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# Bryn Mawr Classical Review

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**Jörg Spielvogel (ed.), *Res publica reperta. Zur Verfassung und Gesellschaft der römischen Republik und des frühen Prinzipats. Festschrift für Jochen Bleicken zum 75. Geburtstag.* Stuttgart: Franz Steiner, 2002. Pp. 350. ISBN 3-515-07934-3. EUR. 64.00.**

**Contributors:** J. Martin; K.-W. Welwei; P. Hermann; F. Goldmann; F. Ryan; W. Schuller; J. Spielvogel; K. Bringmann; F. Behne; U. Walter; H.J. Gehrke; L. de Libero; H. Leppin; M. Fuhrmann; M. Sehlmeier; H. Halfmann; E. Baltrusch; R. Schultz; H. Botermann; P. Kehne

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This is one of two Festschriften that Franz Steiner Verlag has published this year to celebrate Jochen Bleicken's 75th birthday on the 3rd of September last year. In its companion volume *Laurea internationalis*, scholars from mainly outside Germany (though Karl Christ, Wilfried Gawantka and the editor Theodora Hantos all work in Germany) congratulate the celebrant. The present book is a strictly German university based affair. The two volumes together clearly illustrate the interests of Bleicken, which range over a wide territory of ancient history and focus on both international scholarship and national historiography, as is for instance illustrated by his recent articles on Wilamowitz-Moellendorff and Alfred Heuß.<sup>[1](#)</sup>

As is almost inevitable with collections of this kind, the quality of the papers varies, though overall they are interesting and rewarding. The book is divided into three different sections: 'Verfassung' (pp.13-152), 'Mentalitätsentwicklung' (pp. 153-244) and 'Herrschaftspolitik' (pp. 245-321). The first part is, unsurprisingly in light of Bleicken's own preoccupation with Roman constitutional issues, substantially larger than the other two. It opens with Jochen Martin's article on family, kinship and the state in the Roman Republic. In it, he looks at the importance of marriage and relationships in the late Republic, the power and limits of *patria potestas*, and its political character as a type of glue of Roman society. Martin notes that magistrates are still bound by the power of their *pater familias* (referring to Val. Max. 5.4.5) but that at the same time a *pater familias* who encounters his consular son needs to dismount his horse as a token of respect (Val. Max. 2.2.4). The political context of the *patres* becomes all the more apparent when one looks at the Vestal Virgins or the *flamen Dialis*. They all leave their *patria potestas*, illustrating how they are bound solely by the *res publica*. This, Martin argues, shows how the *patres* can represent (and

control) the *res publica* through magistracies and assemblies, whilst being still subjugated to it. The state is more than the sum of all *patres*.<sup>2</sup>

Karl-Wilhelm Welwei's article looks at democratic constitutional elements in Rome from Polybius' point of view. It essentially gives an overview of the discussion on democratic elements in the Roman Republic resulting from Fergus Millar's arguments on the matter,<sup>3</sup> and then focuses strongly on Polybius' theory of state in that light. This is solid writing, but hardly innovative. Peter Hermann's contribution focuses on two inscriptions from Sardis to analyse the role of Romans and Italians there as a case study to Roman expansion in the Greek east in the second and first centuries BC. It is followed by Frank Goldmann's attempt to rekindle the discussion on whether the term *nobilitas* indicates merely status, or also describes a more clearly defined group. After sketching the historiography surrounding the term, he returns to the thesis of A. Afzelius that those with *ius imaginis* formed the *nobilitas*.<sup>4</sup> He may be right and counters some of the criticism of Afzelius effectively (p. 64, with nn. 113-4), yet the problem remains that, though *nobilitas* may have denoted a specific group, our evidence strongly suggests it to have been much more flexible, despite the fact that Cicero used the word in a context that overplayed the 'status' meaning (pp. 59-60).<sup>5</sup>

Frank Ryan continues with a useful (heavily prosopographical) analysis of the position and status of the *pontifices minores*, providing a *fasti minorum pontificum* in the process (p.79). Wolfgang Schuller and Jörg Spielvogel emphasise the importance of some legal expertise for understanding Roman Republican history, Schuller by looking at *ius civile* and the role of *fides*, and Spielvogel by analysing social-legal changes from the Republic to the Principate in light of the emergence of a *legatus Augusti pro praetore*. It hardly needs saying that the importance of Roman law has always been close to Bleicken's heart.<sup>6</sup>

Klaus Bringmann, still in the 'Verfassung'-section, looks at two key 'slogans' for the transitional period from Republic to monarchy, *res publica amissa* and *res publica restitua*, and uses them to illustrate contemporary awareness of crisis in the Late Republic and the importance of such awareness for the Augustan notion of a restored *res publica*. He mentions, in passing, the British Museum gold coin from 28 BC, which decorates the cover of the book, the only time that the *aureus* is mentioned in this volume.<sup>7</sup> The final two articles in this section are Frank Behne's observations on Mommsen, and Uwe Walter's discussion of Ronald Syme and the Augustan revolution. Behne puts much emphasis on sovereignty of the people in Mommsen's 'Staatsrecht' and, through copious references to Bleicken and Heuß, makes abundantly clear why this contribution is fitting for Bleicken's Festschrift. Walter's piece on the other hand, though well written, still betrays its origins as an article in the Frankfurter Allgemeine Zeitung and adds little to the recently published *La révolution romaine après Ronald Syme. Bilans et perspectives* (Foundation Hardt, Entretiens XLVI, 1999).

The second section, on 'Mentalitätsentwicklung', is organised chronologically,

starting in the third century BC and ending under Hadrian (with passing remarks on the period up to Pertinax). In a stimulating contribution, Hans-Joachim Gehrke looks at the internal Roman reaction to the first Punic War, especially from the part of the 'people'. He rightfully stresses the importance of warfare for the integration of all elements of the Roman state and emphasises (as has been done before) the importance of the sacred in Roman warfare. Considering his many references to Polybius and attention to the 'popular' part of the Roman state, it is unfortunate that there are no cross-references to Welwei's article. Overall, any kind of cross-referencing would have been welcome, as many of the articles deal, at least partly, with overlapping themes. Thus, the role of warfare is of great importance in Loretana de Libero's original paper on disabled war veterans. Combining a coin of, probably, 116/5 BC (Crawford, RRC 1, 302 no. 286), with a passage of Pliny (Nat. Hist. 7.104f.) De Libero puts forward the case of M. Sergius Silus, who because of sustained injuries needed a metal hand (*dextra ferrea*). Another important bit of evidence is the wooden leg that was found in a grave in Capua in 1884/5. Further literary passages make it clear that aristocrats who needed prostheses could still function in society, though in a limited number of roles. This is a well-researched contribution, with useful insights.

The contributions by Hartmut Leppin and Manfred Fuhrmann use purely textual evidence and deal with literary topics. Leppin sketches Atticus' motives for and defence of his abstention from politics, focusing on the ways the term *dignitas* could be used, whilst Fuhrmann has the far more ambitious aim to review literary reflections of the notion of revolution between late Republic and Empire. Unfortunately, the article does not live up to the task. The subject is too vast to be covered in twelve pages, leading to somewhat haphazard referencing of both ancient and modern texts, not helped by an almost complete absence of books and articles in languages other than German. The bibliography on the subject is of course almost too large for any individual to master, and one cannot expect (or perhaps even aim for) completeness. Yet, there is a real risk that language barriers are influencing academic discourse.

Markus Sehlmeier's discussion of Octavian's triumphal monuments following his victory at Actium, especially the four columns mentioned by Servius (auct. georg. 3.29), admirably combines literary, archaeological, and topographical evidence. His contribution places this somewhat understudied monument in context of Augustus' political use of images and shows, once more, the importance of Margareta Steinby's wonderful *Lexicon Topographicum*, which is fundamental to the argument. The final paper in this section is Helmut Halfmann's *O homines ad servitutem paratos!*, which is an attempt to sketch the problems facing senators in the Principate in their relationship with the emperor and each other, and how that is reflected in their writing. There are wonderful observations here, but the article as a whole is hampered by a rather unnecessary comparison between imperial Rome and Nazi Germany, which only seems to cause the senators to be firmly identified as the 'good guys'.<sup>8</sup> Halfmann must be right in noting that senatorial historiography finds (and creates) its own senatorial role-models, but the problem that is central to this paper has already

been analysed in more detail, and with much more subtlety, by Shadi Bartsch, *Actors in the Audience* (Cambridge [MA] 1994) (reviewed in [BMCR 95.03.02](#)), which Halfmann should have referred to.

The last section, 'Herrschaftspolitik', is also the shortest, incorporating only four papers. Again, chronology has been maintained, with Ernst Baltruch's contribution on the development of Republican ruler strategies as preamble to the Principate opening the section. He contrasts the ways of obtaining priority in the state by Sulla and Pompey and explains why Pompey was the more influential in the creation of empire. Raimond Schultz looks at Caesar's governorship of Hispania Ulterior in BC 61-60. This period is often looked at merely as a preface to Caesar's Gallic conquest, and Schultz' detailed description is highly interesting. It is followed by Helga Botermann's useful paper on the familiar concept of *bellum iustum* in Caesar's *Bellum Gallicum* and Cicero's *De provinciis consularibus*. The paper, however, says little on 'Herrschaftspolitik' and would belong in the previous section, where it would form an interesting counterpart to Gehrke's comments on the first Punic War. Again, the lack of any cross-references between the papers is regrettable. The last contribution of the volume keeps to military aspects, as Peter Kehne gives yet another analysis of the German frontier policy of Augustus. The historiographical part of the paper is helpful and very thorough, showing just how much disagreement exists on this topic, though it is unlikely to end the ongoing controversy. Two useful indices of names, and one of subjects and places, and an extensive index locorum, conclude this handsomely produced volume. It is the nature of reviews like these that one cannot do justice to each contribution in such an extensive collection. There is much of value in this Festschrift, and it is laudable that most papers are on similar themes in a reasonably short time span. It is, thus, likely that readers will find more than one paper of interest and any reader will find previously unknown information in this learned volume. With its eye for detail, it forms a fitting homage to Jochen Bleicken, though it never quite reaches the depths of the celebrant's own research. Then again, that could hardly be expected.

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#### Notes:

1. J. Bleicken / M. Staehelin, 'Ein unbekannter Brief von Ulrich von Wilamowitz-Moellendorff an Felix Staehelin über die *Geschichte der kleinasiatischen Galater*', *Klio* 76 (1994), 454-467; idem, 'Gedanken zu den frühen althistorischen Arbeiten von Alfred Heuß', in: Hans-Joachim Gehrke (ed.), *Alfred Heuß - Ansichten eines Lebenswerkes. Beiträge des Symposiums Alte Geschichte und Universalgeschichte. Wissenschaftsgeschichtliche Aspekte und historisch-kritische Anmerkungen zum Lebenswerk von Alfred Heuß*, Göttingen, 16. und 17. Mai 1996. (Stuttgart 1998), 11-24.

2. The first part of Martin's argument is strongly based on M. Bettini, *Familie und Verwandtschaft im antiken Rom* (Frankfurt a. M. 1992), 26-129, 153-78, as the author himself acknowledges (p.13 n.1, p.15 n.14). Bettini's discussion on *materterae*, however, has been convincingly discredited by Richard P. Saller,

'Roman Kinship : Structure and Sentiment' in B. Rawson/ P. Weaver (eds.), *The Roman Family in Italy. Status, Sentiment, Space* (Oxford 1997), 7-34, esp. 20-24. Martin waves his comments all too easily (p. 15 n.14: 'Ich halte ihm ... nicht für überzeugend'), referring to a forthcoming response by Bettini without further explanation.

3. F. Millar, 'The Political Character of the Classical Roman Republic, 200-151 BC', *JRS* 74 (1984), 1-19; idem, 'Politics, Persuasion, and the People before the Social War (150-90 BC)', *JRS* 76 (1986), 1-11; idem, 'Political Power in Mid-Republican Rome: Curia or Comitium', *JRS* 79 (1989), 138-50; idem, 'Popular Politics in the Late Republic', in: J.Malkin/ Z.W. Rubinsohn (eds.), *Leaders and Masses in the Roman World. Studies in Honor of Zvi Yavetz* (Leiden 1995), 91-113 (all now assembled, together with Millar's review on *CAH IX*, 2nd ed. in *JRS* 85, 1995, as 'Part II. The Roman Republic' in his collected essays: *Rome the Greek World, and the East*, vol. 1, Chapel Hill 2002); idem, *The Crowd in Rome in the Late Republic* (Ann Arbor 1998), of which Welwei fails to note the important review by T.P. Wiseman, in *JRA* 1999. He should have also referred to A. Yakobson, 'Secret ballot and its effects in the late Roman Republic', *Hermes* 123 (1995), 426-442, and idem, *Elections and Electioneering in Rome: A Study in the Political System of the Late Republic* (Stuttgart 1999). H. Mouritsen, *Plebs and Politics in the late Roman Republican* (Cambridge 2001), probably appeared too late for Welwei to incorporate.

4. A. Afzelius, 'Zur Definition der römischen Nobilität in der Zeit Ciceros', *C & M* 1 (1938), 40-94; idem, 'Zur Definition der römischen Nobilität vor der Zeit Ciceros', *C & M* 7 (1945), 150-200. On the *ius imaginis* of Cicero, Cicero. *Verr.* 2.5.36.

5. But one should remember D.R. Shackleton Bailey, 'Nobiles and Novi Reconsidered', *AJPh* 107 (1986), 255-60; 257: 'these terms were governed by usage, not legal definition' (quoted by Goldmann, p.53, with n.56).

6. Schuller gives references to the most important works of Bleicken with strong legal aspects on p.90 n.1.

7. One might note the British Museum accession number: CM 1995.4-1.1. Bringmann notes (rightly) at the outset (p.113 n.1) that it is impossible to do justice to the 'fast unübersehbaren Sekundärliteratur', but the discussion on the use of *res publica* as 'slogan' in L. Morgan, 'Levi quidem qui de re ...: Julius Caesar as Tyrant and Pedant', *JRS* 87 (1997), 23-40, already covers much of the ground and would have been of great use for Bringmann's argument.

8. Halfmann repeatedly implies that senators, especially Tacitus and Pliny, had great moral scruples about working under an emperor. He simply assumes that 'Männer wie Tacitus und Plinius' would wish to speak out against the emperor (p.232), and he ascribes 'inneren Skrupel und Zweifel' to them without citing references (p.241). In his discussion of Agricola (pp.230-231), he ignores the fact that the work may well be read as a defence of Tacitus' career under Domitian.

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