

FEAR AND FREEDOM.
A NEW INTERPRETATION OF PLINY'S *PANEGYRICUS*

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I.

What meaning does the word “subversion” carry under the principate, a regime that itself may be seen as constituted in and through subversion, that arose from what Theodor Mommsen called an “empire in permanent revolution” and what Carl Schmitt described as a “state of emergency,” that rests its claim to legitimacy on the radical deformation of republican institutions like the tribunate and the consulship?¹ I will approach this question from the perspective provided by the younger Pliny in his *Panegyricus*, a speech in praise of the emperor Trajan originally delivered in the autumn of 100 CE on the occasion of Pliny's taking up the suffect consulship, and later circulated by Pliny in written form (*epist. III 13; 18*).

The *Panegyricus* belongs in a tradition of poetic and prosaic praise stretching back to pre-classical Greece, with Pindar's victory odes and ἐπιτάφιοι λόγοι, of which the most famous are Pericles' oration over the Athenian dead in Thucydides and the alternative version of that speech provided by Plato's *Menexenos*. Isocrates' *Evagoras* of 365 BCE, honoring the king of Salamis in Cyprus, may have been the first panegyric preserved for circulation, for political and pedagogical reasons; dating slightly later is Xenophon's *Age-silaus*, the first prose text to describe itself not as a θρῆνος, a death song, but an ἐγκώμιον (10,3). That the objects of praise in these speeches are dead men is an important point of commonality that endures in the Roman context through the republic where, according to Cicero, the most common form of epideictic or demonstrative speech is the *laudatio funebris*. In his *Pro Marcello* and other Caesarian orations, Cicero inaugurated a shift in Roman

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¹ Especially useful for its discussion of sovereignty and its preoccupation with forms beyond the conventional continuum of morality, see H. BREDEKAMP, *From Benjamin to Carl Schmitt via Hobbes*, “Critical Inquiry” (1999), 247-266.

rhetorical practice in the course of which the conventions of the *laudatio funebris* were modified to respond to the conditions of autocratic power².

Pliny opens his speech with the anxious suggestion that the age and familiarity of the tradition of praise have rotted the genre, snatching it from the controlling intentions of its speaker, rendering it suspect and subversive. He fears his own tongue will indict him, that his effort to speak the real truth about Trajan's just rule will produce hyperbolic praise that must invite suspicion through its unwilling resemblance to the flattering lies demanded by tyrannical emperors like Nero and Domitian despite Pliny's own protests (*abest a necessitate, paneg. 1*, and further 2-3, 54-55).

In his insistence that panegyric is now a genre beyond reliable use in practice, Pliny provokes us to use his work in theory. This is how, I believe, the speech should be interpreted: as an exercise in political theorizing. In a recent insightful reading of the genre, Marco Formisano makes the important point that panegyric should be understood as a myth that incorporates beliefs about the *princeps* that the citizens want to believe³. In the spirit of this insight, I argue here that Pliny's speech helps reinforce the real conditions of absolute rule, under which Romans living under the principate were compelled to live, precisely as it explores ways to conceive life as the Romans wished to live it, *as free yet within the constraints of absolute rule*⁴. The structure, narrative, and climactic scenes in the speech articulate a new conception of *libertas*, of what it means to live as a *civis*, a legally free citizen, under autocratic domination. Attending to the theoretical project of the speech will shed new light on several of its most puzzling aspects and themes: its persistent return to the theme of civic liberty; its repeated claims of novelty, with reference to the speech itself and the nature of Trajan and his rule; the tense interplay of terror and submission, violence and piety in the figure of Trajan; its extended account of the emperor's fiscal policies and his judicial reforms; and the attention paid through vivid anecdotes and images to Roman "private life" free from imperial interference.

Since Pindar, the genre of panegyric has negotiated the contrary interests and internal conflicts always accompanying the act of praise: between praise and blame born of envy, between the desire to express admiration for the

² On the transition from Cicero's Caesarian speeches to Pliny, see S.M. BRAUND, *Praise and Protreptic in Early Imperial Panegyric*, in M. WHITBY (ed.), *The Propaganda of Power: The Role of Panegyric in Late Antiquity*, Leiden 1998, 53-76.

³ M. FORMISANO, *Speculum principis, speculum oratoris: alcune considerazioni sui Panegyrici Latini come genere letterario*, in L. CASTAGNA - C. RIBOLDI, *Amicitiae templa serena: studi in onore di Giuseppe Aricò*, I, Milano 2008, 592-593.

⁴ On the value the Roman senate and people traditionally placed on freedom, see P.A. BRUNT, *The Fall of the Roman Republic*, Oxford 1988, 330-346.

mortal and the fear of offending the divine, and between the effort to collaborate with or ameliorate oppressive rule and to subvert rule through irony. As John Hamilton has said of Pindar's odes, despite all the stylized language of praise, the art of panegyric is thoroughly agonistic⁵. Pliny's own agonistic art strives not only to channel opposing values in a long era of political tension, but to craft an ethics of action under autocracy that will lead elsewhere than the violent competition that generated autocracy in the first place.

This means that the *Panegyricus* cannot be understood as occupying one or the other side of an imaginary opposition between order and subversion. The speech does not operate as a distorting veil concealing reality; it is not propaganda that deludes itself or its addressees, the Roman senate and people; it does not conceal a hidden transcript or mask Pliny's "honest" grasp on reality; it neither simply subverts nor collaborates. On the contrary, the speech sketches out a way to live with – which means, to a degree, against – power. It articulates and defends not passive quietism but a mode of political thought that, taking the current reality of autocratic power as its first instance, operates in terms that transform or evade conventional Roman republican habits which, Pliny subtly suggests, no longer serve the changed conditions of imperial politics. The speech is thus ideological in Louis Althusser's terms, where ideology is people's mental representation of their relations to the conditions of existence, a set of beliefs that make the world (and especially the conditions of production, and by extension the conditions of governance) comprehensible, plausible, possible to live with, and in the end, difficult to conceive of living without⁶.

Once we see a rhetorical text like Pliny's as a dynamic artifact of ideology in the Althusserian sense, we can move past modernity's complacent habit of dismissing rhetoric, especially the panegyric, as the embodiment of discursive convention and thus "dominant" ideology. On the contrary, panegyric interrupts and renews ideology from both "above" and "below" by introducing into the core of the system ideas and practices that eventually might reveal themselves as the incubator of social and political transformation. At the least, in its invention of a conception of freedom that attends to the constraints created by severe asymmetries of power, Pliny's *Panegyricus* should be understood as a serious intervention in Roman political thought.

The speech is unquestionably the starting point for a vital tradition in European letters. It is the most important ancient example of what was to become in very early modernity the *speculum principis* or "mirror of princes" genre, whereby an intellectual, an adviser, a teacher or a poet held up

⁵ J.T. HAMILTON, *Humnos / poikilos*, "Helios" 28 (2001), 119-140.

⁶ L. ALTHUSSER, *Lenin and Philosophy and Other Essays*, engl. trans. New York 1971, 168.

a “mirror of words” to the prince that revealed himself to himself and the audience in an ideal or wished-for form. The *Panegyricus* influences the late medieval rhetorical handbook tradition, most notably the so-called *ars dictaminis*, a handbook designed to train and assist the letter-writers of princes and gradually, from the twelfth century onward, the letter-writers of non-noble merchants engaged in political and commercial correspondence. Growing in popularity totally apart from its function, taught to students who had no hope or wish to pursue a letter-writer’s career, the *ars dictaminis* of the thirteenth and fourteenth centuries came to open the classical rhetorical tradition to the bourgeoisie seeking to create a secular, non-clerical, non-noble culture of politeness and a formal, ritual language of civic interaction.

It was by treating various means of civic persuasion in rhetorical terms that Machiavelli was able to redefine the traditional scope of eloquence to embrace civic spectacles where speeches of praise accompanied carnivals and religious rituals, and executions included public denunciations of the victims and praise of the city they threatened. Virginia Cox argues that the pseudo-Ciceronian *Rhetorica ad Herennium*’s conceptual and technical influence made possible Machiavelli’s praise of the Prince’s capacities to use deception and force⁷. Quentin Skinner has traced elements in early modern thinking about republican, non-monarchical government that derive directly from the image of the *vir civile* or *vir bonus dicendi peritus* praised in many “panegyrical” moments in classical rhetorical treatises⁸. These innovative applications of the conventional tools of Roman rhetoric to the task of justifying and glorifying the day-to-day governing practices of early modern republics are useful examples of the way panegyric’s attention to asymmetries of power may ultimately encourage thinking a new politics that redresses the balance of power.

II.

The central message of the *Panegyricus* is that under Trajan, the Roman citizenry enjoys *libertas* because they now live *securi*, free from fear. Proof of the new freedom from fear is that Trajan submits willingly and openly to the law, before the eyes of the public, for example, by swearing the consul’s traditional oath – an amazing spectacle: “now a *princeps* is the same as a *privatus*, an emperor the same as one under the emperor” (*idem principem quod privatum, idem imperatorem quod sub imperatorem*, 64,2-4). “You

⁷ V. COX, *Ciceronian Rhetoric in Italy, 1250-1360*, “Rhetorica” 17 (1999), 239-288; see also J. WARD, *Rhetorical Theory and the Rise and Decline of dictamen in the Middle Ages and Early Renaissance*, “Rhetorica” 19 (2001), 175-223.

⁸ Q. SKINNER, *The Foundations of Modern Political Thought*, Cambridge 1978, 33-35, 45-48.

subject yourself to the laws," Pliny adds (*ipse te legibus subiecisti, legibus, Caesar, quas nemo principi scripsit*): now there is a new phrase in Rome, not "the *princeps* is above the laws" (*est princeps super leges*) but "the laws are above the *princeps*" (*leges super principem*, 65,1). Trajan here resembles Augustus, who (according to Dio Cassius) had insisted that he was not νόμος ζωψυχος, "law animate," but that "he himself was subject to the law"⁹. At this point, just past half-way through the speech, Pliny's careful underscoring of Trajan's obedience to Nerva through his youth and early career takes on new meaning as preparation for the moment when, as *imperator*, he manifests perfect obedience to the laws¹⁰. The law rules; the law is sovereign; even Trajan is subject to it. "And so let the voices which fear used to force out depart, let them withdraw" (*quare abeant ac recedant voces illae quas metus exprimebat*, 2,2).

On closer examination, however, Pliny's claim to praise Trajan on the grounds that the new emperor has banished fear from Rome turns out to reverse itself. According to Pliny, Trajan's rule was originally legitimized by fear: before he agreed to become *princeps*, the empire nearly collapsed into violence and terror (*vis, magnus terror, furor, motus*, 5,7-8). Once he assumes the power of the *princeps*, Trajan does not banish fear from Rome; rather he continues to inspire it, striking horror in the hearts of those who stand against him (*perhorrescat*, 17,4) even as he cultivates modesty, mingles with everyone (25,3-4), and makes his predecessor Nerva a god, not to instill fear in the citizenry but "because he [Trajan] believes him a god" (*sed quia deum credis*, 11,2). Trajan may be a lover of peace (*pacem amas*, 16,1) but this theme ineluctably leads back to images of near-future war, in a vivid reversal of the speech's own argument. Trajan's authority is that of an all-powerful god: "this is indeed the care of a true *princeps*, or even of a god, to reconcile competing cities ... in short, like the swiftest star to see everything, to hear everything, and to be present at once with aid wherever your help is sought" (*o vere principis, atque etiam dei curas, reconciliare aemulas civitates ... postremo, velocissimi sideris more, omnia invisere, omnia audire, et undecunque invocatum statim, velut numen, adesse et adsistere*, 80,3; cf. 32,2)¹¹.

⁹ Dio Cassius, cited in C. ANDO, *Imperial Ideology and Provincial Loyalty*, Cambridge 2005, 409. For a fuller discussion of the emperor's position *vis-à-vis* the law, see M. PEACHIN, *Iudex vice Caesaris*, Stuttgart 1996, 24-25.

¹⁰ On Pliny's representation of Trajan's virtues, see A. WALLACE-HADRILL, *The Emperor and His Virtues*, "Historia" 30 (1981), 298-323; C.F. NOREÑA, *The Communication of the Emperor's Virtues*, "JRS" 91 (2001), 146-168.

¹¹ Under Augustus, Philo of Alexandria had already come close to ascribing to Augustus authority over nature itself (*legat.* 143, 149) while Vitruvius expressed his belief that Augustus had a divine mind (*I praef.* 1; *VIII praef.* 3). K.H. WATERS, *Traianus Domitianus Continuator*, "AJPh" 90 (1969), 385-405

In its emphasis on swiftness and breadth of sight, the image recalls Statius' poems for Domitian (*silv.* I 1; IV 1-3), where the emperor simultaneously maintains the pretense of equality and inspires shock and awe through his ability to see everything:

*ipse autem puro celsum caput aëre saeptus
templa superfulges et prospectare videris*

You yourself, your lofty head in the pure air, shine above the temples, and you seem to gaze before you

(I 1,32-33)

Domitian's poem discloses the latent tension in the figure of syncrisis, which Pliny repeatedly employs to distinguish Trajan from Domitian. Perceptive recent readings of the syncrisis between Caesar and Cato in Sallust's *Bellum Catilinae* have shown that the logic of syncrisis encourages equation and mutual identification of the elements under comparison even as it creates a hierarchy between them¹². Each time Pliny reminds us of the institutional resemblance between Domitian and Trajan, each time he says that one ruling figure has replaced another, he constructs an unsettling affinity between the two. Trajan's rule, no less than Domitian, is enabled and sustained by fear.

Second, against Pliny's claim that Trajan subjects himself to the laws is his proposition that Trajan embodies the law: "we are indeed ruled by you and subject to you, but to the same extent that we are to the laws, for they moderate our desires and passions" (*regimur quidem a te et subiecti tibi, sed quemadmodum legibus sumus, nam et illae cupiditates nostras libidinesque moderantur*, *paneg.* 24,4). As Thomas Hobbes was to argue in *Leviathan*, a text to which I shall return at the end, a sovereign cannot be both bound by the law and the source of law; and the internal contradiction of Pliny's point emerges in his description of the process by which judges are chosen at Rome. Acting out the part of the speaker watching the lottery that assigns judges to courts, he says: "I don't want this man, he's timid and doesn't grasp the good things we have; I want that man, who's devoted to Caesar" (*hunc nolo, timidus est et bona saeculi parum intellegit; illum volo, qui Caesarem fortiter amat*, 36,4). Here, by a violent catachresis, a substitution of one word for the word we

emphasizes the administrative and ideological continuity of Domitian's and Trajan's reigns, and surveys Trajan's "Domitianic" extension of the titles and responsibilities of the Caesarian autocracy.

¹² W. BATSTONE, *The antithesis of virtue: Sallust's syncrisis and the crisis of the late republic*, "ClAnt" 7 (1988) 1-29; D. LEVENE, *Sallust's Catiline and Cato the Censor*, "CQ" 50 (2000) 170-191. See also FORMISANO, *Speculum...*, 590.

expect, “Caesar” stands for “the law”. Tellingly, Trajanic security, in all its fearsome power, cannot be administered by a “fearful” man.

For Pliny represents this law as terrifying in its enactment. Trajan’s application of the law instills fear in the citizenry, and even more disturbing, intense pleasure in the spectacle of terrified lawbreakers suffering punishment – particularly those who enforced the false, criminal “security” provided by earlier emperors. Pliny devotes a long section to Trajan’s punishment of the *delatores*, notorious “informers” or “denouncers”: some are thrown to wild beasts in the arena; others are set adrift on ships which crash on rocks; others are exiled to the small islands where they had sent their own victims (34,3-35,3). The audience experiences exultation in the spectacle of the terror of those who had inspired terror: “nothing was more welcome, nothing more fitting for our age than the chance to gaze down from above upon the *delatores*’ faces down below, their necks twisted; we recognized them and rejoiced” (*nihil tamen gratius, nihil saeculo dignius, quam quod contigit desuper intueri delatorum supina ora retortasque cervices. agnoscebamus et fruebamur*, 34,3). The pleasure the spectators take in the torture of the *delatores*, these symbols of Trajanic justice, is assimilated to the ultimate law, the law of sacrifice: “like sacrificial victims chosen for the people … they were led out for heavy punishment” (34,4).

Pliny suggests here that Trajan’s actions are emblematic “of the age” (34,2-3) when “now not the *delatores* but the laws are feared” (*iam non delatores sed leges timentur*, 36,2-3). The rule of law is no longer an exception to rule by fear; it has become the fulfillment of rule by fear¹³. To draw on Hobbes’ account of the role of fear in inciting free action, when the law coerces you into obeying by activating your fears, it does not do so by causing you to act against your will, thereby causing you to act less than freely. It always does so by inducing you to deliberate in such a way that you give up your will to disobey; you acquire a will to obey; and thereafter you act freely in the light of the will that you have acquired¹⁴. Where Cicero had spoken of individual action in a corporatist context, Pliny appears at a moment of transition “from a corporatist to an individualist society,” where corporate action proceeds in an individualist context¹⁵. Where the corporatist society rewards just action with a good reputation (*existimatio*), *auctoritas*, or *gloria*, the eternal fame granted by communal memory, here justice exacts and is sustained

¹³ I draw the model of this development from C. ROBIN, *Fear: The History of an Idea*, New York 2006, 46.

¹⁴ Q. SKINNER, *Liberty Before Liberalism*, Cambridge 1998, 8.

¹⁵ On the distinction between individualist and corporatist, see P. ROSANVALLON, *Democracy Past and Future*, New York 2000, 61.

by fear imposed on the individual: it is the individualist mechanism of communal control.

Third and most important of Pliny's characterizations of Trajan's rule as a regime of fear is his habit of recalling memories of Domitian's reign, where to play the old roles of consul and senator is to take part in a scene of terror, where he and his colleagues, ordered to attend the emperor, would arrive at the imperial household "white-faced and shaking" (*albi et attoniti*, 45,1) for fear of the tyrant's unpredictable rage. Under Trajan, no one is afraid in precisely this way, because the scenes of summoning do not occur. Trajan does not compel: "it is civil (*civile*) and appropriate for the public parent to compel nothing (*nihil cogere*), and to remember that no power can be granted to anyone that is so great that it makes power more dear than liberty" (87,1). If there is no more fear, it is because there is no longer compulsion to participate. That is, there is no more public sphere in which the senators may legitimately act – with one crucial exception: the formal realm, the realm of appearances, the realm of spectacle.

In a climactic scene, Pliny says: "the first day of your consulship had just dawned, when you entered the curia and exhorted us, individually and as a group, to take up our *libertas*, and to seize as though common (*quasi communis*) the cares of empire, to guard public interests and to stand up ... Indeed secure and eager (*securi et alacres*) we follow you where you call us. You command us to be free, and we shall be free; you command us to say openly what we think, and we shall do so" (*inluxerat primus consulatus tui dies, quo tu curiam ingressus nunc singulos, nunc universos adhortatus es resumere libertatem, capesse quasi communis imperi curas, invigilare publicis utilitatibus et insurgere ... te vero securi et alacres quo vocas sequimur. iubes esse liberos; erimus; iubes quae sentimus promere; proferemus*, 66,1-2; 66,4). In this pivotal passage, fear of Trajan invents and enables a new kind of autonomy. The emperor's subjects now appear free in a different sense of the word *libertas*. As we shall soon see, their freedom is not simply obedience or the expression of obedience; it is a performance with important consequences for emperor and people alike.

In "freeing" the citizens from political life, it turns out that Trajan has solved a dilemma of republican freedom. Pliny takes up this point in his early reference to the puzzle of Trajan's status: "you [Trajan] were greater than everyone, but greater without anyone else's diminution" (*tu tamen maior quidem omnibus eras, sed sine ullius deminutione maior*); no one loses the *auctoritas* they possessed before Trajan arrived (19,2). Recalling Tacitus in the *Dialogus*, where autocracy is famously said to bring peace, Pliny declares that the equalizing conditions of autocracy have successfully resolved the agonistic conflict that hitherto divided the republican citizenry.

Pliny was far from the first to notice the problem. To Livy, republican liberty is constituted through the dynamic exchange of positions of domination and submission: “true moderation in the defense of political liberties is indeed a difficult thing: pretending to want fair shares for all, every man raises himself by pushing his neighbor down; our anxiety to avoid oppression leads us to practice it ourselves; the injustice we repel, we visit in turn upon others, as if there were no choice except either to do it or to suffer it” (*adeo moderatio tuendae libertatis, dum aequari velle simulando ita se quisque extollit ut deprimat alium, in difficile est, cavendoque ne metuant, homines metuendos ultro se efficiunt, et iniuriam ab nobis repulsam, tamquam aut facere aut pati necesse sit, iniungimus aliis*, III 65,11). Trajan has released every citizen from the fearful zero-sum game Livy describes, where everyone experiences domination as a consequence of the attempts of everyone else to escape domination. From the start of the speech, then, as Pliny begins to sketch a new space for liberty outside the political, he redeems the ceding of the political by presenting imperial *libertas* as redressing the specter of domination that haunted republican politics. Republican liberty, he reminds his listeners, is not freedom from domination but a perpetual, compulsory, convulsive effort to escape domination. As Hobbes' poet-friend Edmund Waller wrote in his “Panegyric for Cromwell,” individualistic “faction” and partiality views liberty only as the opportunity to master others:

While with a strong and yet a gentle hand,
You bridle faction, and our hearts command,
Protect us from ourselves, and from the foe,
Make us unite, and make us conquer too;
Let partial spirits still aloud complain,
Think themselves injured that they cannot reign,
And own no liberty but where they may
Without control upon their fellows prey.

So far I have argued that against Pliny's own celebration of the Romans' freedom from fear, his rhetorical strategy has in fact embedded fear in the essence, the pleasures, and the practices of Trajan's new regime in three separate ways: fear motivates the law; the fearful law is embodied in the fearsome emperor and the fearful scenes of justice he sets in motion; and most provocatively for political thinking, that in so far that Trajan has freed the citizenry from fear, he has done so by “freeing” citizens from the burden of participation in politics. The *Panegyricus* does not celebrate fear; on the contrary, the speech both exposes fear's place at the heart of the regime and presents a way to think around it, by articulating a new understanding of *libertas* under autocracy.

III.

Before explaining Plinian *libertas*, I need to ask: can liberty exist under autocracy? The objection might be raised that a Roman living under the republic or, like Tacitus, memorializing the republic, would view Pliny's claim as a contradiction in terms. Livy equates liberty with the expulsion of monarchy and the establishment of republican government almost from the start of his history: "the acts in peace and in war of the Roman people, henceforth free, their annual magistracies and the powers of their laws, more powerful than men, I will now describe. The arrogant pride of the last king made this liberty more welcome ... First of all [Brutus] bound over the people, jealous of their newly-acquired liberty, by an oath that they would suffer no one to be king in Rome" (*liberi iam hinc populi Romani res pace belloque gestas, annuos magistratus, imperiaque legum potentiora quam hominum peragam. quae libertas ut laetior esset proximi regis superbia fecerat ... omnium primum avidum novae libertatis populum ... [Brutus] iure iurando adegit neminem Romae passuros regnare*, II 1,1-2; 1,9). To Tacitus, the *dominatio* of Augustus meant that the senate lost the freedom to govern; by 14 CE, the *populus Romanus* lost even the semblance of the political freedoms they possessed under the republic, when annual elections of magistrates were shifted to the senate (*ann. I* 15,1). The exception to the republican rule is Scipio's philosophical defense of autocracy as the best regime in Cicero's *De Republica* book I; and even there, it is clear that monarchy cannot be reconciled with the Roman view of liberty: not a human right or innate faculty, but the sum of civic rights granted by the laws of Rome, including, as Chaim Wirszubski argues, the *commune ius* of sharing in government (*sed in regnis nimis expertes sunt ceteri communis iuris et consilii, rep. I* 43). The "nerve of the republican theory is that freedom within civil associations is subverted by the mere presence of arbitrary power, the effect of which is to reduce the members of such associations from the status of free-men to that of slaves"¹⁶.

Yet Pliny uses the word *libertas* seventeen times, starting in the second paragraph with a strong statement about the value Trajan places on the liberty of the *cives* (*paneg. 2,5*). He can only do so because he reworks republican

¹⁶ Q. SKINNER, *Hobbes and Republican Liberty*, Cambridge 2008, x-xi; C. WIRSZUBSKI, *Libertas as a Political Ideal at Rome*, Cambridge 1950, 12. To many readers of imperial literature today, to take Pliny seriously as articulating a new conception of *libertas* stands as the worst kind of collaboration: collusion with autocratic oppression. This is the proposition underlying Ralph Johnson's view of Lucan: "The condition of the *humanum genus* has become so debased that words such as freedom and slavery have become irrelevant and meaningless ... truths are decomposed (synthesized) into their opposites, into that identity of opposites where masters become slaves and slaves become masters, where freedom becomes slavery and slavery becomes freedom" (*Momentary Monsters. Lucan and his heroes*, Ithaca - London 1987, 55).

libertas into a conception that, resembling the negative freedom of Thomas Hobbes and Benjamin Constant, privileges the economy, security, and the ultimate accountability of government.

Pliny's first extended *narratio*, the tale of Trajan's acceptance of autocratic power after the death of Nerva, his trip to Rome, and the people's welcome, includes a detailed account of Trajan's welcome by the senate and his first actions as consul. Pliny makes a favorite theme of Trajan's admirable avoidance of situations where he might interfere with citizens' daily life and their sense of free will and self-confidence. During Trajan's trip to Rome, no one notices his passage; he makes no demands on people; he avoids molesting women (*iter inde placidum ac modestum et plane a pace redeuntis*, 20,1-2). Conveyances are requisitioned without fuss; no difficulties are raised over lodgings, rations are the same for all (20,3). Trajan's progress contrasts vividly with Domitian's return from foreign wars in 92 CE, when houses were emptied, land burnt and trampled as if struck by barbarian hordes (*ut si vis aliqua vel ipsi illi barbari quos fugiebat incidenter*, 20,4).

Just as Trajan presents no fiscal or material burden to the provinces, so when he enters the city he offers no physical weight to the citizens: he refuses to be carried, and enters Rome on foot. This *narratio* becomes a platform to explore other ways in which Trajan models non-interference. Most importantly, in the arena of ethics, Trajan leaves the people to their own devices: he does more for morals "by permitting people to be good," Pliny says, "than by compelling them to be so" (45,5).

The speech's last *narratio* showcases Trajan's refusal to interfere directly with individual citizens' lives, including even those who might be justly called upon to serve the *respublica*. Trajan selects a friend to serve as praetorian prefect, but the man refuses the post. It is "unheard of," says Pliny, that the wishes of the emperor and his friend diverge, and that the friend's prevail (86,2). Every detail of the emperor's attempts to convince his friend, his sad acknowledgement of the friend's persistence, and his grief-stricken farewell as the friend departs Rome for a life of *otium* typifies what Pliny celebrates as a new norm: the emperor's non-interference in "private" life, a notion the speech itself should be seen as elaborating. The property of the provincials, the bodies of women, the people's morals, the lifestyle choices of friends, from material wealth to moral judgment: taken together, these passages portray a private space of property, body, and moral choice in which the emperor does not interfere.

The private space where the emperor does not go, he preserves and nourishes in other ways. The younger Seneca links *libertas* to *securitas publica* (*clem.* I 1,8); so does Tacitus: "now at long last our spirit returns. And in the first dawn of this most blessed age Nerva Caesar mingled what had been

for ages irreconcilable things, the principate and liberty, daily Nerva Trajan is increasing the happiness of the times, and public security is no longer the subject of hopes and prayers, but it has gained the credibility of prayer fulfilled and a firm foundation" (*nunc demum redit animus; et quamquam primo statim beatissimi saeculi ortu Nerva Caesar res olim dissociabiles miscerit, principatum ac libertatem, augeatque cotidie felicitatem temporum Nerva Traianus, nec spem modo ac votum securitas publica, sed ipsius voti fiduciam ac robur adsumpserit*, Agr. 3,1-8). In Pliny's representation of *securitas publica*, his central theme is the flourishing of the private sphere: the household, the family, inheritance from one generation to the next, and trade.

Citizens are now eager to rear children, and women happily hold up their infants for Trajan to see, glad that they are bearing future soldiers (Plin. *paneg.* 26,5-6; 23; 28). Families are larger and family affections are more intense, because they are economically better off, thanks to the legal protections Trajan has instituted (27). Pliny compliments Trajan because he allowed those newly granted the Roman citizenship to acquire also the full rights so important for inheritance, of which they apparently had previously been denied (37-39)¹⁷. Indeed the second longest continual argument in the speech is a discussion of Trajan's reform of inheritance taxes and the composition of wills (37-44). At the end of this passage, Pliny repeatedly uses the language of money and trade (*praemia, merces*) to characterize Trajan's institution of a new kind of honorable liberty rooted in the ownership of property. Under the lawless regime of Domitian, citizens used money dishonorably, to buy security (*incolumitatem turpitudine rependit*, 44,5); now "the rewards of virtue are the same as in a state of *libertas*" (*eadem quippe sub principe virtutibus praemia quae in libertate*, 44,6)¹⁸. The sanctity of the household and property create the frame in which Pliny and his fellow subjects can be free – one explanation for the concentration in Pliny's letters on his property and his household.

In his recent history of fear, Corey Robin concludes that out of the deployment of fear a new sense of what it means to be a self, and a new sense of the self's priorities, arises. Men swap one truth for another. The truth is not that fear silences the true self, or that self-interest gets the better of the self's moral code. Rather "it is that the only way he can imagine fulfilling his ends is to capitulate to fear ... the state changes the calculus of individual action, making fear seem the better instrument to selfhood. The emblematic gesture of the fearful is thus not flight but exchange; its metaphorical back-

¹⁷ M. HAMMOND, *Pliny the Younger's Views on Government*, "HSPh" 49 (1938), 115-140.

¹⁸ H. FLOWER, *The Art of Forgetting. Disgrace and Oblivion in Roman Political Culture*, Chapel Hill 2006, 263-268.

drop is not the rack but the market”¹⁹. Pliny lays strong emphasis on the new confidence Trajan instills in contracts (44,7-8). The notion of *libertas* he asserts is anchored in a notion of free personhood, which he discovers in the right to private property. Cicero had said that “no property is private by nature,” by which he did not mean that possession of private property was unnatural, but that the possession of private property is a human institution that has been gradually regulated by laws (*off.* III 22). To engage in contractual relations is to undertake a free action; and indeed in the later European tradition, for example, with Hugo Grotius, contractual relations are made to derive directly from freedom of action. In the *Panegyricus*, Pliny declares, “it is the citizen’s right” to have contracts, and the weight of his speech is to underscore the significance of that freedom and its benefits. What emerges is a new sphere of liberty that is private and economic.

What does Pliny’s view of *libertas* imply about the practice of politics, so central to republican notions of freedom? We have already seen that Trajan guarantees and embodies the law in a variety of formal behaviors, both in public, where he follows the traditional format of republican political practices, and in private, where he keeps his mind, body, and family in good order and in public view. The door of Trajan’s *domus* is always open: his wife and sister live in harmony, their behavior as modest at home as Trajan’s in the forum (*nihil tectum, nihil occultum esse patitur*, etc. 83,1ff.). He is adopted in the sight of gods and men (8,1-2). His political activities are entirely transparent (49; 55,11; 66-67; 71-72). Most important for Pliny is Trajan’s obedient performance of the traditional acts and prayers, for example, when he takes up the consulship (65,2-3). Clifford Ando captures the significance of this behavior when he writes that the ceremonies that ordered political life under the empire “thus continually brought the existence of both emperor and empire before the mind of the individual provincial … [enabling] him to see himself as a member of a larger, regularly reconstituted community”; the “charismatic power of the imperial office” guarantees the orderly functioning of Roman imperial government²⁰.

Pliny’s emphasis on open utterance, ceremony, public ritual, transparency and visibility is not an innovation produced by the conditions of autocracy; it is not a piece of “imperial theater”. It is because the republican order traditionally rested its legitimacy on the proof provided by public acclamation that Pliny is able plausibly to claim legitimacy for Trajanic autocracy and obedient collaboration with it on these grounds. As Cicero repeatedly remarks in his rhetorical treatises, most notably *De Oratore*, the orator

¹⁹ ROBIN, *Fear...*, 50.

²⁰ ANDO, *Imperial...*, 187.

is constantly under the people's eyes: his authority and legitimacy rest in the people's perpetual observation and judgment. Pliny's claim that Trajan enacts his rule in a state of perfect transparency seeks to transform the emperor's visibility, so familiar from republican political practice, into comparable grounds for legitimacy. The visibility of imperial action becomes a sign with its own independent meaning; the public aspect of Trajan's practices legitimizes them.

In his *Agricola*, Tacitus suggests that Domitian loved to watch people, so that "a great part of our miseries was to see and be seen, since even our sighs were taken account of" (*Agr.* 45,2). Where Nero makes a spectacle of himself but refuses to look at things that upset him, Domitian gazes at everyone else and stimulates an anxious mutual inspection among his court. Trajan's eyes look out from an unworldly height, but Pliny insists that the gaze is mutual; he insists first on a transparency that checks perversity, and claims an accountability that posits a certain freedom of action within the confines of the mutual gaze. Pliny's expressions of worry about the status of his speech as a work of authenticity do not imply the existence of a "real" that Pliny seeks to hide or reveal. Rather Pliny's concern with performing properly and plausibly extends to Trajan as well, who must perform his authority and legitimacy in public. Werner Eck has persuasively argued that Trajan was placed on the throne by a group of senators. For the first time, an emperor was created neither by war, nor by the praetorian guard, nor because he was chosen by a sitting emperor, but by senators. If this is the background of Pliny's speech, his exhortation of the senatorial is especially pointed. Trajan is a senator picked by senators to be emperor: a new kind of autocracy²¹.

This is why Pliny casts acting in private, behind closed doors, as a sign of danger. Indoors is the tyrant's territory: Domitian's territory. But the point I want to stress is the epistemological dignity Pliny's emphasis on visibility grants to form, appearance, and surface over substance. Where the late republican historian Sallust laments that in the cultural decay accelerated by the acquisition of an empire, "we" Romans "have lost the true names of things" (*Catil.* 52,11), Pliny recognizes the significance of performance in the world and the dynamic effect that performance has on "the names of things".

For Trajan is not alone in his performance. Pliny's task, which is also the

²¹ W. ECK, *An Emperor is Made: Senatorial Politics and Trajan's Adoption by Nerva in 97*, in G. CLARK - T. RAJAK (eds.), *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*, Oxford 2002, 211-226; also, A. BERRIMAN - M. TODD, *A Very Roman Coup: The Hidden War of Imperial Succession, AD 96-98*, "Historia" 50 (2001), 312-331. Many thanks to Michael Peachin for the reference and general advice on this point.

task he sets for his listeners, is to play the emperor's game, to meet Trajan's performance with another. In acknowledging the asymmetry of power, honor, and glory under autocracy, Pliny recognizes that nothing prevents this asymmetry from being manifested as Trajan's infliction of violence on the citizenry and his senatorial allies. This is the message he seeks to convey with his repeated recollections of the tyranny under Domitian: it could happen again. Recall here that in the crucial passage where Pliny vouches for the senators' commitment to obey Trajan's command to be free, their "command performance" must be visible; Trajan requires them to stand up and speak out. What Pliny seeks to install through the delivery and circulation of the *Panegyricus* is a performative ethic that equates and reifies his own and Trajan's self-fashioned *personae*, a performative ethic of public collusion.

Recognizing the rupture autocracy has created, he seeks to mend it with what we might call a noble lie: not quite that justice rules, but that there is a difference between an order of open violence that seeks to destroy relationships and contracts and an order that retains some measure of accountability in public and privacy in private. Only when the emperor acts in public can he be open to judgment. Pliny exhibits a commitment to performative safeguards that may moderate, if not the emperor's power, at least the tendencies of a Nero or a Domitian. The policing scrutiny the tyrants cultivated is now turned toward, and on, the emperor himself.

From this perspective we may now better understand the curious passage about Trajan's prayers to the gods, which resemble the act of *devotio*, the dedication or rendering up of the individual for the good of the community. The senate, Pliny declares, has vowed to protect the emperor on the condition that he preserves everyone's health and safety (*si bene rem publicam et ex utilitate omnium rexerit*, paneg. 67,4). Further, Trajan has "rightly" sworn an oath that the gods should protect him so long as he preserves the state – and no longer. The emperor has a pact with the gods that they will preserve him only if he deserves it (67,6-8) and the people will pray for the emperor for the sake of their interest and utility (68). Pliny vocalizes Trajan's reflections: "indeed I have armed the hand of the prefect against myself, if public interest demands it" (*ego quidem in me, si omnium utilitas ita posceret, etiam praefecti manum armavi*, 67,8)²². Here Pliny reserves for the Roman people the crucial "right of resistance" against any threat to their lives from the sov-

²² This passage may be the source of an anecdote in Aurelius Victor: when Trajan gave the sword of office to the praetorian prefect Suburanus, he said, "to you I commit the defense of me, if I behave well; if not, rather, [your] defense against me" (*tibi istum ad munimentum mei committo, si recte agam; sin aliter, in me magis*, Caes. 13,9).

ereign²³. He retains for the citizenry the power of founding violence, that is, violence “able to justify, to legitimate, or to transform the relations of law, and so to present itself as having a right to law”²⁴.

Fear of the emperor now emerges not only as the legitimate basis of the political order, but as enabling a new conception of liberty. This liberty is a function not of a competition where authenticity is demanded (as we might expect from republican politics), but of a theatre where the stylized expression of obedience is sufficient, where the artifice of political speech is reclaimed for what it is, where artifice comes into its own, because artificial words exhort the *princeps* to obey the fiction of the law and for the people to collude in that meaningful fiction so long as their security is preserved. As Peter Fenves has argued, “at the critical moment when all rights have been obliterated, language – the supposed right to lie – comes into its own”²⁵. Like Plato, who shows how the maintenance of justice depends on a lie, Pliny sees that the order of the principate demands strategies of deception that, with use, shed their status as lies and become truths.

In her influential reading of the *Panegyricus*, Shadi Bartsch takes note of a few “oddly jarring observations” in the speech. For Pliny, she says, “it is as if the saying itself is enough, as if meaning lies in the assertion rather than in the facts, as if a world in which values are only surface deep will suffice even – or especially – when all acknowledge that this is so”²⁶. To make lies into truth, however, more than repetition or even communal assent is required. It is the content of Pliny’s conception of liberty that makes the transformation possible – freedom born of the security of property in the domestic sphere and born of the security provided by spectacle and scrutiny in the public sphere. Further, Pliny’s representation of liberty does not simply insist that simulations of freedom and security are now “true”. On the contrary, he understands both concepts as simulations and thus crafts a discourse where liberty rests on the interpenetration of obedient submission, the self-assertion of freedom, the scrutiny of power, and the people’s right to move from scrutiny to action.

²³ On the significance of this right in Hobbes, see P. PETTIT, *Made With Words: Hobbes on Language, Mind and Politics*, Princeton 2008, 129.

²⁴ J. DERRIDA, *The force of law*, in D. CORNELL - M. ROSENFIELD - D. GRAY CARLSON (eds.), *Deconstruction and the Possibility of Justice*, London - New York 1992, 35.

²⁵ P. FENVES, *Testing right: lying in view of justice*, “Cardozo Law Review” 13 (1992), 1088.

²⁶ S. BARTSCH, *Actors in the audience*, Cambridge, MA 1994, 187.

IV.

My brief analysis has attempted to press Pliny's *Panegyricus* as a work of political theory along three separate trajectories. First, Pliny's redefinition of liberty sheds light on the evolution of Roman thinking about the self and the well-lived life. We tend to analyze the turn toward the self in the imperial period as a function of ethics, specifically self-knowledge, the reflection upon and regulation of the body – what Michel Foucault called in his *History of Sexuality* the intensification of attention toward the self as a privileged object of knowledge. But the turn to the self has other important dimensions, such as the formation of the private self of contracts and family life: this freedom amounts to what we now call negative freedom, freedom from interference by the sovereign. Pliny's articulation of this free self – elaborated in the *Panegyricus* and his letters to his friends – may help explain other trends in imperial culture, from the increasing interest in manners and style reflected in education and literary taste to the emergence of law as a new genre (for example, the regulation of the praetor's edict by Salvius Iulianus around 130; Gaius' *Institutes* ca. 180).

Second, the speech subverts the conventional taxonomy of clarity, truth, and the good versus obscurity, untruth, and evil; it points to political conditions under which lying is not only a necessity but a good. Like Plato, who shows how the maintenance of justice depends on a lie, Pliny believes that the order of the principate demands strategies of deception that with use shed their status as lies and become truths. With this speech, he reclaims the role of the Ciceronian statesman-orator as articulated both by Cicero²⁷.

Third, Pliny's speech calls into question current views about the distinction between ancient and modern concepts of liberty: that liberty as "negative" freedom from interference is a distinctly modern idea, finding its origins most notoriously in Hobbes, and that the "Roman" conception of liberty was "positive," that is, freedom from domination.

The idea that republican freedom meant freedom from domination shaped the emergence of modern political thought. In the decades before and after the English Civil War, James Harrington, John Milton, and other neo-republican thinkers drew on Sallust, Cicero, Livy, and Tacitus to argue that a monarch could be the ruler of a free state only in the presence of powerful safeguards that remove from the head of state "any power to reduce the body of the commonwealth to a condition of dependence"²⁸. If men are

²⁷ On Pliny's complex relation to Cicero, see A. RIGGSBY, *Pliny and Cicero on Oratory: Self-fashioning in the Public Eye*, "AJPh" 116 (1995), 123-135.

²⁸ SKINNER, *Liberty...*, 85.

obliged to live under a monarch whose powers are so extensive that we cannot have many things “without the gift and favor of a single person”, Milton said, then men are nothing but “a multitude of Vassals in the Possession and domaine of one absolute Lord”²⁹. For these men, as for Machiavelli in his *Discorsi*, the presence of arbitrary power has the effect of reducing citizens to a state of slavery, and paradoxically, the condition of servitude is worsened through proximity to power: courtiers are quickest to become slaves. Participation in self-rule through voting and sharing in the legislative process becomes the *sine qua non* of true liberty.

Against them, Thomas Hobbes developed a radical view of liberty under sovereign rule, arguing in *De Cive*, *Elements of Law*, and *Leviathan* that a man may live free without living in what the ancient and modern republicans called a “free” state. In *Leviathan* Hobbes defines the true purpose of government as guaranteeing peace, and he concludes that “the liberty whereof there is so frequent and honorable mention in the histories and philosophy of the ancient Greeks and Romans, and in the writings and discourse of those that from them have received all their learning in the politics, is not the liberty of particular men … [but the] favoring of tumults … with the effusion of so much blood as I think there was never anything so dearly bought, as these western parts have bought the learning of the Greek and Latin tongues” (*Lev.* 21,8-9). Rather “a free-man, is he, that in those things, which by his strength and wit he is able to do, is not hindred to doe what he has a will to” (21,2). This argument directly challenges the republican contention that freedom is undermined by background conditions of domination and dependence³⁰. As Quentin Skinner argues in his recent book, the Hobbesian citizen remains free so long as he is not physically coerced; his freedom is freedom from interference. Hobbes’ argument rests on a point Charles I had made on the scaffold: that popular liberty “consists in having of Government; those Laws, by which their Life and their Goods may be most their own,” and not in the least in “having share in Government”³¹.

What freedoms are left to those who have yielded up their sovereignty? The answer offered in *Leviathan* bears a provocative resemblance to Pliny’s. Hobbes concludes that the citizen retains the right to protect oneself from direct assault, from another citizen or from the monarch; the right to refuse to incriminate oneself in court; the right to refuse military service (unless the life of the commonwealth is at stake); the right to preserve one’s reputation;

²⁹ J. Milton, *Eikonoklastes*, in *Complete Prose of John Milton. III. 1648-1649*, New Haven 1962, 458 (discussed by SKINNER, *Hobbes...*, 144-147).

³⁰ SKINNER, *Hobbes...*, 155.

³¹ Charles I, quoted in SKINNER, *ibid.*

and rights of private practice, especially regarding property and the family: "the Liberty to buy, and sell, and otherwise contract with one another; to choose their own aboard, their own diet, their own trade of life, and institute their children as they themselves think fit; & the like," and finally, freedom of worship (21).

Pliny's emphasis on non-interference, his relocation of freedom of action from the public to the private sphere, his view of Trajan as the embodiment of the law, and his identification of fear as the motivator of virtue are all elements of sovereignty central to the thought of Hobbes, who boasted that "fear and I were born twins together," because he was born the day the Spanish Armada reached English seas (5 April 1588) and that "fear, and liberty are consistent." Pliny's *Panegyricus* gained a great deal of attention in Civil War and Restoration court oratory and poetry in England; and it is worth noting that Hobbes' earliest known work is a treatise on flattery. If I cannot claim direct influence, I can at least propose that Pliny's *Panegyricus* anticipates Hobbes in theorizing what it means to live as a legally free citizen under conditions of constraint.

V.

When political structures and the narratives that support them erode, what comes next? When the structure that erodes has invoked, as republics (and democracies) tend to do, narratives of freedom, popular consent, moral superiority, and security nourished by empire, how is the political thinker to respond? The dynamics of regime change might appear to encourage passivity or reactionary thinking, where the failure, the loss, may be accounted for by accusing past faults and vulnerabilities: "this is what was always wrong," "what did we expect?", "let's make our way forward as best we can". But this is not enough. As Etienne Balibar argues, it is precisely at times of violence in the most extreme forms that two needs arise: to question the notion that politics is or must be constituted as a utopian project of liberation or emancipation, and to imagine a politics "responsive to the condition of subjects collectively confronted with the limits of their own power"³².

In the *Panegyricus*, Pliny confronts the irreversible erosion of his culture's traditional republican politics; he comes face to face with it, even celebrating it. While his speech of praise for the new regime has much to say about security as the gift and the terror of autocracy, it also subtly diagnoses the failures of the prior politics, the politics of *res publica*; but its diagnosis is neither

³² E. BALIBAR, *Politics and the Other Scene*, London - New York 2002, 26.

straightforwardly reactionary nor nostalgic. This text of praise produced out of constraint and fear that insists on speaking about freedom helps us consider the way political alternatives get articulated; it helps disclose how praise of the way things are and criticism about the way they were become entangled with desire for the way they might or should be – that is, how history, moral exhortation, and fantasy together construct political thought. When Pliny says he fears that his words will be misunderstood, he is not afraid that they will be misinterpreted as flattery, lies, or subversion, but because he fears the significance of his lie will be lost. He comes not to praise Trajan, nor to bury him, but to imagine what limited freedom looks like – an experiment that, if it necessarily involves compromise and disappointment, is far from the limited exercise in servility and self-serving complacency that many readers have found in the speech.