THE FATHER OF HIS COUNTRY,
BEING A BRIEF STUDY OF THE INTERSECTION OF FATHERHOOD
AND THE
RHETORIC OF STATE POWER
IN THE
LATE REPUBLIC AND EARLY PRINCIPATE OF ROME

by

MARSHALL CALVIN BUCHANAN

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ABSTRACT

This thesis explores the intersection of the Roman conception of the state’s authority and the notion of fatherhood during the late Republic and early Principate. Its general conclusion is that the state’s authority in both periods was conceived of, in varying degrees, as patria potestas, which is the statutorily granted but legally unfettered power of the pater familias (Roman male head of household) over his dependents and property.

It draws this conclusion first by defining fatherhood primarily in terms of patria potestas. It then examines two key works of the Republican statesman Cicero. In his De Re Publica, Cicero proposes the state as a transcendent institution whose justification is the human capacity to use reason (ratio). But both in this work and in the later De Officiis, he also formulates an account of the state that links it to patria potestas. I term these two types of state the civic patria and natal patria respectively. The close association of the two models of statehood is exemplified by the title which Cicero coined in 63 B.C., ‘Pater Patriae’ (“father of the fatherland,” sometimes also ‘Parens Patriae,’ “parent of the fatherland”).

Prefatory to examining the state’s authority under the Principate, this thesis briefly considers the change in the relationship between state and family under the reign of Augustus. It finds that, from c. 23 B.C., the household of Augustus gradually became identical with the state, and Augustus ruled the empire as a pater familias with patria potestas.

Finally, taking Seneca as an imperial analog to Cicero, this thesis analyzes Seneca’s panegyrical and kingship treatise addressed to Nero, De Clementia. It finds that Seneca can portray the childless emperor as a father because his power as emperor is conceived as being one and the same with patria potestas. The emperor’s role as national pater familias defines his relation in three key areas: with the laws, the universal order, and his people.
Preface

This thesis is original, unpublished, independent work by the author, Marshall Calvin Buchanan.
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INTRODUCTION

The germ of this thesis was a brief paper I wrote as an undergraduate, about the passage in Tacitus’s Historiae in which Galba adopts Piso as his successor (Tac. Hist. 1.14–18). In Galba’s and Piso’s several speeches, I was struck that the stalwarts of Republican virtue should speak of the res publica (“the state”) in familial terms, and that Galba should see fit to use adoption as a means of transferring power. Why must Piso become Galba’s son? In attempting to answer this question, I sought precedent from the master Roman rhetorician, Cicero. From him, the trajectory of my study came to comprehend several other authors, Seneca foremost, and my original question was supplanted by a more general one: How did Romans conceive of the state’s authority, and how did it relate to their notions of fatherhood? Cicero (106–43 B.C.) and Seneca (d. A.D. 65), each being the most representative author of his period, quickly filled the prescribed scope of this study. With some regret, I leave an analysis of the passage in Tacitus’s Historiae for another time.

How Romans conceived of the state’s authority may be assumed to have varied by time, place, and individual. Notwithstanding, recurrent figures in the Roman discourse suggest certain underlying assumptions which those in power used and negotiated, whether they were describing the ideal state, as in Cicero’s De Re Publica, or were persuading their fellow subjects to accept subjugation, as in Seneca’s De Clementia. Among these figures, that of the father is prominent, both in these works and in Roman political discourse generally. The centrality of the title Pater Patriae (“Father of the Fatherland”) to the ethos of Marius, Caesar, Cicero, and Augustus, the acceptance or refusal of this title among all subsequent emperors, and moreover Jupiter’s portrayal as a universal father, the family’s worship of the father’s
genius, the senate’s origins as council of patres, all bespeak fatherhood as an essential ingredient in the depiction of legitimate authority among the Romans.

By examining De Re Publica, De Officiis, and De Clementia, with support from related works, as exemplars of Roman conceptions of statehood, I conclude that Romans in the late Republic and early Principate conceived of the state’s authority in essentially familial terms. Although W.K. Lacey made a similar, albeit tentative, observation of Roman notions of statehood in his chapter in Beryl Rawson’s The Family in Ancient Rome: New Perspectives, in 1986, few have expanded upon this topic in the intervening years, the exceptions being Beth Severy’s Augustus and the Family at the Birth of the Roman Empire (which, while citing others of Lacey’s publications, omits the aforementioned chapter) and Tom Stevenson’s studies of the title Pater Patriae, which make frequent reference to Severy. Lacey’s chapter offers four observations about patria potestas and imperium, generally equating the two, with support from various ancient sources, but he does not apply his observations to any works of political theory. It is that which I propose to do in this thesis.

Cicero and Seneca are the logical choices for illuminating the relation of fatherhood and the state. Not only are they our most prolific and influential Roman political theorists, but they were also themselves politicians who wrote both descriptively and prescriptively about the res publica. Their views reflected and shaped the actions of the state in their respective periods. Taken together, they allow us to trace the transition from the Republic to the Principate, from c. 63 B.C., when Cicero foiled the Catilinarian conspiracy and adopted the title Pater Patriae, to c. A.D. 60, when Seneca’s influence over Nero was in decline. I will argue that Cicero, writing at the ascendency of Pompey and Caesar, proposes a model of an ideal res publica whose value transcends the bonds of kinship, but that he still derives this model from the
family and implicitly distinguishes between what I call the civic and natal *patria*.\(^1\) Seneca, writing with the Principate firmly established, articulates imperial authority in the same terms as *patria potestas*, and thereby justifies the emperor’s extensive powers even against the potential Republican sympathies of some in the senate. Roman fatherhood in particular may be connected with the state’s authority, I believe, because of the unique status which *patria potestas* conferred upon it. The figure of the father was not, in my view, merely a justification for political authority; political authority was understood largely by the metaphor of *patria potestas*. Moreover, the invocation of the *pater familias* in Cicero and Seneca is not to be dismissed as mere propaganda. For an idea to be successfully propagated, after all, even in the extreme case when it is founded upon pure deception, that idea must be consonant with accepted truths. Whatever Cicero’s, Seneca’s, and their successors’ political or moral objectives in equating leader and father, that equation can only have been effective if the audience felt it in some significant way to be true. While it exceeds the scope of this thesis to offer extensive evidence for the reaction of much of the public to the paternal portrayal, I believe that its persistence over the centuries bespeaks a significance profounder than the sleight of hand of a few dissembling apologists. It is not a rhetorical fiction, but a rhetorical pose founded on a social reality.

A clearer understanding of the Roman conception of the state’s authority and its intersection with fatherhood offers three advancements for future scholarship: First, it brings social history to bear upon political history to produce new insights. The abundance of political histories of Rome over the last two millennia has not offered adequate explanation for the self-portrayal of Roman rulers at critical junctures in Roman history. Making connections between social and political history helps to offer a rational explanation for these self-

\(^1\) I am much indebted to my adviser, Dr. Susanna Braund, for suggesting these terms to me.
portrayals, increases the relevance of each field to the other, and provides a more nuanced picture of the ancient world. Second, it offers a new way of reading Roman political philosophy. To my knowledge, Cicero’s dual conception of the patria has not been noted elsewhere. Similarly new observations may be made about the works of other Roman historians and politicians. The narratives, exempla, and sententiae of Sallust, Livy, Velleius Paterculus, Appian, Cassius Dio, and of course Tacitus may show new facets in light of paternalistic authority. Finally, although it is not exclusive to Classical studies, a more lucid appreciation of the relation between social structures and government can inform our understanding of how historical and modern states articulate and justify their power to their subjects and citizens.

Definition of Terms

One ought to be vigilant when the key word of a study has no direct correspondent in the ancient sources. “Fatherhood,” if taken in the sense given by the Oxford English Dictionary, of “the attribute of being a father” or “the relation of a father to a child,” has no precise Latin equivalent. ‘Paternitas,’ which one might expect, does not appear in the Classical sources. If we are to seek an English term for the underlying Roman idea both of a father’s power and of the responsibility it entailed, it is best simply to use the Latin: patria potestas (“fatherly power”), which was the defining characteristic both of the pater familias and, by extension, of Roman society at large.

2 In Lacey’s (1986), 123, argument, Roman law’s “orientation towards patria potestas” implies “a structure of society in which wide discretionary powers are put in the hands of individuals, and society is seen as a nexus of patres and their dependents rather than as a nexus of equals linked together in groups based on kinship real or imaginary.”
Roman father, especially those aspects entailed by *patria potestas*, which will be described in greater detail below.

Additionally, the Roman conception of the state may be confused by the modern understanding of that term as an impersonal civic institution. “The state” is the usual English translation of *res publica*, which in Latin means literally “the public property,” or, more archaically, “the commonwealth.” *Res publica* denoted the state under both the Republic and the Principate. Wirszubski, however, offers an astute caution: “The fact that the Romans continued to call their State res publica under the Empire does not by itself prove that res publica meant simply State, in the modern sense,” and elucidates his point with a quotation from the *Historia Augusta*’s life of Hadrian: *Et in contione et in senatu saepe dixit [Hadrianus] ita se rem publicam gesturum ut sciret populi rem esse non propriam* (“Hadrian often said both in popular assembly and in the senate that he would manage the commonwealth so that one would know that it was not his own property, but the people’s,”3 S.H.A. Hadr. 8.3).4 In a Roman context, therefore, the state, when standing for *res publica*, indicates the Roman assumption that those in power govern for the public good, regardless of the structure of the governing apparatus. Modern assumptions of bureaucratic government are not irrelevant, but are to be suspended in the absence of specific evidence. Assuming that my readers will henceforward be mindful in their understanding, I use ‘state’ and ‘*res publica*’ interchangeably. *Patria*, however, an abstract noun from Latin *pater*, will be treated separately in the chapter on Cicero, and will be translated consistently as “fatherland.”

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3 All translations, unless otherwise noted, are my own.
4 Wirszubski (1950), 121 n.4. I am aware of the controversy surrounding the *Historia Augusta*, on which Syme in particular has written so prolifically, and whose argument I find generally convincing. Regardless of the authors’ motives, the present statement, even put in Hadrian’s mouth, is consistent with Cicero’s and Seneca’s descriptions of *res publica*, and indeed with the convictions of the so-called ‘Republican’ camp from Asinius Pollio onward. See Raaflaub and Samons II (1990), 437–39.
With the recurrent terms of the study defined, it remains now to explain the characteristics and connotations of the Roman *pater*. While many others have described the structure of the Roman family, usually starting from the *familia*, I attempt to do so beginning with the father.

**The Pater in the Late Roman Republic and Early Principate**

Strictly, *pater* refers only to the male begetter of children, over whom the *pater* may or may not hold *patria potestas*; *pater familias* refers to a male with a range of legal powers, notably *patria potestas*, over certain prescribed persons. Since one may hold *patria potestas* over others than his children, he may be a *pater familias* without being a *pater*, and, if one’s own *pater familias* is still alive, he may be a *pater* without being a *pater familias*. A free man becomes a *pater familias* when his own *pater familias* either dies or emancipates him. The Roman notion of the father, therefore, is not necessarily defined as the begetter of children, but as the *pater familias* endowed with *patria potestas* over his *familia*. The *familia* of which he was head included unemancipated descendants, adoptees, wife (if *in manu*, which was rare by Cicero’s time, while a wife *sine manu* remained in the *familia* of her *pater familias*), slaves, and property. *Familia* is not to be equated with the nuclear family, which was either vaguely denoted by *domus*, which possesses a broad range of other meanings, or else with *uxor liberique* and similar periphrases.

*Patria potestas* was the legally conferred but, especially in the Republic and early Principate, largely unrestricted power of the *pater familias* over the property, persons, and

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5 The following, highly compressed account of the *pater*, *pater familias*, *familia*, and *patria potestas* is drawn principally from Crook (1967), with elucidation from Treggiari (1991); Saller (1994), 74–101 and 102–5; Saller (1997); Lacey (1986); Dixon (1991), 2–5 and 36–37; Nisbet (1964), and Westbrook (1999). Treggiari covers almost every aspect of the *pater familias*, although not under a single heading. Saller (1997) contains a useful review of the legal and literary sources for the term *pater familias*.

spiritual welfare of his *familia*. The uniquely Roman features of these powers were that they were conferred for life and that they entailed the *vitae necisque potestas* (“power of life and death”), or the power to kill any member of his *familia*, whether in exposing an unwanted infant or punishing a grown son or daughter. Hence the *pater familias*’s power persisted even after his children reached adulthood. His permission was required to acquire property or form a marriage, and, in our period, he could dissolve his children’s marriages at will (he could not, however, coerce marriage). With increasing limitation throughout the Principate and Dominate, he could dispose of property as he would.7

The extensive power of the *pater familias* was notable in the ancient world, and it earned comment from contemporary Greek writers, usually in terms of its severity. Dionysius of Halicarnassus remarked in the mid first century B.C. on the extraordinary powers that Romulus had granted to Roman fathers (2.26.4).8 The Romans themselves were aware of their uniqueness in this behalf, as the jurist Gaius asserts, in the second century A.D., that *fere nulli alii sunt homines qui talem in filios habent potestatem qualem nos habemus* (“Almost no one else has such expansive power over their children as we have,” *Inst.* 1.55). Athens was the usual comparandum, where the father was, in part, co-owner of property with his wife, and where the children came of age without emancipation and could own property while their father was still alive.9 Even Sparta had no similar institution.10 The distinctive eminence of the Roman father’s *patria potestas* both marks the father as a figure of especial importance in Roman society and calls into question his social and literary connotations.

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7 Westbrook (1996), 206; Treggiari (1991), 460; Evans-Grubbs (2005), while concerned to describe the Roman family of the second century A.D. onward, provides a useful synopsis of the direction of later Roman law, which became ever more restrictive of *patria potestas*, 99–102.
8 Qtd. in Saller (1994), 102.
9 Crook (1967), 1.
10 Lacey (1986), 121.
Because the *pater familias* was notable for his theoretical lack of legal restriction, it is not surprising that stories exemplifying this feature of Roman fatherhood gained currency as stereotypes among non-Romans, both contemporary and modern. These received stereotypes, however, fail not only to reflect the reality of *patria potestas* as a socially limited power, but also to convey the connotations that the *pater familias* elicited in a Roman audience. Indeed, as Roller demonstrates, “The famous exemplary accounts of severe fathers who kill their adult sons for some transgression—accounts that may be thought to show the stark legal power differential actualized in practice—represent not typical attitudes and behaviors, but extreme ones that occur under extraordinary circumstances; these exempla are striking precisely because they presuppose and engage a widespread social expectation that fathers will favor and nurture their sons.”

In effect, a *pater familias* faced a serious limitation to his exercise of *patria potestas*: the potential disapprobation of his peers. A *pater familias* had to consult frequently with other *patres familias*. As Crook observes, “At every period of Rome the *paterfamilias* was hedged about by sanctions of great effect, some legal and some not—the power, in fact, of public opinion. *Auctoritas*, publicly accepted standing, or *dignitas*, was the dearest prize, and it depended on fulfilling the demands of *officium* and *pietas*. Failure to measure up to these demands and standards involved *infamia*, which came to have quite precise legal effects...”

The social expectation of virtuous behavior explains the *pater familias*’s customary deference to the advice of a *domesticum consilium* or *privatum consilium*. These *consilia* had no legal standing, but were convened *ad hoc* and comprised “whomever the *paterfamilias* summoned on a particular occasion, people whom he considered

12 Crook (1967), 118–19.
appropriate and who were available,” including relatives and *amici* (“friends” bound to one by the complex terms of patronage),¹⁴ themselves most likely also *patres familia*.¹⁵ He was not legally obligated to accept their advice, even on a majority vote, but, before any decision of great import to the *familia* (excepting those of property, in which *pater familias* might act with little or no consultation),¹⁶ he was expected to seek their counsel.¹⁷ Failure to consult with a *consilium* before an important decision at least detracted from a *pater familias*’s *dignitas* and *fides*, and could lead to serious repercussions.¹⁸

The ‘soft’ restrictions of *patria potestas* are in accord with the more affectionate image of the *pater familias* argued above by Roller and the sources he cites.¹⁹ In fact, the *pater familias*’s potential to act tyrannically made it all the more important to maintain a distinction between the *pater* and the tyrant. In his chapters on *pietas* and corporal punishment, Saller demonstrates that the inclusion of both children and slaves in the *pater familias*’s *familia* engendered a carefully maintained distinction between *pater familias* as father to his children and *dominus* (“master”) to his slaves. Hence *pietas* required restraint towards children, while beatings and whippings were reserved for slaves.²⁰ In the political realm, the emperors

¹⁴ On the *amicus*’s ambiguous significance in the context of patronage, see Saller (1982), 11–15.
¹⁵ Treggiari (1991), 265–66. She dismisses, 266–67, the argument proposed by Alan Watson, *Rome of the XII Tables: Persons and Property* (Princeton: U.P., 1975), 44, that there were occasions when family *consilia* had legal status. That the *amici* were themselves *patres familias*, Treggiari cites Sen. *Clem*. 1.15 and V. Max. 2.9.2, besides evidence from domestic tribunals. See 266 n.20.
¹⁶ Crook (1967), 119.
¹⁷ Treggiari (1991), 266.
¹⁸ Lacey (1986), 137–40, cites early examples of the *consilium* from V. Max. 5.8.2 and 5.9.1.
¹⁹ The fond image of the Roman father is memorably evoked at Lucr. 3.894–96, when a man mourns that, in death,

> *Iam iam non domus accipiet te laeta neque uxor optima, nec dulces occurrent oscula nati praeripere et tacita pectus dulcedine tangent.*

[“No longer will your joyous home welcome you, nor will your excellent wife, nor will your sweet children run up to you to steal the first kiss and touch your heart with untold sweetness.”]

See also Cic. *Dom.* 96 for a roughly contemporary account in prose of a father’s missing his family and home.

themselves took an interest in ensuring *pietas* between parents and children and *concordia* (“harmony,” the ideal quality of marriage)\(^2\) between husband and wife, both of which they promoted in iconography and imperial rescripts.\(^2\) The state’s interest in these familial values will become particularly pronounced, as will be shown below, under Augustus.

\(^2\) Treggiari’s (1991) exhaustive chapter on “Coniugalis Amor” identifies *concordia* as the ideal of Roman marriage, providing for co-operation between husband (even a *pater familias*) and wife, 251–53.\(^2\) Evans-Grubbs (2005), 127. See also Westbrook (1999), 206, who cites *Cod. Theod.* 9.13.1: *nam patria potestas in pietate debet, non atrocitate consistere* (“For patria potestas must stand on properly paternal feeling, not on cruelty”). The close intersection of the political and familial realms is also apparent in the expectation that a Roman father would oversee his son’s entry into politics. Statius’s *Silvae* 5.2 recounts that the emperor Domitian acted as surrogate to the fatherless noble youth Crispinus, protecting him both bodily and professionally. See Bernstein (2009), 247–49.
CHAPTER ONE

Cicero, the Father of Two Fatherlands

Fatherhood, as a trope of Roman rhetoric about the state in the late Republic and early Principate, and as a theme in the life and works of the most vociferous figure of this crucial period, has attracted only sporadic interest across the past century. Cicero, who in 63 B.C. adopted the evocative honorific of highest patriotism, *Pater Patriae* (“father of the fatherland”), which Augustus himself would later accept as the crowning achievement of his long reign, had inaugurated his political career with his defense of accused parricide, Roscius. He would end his life betrayed by the young future emperor who had called him father. He surpassed his contemporaries in the magnitude and mastery of his expositions on civic duty and the ideal state. He was, moreover, one of the last Romans who at the helm of state could both formulate his ideas with liberty and act upon them. Advanced by an autocrat, spurned by the Republicans whose cause he lauded, he aligned his policy with the interests of the aristocracy. As statesman, rhetorician, philosopher, lawyer, and as husband, father, and friend and ally of the leading figures of his time, he embodies the intersection of notions of

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23 The most prolific recent authority is Tom R. Stevenson, whose articles and forthcoming book on the title *Pater Patriae* appear in the bibliography. Andreas Alföldi wrote extensively on the topic from the 'thirties through the 'fifties. See also Severy (2003), 158–65; Roller (2001), 244–46; Weinstock (1976), 200–5.

24 *Pater Patriae* was the title conferred on Cicero in 63, although he often used the term *Parens Patriae*; J. Caesar accepted the title *Parens Patriae* in 45 or 44; Weinstock (1976), 201, prefers the earlier date; Augustus accepted the title *Pater Patriae* in 2 B.C. On the difference between the two terms’ associations, see Severy (2003), 158–61 and 181; and Saller (1994), 158. ‘Parens’ predominated in the late Republic. Severy (2003) collects the following instances for *parens*: Cic. *Rep.* 1.64, 2.47, *Orat.* 3.1.3, *Dom.* 35, 94, *Q. fr.* 1.1.31, *Att.* 9.10.3 (incomplete); Hor. *Od.* 3.25.27–29, Liv. 2.60.3, 4.42.3, 22.30.2–4; RIC 296; for *pater*, Cic. *Sest.* 121, Hor. *Od.* 1.2.50. Cic. uses both, of Marius, at *Rab. Perd.* 27. Briefly put, the familial associations of *pater* are stronger than that of *parens*, whose connotations were with benefaction. See also Stevenson (2009), 97 and 103. Unless otherwise indicated, all translations are my own.

25 *RG* 35. See Stevenson (2009), 103, for discussion about dating the *RG*, which has bearing on whether we may call the conferral of the title the “ultimate” honor, although Augustus would not die until A.D. 14.

statehood and of fatherhood and traces in his works their reconfiguration from the Republic to the Principate.

1. The Natal and Civic Patria

Cicero’s definitions of the state acquired nuance across the four decades of his career, but, as I observe, he ultimately postulated two essentially different models. He depicts his dual configuration of statehood most directly in a passage from his final dialogue, De Legibus, where, in the course of describing the legal arrangement of the ideal republic (Leg. 1.37), he affirms his native town of Arpinum as his fatherland (patria), distinguishing it from his second fatherland, Rome. His friend and colleague Atticus asks him whether a person can then have two fatherlands. Cicero’s reply is worth quoting at length:

_Ego mehercule et illi [sc. Catoni] et omnibus municipibus duas esse censeo patrias, unam naturae, alteram civitatis, ut ille Cato, cum esset Tusculi natus, in populi Romani civitatem susceput est; ita, cum ortu Tusculanous esset, civitate Romanus, habuit alteram loci patriam, alteram iuris…… Sic nos et eam patriam ducimus, ubi nati, et illam, a qua excepti sumus. Sed necesse est caritate eam praestare, qua rei publicae nomen universae civitatis est; pro qua mori et cui nos totos dedere et in qua nostra omnia ponere et quasi consecrare debemus. Dulcis autem non multo secus est ea, quae genuit, quam illa, quae exceptit. Itaque ego hanc meam esse patriam prorsus numquam negabo, dum illa sit maior, haec in ea contineatur…. [lacuna](Leg. 2.5)._

[Truly I believe that both he (sc., Cato) and all people from the townships have two fatherlands, one by nature, the other by citizenship. Thus Cato, though a native of Tusculum, was adopted into the citizenship of Rome. Therefore, since a Tusculan by birth and a Roman by citizenship, he had one fatherland in terms of locality, another by law…… In this way, we consider both where we were born and where we were adopted to be our fatherland. But that fatherland in which the state’s name entails universal citizenship must come first in our affection. We must be willing to die for this fatherland, and devote ourselves utterly to it and to give and, so to speak, to consecrate all that is ours to it. But the fatherland which fathered us cannot be less dear to us than the one which adopted us. And thus I shall never deny that this land here]

27 The _Thesaurus Linguae Latinae_ (1990), s.v. ‘patrius’ traces patria’s etymology to the adjective patrius, -a, -um, uncommon outside of compounds such as patria potestas. Patria -ae is a f. for the subst., referring generally to something inherited from the father, which in its broader sense may to one’s place of origin, the magnitude of which, as the Latin commentators and its multitudinous senses tell us, may comprehend anything as small as an individual house or as large as the Roman empire. At bottom, it is the place, as Cicero tells us, which gives birth to you. It is up to the speaker to define the extent of that place.
[sc., Arpinum] is my fatherland, even while that other fatherland is greater and contains this one.]

‘Patria,’ according to Cicero, may be used to refer to either of two kinds of fatherland, whether the town of one’s birth or a far more encompassing entity such as Rome. For the ‘Rome’ to which Cicero refers is in this case not simply one city which has replaced Arpinum as his home, but is an entity of potentially universal affiliation (universa civitas), of which one might become participant regardless of birth-place, and to which one is bound not by accident, but at least in some measure by choice.28 Although ‘Rome’ was to some degree bound to its concrete instantiation in the city itself, its notional significance is, as the passage suggests, of a different order from one’s ‘natural’ fatherland. Since Cicero’s terminology is not perfectly consistent throughout his works, I will for the sake of clarity refer to the fatherland “by nature” as the ‘natal patria,’ and that “by citizenship” as the ‘civic patria.’

Analytically, while the passage from De Legibus provides two broad terms for defining the fatherland, neither it nor the rest of the dialogue suffice to explicate their correspondences and differences. Moreover, even in terms of the affective significance of the two patriae, it seems that Cicero is ambivalent, for while the civic patria is clearly the object of very strong emotion, even religious adoration (consecrare), it is after all the natal patria which is one’s parent, and which demands one’s irrefragable allegiance by natura. The relation between the two fatherlands remains unclear, as does the categorical value of fatherhood.

The question may now be framed more clearly: What are the civic and natal patriae, and how were they significant in Cicero’s political discourse? I propose an answer by referring, with minor supplementation and corroboration from his orations, letters, and other treatises, to

28 Ando (2000), building on Gibbon, argues throughout his work for the charisma of the Roman identity even in the provinces. At 305–6, he sketches the increasing universalization of Roman history throughout Italy, and proceeds to apply a similar process to some non-Latin provinces.
two of his works, *De Re Publica* and *De Officiis*. The former he wrote over roughly four years, before the dictatorship of Caesar, when hope remained for preserving and perfecting the senate’s authority; the latter he rapidly composed near his life’s end, when he could more clearly differentiate the old ideals of the republican state from the new realities of autocracy. The two works complement one another in their depictions of the history of the state and of the characteristics of good governance. In the years intervening their composition, Cicero moved from articulating state and family as ideally two separate entities derived from two distinct rationales in *De Re Publica*, to elaborating their closer interconnection in *De Officiis*. In the earlier work, he posits an ideal state—a civic *patria*—derived from a higher criterion than pure *natura*; in the later, as will be shown, when senatorial power appeared in greatest jeopardy, he appears instead to extend the model of the natal *patria* into the province of the civic. He had anticipated this development in his conferral of paternalistic honors upon himself, most visibly in the adoption of the title *Pater Patriae*, in 63 B.C.

**II. De Re Publica**

By the mid 50’s B.C., Cicero had seen the violent successions of Marius, Sulla, and the first triumvirate. With abundant knowledge both of the practical and theoretical sides of statecraft, he elected to write *de optimo statu civitatis et de optimo cive* (“on the ideal state and on the ideal citizen,” Cic. *Qu.Fr.* 3 5.1, 14; *Rep.* 1.33). This was the subject of *De Re Publica*, written in the years 54 through 51—the longest time he spent on any of his works, and the product of exacting, original, and laborious attention.  

29 It is his second dialogue, after *De Oratore*, and

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29 How (1930), 25.
with *De Legibus* it is held to form a trilogy on political philosophy.\(^{30}\) *De Re Publica* features Scipio Aemilianus, his friend and associate Laelius, and others conversing in their few days’ leisure during the heightened tensions following Tiberius Gracchus’s assassination, in 129 B.C. It was only days before Scipio’s death would inaugurate decades of violence. Scipio himself is foremost among the interlocutors, and there is little distance between his voice and Cicero’s, who at a friend’s behest had considered resetting the work in his own time and replacing Scipio with himself.\(^{31}\) While the work is fragmentary, it allows some firm conclusions to be drawn about the nature of *res publica* at this critical juncture in Roman history.\(^{32}\) The dialogue touches upon the state’s relation to conceptions of fatherhood, and it develops three themes which would be further refined in *De Officiis*: the state’s relationship to nature, which is in turn connected to family; the association of kingship and fatherhood; and the *rector* as the ideal statesman whose legitimacy is not purely *natura*, but *ratio*. There is tension throughout the work between the state as patterned on family and the state as motivated by higher ideals of reason, which will be addressed more directly in *De Officiis*. These themes anticipated the marriage of a rhetoric of autocracy and conceptions of fatherhood that would emerge under Augustus.

Scipio’s verdict on the *optimus status civitatis* is delivered early in the dialogue, whose preliminary synopsis of the ideal forms of the *tres modi rerum publicarum* (“three types of state”) and their degenerate forms (Rep. 1.43 and 69) concludes with Laelius’s bidding Scipio choose the best ideal type. Scipio praises kingship as the best of the pure forms, but names the true best as a mixture of the three ideal types in a *permixta conformatio* (“mixed constitution,”

\(^{30}\) Zarecki (2014), 46.

\(^{31}\) Cic. *Att.* 4.16.2; *Qu.Fr.* 3.5.1.

\(^{32}\) Surviving are the incomplete first, second, and third books, the partial fourth and fifth, and the largely intact sixth.
Unlike the republic described by Plato’s Socrates, this ideal need not be sought in the conjectures of a philosopher, but is an historical actuality, namely, the Roman state. For Cicero, therefore, the defining precedents of the ideal state, and the model which he would have his contemporaries imitate and which he has Scipio narrate at length in the second book of the dialogue, are to be found in Rome’s early history.

In his retrospective tendencies as a philosopher and his admiration for the supposedly concrete precedent of the past ideal, Cicero was a staunch conservative. His historical accounts of the early monarchy and Republic, as Schofield notes, constitute a systematic attempt to provide a rational legitimacy of the state. Cicero derives this legitimacy, I argue, ultimately from nature, but by an argument unlike that in De Officiis. De Re Publica is not concerned to offer, as in Aristotle’s Politics, a comprehensive account of the state’s origins; rather, at the beginning of the discourse proper, after a preliminary discussion of the appearance of a false sun, is Scipio’s definition of the term res publica at 1.39, that it is identical with the res populi (“the property of the people”), and that the populus is a coetus multitudinis iuris consensu et utilitatis communione sociatus (“a gathering of the masses joined by a common sense of the law and by common benefit”). This definition, however, is provisional, and it is much elaborated throughout their subsequent discussion. It transpires that while the consensus iuris and utilitatis communio motivate the formation of states, they are not the ultimate motives. Nor, says Cicero, is it individual imbecillitas, or weakness, which

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33 E.g., Cic. Rep. 4.2, Quam commode ordines discr ipti, ac etates, classes, equitatus, in quo suffragia sunt etiam senatus, nimis multis iam stulte hanc utilitatem tolli cupientibus (‘‘The orders are arranged so nicely, the ages, the classes, the equestrians (among whom are the senators’ votes), for too many now who foolishly desire to be rid of this great convenience…’’). Cf. Syme (1939), ‘‘In so far as Cicero had a political programme, he advocated the existing order, reformed a little by a return to ancient practices, but not changed, namely the firm concord of the propertied classes and the traditional distinction in function and standing between the different classes of society,’’ 319. Cicero famously termed this arrangement the concordia ordinum.

34 Schofield (1995), 82.
prompts people to subordinate themselves to the law and form communities, but the natural gregariousness of the species (naturalis quaedam hominum congregatio, 1.39). Nature is thus the uniting impetus for humans, who then maintain their peaceable intercourse at once from a common sense of justice and from a calculation of the personal benefits of civilization.

The common sense of justice that maintains the three types of state which may be called res publica—kingship, aristocracy, and democracy (regnum, civitas optimatium, and civitas popularis, Rep. 1.42)—is enshrined in the laws. Less abstractly, unity is maintained by the fruits of a bona res publica (a “good republic,” or a “republic in good condition”). These fruits, as described in the surviving fragments of the fifth book, are those which characterize the welfare of the Roman family, such as lawful marriages, legitimate children, and homes consecrated to the familial Lares and Penates, ut omnes et communibus commodis et suis uterentur (“so that all may enjoy both the common advantage and his own,” 5.7). Unlike a Lycurcan constitution, which the interlocutors disparage in 4.5–6, a good republic does not categorically supersede familial relations, nor do familial affections alone congregate people into states. The type of gathering that produces states is in this account simply human nature. Family and res publica are distinct entities, and the one is not to be reduced to the other. The republic is not a congeries of nuclear families, nor an extended family, nor are families microcosmic republics. But the distinctions between the family and state fade when one speaks not of familial or collective welfare, but of the exercise of power: the fewer the possessors of power in the bona res publica (again, a bona res publica entails the legitimate exercise of authority), the more paternal their authority becomes, and hence the greater the connection between a state’s legitimacy and the cultural associations of fatherhood. Rule by the plebs

35 Cf. Glaucon’s and Adeimantus’s interpretation of the ring of Gyges, in Plato Resp. 2.359a and 362e-363a.
unleashes anarchy, but the aristocrats, even in their decadent form as oligarchs, are *patres*, and the king is like a father to the people (*ocurrît nomen quasi patrium regis*, 1.54).

Kingship, says Scipio, is the best *res publica* when good and worst when bad (*Rep.* 1.65). In the course of his synopsis of the fall of Tarquins, he borrows the Greek distinction between the king (*rex*) and the tyrant (*tyrannus* or *dominus*), noting that the former is good precisely in his likeness to a father beloved by his children, the subjects: *Nam regem illum volunt* [sc., *Graeci*] *esse, qui consulit ut pârens populo conservatque eos, quibus est praepositus* (“For [the Greeks] will hold that man to be a king who looks after his people as a parent and protects those whom he rules,” 2.47).\(^\text{36}\) The pattern of king as father has earliest precedence for Rome, for Romulus himself was both king and national father, with *pater* as one of his epithets.\(^\text{37}\) Scipio remarks that, after Titus Tatius’s death, the senatorial advisers, too, are referred to as *Patres* from the affection that the people feel for them.\(^\text{38}\) Moreover, the king’s legitimacy is no longer derived simply from the benefit he confers on the *populus*, but from the affection which his people feel for him as for a father (1.54–55). The *populus* follows him, as do children their father, *propter oboediendi facilitatem* (“from their readiness to obey,” 3.38). In the work’s present fragmentary form, 1.54 contains the first reference to natural affection as a basis for authority, as opposed to the *iustitia* or *mores* emphasized earlier, and it both recognizes a second source of legitimacy and indicates that the *res publica* does not entail by its nature either that the people hold power or that their common sense of justice need necessarily be

\(^{36}\) Such a likeness has extensive analogs, if not roots, in the Hellenic world, *e.g.* Xenophon’s *Cyropaedia* 1.6.20–1, 8.1.1–5, 44; 8.2.7–9.

\(^{37}\) Cic., qtg. Ennius, in *Rep.* 1.64.

\(^{38}\) Cic. *Rep.* 2.14, [sc., Romulus] *in regium consilium delegerat principes, qui appellati sunt propter caritatem patres* (“[Romulus] had chosen the most eminent men to form the royal council. These men were called ‘fathers’ from the affection felt for them’

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codified. The ideal is clearly for the preservation of the public good by common consent, but familial affection remains as an alternative and less ideal source of the state’s legitimacy.

The paternal benevolence of the king, however, is far from guaranteed, and eventually a kingship, in which succession is subject to chance and the whims of one man, will become a tyranny (Rep. 1.50). Scipio’s true preference is for the permixta conformatio, whose balance would be maintained by an eminent citizen of a political type as central to Cicero as the philosopher king to Plato. The rector, first named at 2.51, who is the optimus civis (“best citizen”), defined above all by the following qualities, which Zarecki compiles: besides being bonus (“good”) and sapiens (“wise”), he possesses dignitas and utilitas, and is likened mainly to a tutor (primarily a legal term denoting a guardian) and procurator (the administrator of an estate), and is equated with the older metaphor of the great statesman as gubernator (“helmsman”).

His duty is to maintain concordia (2.69), a political formulation of Cicero’s creation which Syme paraphrased as “an alliance of interest and sentiment to combat the forces of dissolution represented by the army-commanders and their political agents.” The alliance, especially between the senatorial and equestrian orders, consisted in the primacy of the senate’s auctoritas, i.e. its perceived right to rule. The preservation of concordia is not necessarily the work of a single rector at one time, but may be sustained by many at once. It seems that the exempla Cicero will likely have cited in De Re Publica have been lost in the

39 Zarecki (2014), 81.
40 Syme (1939), 364.
41 Cicero, in 60 B.C., lamenting the discord surrounding the Bona Dea scandal of 62, emphasizes the importance of the Senate and equestrians: facto senatus consulto de ambitu, de iudiciis nulla lex perlata, exagitatus senatus, alienati equites Romanii. Sic ille annus duo firmamenta rei publicae per me umum constituta eventit; nam et senatus auctoritate abiecit et ordinum concordiam diuuxit (“A senatorial decree against bribery was passed, but no law was enacted, as the Senate was too disordered, the equestrians alienated. Thus that year overturned two foundations of the Republic which I myself had laid, for it undermined the Senate’s authority and disrupted the concord of the orders,” ad Att. 1.18.3).
42 Zarecki (2014). 86.
But the metaphor survives of the *rector* as *vilicus*, or overseer of an estate. He is subservient to the republic as a *vilicus* is to an estate, and his primary duty, is, like the *vilicus*, to maintain the institution of private property, the absence of which is one of the conditions of tyranny. The *rector* derives legitimacy not from filial affection, but from his own willing sacrifice to the higher ideal of the republic. His concern, unlike the king’s, is to maintain not just the common weal as a father, but the *concordia ordinum* as a servant. It is worth noting, however, that the same passage appears to suggest the close connection that even the *rector*’s responsibilities have with fatherly duty. In a fragmentary passage preserved of book five, preceding the above, likely describing the *rector*, Scipio says…

The usefulness of the analogy of the father would increase with the volatility of the senate’s authority. Cicero, disillusioned with Pompey after his autocratic sole third consulship of 52 B.C., could no longer solace himself with the hope that the Republic would be saved in the eleventh hour by the *rector*’s strict application of civic virtue, as it had been during his own consulship in 63, when he restored *concordia* to the republic. The alternative to the civic virtues, in Cicero’s adaptable configuration of the state, was to employ the natural affection of the family in place of the reasoned virtue of the *rector*. The state’s derivation from nature has been seen to be partial: *Natura* is source both of the gregariousness that first draws people into

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43 *Ibid.*, cites de Orat. 1.211 as specifying historical *rectores*, namely Tiberius Gracchus *pater*, Quintus Metellus, Publius Africanus, and Gaius Laelius *et innumberabilis alios cum ex nostra civitate tum ex ceteris* (“and numberless others both from our state and from others”). Zetzel (1998), 216, remarks that, after the *rectores* L. Brutus (2.46) and Valerius Publicola (2.53), L. Valerius Potitus and M. Horatius Barbatus (2.54), the names lost in the lacunae would likely continue to Scipio’s day (n. 51.3). Roman history was replete with *rectores*.
44 Nelsestuen (2014), 168.
45 Syme (1939), 137.
communities and the paternal affection which justifies a king’s monarchic rule over his people. The objective of *De Re Publica*, though, is to propose the *rector* as the ideal statesman whose legitimacy is not purely in the realm *natura*, but who rules by *ratio*. The tension between the state as patterned on family and the state as motivated by higher ideals of reason will be explicated further in *De Officiis*.

III. *De Officiis*

Cicero’s philosophical *magnum opus*, addressed to his son and written near the violent end of his life, redresses several of the key omissions of *De Re Publica*. Where Scipio would pass over a discussion of the beginnings of the state, Cicero, in his own voice, now summarizes them; where *natura* first prompted people both to interaction and to public service, it is now more explicitly contrasted with *ratio*, or reason, each having a different role to play in constituting society. Whereas *De Re Publica* was completed amid the disappointment of Pompey’s sole consulship in 52, *De Officiis* comes after both the failure of the *populus* to rally to the defense of the republic in 49, and the disastrous assassination of Caesar, in 44. These national calamities, coupled with the personal calamity of his daughter’s, Tullia’s, death in childbirth, prompted Cicero to a period of prolonged introspection and prolific literary composition. It may therefore be viewed as a more ‘realistic’ program, intended to guide an

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46 Syme (1939), 49.
47 E. Rawson (1975), 225. Servius Sulpicius, on Tullia’s death, attempted to console Cicero, advising him (*ad fam.* 4.5): Cogita quem ad modum adhuc fortuna nobiscum egerit: ea nobis erepta esse, quae hominibus non minus quam liberi cara esse debent, patriam honestatem dignitatem honores omnes (“Think how fortune has been treating us. Those things which should be no less dear to people than their children have been torn away from us: fatherland, honor, respectable status, all our distinctions”), and, even more tellingly, *Denique, quoniam in eam fortunam devenimus ut etiam huic rei nobis servendum sit, noli committere ut quisquam te putet non tam filiam quam rei publicae temporae et aliorum victoriam lugere* (“Finally, since we have so fallen upon this ill fortune that we must be cautious even in such a matter as this, I advise you not to act in such a way that anyone should think you mourn more for your daughter than for these times in the republic and for the victory of others [sc., the
individual toward self-improvement. The earlier optimism for the Republic restored by comprehensive imitation of a historical model had faded. *De Officiis* is, so to speak, a handbook for a potential *rector*, which explains and illustrates its points with historical *exempla* to dissuade him from tyrannical excess. Although it is not a disquisition on statehood, it introduces a nuanced, alternative account of the state’s origins.

The respective bonds of king and *rector* with the *populus*, suggested by the attributions of fond fatherliness to the king’s and the *rector*’s subordination to the welfare of the *res publica*, are now examined with greater nuance, carefully distinguishing *natura* and *ratio*. In the proœmium, addressed to his son, Cicero introduces the subject of proper moral behavior and commences the disquisition proper by tracing moral conduct ultimately to *natura*, which, he says, bestows to all species of animal such instincts as self-preservation, procreation, and love for one’s progeny (*Off.* 1.11). As in *De Re Publica*, nature, not common interest or weakness, first draws people together; now, however, he adds to this natural gregariousness another, higher agent: *Eademque natura vi rationis hominem conciliat homini* (“And this same nature, by the power of reason, reconciles people to one another,” 1.12). The power of reason entails, among other things, humans’ sense of time, their ability for planning, reasoning, speech, and moral conduct. *Ratio* is thus an aspect of *natura*, but is conceptually distinct. Of human society, says Cicero, *vinculum est ratio et oratio* (“reason and speech are the bond,” 1.50) that unites all people to more or less a degree, descending gradually from common *gens*, *natio*, *lingua*, and *civitas* (1.53). Higher social organization, then, is a product of *ratio*, i.e. the reasoning aspect of nature, which is now a broadly inclusive category, other aspects of which Cicero elaborates.

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Caesarians]). Cicero, it would seem, had some difficulty convincing himself that the republic superseded familial affection. Cf. *Off.* 1.57 on p. 25.
From *ratio*, which has been seen to be the reasoning aspect of *natura*, and which produces the higher levels of social organization, should be distinguished another aspect connected in turn with the manifold associations of the paternal *genius*. Though Cicero does not name it, it focuses on aspects one might call generative or procreative—that is, relating to the production of offspring. This aspect may be inferred from the synopsis of the degrees of relation among humans, which concludes with the smallest but strongest, the family:—

> Artior vero colligatio est societatis propinquorum; ab illa enim immensa societate humani generis in exiguum angustumque concluditur. Nam cum sit hoc natura commune animantium, ut habeant libidinem procreandi, prima societas in ipso coniugio est, proxima in liberis, deinde una domus, communia omnia; id autem est principium urbis et quasi seminarium rei publicae. (*Off.* 1.53–4.)

[But a closer bond is that of the relation of one’s kinsmen. From that boundless affinity of the human race, there is a reduction into a small scope. For since it is by nature that living things all have the procreative instinct, the primary affinity is in lawful marriage, the next is with children, then within a single household, where everything is held in common. This is this beginning of the city and, so to speak, the nursery of the republic.]

As seen earlier, Cicero argued (*Rep.* 1.39) that although societies are maintained by a shared sense of justice enshrined in law and augmented by common advantage, it was nature which first prompted people to association. Whereas higher levels of social organization arise from *ratio* and *oratio*, the nuclear family is the basic unit of social organization which is the product of nature’s procreative instinct (*libido procreandi*).\(^48\) This instinct prevails not only within the family, but may be extended to encompass progressively more complex social groupings. Hence, Cicero explains, the primary affinity (*prima societas*) by nature is between husband and wife, who, coupled in *coniugium*, produce the next social relation, between

\(^48\) For the role of the nuclear family (i.e., father, mother, and children) in Roman society and the configuration which Cicero describes, see Saller (1994), esp. 95–101. That Latin at this period had no single word for the nuclear family does not necessarily exclude its affective and logistical centrality. Bradley (1991) shows that the nuclear family, as “reproductive triad” was likely a starting point, much dislocated by deaths, divorces, and adoptions, esp. in the upper classes, 125–176.
themselves and their children; parents and children form a domus; then follow the relations of siblings and ever remoter kin, who, now abounding, issue from one domus to form “colonies” of new domus, which each grow by coniugium (Off. 1.54). From this network of intermarried colonies, the res publica arises, primarily associated not by law and advantage, but by common blood, common tradition, and common ancestral tombs (1.54). The state in this configuration is not united by vis rationis, or the power of reason, as at 1.12, but is an extension of the initial libido procreandi, which produces the “nursery of the state,” the family. Hence natura as libido procreandi and ratio are two separate though related social bonds that bind people into states in different ways, with the former corresponding to the natal patria, the latter to the civic.

It was seen in the passage of De Legibus 2.5 that Cicero distinguished between what I term the civic and natal patriae. Although his use of the term patria is not altogether consistent—in part because of rhetorical exigency and in part from the lack of a clear definition in other writers—, patria generally corresponds with the more affective, procreative aspects of the fatherland, and res publica (or sometimes civitas) with the rational aspects. This distinction, made explicitly in De Officiis and De Legibus, may now be further supplemented by referring to De Re Publica, which will illuminate the significance especially of patria as employed by Cicero in his political rhetoric, as opposed to in his later philosophical writings alone.

One’s ultimate allegiance to the civic patria is expanded in a fragment from the first book of De Re Publica that honors one’s patria even before one’s biological parent:—

Sic, quoniam plura beneficia continet patria et est antiquior parens quam is, qui creavit, maior et profecto quam parenti debetur gratia. (Rep. fragment 1.2)

49 For a comparison of ‘res publica’ and ‘civitas,’ see Lyasse (2007): 580–605. His distinction of the two terms acknowledges that they are often synonymous, 586; but the primary sense of civitas, and its attendant distinctions, refers to the people as organized as citizens, whose allegiance is to a city.
Thus, since the fatherland has given greater favor and is an older parent than the one who begot us, deeper gratitude is certainly owed to it than to a parent.]

De Officiis, too, makes a similar claim to the affective primacy of the patria, rendering it as a family comprehending all families:—

_Sed cum omnia ratione animoque lustraris, omnium societatum nulla est gravior, nulla carior quam ea, quae cum re publica est uni cuique nostrum. Cari sunt parentes, cari liberi, propinqui, familiares, sed omnes omnium caritates patria una complexa est… (Off. 1.57)_.

[But when you survey everything with reason and thought, no relation of all the relations is deeper, none dearer than that which each and every one of us has with the republic. Our parents are dear, as are our children, relatives, and friends, but the fatherland embraces all that is dear to everyone…]

These last two examples accentuate the affective and familial dimensions of patria by its close association with parens, propinqui, etc. The emotional resonance of patria, then, is not confined to De Officiis, and while it is more difficult to identify in De Re Publica, Cicero employs it, as will be seen, deliberately and sparingly.

_Patria_ seldom appears in De Re Publica, the preponderance of references to the state using either _res publica_ or _civitas_. But its use is reserved and deliberate. Of the first book’s six instances of ‘patria,’ three are in Cicero’s proœmium (at 1.4, 5, 8), and one is in a quotation of Ennius (1.64), to which Scipio is referring, apparently in his sole use of the term (ibid.) until the final book. The remaining instance occurs in passing while the interlocutors are being introduced (1.19). Until the sixth book, where patria appears five times, in no place in all the discourse about the types of _res publica_ or the history of the Roman state is _patria_ used as a

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50 In the _Somnium_, ‘_res publica_’ appears only thrice: its first appearance refers more to the state of affairs in Rome than to the Republic generally: ‘_Sed cum eris curru in Capitolium inventus, offendes rem publicam consilii perturbatam nepotis mei_’ (“But when you return to the Capitol in your chariot [sc. of victory], you will find the republic disrupted by the schemes of my grandson,” 6.11). The following two instances, at 6.12 and 6.13, are in reference to the initial usage. Consistent with Lyasse’s (2007) findings, all three of the _Somnium_’s instances of _civitas_ are found in very same sections, with no apparent distinction from _res publica_. On occasion, it appears to be interchangeable; elsewhere, its sense is clearly distinct. See also Wood (1988) in n.51 below.
pure synonym for *res publica*. In the remainder of the dialogue, it is used only in the sixth book’s *Somnium Scipionis*, where Scipio Aemilianus’s grandfather Scipio Africanus appears to him and exhorts him to serve the state. In the first instance, the *patria* is the beneficiary of Scipio’s selfless exertions. Addressing his grandson (who also has the cognomen ‘Africanus’), Scipio Africanus says:—

*Hic tu, Africane, ostendas oportebit patriae lumen animi ingeniique tui consiliiue.*

(6.12).

[At this point, Africanus (i.e., Scipio Aemilianus), you must display the light of your character, your ability, and your wise counsel to the fatherland.]

At 6.26, it is again the beneficiary of Scipio’s exertions, which he has modeled on his father’s:

‘*Ego vero,* inquam, ‘Africane, si quidem bene meritis de patria quasi limes ad caeli aditum patet, quamquam a pueritia vestigiis ingressus patris et tuis decori vestro non defui, nunc tamen tanto praemio exposito enitar multo vigilantius.*’ (Rep. 6.26)

[“But if, Africanus,” I said, “a pathway into the sky really is open for those who have done well for the fatherland, then I, though I have not failed your honor, who have since boyhood followed in my father’s and your footsteps, shall strive much more diligently, since you have shown so great a reward.”]

At 6.15, it is again mentioned by Scipio’s father, who also appears in the dream, in a familial context:

‘*Sed sic, Scipio, ut avus hic tuus, ut ego, qui te genui, iustitiam cole et pietatem, quae cum magna in parentibus et propinquis tum in patria maxima est.*’ (Rep. 6.15)

[“Therefore, Scipio, as did your grandfather here, and as did I who fathered you, cultivate justice and piety, which is great in respect of one’s parents and greatest in respect of the fatherland.”]

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51 Scholarship specifically on the term *patria* is surprisingly scant. Hellegouarc’h (1963), 278, refers to it only in passing. Most treat it either as irrelevant to *res publica* [e.g., Atkins (2000), who in reviewing Cicero’s political theory frequently refers to *res publica*, but omits *patria* altogether, even in connections which we have seen to be essentially linked to the conception of the natal *patria*, such as the origins of the state] or see it as being only occasionally distinct from *res publica* in much the terms I have described [e.g., Wood (1988), 134: “…Cicero often uses [patria] interchangeably with *res publica*. Occasionally, however, *patria* seems to be a more inclusive term than *res publica*, almost in the sense we might use *society*…”].

52 “in respect of one’s parents,” taken from Zetzel (1998), 233.
Patria, collocated with parentes ("parents") and propinqui ("kinsmen"), is here the object of pietas, which, as Zetzel notes in his comment on this sentence, is chiefly the reverence due to the gods, here employed possibly because “both the individual,” namely Scipio Africanus, “and, in a sense, the state are themselves divinized” in this account. It is a central virtue of the Roman family, often rendered in English by “filial piety.” Finally, Africanus ascribes another humanizing term to patria—salus, a word which refers primarily to an individual’s physical welfare.

Sunt autem optimae curae de salute patriae (6.29)

[Those cares are the best which are about the health of the fatherland.]

The ease which its etymology lends to its personification and other affective associations arises from the same natural affections which Cicero ascribes to the king as a paternal figure. For Cicero at least, patria is useful as an alternative to res publica because it allows, when necessary or useful, for a clear distinction between the two ultimate sources of legitimacy which he ascribes to the state, whether primarily by the affections engendered by natura, or in the ideal of the disembodied, supra-familial state entailed by ratio. Well aware of the practical implications of these philosophical distinctions, he made effective use of them, as will presently be seen, in the title ‘Parens Patriae.’

IV. Coining ‘Parens Patriae’

One of Cicero’s most lasting bequests to the tradition of imperial rhetoric was the title, in which he exploited to the fullest the divers associations of the words, of Pater or Parens

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53 The many shades of meaning conveyed by pietas, including Cicero’s evolving use of it, are examined in depth in Wagenvoort (1980). On Cicero, see 1–20.
54 When Cicero personifies the state in his first Catilinarian, he refers to the state first as patria, last as res publica, qualified by an omnis, likely added for amplification: Etenim, si mecum patria, quae mihi vita mea multi est carior, si cuncta Italia, si omnis res publica loquatur... (“And indeed if the fatherland, which is far greater to me than my life, if all Italy, if the entire republic should address me...” Cic. Catil. 1.11.27).
Patriae (“father” or “parent of the fatherland”). With this network of connotations, he could reconcile the Roman political class to the much hated notion of a rex, a term which, outside of Cicero’s discourse, necessarily entailed the incarnation of injustice and cruelty conveyed also by the name tyrannus.

In Rome, the playwright Accius is our earliest extant source for the Greek concept of the τύραννος, or monarchic usurper, before the early second century B.C., and the famous line of the tyrant Atreus, oderint dum metuant, had been known in a slightly different form in Ennius’s time, earlier still, in the late third and early second centuries, and was popular through Cicero’s lifetime (Off. 1.97). The Greek tyrant was, through invective against Tiberius Gracchus in 133, equated with the Roman rex, a term with profoundly negative associations, especially within the political class, which were exemplified by the crudelitas, superbia, and libido (“cruelty,” “pride,” and “lust”) of Tarquinius Superbus. Dominus, another near equivalent, referred specifically to the master of a slave, and may therefore be expected to have had far greater currency in daily life and somewhat greater flexibility of meaning. But the accusation of rex or regnum, linked with tyrannus and dominus, in Roman political invective was scandalous well into the first century B.C.

It is curious, then, that Cicero, even as he castigates Antony throughout the Philippics as an incompetent tyrannus and lambastes Verres as a rex, treats the regnum as the second best type of state in De Re Publica and depicts such an irreproachably Roman personage as Scipio Aemilianus as ascribing natural filial love to the rex. Meanwhile, his political ideal of the

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55 Dunkle (1967), 152–54.
56 Ibid., 151.
57 Ibid., 161, who cites Cic. Ver. 2.1.82, 2.3.71 and 77, and 2.5.103 for Cicero’s application of these terms to Verres.
58 Ibid., 158, citing the Rhetorica ad Herennium 2.40.
59 However, the senators feared monarchy from Scipio Aemilianus’s grandfather, Scipio Africanus, after Zama. See Livy 28.42.22 and 38.54.6.
rector is almost wholly absent from his orations, whether because, as his own term, it lacked the august gravity of the specific virtues that would be named in invective and encomium, or because it was simply too impractical as a concept to be relevant in forensic oratory. If the rational rector may be taken as his ideal, and the familial associations as a supplement to the state’s legitimacy, Cicero combines both of the aspects in his own persona, which he elevated to such prominence in 63.

In that year, the summit of his political career, Cicero as consul and novus homo suppressed the insurrection of L. Sergius Catilina. Subsequently, he was offered the corona civica, or civic crown, and was hailed by some in the senate and populace as a parens (or pater) patriae. The title may have been suggested by the crown, which, because of staunch opposition in the senate, he never actually received, but to which he made such frequent reference that it became his own by a sort of usucapio. Traditionally, the corona civica was bestowed upon a citizen who had saved another citizen’s life. Cicero, even if not the first to receive the crown for indirectly saving the republic, rather than for directly rescuing a peer, was certainly one of the earliest and the most major. For the honorific title, the sources vary on the antiquity of the precedent: Cicero and Livy attribute national fatherhood to Romulus, Camillus, and Marius. Pliny the Elder thought Cicero the first to bear the title, when in fact it was only urged by a few in the senate, but it is a plausible speculation that Pliny was misled by the eminence and vociferousness of the proponents into thinking that it had been granted formally,

61 Ibid., 164–65. The earliest evidence is inconclusive, but makes 110 B.C. a rough terminus post quem. In this case, too, it seems that the reference was to a corona civica deserved, but never formally awarded. Camillus, Scipio Africanus, Marius, and Sulla, while given public honors, are neither mentioned nor displayed as having the oak wreath of the corona civica.
62 On Romulus, see Cic., Rep. 1.64, qtg. Ennius, who calls Romulus qualis patriae custos, and pater and genitor (Ennius Ann. 110–14 V); Liv. 1.16.3, 1.16.6, 4.3.12. On Camillus, Liv. 5.49.7. On Marius, Cic. Rab. perd. 27.
as it was for the emperors of his time.\textsuperscript{63} At all events, the \textit{corona civica}, as traditionally awarded \textit{ob civis servatos} (“for the saving of citizens”), entailed that the beneficiary address his savior as ‘\textit{pater},’\textsuperscript{64} and it established a relationship of benefaction between them.\textsuperscript{65}

Its implications, then, are extensive when removed from its literal application to a savior and applied symbolically to a political leader. Cicero, having saved the republic from overthrow, was thus its father and its savior. The associations emanate thence: with fatherhood comes \textit{patria potestas}, which, when wielded over the country, entails the title \textit{Parens Patriae}. National fatherhood calls to mind—and indeed Cicero did often call it to others’ minds\textsuperscript{66} —the father and founder of the Roman nation, Romulus. Cicero’s motives for this association are well summarized by Stevenson, referring to Andreas Alföldi:—

Alföldi, therefore, described \textit{Pater Patriae} as a fundamentally charismatic concept, which had originated earlier but which came to prominence in Cicero’s time for a number of convergent reasons: as an expression of the Ciceronian political ideal, as camouflage for the kingship desired by Caesar, since \textit{rex} was unacceptable, and as the culmination of contemporary messianic longing for a saviour, a new Romulus who would found a new golden age and deliver a desperate people from their troubles, especially the trauma of relentless civil conflict.\textsuperscript{67}

Cicero, even as consul and later as attempted mediator of the triumvirs, was well versed in the term’s implications and uses, including those of a less republican nature. At the very least, he improved upon these associations as a political expedient, that they might mitigate reproof of his excessive, some thought tyrannical, harshness against the conspirators.\textsuperscript{68} Even if his enthusiasm for the title was born in some measure from expediency, he gave it an august

\textsuperscript{63} Plin. \textit{HN}. 7.117. See also Stevenson (1992), 421.
\textsuperscript{64} Polyb. 6.39.7; Cic. \textit{Planc.} 72; Gel. 5.6.8; Severy (2003), 48.
\textsuperscript{65} Stevenson (1992), 424.
\textsuperscript{68} Cic. \textit{Dom}. 94: \textit{...me non ut crudelem tyrannum, sed ut mitissimum parentem, omnium civium studiis desideratum, repetitum, accessitum, vident} (“...they see me not as a cruel tyrant, but as the gentlest of parents, who has been dearly missed, sought after, and summoned with the greatest enthusiasm of all the citizens,” Cic. \textit{Dom}. 94).
pedigree, linking the *Parens Patriae* with the Greek notion of the κτίστης, to whom might be attributed founding or saving the state.\textsuperscript{69} He originated the Roman term in reference to Gaius Marius (Cic. *Rab. Perd.* 27),\textsuperscript{70} who had saved the state from the demagogue Saturninus, and who was a fellow townsman and local hero of Arpinum and, like Cicero, a *novus homo*. Cicero, having saved the republic from Catiline, became father of his country not only for having saved it, but very nearly, he thought, for refounding it: The Nones of December, 63, was, he suggested, the republic’s new birthday (*Cat.* 3.2). He would therefore himself be a new Romulus. So much he accomplished in the way of associative thinking, for the title itself had no legal status and endowed him with no additional powers.\textsuperscript{71} Cicero’s use of the title drew on cultural assumptions and associations that granted him authority outside the institutional apparatus of state.

The distinction that Cicero would draw between his ideal, transcendent republic and paternalistic kingship by the time of his writing the *De Re Publica* has been described. The good king was the alternative after the ideal *rector*, who relied, when the prevalence of *ratio* should falter, on the blessings of *natura*. It should now be clear that Cicero’s republican rhetoric and consular deeds show a tendency to abandon the transcendent civic *patria* in favor of the natal *patria*, which, by association with the *patria potestas*, could readily be conceived as justification for heavy-handedness. When the paternal title would next be adopted, it was by Julius Caesar.\textsuperscript{72}

Cicero exploited the rhetorical associations of the *res publica* and the *pater* to slightly different ends, both in the most optimistic of times, as in 63, and in the hardships that

\textsuperscript{69} Weinstock (1971), 183; *LSJ*, 9th ed., s.v. “κτίστης.”
\textsuperscript{70} Weinstock (1971), 201.
\textsuperscript{71} Stevenson (1992), 422.
\textsuperscript{72} Weinstock (1971), 202.
followed. Still, a rector who would be divorced from the potentially hazardous associations of patria potestas might preserve the ideal republic. Cicero spent the 50’s in the hope that Pompey, to whom Cicero wished himself to be adviser, would be a rector; he was disappointed, and Pompey proved unwilling, ultimately being preferable to Caesar only because he had been forced to ally himself with the senate. Then under Caesar, Cicero, despairing of the ideal res publica, hoped at least for a good king, and lavished upon the dictator terms that would make his autocracy palatable. Though constrained by necessity, Cicero could not refrain from asteism: Pro Marcello praises Caesar’s clementia, which years ago Cicero had named as one of the characteristics of a tyrant but which would henceforward become one of the canonical virtues of the emperors. In the same speech, in a figure that will be seen to an even greater extent in Seneca’s De Clementia, Cicero unites dictator and state into a single entity: having heard of a plot on the dictator’s life, he equates the salus of the state with the salus of the man. The equation of salus and anima with the state will gain ever wider currency with the shift toward the Principate.

Cicero’s anxieties, as will be borne out, were ultimately baseless. The res publica, in all the forms that he had wished to preserve it and as he expressed it in De Re Publica, maintained by concord and consultation, would be gradually restored by Augustus. Libertas, though

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73 Syme (1939), 143: “When Pompeius had subdued the East to the arms of Rome, he received an alarming proposal of this kind: to his Scipio, Cicero was to play the Laelius.”
74 Cic. Rep. 1.50: *tam enim esse clemens tyrannus quam importunus potest; ut hoc populorum intersit, utrum comi domino an aspero serviant; quin serviant quidem, fieri non potest* (“For a tyrant may be as clement as he is oppressive. Thus what matters to the peoples [in kingship or tyranny] is whether they serve a kind or a harsh lord. It cannot be otherwise than that they are slaves”).
75 *Nam qui est omnium tam ignorar rerum, tam rudis in re publica, tam nihil unquam nec de sua nec de communi salute cogitans qui non intellegat tua salute contineri suam et ex unius tua vita pendere omnium?... doleoque, cum res publica immortalis esse debeat, eam in unius mortalis anima consistere* (“For who of all people is so clueless, so callow in matters of the state, so oblivious even to his own and others’ welfare, that he would not perceive that his own well-being is entailed by yours, and that the lives of all hang upon your life alone?... Although the republic must be immortal, it pains me that it rests upon the breath of a single mortal,” Cic. Marcell. 22).
cherished, was not essential to Cicero’s res publica. So long as one could part with that, state and family could be merged, both in theory and in practice, under not a rector, but a rex who would be that national father. The means of reconciling Cicero’s republican aspirations of a transcendent state with the reality of autocratic authority lies in the paternal associations of Cicero’s patria. As will be seen in the following chapters, Cicero’s reference, by way of the natal patria, to the patria potestas, will become the most resonant means of defining and legitmating an autocrat’s authority.
INTERCHAPTER

Augustan Paternalism

The most pronounced change in the political reality\textsuperscript{77} at Rome during the civil wars was the concentration of power in the hands of one man,\textsuperscript{78} Octavian (63 B.C. – A.D. 14), who would declare that the \textit{res publica} had been restored (the \textit{res publica restituta}).\textsuperscript{79} Whether he meant by this phrase to announce a restoration of the republican form of government, or merely the restoration of the republic (whatever its kind) to a state of stability, has long been a matter of intensive debate among scholars, but the growing prevalence of Republican civic and social virtues in Augustus’s self-portrayal is well attested in both literature and iconography, as is his desire to stress the continuity of his Principate with the Republic from before the first triumvirate.\textsuperscript{80} I propose in the next chapter that Seneca, writing more than eighty years after Actium, shows how conceptions of fatherhood manifested themselves in the new situation of autocracy. My purpose in this interchapter is to outline the change and continuity of the association between the state’s power and fatherhood that would characterize the transition from Republic to Principate.

The transition under Augustus in the familial and political terms which I examine has been treated comprehensively by Beth Severy in \textit{Augustus and the Family at the Birth of the Roman

\textsuperscript{77} The dangers of blithely assuming an underlying and knowable “political reality” are familiar to me, and I do not overlook the exquisitely subtle understanding of the \textit{saeculum Augustum} that has been painstakingly debated over the last century and a half. I am not contradicting the bulk of scholarship to suggest that Augustus as an individual, regardless of the constitutional or military power he wielded at any one time, possessed, with far less contention than had the dictator Caesar, the final word on the disposition of the Roman government. However we may categorize that government, it was chiefly Augustus who shaped it. On the difficulties of knowing the ‘political reality,’ see Eder (1990), 83–88.

\textsuperscript{78} Tac. \textit{Ann.} 1.1.1, \textit{Hist.} 1.1.1, \textit{Postquam bellatum apud Actium atque omnem potentiam ad unum conferri pacis interfuit...} (“After the battle was waged at Actium and it was necessary for the sake of peace that all power be granted to one man...”).

\textsuperscript{79} On which, see the discussion in Severy (2003), 44–56.

\textsuperscript{80} See Eder (1990), 97–120; Suet. \textit{Aug.} 31.5 shows Augustus’s concern for setting an example for the future that would be consistent with the past.
Empire. I largely follow her analysis and conclusions. The only significant exception I take to her argument is her belief that the state under the Republic maintained a strict distinction between the public and private realms, while the Principate saw the incorporation of the public realm into the household of Augustus. This latter observation is both valid of itself and useful to my own argument; the former, however, is valid only in so far as it does not posit the private and public realms as being essentially different in their hierarchical configuration, for the realm of public politics operated on the same, paternal principle as the private. The imperium of the consuls in the Republic, as Lacey argues, closely resembled patria potestas, if it was not indeed historically derived from it. Whereas Severy would maintain that a broad distinction of private and public in the Republic was enforced by the norms of gender, I believe that the public realm is defined not by the dichotomy of male and female, but that it is so oriented as to prevent the encroachment of one pater familias on the patria potestas of another; the private, in my view, was defined primarily by the relations between a pater familias and his dependents. This interpretation differs from Severy’s, which holds that “a fundamental feature of the imperial system was how it combined a Roman family with a previously distinct set of civic institutions,” which had separated the public from private primarily by excluding women, but whereas Severy attempts to explain the changes in legislation, coinage, and ritual under Augustus as the combination of two distinct realms of private and public, one may draw a similar conclusion to Severy’s by a different argument: In

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81 Severy (2003), 31–32.
82 Lacey (1986), 130–33.
83 Severy (2003), 7.
the Principate, one *familia*, not sundry and emulous senatorial *familiae*, now governed the *res publica*, even as they preserved many of the structures of power from the Republic.\(^8^4\)

To paraphrase Severy in light of my objection, then, the shift from the Republic to the Principate was a shift from a “nexus of patres”\(^8^5\) to a nexus of *patres* subordinated to the *familia* of Augustus, who gradually incorporated the symbols of the *res publica* into his own household. There is strong evidence that this incorporation had not been planned far in advance, but was part of an emerging program that subordinated the state to the emperor’s *familia* through moral legislation, religion, and nepotism.

Severy, examining especially numismatic evidence, assigns the beginning of the familial orientation in Augustus’s self-presentation to c. 12 B.C., when, she argues, his relatives began to play a more prominent role in public affairs and to be honored in coinage and iconography. Before then, and at least until Augustus’s potentially terminal illness in 23, there is, as she, Eder, and Judge have shown, generally less definite evidence upon which to hypothesize his intentions. Such as we have suggests that the epigraphic and numismatic emphasis was on the restoration of the *res publica* and the blessings of peace.\(^8^6\) Subsequently, Severy identifies Augustus’s return from the East in 19 as the beginning of what she calls the “Third Settlement,” when his policies took a more moral orientation, with sumptuary laws, laws against adultery, and laws promoting marriage and procreation (collectively known as the *leges Iuliae*, or the “Julian laws”), and his self-fashioning as *curator legum et morum*

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\(^8^4\) Cf. Severy (2003), 7–32. See also Judge (2008), 100–101, who argues that Augustus’s search for a successor was actuated by the same concerns for familial inheritance as are to be found in any aristocratic Roman family. On this view, the *res publica* is itself a part of the emperor’s *familia*; cf. the quotation of Hadrian from the *Historia Augusta*, in n.4 above, which suggests that some emperors sought to dispel this perception. For the continuity of Republic and Principate, see Eder’s (1990) lucid account, based on Syme’s (1939), vii, characterization of Augustus as the “binding link”.

\(^8^5\) Lacey (1986), 123.

(“guardian of laws and traditions”). The effect of these laws on the definition of state and citizen, in Severy’s view, was that behaviors previously enforced socially by individual familiae were now civic obligations: e.g., pietas, previously a bilateral relationship between parents and children, was now a legal obligation, as were marriage and the rearing of children. Moral legislation had precedent under the Republic, and indeed Augustus stressed the adherence of his own legislation to tradition when he advocated his marriage law by quoting a speech by a censor from the second century, but whereas past moral legislation had largely sought to prohibit excessive behaviors, Augustus’s made social virtues unambiguously civic.

The continuity with Republican institutions is apparent; in the context of the Principate, however, moral regulation, as Severy observes, “provided a conceptual space for a paternal relationship between Augustus and the civic community.”

This paternal relationship arises from Augustus’s increasingly systematic fashioning throughout the 10’s B.C. of the state’s authority as an extension of his power as pater familias. Severy’s evidence on this head is extensive, and I include only what is immediately relevant to establishing that this decade saw Augustus’s domus (both his physical house and the kin who resided in it) become an embodiment of the res publica.

The unification of domus and res publica was accomplished in several ways. Augustus’s familia became ever more exclusive as Augustus avoided exogamous marriage, otherwise a

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87 Severy (2003), 50. Aug. RG 6 dates the curatorship of morals in 19 B.C.; for curator legum et morum, see Suet., Aug. 27, who places this moral orientation in 23, with the bestowal of tribunicia potestas.
88 Severy (2003), 51.
89 Ibid., 51. On moral legislation under the Republic, see Crook (1967), 122. Notable examples are the Lex Cincia of 204 B.C., which limited the size of gifts to all but certain relatives; the Lex Furia and Lex Voconia, of 169, which prohibited legacies of a certain size, and the Lex Falcidia, of 40, on testation, which ensured that a father’s heirs receive a portion of his estate. On the effect of marital legislation under Augustus, see Treggiari (1991), 60.
90 Severy (2003), 52.
common means among aristocratic families of securing alliances and managing inheritance. Additionally, members of the imperial domus came to dominate high military offices, as did Agrippa, Drusus, Tiberius, Augustus’s grandson and adopted son Gaius, and even the unfortunate P. Quinctilius Varus, who had been married to two of Augustus’s grand-nieces.

Approximately contemporaneous with the Augustan domus’s prevalence in military command was a shift in numismatic imagery, which increasingly featured Augustus’s relatives. From 13 B.C., Severy adduces the first coins portraying Agrippa (Augustus’s friend, ally, and father of his imperial heirs Gaius and Lucius) not, as in mintage of the late twenties and early teens, as an equal seated in the tribunician’s seat beside Augustus, but with Agrippa’s daughter and two sons now included, the latter of whom Augustus had adopted as his sons. Where names, images of the minter, and Republican symbols had been featured, the princeps’s relations were now honored.

Of most extensive significance for the paternal turn of government is Augustus’s appointment as pontifex maximus, the high priest of the state religion, in 12 B.C. The pontifex

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91 Severy (2003), 63–68, details the marriages of Augustus’s relatives. She observes that “a tight endogamy gradually spread to create a largely closed group among the children and grandchildren of Augustus, his sister Octavia, and his wife Livia. Instead of using these many children to bind other aristocratic families to him, Augustus largely blocked such connections with his house. Octavia’s daughter Antonia Maior did marry an outsider, Domitius Ahenobarbus, in the early to mid-20s B.C.E. However, Drusus the Elder, Livia’s younger son, wed Octavia’s daughter Antonia Maior in c. 16 B.C.E. When Agrippa died in 12 B.C.E., Tiberius divorced in order to marry Julia. The next generation repeated the pattern: Octavia’s granddaughter Domitia Lepida married her grandson Messalla Barbatus around 8 B.C.E. Closer to 4 B.C., second cousins Germanicus and Agrippina married, as well as first cousins Drusus the Younger and Livilla. This was after Livilla was widowed by her second cousin, Gaius, whom she had married in 1 B.C.E.,” 64. She proceeds to note that, “among Augustus’s daughter, stepsons, nieces and nephew and their offspring, twenty-three children are known to have been born before 10 B.C.E. These persons contracted eighteen known marriages, of which eight involved matches within this very group. If we include marriages to Agrippa and his daughter as internal, the number of endogamous marriages rises to eleven.”

92 Ibid., 80–81. The power of the domus to equate parental and political authority is also demonstrated by Octavian’s admission into his domus of Antony’s and Cleopatra’s children, Alexander Helios, Cleopatra Selene, Ptolemy Philadelphus, and Iullus Antonius. After his triple triumph, he moved them into his house to be raised by his sister Octavia (Suet. Aug. 17.5; Plut. Ant. 87; Cass. Dio 51.15.6). He proclaimed himself their avunculus, though no such legal relationship existed between them. See Harders (2009), 230, for the domus in this instance as a means of control. Iullus would go on to conspire with Julia to kill Augustus.

93 Ibid., 73–77.

94 Ibid., 77.
maximus acted as a *pater familias* to the Vestal Virgins, who, as keepers of the vital flame of the city, were closely bound with the spiritual essence of Rome. Augustus had already invoked the religious connotations of state authority—at no time were state and religion separate at Rome, given that one of the senate’s and priestly colleges’ perennial offices was to serve as intermediary between gods and mortals through the proper observation of rituals—by his adoption of the vaguely religious but legally insignificant title of ‘Augustus.’ With his acceptance of the office, tradition prescribed that he move to the *domus publica* (“public domicile”) near the temple of Vesta, near the political and social heart of Rome, the forum; instead, he consecrated a new shrine to Vesta in his own residence on the Palatine, and, in the manner of a familial altar, added his own *Penates* and *lares*, and devoted the shrine to public use. Severy well remarks of the significance of this arrangement, that “His hearth was the heart of Rome, and he tended it as a father of a *familia*.“ In the same period, the *Ara Pacis Augustae*, the Altar of the Augustan Peace, featured members of Augustus’s family, involving them by their inclusion on the altar in the execution of a civic deed, the maintenance of peace. Further joining the realms of familial and state religion, Augustus’s *genius* (the father’s generative power to maintain his *gens*, or clan, which was worshipped with the *Penates* and *lares* at the family’s altar) was honored at the *compita*, the

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95 The *pontifex maximus* had *patria potestas* over their persons and religious responsibilities; he did not, however, control their property. See Lacey (1986), 126.
97 ‘Augustus’ was a clever title, and less problematic than the alternative which Dio (53.16.7) and Suetonius (Aug. 7.2) report him to have been considering, of ‘Romulus.’ Like ‘Romulus,’ ‘Augustus’ connotes the founding of the state, by means of reference to Ennius’s saying that Rome had been founded by *augusto augurio* (“august augury”), and that the word was associated with *augere* (“to increase”) and, by extension, with hallowed religious rites (Suet. Aug. 7.). In earlier usage, it was applied chiefly to gods. See Gradel (2002), 113.
98 Dio 54.27.3, Ov. Fast. 4.949–54.
99 Severy (2003), 100.
neighborhood altar, beginning with his reorganization of the regions and neighborhoods of Rome, in 7 B.C.\textsuperscript{101} The compita were civic and religious centers, and the vicomagistri who oversaw them were responsible both for prevention of fire and crime and for maintenance of the proper rituals, which, following the reorganization, did honor to \textit{Laribus Augustis et Genio Caesaris} (“to the Augustan lares [household god unique to a family and place] and the genius of Caesar [\textit{i.e.}, Augustus”]).\textsuperscript{102} Thus the most essentially paternal aspect of Augustus, his genius, was now an object of civic worship.

Finally, Augustus’s acceptance of the title \textit{Pater Patriae}, in 2 B.C. could leave no doubt about the princeps’s relation to the \textit{res publica}. The origin of this title, and its significance to Cicero, has already been discussed above (pp. 26–31). As the most explicit association of civic and paternal duty and power, it is fitting that Augustus, whose \textit{imperium} by \textit{auctoritas} increasingly resembled the familial orientation of \textit{patria potestas}, should consider this bestowal of this title by the several social orders to be the culmination of his career, despite his having already received, in 27, the \textit{corona civica} with which the title is associated, and moreover having already been termed a national parent in various poetic loci.\textsuperscript{103} For Augustus in particular, the title will have had an especial resonance, recalling Julius Caesar’s, who last held the title, acceptance of the title \textit{Parens Patriae}, in 44, and in avenging whose name Octavian had evinced his own filial \textit{pietas}.\textsuperscript{104} Whether it recalled Cicero, too, is unclear, but Augustus made no obvious attempt to link himself with the victim of his betrayal.

\textsuperscript{101} Bead, Price, and North (1998), I:184–86.
\textsuperscript{102} CIL 6.445–59, in Severy (2003), 125, who also cites 30957–62, 2.1133, 2.4293, 2.4297, and 3.5158, \textit{loc.cit.}
\textsuperscript{103} For \textit{Pater Patriae} as the summit of his career, see Suet. Aug. 58; Aug. RG 35. For earlier appearances of similarly paternal appellations, see Severy (2003), 159, who identifies Hor. \textit{Od.} 3.24.25, 1.2.50; ILS 96, 101, CIL 10.823; \textit{RIC} 296. I add Ov. \textit{Fast.} 2.130.
\textsuperscript{104} RG 2 and 34. Octavian, especially as Augustus, had a complex and troubled rapport with J. Caesar’s legacy: on the one hand, he would avenge him as a son; on the other, he must deprecate his tyranny. See Syme (1939), 112–22. For other probable considerations that determined the timing of the acceptance, such as the exile of Julia and the elevation of Gaius, see Stevenson (2009). On Julia, although a much later source, Macrobius reports that, in
To understand that the paternal character of imperial governance at this time might be recognized as remarkable, it is worth while to adumbrate the more impersonal, bureaucratic governance that would eventually replace it. As yet, the empire largely lacked a steady bureaucracy, relying instead on networks of patrons and clients. Gibbon memorably conveys the manner of the later imperial and early Christian administration: “In this divine hierarchy (for such it is frequently styled), every rank was marked with the most scrupulous exactness, and its dignity was displayed in a variety of trifling and solemn ceremonies, which it was a study to learn, and a sacrilege to neglect.” A striking visual representation of this hierarchy may be found in the notitia dignitatum, likely of the fourth century A.D., which depicts in text and images the offices of the state, and places each official within a network with a fixed sphere of power.

As matters stood at his accession, in A.D. 14, Tiberius did not occupy an exalted place in a legally demarcated hierarchy. Symbolically, however, his succession was simultaneously as a son of his father and as the heir of the Pater Patriae. Tiberius would, as Augustus initially had, decline the title Pater Patriae, along with all other honors and titles offered him (Suet. Tib. 26); Livia, however, Augustus’s widow, would inherit her husband’s cognomen and was offered the honorific titles Parents Patriae and Mater Patriae (Tac. Ann. 1.14.1). The next year that he became Pater Patriae, Augustus made a remark on the responsibility of governing: Itaque inter amicos dixit [Augustus] duas habere se filias delicatas, quas necesse haberet ferre, rem publicam et Iuliam (“And so Augustus said among his friends that he had two spoilt daughters whom he had no choice but to tolerate—the Republic and Julia,” Sat. 2.5.4).

For the ‘interpersonal’ nature of the Roman bureaucracy in the Republic and Principate, see Saller (1982), 205–6: “While the emperor had a limited bureaucracy through which he could reach his subjects, there were few formal, impersonal mechanisms through which the subjects could initiate contacts with the central government. Hence, many of these contacts, which in a more developed bureaucracy would take the form of written applications, could be made only through patron-client networks in the Roman empire.” See also Hellegouarc’h (1963), 567: “Nous voyons ainsi que les Romains avaient de l’homme politique une conception essentiellement sociale; il ne se réalise pleinement que dans le cadre de la communauté des citoyens; il n’y a pas de théoriciens, de politiciens de cabinet.”

Gibbon (2005), 603 (Ch. XVII).

Gencheva-Mikami (2005), 286, who associates the manuscript with the later tendency toward “impersonal elements united in the state system.”
holder of the title *Pater Patriae* would be Augustus’s great-great-grandson, Nero, whose tutor, Seneca, would articulate the conception of emperorship Augustus’s paternal legacy and the underlying Roman notions of fatherhood had shaped. Seneca’s reception of the Augustan paternalism will be the subject of the next chapter.
Chapter Two

Seneca on the Childless Father

When the sixteen-year-old Nero succeeded Claudius as princeps (the “first man,” as the emperor was officially known) of the senate in October of A.D. 54, Seneca became, with the Praetorian Prefect Burrus, the foremost member of the consilium principis, the informal imperial cabinet (Tac. Ann. 13.3). For at least the five salubrious years of Nero’s reign, the so-called quinquennium Neronis, from 54 through 59, Seneca was the most prolific and articulate mind and voice of the imperial government’s ideology. Unlike Cicero, Seneca was not a self-proclaimed but largely impotent spokesman of one of several parties, but represented the lone surviving party—the emperor’s. At his accession, Nero delivered to the senate a speech penned by his mentor and would deliver many more such speeches in the early years. A little over a year later, Seneca addressed his pupil in a treatise known as De Clementia. In this, Seneca invokes the figure of the father as a model for Nero’s authority. It is a striking figure for him to choose, when Nero had yet even to shave his first beard and had declined, among the many honors conferred, only that of the title Pater Patriae, since he felt himself too

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108 For this chapter, all translations of De Clementia are from Braund (2009), all of the Annales are from Woodman (2004).
109 The consilium principis has been a subject of study since Mommsen’s Staatsrecht. The traditional account has long been Cuq’s (1884), which, per Crook’s (1955) summary, 2, held the consilium principis to be a small, continuously existing deliberative institution whose function was to displace the senate as the consilium publicum. As Crook (1955), 104, himself indicates, however, the emperor’s advisers were generally summoned ad hoc, and no single consilium principis is mentioned in the contemporary sources. The general modus operandi of convening these consilia is outlined on 104–14. In brief, the emperor had a circle of amici, any of whom he might contact on a certain issue. Tac. Ann. 14.53–54 shows Seneca to have been foremost of Nero’s amici.
107 Some have tried to extend his influence to his exile in 62. Griffin (1976), 134, rightly dismisses these attempts as wishful exculpations by modern apologists. The term ‘quinquennium Neronis’ is attributed, in Aurelius Victor’s Liber de Caesaribus and the anonymous Epitome de Caesaribus, both 4th cent., to Trajan. See Murray (1965).  
111 Tac. Ann. 13.11.2 and 13.4.2; Cass. Dio 61.3.1.
young (Suet. Nero 9). That figure’s implications in the new context of imperial authority is the subject of the present chapter.

*De Clementia*, composed in late 55 or 56,\(^{112}\) is the most comprehensive rhetorical treatment of the nature of the emperor’s power, which it expounds in terms that mix the features of the Hellenistic kingship treatise, the panegyric, and the philosophical disquisition.\(^{113}\) Its focus on a personal virtue, of clemency, itself bespeaks the autocratic nature of the government at this time in the Principate, for when one recalls that Cicero could in the fifties still expound so rarefied a notion as the *concordia ordinum* or retrace the origins of the *res publica* to the first association between man and wife, or that Sallust advanced his notions of *virtus* and *dignitas* as the cornerstones of the Roman state,\(^{114}\) *De Clementia* appears to move in a far narrower scope, wherein statecraft is reduced to one virtue of a single man. But autocracy by its nature had made even personal virtue political, and *clementia* may be taken as representative of this new trend, both because of its late addition to the canon of virtues at the time of imperial transition and because its exercise, in presuming its possessor’s only restraint to be within himself, presumes his uncontested political supremacy.\(^{115}\)

The treatise, even in its incomplete, and possibly never completed form,\(^{116}\) is a natural counterpart to Cicero’s *De Re Publica*.\(^{117}\) Although not a comprehensive political program, it

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\(^{112}\) 1.9.1 is the strongest internal evidence for the date of the work’s composition.

\(^{113}\) For a compendious overview of these *genres* as they pertain to the *De Clementia*, see Braund (2009), 17–23.

\(^{114}\) On which, see Earl (1961), who broadly characterizes Sallust’s political thought disillusioned idealism. See esp. his conclusion, 111–21.

\(^{115}\) See, *e.g.*, 1.5.6 and 2.3.1. These passages are representative, but the language of the work is permeated with the assumption that the clement man holds a position of superiority. Braund (2009), 32, expresses it well: “*Clementia* is an imperial virtue; when *clementia* is shown towards fellow-Romans it is testimony of absolute power.” Furthermore, I use the term “autocracy” in the broader sense of *de facto* absolute government, in which the emperor, while constitutionally an equal of his fellow senators, was in actual exercise of his powers uncontested. That senatorial opposition to him was on largely moral and not constitutional grounds may be taken as a vestige of Republican egalitarianism. Cf. Toynbee (1944), 43 and 47, who quotes Boissier on the senators’ opposition as “*pas tout à fait politique dans son [sc., Nero’s] principe, mais plutôt morale.*” Their opposition, in other words, was largely a pose.

\(^{116}\) The question is unresolved as of Braund’s commentary (2009), 45.
has two objectives: First, it intends to reassure the political classes, mindful of the *iudicia maiestatis*, or trials for treason, with which Tiberius and Claudius had terrorized the aristocracy and of the recent assassination of Nero’s imperial contender Britannicus (Claudius’s son by Valeria Messalina), that the emperor’s authority would be constrained by his exercise of *clementia*. 118 Second, it seeks to explain and recommend that virtue to the young princeps himself. Seneca uses a palette of metaphors to justify the princeps’s autocracy in social, religious, and moral terms. Each of these metaphors warrants examination, but the most central to the present study is that of the father over his family, which he invokes both implicitly and explicitly at critical junctures in the work and which alone comprises the three forenamed terms. In so doing, Seneca was drawing on the same set of associations as Cicero’s natal *patria* and adapting it to the needs of his own day. The focus in this chapter will therefore be on the familial aspects of authority as described in the *De Clementia*. My objective is not to reconstruct Seneca’s political theory altogether, which Griffin has already accomplished in her unsurpassed monograph, but to isolate a strand of Seneca’s thought that might illustrate the conceptions of state power prevailing among the Roman political class.

117 This resemblance has been noted by, among others, Griffin (1976), 141, whose remarks in several of her works on the differences between the two texts assume their comparability. For Roller (2001), 239, *De Clementia*’s multitude of protreptic and apotreptic similes make it the ultimate text in the “high-stakes competition among alternative paradigms for a ruler’s authority.” Cicero has already provided us with the most prominent alternatives at a period of equally high stakes.

118 *De Clementia* “was meant to reassure the reading public that the murder of Britannicus and the rumoured tensions at court meant no change in the character of the government,” Griffin (1976), 138. Certainly Seneca’s opening suggests the “reading public” was not be taken too broadly: *iuvat...inspicere et circumire bonam conscientiam, tum immittere oculos in hanc immensam multitudinem discordem, seditiosam, impotentem, in perniciem alienam suamque pariter exultaturam...* (“[I]t is a pleasure to inspect and examine one’s good conscience and then to cast one’s eyes over this enormous mass—quarrelsome, factious, out of control and likely to run riot to the destruction of others and itself equally…”). The difference between Nero’s accession speech in Tac. *Ann* 13.4.2 and the *De Clementia* suggests that the latter was to have a wider audience, and is therefore a more general statement than that made to the senate. Griffin (2000) feels similarly, 542. For Claudius’s disregard for the law, see Sen. *Apoc.* 7.5, 10.4, 12.2–3; Tac. *Ann.* 13.43.2–3.
I. The Princeps as Vitae Necisque Arbiter

Fatherhood is neither the only metaphor nor the most frequent in the treatise, but its placement is both primary and central, and its implications are manifold, situating the emperor’s authority in relation to the laws, his subjects, and the gods with such close interconnection that there is no ready division. For the senate, however, the emperor’s relation to the laws was of primary importance: in Tacitus’s rendering of Nero’s inaugural speech to the senate, Nero offers as his first assurance that he will not abuse his power in legal arbitration,¹¹⁹ and moreover in the De Clementia Seneca makes early reference to the emperor’s legal status (which will be discussed below). I intend to demonstrate that Seneca uses the traditional association of imperium and patria potestas to the convey that the princeps is at once above the laws and yet not a tyrant, and that he is constrained not by the customary law of the ancestors but by both divine law and the rule of his own mind.

De Clementia, as the proclamation of a new political program,¹²⁰ seeks to mitigate the aristocracy’s implicit fear of a tyrannus, or unjust autocrat. The fear among the senatorial class, from the time of the first triumvirate at the latest, was less of any one man’s exceeding power than of that man’s abusing his power. Whereas Cicero had defined the powers and responsibilities of his ideal rector in primarily social terms, as an hypothetical man who would selflessly fulfill his responsibilities as a subordinate to the categorical good of the res publica, Seneca does not subordinate his flesh and blood princeps to the public welfare in the abstract,

¹¹⁹ Tac. Ann. 13.4.4: Tum [sc., Caesar] formam futuri principatus praescripsit, ea maxime declinans quorum recens flagraban inidia. Non enim se negotiorum omnium iudicem fore, ut clausis unam intra domum accusatoribus et reis paucorum potentia grassaretur (“Then [Nero] gave an outline prescription of the future shape of the princepate, rejecting in particular those aspects at which resentment had recently blazed: he would not, he said, be the judge of every business, so that, with accusers and defendants shut together in the same house, the powerfulness of a few might spread”).

¹²⁰ Griffin (1976), 133, believes that “The public cannot have viewed De Clementia, as they could other of his philosophical works, as a purely literary product unrelated to Seneca’s political activities. Nor were they meant to. When the Princeps’ adviser addressed him on political subjects in public, that was an official statement.”
but pragmatically acknowledges that the princeps is a self-determining actor whose restraint must be internal. Seneca recognizes the emperor’s independence in the first words of the work, with the figure of Nero regarding himself in a mirror: *Scribere de clementia, Nero Caesar, institui, ut quodam modo speculi vice fungerer et te tibi ostenderem peruenturum ad uoluptatem maximam omnium* (“I had taken on the task of writing about clemency, Nero Caesar, so I can act as a kind of mirror and give you a picture of yourself as someone who will attain the greatest pleasure of all,” 1.1.1).\(^{121}\) The princeps’s incentive to cultivate his *clementia* is not social in nature, as would be *dignitas, honestas,* or *humilitas,* but rather “the greatest pleasure of all” (*maxima voluptas omnium*), to which the princeps may attain when he has affirmed his fulfillment of a long litany of responsibilities relating to the restrained exercise of power and can offer an account of himself before the gods (1.1.4). Within that litany, the first declarative characterization which Seneca has Nero make about himself describes the nature of the constraint to which the princeps must subject his powers: *ego vitae necisque gentibus arbiter* (“I am the arbiter of life and death,” 1.1.2).\(^{122}\) As will presently be seen, it is a phrase of extensive legal and social significance.

The phrase *vitae necisque* seldom occurs outside the phrase *vitae necisque potestas,* which itself appears largely in connection with *patria potestas,* or the legal power of the *pater familias* over his family and estate.\(^{123}\) Its connotations by way of *patria potestas* are strongly, but not exclusively, legal. It is contested whether its associations are necessarily favorable or unfavorable, but the ambiguity, which was a hallmark and even an instrument of imperial

\(^{121}\) Braund (2009), 153 n.1.1.1, attributes this “unusually direct opening” to the exaltedness of the addressee, identifying the style as “business-like.”
\(^{122}\) I offer my own, more literal translation of this line because of the importance of the specific terminology to my analysis below. Braund (2009) renders it, “I make decisions of life and death for the world.”.
\(^{123}\) Roller (2001) 237–40; Westbrook (1999), 230; see also Introduction, pp. 5–9 above.
authority, might well be intentional. In any case, the association between *vitae necisque* and *pater familias* is close, but the evocation of the *pater familias* by way of his most dread power may seem to cast the association in negative terms. However, while some evidence exists that the stereotype of the *pater familias* could be severe, Seneca may be expected to have intended his first reference to be positive, because he later presents a contrast between the good example of father and son at 1.14 and the negative example of master and slave at 1.16.

It is therefore logical to take this first reference to fatherhood as introducing a favorable model for elaboration later in the text. Moreover, the indirect reference to *patria potestas* by means of so dire a power as that of life and death is not to be seen as a suggestion that this terrible power will in fact be exercised; it is a vivid illustration of the extent of the emperor’s power articulated in terms familiar to a Roman audience, and would convey to the princeps the

124 Tac. Ann. 1.11, on summarizing Tiberius’s speech on his accession, remarks *plus in oratione tali dignitatis quam fidei erat; Tiberioque etiam in rebus quas non occuleret, seu natura siue adsuetudine, suspensa semper et obscura verba: tunc uero nitenti ut sensus suos penitus abderet, in incertum et ambiguum magis implicabantur* (“More in such a speech was impressive than credible; and Tiberius’s words, even on matters which he was not for concealing, were—whether by nature or habit—always weighed and dark; but on that occasion, when he was striving to hide his feelings deep down, their extra complication led to uncertainty and ambiguity”). See also 1.7.7, 2.87, 3.51, 4.71.3, and 5.3.3.

125 Dixon (1991), 44. Dixon (1985) details a number of common-places in Roman literature for paternal severity, the most notable being Cato’s that a husband might judge his wife, but not a wife her husband (360) (citing Aul. Gell. N.A. 10.23.4). As mentioned above on p. 7, Dionysius of Halicarnassus recounts, with some admiration, the severity of the early Roman custom regulating the relations of husbands and wives and fathers and children, 2.24–27.

126 Westbrook, (1999), 203–23, discusses the phrase’s many associations and its counterparts in monarchic discourse of the Near East. His conclusion is that, in the late Republic, it would have been associated first with the power of a *dominus* over his slaves, but that it retained some other legal connotations between father and son, husband and wife, *et al*. This case is weakened, I think, by Seneca’s use of *arbiter*, which will be discussed below. None the less, Westbrook does very usefully dismiss Harris’s (1986) suggestion (93–95)—still cited without reservation, as at Roller (2001), 237 n.40—that *vitae necisque potestas* referred usually the father’s right to expose unwanted infants. Cic. Rep. 3.23 makes the matter somewhat less certain, when Philus says *sunt enim omnes, qui in populum vitae necisque potestatem habent, tyranni, sed se lovis optimi nomine malunt reges vocari* (“for all who possess the power of life and death over the people are tyrants, although they prefer to be called, in the nomenclature of Jupiter Optimus, kings”). I do not believe that this sentence suggests that *vitae necisque potestas* is *per se* destructive, because first, all judgment on the passage must be highly tentative, since much of the preceding discussion has been lost; second, that it is Philus who speaks this line makes it problematic, as he seems in this book to be professing views which he himself does not hold; and third, that, if Scipio’s views are to be taken as representative of Cicero’s, then *vitae necisque potestas* cannot be negative except by special context, since it is otherwise so intimately connected with the paternal king whom Scipio frequently praises.
gravity of his responsibility.\textsuperscript{127} Notwithstanding its affective connotations, \textit{pater familias} is a legal, not literary, term. By referring to \textit{vitae necisque potestas}—a power which was legally bestowed upon a father but was at this time only socially constrained—Seneca both reinforces this legal aspect and justifies its application to a childless youth: since the indispensible legal feature of a \textit{pater familias} was his ability to own property, a \textit{pater familias} need not be a \textit{pater}.\textsuperscript{128} In the present instance, then, the term’s other connotations, while potentially relevant, are secondary to its establishing the emperor’s relation to the laws, that, as with a \textit{pater familias}’s \textit{patria potestas}, the princeps’s \textit{imperium} is legally granted, socially sanctioned, but limited by his observance of certain virtues.

In this first reference to \textit{patria potestas}, Seneca’s immediate concerns are twofold: first, to establish the princeps as legal arbiter while not being constrained by the law himself; and second, to refute the implied fear that, by being above the law, he may become a \textit{tyrannus}.\textsuperscript{129} On the first point, the princeps was at this time \textit{de facto} above the law, \textit{de jure} likely an equal.\textsuperscript{130} Although the notion of an emperor \textit{legibus solutus}, or above the law, would not be codified and advertised until the third century A.D., Julius Caesar and Augustus had demonstrated that coercive power was ultimately in the princeps’s hands.\textsuperscript{131} His relation to the laws was ostensibly that of an executor, and yet his execution of the laws was not legally

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\item \textsuperscript{128} Saller (1997), 184, who refers to Ulp. \textit{Dig.} 1.6.4., 32.50.1.
\item \textsuperscript{129} Plato, as Griffin (2000), 538, notes, distinguishes king and tyrant by whether or not they rule in accordance with the law (\textit{Politicus} 301–2). In contrast with Plato’s concern with ruling in accordance with the established laws, Seneca’s reliance on amorphous custom, of fulfilling paternal responsibility, is the more apparent factor.
\item \textsuperscript{130} At the time of Seneca’s writing, nothing like the \textit{lex de imperio Vespasiani}, or legal account of the princeps’s powers, appears to have been in effect. See Johnston (2000), 624–25, who refers to Gaius \textit{Inst.} 1.5 and Ulpian \textit{D.} 1.4.1 pr., which refer to the princeps’s having, by statute, the power to issue statutes.
\item \textsuperscript{131} Millar (1984), 517, cites \textit{Dig.} 1.3.31 (Ulpian, \textit{ad legem Juliam et Papiam}): ‘Princeps legibus solutus est: Augusta autem licet legibus soluta non est, principes tamen eadem illi privilegia tribuunt, quae ipsi habent’ (“The princeps is free from the laws. His wife, however, is not free from the laws, although princeps grant to her the same privileges which they themselves have”). See also Wirszubski (1950), 130–36, which describes what little can be ascertained of the emperor’s relation to the constitution.
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constrained. For Millar, a legal rationale of the princeps’s power was merely ancillary to his uncontested coercive power: “Whatever its legal justification, if any, the emperor’s power to inflict death, confiscation or exile was from the beginning an integral part of his role, an inheritance it seems from the summary hearings, punishments and confiscations of the civil war period.”

On this view, the laws are only one instrument of the princeps’s power. Tiberius, in his trials for *maiestas*, uses the laws to intimidate the senate; Nero, speaking at his accession, promises to restore legal power to the senate, while the emperor will return to minding the armies, saying *non enim se negotiorum omnium iudicem fore*……*Teneret antiqua munia senatus, consulum tribunalibus Italia et et publicae provinciae adsisterent: illi patrum aditum praebere, se mandatis exercitibus consulturum* (“[H]e would not, he said, be the judge of every business…… The senate should hold on to its ancient responsibilities, while Italy and the provinces should attend at the tribunals of the consuls: [the consuls] would provide access to the fathers, while he himself would pay heed to the armies entrusted to him,” Tac. *Ann.* 13.4.2). By promising not to be a *iudex* in every business, Nero ostensibly restores the authority of interpreting the laws to the senate, while himself retaining the power of enforcement through coercion, which is in turn allowable to the senate because of the princeps’s ambiguous legal status and his claim to a legally sanctioned but legally unlimited paternal authority.

*Patria potestas* may thus be understood as a subtle device for framing the princeps’s ambiguous relation to the laws in terms which the senate could openly accept but which would not undermine the rhetorical construct of the princeps’s power. With this term, Seneca may play simultaneously on two rhetorical chords: the legality of the emperor’s power and his

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133 *E.g.*, Suet. *Tib.* 58–9 and in the ever more frequent trials for *maiestas* which start at Tac. *Ann.* 1.72.2 and continue through book six.
internal restraint in its exercise. As a father is legally granted power of life and death over his family, so the princeps is legally given power over all peoples;\textsuperscript{134} and as the father is still constrained by the requirements of pietas, the emperor must exercise his restraint in the form of clementia. So much does Seneca accomplish, I believe, with vitae necisque; the connotations of arbiter, as will be seen, serve to accentuate its legal aspects.

Seneca’s choice of arbiter confirms that he would emphasize the emperor’s de facto omnipotence and his practice of self-restraint in accordance with the paternal terms known to his subjects. Arbiter, as Braund notes in her commentary, entails the tacit dichotomy of the arbiter and the iudex, which Seneca explicates at Ben. 3.7.5.\textsuperscript{135} The arbiter has a less rigid relation to the law because, unlike a iudex, he renders his judgments not by referring to formulae, or set legal terms which serve as a model for similar legal pleas, and laws, but to generic humanitas and misericordia.\textsuperscript{136} Although his ruling in a dispute was binding, the arbiter was initially selected only by agreement of all litigants, who were then bound to abide by his ruling; should they fail to do so, the litigants could appeal to the state for relief, and a iudex would enforce the arbiter’s ruling.\textsuperscript{137} By giving the ultimate power, of life and death, to

\textsuperscript{134} I do not believe gentibus to be referring, as Westbrook (1999) claims, to barbarous people. Nothing in the following section narrows its sense to the non-Roman or even non-Italian world. It refers, as Braund (2009) (note ad loc.) states, to “the peoples of the whole world,” which is “a common exaggeration” in Imperial rhetoric. See also Brunt (1990), 433–80, which describes in some detail the Romans’ tendency to exaggerate the extent of their hegemony.

\textsuperscript{135} Praeterea, quaecumque in cognitionem cadunt, comprehendunt et non dare infinitam licentiam iudicis; ideo melior videtur condicio causae bonae, si ad iudicem quam si ad arbitrum mittitur, quia illum formula includit et certos, quos non exceedat, terminos ponit, huissus libera et nullis adstricta vinculis religio et retrahere aliquid potest et adicere et sententiam suam, non prout lex aut iustitia suadet, sed prout humanitas aut misericordia impulsit, regere (“Moreover, all matters that come to trial can be defined without giving unchecked license to the judge. It therefore seems better if a strong case is referred to a judge than to an arbiter, because the judge is limited by legal formulae which impose bounds that he may not violate, but the arbiter’s latitude, being free and unconstrained by any restrictions, can disregard or emphasize anything and can direct his opinion not as the law or justice advise him, but as his humanity or pity impel him.”)

\textsuperscript{136} Braund (2009), 161.

\textsuperscript{137} Provided, that is, that the ruling had been made ex compromisso, viz. with the litigants’ prior agreement that the arbitrator’s decision be binding. See Roebuck and Fumichon (2004), 19 and 195. It should be noted that, well into imperial times, Roman legal terminology was not altogether consistent in differentiating the iudex and the arbiter, with iudex being a subset of arbiter. See ibid. 14–21 for a concise synopsis of the terminological
an *arbiter* rather than to a *iudex*, Seneca again moves the restraint on the princeps’s power from the category of legal codification to that of virtue, the nature of which is for the princeps, as *arbiter*, to decide by consultation of a vague external criterion. Hence, the princeps was ostensibly constrained by a system of values familiar to, and even to some degree negotiable with, the senatorial class, but not by any fixed *formula*. As *arbiter*, he by no means abjures his legal power; rather, the subtle differentiation of legal precedent and virtuous moderation allows for Nero’s promise to the senate of his disinterested application of the laws.

Furthermore, as a designation for the emperor in a text read by the political classes, *arbiter* palliates the reality of political subordination. The senators’ lasting fear of the *rex* would abate by degrees over the centuries, but was still current in Seneca’s day. It was only in the first century B.C. that a dichotomy had developed in Roman oratory differentiating the *rex* as a potentially good autocrat from the *tyrannus* as a definitely bad one, largely by borrowing the older Greek schema that differentiated the *βασιλεύς* and the *τύραννος*.138 By Augustus’s reign, if one is to believe Tacitus, the Roman nobility had lost their organized resistance to centralized authority through either annihilation or the inducements of office and wealth and were reconciled to quiescent servitude (*Ann.* 1.2.1). However, even when the senators were not being humiliated at the emperor’s hands, they were, as the *Annales* recount, keenly aware of their subordination.139 Their concerns, it may be inferred, were twofold: the emperor, though

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138 See also Griffin (1976), 143.

139 Raafraub and Samons II (1990) provide an extensive account and analysis of senatorial opposition to Augustus. Tacitus, Pliny, and Suetonius name, among others, C. Caecina Paetus, Thrasea Paetus, and Helvidius Priscus as prominent examples of senatorial opposition. See McAlindon (1956), who offers biographical information on the senators executed for *maiestas* under Claudius and Nero.
omnipotent, must avoid both the title of rex and the behavior of a tyrannus, and he must allow the senate an adequate semblance of their former power. The position the princeps must occupy was, in Wallace-Hadrill’s phrase, “between citizen and king,” being both subject in the abstract, like a cīvis to the res publica, and leader of the people in actuality. The term arbiter satisfies both. In light of Seneca’s all but addressing Nero as rex\textsuperscript{140} (e.g., Clem. 1.4.3) and of the previous three emperors’ tyrannical excesses, it is clear that, for every evocation of the princeps’s power, Seneca is compelled to dispel the corresponding fear that it will be used tyrannically. Seneca develops this theme in a similar vein at 1.1.4 (\textit{sic me custodio tamquam legibus quas ex situ ac tenebris in lucem evocavi rationem redditurus sim}, “I guard myself just as if I were going to have to justify myself to those laws which I summoned from their neglect and darkness into the light”) and implies the distinction between arbiter and iūdex at 1.22.1.\textsuperscript{141} The princeps, as arbiter, fulfills an interpretative function akin to the iūdex while not confining his powers to the scope of a legal code, nor depriving the senate of their traditional interpretative powers. As an arbiter, then, he has the expansive powers of the rex while avoiding that title, and an internal restraint which reflects the imputation of tyranny.

\textsuperscript{140} Seneca uses rex and princeps almost interchangeably (1.4.3, 1.7.1, 1.13.1, 1.16.1). By contrast, Cicero’s more traditional views of the rex may be seen at Rep. 2.52 for the traditional Roman loathing of the rex. Wallace-Hadrill (1982), 36, suggests the Roman (and to some degree Greek) antipathy toward kings may be merely the result of our small evidence from the senatorial class, whereas in fact (per Alföldi) the Julio-Claudian and Flavian emperors presented themselves in the fashion of the Hellenistic kings. But, he says, “What is lost in this attempt to resolve ambivalence by rejecting one side of the evidence is the peculiar historical situation which marks off the Principate from the other manifestations of autocracy. The Principate was established by an act of denial (recusatio), ritually perpetuated from reign to reign. It is this pose of denial that itself constitutes the dominant feature of the imperial ceremonial; and though ‘monarchical’ elements seeped in inexorably, they were only admitted in so far as they were deemed not to contradict the basic pose.” Invoking patria potestas was one way of reconciling the Republican pose with the autocratic reality in the Principate.

\textsuperscript{141} Transeamus ad alienas iniurias, in quibus uindicandis haec tria lex secuta est quae princeps quoque sequi debet (“Let us now move on to injuries done to other people. In punishing these, the law has these three aims, and so too should the emperor”), which implies a distinction between the laws’ and princeps’s respective rationales for inflicting punishment: the prince may punish, and he does so best when he elects to follow the rationale of the law, namely, to reform the offender, set an example for the others, or remove the danger that the offender poses to society.
II. The Princeps as Part of the Universal Hierarchy

The authority of the *vitae necisque arbiter* is therefore limited in two respects, neither of which falls under any institutional or legal authority. As an *arbiter*, the princeps must embody *humanitas*, which in turn emphasizes self-restraint; his *vitae necisque potestas* entails the obligations of *patria potestas*, which in turn entails the exercise of power as restrained both by affection as for kin and by responsibility as father. Seneca connects both of these conceptions of paternal power with a third limiting factor, that of the gods, when he has the emperor ask himself the question which frames the whole treatise: ‘Egone ex omnibus mortalibus placui electusque sum, qui in terris deorum vice fungerer?’ (“Have I of all mortals proved good enough and been chosen to act as the gods’ representative on earth?” 1.1.2). The agent is grammatically ambiguous, but, as Braund and Fears observe, he is almost certainly to be understood as *electus a diis* (“chosen by the gods”). He is chosen by the gods, not by the *populus* nor by any other sublunary power, to fulfill his office by imitation.\(^{142}\) As I shall explain, this association in *De Clementia* of emperor and gods operates on two levels: for the princeps himself, the gods serve as a protreptic model for cultivating moderation; for a more philosophically minded audience, the princeps’s subordination to and imitation of the gods naturalizes his authority by incorporating it into a hierarchical, universal configuration.\(^{143}\)

\(^{142}\) Braund 2009, n. 1.1.2; Fears (1975), 487; Fears (1977) on selection by the gods. For the office of the gods, cf. Plin. *Pan.* 80.5 [*ille mundi parens* te dedit qui erga omne hominum genus vice sua fungereris* (“[That great parent of the world] has given us you so you could fulfill his office toward all of humankind”).

\(^{143}\) At 1.5.7, one should imitate the gods in preserving life: *servare proprium est excellentis fortunae, quae nunquam magis suspici debet quam cum illi contigit idem posse quod dis, quorum beneficio in lucem edimur tam boni quam mali* (“To save life is the prerogative of exalted rank. It should never win more admiration than when it has the luck to equal the power of the gods, by whose kindness we all, good along with bad, are brought into the light”). Picking up on his reference to the gods, Seneca presents them again as a model for imitation at 1.7.1: *Quoniam deorum feci mentionem, optime hoc exemplum principi constituam ad quod formetur, ut se talem esse ciuibus quales sibi deos uelit* (“Since I have mentioned the gods, it will be the best thing for me to establish this as a model for the emperor to conform to, so that he may desire his relationship with his citizens to resemble the gods’ relationship with himself”). At 1.19.9, the princeps *proximum illis [sc. deis] locum tenet* (“holds a place nearest them”) if he acts in accord with their nature.
The protreptic function of the gods is clear: good conduct allows the princeps to deserve deification.\(^\text{144}\) The deification of and voluntary reverence for Nero’s great-great-grandfather, Augustus, is the logical illustration of this formula:—

* Deum esse non tamquam iussi credimus; bonum fuisse principem Augustum, bene illi parentis nomen conuenisse fatemur ob nullam aliam causam quam quod contumelias quoque suas, quae acerbiores principibus solent esse quam injuriae, nulla crudelitate exsequebatur... (1.10.3)

[We believe that he is a god—and not because we are under orders. We declare that Augustus was a good emperor and that the name of ‘Parent’ suited him well, for no other reason than this: because he did not avenge insults, even personal ones, which emperors usually feel more acutely than injuries, with cruelty...] Augustus merited both deification and the title of ‘*Parens*’ for the same reason: his clemency. Clemency connects the emperor at once to the restrained exercise of the parent’s *potestas* and to the gods. The great power which he wields, moreover, is granted by the gods: *Vit itaque animose debet tanto munere deorum dandi auferendique uitam potens* (‘Consequently, the person with the power to give and take away life ought to use this great gift of the gods in a noble spirit,” 1.21.2).\(^\text{145}\) The synthesis of these interrelated factors—of clemency, the title ‘*Parens,*’ and the gods, may be expressed as follows: The characteristic power of the father, *patria potestas*, is bestowed upon the princeps by the gods, and its exercise with the requisite restraint allows him to join their ranks and be exalted by all mortals. The gods, then, pattern the emperor’s exercise of the paternal power which they have given him. To imitate the good father by using *patria potestas* well is to imitate the gods.

By presenting the fatherly office which the princeps holds over his people as being at once bestowed by and modeled on the gods, Seneca incorporates the princeps into a hierarchical, universal configuration. Seneca’s object in connecting paternal and supernal power is, I

\(^{144}\) Griffin (1976), 219–21.

\(^{145}\) The princeps’s power as derived from the gods would grow as a figure of imperial rhetoric. Cf. *e.g.* Plin. *Pan* 1.1–6, 5.1–2; 8.2; 56.3; 80.4–5; 94.1–5.
believe, similar to Cicero’s connecting the authority of the rector to the transcendent civic patria, namely that both the gods and the civic patria justify a leader’s authority by weaving it into the nature of the universe. For Seneca, this close interweaving of princeps and the universal order makes it difficult to postulate any other system than one in which the princeps would be sole ruler. The symbiosis between ruler and ruled is natural; their separation is almost inconceivable.\footnote{That state and Caesar are inseparable, cf. Sen. Clem. 1.4.1–3 and Tac. Ann. 1.12.3. Both liken the res publica to one body whose single mind is the emperor. Bodily unification of state and emperor appears to have had some traction among at least the sycophantic senators, as Asinius Gallus is reported to have sought to reassure Tiberius that unum esse rei publicae corpus atque unius animi regendum (“the body of the state was one and needed to be ruled by the mind of one individual,” 1.12.3).}

The naturalizing metaphor begun at 1.3.5, of the princeps as mind to the empire as body, at once recalls Cicero’s equating Julius Caesar’s, Pompey’s, and his own salus with the republic’s and naturally culminates, as at 1.4.3, with the unification of res publica and Augustus: Olim enim ita se induit rei publicae Caesar ut seduci alterum non posset sine utriusque pernicie; nam et illi uiribus opus est et huic capite (“Some time ago, in fact, Caesar identified himself so thoroughly with the state that neither could be withdrawn without the destruction of both: the situation is that Caesar needs strength and the state needs a head”).\footnote{Per Weinstock (1971), 169: for Caesar Marc. 22; for Pompey, Mil. 19, Att. 6.3.4 and 8.2.3; for himself, p. red. Quir. 16; Sest. 129; Phil. 2.12; Off. 1.78; also for Scipio, Rep. 6.12.}

This naturalistic justification by analogy of the body is only a prominent example of the divers other forms of naturalization that permeate book one.\footnote{For other examples of natural analogs, see Braund (2009), 57–61, who very neatly collects and analyzes Seneca’s imagery in De Clementia, e.g., the emperor as doctor, at 1.5.1., 1.9.6, 1.17.1–2, 1.24.1; as farmer, 2.7.4–5; as master of animals, 1.24.2, 1.21.4, and the famous example of the ‘king’ bee, at 1.4.1 and 1.19.2–3; as star, 1.3.3; as clear sky, 1.7.2; as sun, 1.8.4; as god, 1.5.7, 1.7.1–2, 1.8.3, 1.19.9, 1.26.5; the tyrant as beast, 1.3.3, 1.25.1; anger as a thunderbolt, 1.8.5.}

Naturalization of the princeps’s power may be readily observed to connect the princeps with Seneca’s Stoic model of a rational, ordered universe. Of particular interest, however, is that Seneca links the maintenance of universal order with the emotional response of the princeps’s subjects: By fulfilling his appointed role, Seneca indicates, the princeps earns a
kindred affection from his people. His rationale is as follows: As the princeps is the mind
directing the state, he is analogous to the divine reason (λόγος) which Stoic cosmology held to
guide the universe.\textsuperscript{149} The princeps, as mind of the empire, approaches the function of the
Stoic God.\textsuperscript{150} Just as the withdrawal of divine reason overturns the universal order (consider
the cosmic collapse in Sen. \textit{Thy.}, 835–38), the disappearance of the emperor would precipitate
civil chaos:—

\begin{quote}
\textit{Ille est enim uinculum per quod res publica cohaeret, ille spiritus uitalis quem haec tot
milia trahunt nihil ipsa per se futura nisi onus et praeda, si mens illa imperii
subtrahetur.}

\textit{Rege incolumi mens omnibus una,}

\textit{Amisso rupere fidem.}

\textit{Hic casus Romanae pacis exitium erit, hic tanti fortunam populi in ruinas aget; tam
diu ab isto periculo aberit hic populus quam diu sciet ferre frenos, quos si quando
abruperit uel aliquo caso discussos reponi sibi passus non erit, haec unitas et hic
maximi imperii contextus in partes multas dissiliet, idemque huic urbi fini dominandi
erit qui parendi fuerit. (1.4.1–2)}
\end{quote}

[He quite simply is the link that holds the state together. He is the breath of life to all
these many thousands who on their own would only be a heavy weight and easy prey if
that mind of the empire were withdrawn.

\begin{quote}
\hspace{1cm}When their king is safe, they act with one mind.
\hspace{1cm}When he has gone, they break their pact.

\hspace{1cm}A disaster like this will be the end of the Roman peace and will demolish the
prosperity of our mighty people. This people will be free of that danger precisely as
long as it understands how to submit to the reins. If ever it breaks them or does not
allow them to be replaced once they have been shaken off by some disaster, this
unified fabric of the greatest empire will fragment into many particles, and the end of
this city’s obedience will be the end of her domination.]

The placement of the emperor within this universal ordering establishes his authority as both
natural and necessary. Braund observes of this passage that “Seneca shifts for a moment from
his concern to establish the reciprocity or mutuality of the relationship between the ruler and

\hspace{1cm}\textsuperscript{149} Hahm (1977), 174.
\hspace{1cm}\textsuperscript{150} Griffin (2000), 537. Cf. Cic. \textit{Rep.} 3.38: \textit{sic regum, sic imperatorum, sic magistratum, sic patrum, sic
populorum imperia civilibus sociisque praesunt ut corporibus animus (“So kings, commanders, magistrates,
senators, and popular assemblies govern citizens as the mind governs the body,” transl. Walker Keyes); Arist.
\textit{Pol.} 1254b5.
his people…to a blunt assertion of the necessity of the people’s submission to the ruler’s absolute power…”

151 Seneca mitigates his assertion both with a resonant recollection of the horrors of civil war and with a timely assertion that the emperor’s successful execution of his office will put him in a position of kindred intimacy with his subjects. 152 The naturalness of the emperor’s fulfilling his role within the universal hierarchy is the cause of an equally natural kindred affection from his people:—

\[ Ideo principes regesque alio nomine sunt tutores status publici non est mirum amari ultra priuatam etiam necessitudines; nam si sanis hominibus publica priuatis potiora sunt, sequitur ut is quoque carior sit in quem se res publica conuertit. (1.4.3) \]

[For that reason it is no wonder that emperors and kings and whatever other name the guardians of the public order have are cherished even beyond the degree of our private relationships. After all, if people of sense put public interests before private, it follows that the individual round whom the state revolves will be dearer too.]

The princeps’s restrained use of his power in the manner of \textit{patria potestas} is not merely imitative of the gods, nor is the title ‘\textit{Parens}’ merely honorific. By being a national father, the princeps will be loved (\textit{carior}, “dearer”) to his people. The term \textit{carus} (sc., from \textit{carior}) has, moreover, a significance besides that of making the princeps a beloved father, the nature of which I shall presently examine.

\textbf{III. The Beloved Princeps}

I have attempted to demonstrate that Seneca’s invocation of \textit{patria potestas} obligates the princeps to use his power responsibly and connects him with the gods from whom he receives

\textsuperscript{151} Braund (2009), 215.

\textsuperscript{152} Griffin (2000), 541–42, places this and other passages in the historical context of civil war: “His allusions to the possibility of self-destruction (1.1.1; 1.3.5; 1.4.2) have historical overtones, for the Principate was designed to avert a repetition of the civil wars in which the Republic had perished. Seneca’s development of the metaphor of the ruler as the soul of the commonwealth has in fact a particular relevance to Rome, for he moves from a general metaphysical justification of the ruler’s indispensibility within a monarchical system to a specific historical justification for the Principate,” at which point she quotes from the same passage of the \textit{De Clementia}.,
that power. These two relationships place him in a superior position of acceptable paternal authority over the senate and in a position similar to but inferior to the gods. As yet, one may reasonably understand the figure of the father, despite its frequent and highly significant appearance, to be at bottom nothing more than a metaphor intended to recommend the balancing of power and responsibility, and indeed we have spoken of the Roman father primarily in terms his *patria potestas*. As was seen in the introduction, however, a fundamental aspect of the *pater familias* in Roman society was the attitude wherewith he was commonly regarded, and it was observed that, despite the broad scope and minimal legal restriction of *patria potestas*, the *pater familias* was conceived in largely fond, affectionate terms. It is these affectionate terms which Seneca evokes when he tells Nero that, by maintaining his fatherly eminence as universal orderer, he will be *carior* to his people. By evoking this affective side of the princeps’s paternal leadership, Seneca makes the princeps a *pater familias* in the fullest sense, as one whose proper exercise of power makes him beloved.

In the Republic, Hellegouarc’h found, *carus* implied a more elevated kind of love than that among friends and kin, which would normally be denoted by *amor*. Citing Cicero’s *Partitiones Oratoriae* 88, he says:

> Il semble donc que la juxtaposition de *amor* et *caritas* ait pour but de distinguer deux sortes d’affections; l’affection naturelle que l’on éprouve pour des parents ou des amis intimes pour laquelle *amor* constitue le terme adéquat et celle qui s’applique à des êtres qui sont plus éloignés de nous au point de vue des relations naturelles…Sans doute sous l’influence du stoïcisme, le mot se serait développé dans le sens d’une inclination altruiste et l’on serait ainsi passé à la *caritas patriae* puis à la *caritas generis humani*.  

It is consistent with the argument of my first chapter that Cicero should pair *caritas* and *amor* to link the one with a transcendent category, akin to his civic *patria*, and the other to the affective, or natal *patria*. It is furthermore consistent with the argument of the interchapter that

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153 Hellegouarc’h (1963), 148–49.
the heritage of Augustan paternalism would weaken the distinction between these two categories, when the state had become in large measure the *familia* of the princeps. At 1.4.3, cited above, Seneca effects the union of *caritas* and *amor*. As with Cicero’s natal *patria*, the princeps supersedes one’s nearest kin in affection, not with a different kind of affection, but with the same kind. The princeps is beloved (*amari*) as a father would be; in as much as his *familia* is now, in affective terms, everyone’s (*publica*) *familia*, so he is dearer than one’s own (*priuatis*) *familia*. The subjects may regard their princeps just as they would their father.

Seneca revisits the affective aspect of *patria potestas* at 1.14.154 In the intervening chapters, he has developed or reiterated the likeness of the state to an organism (1.5), the emperor and the gods (1.7.1–3), Nero and Augustus (1.9.1–1.11.3), the difference of king and tyrant (1.11.4–1.12.3). Now, Seneca returns from lengthy expansion and development of his themes to his main topic:

> Quod ergo officium eius [sc. principis] est? quod bonorum parentium, qui obiurgare liberos non numquam blande, non numquam minaciter solent, aliquando admonere etiam uerberibus. (1.14.1)

[So what is his (sc., the princeps’s) duty? It is that of good parents, who as a rule scold their children sometimes gently, sometimes with threats, and on some occasions even chastise them with flogging.]

The *parens* (in this instance, almost interchangeable with *pater*, but see Ch. 1 above for the distinction) is the exemplar of moderation, but the mechanism of his moderation acquires new significance in light of the foregoing discussion of the senate’s anxieties and of the naturalness Seneca ascribes to emperorship. The emperor who coerces only as a last resort is called the *pater patriae*:

> hoc quod parenti etiam principi faciendum est, quem appellauimus patrem patriae non adulatione uana adducti. cetera enim cognomina honori data sunt; Magnos et Felices et Augustos diximus et ambitiosae maiestati quicquid potuimus titulorum congressimus
[illis hoc tribuentes], patrem quidem patriae appellauimus ut sciret datam sibi potestatem patriam, quae est temperantissima liberis consulens suaque post illos reponens. (1.14.2)

[That is how a parent ought to act—and an emperor too; when we have named him ‘Father of the Fatherland’ we have done so not induced by meaningless flattery. The fact is, other titles have been bestowed simply honorifically. We have styled people as ‘Great’ and ‘Fortunate’ and ‘August’ and we have loaded their desire for grandeur with whatever titles we can (, making this our tribute to them). But the name ‘Father of the Fatherland’ we have used to make him aware that he has been granted a father’s power, which is the most restrained in the way that it cares for his children and subordinates his own interests to theirs.]

Braund believes Seneca here to be saying that “other titles are honorary, whereas the title pater patriae has a specific purpose (ut), namely to place the ruler under an obligation or expectation of behaviour. Seneca thus cleverly reverses the relationship between ruler and people.”\(^{155}\) The nature of this obligation to the people is not, however, paternal merely by analogy. For Seneca, there is little difference between the princeps’s imperium and patria potestas, because fatherhood is a category of responsibility demarcated at multiple levels by the natural hierarchy of the universe. It has been seen already that the generative, biological aspects of the pater familias were of subordinate importance to his patria potestas.\(^{156}\) The princeps, then, may justifiably be seen to fulfill the same role as a pater familias, both in the type of his power and the impression he was expected to make upon his people.

The figure of the father was a subtle means of reconciling the senators to their increasing subjugation under the princeps by borrowing the virtue of obedience from another social

\(^{155}\) Braund (2009), 318. Griffin (2000), 536, traces the figure of rule as a ‘noble servitude’ to the Macedonian king Antigonus: Aelian \textit{Ver. Hist.} 2.20, ‘οὐκ ὀλήθα, ἐπεν, ὦ παῖ, τὴν βασιλείαν ἡμῶν ἐνδοξοῦν ἐίναι δοῦλεῖαν;’ (‘‘Do you not know, my son,’’ said he, ‘that our kingship is a noble servitude?’).

\(^{156}\) Seneca’s concern for the biological underpinnings of fatherhood may, however, be argued from his preference for direct descent over adoption as a means of imperial succession. See Griffin (1976), 218–19, who cites \textit{Brev. Vit.} 15.3 for Seneca’s dim view of succession by adoption, and \textit{Ben.} 4.30–32 for Seneca’s belief that an emperor’s divine election could be merited by the good deeds of ancestors. Kinship for Seneca, as for Cicero, still seems to be a factor, albeit subordinate to the more encompassing definition of fatherhood in terms of patria potestas.
sphere. While *clementia* does not necessarily connote fatherhood, Seneca ingeniously interweaves the two concepts so as to make a virtue on the one hand of the emperor’s *potestas*, and on the other of the senators’ subjugation. Braund cogently argues in the introduction to her edition that *clementia* was useful as the defining virtue of the Principate because it presumed autocratic authority in a manner consistent with Roman values, for only one in power can be clement, and clemency’s close relative, self-restraint, was the idol among the virtues.¹⁵⁷ This new virtue fit comfortably in the Roman “virtue economy,” and the transmutation of *potestas*, regarded in the Republic with distrust, into *patria potestas* made obedience a filial virtue.

¹⁵⁷ Braund (2009), 32.
CONCLUSION

Some general conclusions may now be drawn about the relation between state and father in Rome. Broadly speaking, the Roman state’s authority was closely associated with *patria potestas*, which, while not requiring that its holder be a father, was linked with the *pater familias*, or head of the household. Paternal authority is therefore not associated even primarily with begetting, but with the responsibilities of management, which was restrained on the one end by societal expectations and on the other by the *sine qua non* of the good *pater familias*, clemency.

The state’s manifestation of this paternal authority differed between Republic and Principate. In the Republic, the oligarchy of the *nobiles* was the rule of a confederation of *patres familias*, each of whom maintained his own *patria potestas*. The state was not seen to transcend the family, but to respect the authority of each *pater familias* over his own *domus*. Each *pater familias* was expected to temper the exercise of his authority from his respect of the social virtues, which would be reinforced by his private consultation with *consilia* of his friends and relations.

In Cicero’s *De Re Publica*, one may see not only this familial (or, as I have termed it, ‘natal’) aspect of the state, but also a transcendent aspect (which I have termed ‘civic’), by which *res publica* is of a value categorically superior to one’s own family. In this latter configuration, the state is served not chiefly by *patres*, as the senators were called, but by the *rector*, or ideal statesman, who acted selflessly by *ratio*, or reason and calculation. As the tenability of the *rector* ideal faded with the state’s tendency toward autocracy under the first triumvirate, Cicero, in *De Officiis*, came to emphasize the natal aspect of the state, and by extension the paternal authority of the autocrat. He had himself prefigured the compatibility of
the old Republic with paternalist autocracy by his advocacy of the title *Pater Patriae*, which forms a link between the confederated *patres familias* of the Republic and national *pater familias* of the Principate.

When autocracy was consolidated under Augustus, there was an indeterminate period in the 20’s and early 10’s B.C. when the princeps appears to have considered a number of means by which he could reconcile his sole power with the need to appear republican in the old, consultative fashion. His acceptance of the title *Pater Patriae*, in 2 B.C., after more than a decade of increasingly paternalistic rule and regulation of public morals, may reasonably be considered the point by which a new system had emerged, in which the *res publica* was the *familia* of Augustus, who was in turn *pater familias* of the *res publica*.

Such was the system that was passed to Tiberius, Gaius, Claudius, and then to Nero, at the beginning of whose reign Seneca offered a clear articulation of the princeps’s authority as that of a *pater familias*. In this work, Seneca discovers the multitudinous uses of fatherhood as a means of justifying autocracy, which had hitherto been objectionable in the political realm. In fact, Romans had all along been comfortable with the idea of the autocrat, provided that, like the beloved *pater familias*, he exercise his immense power with the proper restraint and consultation. Even the senators would relinquish their paternal powers over the state in their faith that the old *pater familias* would stand the republic now and ever in good stead.
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