecundiam.*
largest possible share of the creditable attention (‘honor’) and experience the
least possible discomfort from discrediting attention (‘shame’), honor and shame
were experienced as complementary, rather than opposed.\textsuperscript{63}

The Romans wanted other Romans, not necessary just friends, to watch and judge them.
By understanding shame, one could act respectably in Roman society and acquire
“creditable attention.” Acting wrong and improperly in Roman society would make a
Roman acquire a bad reputation and “discrediting attention,” thus making the Roman feel
shame. Thus, when a Roman blushed, as Barton indicated, he was necessarily indicating
that he was feeling shame and recognizing inappropriate behavior. The blush was a
signal for other Romans to indicate shame. This constant vigilance within the Roman
society kept and maintained order without the use of force; Romans could be shamed into
actions or inactions.

The Romans who lived by this system of reciprocating shame fit well within
Roman society. Those who did not feel shame (or at least understood and abided by the
shame system which the other Romans were living) did not. Shame, or lack of shame,
for example, brought the Roman monarchy to an end. During a campaign away from
Rome, Livy notes that “… indeed the young princes were sometimes passing their leisure
with feasting and partying among themselves. When by chance these men were drinking
with Sextus Tarquinius, and when Collatinus Tarquinius, the son of Egerius, was eating,
mention happened upon the subject of wives; each one was praising his own wife in

\textsuperscript{63} Robert Kaster, \textit{Emotion, Restraint, and Community in Ancient Rome} (New York: Oxford University
wonderful ways.” Thus to settle this discussion, the young Roman princes set out to Rome to determine who had the best wife.

Thus, the Roman party of young aristocrats, with the prince, Sextus Tarquinius, went out to examine what their own wives were up to, while they, the husbands, were away at war. “And when they had themselves first arrived at dusk,” writes Livy:

They then proceed to Collatia, where they found Lucretia by no means as the daughters-in-laws of the king, whom they had seen with their peers in celebration and luxury passing the time, but sitting, though late at night, in the middle of the house having been devoted to her wool as her handmaids worked by lamp-light. The glory of the womanly contest was in the hands of Lucretia.

The other wives were engaged in social activities with other people. Though this may be acceptable, and even may be expected, in men, it was not for woman. With their behavior as such, the woman were not acting honorably, because they were not acting appropriately in accordance with the “ideal” of a Roman woman. The other wives, as it were, had not shame; the other wives had no honor, because they were not concerned with how others looked upon them. Had the other wives been concerned with others viewing them in the way Livy describes, then they would not have been socializing at a banquet. Lucretia, on the other hand, was engaged in modest household work. The spinning of her wool was her and her handmaids’ concern, not partying. Lucretia’s control and focus, her restraint and awareness of “others” viewing her, was the reason she won the contest of wives. For one must remember, in the Roman context, the Romans

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64 Livy 1.57.5-6: … regii quidem iuvenes interdum otium conviviis comissionibusque inter se terebant. Forte potantibus his apud Sex. Tarquinius, ubi et Collatinus cenabat Tarquinius, Egerii filius, incidit de uxoribus mentio; suam quisque laudare miris modis.

65 Livy 1.57.8-10: Quo cum primis se intendentibus tenebris pervenissem, pergunt inde Collatiam, ubi Lucretiam hauquaquam ut regias nurus, quas in concinio luxuque cum aequalibus viderant tempus terentes, seb nocte sera deditam lanae inter lucubrantes ancillas in medio aedium sedentem inveniunt. Muliebris certaminis laus penes Lucretiam fuit.
had no separation of their “public” and “personal” lives. Lucretia’s actions, and the actions of the other wives, were the same as if they were to act in “public” spaces like the Roman Forum for all to see. Despite perhaps being “alone” in her own home, Roman standards still expected Lucretia and the other noble Roman women to act as a Roman women ought to act, even if no other Roman was able to see them.

Lucretia’s sublime honor, however, would have unintended consequences. For, after Lucretia clearly won the contest of the wives, “The approaching husband and Tarquinius were kindly received; the victorious husband courteously invited the young princes. There, an evil desire to rape Lucretia seizes Sextus Tarquinius; both her figure and chastity was arousing Sextus.” Sextus’ lust for Lucretia stemmed in part from her restraint and modesty. Lucretia, like the other wives, did not know they Sextus and Collatinus were going to be arriving at the house. As such, she too could have been having a good time, but chose to restrain herself and do work; she chose to act as a proper Roman woman despite no one appeared to be watching her. This restraint and self-imposed limitation was the ideal for a Roman (male and female), and the beauty that Sextus lusted for.

Later, when the young Roman aristocrats had returned to their camp, Sextus again returned to Collatinus’ house and to Lucretia. Eventually he threatened Lucretia with a knife to fulfill his desires, after Lucretia had again welcomed the prince into her home

66 Ibid. 2.
67 Livy 1.57.10-11: Adveniens vir Tarquiniique excepti benigne; victor maritus comiter invitat regios iuvenes. Ibi Sex. Tarquiniuim mala libido Lucretiae per vim stuprandae capit; cum forma tum spectata castitas incitata.
68 Livy did also describe Lucretia as physically attractive, but the tipping point for Sextus was Lucretia’s “chastity,” her shameful modesty. For partying with men while their husbands were away was easy and expected; committing oneself to work was much more honorable and attractive to Sextus.
and treated him with great hospitality. These threats, however, did not move Lucretia, until Sextus threatened her with something worse: dishonor. That Lucretia might be found with a slave in her bed was enough for Sextus to get what he wanted.\textsuperscript{69} Thus “When by this terror his conquering lust had overcome her resolute chastity as if by force….”\textsuperscript{70}

Sextus’ actions were highly inappropriate and contentious in Roman society. Sextus was welcomed as a guest into Lucretia and Collatinus’ home; Sextus should not have raped Lucretia. Sextus, moreover, was a friend and relative to Collatinus and their bond of friendship should have inhibited Sextus from doing “wrong” actions towards Collatinus’ wife. Had Sextus cared about what others, specifically Collatinus, thought about him, then Sextus, in accordance with Cicero’s take on friendship and \textit{verecundia}, would have resisted his desires for Lucretia, because he would have been fearful of the shame that would have followed from his actions. Instead, however, “fierce Tarquinius was proud having conquered Lucretia’s womanly honor…”\textsuperscript{71}

Sextus acted outside the acceptable limits of Roman society. Being the son of the king, Sextus had influence and power beyond that of a normal Roman. The Romans did accept the idea of kings ruling them and had no problem with power being in the hands of specific individuals. The problem with Sextus’ actions, however, was that they had gone beyond what was acceptable to the Romans.

To define specifically the power of the kings of Rome is difficult. The Romans had no written constitution to make the authority of the king clear. The office of the king

\textsuperscript{69} Livy 1.58.3-4.
\textsuperscript{70} Livy 1.58.5: \textit{Quo terrore cum vicisset obstinatam pudicitiam velunt vi victrix libido…}.
\textsuperscript{71} Livy 1.58.5: \textit{profectus… Tarquinius ferox expugnato decore muliebri esset…}.
had certain traditional obligations, like meeting and taking advice from his advisory
council of elders (i.e., the original purpose of the Senate [Livy 1.8.7-9.2]), but had no
clear limits on his power. This is not to suggest that the king of Rome could do anything
he wanted, but that the king had no *expressed* limitations. The king of Rome, thus,
could do whatever he wanted, so long as the people of Rome allowed him to do it. The
actions of the king, and the Romans in general, were self-regulated and self-restricted.
Like Clitipho, however, the shame and actions of the son traced back to the father. The
Rape of Lucretia was the final affront to the Roman people by Tarquinius Superbus (and
de facto the royal Tarquinian family) in a long line of abuses. Superbus and his family
acted too much as they pleased and had too little a regard for the other Romans.

Even in the early Empire, after the Republican system had ended, the Romans
were still concerned with self-restrictions and shame. In Seneca’s *Troades*, for example,
during a discussion between Agamemnon and Achilles’ son, Pyrrhus, Agamemnon does
not think Pyrrhus should sacrifice Hector’s sister, Polyxena:

| Agamemnon:  | Even now a merciful man will often give for life. |
| Pyrrhus:    | Now you believe virgins to be sacrificed is wrong? |
| Agamemnon:  | It is right for a king to put the fatherland before children. |
| Pyrrhus:    | No law spares a captive or hinders revenge. |
| Agamemnon:  | What the law does not forbid, shame does. |
| Pyrrhus:    | It is permitted for the victor to do whatever is pleasing. |
| Agamemnon:  | It is right that one may do the smallest for which it is permitted much. |

72 See the previous discussion on the events of the Rape of Lucretia.
73 Livy 1.59.8-11.
74 Seneca, *Troades* 330-336:

*Agamemnon: Et nunc misericors saepe pro vita dabit.*
*Pyrrhus: iamne immolari virgines credis nefas?*
*Agamemnon: Praeferre patriam libris regem decet.*
*Pyrrhus: Lex nulla capto parcit aut poenam impedit.*
*Agamemnon: Quod non vetat lex, hoc vetat fieri pudor.*
*Pyrrhus: Quodcumque libuit facere victori licet.*
*Agamemnon: Minimum decet libere cui multum licet.*
The Greeks of this play have won the Trojan War and the city of Troy was in control of the Greek forces. As such, Agamemnon, Pyrrhus, and the other Greeks theoretically could do whatever they please. Pyrrhus, for example, felt he was well within his rights (and within the law) as a victorious conqueror to sacrifice Polyxena. While Agamemnon agrees with Pyrrhus on this matter, he does not agree that he actually should carry out the sacrifice. Seneca’s Agamemnon places shame second to the law (whether this is a lex-law or a mos-law); whereas Pyrrhus was technically right in his conquering assertions, Agamemnon thought it a matter of feeling right about it. Pyrrhus should feel shame for the sacrifice of Polyxena (and, by thinking about it, he should also be fearing shame and hence feeling verecundia).

Seneca also contended that to act in accordance with shame was to act with respect to others in the Roman world. One who had much, or even the most, would unbalance the system if he openly expressed this fact. So, for Agamemnon, though Pyrrhus is “able” to act, he ought not to do so. Though some action might be “legal” (either in terms of the law or custom), Seneca believes that if the action is shameful, then one ought not to do it. In the same way that though the king of Rome (or in Seneca’s time, the emperor of Rome) may have vast powers beyond that of a normal Roman, one still ought not do actions which are shameful, even if one has the power to do them. In Tarquinius Superbus’ case, his abuses and disregard for the Roman system lost him his crown.

Fear of acting improperly should have immobilized Pyrrhus from his sacrifice, from doing only what he wanted. Verecundia is an outward-looking-in emotion of the perceived threat of others looking scornfully in at one’s potential actions. Despite having
done great things for the Republic, for example, the consuls Valerius and Horatius were hesitant to push for a triumph: “…when the consuls Valerius and Horatius, who, apart from the Volsci and Aequi, had also acquired the renown of the completion of the Sabine War, had been refused a triumph by the Senate, the consuls were fearful (verecundia) to ask for a triumph for having done half of the things, lest even if they may have obtained it, the reasoning would seem more of the men than of the service having been considered.”

The consuls had completed three victorious wars and yet the Senate still denied them a triumph. The two consuls, moreover, felt verecundia even to ask for a triumph; they would have been shamed if the rest of the Roman people had disagreed with the decision and thought them not worthy. If the Senate had granted Valerius and Horatius a triumph, and the rest of the people disagreed, then the consuls would have seemed to be arrogant and self-centered. They naturally did not wish to feel this social pressure, so seeking less was more advantageous for them than to seek for more glory and fame.

Pudor and verecundia were psycho-social mechanisms that allowed for perpetuation of the Roman civilization without need for the threat of force. Without a standing army, or a standing police force physically to enforce the “Roman way,” the Romans self-regulated themselves with intuitive and implicit social structures like pudor and verecundia. This regulation was intuitive and implicit, moreover, within the context of the Roman mind, within the mos maiorum.

75 Livy 3.70.15: ...cum Valerio atque Horatio consulibus qui praeter Volscos et Aequos Sabini etiam belli perfecti gloriam pepererant negatus ab senatu triumphus esset, verecundiae fuit pro parte dimidia rerum consulibus petere triumphum, ne etiamsi impetrassent magis hominum ratio quam meritorum habita videretur.
In the Republic, institutions and other structures that interfered with this psycho-social structure had to be dealt with, lest the system fail. A cult to the god Bacchus, for example, came to Rome in the early second century BCE, which disrupted the normal social structure of the Republic. Livy writes that this cult’s practice was a great deal concerned with wine and social debauchery: “When wine had inflamed their minds, and night and males with females have been mingled, youth with old, had destroyed all distinction of shame, all varieties of corruption had begun to be done….” The Bacchus cult was a direct threat to the Roman way. The constant drinking of wine and sexual stimulation between all sorts of Roman people negated the Republican structure. The Bacchus cult destroyed the shame of its participants and thus posed a threat to the Republic itself. Without these Republican boundaries, of pudor and religio, the members of the Bacchic cult proceeded to act in extremely socially disruptive ways. Livy writes that the members of the cult carried out various murders and forged wills, court evidence, and official documents; without the social limitations of pudor and religio, something the cult ignored, the Romans of the Bacchic cult did as they please.

The Bacchic cult, therefore, had to be eliminated. In response to the Bacchic cult, the Senate passed the Senatus consultum de Bacchanalibus (The Decree of the Senate).
concerning the Bacchanalia) which effectively eliminated all independent Bacchic rituals unless authorized by the Roman state. In this *consultum*, for example, the Roman Senate forbade further meetings of the Bacchic cult: “‘Let no one of them be willing to hold a Bacchanalia.’” The *consultum* also forbade any man from being a Bacchic priest or teaching the Bacchic rituals: “‘Let no man be a priest; let no man or woman be a teacher [of the Bacchic rites]…’” Certain of the Bacchic cult’s tenets and practices were in direct opposition to the Republican values of *pudor* and *verecundia*. Without these values, the members of the Bacchic cult became highly disruptive to social order and led to its members doing improper and inappropriate actions. The Bacchic cult was so disruptive to the Republican way of life that it necessarily had to be regulated. With no regard and no fear of shame, the Roman Republican system could not function, which is why the Bacchic cult was so offensive to the Romans. This is not to suggest that the cult was offensive to the Romans and thus no Roman would ever dare join it.

virtually binding” (Richard Mitchell, *Patricians and Plebeians: The Origins of the Romans Senate* [Ithaca: Cornell University Press, 1990], p. 65). The sheer prestige and “authority” of the Senate and its members made the Romans adhere to *senatus consultum*; no institution, like a police force, was needed.

80 See *ILS* 18.

81 *ILS* 18.3: ‘*Neiquis eorum [B]acanal habuise velet…*’

82 *ILS* 18.10: ‘*Sacerdos nequis vir est; magister neque vir neque mulier quisquam eset…*’

83 A system cannot survive as such; if everyone, but a select few, is “playing by the rules,” the “game” ceases to have the same meaning.

84 This is not to suggest that the Romans completely removed the cult from Rome, but that the cult could now only function (legally) with the blessings of the state.

85 The Romans were, in general, open to both the allowance of others to worship as they please (so long as that worship was not disruptive to the state or to the Romans’ religious practices), and to incorporate other rituals and cults into their own religious world (i.e., into the *mos maiorum*). Eric Orlin contends that “During the first three hundred years of the Republic, numerous cults and practices – first from neighboring communities and then from father abroad – found a home in the city. Cults such as Hercules suggest that this willingness to adopt foreign cults extended back into the regal period as well…” (Eric Orlin, *Foreign Cults in Rome: Creating a Roman Empire* [New York: Oxford University Press, 2010], p. 4).
contrary, Livy is clear: the cult seduced many Romans and they actively participated in it before the Senate started to regulate it.  

The Romans understood that shame was a powerful, and necessary, emotion that ensured the proper harmony between people. Thus, in Vergil’s *Aeneid*, Dido is not a “pious” character because she does not respect her vow never to remarry and claims “marriage” with Aeneas. Dido ignores her duty and commits herself to her passionate love with Aeneas. That is to say, Dido forgets her shame and allows herself to commit to the passionate act of love with Aeneas. Aeneas himself felt love for Dido (though he was not breaking any vows by loving her), but he knew his shame and knew he had to continue with his duty.

When faced with the choice of staying with Dido as king of Carthage, or fulfilling his duty, Aeneas was torn. Though he did love Dido, Aeneas knew his duty and chooses to reject the shame of going against divine will. Vergil writes “But pious Aeneas, although desiring to ease and soothe [Dido’s] grief and with words to avert her troubles, with many groans and his soul having been shaken with a great love, he nevertheless follows the divine orders and returns to the fleet.” Despite having a great love for Dido, Aeneas cannot bring himself to disobey the gods (perhaps also because a fear of *religio*), and cannot bring himself to stay. To do such would cause great shame for the two. Dido, on the one hand, is the anti-Aeneas because she gives in whole heartily into her passions

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86 Livy 39.8.5.
88 Cf. Seneca’s Agamemnon, who understood that a king must always remember and abide by his duty, even if that means sacrificing his daughter.
89 Vergil, *Aeneid* 4.393-396: *At pius Aeneas, quamquam lenire dolentem / solando cupid et dictis avertere curas, / multa gemens magnoque animum labefactus amore, / iussa tamen divum exsequitur classemque revisit.*
and forgets about her duty as Queen (a truly shameful act). Aeneas, on the other hand, though battling with his wants and desires, ultimately makes the honorable choice.

Vergil’s Aeneas was the representation of the “ideal” Roman and, as such, enacts the Romans’ ideal constructs. By design, Aeneas displays the noblest Roman characteristic, those characteristics which Vergil believed were important in the Roman psyche. Honor, that is, the act of acting in a way which invites public approval, was for Aeneas more important than love. Despite having a great passion, Aeneas does his duty to the would-be state and a certain “Power That Is,” rather than to himself.

Shame and the fear of shame (pudor and verecundia) were powerful emotional forces that reinforced proper action in Roman society. These implicit emotions, though uncomfortable, were amplified in Roman society because they ensured that a Roman would act in accordance with his shame and thus do the right action. What dictated “right action” was within the Romans’ understanding of the mos maiorum. Living face-to-face and constantly under watch from others perpetuated the Republican system. Along with religio, verecundia dictated the feeling of how one should act within the world and within the city without the need for force; fear of acting improperly kept the Romans acting properly.

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90 In this case, Jupiter (Vergin, Aeneid 4.376).
Chapter Four

The Eyes of the Romans: *Invidia* and the Evil Eye

Whereas emotions like *pudor*, *verecundia*, and *religio* restricted the actions of the Romans, which ensured the perpetuation of Roman Republican society without the need of a central peacekeeping force, emotions like envy and jealousy, *invidia* in Latin, were those emotions that could potentially undermine and upset the balance of Roman society.

Unlike modern English, ancient Latin does not distinguish between the emotions of “envy” and “jealousy.” George Foster, in “The Anatomy of Evil,” remarks:

> In everyday English usage, the nouns “envy” and “jealousy,” and their adjectival forms “envious” and “jealous,” tend to be regarded as synonymous. This is unfortunate, for such confusion obscures the quite different natures of the ties binding people who are experiencing the emotional states which we describe with the words envy and jealousy.⁹¹

Although modern speakers might not consciously make a distinction between the words “envy” and “jealousy,” still, the emotions that the terms describe are present, as Foster describes, as “a pan-human phenomenon.”⁹² Envy and jealousy are natural and common emotions that all mankind exhibits. One cannot help feeling envy or jealousy, just as one cannot help feeling anger or happiness.

> “Envy,” notes Foster as a basic definition of envy and jealousy, “stems from the desire to acquire something possessed by another person, while jealousy is rooted in the

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fear of losing something already possessed.”93 One feels envy because one wants something that someone else has, and one feels jealousy because one fears to lose something of one’s own. The eyes of an individual, moreover, facilitate these emotions. In Latin, *invidia* is derived from the verb *videre*, “to see,” and the prefix *in*, “on” or “upon.” *Invidia* thus has the sense of “looking upon.”

Because envy94 creates a feeling of malice, of resentment, and of inferiority,95 *invidia* for the Romans was a threat to the harmony of the system *religio* and *verecundia* created. In the *Naturalis Historia*, Pliny the Elder writes of the story of a freedman farmer who had a very productive farm. “Gaius Furius Chresimus,” writes Pliny, “having been freed from servitude, was in great envy because he was obtaining much more plentiful crops on his very small farm than the neighborhood was obtaining from large farms, as if he was drawing away other people’s crops with magic spells.”96 His neighbors envied Chresimus because he was doing better than they in farming, despite being disadvantaged and a former slave. The neighbors of Chresimus felt that they should have been the ones with a good harvest, and, because they were not, Chresimus must have been using magic to harm their crops.

Envy was the emotion in play with Chresimus’ neighbors. Envy caused the neighbors to make the excuse and implied lie about Chresimus. Because envy made the neighboring farmers feel “inferior” to the ex-slave’s good fortune, it made the other farmers want to harm Chresimus. In a society of restriction and self-regulation (e.g.,

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94 We shall primarily be concerned with envy in this chapter.
96 Pliny, *Naturalis Historia* 18.8.41-42: *C. Furius Chresimus e servitute liberatus, cum in parvo admodum agello largiores multo fructus perciperet quam ex amplissimis vicinitas, invidia erat magna, ceu frages alienas perliceret veneficiis.*
religio and verecundia) an emotion that causes one to act passionately based upon a perceived inferiority is not acceptable. Envy, however, cannot be avoided; envy is a part of the human, and hence Roman, experience.

Envy is a powerful emotion and the Romans understood this. For the Romans, envy could even turn a family against one another. In the *Metamorphoses*, Apuleius\(^\text{97}\) writes of the story of Cupid and Psyche. In this story within a story, Psyche’s “…eminent sisters, who were returning home, and were now burning with the venom of swelling envy, were shouting many things to each other in mutual conversation.”\(^\text{98}\)

Psyche’s sisters had just come from a visit with Psyche at Psyche’s new home: a magical valley in which Psyche lived in the lap of luxury with many treasures as well. The sisters, having been married to regular kings and noblemen, thought themselves superior to their younger sister, Psyche. Because they were the elder daughters, so they thought, they should have been married to the owner (actually the god Cupid) of this magical kingdom.

In their discussion about how much they resent Psyche’s good fortune, one of the sisters complains about how undeserving Psyche is. “Certainly,” Apuleius’ character cries, “I am unable any more to endure the blessed fortune befallen to such an

\(^{97}\) Apuleius himself was a second century CE Roman living in the Roman Empire. Though he may well be a little further “outside” the Roman world of the Republic, his words are still valid with respect to the *mos maiorum*. Like Livy, a first century BCE author, who described the eighth century BCE Romans, Apuleius’ text also exemplifies the Romans’ understanding of *invidia*. Moreover, I use Apuleius in this section out of chronological order, because Apuleius’ fictitious story will exemplify the Romans’ understanding of envy and *invidia*.

\(^{98}\) Apuleius, *Metamorphoses* 5.9: … *sorores egregiae domum redeuntes iamque invidiae felle flagrantes multa secum sermonibus mutuis perstrepebant.*
undeserving girl.”99 Psyche is “undeserving,” because, naturally, her good fortune should be her sisters’. Her sisters have no reason to feel any malice towards Psyche aside from this envy. Simply being more fortunate is enough to cause a sense of lack of entitlement; Psyche’s sisters, and not Psyche, were entitled to good fortune (or, at least, better fortune than Psyche, considering they already had royal husbands). This envious feeling, moreover, was enough to make the sisters attempt to get Psyche to destroy her marriage.

Psyche’s predicament was itself a result of envy and jealousy. Before Psyche’s marriage to the god Cupid, the people around Psyche’s home started honoring her for her beauty as the new goddess Venus. This, in turn, results in the actual goddess Venus being envious of Psyche’s newfound glory and jealous of losing her own divine privileges. When Venus dictates Psyche’s punishment (for something, moreover, that Psyche had no control over), Psyche laments to her parents: “You realize too late that the fatal blow of wicked Envy has been struck. When nations and the people were glorifying me with divine honors, when they were calling me the new Venus in unanimous speech, then you should have grieved, then you should have wept, then you ought to have mourned me as if I had just then been killed.”100 Psyche’s fame and glory could only serve to foster resentment and reprisal from the goddess Venus. Psyche understood the function of envy and understood that because of the envious nature of people (including the anthropomorphized gods and goddesses), she was as good as dead when the people started claiming her to be the new Venus.


100 Apuleius, *Metamorphoses* 4.34: *Invidiae nefariae letali plaga percussi sero sentitis. Cum gentes et populi celebrarent nos divinis honoribus, cum novam me Venerem ore consono nuncuparent, tunc dolere, tunc flere, tunc me iam quasi peremptam lugere debuisitis*
Apuleius, however, designed his characters to act and feel this way. They are hyper-real representations of the way in which Apuleius understood his world. That is, it may not be the case that the Romans ever really were faced with a situation of such envy as the one in Apuleius’ story of Cupid and Psyche. The fact that Apuleius included the nature of envy in his story, however, implies that the Romans understood what envy was and understood the damage it could cause. The Romans thus saw and understood the destructive nature of envy, despite the fact that envy could not be suppressed.

One must also understand that envy was not a desirable emotion; the Romans did not want to feel envy or be envious of someone or something. Feeling envy, in fact, was an unpleasant experience for the Romans. Horace, in the Epistles, notes that “The envious man becomes thin on the fat things of others; / Sicilian tyrants have not discovered / a greater torment than envy.” Feeling envy from watching those who had more was not a pleasant experience in any way. If one envied someone, then one would feel inferior and resentful of the other person. If, on the other hand, someone else was envying one, then one ought to fear what that person might do to remove the envy. Thus, like sadness or other unpleasant emotions, one might seek ways either not to feel envy or envied by others (because being envied, Pliny’s Chresimus discovered, was just as dangerous and unpleasant as doing the envying oneself).

One way to avoid envy was to avoid anything enviable. Horace again notes that “There [on my farm], no one with a wandering eye detracts from my comforts, / no one

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101 The almost absurd characters over-express their emotions. I do not believe the point of Apuleius is to exemplify the actual nature of envy, but to show it to an almost absurd level for the sake of the story.

102 Horace, Epistle 1.2.57-59: invidius alterius macrescit rebus opimis; / invidia Siculi non invenere tyranni / maius tormentum.
poisons them with the secret sting of hate: / neighbors laugh as I move soil and stone.”

Horace deliberately wants to depict himself as a poor farmer doing harsh labor. That way, other people who see Horace doing these laborious acts will not envy him. This, in turn, makes Horace more secure in his comfort on his farm.

Horace’s worries, however, also reflect the importance of subjectivity and perception within the sphere of envy. On his farm, Horace was concerned with the eyes of others, with a perceived envy that Horace could sense from the others looking at him. Again, *invidia* derives from the idea of “looking upon” something one envies. Hence Horace fears that others are looking upon him or his property with envy, regardless of whether they do or do not, in truth, envy him. Because one cannot control the *feeling* of envy, when interacting with others, the threat of envy was thus always present for the Romans.

Perceived envy can itself be just as destructive and destabilizing as envy itself. As such, the Romans wanted not only to protect themselves from envy, but also from potential envy. Catullus wanted to protect his and his Lesbia’s passionate love from others: “…then, when we have made many thousand [kisses], / we shall mix them up, lest we know how many, / and let no wicked man be able to envy us, / when he knows how many kisses there were.” Catullus and Lesbia are kissing and Catullus perceives that the amount they have been kissing, several thousand kisses, will be enviable to others. Catullus’ and Lesbia’s passionate romance will cause others to envy them, because those other people will want the same passionate love for themselves. To defend himself and

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104 Catullus 5.10-13: *...dein, cum milia multa fecerimus, / conturbabimus illa, ne sciamus, / aut nequis malus invidere possit, / cum tantum sciat esse basiorum.*
their love from this envy, Catullus intends to “mix up” the amount of kisses. If Catullus is not able to know how many kisses he and Lesbia have shared, then no one (who has a wife or significant other) will envy him, because presumably they will be able to get kisses from their lovers as well. The problem with Catullus was scale; he and Lesbia shared so many kisses (and hence had so great a love), that even those who were also in love and had a partner would be envious.

Protection from envy was also a part of the mos maiorum. The Romans said and acted certain ways that had aspects of envy protection that operated on a somewhat subconscious level. Pliny, for example, asks “At the beginning of harvests, why do we say that these fruits are old, and wish for other new crops?” Pliny is questioning the reasoning behind what has become a tradition. In Pliny’s world, when the Romans were harvesting their new crops, they would intentionally (albeit not fully understanding why) state aloud that their crops were old and poor and wish for new ones. If, on the contrary, they were to say that their crops were abundant and amazing, then they might find themselves in the very same situation as Chresimus. Putting oneself and one’s possessions down, making them seem worthless and bad, was a way to deflect envy and the eyes of those who envy. This notion was so engrained in the Romans’ minds that it was a part of their traditions, a part of the mos maiorum.

Because one perceives envy from another “looking upon” something, envy is thus correlated with vision. The eyes are the gateway for envy and to protect themselves from these “evil eyes,” the Romans attempted to keep attention off things that were valuable and thus could also be enviable. In noting the usefulness of human saliva, Pliny writes:

\[105\] Pliny, *Naturalis Historia* 28.5.23: *cur ad primitias pomorum haec vetera esse dicimus, alia nova optamus?*
“If we should believe those things, then we should also believe that these things are to be duly done: with the entrance of a stranger or, if a sleeping infant is looked at, then it is for a nurse to spit three times, although even Fascinus protects the infant with religio.....”

Pliny is insinuating that if someone was to look at the infant, then that individual might end up envying or displaying the Evil Eye towards the infant. It may not be the case that the person looking at the child actually envied the child, but the mere act of looking at the child (and hence the possibility of envy from the Evil Eye), was enough to prompt a protective response from the nurse. The Romans were so aware of others “looking upon” their possessions, including their children and family, that they had traditions to protect against this negative force.

The nurse adds protection to the child by spitting; Fascinus, according to Pliny, was already protecting the infant. According to Daniel Ogden, “Fascinus was the phallus-deity, embodied in phallus effigies, and he had the power to avert the action of the evil eye.” Children in ancient Rome wore fascina, protective charms, until they came into adulthood. Like the spitting, the fascinum was supposed to ward off the Evil Eye and protect children. With such a high infant mortality rate in the ancient Roman world, children were precious commodities. Parents also wanted to protect their children from the envy of others. Since there was a high chance that other Romans

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106 Pliny, Naturalis Historia 28.7.39: nos si haec et illa credamus rite fieri, extranei interventu aut, si dormiens spectetur infans, a nutrice terna aspui? quamquam religione tutatur et Fascinus.
108 A fascinum was the actual charm; Fascinus was the divine power which personified the physical charm.
110 Children, for example, were the bonds which preserved the marriage between the Romans and the “raped” Sabine women (Livy 1.9.14).
had lost one or more of their children before they reached adulthood, it would be natural for them to envy those who have living and healthy children, hence the need to protect a child from envy.\footnote{Roman society was “family” centered. The head of the Roman family, the pater familias, needed heirs to continue the family’s line. The Romans would thus especially covet and want a male child (Mitchell, Patricians and Plebeians, p. 252).}

The Romans, however, in their quest to protect themselves from the adverse effects of envy and the Evil Eye, did not use the fascinum and Fascinus only to protect children. Pliny continues and explains that “[Fascinus] is not only the guardian of infants, but also of generals; a god among the Roman rites who is worshiped by the Vestal Virgins and, hanging under a triumphal chariot, he, like a doctor, protects the general from envy…”\footnote{Pliny, Naturalis Historia 28.7.39: ...imperatorum quoque, non solum infantium custos, qui deus inter sacra Romana a Vestialibus colitur et currus triumphantium sub his pendens defendit medicus invidiae ....} The Romans used the same phallic charm to protect a triumphal general from envy. In this situation, it is clear why the Romans may envy the triumphal general:

The whole procedure was supposed to honor the triumphing general. Riding in the center of the processions, he wore a costume... designated as tunica Iovis, “the tunic of Juppiter.” … [T]he triumphator [either] impersonated the god who was the embodiment of the entire res publica, Iuppiter Optimus Maximus, or instead revived the figure of the king.\footnote{Rüpke, Religion in Republican Rome, pp. 62-63.}

The triumphal general (triumphator) was either to be viewed as the highest Roman god, Jupiter, or in the same light as the old kings of Rome. In either case, all Rome was watching the triumphator and, because of his victory, the triumphator was in a possession of extreme esteem and thus the object of extreme envious resentment. Thus, like a coveted child, the general needed protection from this envy; hence the fascinum.
The Romans used Fascinus and the *fascinum* as protection against envy and the Evil Eye. This protection, however, was not derived from sex or sexual feelings. Catherine Jones, in *Sex or Symbol*, writes that “it seems clear that in classical antiquity images of the genitals, male or female, were not normally intended to have any purpose connected with sexual feelings as such. If we wish to understand them in their ancient context, it is a wholly inappropriate reaction to regard them as obscene, or even sexual.”\(^{114}\) The Roman use of the phallus, at least in these instances, was purely to protect one or something from envy harnessed though the Evil Eye. The Romans, moreover, employed this function in a number of different ways (the *fascinum* is one such function), as Jones notes:

Simple phalluses were displayed not only as personal good-luck charms but also in a more public way, on walls, floors, buildings and so on. These are not casual graffiti, but carefully executed apotropaic devices...Walls and bath-houses were adorned this way not only in Italy... Bath-houses were especially in need of this type of protection: not only were men felt to be particularly vulnerable when unclothed, but it was also common for games of chance to be played in the relaxing and sociable surroundings of the bath.\(^{115}\)

The implementation of the phallus throughout Roman society makes the Romans’ commitment to dealing with envy and the Evil Eye clear: To protect themselves from the natural and unavoidable feelings of envy, and to guard against other’s eyes, the Romans used the phallus for protection. Though Jones writes that the phallus might have also been used as a “good luck charm,” it makes more sense if these phalluses were intended to ward off the Evil Eye. In a bath, for example, where the Romans would congregate in the nude, to have phalluses present in the bath would avoid those “wandering eyes” that

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\(^{115}\) Jones, *Sex or Symbol*, p. 64.
Horace was concerned about. In shops, where goods were presented to be bought and sold, the phallus certainly could deflect unwanted eyes in that instance. The plethora of phalluses throughout Roman society was an attempt to quell and disarm the envy of the Romans.

By nature, envy is an equalizing force. If one does not have something, then one envies one who does. One who envies does not, necessarily, want to be themselves superior, that is, have more than others. At its simplest level, the envier wants to have at least as much as other people, lest he feel inferior. For the Romans, wanting more than others was to be ambitious. Latin ambitio, in a general sense, has the sense of canvassing favor from others to increase one’s influence or prestige. The legendary fifth king of Rome, Tarquinius Priscus, for example, is said to have been an ambitious man in that he canvassed the Roman people for the kingship. In this sense, whereas invidia was the need to equalize with another, ambitio was to acquire more than others.

Invidia was a naturally occurring emotion in the Romans; thus they had to deal with it. As such, the Roman had many plans and many systems to avoid, reduce, or get rid of unwanted envy. If envy was not checked, the Republican system was in danger, because Romans potentially could seek to fulfill their envious desires or needs rather than to adhere to their feelings of shame or religio. Envy was a destabilizing emotion that was a reason for the discipline behind verecundia and religio.

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116 Livy 1.35.2.
Chapter Five

Conclusion: The Boundless “Republic”

From its inception, boundaries in Roman life were paramount, and this importance of boundaries resonates with Rome’s foundation myth. After Romulus, the legendary founder and first king of Rome, started to build the first fortified wall of Rome, his twin brother, Remus, supposedly jumped over the wall. Livy contends that “with mockery of the brother, Remus had jumped over the new city walls; then after the angry Romulus killed Remus, and with words he added the threat, ‘thus henceforth to whosoever else will jump over my walls.’”

Romulus was explicit in his threat; anyone who transgresses the walls of Rome was to be killed, even Romulus’ own brother. Remus had violated the sanctity of Rome’s boundaries; an act that Romulus (and the Romans thereafter) could not tolerate.

Rome as a physical place and a physical city was not stagnant; Rome’s size and population changed over time. From its founding and Romulus’ first defensive wall, Rome was a growing city with an expanding population. As such, the Romans had to move Rome’s boundaries outward to match the expansion of the Roman population. To expand Rome’s boundaries meant to expand the marker, the pomerium, which designated where “Rome” began and ended. Livy notes that “This space, which was to be neither inhabited nor cultivated in accordance with divine law, which was no more behind the

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117 Livy 1.7.2-3: … ludibrio fratris Remum novos transiluisse muros; inde ab irato Romulo, cum verbis quoque increpitans adieisset “sic deinde, quicumque alius transiliet moenia mea,” interfectum.
wall than the wall was behind it, the Romans called the *pomerium*….”\(^{118}\) The Romans were not supposed to inhabit or cultivate the land directly adjacent to the physical walls of the city; this was the *pomerium*’s sacred space. When, however, the city expanded, the Romans could move the sacred *pomerium*: “… and always with growth of the city, these consecrated boundaries were brought forward as far as the city walls were about to advance.”\(^{119}\) Though to *transgress* or *violate* the walls of Rome meant death, to move the walls properly and rightly did not. The *pomerium*, like the *mos maiorum*, however, had contradictory aspects. The *pomerium* was the immovable boundary of Rome that moved when it needed to move. Remus violated the boundaries of Rome, because the boundaries of the city were sacred. It was necessary that the city would grow, and so it was necessary for the city limits to grow with it. Thus, according to Livy, the *pomerium* was always brought out to where the city walls were when needed.\(^{120}\)

The Romans understood this sense of “appropriate expansion” when constructing their empire too. In discussing the expansion of the Roman Empire in Italy, Pearson contends that “The complicated system of full and limited rights given to the towns in the new confederacy allowed Rome to control large areas of central Italy… without undermining its Republican institutions.”\(^{121}\) In Italy, the Romans did not set up a system

\(^{118}\) Livy 1.44.5: *Hoc spatium, quod neque habitari neque arari fas erat, non magis quod post murum esset quam quod murus post id, pomerium Romani appellabant....*

\(^{119}\) Livy 1.44.5: *... et in urbis incremento semper, quantum moenia processura errant tantum termini hi consecrati proferebantur.*

\(^{120}\) This did not always have to be the case; Romans could build neighborhoods and communities outside the *pomerium* and still be, for all intents and purposes, considered “inside the city.” This, however, would only be in a common, non-technical sense. Many parts of “Rome,” for example, lay outside the walls of the city until the construction of the Aurelian Wall in the third century CE (Hendrik Dey, *The Aurelian Wall and the Refashioning of Imperial Rome, AD 271-855* [New York: Cambridge University Press, 2011], p. 15).

\(^{121}\) Pearson, *Perils of Empire*, p. 83.
of garrisons or “imperial” Roman rule. Instead, when the Romans conquered a town in Italy, they allowed that town to govern itself (so long as they supplied troops when Rome called). This “Roman confederacy,” as Pearson called it, allowed for Rome to protect itself with “buffer” states, while not needing to change or alter the traditional institutions of the Republic.

In the later Republic, when the Romans had expanded outside of Italy, this “confederate” system could no longer function. Pearson writes that:

The dynamics of expansion changed in Rome after the Second Punic War. The newly acquired overseas empire – Sicily, Spain, and North Africa – did not become part of the Roman confederacy and, instead, were heavily exploited for their wealth… they were treated like Spain and Sicily, places where provincial governors… could make fabulous fortunes.

In the early Republic, Rome ruled its subjugated allies with a “hands-off” approach allowing nearby cities and territories to govern themselves. With such a large empire (spanning from one end of the Mediterranean to the other) by the middle to late Republic (at least by the end of Second Punic War in 201 BCE) this system could not work. Thus Rome needed a more bureaucratic and centralized system to manage overseas territories. The mos maiorum was, however, not a centralized and bureaucratic system. Quite the contrary: the mos maiorum was extremely decentralized. The Romans had no “one” tradition, but a conglomeration of conflicting and contradicting traditions. But, as Polybius noted, the Romans were very adaptable and the Romans were able to adapt to ruling their empire. This is not to suggest that conquest and imperialism, however, was

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122 The Romans did employ “garrisons” in their Italian conquests, but these colonies (coloniae) were not army camps, but a sort of social integration of Roman and conquered peoples. Expanding Roman influence and Roman citizenship (as Pearson noted) kept Italy in check without large army bases or military garrisons.

123 Pearson, Perils of Empire, pp. 82-83.

124 Pearson, Perils of Empire, p. 169.
not part of the *mos maiorum*. On the contrary, since their imagined origin, the Romans had been poised to fight with their neighbors.\textsuperscript{125} Still, when Rome was fighting with its "neighbors,"\textsuperscript{126} Rome could keep to governing only the Romans and did not have to govern or garrison other states.

With the development of the empire in the middle to late Republic (from the First Punic War in 264 BCE to the destruction of Carthage at the end of the Third Punic War in 146 BCE), the needed management of the Republic’s empire took emphasis off the *mos maiorum*, because the decentralized nature of the *mos maiorum* was not equipped to govern such a large empire; the tradition of the Romans was not equipped to address the issues of the empire. So Romans like Tiberius Gracchus, a Tribune of the Plebs, attempted to use the legislative powers of the Plebian Assembly (the assembly which a Plebeian Tribune would preside over) to *legislate* change and force Roman society to take on a more defined structure: “Once more, therefore, Tiberius sought to win the favour of the multitude by fresh laws, reducing the time of military service, granting appeal to the people from the verdicts of the judges….”\textsuperscript{127} Tiberius attempted to change Roman society through legislation, by centralizing the “government” of the Romans through actions such as passing laws.\textsuperscript{128} One must not assume that Tiberius was trying to “destroy” the Republic, but, in fact, was attempting to help.

Tiberius’ brother, Gaius Gracchus, also attempted to legislate change in the Republic. Gaius, moreover, met the same fate as his brother: death. In his attempt to

\textsuperscript{125} Livy 1.8.7.
\textsuperscript{126} I.e., those cities and towns which were either right next to Roman territory, or a quick march away.
\textsuperscript{128} With the *mos maiorum* unable to handle the governing of the Roman Empire, what choice did the Romans have? The *mos maiorum* was a small-scale system and the Roman Empire was a large-scale structure; one could not govern the other.
legislate change, however, the Roman Senate extended their power and passed the first *senatus consultum ultimum* (the “Final Decree of the Senate”). Plutarch writes that “the senators went back into the senate-house, where they formally enjoined upon the consul Opimius to save the city as best he could, and to put down the tyrants [Gaius and his supporters].”\(^{129}\) The Senate, through its *auctoritas*, not through its legal powers, granted the consuls the powers to do whatever they needed to save the state. This included using force within the *pomerium*. Thus, the Senate of the late Republic began ruling through physical force, rather than through its traditional *auctoritas*: “From now on, every citizen knew that when the Senate felt its interests were being threatened, it would use force to ensure its supremacy.”\(^{130}\) With the new power of the *senatus consultum ultimum*, the Republican system of avoiding rule by force within the city was in jeopardy. With the Final Decree, the Senate did not have to rely on traditional systems to guide society; the Senate could now use an official force, though not necessarily the regular army, within the city, when it “felt” that the state was in harm’s way. Physical force thus became the way for Roman society to function. Instead of influencing the Romans through its *auctoritas*, its accepted and traditional authority in Roman society, the Senate’s actions instead caused and added to the civil strife of the late Republic. When the Senate started using force to enforce the senators’ own agenda, it was only a matter of time before other Romans believed they too were acting “in the interest of the state/Romans.”

The enormous expanse of the Roman Empire encouraged the idea of a “limitless” Roman. Gaius Marius, for example, after the war with Jugurtha in 105 BCE, had a triumph and afterwards “Marius called the senate into session on the Capitol, and made


\(^{130}\) Pearson, *Perils of Empire*, p. 213.
his entry, either through inadvertence or with vulgar display of his good fortune, in his
triumphal robes." Instead of being worried about envy and protecting himself with
less (as a good Roman of the Republic ought to do), Marius walked into the Senate either
as a god or as a king. Implicit in the *mos maiorum* was the understanding for the
restraint of *pudor* and *verecundia*. Without these self-imposed restrictions, the Romans
of the last one hundred fifty years of the Republic began to loosen their own boundaries.
This was a blatant disrespect to the Republican system and only served to increase
tensions in Roman society (if Marius did not have to abide by the same rules as everyone
else, why should the rest of the population?). When Tarquinius and the *decemviri*
transgressed their limits, the Romans purged them.

Contrary to Marius’ “progressive” nature was his contemporary, Sulla. Sulla
thought himself to be a staunch conservative and fighter for what he believed to be the
traditional values of the Republic. When the people of Rome voted for Marius to be the
commanding general in the Mithridatic War in the east, “Sulla succeeded in making his
escape and reaching the [army] camp first, and his soldiers, when they learned what had
happened, stoned the tribunes to death; in return for which, Marius and his partisans in
the city went to slaying friends of Sulla and plundering property.” Both Marius and
Sulla used force to get their way and to expedite their own vengeance; Marius forced the

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132 After the expulsion of the kings, the first consul, Brutus, bound the Romans to an oath never to allow
kings in Rome again (Livy 2.1.9-10). Thereafter, the term *rex* became a distasteful word for the Romans.
133 Plutarch, *Sulla* 8.2-3; in which Marius and his allies used very forceful means to get the magistrates to
allow the assemblies to vote on the matter.
magistrates to allow a vote in the assembly and Sulla and his army killed two tribunes \textsuperscript{135} when they did not respect the assembly’s vote. Who, moreover, could stand up to Marius’ or Sulla’s actions, as the Romans had stood up to the decemviri or Tarquinius Superbus in the past? Marius and Sulla commanded the loyalty of their own army and were willing to kill to get their own way. The actions of Marius and Sulla were an escalating series of violence; inflicting more and more harm and injury on one another in an increasing fashion led to Marius and Sulla acting in accordance with vendetta and vengeance.

The Roman way was the way of balance, the middle way; due to the interpretation of the mos maiorum (of conflicting accounts and conflicting traditions), the best way for the individual Roman was somewhere between the extremes. Thus the limitation of action and acts was the best for a Roman. The Romans of the late Republic seemed to be doing so much that every action seemed to be extreme. Thus Tacitus writes that in the ending phases of the Republic, there was “no custom, no law.”\textsuperscript{136} Extremes unbalanced the regulative aspects of the mos maiorum, the implicit and expected social norms of the Romans. After the Romans destroyed Carthage (the only perceived check to Roman expansion in the Mediterranean) in 146 BCE, Sallust notes that “nothing was respected, nor held sacred.”\textsuperscript{137} Without Carthage, Rome had no great threat to its Empire, no counter balance to Roman expansion. Like Marius or Sulla, or any of the generals of the

\textsuperscript{135} Tribunes were supposed to be sacrosanct and literally not supposed to be touched, let alone killed (Mitchell, Patricians and Plebeians, p. 213). This violation of Roman religious custom was a clear disregard of the retribution from the Powers That Be and hence a disregard for religio.

\textsuperscript{136} Tacitus, Annales 3.28.2: ...non mos, non ius...

\textsuperscript{137} Sallust, Bellum Iugurthinum 41.9: ... nihil pensi neque sancti habere...
late Republic, when one has a loyal army to back one’s actions, then the one also does not have any external counter-balance.

Throughout the civil war of the 80s, Sulla attempted to personify older "traditional" values and, having defeated Marius and become the sole dictator of the Republic, initiated reforms in the Republic. Sulla’s reforms meant to restrain the Republic to the times of the earliest Republic, when the patricians and the Senate were the strongest authorities in Rome. Sulla accomplished these reforms with laws, like the *lex Cornelia annalis*, a law which explicitly prescribed how a Roman was to go from office to office, or the *lex de provinciis* which forced the consuls to remain in Rome for their yearly term and then to proceed to the provinces to serve as a proconsul. Sulla, moreover, attempted to reduce the powers of the plebeians and the assemblies by essentially stripping the tribunate of its power.

Later, the last generation of the Republic was plagued with similar problems. The Romans of the last generation simply did not have the resolve or wherewithal to heal systemic problems; too much instability and too much imbalance unhinged the system. Instead, Romans simply used armies and physical force to get what they wanted and do what they wanted. Pompey, for example, “who was only twenty-three years old, and who

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138 Note that the idea of a civil war (“… and kindred [Roman] armies turned upon one another…” [Lucan, *Bellum Civile* 1.3-4: *...conversum... / cognatasque acies...*]) was exactly the sort of thing that the Republican system was supposed to repress and prevent. The Romans were not supposed to be governing themselves through force as this force might easily turn inwards. The civil wars of the late Republic represent the horrors of the collapsing Republican system.

139 Plutarch, *Sulla* 33.1.


141 Under Sulla’s administration, for example, the tribunes could no longer bring legislation to a vote of the people (and hence pass a law), could not convene the Senate, lost their power to veto acts of the Senate or assemblies; Sulla essentially returned the tribunes to their “original” purpose: “it became again an office whose functions were limited to protecting the individual Roman from arbitrary acts” (Keaveney, *Sulla*, pp. 169-170).
had not been appointed general by anybody whomsoever, conferred the command upon himself…” Pompey was young and ambitious and nothing was stopping him (no fear of religio or pudor) from simply taking what he wanted. With an army behind him, the likes of Pompey could essentially do whatever they wanted without fear of reprisal.

Cicero notes that the problem with the mores in his time was that “For the customs themselves ceased with the scarcity of honorable men…” The inadequacy of the mores was not the problem in the late Republic, it was the inadequacy of honorable and venerable men. The mos maiorum did not “collapse” or “disappear” from the Roman world, but the men of Rome ceased to hold the mos maiorum to the same degree of authority as they once had. The mores of the Romans lived on after the collapse of the Republic, though not important in the “politics” or “government” of the Romans.

With his unofficial army, Pompey thought himself deserving a triumph, which Sulla had refused to grant him. Despite the consuls (Pompey was a private citizen and held no command or imperium) Valerius and Horatius winning victories over three different peoples, they still felt verecundia in asking for a triumph. Pompey felt no such verecundia. Forces understood to be socially significant in the early Republic ceased to have enforcing properties in the late Republic, or the Romans would have attempted to correct Pompey’s “unregulated” behavior.

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143 Cicero, *De Re Publica* 5.1.2: mores enim ipsi interierunt virorum penuria....
144 The Romans distinguished between respected and virtuous men (viri) and “people,” either male or female (hominis); a man who was not a vir was a homo. This is a distinction that modern English does not make. The distinction between a man (a member of the male sex) and a man (a virtuous and honorable man) is a matter of emphasis (i.e., man vs. man).
Rome again would face the horrors of civil war, the breakdown of Republican balance, when Caesar crossed the Rubicon, violating the terms and boundaries of his authority. This is not to suggest that the collapse of the Republic was the single fault of Caesar, or Pompey, or Sulla, or Marius. The actions of those Romans were more byproducts of the struggling Republic, rather than the direct cause for the problems. Though they all certainly had their own faults and influences on the Republic, no one Roman was responsible for the disintegration of the Republican system. Rome got too big and the harmonious nature of the *mos maiorum*, with its limited scope, could not handle the new empire. A society without any need for physical force within a city is a powerful element and the fact that the Republic achieved so much and lasted so long is a testament to the resilience of its nature.

Still, as Barton writes:

That the Republic survived and flourished for so many centuries without a central peacekeeping force was due, above all, to the Roman “way,” the *disciplina Romana*, the *decorum*, the formalized and ritualized behaviors of the culture. The Roman way demanded a degree of mutual surveillance and inhibition that modern Americans might find only in an Orwellian nightmare or a maximum-security prison. But to understand Roman culture, one must understand that strictures of Roman tradition were also the necessary preconditions for the creating and existence of the Roman soul.

The Republic lasted so long because of the Roman adherence to the *mos maiorum*. Their traditions were paramount to the Roman existence, to the core of what “being Roman” meant. What those disciplinary forces were, which Barton has left unspecified, however, which allowed for the continuance of the Republic, were those forces which I have described herein. The *mos maiorum* allowed the Romans to live in relative harmony

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146 Plutarch, *Caesar* 32.6.
147 Barton, *Roman Honor*, p. 23.
with one another, with the interplay of the emotional forces of the likes of *religio*, *pudor*, and *verecundia*, in the city and need no central force to ensure that they did. This required mutual observation within the society to ensure that everyone was “playing by the rules.” In the same sense as Cicero’s take on why friendship was good for the Romans, the Romans needed to watch each other and know that they were being watched.

With the expansion of the Roman Empire and the growth of the city of Rome, Roman society changed over its history. This change brought new conflicts and new problems for the Republican system and the traditions of the Romans. In the end, the explicit issues of the Republic forced the Romans to change their way of life; in the end, the Republic’s implicit institutions failed to manage explicit realities (how could *religio* and shame deal with imperial problems?). This is not to suggest that the Romans forgot about the importance of the *mos maiorum*, but that it ceased to be the wall within which the Romans lived. Like Rome growing outside the sacred *pomerium*, the Romans grew outside the *mos maiorum*; their world became too large for their traditions to handle. Romans, however, like Livy or Cicero did not “forget” about the Roman traditions and the *mos maiorum* never fully dissipated (the words of these Roman authors cited above are proof enough of that). Without these implicit emotional restraints, without a way to bind the Romans to mutual actions and mutual surveillance of one another, without personal limitations on one’s actions, the Republican system could not function.

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148 The office of censor, for example, was an office in which the censors, in addition to taking a census, were, they were also “inspectors of public morality” and “empowered to brand with disgrace (*ignominia*) those who had been guilty of acts which, although not forbidden by any penal statute, were pronounced by the voice of society to be disgraceful in a Roman…” (Ramsay and Lanciani, *Roman Antiquities*, p. 203).
The “rules of the game” became meaningless in the late Republic. One might think of the early Rome like a game of pick-up basketball (in which the game is small and unregulated), where the Romans understood the unspecified “rules of the game” by which they all played. Of course, Romans of the early Republic “cheated” at the game; but when one or only a few people cheat, the rest of the players can correct the transgression and continue playing with little disorder. Throughout Roman history, with Rome acquiring more and more land and territory, more and more people entered into this small game, and with more and more people, came more and more stress from the players “cheating.” In the later Republic, when more and more Romans kept cheating, kept acting according to “their own rules,” the game seemed to lose its integrity. With so much confusion with respect to the rules (as more and more people, foreign and Roman alike, became integrated into the city and system), a sort of power vacuum was created where once the mos maiorum and these implicit restraining forces once reigned. In the vacuum of this system, after more civil wars between Antony and Octavian, arose a system of autocracy, where the Roman emperor was bound by nothing except his own will and ruled the Roman people through force and the army, rather than through a non-forceful system, like the Republic. It was not the case that these boundaries ceased after the establishment of the Roman Empire (in the same way that they were still present in the Roman Kingdom), but that Roman society encompassed more than it once had and needed a new system of enforcement. The system of the mos maiorum could not handle the new large-scale society of the Roman Empire.

A common theme which I have tried consistently to evoke for the Romans is that they were a restrictive people, a people "walled" in together. The Romans learned
through their culture that there were right and wrong actions and that certain emotional forces (*religio*, *pudor*, and *verecundia*) implicit within the *mos maiorum* facilitated their restrictive nature. This self-restriction must have been taxing on the Romans’ will; such rigid disciple must have been difficult to display perpetually. A relief from this rigid life, however, was the festival of the Saturnalia. In discussion the “inverted” Republic of the Saturnalia, Jerry Toner writes that during the festival:

> There was neither slavery nor private property and all men had everything in common. People wore the brightly coloured synthesis rather than the toga, and they donned the *pileus*, the felt cap of the freedman, to symbolize the licence of the occasion and the abolition of hierarchy.\(^{149}\)

The Saturnalia was the Roman world, the *mos maiorum*, turned upside down; a world in which for several days the *mos maiorum* and any order and structure that the Romans may have known became meaningless. After this festival, the Romans would resume the normal traditional order of the city until the next time the Saturnalia was to be celebrated.

In a society which was very concerned with proper action and proper institutions, to break from that tradition in festival must have been both exhilarating and terrifying. Hence why the Saturnalia only lasted a few days - too much chaos, and too much inversion would damage the regular system of restraint. This theme might also be applied to the collapse of the Republican system. The civil wars of the end of the Republic were like a perpetual Saturnalia, a perpetual inversion of the Roman way. The constant struggle for supremacy and equality (in the form of civil war) from leading Romans like Sulla and Marius, Pompey and Caesar, and Antony and Octavian unhinged the Roman psyche; the collective structure of the *mos maiorum*, in essence the Roman

soul, was thrown into perpetual Saturnalia. With no limits on the limitlessness of the Saturnalia, the Romans had no way or will to return to the order and structure of the Republic. Roman society did not end with the rise of a new Roman monarchy; Roman society continued. When Rome was a small city-state in central Italy, its traditions were enough to bind the people into cohesive action. The enforcing capacities of *religio* and *verecundia* were effective on a small, face-to-face civilization. When Rome outgrew the effectiveness of the *mos maiorum*, a new autocratic system maintained civil order. Where once the Romans viewed themselves to be free men, the Roman Empire made the Romans slaves.
Ancient Works Cited


Modern Works Cited


