HERITAGE-THINKING AND CULTURAL DESTRUCTION IN ANCIENT ROME

FROM THE FIRST CENTURY BCE TO THE FIRST CENTURY CE

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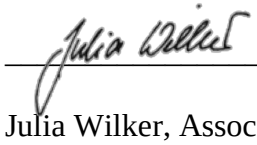

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ABSTRACT

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Cynthia Susalla

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This dissertation argues for cultural heritage as a focus of analysis within the contexts of ancient Rome and traces the contours of an evolving cultural heritage discourse within Rome of the first centuries BCE and CE through an examination of literary episodes contesting acts of cultural destruction. Chapter 1 establishes a theoretical foundation for this examination by deconstructing the presumed modernity of "cultural heritage" as a phenomenon and reformulating it into an epistemological construct involving the politically-inflected valuation and regulation of objects, sites, and practices as expressions of culture. Building on the theoretical work of heritage studies scholars who criticize the UNESCO conceptualization of cultural heritage as hegemonic and not representative of the heritage values of many global societies today, this dissertation argues that once cultural heritage is recognized to take various shapes within various societies, there is no logical barrier to studying it in past societies. Chapters 2 through 4 examine negative reactions to cultural destruction in Cicero's *In Verrem*, Livy's *Ab Urbe Condita*, and Dio Chrysostom's *Rhodian Oration* as reflections of Roman heritage-thinking. These texts demonstrate not only that individuals within Roman antiquity grappled with ethics concerning the proper and improper treatment of cultural property, such as statues, temples, monuments, and traditional customs, but also that contesting

cultural destruction was a political tool within elite discourse long before it manifested as a component in conflict between Christians and pagans in the late antique period—a phenomenon that has received disproportional attention in the scholarship to date. Moreover, analysis of these texts underscores the interrelationship between ideas about the mistreatment of cultural property and a range of stigmatized identity categories, such as barbarians, pirates, and brigands, and corrupt magistrates. That this discourse contesting cultural destruction was both informed by and, in turn, contributed to identity politics within ancient Rome helps us recognize a pre-Christian and pre-modern history to the politics of caring about culture.

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INTRODUCTION

On January 4, 2020, Donald Trump, 45th president of the United States of America, threatened to target the cultural sites of Iran, posting the following statement on the social media platform Twitter:

> Let this serve as a WARNING that if Iran strikes any Americans, or American assets, we have targeted 52 Iranian sites (representing the 52 American hostages taken by Iran many years ago), some at a very high level & important to Iran & the Iranian culture, and those targets, and Iran itself, WILL BE HIT VERY FAST AND VERY HARD.

These comments were made amid mounting tensions between the United States and Iran, following the U.S. assassination of top Iranian general Qassim Suleimani. The significance here lent to the number 52 refers to a diplomatic standoff between Iran and the U.S., which occurred nearly thirty years prior. In November 1979, a group of Iranian college students had occupied the U.S. embassy in Tehran, resulting in a hostage crisis involving 52 American diplomats and citizens that lasted until January 1981. By invoking this memory, President Trump's threat positioned the U.S. as the victim of Iranian aggression, rather than vice versa, and made an unexpected shift, from human life to culture, as the target of exchanged hostilities. This statement of intent to target Iranian cultural sites met with immediate criticism and outrage, both within the U.S. and abroad.

For example, a tweet from senator Chris Murphy (D-Conn) stated: "targeting civilians and cultural sites is what terrorists do," while a spokesperson for Boris Johnson, the Prime Minister of Britain, emphasized, "there are international conventions in place which prevent the destruction of cultural heritage."[1] A response letter submitted to *The*

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[1] Rick Noack, "The disturbing history behind Trump's threat to target Iranian cultural sites," *The Washington Post*, January 6, 2020 (Accessed March 21, 2002)

New York Times from leaders of cultural heritage protection organizations, expressed: "The American military has a proud history of avoiding intentional damage to and destruction of cultural sites…Hitler's Germany, Pol Pot's Khmer Rouge, the Taliban in Afghanistan, the Islamic State and the Assad regime in Syria intentionally destroyed cultural heritage in the absence of any military necessity. If Mr. Trump carries out this threat, the United States will join the ranks of these destroyers of the world's cultural legacy."[2] From these responses we are able to glean a number of reasons why President Trump's remarks were considered inappropriate, involving a matrix of constructed legal, ethical, and moral principles. These include the existence of international conventions ethically opposed to cultural destruction, the legalistic fact that the United States is party to these agreements, the long tradition of opposing cultural destruction in American history and the corresponding sense that this threat is a betrayal of American values, and the association of cultural destruction with condemned political ideologies and regimes, including Nazism, totalitarianism, and various terroristic organizations. In short, this threat of destruction was met with contestation that elucidated the ethical, legal, and moral lines of argument surrounding the issue of cultural destruction within contemporary Western society.

As this recent incident illustrates, contestation of cultural destruction, or in this case merely the threat of it, can reveal a society's heritage values. Embracing the

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<https://www.washingtonpost.com/world/2020/01/06/disturbing-history-behind-trumps-idea-target-iranian-cultural-sites/>.

[2] Brian Daniels and Patty Gerstenblith, letter to the editor, *The New York Times*, January 6, 2020, <https://www.nytimes.com/2020/01/06/opinion/letters/iran-culture-war-crime.html>.

revelatory capacity of contestation, this dissertation examines literary episodes depicting negative reactions to cultural destruction in Cicero's *In Verrem*, Livy's *Ab Urbe Condita*, and Dio Chrysostom's *Rhodian Oration* as reflections of Roman heritage-thinking, asking what these narratives reveal about the ethical constructs pertaining to the treatment of cultural property during Rome's early empire and how these ethics intersected with other social discourses. Thus, this project is not only interested in exploring the shape of heritage discourse within ancient Roman history, but also takes the position that cultural heritage is a construct that we can and should be studying within the context of Roman antiquity. Within the academic field of heritage studies and among heritage professionals, cultural heritage is traditionally thought of as a uniquely modern phenomenon, made possible by eighteenth and nineteenth century developments, such as the Enlightenment, urbanization, and industrialization. Hence, this analysis of heritage-thinking in Roman antiquity is more controversial than it may at first seem, because it entails an argument for cultural heritage within Roman antiquity. This argument is undertaken in Chapter 1, but a preview will be helpful here to understanding the shape of this project.

Chapter 1 builds on the work of heritage studies scholars to make the case that cultural heritage is not inherently "modern," as many heritage studies approaches assume. Rather it is an epistemology or mental construct in which value is constructed around certain objects, sites, and practices, rendering them culturally important, and in which those objects, sites, and practices become subject to specific treatment and regulation because of their constructed value. The particular discourse of "cultural heritage" that has arisen over the last few centuries in the Western world is but one example of this larger

epistemology. Heritage studies narratives posit the development of cultural heritage as a result of particular modern, Western experiences such as the Enlightenment, colonialism, and industrialization. However, a deconstruction of these narratives reveals that underlying these particular historical movements was a constellation of more ubiquitous societal experiences, such as cultural contact, change, and loss; new cultural contacts lead to perceptions of cultural change and loss, prompting reflection on the meanings and cultural value of certain objects, sites, and practices within a public sphere.

This reformulation of particular early-modern Western movements (e.g., industrialization, globalization) into their root social experiences enables us to untether the construct of cultural heritage from modernity. This untethering is all the more supported by recent critical studies on cultural heritage. Increasingly, scholars of cultural heritage have recognized that the hegemonic formulation of cultural heritage disseminated by UNESCO is rooted in particularly Western ideologies not representative of or compatible with the heritage values and practices of a number of communities, particularly non-Western ones, around the globe today.[3] Many scholars of cultural heritage thus advocate for its understanding as a culturally-relative construct and assert the ever-increasing need for heritage professionals to seek to understand the viewpoints of local communities so as to avoid the conflicts arising from the forced imposition of etic heritage values and practices.[4] Building on the theoretical work of such studies, I

[3] Smith 2006c terms this the hegemonic, Western ideation of cultural heritage the Authorized Heritage Discourse (AHD). Meskell 2018 and Nielson 2011 have examined its ideological formation as a global civilizing mission. Harvey 2001 and 2008 has called for the need to historicize heritage by examining its iterations throughout history.

[4] On conflicts of heritage values, see, e.g.: Breglia 2006; Waterton and Smith 2010; Langfield, Logan and Nic Craith 2010; Weerasinghe 2011; Nakano 2018; Rots 2019.

argue that once cultural heritage is recognized to takes various shapes within various societies, there is no logical barrier to studying it in past societies. As Rome's Mediterranean empire grew, it experienced its own milieus of cultural contact, change, and loss, which prompted considerations of the cultural value of specific objects, places, and practices and the construction of ethics surrounding their treatment. Hence, cultural heritage is something we can and should be discussing in the field of Roman History.

Definitions

As stated above, "cultural heritage" is understood within this dissertation to be a construct involving the ongoing identification of objects, sites, and practices as culturally important and the construction of norms and behaviors around these expressions of culture on account of their perceived importance. Both the act of identification and the construction of norms and behaviors are necessarily entangled with political needs and consequences.[5] Since I refer to this overall conceptual construct as "cultural heritage," I term the ongoing negotiation of meanings and ethics surrounding culturally valued objects, sites, and practices that we see reflected in Cicero, Livy, and Dio Chrysostom "heritage-thinking." However, it is important to recognize that though the construction of values and ethics may begin with mental activity, these ideas express themselves in behavior and action. As a recent critical introduction to cultural heritage has articulated, "this process is not one that occurs only in the minds of humans, or one that functions

[5] This understanding of cultural heritage is particularly indebted to the definition formulated by Logan, Kockel and Nic Craith 2015b.

solely in a discursive manner, but involves a range of material beings who co-produce heritage as a result of their own affordances or material capabilities."[6]

This definition has several important implications. First, cultural heritage, in this articulation, is more accurately a series of processes (mental, behavioral, and physical) rather than a commodity to be possessed, stolen, protected, or destroyed. That cultural heritage is not, in my understanding, a commodity is important to make clear, since UNESCO, perhaps the most well-known heritage organization in the world, defines cultural heritage *as* the series of tangible and intangible "things" through which culture is expressed. We see this, for example, in the World Heritage List, which enumerates those monuments, groups of buildings, and sites around the globe deemed to be of "outstanding value to humanity."[7] The list with which UNESCO defines "cultural heritage" includes 1) moveable, tangible objects (e.g., paintings), 2) immoveable, tangible sites (e.g., monuments), and 3) intangible practices (e.g., rituals).[8] However, even the tangible objects and sites protected according to UNESCO's list of "tangible cultural heritage" are themselves stand-ins for the cultural values and meanings they symbolize,[9] just as those practices conceived of by UNESCO as "intangible cultural heritage" (e.g., rituals and festivals) embody cultural values and meanings—even as they involve tangible actors moving through tangible spaces.[10] UNESCO's definition of cultural heritage, therefore,

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[6] Harrison 2013, 113.
[7] See the UNESCO's 1972 *Convention concerning the Protection of the World Cultural and Natural Heritage*.
[8] "Definition of Cultural Heritage," *United Nations Educational, Scientific and Cultural Organization*, <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/frequently-asked-questions/definition-of-the-cultural-heritage/>.
[9] Smith 2006b, 3-6.
[10] Harrison 2013, 113.

metonymizes the tangible objects and sites and intangible practices that express culture for the abstract concept of heritage itself.

In light of this distinction to be made between the objects, sites, and practices valued and regulated within the construct of cultural heritage and the construct itself, I use the term "cultural property" as a stand-in for the collective "objects, sites, and practices." "Cultural property" is admittedly a flawed term, as it may suggest to some readers the notion of tangibility and therefore mistakenly imply the exclusion of intangible practices. Its semantic flexibility is, however, evident in the term "intellectual property," and its usage throughout this dissertation refers to both tangible and intangible expressions of culture. "Cultural property" had been the term utilized by UNESCO and other heritage initiatives to refer to these collective lists of objects, sites, and practices deemed to be of cultural value until the 1970s and 1980s,[11] but was abandoned because of its implications of ownership and alienability, which were at odds with the universalistic ideology of "world heritage."[12] As we have seen, however, UNESCO's subsequent replacement of "cultural property" with "cultural heritage" results in a metonymic conflation of the tangible and intangible expressions of culture with the overall construct of heritage.

Perhaps most essential for the project of this dissertation is to clarify what is meant by the term "cultural destruction." My understanding of this concept follows from

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[11] Evident, e.g., in the titles of the 1954 *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*, the 1970 UNESCO *Convention of the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property*, and the 1983 *United States Convention of Cultural Property Implementation Act*.

[12] On the problematization and abandonment of the term "cultural property" in the heritage movement, see Bauer 2015.

the above definitions of "cultural heritage" and "cultural property." While these do not, in themselves, define the complex abstraction "culture," they do make the claim that tangible objects and sites as well as intangible practices can be expressions of culture. Culture, while an immensely useful concept, is a very difficult one to pin down and remains the subject of much theoretical debate.[13] I do not attempt to offer my own definition of it here. In the nineteenth century, the anthropologist Edward Tylor classically defined culture as "that complex whole which includes knowledge, belief, art, morals, law, custom and other capabilities and habits acquired by man as a member of a society."[14] An introductory textbook to Cultural Studies parses out Tylor's definition into sixteen different "features," which are understand as aspects of culture according to Tylor's definition. The most relevant of these for the aims of this study is the fifteenth feature listed: "Culture is symbolic. It has a range of symbols, which represent both the material world (dress, food) and non-material world (values, beliefs, customs)."[15] Thus, the material and immaterial expressions of culture—what I call "cultural property" and what UNESCO enumerates in its heritage lists—are the subjects of cultural destruction.

"Cultural destruction" encompasses a wide range of behaviors constituting the negative treatment of the particular sites, objects, and traditions, which express culture. The *Encyclopedia of Global Studies* has defined "cultural destruction" as "a destructive

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[13] A critical review of this term's history and recent definitions has been undertaken by Gustav Jahoda, who asserts that it is "questionable" whether there could ever be a "proper theory of culture" and concludes that due to the futility of attempts at its definition, "much of the time it is quite practicable and defensible to simply *use* the term without seeking to define it;" Jahoda 2012, 290 and 300. In his influential *The Interpretation of Cultures*, Clifford Geertz similarly remarks on the unlikelihood of ever formulating "anything one might call 'culture theory' as such;" Geertz (1973) 2000, 25-6.
[14] Tylor (1871) 1958, 1.
[15] Rai and Panna 2010, 5.

impact on local cultures, encompassing objects and sites as well as other forms of cultural expressions such as traditions, beliefs, and knowledge."[16] Embracing this notion of "impact," I understand cultural destruction to be subjectively-determined violations of the constructed norms for the treatment of cultural property. For the tangible, such as works of art, sacred sites, public structures or monuments, this can, but need not, take the form of physical damage; for the intangible, such as festivals or constitutional codes, this can take the form of significant hinderances or abolitions of these practices. Cultural destruction is not limited, however, to physical damage of the material and total abolition of the immaterial. A prime example of a behavior that may not constitute literal destruction yet is nevertheless culturally destructive is plundering. To remove a cult statue, a historic monument, or an artistically masterful door from a public building deprives these items' communities of their presence in the same way as their physical demolition would. While the symbolism of, emotional response to, and motivations behind literal destruction versus removal may differ, a similar absence is felt as the result of both. Both removal and literal destruction destroy the intangible cultural work performed by what is removed or literally destroyed. What is at stake in culturally destructive acts is the abrogation of the meanings and values embodied by the particular object, site, or practice in question by means of disrespecting the expected norms of behavior surrounding it. Thus, for objects, sites, and practices holding particular sacred valences, and therefore subject to special regulations and treatment within their cultural communities, to breach those protocols is to do violence to those objects, sites, and

[16] Dacia Viejo Rose, "cultural destruction," in *Encyclopedia of Global Studies*, Edd. Helmut K Anheier and Mark Juergensmeyer, 323-225 (Thousand Oaks, CA: SAGE, 2012), here 223.

practices—even in the absence of literal, physical damage. Therefore, in my treatment of Cicero's *In Verrem*, Livy's *Ab urbe condita*, and Dio Chrysostom's *Rhodian Oration*, the episodes of cultural destruction analyzed include such acts as: physical damage to cultural sites and objects, such as razing, demolition, fracturing, and, in the case of inscriptions, erasure; plundering of moveable cultural objects; violations of sacred objects and sites (according to the sources' construal); and abolition or annulment of less tangible cultural practices.

Prior Scholarship

While many avenues of scholarly inquiry bear on the larger construct of cultural heritage within the ancient Roman world, this review will focus on those works exploring the conceptualization and self-conscious reflection upon cultural destruction within ancient Rome, which have most influenced the shape of this dissertation.

To start, there has been immense scholarly production on the issues of cultural destruction and Roman responses to it within the context of late antique conflict between pagans and Christians.[17] This growing body of scholarship has its root in Herbert Bloch's influential argument for an active pagan resistance to the rise of Christianity and a pagan "revival" in the fourth century CE.[18] An essential episode in this narrative of conflict between pagans and Christians is the controversy over the removal of the Altar of Victory from the Roman *curia* in the late fourth century.[19] The Altar was temporarily removed

[17] Hahn, Emmel and Gotter 2008, Kristensen 2013, Kristensen and Stirling 2016, and Rohmann 2017 are but a few recent volumes devoted to this subject.
[18] Bloch 1945, and revisited again in Bloch 1963.
[19] On the Altar of Victory saga: Sheridan 1966; Pohlsander 1969; Canfora 1970; Lauria 1984; Lipani 1996; Thompson 2005; Edwards 2006, 206-210; Hubeñák 2006; White 2007, 79-98; Chenault 2015; Lizzi Testa 2015; Mitchell 2016, 202-237.

upon Constantius II's visit to Rome in 357 CE, but subsequently reinstalled. In 382, Gratian ordered its permanent removal, prompting an unsuccessful senatorial delegation to ask for the repeal of this measure. In 384, a second delegation led by Quintus Aurelius Symmachus went to Milan to appeal to the young Valentinian II and was again denied. This appeal survives in a letter of Symmachus.[20] Even before the delegation had arrived, Ambrose, Bishop of Milan, wrote a letter to Valentinian II, preemptively opposing the Altar's restoration.[21] After the unsuccessful delegation, he wrote a further response, addressing Symmachus' argument more directly.[22] Though Symmachus's pleas for the restoration of the Altar of Victory are not our only late antique literary source contesting incidents of cultural destruction,[23] his conflict with Ambrose of Milan has been especially impactful on scholars' perception of pagan-Christian strife in Roman late antiquity.

A reassessment of this conflict paradigm was initiated, in large part, by Alan Cameron. In his *The Last Pagans of Rome*, Cameron persuasively argues against the concept of a "pagan revival" in Roman late antiquity, acknowledging the preoccupation in Christian sources with eradicating paganism but refuting the idea that there was ever a consolidated pagan "resistance" effort to the rise of Christianity.[24] As a result of this historiographic intervention, many studies of late antique culture have shifted from the

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[20] Symm. *Relat.* 3.
[21] Ambrose *Ep.* 17.
[22] Ambrose *Ep.* 18.
[23] Although the only narratives concerning its controversiality and destruction are retrospective projections of later Christian sources, a statue mis-identified as Christ at Paneas (Caesarea Philippi) was also subject to contested destruction: Stewart 2007, 32-34; Wilson 2006-2007. Two sixth-century letters of Cassiodorus (*Variae* 7.13 and 7.15) plead for the preservation of sculptures at Rome: Stewart 1999, 184; Stewart 2007, 39.
[24] Cameron 2011, building on arguments first put forth in Cameron 1999.

language of conflict to co-existence, and from the lens of cultural rupture to evolution.[25] Similarly, works on the so-called "end of the statue habit" have begun to attribute this change in Roman material culture patterns to broader shifts in aesthetics rather than due to Christian iconoclasm of pagan art.[26] Despite this reassessment of the scale of violence and conflict between pagans and Christians, late antiquity is nevertheless still recognized as a period of Roman history in which the perception of cultural change prompted reflection on the meaning and function of culturally expressive sites, objects, and practices, resulting in both acts of cultural destruction and a powerful discourse associated with that destruction.[27] Peter Stewart, for example, sees an increase in self-conscious reflection about the meaning and significance of statues in late antiquity, stating, "it is relevant that the self-conscious writings about the nature of imperial images should become so prominent at this point in history. They reflect a Christian anxiety about the trappings of imperial cult and an attempt to reconcile the traditional veneration of imperial portraits with Christian beliefs."[28] Ulrich Gotter and Aude Busine have examined the way that motifs of temple destruction became a discursive tool for legitimizing Christian emperors and saints,[29] and in fact many studies of the destruction

[25] E.g., Salzman 2006 "rethinks" pagan-Christian violence; Jones 2014 emphasizes shared traditions between pagans and Christians in late antique communities; while Ward-Perkins 2003 and Rebillard 2013 focus on the "reconfiguring" and "transformation" of sacred space over the course of the late empire.
[26] Stewart 2007, 27; Coates-Stephens 2007; Bauer and Witschel 2007b.
[27] On the issue of perception of change, Gutteridge 2006 argues that late antique sources evidence a conceptualization of temporal discontinuity, especially through the rhetoric of destruction and conversion of pagan temples.
[28] Stewart 2007, 30. On the notion of Christian anxiety during this period, see further Dodds 1965 and a reappraisal of this study, Smith and Lounibos 1984.
[29] Gotter 2008 and Busine 2013.

of pagan cultural property in late antiquity now emphasize the tension between rhetoric and reality.[30]

Although these studies do not use the heuristic of cultural heritage, it is clear that in late antiquity much attention was afforded to both the cultural meanings and values of objects, sites, and practices and the way such tangible and intangible expressions of culture ought to be treated. Therefore, since the late antique scholarship on this issue is already robust, this dissertation focuses on cultural destruction within an earlier period of Roman history, before the rise of Christianity within the empire. In the *Last Pagans of Rome*, Cameron asserts that "there is no evidence of any sort that pagans themselves felt called upon to defend their culture—or indeed that they saw it as 'pagan' culture at all rather than the culture shared by all educated people."[31] This nuanced observation importantly recognizes that for elites such as Symmachus, it was not specifically pagan values, but Roman ones, that were at stake in the Altar of Victory dispute. My investigation of earlier contestations of cultural destruction provides contextualizing background for late antique disputes such as that between Symmachus and Ambrose, helping us understand that conflicts over the treatment of cultural property, containing as they did significant political and ethical dimensions, had occurred for centuries prior to this apparent watershed moment. Rather than a key episode in the battle between paganism and Christianity, one might more accurately understand the Altar of Victory controversy as one incident in a much longer history of Roman elite discourse contesting

[30] Salzman 2006; Emmel 2008; Perry 2008; Engels, Martens and Wilkin 2013; Salzman, Sághy, and Lizzi Testa 2015.
[31] Cameron 2011, 7.

the destruction of cultural property. A recent edited volume entitled *Reuse and Renovation in Roman Material Culture: Function, Aesthetics, Interpretations* argues that architectural spoliation and other forms of secondary intervention in material culture were common in ancient Rome long before the late antique period of which they have been seen as hallmarks.[32] This dissertation aims to make a similar intervention in demonstrating that discursive interest in cultural destruction was also not unique to the late antique period of Roman history.

Compared with this corpus of late antique scholarship, fewer studies have focused on responses to cultural destruction within earlier periods of Roman history. A number of works have analyzed the Roman exploitation of plundered art by Roman elites as a means of attaining social and political power. André Walther asserts that the display of plunder throughout the public spaces of Rome was an important mechanism for garnering *auctoritas*, a form of symbolic capital.[33] Likewise, Tonio Hölscher argues that the use of booty to found public buildings effected "the symbolic transformation of military victories into political power."[34] While not denying the exploitative use of plundered cultural property for political and social gain within Roman elite practices, the analyses undertaken in the following chapters complement this work by illustrating the way that Roman discourse contesting, and refraining from, the plundering of social property was also a form of social capital.

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[32] Ng and Swetnam-Burland 2018.
[33] Walther 2016, 102-3.
[34] Hölscher 2006, 36. On the use of plundered art for social capital and political power, see further Pape 1965, Kendall 2009 and Bravi 2014, esp. 23-66.

Additionally, some important work has been done on Roman ethics concerning plundered art. Margaret Miles' *Art as Plunder: The Ancient Origins of Debate about Cultural Property* explores the advent of ancient discussion about the role of art in society and its appropriate treatment during and after war.[35] In her unpublished dissertation *Stealing Aphrodite: Plundering Art and Politics in the Roman Republic*, Jennifer Kendall examines the way that the use and abuse of plundered art was a political tool in the Roman Republic, both as a means of self-promotion for triumphators and as fodder for their political rivals and detractors.[36] By bringing attention to the ongoing negotiation of the role of plundered art in Roman society and to the discursive power of plundered cultural property, these works have established a foundation upon which this dissertation builds. Even so, their focus on art has several consequences for the objectives and scope of their inquiries, which differentiate them from my own aims. Firstly, the lens of "art" not only limits the scope of these studies to ancient discourse about the treatment of moveable, tangible objects, but also excludes those objects not valued chiefly for their aesthetic qualities, which Kendall and Miles see as definitive of "art." Miles suggests that while imbuing objects with cultural, especially sacred, value is ubiquitous, the realization of "art" as a category has a historical moment, and it is this that she is interested in elucidating.[37] Thus, both Miles and Kendall are interested in Roman practices of connoisseurship and aesthetic theory. Since it is in their post-plunder contexts that these objects are most obviously valued as "art," both Miles and Kendall accordingly focus

[35] Miles 2008.
[36] Kendall 2012.
[37] Miles 2008, 10.

their interest on Roman ethics concerning the *use* of these plundered objects—for example, how and where they were displayed—rather than the ethics of their very plundering. The reality that plundering frequently occurred is privileged over Roman ethical objections in Miles' observation, "Despite Cicero's complaints about Verres and Livy's admonitions, the right of the conqueror to booty of all sorts was in practice unquestioned and continued to be unquestioned for a long time."[38]

In a similar vein, those studies that have acknowledged Roman ethics limiting the destruction of sacred cultural property have tended to downplay their importance and impact. For example, Steven Rutledge, in a study of the destruction of sacred sites in Roman discourse and practice states that "there is no doubt…that a broad social consensus was in place concerning respect for temples and shrines," yet nevertheless concludes, "Roman respect for sacred sites existed at times more in the realm of the ideal than the real."[39] Arthur Eckstein has similarly argued that while there may have been informal norms calling for the inviolability of sacred sites and shrines, "in reality such places were sacked and looted with impunity."[40] By privileging what is described as "the real"—the fact that sacred sites were destroyed throughout Roman antiquity—these approaches underappreciate the impact of ethical constructions on Roman behavior and dismiss the social and political work performed by such ethics. Certainly, the many real incidents of cultural destruction perpetrated by ancient Romans cannot be denied, but these idealizations and ethical constructs calling for refraining from acts of cultural

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[38] Miles 2002, 31.
[39] Rutledge 2007, 194-5.
[40] Eckstein 2006, 578. These sentiments are also expressed at Eckstein 2009, 259: "We should not mistake the ideal for the real."

destruction such as plundering and the destruction of temples are worthy of study in their own right. They help nuance our understanding of cultural destruction and its perception within the Roman world.

In *Art as Plunder*, Miles connects ancient Roman discourses to the modern heritage movement by demonstrating the reception and influence of Cicero's *Verrines* on early modern intellectuals who contributed to the formation of the earliest codes against the destruction of cultural property. In particular, she traces the distant afterlife of Ciceronian ideas about the role of art and its proper (and improper) treatment within eighteenth-century debates over the widescale plundering of the Napoleonic Wars. By positioning Cicero as the inspiration behind the early-modern development of the concept of "cultural property" she reifies the separation between what she sees as a modern concept and Cicero's ancient musings on the social place of art. My project therefore seeks to build on Miles' work, while challenging her separation between heritage concepts and ancient thought, by analyzing the presentation of cultural destruction in the *Verrines* more holistically and examining it alongside other Roman texts that similarly present negative reactions to the violation, plunder, and destruction of cultural property—understood more broadly to include objects, sites, and practices imbued with cultural value and meaning. Furthermore, I focus on the creation of meaning and construction of ethics within these texts—what I call "heritage-thinking"—rather than the end results of the episodes described (i.e., the fact that temples *were* violated and objects *were* plundered). In so doing, I examine the social and political work performed by these discourses about the proper and improper treatment of cultural property.

Approach and Chapter Overview

This dissertation examines literary narratives presenting negative reactions to acts of cultural destruction as windows into Roman heritage-thinking. As we saw with President Trump's tweet, cultural destruction—even the threat of it—can prompt reflection on the heritage values of a society, revealing the norms and regulations that have been breached by that act of destruction in addition to highlighting, through the very fact of controversy and contestation, the types of objects, sites, and practices perceived as expressions of culture and, therefore, regarded as culturally valuable. Thus, in a way, my approach starts at the end and works backward, using failures in the cultural heritage process to reveal what objects, sites, and practices are perceived as culturally valued and what ethical principles and regulations have been breached by their destruction.

I focus on literary narratives, rather than archaeological evidence for destruction, because I am interested in the discourse of cultural destruction—reactions, the construction of ethics within those reactions, and the ways that those ethics and their breaches relate to various social constructs and discursive contexts in the Roman world. There are many references within the extant literary record for Roman antiquity of events that might seem to fall into the category of cultural destruction, including, but not limited to, the mutilation of a statue, the demolition of a monument, the despoliation of a temple, the abolition of certain cults, or the burning of texts —not all of them presented as controversial, not all of them the result of intentional human action, and many uncontextualized in terms of ancient perception and response to these events. Rather than these short, uncontextualized mentions, I choose as case-studies for my analysis texts that

provide extended narratives of acts of cultural destruction with the rich contextualization necessary for this analysis.

Since I am interested in these texts at the level of discourse for the way they discuss and react to cultural destruction, my analysis proceeds according to the order in which these texts were written, not the order of historical events described. This case-study approach is inherently selective and, as such, this study does not purport to be an exhaustive treatment of heritage-thinking in ancient Rome—a task that would be futile within the context of any society, let alone an ancient one for which a relatively slim amount of evidence remains to us. Rather, this approach analyzes these texts as snapshots within an ongoing heritage discourse within Roman society. Moreover, these texts are subjective. They are necessarily representative of the elite viewpoints of their authors, and cannot be assumed to represent the views of all persons within Roman society. Indeed, the very fact of contestation suggests differences of opinion. Nonetheless, these texts are valuable in demonstrating that contesting cultural destruction was a tool within the political maneuvering of such elites, indicating that these questions held importance and consequence, even in the absence of a clearly defined heritage code. Individuals within Roman antiquity contested cultural destruction and grappled with ethics concerning the proper and improper treatment of cultural property.

The three case-study chapters of this dissertation (Chapters 2-4) are bookended by analyses of orations centrally concerned with acts of cultural destruction. In Chapter 2, I begin my examination of Roman destruction narratives with Cicero's *In Verrem*, a set of six forensic orations (published in 70 B.C.E.) prosecuting the former governor of the

province of Sicily, Gaius Verres, for extortion. Throughout these speeches, Cicero places much emphasis on Verres' theft of Sicilian cultural property—household items, statues, and artwork, from both individuals and communities within Sicily— and unwelcome interventions in local cultural practices. One of these speeches in particular, *Verrine* 2.4, has been known as *De Signis* ("On Statues")—an informal title attributed to it in late antiquity—as a result of its considerable preoccupation with Verres' treatment of Sicilian cultural property. As is argued in Chapter 2, this speech is not only concerned with the treatment of statues, and the theme of cultural destruction is not relegated to this oration of the *In Verrem* only. It is Cicero's choice to embed Verres' condemnation in issues of cultural destruction that makes the *In Verrem* an invaluable source for this study. Cicero's narration of these incidents builds the intangible cultural value of the stolen objects by relating their roles in Sicilian historical tradition, religious ritual, and everyday life. Concomitant with the act of theft, the violation of the sacred sites from which a number of these objects were stolen is equally stressed and lamented by Cicero, along with the disruption to Sicilian culture. Cicero repeatedly communicates that local context is key to evaluating the extent of Verres' crimes and, in so doing, he demonstrates awareness of the cultural-relativity of heritage value and advocates for considering local viewpoints in assessing crimes against cultural property. This creates a platform for the discussion of cultural responsibility in Roman politics and administration, and indeed, in these speeches, Cicero constructs a set of ethics surrounding the treatment of cultural property in times of war and peace, while also revealing the way that ideas about brigandage, piracy, and barbarity were connected with a failure to meet these ethics.

Chapter 3 analyzes Livy's treatment of cultural destruction in a number of episodes of the *Ab Urbe Condita*. As a historical narrative, rather than an argumentative speech, the *Ab Urbe Condita* is less explicit in its authorial judgment of cultural destruction, but nevertheless makes a valuable source for this study due to its many episodes of cultural destruction as well as Livy's own interest in material culture. This interest is evident in both Livy's prefatory characterization of his history as a monument—an analogy rooted in a recognition of the important societal function and value of physical monuments—and his preoccupation with plunder.[41] This chapter begins with an analysis of Livy's account of the sack of Syracuse, which demonstrates the influence of ethical ideas presented by Cicero's *In Verrem* on Livy's telling of Roman history. This influence is further evident in a series of dramatized debates over acts of cultural destruction. Throughout these scenes, culturally destructive acts such as plundering, the razing of temples, graves, and monuments, and the abolition of traditional customs are contested, associated with barbarity, and charged against enemies as a political tool. These dramatized episodes of contestation within Livy's history of Roman expansion reveal the types of ethical and moral considerations surrounding cultural destruction in Livy's day. Additionally, Livy lends weight to the political import of cultural destruction within his presentation of historical causality; he positions acts of plundering and temple violation as reasons Roman, Seleucid, and Macedonian leaders lose their allies in war and causes of further conflict, even defeat. Such episodes

[41] For Livy's presentation of his history as a monument: Liv. pr. 10. For his preoccupation with plunder: Haimson Lushkov 2017.

communicate the negative interstate consequences of cultural destruction and underscore the importance of refraining from it for Rome's *maiestas*.

Lastly, in Chapter 4, I analyze Dio Chrysostom's *Rhodian Oration* (*Or*. 31), a late first-century Second Sophistic speech that condemns the recycling of honorific portrait statues in Rhodes, a process effected through the reinscription of the statues' bases. Dio characterizes this statue reuse as not only harmful to Rhodian society and an effacement of Greek cultural legacy, but also as at odds with Roman imperial values regarding inscription and reinscription. Dio creates the impression that the Rhodians sacrifice their heritage in order to gain favor with Roman officials and elites, the subjects of the newly-recycled statues. Yet in the very making of his case, Dio appropriates Roman ideas about the erasure of inscriptions found in Cicero and, more contemporaneously, Suetonius. In so doing, he triangulates his own identity as an elite of imperial Rome, addressing the Rhodians, who share in his Hellenic culture. This speech is thus an exercise in negotiating the cultural value of honorific statues and advocating for their preservation, as a means of elevating Dio's own image as a cultured imperial elite. Instead of the destruction of local cultural property by an agent of the Roman state, the *Rhodian Oration* is concerned with a community's destruction of their own cultural property and its implications for their cultural identity and place within the empire. Dio's rhetoric, therefore, reveals a contradiction of heritage values between the Rhodians and his own perspective, and, in this way, signifies that elite discourses about the treatment of cultural property had become independent from ideas about warfare and imperial oppression, yet were no less entangled with politics and social identity.

Spanning nearly two centuries, these case studies demonstrate the ongoing development of a discourse surrounding cultural destruction among imperial elites.

CHAPTER 1: CULTURAL HERITAGE IN ANCIENT ROME? DECONSTRUCTING THE MODERNITY OF A CONCEPT

1.1 Introduction

> "*It is again no question of feeling whether we shall preserve the buildings of past times or not. We have no right whatever to touch them. They are not ours. They belong to those who built them, and partly to all generations of mankind who are to follow us.*" (John Ruskin, 1849, *Seven Lamps of Architecture*)

> "*Just so, someone might say that honorific statues belong to the city. Indeed, the land is also the city's, but nevertheless each possessor is master over what is his own. And if, in a communal sense, someone should inquire whose the island is or whose Caria is, they will say "the Rhodians'." But if you ask, in a different way, about this estate or field, it's clear you will learn the name of the owner. So also, they say that, in a general sense, all the statues belong to the Rhodians, but, in a personal sense, each belongs to one person or another—that is, to whom it was once given*." (Dio Chrysostom *Or*. 31.47)[42]

The conviction that cultural heritage is a uniquely modern phenomenon has become a commonplace of heritage studies. Consider the following excerpt from a recent history of the field's origins:

> Heritage is widely held to be a distinctively *modern* notion. By using this term 'modern,' I mean not only that it developed relatively recently, but that it emerged within the context of a series of distinctive philosophies and social and political movements that we would recognise as belonging to a modern sensibility, and that have helped define (and produce) the modern period.[43] (original emphasis)

Such articulations do more than simply place the parlance "cultural heritage" in its historical context within recent Western culture; they make the logical leap that the development and proliferation of the term "cultural heritage" and its related phrases must signify the creation of a new, modern concept, represented by such language. Thus, beyond recognizing that the *terminology* of cultural heritage arose during the eighteenth century out of contexts such as nationalism, industrialization, and imperialism, many

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[42] Translations are my own throughout, unless otherwise indicated.
[43] Harrison 2013, 23.

textbook accounts of cultural heritage assume it to be a uniquely modern *phenomenon* and, accordingly, focus on its role in modern society and politics.[44] Although heritage scholars sometimes admit the relevance of heritage to earlier time periods, they often dismiss such observations as unremarkable or counter the idea of heritage's role in the past by reaffirming its special modern circumstances.[45]

In the following pages, I argue, to the contrary, that the study of cultural heritage need not and should not be restricted to the modern age. Consider, for example, the two quotations at the opening of this chapter. The first comes from John Ruskin, who was an integral voice in the early heritage conceptualization in nineteenth-century England; the second is excerpted from Dio Chrysostom's late-first-century CE oration condemning the reuse of honorific statues in Rhodes. Despite the intervening centuries, both authors employ similar strategies in advocating for what they consider the correct treatment of material remains of the past. In Ruskin's *Seven Lamps of Architecture*, a mid-nineteenth century study of architectural principles, Ruskin promoted the idea of "conserve as found," pushing the preservation of the buildings' original material over restoration. This idea that the "fabric" of historical monuments and buildings was inherently valuable[46] influenced the emphasis within modern Western heritage on materiality, fabric, and authenticity. In *Oratio* 31, known as the *Rhodian Oration*, Dio purports to address the

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[44] E.g, Kuutma 2009, 6: "Heritage, itself a late-modern European conception and cultural phenomenon, is today actively implemented in politics globally."

[45] E.g., Lowenthal 1992, 1: "To be sure, heritage is as old as humanity…[b]ut only in our time has heritage become a self-conscious creed;" or, Harrison 2013, 44: "While the idea of a canon of heritage places might be argued to be as old as the notion of a list of 'seven wonders of the world,' the earliest government inventory of historic sites was begun in post-revolutionary France in 1837…"

[46] These ideas were reflective of nineteenth century Romanticism, which privileged the "rural idyll" and the "picturesque" as a pushback to industrial and urban development: Smith 2006c, 19-21.

Rhodian assembly about their rampant reuse of old honorific statues for new recipients. As he describes it, they have been erasing the names of the original statues' honorands and replacing them with those of others, instead of creating new honorific statues from scratch. Dio finds this practice of statue recycling particularly offensive and makes a series of arguments to characterize it accordingly, not the least of which is that the erasure of the original honorand's name is an insult to the men of the past and an erasure of their memory. His speech seeks to make the Rhodians aware of their wrongdoing, in the hopes that they will rectify this practice.

Although they are substantially different types of intellectual endeavors, a number of similarities can be perceived between these two programs, as pertains to heritage conceptualization. Both authors advocate for the preservation of objects or structures of implied worth (for Ruskin, buildings; for Dio, honorific statues). For each of them, this worth is rooted in the past (historical buildings; statues of Rhodians' ancestors and past honorands). Both employ the logic of ownership to argue for the preservation practices, which they endorse. For Ruskin, the view that the buildings "belong" to past persons renders the present public unentitled to destroy them. In this way, he situates ownership in a past public, which must be respected by future publics. For him, it is the public value of the structures which is inalienable by contemporary individuals. Somewhat differently, Dio negotiates the statues' ownership between public and private contexts; the honorific statues "belong" to their recipients, whose identities are varied and sometimes unknown, and hence to a similarly unspecific past. Nevertheless, Dio sees claims to private ownership as the way to making his case, and thus, for him, private value is considered

inalienable by the contemporary public. Thus, although their expressions are differently nuanced, both Ruskin and Dio identify themselves and their respective audiences as stakeholders in the ongoing management of the material remains that symbolize their pasts. They grapple with similar issues concerning the proper treatment of materials and who has the right to do what in order to manage them. In short, they are both performing an exercise in "heritage-thinking."[47]

Therefore, in this chapter, I argue for the theoretical applicability of cultural heritage to Roman antiquity, to be followed by evidentiary case-studies in Chapters 2-4. In order to make this case, I first appropriate and extend the arguments of heritage studies scholarship that seeks to denaturalize the predominant understanding of cultural heritage in the modern West. By "denaturalize," I mean that the modern West has seen the development of a hegemonic articulation of cultural heritage, now frequently called the Authorized Heritage Discourse (AHD), which has been disseminated globally by the World Heritage Convention and its resultant international initiatives. The result of the AHD is the façade of a definitive definition of heritage, which obscures the plethora of alternative conceptualizations of heritage around the contemporary globe, particularly in non-Western society.[48] I extend such arguments to suggest that understanding heritage as a constructed cultural process allows us to separate the broader intellectual concept from its specific modern, Western formulation as a topic for fruitful study in various societies,

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[47] This term is discussed further below.

[48] A commonly given example of a non-Western heritage practice incongruous with the ideas of the AHD is the ritual demolition and re-building, every twenty years, of the Ise Jingu Shrine in Japan, which flouts the preservationist ethos of Western heritage discourses. For similar incompatibility of heritage practice in Sri Lanka with the AHD's emphasis on authenticity, see Weerasinghe 2011, 139-152.

across time. In other words, this hegemonic façade of a definitive heritage conceptualization also obscures the various instantiations of cultural heritage *throughout history*. By examining the development of the modern "cultural heritage" idea, I will explicate the way that the AHD grew out of a series of societal experiences and contexts, such as: the creation of platforms for public discourse; change; the acceleration of time; and loss. Finally, I demonstrate that all of these contexts, especially the perception of cultural change and loss, were experienced in their own ways in imperial Rome. Though these social and cultural experiences are, to be sure, not the only contexts able to prompt what I call "heritage-thinking," I focus on these particular contexts in order to deconstruct the "modernity" of cultural heritage, since they are staples of the heritage studies narrative.

1.2 What is Heritage?

The ubiquity of cultural heritage in the modern West has led to the ready conviction that one knows exactly what cultural heritage is.[49] As my experience undertaking this project has made particularly clear, however, what "cultural heritage" unquestionably means to one person is not what it means to another. Accordingly, defining "cultural heritage" has proven difficult for introductory studies of the topic. The *Oxford Bibliographies* page for "Heritage Management," for example, refers to heritage honestly but unhelpfully as "a rather open-ended and fungible term."[50] Rodney Harrison,

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[49] For heritage as "ubiquitous," Harrison 2013; a "cult," Lowenthal (1985) 1999 and Lowenthal 1992; for "heritage revolution," "heritage crusade," and "ascent of heritage," Loulanski 2006, 207.
[50] R. Elia and M. Ostovich, "Heritage Management (Classics)," *Oxford Bibliographies*, last modified 10 Nov. 2014, <http://www.oxfordbibliographies.com/view/document/obo-9780195389661/obo-9780195389661-0119.xml?rskey=yKhnyr&result=4&q=heritage+#firstMatch>.

in his history of the foundations of heritage studies, similarly notes that it is a "broad and slippery term."[51] For a testament to this, one need only look at the ways in which the meaning of heritage has changed and evolved within heritage studies. Scholars utilize the term "heritage" to denote multiple levels of a larger mental construct that recognizes the importance of certain objects, sites, and traditions to the memory, history, and sense of identity of particular groups or individuals. At the most concrete level, the term is used to mean the various tangible and intangible goods identified as meaningful to a group, as, for example, in protected heritage lists. It can also express the field of professionals whose jobs contribute to the preservation and conservation of heritage or the academic study of such professional practices. More abstractly, it can convey the processes of memory-making and identity construction that surround these valued and protected goods. In short, it has four main significations: heritage as 1) "stuff," 2) a professional field, 3) an academic field, and 4) a cultural process.[52]

To understand this wide variety of meanings, it is helpful to look at the development of the concept of cultural heritage, as told by scholars of heritage studies, since such a narrative clarifies how and why so many uses and meanings coexist today. Ideas about heritage first crystalized in the contexts of post-Enlightenment thought. In particular, Harrison has argued for the importance of the "public sphere" to heritage's conceptual development;[53] in the eighteenth century, the newly-emergent concept of a public sphere created a concern for cultural preservation for the benefit of present and

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[51] Harrison 2013, 4.
[52] My own understanding aligns most with the fourth (a cultural process), as will be discussed further in the next section.
[53] See chapter 3 of Harrison 2013, esp. 43-44.

future publics.[54] This perception of the increased role of the public in the shaping of society and politics made the preservation of public cultural values all the more important. Preserving traditional values through conserving historical architecture and protected landscapes thus emerged as both a public duty and a public benefit.[55]

At the same time, rapid industrialization and increased urbanization activities generated anxieties about cultural change and nostalgia for preindustrial life. The conviction that "things were grander in the past" created a conceptual past/present break that made the past seem precious and vulnerable.[56] The language of "heritage," conveying a sense of "inheritance" of certain values and traditions from the past (into the present), emerged as a response to the instability urbanization and industrialization caused within European culture.[57] Over the course of the nineteenth century, this led to a series of initiatives concerned with protecting monuments, objects, buildings, and landscapes, which came increasingly to be understood as integral to the preservation of cultural tradition. For example, the French Commission des Monuments Historiques initiated the first government inventory of important cultural and historic sites in 1837.[58] Such lists privileged the material, embracing similar notions to those expressed by the Ruskin quote with which we began (i.e., the original and authentic past; "preserve over restore").

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[54] Harrison 2013, following Jürgen Habermas' foundational definition, explains "the public sphere" as "a space in which individuals and groups can gather to formulate ideas that influence public opinion and the rules that govern societies:" Harrison 2013, 44.
[55] Harrison 2013, 46.
[56] Brett 1996, 15.
[57] Smith 2006b, 6.
[58] Harrison 2013, 44.

Heritage preservation was, early on, largely an elite initiative, as wealthy individuals and families founded heritage organizations and sponsored heritage legislation.[59] In this way, earlier modern heritage initiatives both reflected and reinforced social and cultural hierarchies. The pursuit of conservation, for the purposes "preserving" ideal traditions was predicated upon and, in turn, reinforced social stratification by privileging the traditions of certain social groups over others'. Accordingly, people and communities who embodied and maintained those idealized values and traditions were perceived as better and more enlightened than those who did not. The emergence of heritage consciousness was therefore entangled with Enlightenment ideas about rationality and progress,[60] as well as the resultant construction of European superiority as the image of "modernity."

The conception of European "progress," which was tied up with heritage, also legitimized imperialism and the colonial enterprises of nascent nations:[61] there was at one and the same time a felt need to preserve the superior, modern (read: European) culture and the view that European practices of conservation were an important component of cultural superiority. In this way heritage and modernity became mutually reinforcing ideas. The (re)construction of ancient pasts, which Hobsbawm has called the "invention of tradition," was a useful national tool for characterizing the present and directing the

[59] Smith 2006c, 22.
[60] *Ibid*., 17.
[61] On the connection between heritage and nationalism, see: Smith 2006c, esp. 17-18; Harvey 2008, esp. 24-29.

future, and cultural heritage practices were critical in this endeavor.[62] Sites and structures operated as tangible proof of a cultivated national narrative and of the nation's pedigree, while material markers and intangible performances and practices generated and perpetuated the idea of a national people.[63] And so, over the course of the nineteenth and twentieth centuries, heritage became increasingly regulated by states in projects of nation-building. As Smith explains, "museums took on a regulatory role in helping to establish and govern both social and national identity, and the existence of national collections demonstrated the achievements and superiority of the nation that possessed them."[64] It was in this same socio-political milieu that archaeology (and classics) arose as a field and discipline, to support national agendas.[65] Therefore, in a way, cultural heritage and study of the ancient past are intellectual siblings, informing and informed by nationalist discourses.[66] As archaeology, museology, and state-regulation of cultural property grew, heritage became associated with professional expertise.[67] From a public, social matter to an official, state-regulated concern, heritage emerged as a legal issue, a field of professional experts, and a precious cultural resource tied to national identities.

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[62] Brett 1996. Hobsbawm's idea of "political" versus "social" tradition roughly correlate to Harrison's categories of "official" and "unofficial" heritage, which he distinguishes on the basis of "state" recognition through legal enforcement: Hobsbawm and Ranger (1983) 2012; Harrison 2013, 15, 97.
[63] Silberman 2015, esp. 32-22.
[64] Smith 2006c, 18; Bennett 1995; Macdonald 2003. For the importance of museums in disseminating the heritage concept globally: Harrison 2013, 69.
[65] The seminal text on the relationship between archaeology and nationalism is Kohl and Fawcett 1995. For a reappraisal, see Diaz-Andreu 2007. Dyson 2006 focuses on nationalism specifically in the context of classical archaeology, and flips the script, arguing for the influence of classical archaeology on nationalism and other socio-political movements in the nineteenth century.
[66] Whitmarsh 2013, 1: "Classics as a discipline was, for sure, more than most humanities subjects forged in the white heat of imperialist, nationalist, elitist, disciplinarian, androcentric imperatives."
[67] For a more in-depth discussion of the process by which heritage became professionalized, see Harrison 2013, 114-115.

The link between cultural property and identity was particularly important in the way that cultural heritage informed and was informed by the Second World War. WWII was the first of two major historical "moments" that helped move cultural heritage from a national to an international concern. Global responses to the Holocaust, specifically the Nazi campaigns to destroy and collect art, brought cultural heritage into discussions surrounding human rights, as a vehicle for and expression of identity.[68] At the same time, widespread destruction accelerated governmental efforts at heritage preservation and safeguarding, such as the 1952 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which facilitated the notion of heritage and its safeguarding as an international concern.[69]

A second pivotal "moment" was the international effort to protect Egyptian temples in the face of the building of the Aswan Dam in the 1960s and 1970s. The dam meant the flooding of regions of the Nile valley containing ancient structures and monuments, in particular the Abu Simbel temple, prompting collaboration by UNESCO to document and relocate Egypt's antiquities.[70] This international collaboration reified the idea that ancient antiquities were collectively "owned" and the concern of all modern nations. These international discussions led to the articulation of the concept of "world heritage," crystalized in the World Heritage Convention of 1972,[71] which presented the idea that treasures from the past and cultural practices needed to be preserved for the

[68] For the impact of the Holocaust on memory and the subsequent "memory boom" within scholarship, see: Hirsch 2012 and Galinsky 2015a.
[69] Harrison 2013, 56-7.
[70] On the importance of the Aswan Dam to international heritage initiatives: Harrison 2013, 56-61; Smith 2006c, 95; Rowan 2017. Meskell 2018 situates the Nubian valley campaign within a larger critique of UNESCO's fraught relationship with archaeology.
[71] Its official title: The Convention Concerning the Protection of the World Cultural and Natural Heritage.

benefit all of mankind.[72] The World Heritage Convention and its intellectual offshoots sought to disseminate its idea of "global" cultural heritage worldwide, thereby making the heritage practices of all countries liable to its standards and problematically assuming the universality of particularly Western valuations of objects, sites, and practices. Shortly after the World Heritage Convention, the rise of postcolonial theory and the publication of Edward Said's seminal *Orientalism* in 1978 led to critical reevaluations of cultural heritage as well as the realization that the world heritage concept was canonical and hegemonic – thus birthing heritage studies as an academic discipline.

In an influential and trailblazing study, Laurajane Smith labels this "dominant Western discourse about heritage" the Authorized Heritage Discourse (AHD). Smith's articulation of the AHD builds on Foucauldian ideas about discourse as an institutionalized way of thinking,[73] and her approach to heritage studies therefore analyzes the relationship between power and the language of heritage.[74] Smith demonstrates the way that the AHD works to obscure its own origins by creating the impression that it is the definitive version of heritage. Elements of this canonical understanding of heritage, which developed out of the eighteenth–twentieth century sociopolitical contexts described above, include: emphasis on aesthetics; materiality, especially monumentality; the sense of civic and professional duty to act as heritage stewards; "expertise;" and the idea that identity, especially national, is formed through

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[72] "Convention Concerning the Protection of the World Cultural and Natural Heritage," *UNESCO*, accessed 14 April 2018, <https://whc.unesco.org/en/conventiontext/>. This idea differed from earlier Enlightenment or nationalistic understandings of heritage, in that it assumed the universality of particularly Western valuations of objects, sites, and practices.
[73] Foucault's ideas on discourse are interspersed and developed throughout his works, but are explored in particular in his *Archaeology of Knowledge* and "The Order of Discourse."
[74] Harrison 2013, 112.

shared heritage.[75] It can be briefly summarized as "the material, the monumental, and the ancient."[76] The AHD's emphasis on materiality, expressed by Ruskin and reified through the use of national monuments as markers of identity, is evident in the generation of the "lists" created by international heritage conventions. As Smith explains, such list-making misleadingly equates "heritage" to "things:" "for the authorised heritage discourse (AHD), heritage *is* the monument, archaeological site or other material thing or place, rather than the cultural values or meanings that the material 'thing' may symbolize" (original emphasis).[77] In this way, the crystallization of the cultural heritage concept in the modern West into the AHD, as well as the World Heritage Convention's attempts to disseminate it globally, resulted in a hegemonic canon of heritage items, creating the façade of a definitive heritage and obscuring the way in which this understanding of heritage is a culturally-dependent construction.

From this overview of the concept's development since the eighteenth century, we can understand that the varying uses of term "cultural heritage" to mean "stuff," a field of professional practice, a subject of academic study, or a cultural construct result from differing stages of the concept's history. This overview has also illustrated the way in which cultural context and socio-political movements impact the construction of values around, and ensuing management of, objects, sites, and practices, in the process of reconstructing the past – that is, in heritage-thinking. Even though the prevalence of the

[75] Smith 2006b, 6; Smith, 2006c, 4.
[76] Harrison 2013, 95.
[77] Smith, 2006b, 6.

AHD in Western thought has created a façade of a definitive understanding of heritage, heritage-thinking is culturally dependent and variable.

1.3 Beyond the AHD and the Modernity Bind

As we have now seen, even within a modern Western frame, the concept of cultural heritage has evolved and transformed and is used variously within scholarship, as well as governmental and global initiatives. It has become commonly accepted by scholars of heritage studies, however, that "heritage, is, first and foremost, a process."[78] This idea of heritage as a "process" was first explored by the British Marxist historian Raphael Samuel, who analyzed conservation and preservation as processes, informed by and bolstering various political positions and interests.[79] Samuel's work facilitated further study of heritage as an abstract process or set of practices.[80] In such work, cultural heritage has been articulated as:

- "a process of making meaning"[81]
- "a certain way of knowing cultural objects, sites or practices"[82]
- "a constantly evolving and complex unity of perceptions"[83]
- "a contemporary product shaped from history"[84]
- "a multilayered performance – be this a performance of visiting, managing, interpretation or conservation – that embodies acts of remembrance and commemoration while negotiating and constructing a sense of place, belonging and understanding in the present"[85]
- "a set of attitudes to, and relationships with, the past"[86]
- "the social 'work' that individuals and societies undertake to produce the past in the present"[87]

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[78] Harvey 2001, 335.
[79] Harrison 2013, 101; Samuel 1994
[80] Notably: Dicks 2000; Harvey 2001 and 2008; Smith 2006; Byrne 2008.
[81] Smith 2006b, 11
[82] Kuutma 2009, 8.
[83] Loulanski 2006, 222.
[84] Tunbridge and Ashworth 1996, 20.
[85] Smith, 2006c, 3.
[86] Harrison 2013, 14.
[87] *Ibid*., 113.

- "a mental construct that attributes 'significance' to certain places, artifacts, and forms of behavior from the past through processes that are essentially political"[88]

These articulations of cultural heritage share common themes. For one, they stress the importance of the "presentness" of heritage;[89] that is, the way heritage is expressed is always decided by the needs of the present. On the one hand, this is a way of saying that heritage is culturally constructed, but, on the other, it is important to note that despite the frequent emphasis on the past, heritage is about the present.[90] Furthermore, they also stress its evolving nature, or contingency; heritage is not a static thing that one can "have" or "protect" or "destroy," although doing these actions to things can be a part of cultural heritage. Rather, as the above explanations suggest, cultural heritage is more of a verb, than a noun; there is a marked emphasis in these definitions on actions in progress: making; knowing; negotiating; constructing. Thus, it is important to consider what specific instantiations of heritage—be that the creation of the World Heritage list or the burning of an ancient temple—are *doing*, socially and politically. However, as these definitions reiterate, heritage is, as importantly, about knowledge, thinking, and meaning-making.

This tension between tangibility and intangibility remains a subject of debate within heritage studies and is perhaps best represented in the views of Rodney Harrison

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[88] Logan, Kockel, and Nic Craith 2015b, 1.
[89] On "presentness," see Harvey 2001, 321-327: Because heritage involves an interpretation of the past inflected through the needs of the present, it has been seen by some scholars as an end to history, understood as the pursuit of an understanding of the past for its own sake. This viewpoint is exemplified by Lowenthal 1999, who has dichotomized history and heritage, using the language of "true" and "false" (or "genuine" and "illusory"), in a similar way as Pierre Nora applied to memory and history (Nora saw history as an end to "true" memory). As Harvey points out, however, this dichotomy history and heritage is false and misleading, since history has never been a simple, objective narrative of the past.
[90] Smith, 2006c, 1.

and Laurajane Smith. Stemming from her critical deconstruction of the AHD, Smith asserts that "all heritage is intangible."[91] By this she means that heritage is made up by "the cultural values or meanings that the material 'thing' may symbolize,"[92] and, therefore, everything that one might consider tangible heritage is just a stand in for, more accurately, the intangible. Harrison critiques this position, reasserting the persistent importance of the tangibility of heritage: because heritage must involve the tangible—even something intangible, such as a ritual or festival, involves tangible actors, moving through tangible spaces, using tangible objects—he urges the need to consider experience and tangibility in studying heritage construction, lest we forget how heritage actually functions within society.[93] These two scholars make important, complementary points: its intangibly tangible nature is an important and impactful element of heritage.

Lastly, while the language of "process" in this constructivist understanding of heritage is common, the term "process" can inadvertently suggest that there is a linear series of required acts to *do* heritage. Because of this, thinking of heritage as a "mental construct" or as an epistemology is more apt. In my understanding, heritage is a way of thinking about and interacting with the tangible and the intangible, according to which objects, sites, and practices are afforded cultural value and treated in particular ways because of that value. Therefore, throughout this study, I will refer to this epistemological

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[91] *Ibid*., 3.
[92] Smith 2006b, 6.
[93] Harrison 2013, 113: "while heritage is not simply a collection of 'things,'…this process is not one that occurs only in the minds of humans, or one that functions solely in a discursive manner, but involves a range of material beings who co-produce heritage as a result of their own affordances or material capabilities."

construct as "(cultural) heritage," and the actualization, or *doing*, of it as "heritage-thinking."

Understanding heritage in this way has important implications. In the words of David Harvey: "this deeper understanding of the historically contingent and embedded nature of heritage allows us to go beyond treating heritage simply as a set of problems to be solved, and enables us to engage with debates about the production of identity, power and authority throughout society."[94] Taking his critique of the AHD beyond modernity, Harvey examines "heritage processes" in Medieval Europe.[95] I have been most influenced by Harvey's approach to studying heritage, particularly his premise that the connection between heritage and modernity is "problematical"[96] and his efforts to study heritage's pre-modern instantiations. It is in a similar spirt that I pursue the study of heritage in Roman antiquity.

1.4 "Modern" Experiences in Ancient Context

In the following section, I make the case that numerous contexts giving rise to the AHD concept of cultural heritage had compelling parallels in Roman antiquity, and hence that the notion that cultural heritage developed out of uniquely modern contexts is unsound. I tackle these contexts in roughly the same order as they appear in the modern narrative since I am not aiming to convey a history of cultural heritage in ancient Rome within this chapter, but rather to deconstruct the concept's modernity. I discuss the

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[94] Harvey 2001, 319.
[95] Throughout his analyses, Harvey speaks of "heritage processes" and of "heritageisation" – which he does not define, but seems to understand as enacting the process. Thus, "heritageisation" to him seems comparable to my usage of the term "heritage-thinking." For these terms, see Harvey 2001.
[96] Harvey 2008, 19.

context's relevance to antiquity in general (when applicable) and to imperial Rome in particular. Many of these contexts—such as the notion of the "public sphere," the perception of change and the acceleration of time, and the knowledge-technologies of classification, collection, and listing—relate to underlying issues of risk, uncertainty, and loss. These are not only fundamental human experiences, but were also acutely experienced during the growth of the Roman empire.

The "Public Sphere"

To start, Harrison/Habermas' understanding of the public sphere ("a space in which individuals and groups can gather to formulate ideas that influence public opinion and the rules that govern societies") aptly describes urban centers within the ancient Mediterranean, particularly the Athenian agora and the Roman forum, as literal spaces where public opinion and politics interacted. It is important to note that the public sphere Habermas posited to have arisen in the eighteenth century was specifically a "bourgeois" public sphere (*bürgerliche Öffentlichkeit*), which Habermas idealized as particularly conducive to the democratic traditions he feared were being threatened by the rise of capitalism. His juxtaposition was, therefore, with the immediately preceding eras of European history, and he was neither denying the prior existence of other types of public spheres nor considering those within antiquity at all.[97] Furthermore, Habermas' theory has since undergone significant critiques, which have both pointed out the plurality of public spheres within any society[98] and challenged the "bourgeois" identity of the social

[97] For analysis of Habermas' historical context and scholarly reception and critique, see Gestrich 2006; Emden and Midgley 2012b.
[98] As pointed out, e.g., by Harrison 2013, 44.

circles Habermas had in mind, which were in large part still comprised of political, intellectual, and religious elites.[99] In these ways, this early-modern public sphere was elite-dominated and only selectively representative of society at large, similar to the public spheres of antiquity.

For example, Kostas Vlassopoulos argues that a social consequence of Athenian democracy was the creation of what he calls "free spaces," such as the agora. In these spaces, persons across the legal and status spectrums interacted on a daily basis, blurring the lines of politically-demarcated identities and allowing for a circulation of attitudes and ideas between citizen and non-citizen, mass and elite. In this way, discussions that arose in places like the agora shaped the opinions expressed in the Assembly, allowing for non-citizen and mass influence upon public policy formation.[100] Similarly, public oratory in Rome created a space for political participation and public discourse.[101] Oratory was a platform that "drew citizens into the political life of the *res publica*" even while "reinforc[ing] the cultural hegemony of the political élite."[102] Nevertheless, as Nikolaus Jackob has demonstrated through a study of Ciceronian oratory, the perception of public opinion had a "controlling effect on the political elite" in Rome.[103]

In addition to the existence of, albeit elite-dominated, public spheres, there was a long-established intellectual connection between proper civic conduct and public behavior and values in ancient thought. Characterization of the good citizen as the

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[99] Gestrich 2006, 416.
[100] Vlassopoulos 2007.
[101] A viewpoint notably championed by Millar 1998.
[102] Morstein-Marx 2004.
[103] Jackob 2007, 306.

public/political one, in contrast to the man who puts his private concerns first, was a *topos* in Athenian rhetoric.[104] Similarly, putting the state (*res publica,* literally: the "public thing")[105] first was a core facet of Roman Republican *exempla*.[106] These ideas about proper behavior for the good of the public, as opposed to private gain, signal an acute consciousness of a public/private divide, as well as a similar interest in action toward the benefit of the (future) public—similar to what we saw in early-modern heritage preservation initiatives, envisioned as undertaken by the public, for the public.

Indeed, the conceptualization of public and private was constantly being negotiated in ancient Rome. As Amy Russell has argued, even a place like the Roman forum "was never neutrally 'public' but always contested," since it contained landmarks and monuments associated with private individuals (and therefore regarded as semi-private), in addition to those of sacred value (that thereby carved out sacred spaces outside the bounds of a strict public-private spectrum). In her assessment, Roman ideas of public and private—as problematic as their modern counterparts—were highly manipulable and constantly redefined through a variety of changing, overlapping, and contradictory claims.[107] Such intentional efforts at constructing the concepts "public" and "private" underscore the active engagement, within Roman antiquity, with "public" concerns, which, we have seen, were relevant to heritage-thinking in modern Europe.

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[104] E.g., Thucydides' well-known criticism of the Athenians for making state decisions "according to personal ambitions and private interests, with ill result for both themselves and their allies" (κατὰ τὰς ἰδίας φιλοτιμίας καὶ ἴδια κέρδη κακῶς ἔς τε σφᾶς αὐτοὺς καὶ τοὺς ξυμμάχους ἐπολίτευσαν, 2.65.7). See further: Humphreys 1978 and Carter 1986.
[105] For the formalization of meaning behind the term "res publica" over the first century BCE, see Moatti 2017.
[106] Examples such as Brutus' killing his own sons (Liv. 2.3-5) abound in Livy's history of early Rome.
[107] Russell 2011.

Moreover, intensification of the negotiation of the concepts of public and private coincided with the growth and expansion of Rome's empire, as Romans increasingly came into contact with the cultural property of new peoples.[108] Hence, we see examples of the public/private dichotomy as a device in Roman heritage-thinking for constructing the boundaries between proper and improper treatment of culturally-valued material in authors such as Cicero, Pliny, and Seneca. These authors attack the use of war plunder for private use and gain—a strand of Roman heritage ethics that will be contextualized more fully in my analysis of Cicero's *Verrines* in Chapter 2.[109] Such Roman discussion about the proper social location of cultural property within the public and privates spheres, transmitted through Ciceronian reception, was integral in the development of early heritage safe-guarding legislation in the U.S.[110]

Similarly, Enlightenment ideas about the duty to act in the benefit of the public were themselves influenced by ancient Roman concepts. According to Marc de Wilde, John Locke's concept of the public trust (essentially, the idea that it is officials' duty to serve the public good), which was fundamental to Enlightenment thought, was influenced by the ancient Roman notion of *fides publica*.[111] De Wilde argues that this Enlightenment notion was understood more in terms of moral duties akin to those expressed in Cicero,[112]

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[108] Russell follows Milnor 2005 in asserting that the transition to empire "brings about a paradigm shift in the understanding of the relationship between public and private," Russell 2011, 7.
[109] Russell 2011, 8 n. 26: Cic. *Verr*. 2.1.57; Sen. *Ep*. 51.11; Plin. *H.N*. 36.5-6. See also Zaccaria Ruggiu 1995, 27; Miles 2008, esp. 152-217.
[110] Miles 2008.
[111] Transmitted to him via the works of Hugo Grotius, especially the *Parallelon rerumpublicarum* and *De iure belli ac pacis*, according to de Wilde 2011.
[112] E.g., *Off.* 1.23, 40, 124; *Off.* 3.99-100, 109; *De or.* 1.228. Other notable Roman *fides* episodes, which de Wilde discusses include Liv. 5.27.1 and Val. Max. 6.6.1-5.

than conceived as a formal legal institution.[113] Thus, the impact of ancient thought on these supposedly "modern" ideas serves as an important bridge over the ancient/modern conceptual divide.

Cultural Change and the Acceleration of Time

The Roman Empire entailed diversity, cosmopolitanism, religious and cultural differences. It witnessed tension, change, evolution, and migration, all of which have been seen as motivators for heritage-thinking in the modern world. This is so much the case that the sub-field of Romanization studies has developed to explore the nature of social and cultural changes within the Roman imperial world.[114] Much debate has revolved specifically around issues of the directionality, intensity, and homogeneity of cultural influence and change.[115] For example, Greg Woolf has argued that the cultural changes that occurred in post-conquest Gaul led to the creation of a sense of Romanness. In other words, Romans and Gauls together became "Roman," rather than there being a distinct pre-existing "Romanity" to the individuals arriving in Gaul from the Italian peninsula.[116] While such nuanced examinations resituate the framework for how we understand identity construction within the period of imperial expansion and incorporation, they are nevertheless predicated on the fact of extensive cultural change.

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[113] De Wilde 2011 (458) understands *fides publica*, in the context of the Roman Republic, as "a general standard of behavior for magistrates and all those active in the public sphere, incorporating the expectation that they exercised their power in good faith, not to pursue their own private interests, but to promote the public good."

[114] The term "Romanization" has undergone an evolution in Roman scholarship, evolving away from progressivist notions of the diffusion of a more-advanced "Roman" culture throughout the Empire (à la Theodore Mommsen) into a term broadly indicating the series of cultural changes experienced in the Roman provinces and center over the course of the empire.

[115] For the theory of "self-Romanization," see Brunt (1976) 1990. For Romanization as a two-way process of "acculturation," Slofstra 1983.

[116] Woolf 1998.

Entangled with social change is the perception of time. In the nineteenth century, the perception of the speeding up of time led to anxieties over vulnerability, risk, and uncertainty which fueled heritage practices. Similarly, the cultural changes that occurred throughout the Roman Empire accelerated the perception of time in the Roman world. Andrew Gardner makes the case for this, arguing that "Roman imperialism strikingly affected the tempo of provincial lives."[117] He follows Barbara Adam's definition of "tempo" as "the pace of time passing; different intensities of action."[118] His study uses archaeological data to make conclusions about time-experience in imperial Rome. Specifically, he examines material culture patterns (a pottery assemblage, for example) to gain insights into the tempo of cultural practices like dining, exchange, and disposal. His findings indicate that corresponding with the increase in creation of new rhythms of material culture in Roman Britain were deliberate material references to the past in order to construct a sense of continuity and tradition with lost traditions. In short, the changes accompanying cultural contact produced anxieties about temporal distance from the past and impacted the temporal relationships people had with their material culture. Chris Gosden reaches similar conclusions from his own study of Roman Britain: that the Roman period witnessed an accelerated temporality.[119] That time was an abstraction about which imperial Romans became self-consciously aware is illustrated by the numerous innovations in the marking of time made throughout the period of imperial

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[117] Gardner 2012, 149, *contra* Feeney 2007 (209-211) who asserts on the basis of calendric evidence that time was not a primary tool of Roman imperialism. However, as Gardner notes, calendars constitute only one form of time-experience, which he breaks into sub-categories of "time frame," "timing," "temporality," and "tempo."
[118] Gardner 2012, 148 table 1; Adam 2002, esp. 508-512.
[119] Gosden 2004.

Rome. These include Julius' Caesar's calendric reform, the construction of mythic time in the early principate, and monumental projects like Augustus' Horologium, which served as a tangible reminder of the passing of time. James Ker's study of another Roman way of marking time, the *clepsydra* (water-clock), likewise argues that this time-keeping technology was "perceived as a symptom of the principate's transformation of Roman time" and "characterized the perceived boundary between the rapid present of the principate and the slow past of the republic."[120] Thus, the Roman Empire impacted perceptions of time, fueling the sense of cultural change and prompting consideration of how to mitigate the loss of cultural traditions.

An example of this phenomenon in imperial Rome of particular relevance to this dissertation is the reinvention of the Greek past in the face of Roman imperial incorporation, especially during the period of the "Second Sophistic" (c. 60 – 230 C.E.).[121] The sense of loss of "original" Greek identity created by the perception of change led to efforts to (re)construct a past prior to the perceived change. This is illustrated by the fact that some Greek authors during the Roman period in Greece intentionally styled themselves after an imagined past, and in so doing, reshaped it; Pausanias constructed a pre-Roman Greek landscape; Plutarch celebrated the Greeks of the past, equating key Romans as their analogs; Philostratus, too, in coining the term "Second Sophistic" to denote the reuse of an earlier oratorical style, was doing the mental work that connected the authors he describes from the first through third centuries CE to

[120] Ker 2009, 300.
[121] For the period of the Second Sophistic as Hellenic revivalism on the model of nation-building, see Swain 1996. For a reassessment of this view, see Whitmarsh 2013.

imperial Athens. These exercises were clear reworkings of the Greek past as negotiations of the Greek present. In the words of Karl Galinsky, "certainly, the threat of cultural forgetting, or the mere perception of it, provoked anxiety, which affected many responses in Greece and the Greek East, whether stated explicitly or not."[122] Galinsky makes the point that the "recovery" of the Greek past that occurs in Second Sophistic literature was a reaction to universalizing tendencies of the Roman Empire, rather than Greek resistance to Roman domination.[123] Nicola Terrenato similarly argues that the main cultural tensions in the Roman Empire were between localizing and globalizing trends (as opposed to Roman versus native).[124] Thus articulated, these "revitalization" impulses were responses to anxieties over imperially-produced changes. The subsequent perception that the Greek past needed to be reclaimed sparked new constructions of value and meaning around objects, sites, and practices in order to renegotiate cultural identity within new imperial contexts.

Curation and Identity-Building

The methods used to manage and conserve material culture, which have been seen as representative of "modern historical sciences," such as classification and listing (e.g., in protected heritage lists) and collection, curation, and display (e.g., in national museums), were also undertaken in the ancient world.[125] According to Steven Rutledge's

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[122] Galinksy 2015a, 6.
[123] *Ibid*., 9.
[124] Terrenato 2005, 70.
[125] See Harrison 2013 (28-31) on "classification, ordering, and modernity." Reiterman 2014 has demonstrated that *keimêlia*, or heirlooms valued for their oldness, were objects curated in antiquity since the eighth century BCE. The Lindian Chronicle of Rhodes, which records the lost treasures of the Temple of Athena Lindia at Lindos, exemplifies the way that ancient lists functioned as memory and curation devices: Shaya 2005.

work on the interplay between practices of collecting and display and various Julio-Claudian and Flavian political programs, the curation of cultural property was particularly prominent in the late Republic and early Empire (i.e., in the midst of Roman imperial enterprises).[126] For example, Galinsky explains the connection between Augustus' reworking of the Athenian landscape, such as the relocation of rural Greek temples to the Athenian Agora, and constructed equivalences between Rome/Periclean Athens and Salamis/Actium in Augustan ideology.[127]

Public restoration works were a prevalent component of imperial activity: "characteristic of the late Roman Republic and the early Roman Empire was the growing construction and upkeep of publicly accessible monumental structures and a corresponding public quality to the private homes of the patrician elite."[128] Under Augustus, restoration projects, previously an outlet for elite competition, became largely a prerogative of the emperor.[129] Such projects were a means of influencing the image of the emperor and his authority and were thus influenced by contemporary politics. Examples of this include Domitian's extensive temple restorations, which, it has been argued, were a response to his insecurities concerning the legitimacy of his rule,[130] or Severan restorations of Augustan public works, intended to link Septimius Severus and his successors to Augustus' image and thereby afford them a share in his cultivated authority and reputation.[131] Such ideological manipulation assumes, and seeks to

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[126] Rutledge 2012.
[127] Galinsky 2015a, 3-4.
[128] Wellington Gahtan and Pegazzano 2014b, 1.
[129] Gorrie 2007, 3.
[130] Adams, 2004.
[131] Gorrie 2007.

mitigate, a break between an idealized past and the present by means of curated restoration of historic sites and structures.

Loss

Above all, the modern experiences used by heritage scholars to explain the birth of heritage (and the contexts surveyed in Roman experience above) have been about loss: loss in the face of industrialization; loss due the progression of time; loss in the wake of wartime destruction. Because of these experiences, the past—and all the tangible and intangible elements seen to represent it – became something rare and threatened, non-renewable, and hence important to conserve. The AHD was a means of mitigating perceptions of cultural loss and mediating change.[132]

Cultural loss was something about which ancient Romans were similarly concerned. This dissertation focuses on literary narratives recording episodes of, and reactions to, cultural destruction within the Roman world. These narratives are evidence that ancient Romans were not only concerned with safeguarding the tangible and intangible symbols of their culture, but were also consciously aware of the relationship between objects, sites, and practices on the one hand and identity on the other. I focus on these destruction narratives because situations of conflict, protest, and debate help us to see the negotiation of value around the threatened objects, sites, and practices.[133] These

[132] Smith 2006b, 10.

[133] Speaking of the late-modern version of heritage, Harrison 2013 (7) notes that "heritage is often invoked in the context of debates and protests about things and practices that are considered to be threatened or at risk." We see this correlation between threat and reflection in ancient thought, e.g., when Livy explains that he is writing because historical records were destroyed when Rome burned (Liv. 6.1.2); the Lindian Chronicle's explications that it was inscribed to commemorate the treasures lost in a fire (Shaya 2005, 109); and the Rhodian practice of officially recording honorific statues before recycling them (Dio

reactive narratives constitute a way of making claims toward these objects, sites, and practices, and can reveal both hierarchies of authority pertinent to heritage processes, as well as the stake-holding communities for the object, site, or practice in conflict. Since heritage is a matter of meaning-making with 'stuff', it makes sense to start with narratives that explicitly are concerned with the value of lost or threatened objects, sites, and practices. In short, destruction narratives display Roman heritage-thinking by identifying heritage constituents and by partaking in heritage discourse that constructs and negotiates the value and meaning of these constituents.

The above exposition of similarities is intended as a starting point for showing that the Roman Empire was ripe for heritage-thinking, not an explanation of such discourse in itself. It is neither a comprehensive list of the types of experiential contexts that give rise to heritage-thinking, nor intended to encompass all the significant cultural contexts of heritage in ancient Rome. As has been stressed above, there is no definitive cultural context that gives rise to a definitive heritage. Because I have been concerned with challenging what I see as a false dichotomy between "ancient" and "modern," I have painted with broad strokes a picture of life and experience within the Roman Empire. This rough portrait should not be taken to suggest a static and homogeneous antique Roman culture. It still remains to analyze heritage processes in Rome on their own terms, to which I turn in subsequent chapters.

Chrysostom 31.48). Each of these entails the practices of recording, listing, and memorializing—especially in writing—as a way to mitigate loss.

1.5 On "Ancient" and "Modern"

It has been said that Classical antiquity is often seen to contain modern traits, due to a sentimental reluctance to perceive the Classical world as "primitive."[134] This is not my objective or motivation in the present study. I do not argue that Roman antiquity was "modern," but rather that what is considered uniquely modern in heritage studies is, in fact, not. The very idea of "modernity" as value-positive was, as we have seen, a cultural construction that emerged alongside the language of heritage. Such value-laden frames for studying society and history are analytically useless. Challenging the illusion of modernity that pervades many heritage studies, I have argued that similar types of contexts and processes led to forms of heritage-thinking in both periods. Some, but certainly not all, of the characteristics of modern heritage-thinking are shared by ancient Roman heritage-thinking.

To return to my introductory thought experiment, for example, both ancient and modern societies experienced the concern to preserve the old and the monumental, whether that be in the physically-grandiose or the symbolically-meaningful understanding of the term. On the other hand, particular intellectual movements led to the AHD's emphasis on authentic original fabric in a way that does not necessarily correlate to ancient thought, which sometimes privileged symbolic meaning over materiality. An example of this can be seen in Dio Chrysostom 31, who articulates the power of honorific statues as deriving from their ability to identify their subjects to subsequent generations of onlookers. To this end, he explains that the statue's inscription is more important than

[134] Terrenato 2005, 61.

its material fabric, since erasing the inscription erases the honor (*tīme*), while the loss of the statue's hand does not.[135] In this way, the socio-political function which gives meaning and value to the statue is privileged over its sheer materiality. Even so, the material essence of the statues still remains important to Dio in the absence of the inscription, and thus in the context of the statue's disability to perform its honorific function, as is made clear by the fact that Dio condemns the Rhodians for making the excuse that they recycle only statues whose subjects are either unknown or irrelevant to the living. Thus, any similarity between ancient and modern heritage-thinking will also entail nuanced differences, and it is the explication of this difference which is most meaningful for the study of ancient Rome.[136]

When considering the limits of comparing ancient and modern heritage-thinking, certain obvious differences emerge. First and foremost, the various heritage practices that took place during Roman antiquity *did not* give rise to terminology translatable to "cultural heritage." Despite this linguistic absence, however, Roman consciousness about the heritage process is indicated in the extant literature. That the Romans recognized the propensity of objects to possess symbolic meaning and value is demonstrated by abstract usages of the term *monumentum*. In Cicero's telling, for example, a statue of the bull of Phalaris becomes a *monumentum* upon its restoration to the Syracusans, symbolizing

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[135] *Or*. 31.83.

[136] Further, there was no one "Roman" way of heritage-thinking, as Dio's speech exemplifies; a deep irony of Oration 31 is that, despite Dio's charge of Rhodian carelessness with their past, it reveals a well thought-out heritage protocol for their honorific statues, including record-keeping of soon-to-be recycled statues and the delegation of the selection process to a civic magistrate. This process, which considers the statues' cultural meaning to contemporary society and recycles those which no longer serve their cultural purpose, is at odds with Dio's own heritage values.

Syracuse's dark past and brighter future under Rome.[137] Moreover, expressions of the Roman duty to preserve the *monumenta* of their ancestors convey the cultural and social role such objects play.[138] Further, through narratives in which Romans acknowledge the injury done to other groups by wrongful plunder or temple violation, we see evidence for a conceptual construct that imparts relative scales of meaning to objects.[139] Thus, we see that Romans could envision heritage places and objects beyond the social norms and cultural needs of Roman society and from the perspectives of various out-groups, such as allies, subjects, and enemies.[140] This importantly, created a space for discussions of cultural responsibility. In short, the absence of a Latin or Greek term for "heritage" should not be taken to indicate the absence of heritage-thinking.[141]

Moreover, structural differences are important to note. The Roman Empire was not (governmentally or otherwise) the ancient equivalent of a modern "nation." Even so, the role of "nation-building" in heritage practice is useful to think with, and many studies have examined, e.g., the changing relationships with material objects and space during the Augustan period in processes of reinventing Rome. In turn, the nature of ancient Roman imperialism was different than European imperialism of the nineteenth and twentieth centuries in critical ways. A main point of difference between pre-modern and

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[137] Cic. *Verr*. 2.4.73, *monumentum et domesticate crudelitatis et nostrae mansuetudinis*.
[138] E.g., Cic. *Verr*. 2.4.11, 2.4.79.
[139] According to Cicero, what is important to consider in these matters is what things are worth to the people who care about them, *Verr*. 2.4.13-14.
[140] In the case against Verres, Cicero often stresses the unique local meaning of wrongfully-stolen objects: e.g., the people of Delos are upset at theft of statues from Apollo's temple, especially because they believe Delos to be Apollo's birthplace (*Verr*. 2.1.46); similarly, a stolen statue of a harper from Aspendus in Pamphylia is special, due to the town's historical renown for music (*Verr*. 2.1.53).
[141] In fact, the absence of obvious heritage language can be seen as a silver lining, since it is therefore less easy to fall prey to assumptions of terminological equivalence: e.g., the way ancient discussions of *memoria* can be uncritically cited as evidence in memory studies, despite the complexity of the abstraction "memory" in modern scholarship.

industrial empires is the social situation of cultural transformation. In the case of the Roman Empire, non-Roman aristocracies were much more active than their modern colonial analogs in the process of cultural integration and political incorporation into empire.[142] In other words, ancient Roman imperialism did not entail a uni-directional imposition of pre-formed Roman culture onto the societies which Rome conquered and incorporated.[143] There was, furthermore, no analogous political 'de-colonization' process as occurred in the modern period, birthing post-colonial theorization. Nevertheless the Roman Empire witnessed cultural revivals and local revitalizations in the face of imperializing trends.

The notion of "globalism"' also works differently between ancient and modern contexts, due to the ancient Roman conflation between Rome's empire and the known world. This is not a simple scientific explanation, since the Romans (at least those in the position to know and care) were well aware that the world extended beyond the borderlands of the empire.[144] The limits of a perceived world are always constructed, and the overlap cultivated in Roman thought, particularly in the Age of Augustus, between empire and world was an intentional ideology.[145] This situation clearly differs from that in modern European empires, who were well aware that they were a part of a larger world of politics and power, in which they competed, e.g., nationalistically and colonially. In this way, the relationship between the scale and implications of the "imperial" and

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[142] Terrenato 2005, 66.
[143] Galinsky 2015a, 5; Gosden 2004, 34.
[144] They were cognizant of the Sasanian Empire, e.g., and they knew that Alexander the Great's conquests had taken him much further East than their own.
[145] Nicolet 1991; Ando 2000, esp. 320-335. Whittaker 1994 analyzes the intellectual paradox in Roman discourse resulting from the notion that the Roman Empire and the known world were coterminous, but also that the Empire was expandable.

"global" were considerably different in the ancient Mediterranean than early-modern Europe. And yet, a consideration of globalism in the context of the ancient Rome, with comparison to the modern situation, invites further reflection on the contemporary limits of the concept. For example, when we speak of a global "initiative" in contemporary politics (e.g., a G7 Summit), we are often being just as selective about who is implicated as were intellectuals in ancient Rome, speaking of the "world" but meaning only the empire. Globalism, in either context, is necessarily selective. Thus, while important differences exist between the ramifications of "the global" in ancient and modern contexts, these are not mere matters of geographical knowledge and awareness or communicative ability due to technology, but rather of the shape of constructed ideology and political practice.

1.6 Conclusion

Here, I have laid out some underlying ideas about the nature of cultural heritage and its applicability to Roman antiquity. As we have seen, the contexts thought to have given rise to the concept of cultural heritage were not uniquely modern, even if their modern instantiations differed in meaningful ways from their ancient ones. Loss and cultural change are fundamental human experiences, which transcend historical periodizations. The perception of the past and construction and reconstruction of specific pasts—negotiated through interactions with objects, sites, and practices that have been selected and imbued with cultural value—is a phenomenon that occurred within Roman antiquity. It is the project of this dissertation to prove this, by examining the discourses around cultural destruction in early imperial Rome as examples of heritage-thinking. In

so doing, I hope this project paves the way for future research that explores and explicates the way ancient Romans negotiate the cultural meaning and value of objects, sites, and practices, as well as the role such thinking played within life in ancient Rome.

CHAPTER 2: CICERO'S *IN VERREM*

2.1 Introduction

This chapter examines Cicero's *In Verrem*, which makes a good starting point for this study for several reasons. First, Cicero is a major extant Roman source – in general, and especially for the Republic. As such, his voice on the topic of cultural destruction, explored in particular throughout the speeches of the *In Verrem*, cannot responsibly be ignored.[146] Secondly, writing during the Late Republic, Cicero lived at a time in which empire and imperialism were objects of important debate and discussion among Roman elites. Indeed, the *Verrines* are rife with implicit and explicit commentary on the realities and ideals of Roman imperial conduct. Third, due to his notoriety in life and the ensuing popularity of his writings, Cicero's ideas were influential on subsequent Roman society and literature.[147] Furthermore, in light of the rhetorical genre of the Verrine speeches, the ideas Cicero espouses needed to work within Roman *mores* in order for his arguments to be successful.[148] Lastly, and perhaps most importantly, Cicero's *Verrines* constitute an

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[146] Gray et al. 2008 makes it their mission to supplement the slanted portrait we have of Republican oratory due to the disproportionate survival of Cicero's work: Cicero's position as a *novus homo* may skew our picture of events, while his works likely over-exaggerate the impact of the Roman orator; more generally, the post-antique scale and circulation of his works may lead to an over-emphasis of his ideas in modern scholarship.

[147] An Egyptian papyrus dated to 20 BCE containing a fragment of the *Verrines* (*Verr*. 2.2.3-4) is evidence of the speeches' circulation through the Mediterranean and use in rhetorical schools: Miles 2002 30; Cavenaile 1958, 70-71, no. 20. On Cicero's reception in antiquity and the circulation of his works more generally, see: Scott 1910, 3-9; Gambet 1963; Narducci 2006; Manuwald 2016.

[148] A frequent line of argument taken by scholars of Cicero (and oratory at large) is that the court audience and subsequent readership acted to keep the orator's claims and ideas with the realm of what would generally be considered acceptable or true; Hall 2014, 37-8; Vasaly 1993. Specifically on the reliability of the published version of the never-delivered *actio secunda*, Miles similarly asserts that since his contemporaries would know the facts, "there was limited scope for invention when Cicero published the speeches;" Miles 2002, 33. However, see Lintott 2008, 35-39 on the orator's capacity for "tendentious description."

extended text concerned with the destruction of culturally valued sites, objects, and places.

A source "fraught with difficulty,"[149] the *Verrines* are among an "oddly neglected group of works" written by Cicero,[150] and research on these verbose orations has accurately been described as "scant."[151] No doubt this is due to their complexity as well as length. The six orations comprising the *In Verrem* are the literary product of Cicero's prosecution of Gaius Verres in 70 BCE for extortion (*repetundae*)[152] committed while Verres was propraetor in Sicily (73-71 BCE).[153] While only a brief speech, known as the *actio prima*, was actually delivered in court—and was so damning that Verres fled into voluntary exile—Cicero subsequently published the five-part *actio secunda*, expanding on the material abbreviated in the prior oration.[154] Much of this lengthy text centers on Verres' violation of temples and illicit plundering,[155] particularly *oratio* 2.4, which is

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[149] Prag 2007, 1.
[150] Steel 2001, 3.
[151] Zangari 2005, 1.
[152] For a quick overview of the evolution of *repetundae* proceedings in Roman law leading up to Verres' case, see:
Mitchell 1986, 1-4; Becker 1996, Chapter 3. For a more thorough assessment: Latimer 2000.
[153] A seventh related speech is our only extant *divinatio*, the *Divinatio in Caecilium*, in which Cicero argues for the right to prosecute Verres.
[154] Verres had thus far successfully delayed the start of the trial in the hopes that it would stretch into the next year, when the jury would have to be reconstituted and his supporters would hold key magistracies, including his defense advocate Hortensius as consul. Cicero therefore syncopated the usual opening speech, restructuring the typical lengthy format of the proceedings to speed up the presentation of evidence and prevent Hortensius from delivering lengthy, delaying responses. On the logistics of this strategy, see: Greenwood 1928, xvi-xvii; Miles 2008, 125; Lintott 2008, 88-91.
[155] Particularly: the *actio prima*, which is an overview of Verres' diverse crimes and touches upon some of the episodes later expanded in *oratio* 2.4; *oratio* 2.1, which surveys Verres' urban praetorship; and *oratio* 2.2, which surveys his proprietorship in Sicily. The destruction of cultural property is less thematically relevant to *Verrine* 2.3 and 2.5, yet by cross-referencing individual episodes across the books, we understand that some of persecutions and acts of violence featured in these orations were motivated by Verres' desire to attain the treasured belongings of communities and individuals.

most commonly known by the informal title attributed to it in later antiquity, *De Signis* ("On Statues").[156]

Though the title *De Signis* suggests that the theme of *oratio* 2.4 is Verres' theft of statues, what unifies the episodes in this speech for Cicero is the broader and more abstract issue of cultural destruction. In previous scholarship, Margaret Miles has brought the *Verrines* and the concept of "cultural property" together;[157] however, by positioning Cicero as the inspiration behind the early-modern development of the concept of "cultural property" she reifies the separation between what she sees as a modern concept and Cicero's ancient musings on the social place of art. In her analysis, Cicero is concerned specifically with art—moveable, tangible objects—not an abstract notion of cultural property that can include the immoveable (e.g. temples) as well as the moveable (e.g. statues), the tangible as well as the intangible (e.g. festivals). This focus on moveable, tangible cultural objects does not account for the breadth of cultural damage and destruction condemned by Cicero throughout the *Verrines*.

While many episodes of *oratio* 2.4 do indeed pertain to the plundering of individual statues, the speech also reacts to the plundering of other types of valued objects, such as silver cups crafted by Mentor,[158] a lampstand consecrated to Jupiter,[159] ivory tusks from the temple of Juno at Melita,[160] or the doors of the temple of Minerva at

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[156] The title *de Signis* is first used by Nonius Marcellus, likely in the late fourth century C.E.: Zangari 2005, 1 n. 2. On the titles of the other orations, see further, Piacente 1980.
[157] Miles 2002, 2008.
[158] *Verr*. 2.4.38-41.
[159] *Verr*. 2.4.60-71.
[160] *Verr*. 2.4.102-104.

Syracuse.[161] Attention to the abolition of the Marcellus festival in Syracuse[162] indicates Cicero's interest in the intangible as well as the tangible. Relatedly, the sacred violation involved in the taking of objects (statue or otherwise) from temples and shrines is equally stressed: the crime is not simply the theft of an item but also the affront to the sacred sites perpetrated by their theft. For example, Cicero makes much of the violation of the temple of Ceres in Catina, even going as far as relating that it was a crime simply to think about violating it.[163] Moreover, as we will see, even episodes focused on statues, rather than dwelling on the objects' fiscal value as we might expect for a *repetundae* case,[164] instead explore the statue's larger cultural value (artistic, historical, sacred, political, etc.). The same treatment is afforded to seemingly insignificant objects stolen by Verres and his men, such as household items like bowls (*patera*) and censers (*turibula*), the loss of which disrupts Sicilian culture by impeding women's domestic routines.[165] Details such as these make clear that Cicero's argument is not concerned only with the illicit transfer of objects, but rather the larger cultural implications of Verres' many acts of violence and destruction.

If we look at Cicero's own opening to *oratio* 2.4 we see that he seems to lack the language to adequately convey the unifying element of the speech. Providing something of a programmatic statement that characterizes the new topic under discussion, he shies

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[161] *Verr*. 2.4.124.
[162] The *oratio* ends with a reminder about the abolition of the Marcellus festival (*Verr*. 2.4.151), an episode which had been explored more fully in *oratio* 2.2 (*Verr*. 2.2.51).
[163] *Verr*. 2.4.99. Similarly, the violation of the temple of Ceres at Henna is a major episode (*Verr*. 2.4.105-115).
[164] According to Dubuoloz, the *de repetundis* process was traditionally only concerned with fiscal matters, but Cicero makes the Verrine prosecution more like a criminal case by putting Verres' personality on trial and making political accusations: Dubuoloz 2007, 115.
[165] *Verr*. 2.4.46-7.

away from an easy label to the speech's theme. Instead he says he will describe it and let his audience call it as they see it.

> I now come to the pursuit of that man, which he himself calls a passion, his friends call his disease and madness, and the Sicilians, brigandage. I do not know what name I should call it; I will place the matter before you; judge it by its weight, not by that of its name. First, understand its kind, judges; then, perhaps, by no great effort you will find what name you think it ought to be called: I say that in all Sicily, such a rich and ancient province, in all its towns and in all its wealthy estates, there was not any object that was silver, or Corinthian or Delian bronze, any jewel or pearl, anything made of gold or ivory, any statue of bronze, marble, or ivory, I say, any picture, either painted or embroidered, that he did not seek out, inspect, and steal what pleased him.
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> *Venio nunc ad istius, quem ad modum ipse appellat, studium, ut amici eius, morbum et insaniam, ut Siculi, latrocinium; ego quo nomine appellem nescio; rem vobis proponam, vos eam suo, non nominis, pondere penditote. Genus ipsum prius cognoscite, iudices; deinde fortasse non magno opera quaeretis quo id nomine appellandum putetis. Nego in Sicilia tota, tam locupleti, tam vetere provincia, tot oppidis tot familiis tam copiosis, ullum argenteum vas, ullum Corinthium aut Deliacum fuisse, ullam gemmam aut margaritam, quicquam ex auro aut ebore factum, signum ullam aeneum, marmoreum, eburneum, nego ullam picturam neque in tabula neque in textili, quin conquisierit, inspexerit, quod placitum sit abstulerit.*[166]

Cicero introduces a difference of opinion between the perspectives of Verres, Verres' friends, and the Sicilians, with regard to how they would categorize Verres' deeds, and omits to assert a perspective of his own. Of course, the aporia that Cicero adopts serves rhetorical ends.[167] However, the difficulty Cicero has with labelling the speech's theme is interesting. He avoids categorizing it with a specific term that may carry (social/cultural/political/legal/moral) baggage in his audience's minds. He acknowledges that the label (*nomen*) by which something is called carries interpretive weight of its own,

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[166] *Verr.* 2.4.1.

[167] All three viewpoints reflect poorly on Verres, but only one (*latrocinia*) even remotely approximates the wrongful acquisition of property that Cicero goes on to describe generally: Verres sought out (*conquiro*) and stole (*auferre*) precious possessions of all types of medium, from both public and private contexts. By introducing doubt over how to describe the nature of Verres' plundering, and by providing inadequate suggestions from the mouths of Verres and his friends, Cicero establishes the opinions of the defense on the situations about to be discussed as unreliable, while also positioning himself as credibly neutral.

which has the propensity to affect the way one thinks of it. His reluctance to provide a *nomen* himself suggests that what Cicero is getting at is something slightly new or different and difficult to reduce to a single charge. That he advises listening to the sum total of the episodes described in the speech in order to accurately understand the topic at hand indicates firstly that the content of *oratio* 2.4 was considered by Cicero to be thematically unified,[168] and secondly that the way he will narrate this content will be important to our understanding of the theme. Rather than simply a laundry list of items stolen (i.e. extorted) by Verres, *oratio* 2.4 is comprised of narrative episodes of plunder, violation, and violence, which construct the value of these stolen items, or violated places or customs,[169] and lament their loss. Thus, by here instructing his audience to ponder its *pondus* and not that of its *nomen*, Cicero communicates the idea that what is truly important in judging the case is not the type of crime committed alone, but the impact it has; in short, context is important. By choosing to avoid, at least at this early stage in the speech, an easy label, Cicero invites his audience to consider more deeply the perspectives of those involved, especially the Sicilians. The quest to understand the way that Sicilian individuals and communities constructed value and meaning around precious objects, places, and practices in order to more responsibly evaluate the *pondus* of Verres' theft or destruction of them moves Cicero into the mental sphere of cultural heritage.

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[168] Cicero's acknowledgment that he has been talking too long about the same type of crime at *Verr.* 2.4.105 is another indication that he sees a thematic unity between the types of crimes discussed in *oratio* 2.4.

[169] *Oratio* 2.4 is not only concerned with the theft of moveable goods, but also the violation of sacred places, as, for example, the lament of the people of Henna make clear (*Verr.* 2.4.111). Similarly, it is not only concerned with the tangible: the book ends with a reminder of how bad it was for Verres to abolish the Marcellus festival (*Verr.* 2.4.151), hearkening back to an episode in book two (*Verr.* 2.2.51).

2.2: Ethics concerning the Treatment of Cultural Property

Many studies have examined the *Verrines* for what they tell us about Roman views of plundered art, aesthetics and connoisseurship, and as a result focus more on the ethics of art's usage subsequent to acquisition, rather than the ethics of its acquisition.[170] Such work has tended to take for granted that plundering was ubiquitous and acceptable,[171] while over-emphasizing an ethical dichotomy rooted in the public versus private usage of plunder and art.[172] I therefore begin by arguing that the reduction of Ciceronian (and Roman Republican) ethics concerning plundered art to the interpretation that public display was "good" and private display was "bad" does not accurately reflect the breadth of evidence. Instead, I suggest that within the *Verrines* the tension between war and peace is the dominant ethical framework within which the rules of plunder are presented. I then examine social constructions such as the "law of war" (*lex belli*), "right of the conqueror" (*ius imperatorium*), and "right of victory" (*ius victoriae*), which, among other things, rendered plunder permissible in martial contexts. Flipping the script, so to speak, of the approaches taken by Miles and others, I look to the ways that such rights were limited in their conception as well as how notions of *humanitas* and *religio* contraindicated them. From this approach, we understand that there is evidence in Cicero's *Verrines* pertaining to the ethics of interacting with cultural property as well as

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[170] Lazzeretti 2000; Weis 2003; Edwards 2003; García Morcillo 2004; Baldo 2006; Miles 2008. Miles exemplifies this focus on usage over acquisition, arguing that "a major issue for Cicero was the question of how art should be used," despite the emphasis on acquisition in the title of her study; Miles 2002, 37.

[171] E.g.: "Roman respect for sacred sites existed at times more in the realm of the ideal than in actual practice" (Rutledge, 2007, 195); "the right of the conqueror to booty of all sorts was in practice unquestioned and continued to be unquestioned for a long time" (Miles 2002, 31).

[172] Zaccaria Ruggiu 1995; Becker 1996; Zangari 2005; Miles 2002 and 2008; Lazzeretti 2015; Gildenhard 2011b.

the manner of art's display and that issues of public and private are only one vector of a larger ethical system.

2.2.1 Public and Private

An issue complicating this public/private-dichotomy reading of Roman ethics about cultural property is the relatively blurred distinction in ancient thought between these two concepts. "Public" spaces in elite houses, such as atriums (where, e.g., Verres was said to have displayed two statues from the temple of Samian Juno),[173] were as much loci of cultural display as town squares, if audiences were perhaps more curated.[174] While Latin terms for "public" and "private" evidence conceptual distinctions, such labels were subject to constant negotiation.[175] Additionally, the existence of at least a third category of property—"sacred"—makes the conceptualization of "public" and "private" in ancient thought less of a binary and more of a web of different qualities.[176] In Cicero, as in other Roman sources, we see plenty of overlap between such categories as "public," "civic," "sacred," and "private."[177]

Looking specifically at the uses of *spolia* and their presentation within the *Verrines*, the large variety in plundered objects' original and post-plunder contexts make

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[173] *Verr*. 2.1.51; 2.1.61.
[174] Lazzeretti 2015 (94) points out, in the context of the two statues from the temple of Juno said to have been in Verres' atrium *at Verr*. 2.1.61, that the atrium was "the central place in the *domus* with the greatest value for the 'public."
[175] Milnor 2005; Bodek 2008; Russell 2016.
[176] Sacred property appears in the *Digest* as a type of property subject to its own rules and regulations distinct from property which is public or privately owned. E.g., *Dig.* 6.1.43.pr. (Paul); 11.7.2.4 (Ulpian); 11.7.2.5 (Celsus); 11.7.6.1 (Ulpian); 43.7.2.pr. (Julian). Further, there may well be important distinctions between what is public in the sense that it is equally perceived to belong to everyone—as, e.g., the sea at *Dig*. 1.8.4.pr. (Marcian)—and what is public in the sense of "civic," meaning belonging communally to one specific community, but perhaps not another.
[177] A statue can be privately owned, yet also sacred, as, e.g., the four statues stolen from Heius of Messana's house chapel (*Verr*. 2.4.4).

the hard line of public=good and private=bad difficult to maintain. In Cicero's depiction, Verres is reprehensible for taking art and statues for display in his home,[178] for distribution to his friends,[179] and for display in the forum of Rome.[180] Similarly, at one point, Cicero equally characterizes both private and public display of the objects plundered by Verres as bad, since Rome has plenty that was legitimately obtained in war.[181]

To be sure, there was a strand of Roman discourse concerned with art and plundering in which issues of public and private use were determinative of approbation or disapprobation. For example, a Cato fragment laments that (religious) statuary is used privately, serving the function of furniture (*pro supellectile*).[182] Cato's specification that Romans dare (*audere*) set up the *statuas* and *signa* of the gods in their homes (*domi*) makes it clear that his disapproval is rooted in the plunder's domestic usage, which he see as inappropriate for sacred *spolia*. The striking imagery of divine *signa* within elite Roman homes in the place of couches and beds, and other banal items constituting *supellex,* further emphasizes the mismatch between such statues and private ownership and display. Even so, Cato's objection is entangled with the appropriate treatment and usage of specifically sacred objects. What is problematic for him is the casual treatment of cult images. Cato's concerns over *luxuria*'s harmful effects and over piety towards the

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[178] *Verr*. 2.1.51; *Verr*. 2.1.53.
[179] *Verr*. 2.1.54; 2.2.176.
[180] At *Verr*. 2.1.58 (the beginning of famous weeping envoys scene) Cicero condemns his elite audience for encouraging Verres by "oo"-ing and "ah"-ing over his display of plundered art in the forum.
[181] *Verr*. 2.3.9.
[182] *Orationes* Frg. 98 (Prisc. *GL* 2.367k): *Miror audere atque religionem non tenere, statuas deorum, exempla earum facierum, signa domi pro supellectile statuere*. For Zangari's discussion of this passage, Zangari 2005, 15-16.

sacred are precedents in Republican thought that indeed find expression in Cicero's *Verrines*.[183] However, if we shift our focus from the display to acquisition, we see a much wider sets of ethics constructed in Verrine Orations, in which the dichotomy between war and peace (rather than public and private) is the operative paradigm.

2.2.2 War and Peace

The crux of Verres' misconduct is his misplaced performance of wartime behaviors. An episode in *oratio* 2.1 of the *Verrines* exemplifies this point, while also illustrating the way the public/private tensions are subsumed into a larger dichotomy between war and peace. In his account of Verres' plunder of the temple of Diana at Perga (a Greek city in Asia Minor) during his legateship in 80 BCE, Cicero articulates the wrong performed by him as treating allies and friends of Rome as wartime enemies. After specifying that Verres not only spoliated a most ancient and sacred shrine (*fanum antiquissimum et sanctissimum*) but also stripped off the gold from Diana herself (*ex ipsa Diana*)—a dramatic and vivid personification—Cicero exclaims:

> You plague! What is the meaning of such great insolence and madness? For the cities of allies and friends that you approached with the legal power and title of legate, had you invaded these with military force and *imperium*,[184] nevertheless, I say, what statues and treasures you would have taken from these cities you would have conveyed not your house nor the villas of your friends, but to Rome for the public.
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> *Quae, malum, est ista tanta audacia atque amentia?*[185] *Quas enim sociorum atque amicorum urbes adisti legationis iure et nomine, si in eas vi cum exercitu imperioque invasisses, tamen, opinor, quae signa atque ornamenta ex iis urbibus sustulisses, haec*

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[183] On Cato against luxury and moral decline, see Earl 1967, 44-58.

[184] *Imperium* meaning simply a power to rule over others, not the embodiment of the empire as a territorial expanse, which is not a meaning of the term until the Augustan age; according to Richardson 2010 (23), 52.48% of Cicero's usages of word *imperium* refer to that of an individual magistrate (as here), while 31.93% refer to the power of the Roman people (*imperium populi romani*).

[185] According to Gildenhard the charge of insanity was a "favourite" late Republican abuse, especially in Cicero's oratory; as here, it frequently occurs in contexts of religious significance; Gildenhard 2011b, 63.

> *non in tuam domum neque in suburban amicorum sed Romam in publicum deportasses.*[186]

Cicero's exclamations against Verres not only characterize what is wrong with Verres' actions here, but also suggest a Roman (or at least Ciceronian) perspective on proper conduct. Verres is at fault here because he treats friends and allies as enemies in war, by plundering their property. Cicero's invocation of the status of the inhabitants of Perga as allies and friends as well as Verres' own status as legate, emphatically reminds his audience that the relationship between them was a peaceful and legally-defined administrative one. This is juxtaposed with a hypothetical situation of war that stresses the differences between Perga's amicable disposition toward Rome and the hostility of an enemy; the legal privileges of a Roman legate and the *imperium* of a Roman general.[187] Through this rhetorical maneuver, we understand that violent force (*vis*) is appropriate for the invasion of an enemy city, but not for treatment of an ally and friend. Thus, Verres' plundering is a political breach, a miscarriage of his official position.

As an interpretive gloss on an incident of plundering, this passage conveys that the difference between peace and war relationships reciprocally determines and is defined by treatment toward a community's cultural property: plundering is permissible with war enemies, but not with allies and friends. Within this large framework of war and peace, we see the suggestion of rules of conduct for how plunder is used, in which public versus private become important. Even in war time, Cicero says, plundered property belongs to the people of Rome, not the Roman general personally. This is in keeping with other

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[186] *Verr*. 2.1.54. Mitchell, following Shatzman 1972, notes that Cicero is demanding more here than was required by the laws governing division of booty: Mitchell 1986, 187.
[187] Cf. Caes. *BCiv*. 3.51: *aliae enim sunt legati partes atque imperatoris; alter omnia agere ad praescriptum, alter libere*.

passages in Cicero that depict Roman officials as surrogates for the state, such as when he says that a statue given back to the people of Tyndaris is a *publicum populi Romani signum*.[188] In a legal sense, Verres (as hypothetical conquering general) is not acting in a private capacity, but a public one, and thus, any property he confiscates ought to benefit the public not himself. In short, Cicero critiques Verres' private use of plundered goods, similar to what we saw in Cato. Yet his wartime hypothetical seemingly condones the idea of a conquering general removing sacred objects for the benefit of the Roman public, ignoring the respect for piety in Cato's passage as well as advice made by Polybius in Book 9 of his history to refrain from plundering out of fears of cultural contamination and alienation of the defeated.[189]

At perhaps the most basic level, the idea that the conflation between war and peace underlies the speeches collectively is supported by Cicero's use of the language of "booty" for the property stolen and extorted by Verres. Not only is the property of the Sicilian provincials characterized as Verres' "spoils," but also that of fellow-citizen Quintus Opimius is called *praeda* and *manubia*.[190] At another point, Cicero characterizes Verres' invitation to his friends to join his staff in the province as one to join a raiding party (*quasi in praedam*).[191] Likewise, Cicero likens Verres' theft of goods from

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[188] E.g., *Verr*. 2.4.88. Also relevant are ideas about property. At *Off*. 1.21, Cicero explains that property is not private by nature but becomes so through occupancy (*occupatione*) or victory (*victoria*). This might help explain the expectation that plunder be used for public purposes, in addition to the thinking that magistrates are tools of the state.
[189] Polyb. 9.10, discussed further in Chapter 3.
[190] *Verr*. 2.1.157. In addition to highlighting Verres' inversion of friend and foe, this articulation may have uncomfortably reminded Cicero's audience of the recent proscriptions of Sulla, in which the property of Romans was seized as plunder; for further exploration of Sulla's legacy in the *Verrines*, see Mark William Becker 1996, 6.
[191] *Verr*. 2.2.29.

Haluntium to the sack of Troy.[192] These martial characterizations of Verres' peacetime crimes communicate that Verres' biggest fault is in inverting the rules of Roman society by treating friends as foes.

In similar fashion, Cicero condemns Verres for gifting gold rings to his clerks, which was a practice of commanders in times of war.[193] He contrasts these *imperatores* who had accomplished great things for the Republic (*optime re publica gesta)* with Verres, posing such critical rhetorical questions as: "having accomplished what deeds, having defeated what enemy did you dare call a public meeting for the sake of presenting gifts? (*tu vero quibus rebus gestis, quo hoste superato contionem donandi causa advocare ausus es*?),[194] and "with what spoils of enemies, from what victory, by what booty or share of plunder was this presentation of yours made?," (*Quibus ex hostium spoliis, de qua victoria, qua ex praeda aut manubiis haec abs te donatio constituta est?*).[195] The obvious answers to these pointed questions were: no legitimate enemy, victory, or spoils. Through such rhetoric, Cicero characterizes Verres as acting in a wartime capacity, inappropriate to his peacetime context. Not only has Verres behaved toward the Sicilians as a conquering general in war, stealing their property as plunder, but he had also rewarded his staff for their criminal assistance in the same way that a war commander rewarded his subordinates, following a victory in battle.

At several points in the speeches, Cicero draws explicit attention to the war/peace confusion of Verres' behavior. For example, Cicero extends an invitation to his audience

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[192] *Verr*. 2.4.51-52.
[193] *Verr*. 2.3.185.
[194] *Verr*. 2.3.185.
[195] *Verr*. 2.3.186.

to compare the over-militant conduct of Verres' governorship of Sicily with the experience of Syracuse during its war with Rome, at the hands of the victorious Marcellus more than one hundred years earlier. Reminding us that Syracuse was spared by Marcellus as he begins his account of Verres' Syracusan crimes in *oratio* 2.4, Cicero writes, "Compare, then, this time of peace with that time of war…" (*conferte hanc pacem cum illo bello…*).[196] A similar directive several chapters later presents a series of contrasts between peace, with its lawful and amicable transactions through legal pleading, on the one hand, and war, with victory accomplished through violent force of arms, on the other.[197] The irony of such a comparison lies in Verres' application of the conditions of war, all the worse considering Marcellus' merciful conquest.[198] This inversion prompts Cicero's pithy observation that "Syracuse was founded by that man who captured it, captured by this man who inherited it already well-ordered" (*ab illo qui cepit conditas, ab hoc qui constitutas accepit captas…Syracusas*).[199] Cicero describes a comparable inversion, experienced by the people of Tyndaris, who were rewarded with spoils by Scipio for aiding Rome in the war with Carthage, yet were spoliated like enemies by Verres during his tenure as governor.[200] In these articulations, the crux of Verres' wrongdoing lies in the fact that his plundering is inappropriate to his peace-time

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[196] *Verr.* 2.4.115.
[197] *Verr*. 2.4.121.
[198] Cicero's representation of Marcellus differs from Livy's and Polybius' harsher depictions of his sack of Syracuse.
[199] *Verr.* 2.4.115.
[200] *Verr*. 2.5.125: "Scipio once led your sailors against Carthage, but now Cleomenes leads your nearly empty ship against pirates. Africanus shared with you the plunder of the enemy and the reward of glory, and now, spoliated by Verres, your ship stolen by pirates, you yourselves are lead in the place and number of enemies;" *Vestros quondam nautas contra Carthaginem Scipio duxit, at nunc navem contra praedones paene inanem Cleomenes ducit; vobiscum Africanus hostium spolia et praemia laudis communicavit, et nunc per Verrem spoliati, nave a praedonibus abducta, ipsi in hostium loco numeroque ducimini*.

context. By extension, they suggest that permission to plunder was a standard component of wartime, and it is to this permission that I now turn.

2.2.3 The Permissibility of Wartime Plundering

A hitherto unemphasized aspect of Roman legal concepts that permitted to the conqueror the total right over the defeated's life and property, including the right to plunder, is that these legal permissions are frequently invoked as *unactualized* rights. That is to say that they are often brought up in contexts in which *not* employing them bears positively on the character of Romans: to refrain from them is a virtue. This observation indicates an ethical tension in Roman discourses surrounding conquest and plunder between what is allowable and what is honorable. An admittedly imperfect analog that nevertheless might be useful for understanding this disjuncture between legal permissibility and expected behavior is *patria potestas*, according to which the male head of a Roman household possessed the power of life and death over his children. Just as it was not acceptable for Roman fathers to go around killing their children as they pleased, so too were the legal permissions for plunder and violence limited in Roman conceptualization.

Within the *Verrines*, Cicero speaks of the "law of war" (*lex belli*),[201] the "custom of war" (*mos belli*),[202] the "right of the conqueror" (*ius imperatorium*),[203] the "law of victory" (*lex victoriae*),[204] and the "right of victory" (*ius victoriae*).[205] These ideas appear

[201] *Verr*. 2.1.57; 2.2.50.
[202] *Verr*. 2.4.116.
[203] *Verr*. 2.1.57.
[204] *Verr*. 2.2.50.
[205] *Verr*. 2.4.116.

in pairs within three passages.[206] The first of these is a passage that augments a list of exemplary past Roman generals Cicero has just given with the more recent example of Publius Servilius.[207] Servilius, who captured a city in Asia Minor called Olympus in 77 BCE, is said to have removed *signa* and *ornamenta* in accordance with the law of war (*belli lege*) and right of the conqueror (*imperatorio iure*). Importantly, Cicero stresses both that the statues were plundered from an enemy city (*ex urbe hostium*) and that the plundering occurred in the context of wartime defeat (*vi et virtute capta*). Furthermore, he details the appropriate circumstances for the plunder once taken, namely that it was brought to the Roman people (*populo Romano apportavit*), carried in triumph, and recorded in the public records (*in tabulas publicas perscribenda*).[208] He goes on to call the plunder *praedam populi Romani*, emphasizing that it belonged to the Roman people collectively, not to Servilius individually. The *lex* and *ius* here mentioned, then, seem to enable a Roman general, during wartime conquest, to plunder on behalf of the Roman people.

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[206] For consistency and clarity, I follow Jill Harries in translating *ius* as "right" and *lex* as "law," however, the interchangeability of *ius* and *lex* in some of these phrases defies her assertion of a clear delineation in Cicero between *ius* as "legal right" and *lex* as "positive law": Harries 2013, 107-121. For his own part, at *Leg*. 1.41, Cicero puzzles through the nature of *ius,* "by which human society is bound" (*quo devincta ext hominum societas*) and which is established by "correct reasoning with regard to ruling and restraining" (*recta ratio imperandi atque prohibendi*). At *Leg.* 3.3, Cicero glosses the phrase *condicio naturae* as *lex* (*nihil porro tam aptum est ad ius condicionemque naturae—quodcum dico, legem a me dici intelli volo—quam imperium*); this phraseology makes it clear that *ius* and *lex* are two distinct yet interrelated phenomena integal to considerations of power and rule (*imperium*), and, more importantly, suggests that *lex* ought to be understand as a more natural conception of law (literally: a "condition of nature") than *ius*, which *Leg*. 1.42 suggests is tied up with human ethics.

[207] *Verr*. 2.1.57.

[208] Relatedly, the first extant use of the phrase *imperium populi romani* occurs in the decade prior to Verres' trial (80s BCE) in the *Rhetorica ad Herennium* (4.13); Richardson 2010, 23.

The second passage occurs in a narrative stretch detailing Verres' abuses in Syracuse.[209] The chapter in question describes Verres' erection of statues to himself and his son in the senate-house at Syracuse, much to the lamentation of the Syracusans. Cicero takes this opportunity to contrast Verres with the exemplary Marcus Claudius Marcellus, whose statue also stood in the Syracusan *bouleuterion*. He identifies the building as a place "where there was a statue made from bronze of that Marcus Marcellus himself, who, though he could have deprived them of it by the law of war and victory, spared that place and restored it to the Syracusans" (*ubi illius ipsius M. Marcelli, qui eum Syracusanis locum, quem eripere belli ac victoriae lege posset, conservavit ac reddidit, statua ex aere facta est*). The point of this minor digression is to further condemn Verres' greed and self-aggrandizement—already absurd considering his relationship to the Syracusans as provincial governor—by comparison with Marcellus' generosity and clemency in allowing the Syracusans to retain their political meeting hall, though they were conquered enemies. Thus, the *lex belli* and *lex victoriae* here mentioned would seem to entail the right to destroy a public building (perhaps especially one of such political importance as a *bouleuterion)* in a defeated enemy city. Even so, Cicero's comparison clearly expresses that it is to Marcellus' credit that he does not follow such *leges*.

The third passage occurs in *oratio* 2.4.[210] Here, Cicero delivers a *praeteritio* that briefly enumerates other violent and martial atrocities Verres commits, before proceeding to individual plundering episodes. As at *Verr*. 2.2.50, he juxtaposes Verres' treatment of the Syracusans with their kindly defeat by Marcellus in order to build Verres' guilt.

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[209] *Verr*. 2.2.50.
[210] *Verr*. 2.4.116.

Cicero's list of things he will not mention includes the slaughter of the Sicilian citizens (innocent as opposed to war enemies, in Verres' context), the opening of the Syracusan harbor to Cilician pirates,[211] and the rape of free-born and married women. Such behavior, Cicero explains, had not even occurred in the martial context of Marcellus' day: "which things were not undertaken at that time when the city was captured—neither out of hatred for the enemy, soldiers' license, the custom of war, nor the right of victory" (*quae tum in urbe capta commissa non sunt neque odio hostili neque licentia militari neque more belli neque iure victoriae*).[212] The implication is that one might expect such behavior to result from any of these factors, including the *mos belli* and *ius victoriae*. Here, the language of *mos* ("custom") and *ius* ("right") is more discretionary and flexible than that of *lex* ("law"),[213] which aptly reflects the decision to abstain from these actions on the part of Marcellus and his soldiers. Though the passage does not make mention of plundering, it helps us understand the permissibility of various types of violence otherwise illegal during the context of war. It similarly communicates that legal permissibility did not constitute a legal imperative, and that the choice to abstain from a victor's rights and wartime allowances could reflect honorably on a Roman.

Looking at other Republican-era usages of these terms as well as that of the related concept *ius belli* allows us a better understanding of the differences between

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[211] Verres' association and even complicity with pirates and brigands is a recurring topic of interest throughout the *Verrines*: *Verr*. 2.1.9; 2.4.21; 2.5.76.
[212] *Verr*. 2.4.116.
[213] Seavey 1993 (62-4) similarly notes that while *mos belli* and *ius belli* are sometimes synonymous, *lex belli* is more distinct.

them.[214] The majority of usages of *lex belli* are by Cicero himself, followed by pseudo-Sallust and Caesar—which makes sense, considering the martial contexts of these texts. Of the three other occurrences of *lex belli* in Republican literature, two pertain to the right of the conqueror or victor to put to death those defeated,[215] while the third is paired with *ius victoriae* employed to explain how the Mytilenians become Romans.[216] This last usage in itself tells us little about permissions for various activities like plunder, but it would seem to suggest that shifts in legal status or identity of the defeated could be brought about by victory, according to these principles. The right to put a conquered king to death in Cicero's *Pro Rege Deiotaro* is an unactualized right, while in ps-Sallust's *Ad Caesarem de Republica*, it is only partially realized:[217] he tells us that the "law of war" in victory allowed everything to Sulla (*L. Sulla, quoi omnia in victoria lege belli licuerunt*), but that he only killed a few, preferring to strengthen his party by kindness (*beneficium*) rather than fear (*metus*). His point is to make the extensive bloodshed of the "contemporary" civil war seem all the worse by comparison to Sulla's restraint and clemency. Taking these usages into account alongside those within the *Verrines* surveyed above, *lex belli* seems to refer to unilateral power or authority over persons and property, by virtue of having been victorious in battle or having otherwise successfully asserted power over the enemy. It entails a complete power of discretion, stemming from sense of ownership, including the right to kill. Its frequent pairing with another term, such as *ius*

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[214] "*Ius belli*" does not appear in the *Verrines*, but occurs often elsewhere in Cicero and is used more frequently in Republican literature than these other phrases.
[215] Cic. *Deiot.* 25; Sall. *Ad Caes. sen.* 2.4.1.
[216] Cic. *Leg. agr*. 2.40: *Mytilenae, quae certe vestrae, Quirites, belli lege ac victoriae iure factae sunt*…
[217] Cic. *Deiot.* 25; [*Ad Caes. sen.*] 2.4.1.

victoriae or *ius imperatorium*, may indicate that it is a more general umbrella category that includes these other concepts.

Cicero's appeal to *mos belli* at *Verr*. 2.4.116 is the only usage of this term in Republican literature, and it is relatively rare afterward.[218] Interestingly, in the three usages by Augustan Age authors, *mos belli* occurs in what appears to be a formulaic contrast with terms for brigandage or piracy.[219] Therefore, the concept of *mos belli* seems to have been entangled with, at least in this period, othering discourses about the civilized versus uncivilized.[220] The later imperial usages are more in line with the way *lex belli* is used to indicate the right to seize property in war, and in Florus' case, to mean quite generally the way a certain action is traditionally carried out in war.[221]

The related term *ius belli* appears significantly more frequently in Republican sources than *lex belli* or *mos belli*. By and large, these usages indicate that the concept of *ius belli* entailed a reciprocal obligation between two parties, or contract of behavior that can be expected in war. Seavey 1993, in the only comprehensive study of the *ius belli*,

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[218] A couple attestations in Livy (1.15.2, 21.35.2) and single occurrences in Velleius Paterculus's *Roman History* (2.31.2), Florus' *Epitome of Roman History* (2.24.4), Silius Italicus' *Punica* (7.312), and Servius' commentary on Vergil's *Aeneid* (10.14).

[219] At Liv. 1.15.2, the Veientes are said to make forays into Roman territory "for the sake of ravaging" as opposed to "in the manner of just war" (*populabundi magis quam iusti more belli*); at Liv. 21.35.2, the Carthaginians crossing the Alps face attacks by local barbarians who attack "more in the manner of piracy than warfare" (*latrocinii magis quam belli more*); and at Vell. 2.31.2, in the context of Pompey's rise to power, the term is used to describe the regular onslaught of pirates, in contrast to the usual small-scale and sporadic attacks of piracy (*belli more, non latrociniorum*).

[220] The term *latro* could be used widely to indicate "any sort of extra-legal man of violence"; Grünewald 2004, 5.

[221] In Florus, Caesar has the weapons of the defeated Pannonians broken and tossed in the river rather than burned, as was the custom in war (*ex more belli*). In Silius, Hannibal, speaking to his men, asserts that they have seized cattle according to the custom of war (*assueto belli de more secuntur*). In Servius' commentary, he explains Ancus Marcius' development of the fetial laws to ensure Rome's wars were "just"; he details the process of declaring war and explains that seizure of property (*res rapere*) is permitted following a duly performed declaration of war.

asserts "the Roman concept of mercy lies at the foundation of this concept, encouraging adherents to avoid killing unless absolutely necessary and to exercise principles of fairness in the confiscation and distribution of goods."[222] In *De Legibus*, Cicero describes an idealized *ius belli*, in which justice (*ius*) and good faith (*fides*) prevail in initiating, waging, and ending war, negotiated by public inter negotiators (*interpretes*).[223] Similarly, in *De Officiis*, he explains that it is best to resolve conflicts with discussion and utilize force only as a last resort.[224] The only cause for war, he argues, is the pursuit of living in peace, unharmed (*ut sine iniuria in pace vivatur*), and he asserts that those who are neither cruel (*crudeles*) nor monstrous (*immanes*) in war ought to be spared (*conservandi*). Carthage and Numantia serve as historical examples of those who failed this standard, while Tusculans, Aequians, Volscians, Sabines, and Hernicians exemplify those who were not only spared, but granted citizenship for meeting it.[225] Relatedly, Cicero also speaks of a *ius bellicum*, according to which it is necessary to keep oaths to lawful enemies, but not *piratae*—among whom there is no *fides* or *ius iurandum.*[226]

Particularly in the plural, *iura belli* refers generally to the (civilized) rules of war.[227] A passage in Sallust's *Bellum Iugurthinum* illustrates the contractual nature of this

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[222] Seavey 1993, 3-4.
[223] Cic. *Leg.* 2.34. Seavey 1993 argues that this usage is anomalous, as Cicero was reformulating these ideas.
[224] Cic. *Off.* 1.34.
[225] As, presumably, was the situation with the Mytilenians at Cic. *Leg. agr*. 2.40, mentioned above (see n. 216).
[226] Cic. *Off.* 3.107. Pirates are described harshly by Cicero. In this same passage, he famously calls them the "common enemy of all" (*communis hostis omnium.)* At *Verr*. 2.5.76, Cicero describes the pirate chief (*archipirata*) whom Verres hosted in his home as a "most bitter and inimical enemy to the Roman, people, nay rather the common enemy of all peoples and nations" (*hostem acerrimum atque infestissimum populi Romani, seu potius commune hostem gentium nationumque omnium).*
[227] E.g., Cic. *Balb*. 47. Similarly, at Cic. *Balb*. 45, *bellici iuris* means something along the lines of "treaty conditions."

concept: Marius seizes Capsa and, though its inhabitants surrendered, he sacked the city and killed the adults and sold the rest into slavery. Sallust comments that this was *contra iura belli,* but goes on to justify it by mentioning the treacherous nature of the inhabitants and strategic advantage afforded by it.[228] This usage suggests that *ius belli* entails an understanding of just conduct according to which those who surrender should not be sacked, killed, or enslaved. Marius' breach here must be justified. Similarly, in his *Philippics,* Cicero questions whether envoys sent to Antony understand *iura belli* (as well as *formam rei publicae*, "the structure of the Republic," and *exempla maiorum*, "ancestral precedents").[229] This comes after likening Antony to an enemy worse than Hannibal. Hence, *iura belli* is associated here with civility and the lack thereof and utilized by Cicero to distance and other Antony (and those associated with him) socio-politically.[230] Therefore, because if its entanglement with identity politics, *ius belli* is a more malleable concept than the *seemingly* absolute power inherent in the concept of *lex belli*. It is wrapped up with diplomacy, the idea of "good faith" (*fides*), "just war," and civilizing discourses. The rhetoric of *ius belli* calls to mind rules of behaving in war for "us civilized folks" that can be expected in conflicts with other civilized folks, and, in turn, should not bind interactions with uncivilized others, such as pirates and barbarians.

Less commonly, singular instances of *ius belli* are used like *lex belli*, to indicate power and ownership, or a "might is right" mentality about war. The acquisition of

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[228] Sall. *Iug.* 91.7.
[229] Cic. *Phil*. 5.25.
[230] Similarly, in *Pro Balbo,* Cicero discusses the relative authority of generals, compared to legal experts (literally, "those learned about all the laws," *omnibus iuris pertissimos*), when it comes to *ius belli* (*Balb*. 45), however, Pompey's expertise in *ius pacis et belli* is called into question by his having breached a treaty (*Balb*. 15).

territory or property in war according to *ius belli* is reflected in both Cicero and Sallust.[231] Likewise, *ius belli* occurs as the right to kill those defeated in battle in the *Bellum Africum* as well as ps-Sallust's letters to Caesar.[232] The three occurrences of this term in Caesar's *Bellum Gallicum* are particularly telling of how these "might is right" instantiations of *ius belli* are just as connected to identity politics as the "social contract" instantiations of the phrase: the two usages in which the term is used to justify violent use of force in war come in the mouth of the barbarian chief Ariovistus,[233] while Caesar expresses that though he himself could have had the Aeduan messengers put to death according to *ius belli*, he refrains out of *beneficium*.[234] Hence, the choice to abstain from the violence permitted by *ius belli* reflects honorably on Caesar, while use of it to justify forcible acts adds to Ariovistus' barbaric characterization.[235]

The "right of the conqueror" (*ius imperatorium*) and "right of victory" (*ius victoriae*) are less well attested in Republican literature than the law(s) and right(s) of war discussed above. A single other usage of *ius imperatorium* in Cicero's *De Lege Agraria* pertains to Pompey and the power of the decemvirs to oversee the division of booty.[236] The passage implies that it is the right of the general or conqueror to determine what is done with the spoils of war, which makes sense with *Verr*. 2.1.57 (discussed above), where Servilius is said to have removed *signa* and *ornamenta* in accordance with *ius*

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[231] Cic. *Phil*. 13.32; Sall. *Iug.* 102.13.
[232] *BAfr*. 45; [*Ad Caes. sen*.] 1.4.1.
[233] Ariovistus, in *oratio obliqua*, tells the Romans to stay out of his affairs: "It was the right of war (*ius belli*), that those who were victorious, to those who were defeated, commanded what they wished" (*BGall*. 1.36.1); Ariovistus says that he collected tribute from the Gauls according to *ius belli* (*BGall*. 1.44.2).
[234] *BGall.* 7.41.1.
[235] Seavey 1993, 49-56.
[236] *Leg. agr. 60.*

imperatorium (in addition to the *lex belli*). We can understand this power of discretion over the division of booty belonging to the conqueror as a subset of the general ownership and authority to control persons and property afforded to the winning party in war. As for *ius victoriae*, in addition to the Cicero passage discussed above, in which the Mytilenians are said to have become Romans through the *ius victoriae* and *lex belli*,[237] we find one other instance of the term, denoting the right to kill the conquered, who are in any case spared out of *clementia* by Caesar.[238]

A number of commonalities emerge from this survey of legal and moral rules that permit, among other violences, the plundering of the defeated. One of these is the way that these rights are tempered by their connection to characterization and, thereby, to identity politics. Though the total right of control of property and over life and death of the conquered is a pervasive element of *lex belli*, *ius belli*, and *ius victoriae*, equally prevalent is the idea that positive character traits that reflect honorably on Romans, such as *clementia* and *beneficium*, lead generals or victors in battle to abstain from exercising these rights.[239] Furthermore, breaking the contractual, "just war" understanding of *ius belli*, by breaching a treaty or sacking a town and killing its inhabitants after they have surrendered, reflected poorly on one's honor as a Roman. Also worth noting is that there are some built-in limitations to these permissions. Besides the fact that these permissions only apply in the context of properly declared wars, several of these passages indicate that such rights to kill those defeated and sack and plunder cities ought not to be

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[237] *Leg. agr.* 2.40
[238] Cic. *Marcell*. 12
[239] Cic. *Deiot*. 25; [*Ad Caes. sen.*] 2.4.1; Cic. *Verr*. 2.4.116; Cic. *Verr*. 2.2.50; Caes. *BGall* 7.41.1; *BAfr*. 45; Cic. *Marcell*. 12.

permissible in the event of surrender.[240] Taking due account of these limits as well as noting the commonality that when these rights are invoked it is often in the context of abstaining from them is important, since the typical scholarly approach privileges the absolute and unquestioned right to plunder. In fact, these concepts that seemingly granted right to plunder appear in Republican literature more frequently as unactualized rights that reflect nobly on the character of the abstaining conqueror than as utilized rights to seize, kill, or destroy.

2.2.4 Limits on Plundering

In addition to the correlative limitations on these rights to plunder, discussed above, Cicero's *Verrines* construct further ethical limits on Roman practices of plunder through their depiction of Marcus Marcellus, the famous conqueror of Syracuse,[241] and Scipio Africanus, whose repatriations[242] of plundered goods and sacred benefactions are violated by Verres, as positive *exempla*.[243] In particular, within his character sketches of these past Roman generals, Cicero presents *religio* and *humanitas* as two factors that lead them to limit their cultural plundering and destruction, refrain from it altogether, or return objects already plundered.[244] In contradistinction, Verres is said to be possessed of "no

[240] Sall. *Ad Caes. sen*. 1.4.1; *Iug*. 91.7.
[241] Marcellus the conqueror appears as a founder figure (2.4.115) who is lawful, not forceful (2.4.122), even in the context of war.
[242] Or as Miles 2002 calls them, "compassionate returns;" see also Miles 2011 for an overview of Roman repatriation practices.
[243] Though not with an eye to *humanitas*, Zangari (p. 178ff.) walks through the *synkriseis* between Verres and famous past Romans, including Lucius Mummius at *Verr*. 4.4; Lucius Piso, praetor in Spain in 112, at *Verr*. 4.55-7; Scipio Africanus at *Verr*. 4.98; and Marcus Claudius Marcellus at *Verr*. 2.120.
[244] Scipio gives booty to cities: *Verr*. 2.5.124-5, 2.2.3; Scipio's repatriations: *Verr*. 2.2.83-88, 2.4.72-83.

sense of humanity, no consideration at all for religious principle" (*nullus in te sensus humanitatis, nulla ratio umquam fuit religionis*).[245]

Religio

In *oratio* 2.4, Cicero narrates Verres' violation and plunder of a temple to Minerva on Syracuse's island of Ortygia. Cicero explains that the temple was ravaged by Verres "in such a way that it did not look as if it had been spoliated by some enemy, who even in war would have maintained a sense of religious principle and customary law, but rather attacked by barbarian raiders" (*quae ab isto sic spoliata atque direpta est non ut ab hoste aliquo, qui tamen in bello religionem et consuetudinis iura retineret, sed ut a barbaris praedonibus vexata esse videatur*).[246] He goes on to detail the objects taken from the temple, including a set of pictures of King Agathocles' cavalry engagements, the value of which he builds up by mentioning their status as a popular attraction and the fact that Marcellus had spared them when he defeated Syracuse in war: "Marcellus, though his victory rendered all things profane, nevertheless, checked by religious scruple, refrained from laying hands on these paintings," (*Has tabulas M. Marcellus, cum omnia Victoria illa sua profana fecisset, tamen religione impeditus non attigit*).[247] By contrast, when Verres came upon them, Cicero tells us, they were once again sacred (*sacra religiosaque*) on account of Syracuse's long peace and loyalty (*propter diuturnam pacem fidelitatemque*).

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[245] *Verr*. 2.1.47.
[246] *Verr*. 2.4.122.
[247] *Ibid.*

We learn several things from this chapter about the ethics of plundering, as constructed by Cicero. First, Cicero presents the idea that, technically speaking at least, all property is rendered "profane" in war. Similar to the *evocatio* ritual popularized in Livy's history,[248] such an ideology exculpates Romans from the otherwise inherent impiety of wartime destruction of an enemy city's temples and sacred property. Even so, as this passage conveys, there was a distinction between technical legal status as profane, and recognized status as sacred. Cicero here describes this as customary law (literally, "laws of custom," *consuetudinis iura*). It is within this "customary law" that the destruction of sacred sites and plunder of sacred property is reprehensible, despite its official permissibility. *Religio,* here translatable to something along the lines of "religious scruple," thereby functions as a limiting mechanism on the practice of plundering; a good Roman abstains from his legal right to plunder temples out of the customary sense of religious duty and reverence. Furthermore, the passage suggests that the fulfillment of this extra-legal ethical expectation is reflective of one's cultural standing. Just as Marcellus appears all the more cultured and noble for not plundering the sacred, Cicero articulates that doing so is something barbarians (*barbari*) and pirates (*praedones*) would do. Hence, the social constructions of the pirate and barbarian and the ethics of plundering are mutually informing: the negative cultural valences of piracy and barbarity color the act of sacred plundering, while the failure to meet Roman values (via the example of Marcellus) colors the character of persons identified as barbarians or pirates.

[248] Livy 5.21ff.

In short, *not* plundering the sacred is presented by Cicero as reflective of good Roman character.

This ethical construct does not only pertain to Romans, however, and Cicero provides an example of an albeit half-baked adherence to it by the Numidian king Masinissa. Beginning his account of Verres' violation and plundering of the Temple of Juno of Melita, Cicero writes:

> On a promontory not far from the town is an ancient temple of Juno, which has always commanded such religious reverence that it has always remained inviolate and sacred not only at the time of the Punic Wars, when naval battles were waged in nearby regions, but even now by the multitude of pirates. There is even the story that once, the fleet of King Masinissa having come to that place, the king's admiral carried off from the shrine ivory tusks of incredible size, transported them to Africa, and gifted them to Masinissa. The king was at first delighted with the gift; but after he heard whence they came, he immediately sent a chosen body of men in a warship to return the tusks. Thus, it was engraved on them in Punic how King Masinissa had received them unknowingly and, upon realizing the truth, had ensured that they were carried back and returned to their place.
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> *Ab eo oppido non longe in promunturio fanum est Iunonis antiquum, quod tanta religione semper fuit ut non modo illis Punicis bellis quae in his fere locis navali copia gesta atque versata sunt, sed etiam hac praedonum multitudine semper inviolatum sanctumque fuerit. Quin etiam hoc memoriae proditum est, classe quondam Masinissae regis ad eum locum appulsa praefectum regium dentes eburneos incredibili magnitudine e fano sustulisse et eos in Africam portasse Masinissaeque donasse. Regem primo delectatu esse munere; post, ubi audisset unde essent, statim certos homines in quinqueremi misisse qui eos dentes reponerent. Itaque in iis scriptum litteris Punicis fuit regem Masinissam imprudentem accepisse, re cognita reportandos reponendosque curasse*.[249]

In this episode, part of the temple's value comes from prior recognition of its sanctity and the consequent respect afforded it. Because of the cultural association between pirates not respecting the proper Roman ethics of plundering, it becomes all the more a testament to this temple's greatness that its sanctity was able to penetrate the cultural ignorance of pirates. That not even *they* had dared violate it is, thus, another way of building the site's

[249] *Verr*. 2.4.103.

importance in order to condemn Verres' treatment of it by comparison. Verres, through such rhetoric, appears worse than both the Carthaginians, enemies of Rome, and even pirates, enemies of civilized values. Ironically, Cicero's appeal to the temple's prior inviolability[250] is refuted by his story about Masinissa, though perhaps the violation was considered to have been expiated by the return of the stolen objects. In any event, Cicero's pretense that the temple was formerly inviolable before Verres came along renders its violation by him unthinkable. Moreover, the story about Masinissa reinforces the ethical aversion to temple violation and sacred plundering on display in Cicero's portrait of Marcellus. Though his admiral commits the wrong of taking the sacred tusks from Juno's temple, Masinissa is quick (*statim*) to rectify this error by sending them back, along with an exculpatory inscription. Cicero does not attempt to explain his motives, but we can infer from the episode's introductory description of the temple's widely-held sanctity and reverence, that Masinissa shared in the implied view of Carthaginians and pirates alike that the temple ought not to be violated. By restoring what was wrongfully taken by another, Masinissa provides another foil to Verres. The moral of the story is clear: even a barbarian king (if we can imagine Masinissa fit this bill to Cicero) had better character and morals than Verres.

The ethical limit on sacred plundering constructed in the *Verrines* is not a blanket ban, however, but one just as sensitive to context as Cicero's overall presentation.

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[250] *Verr*. 2.4.104: "That place where fleets of our enemies often drew near, where pirates are accustomed to winter nearly every year, that place which never before did a pirate violate nor an enemy touch—this placeby that one man was so plundered that nothing at all remains;" *quem in locum classes hostium saepe accesserint, ubi piratae fere quotannis hiemare soleant, quod neque praedo violarit antea neque umquam hostis attigerit, id ab uno isto sic spoliatum esse ut nihil omnino sit relictum*.

Cicero's account of the three statues of Jupiter Imperator exemplifies the way that a sense of *religio* could coincide with the plundering of sacred property.[251] En route to condemning Verres' theft of one of the statues, Cicero explains that there were three statues of Jupiter Imperator in the world: one was taken from its temple by Flamininus, which Cicero justifies by saying it was put in the Capitoline temple where Jupiter lives; the second had remained inviolable up to Cicero's day (*usque ad hanc diem integrum inviolatumque servatum est*) along the Black Sea; and the third one was at Syracuse, spared by Marcellus, only to be plundered by Verres.[252] Marcellus is described as refraining out of religion (*quod religioni concesserat*).[253] Within Cicero's account of these statues' fates are layers of implications. First, the tenor and positioning of this background anecdote suggest that the ideal situation for all three statues is inviolability. Secondly, all three fates are set up as positive foils to Verres' plundering of the third statue. As such, both Marcellus' and Flamininus' actions, though they seem contradictory, are unobjectionable in Cicero's account. Marcellus spares the third statue, as we have seen before, out of a sense of *religio*, while Flamininus plunders the first statue and brings it to Rome. It is worth noting that Cicero does include an explanation for Flamininus, which may suggest that he felt his act of sacred plunder needed to be justified; "Flamininus took the first one from its temple in order to place it in the Capitol Temple, that is, in the earthly home of Jupiter (*illud Flamininus ita ex aede sua sustulit ut*

[251] *Verr*. 2.4.129-130.
[252] *Verr.* 2.4.130.
[253] *Ibid*.

in Capitolio, hoc est in terrestri domicilio Iovis poneret).[254] The permissibility of Flamininus' plundering did not simply result from the fact that he was taking a sacred object from one sacred location to another, but specifically that he was taking an object sacred to Jupiter to Jupiter himself.[255] Whether or not Flamininus was concerned with *religio* when he took the statue, Cicero is able to square his act of plunder with his ethical principles. Because Flamininus respected the sanctity of the statue by placing it in an even more sacred location, which more directly fulfilled its function as a votive to Jupiter (in Cicero's view), this removal of sacred property was acceptable.

It might seem obvious that there were conceptualized limitations to plundering when it came to religious items and hence un-noteworthy, however this should not be taken for granted. Cicero muddies the water, so to speak, by blurring easy distinctions between ordinary and sacred items. His valuation of objects constructs multiple valences for them, sometimes giving a seemingly secular object such as a bowl a religious aspect. Moreover, in some of his *exempla*, he depicts Romans engaged in acceptable sacred plundering, such as with Flamininus and the Jupiter statues. In Cicero's evaluation, context is important— more so than absolute or arbitrary rules based on classification of objects. Further, while fears of divine disfavor incurred by sacrilegious plunderings may have worked to Cicero's advantage, the real bogeyman of the *Verrines* is a human one, not divine; Cicero could have done much more in the way of calling for expiations and

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[254] *Verr.* 2.4.129.

[255] Indeed, just a few chapters earlier Cicero presents us with an early version of the phrase "don't rob Peter to pay Paul," through Marcellus's exemplary portrait: "and Marcellus, who vowed, should he capture the Syracusans, to dedicate two temples at Rome, was unwilling to adorn that which he would build with the those objects that he had captured…he did not wish gods to be adorned with the spoils of other gods" (*et Marcellus qui, si Syracusas cepisset, duo temple se Romae dedicaturum voverat, is id quod erat aedificaturus iis rebus ornare quas ceperat noluit…Ille deos deorum spoliis ornari noluit, Verr.* 2.4.123).

dwelling on the reactions of the gods, yet he does not. Many, but not all, of the objects stolen in major episodes are sacred, and Cicero ends the last oration reminding his audience of these impieties by calling upon each god violated by Verres in turn.[256] Even so, the negative consequences to Verres' behavior which Cicero focuses on throughout the orations are related to the internal and external stability of Rome due to Verres' alienation of citizens, provincials, and allies alike. That is, Cicero focuses on Verres' crimes against humans, and his violation of their sacred space and theft of their sacred possessions are merely one form of affront against individuals and communities.

Humanitas

Just as *religio* is presented as a concept that guides the treatment of cultural property by curtailing the plunder of sacred items and concomitant violation of sacred places, Cicero's narratives of plunder and destruction also invoke the idea of *humanitas*, which similarly delimits the good Roman's expression of his rights of war, victory, and conqueror. The quest to understand the Roman concept of *humanitas* has yielded a veritable mountain of scholarship, with debates centering on its relationship to the modern notion of "humankind," whether it is more in keeping with the Greek ideas of *paideia* or *philanthropia*, and whether it even has Greek parallels or is Greekly Roman.[257]

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[256] *Verr*. 2.5.184-9.

[257] Sánchez 2014 and Vesperini 2015 side with Gellius; Veyne 1989 wavers between *paideia* and *philanthropia*, but suggests that the language of humanity/philanthropy was less impactful on behavior than discourse and had been picked up from the Greeks as "a fitting way for conquerors to talk," 354; Braund 1997 argues that when *humanitas* was used inclusively, it denoted something on par with *philanthropia*; Bauman 2000 thinks it is a uniquely Roman combination of Greek *philanthropia* and traditional Roman values; Høgel argues that no equivalent exists in Greek, but explores the way that both good-feeling toward men and ideas about cultural refinement and education were subsumed in Roman *humanitas*.

The *philanthropia*/*paideia* debate arises from Aulus Gellius' second-century CE comment that *humanitas* is more akin to Greek *paideia* than to *philanthropia*,[258] a general idea of benevolence toward fellow man. While *humanitas* often appears in conjunction with a series of other positive character traits (e.g. *clementia, aequitas, lenitas, mansuetudo, moderatio, indulgentia, iustitia, fides, pietas*),[259] Høgel rightly points outs that these terms do not make a claim on what is human in the way that *humanitas* does.[260] The Greek notion of *philanthropia*, by contrast, is not reflexive in the same way, as only the recipient of the philanthropy is inherently commented upon as human.[261] Though *humanitas* assumes a universalizing idea about the condition of being human, Braund and Høgel have demonstrated the way it can, and often was, deployed to exclude[262] and hence is fundamentally different from the inclusive connotation of "humanity."

Roman ideas about *humanitas* had recently emerged in Latin literature in the decade prior to Verres' governorship. The adjectives *humanus* and *inhumanus* had been used in late Third- and early Second Century BCE authors, such Ennius, Cato, and the Roman comedians. The abstract noun *humanitas*, however, is not found until the *Rhetorica ad Herennium* of the 80s BCE.[263] By Cicero's day, "*humanitas* had become a

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[258] Gell. *AN* 13.17.
[259] On the basis of this association, Bauman 2000 interprets it as an umbrella category encompassing these other characteristics.
[260] Høgel 2015, 10: "the humane, as an ethical proposition, bases its argument on man, on the universal definition and understanding of man. What is argued as humane is at the same time taken to be human."
[261] Høgel 2015, 30.
[262] Braund 1997, 21: "*humanitas* is a flexible term which can be applied in order to differentiate any group from any other on grounds of cultural superiority/inferiority."
[263] Not surprisingly, considering the text's composition in the midst or aftermath of the Social War (91-88 BCE), these earlist extant usages pertain to the guidelines of warfare: *Rhet. ad Her*. 4.23 suggests that *humanitas* entailed treating the defeated enemy as men, i.e. human(e)ly, in order to generate peace; it appears in tandem with the idea of reducing warfare through the show of strength. At *Rhet. ad Her*. 4.12, a

fashionable attitude" in Rome.[264] For his own part, Cicero pays particular attention to *humanitas*, using the term more than all other Classical attestations combined[265]—beginning with his earliest extant speeches. In the final line of *Pro Roscio Amerino*, for example, he laments the loss of *humanitas* due to Sulla's Civil War.[266] Cicero innovates here by making *humanitas* an argument that could be put to a political use, beyond the legal and moral aspects implied by the instances of the term in the *Rheterica ad Herennium*.[267] Furthermore, in the *Verrines*, he adds a new framework in which *humanitas* is seen to function: a provincial one.[268]

Throughout the speeches, we see the idea of *humanitas* invoked in a number of capacities: the *humanitas* of Scipio and Marcellus in their abstention from plundering and return of plundered property; Verres' lack of *humanitas* in his many violent and rapacious acts;[269] Cicero's own *humanitas*, leading him to defend his Sicilian hosts through his prosecution of Verres;[270] and the *humanitas* of Cicero's audience, which he asks them to consider when weighing an episode in *oratio* 2.5.[271] Additionally, the term indicating the opposite of *humanitas*, "*inhumanitas,"* is applied to Verres' conduct

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passage about punishing those guilty of treason, a lack of humanity is paralleled with being *feros* or *crudeles*. For further discussion, see Høgel 2015, 37-8.

[264] Veyne 1989, 352.

[265] According to the numbers generated by *PHI Latin Texts*. For a catalog of Cicero's usages, see Mayer 1951, 300-316.

[266] Cic. *Rosc. Am.* 53.154.

[267] Høgel 2015, 48-9.

[268] Høgel 2015, 50. Another place where Cicero argues for the centrality of *humanitas* to provincial rule is in his letters to his brother; at *Ep. Ad Q. fr.* 1.23, Cicero exhorts Quintus to behave according to *humanitas* in his post as governor, citing among other examples Cyrus from Xenophon's *Cyropaedia*.

[269] *Verr.* 2.1.47; 2.2.97; 2.3.8; 2.3.59; 2.4.109; 2.5.115.

[270] *Verr.* 2.2.118.

[271] Verres' prosecution of the Syracusan captains for Cleomenes' loss of the fleet to pirates, *Verr.* 2.5.111.

twice,[272] while the related adjective, "*inhumanus*," is applied both to Verres[273] and to his right-hand man Apronius.[274] These words typically appear contextually in conjunction with "*barbarus*" and "*crudelitas*." By examining several of these passages, we can see the way that the moral abstraction of *humanitas* both constructs limits to legal permissions to plunder and destroy the property of others in war and is, in turn, constructed by these acts of moderation and clemency.

In the extended narrative pertaining to Verres' mistreatment of Sthenius of Thermae,[275] Cicero finds cause to expound upon the *humanitas* of Scipio Aemilianus. As we recall, the conflict between Verres and Sthenius arose over Sthenius' refusal to accede to Verres' demands for several bronze statues on display in the public space of Thermae. Part of Sthenius' reported refusal is an appeal to the statues' function as memorials to Scipio, in order to shame Verres from persisting in his request.[276] Cicero uses this reference to Scipio as a launching point for teaching his audience about Scipio's *humanitas* and *aequitas*, "fairness" (*etenim ut simul Africani quoque humanitatem et aequitatem cognoscatis*).[277] What follows is the story of Scipio's repatriation of statues, originally plundered by Carthaginians, following his defeat of Carthage—including those

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[272] *Verr*. 2.3.8; 2.5.115.
[273] *Verr*. 2.2.192.
[274] *Verr*. 2.3.23.
[275] *Verr*. 2.2.82-118, and discussed briefly in Section 2.2 above.
[276] Cicero says that not only did Sthenius refuse (*Sthenius vero non solum negavit*), "but he also pointed out that it was in no way possible that these most ancient statues, monuments of Scipio, be removed from the town of the Thermitanians while Thermae and the Roman empire remained intact" (*sed etiam ostendit fieri id nullo modo posse ut signa antiquissima, monumenta P. Africani, ex oppido Thermitanorum incolumi illa civitate imperioque populi Romani tollerentur, Verr*. 2.2.85). Since the removal of the statues was obviously physically possible, what Sthenius means here is that their removal would constitute harm to both Thermae and the Roman state (i.e., they would no longer be *incolumni*), as the statues held special value and meaning for both.
[277] *Verr*. 2.2.86.

under threat by Verres. We learn that the citizens of Himera, after their city was destroyed, migrated to Thermae, and that Scipio, in an effort that presumably required some sort of investigation, had these statues from Himera returned to the people of Thermae after coming upon them in Carthage.[278] In the course of this explanation of Scipio's repatriation project, Cicero verbalizes an ethical principal of Scipio's regarding Roman rule and cultural property, as well as a strategic outlook on the symbolic capital achieved through repatriation. The former of these is Scipio's alleged notion that "this thing was worthy of the Roman people—namely, that when the war was finished our allies should recover their property by means of our victory" (*Scipio, qui hoc dignum populo Romano arbitraretur, bello confecto socios sua per nostram victoriam recuperare*).[279] This opinion voices a political policy with respect to allied property that assumes state responsibility for repatriation of previously plundered goods. Not only ought Rome to look out for the interests of its allies, but property plundered by enemies ought to be returned once those enemies are defeated.

Secondly, Scipio is said to have considered critically the ramifications of keeping the recovered statues versus returning them to the people of Thermae. After reminding us that it was Scipio's will that the statues were returned to their owners, not that they be negligently tossed aside (*neglegenter abiecerat*) for a man like Verres to take, Cicero says that this was

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[278] Høgel 2015 (51) interprets this passage as saying that Scipio, displaying his *humanitas*, let the surviving inhabitants of Himera, a Carthaginian stronghold on Sicily, keep their treasures and resettle at Thermae, once he had defeated Carthage. The dates, however, do not align: Scipio's defeat of Carthage occurred in 146 BCE, while the founding of Thermae by the surviving Himerans is dated to 407 BCE, following Himera's destruction by Carthage in 408 BCE, in Diodorus; Diod. Sic. 11.49; 13.79.
[279] *Verr*. 2.2.86.

> not because he himself possessed no gardens or a suburban estate or any sort of place where he could display them, but because if he took them away to his house, they would not for long be called "Scipio's," but rather would be called those of whoever they passed to when he died. As things stand, they were placed in these locations, it seems to me, in order that they be perceived and said to be Scipio's forever.
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> *Non quo ipse hortos aut suburbanum aut locum omnino ubi ea poneret nullum haberet; sed quod, si domum abstulisset, non diu Scipionis appellarentur, sed eorum ad quoscumque illius morte venissent; nunc iis locis posita sunt ut mihi semper Scipionis fore videantur itaque dicantur*.[280]

In short, Scipio's decision to repatriate was in his own interest, as it ensured that the statues monumentalized him.[281] That is, he (or Cicero's version of him, at least) recognized the difference between an object's legal ownership and its symbolic power. In terms of patronage, honor and glory, both he and his family stood to gain more from this act of beneficence toward provincial cities. Moreover, as kind as Scipio's return of the plundered statues may have been, it was also a political maneuver, rewarding allies' support in war with respect for the cultural property. Not only did such repatriations strengthen political relationships by demonstrating the perks of siding with Rome, but they also inserted Rome symbolically into the physical allied landscape by adding new valences to the meanings constructed around these statues. Sthenius' identification of these statues as monuments of Scipio reifies the symbolic political capital achieved by Scipio's acts of repatriation. Thus, in this episode we see an illustration of *humanitas* in the repatriation of precious allied statues, however, attached to this *exemplum* is the awareness that Romans stand to gain both personally and politically from such actions.

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[280] *Verr*. 2.2.87.

[281] At *Verr*. 2.2.4, Marcellus is said to have similarly considered his legacy when deciding to spare Syracuse, thinking the city would function as a "*monumentum"* to not only his "victory" (*victoria*), but also his "clemency" (*mansuetudo*) and "restraint" (*continentia*).

Scipio and *humanitas* are also discussed in a later oration, as Cicero describes Verres' plundering of a temple of Magna Mater near Engyion.[282] After explaining that Verres stole a series of precious objects placed in the temple as dedications by Scipio, Cicero begins a second-person tirade against Verres that explores the intellectual and moral gulf between Verres and Scipio. He calls Scipio a "most learned and humane man" (*doctissimus atque humanissimus*) and accuses Verres, by contrast, of being "without humanity" (*sine humanitate*).[283] These descriptions allow us to deduce that Verres' removal of the sacred objects illustrated his *inhumanitas*, just as Scipio's repatriation of plundered goods in *oratio* 2.4 (as well as his implied "humane" dedications in this episode) demonstrated his *humanitas*. Berating Verres for presuming to "correct" Scipio's decision regarding what ought to be done with the objects in question, Cicero rationalizes: "Since [Scipio] understood how beautiful they were, for this reason he thought they were made, not for the luxuriance of men, but for the adornment of temples and towns, in order that they be regarded as sacred monuments by posterity" (*Nam quia quam pulchra essent intellegebat, idcirco existimabat ea non ad hominum luxuriem, sed ad ornatum fanorum atque oppidorum esse facta, ut posteris monumenta religiosa esse videantur*).[284] According to this principle, items of great beauty ought to be seen and revered, not owned. In addition to the distinction in audience (privately owned versus the public and sacred spaces of temples and towns), this ethic is also concerned with the

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[282] *Verr*. 2.4.97-98. F. W. Hall, in his 1912 edition of *De Signis*, suggests *ad loc*. that Cicero here confuses Cybele with the nymphs who raised the infant Zeus (*θεαι μητέρες*).
[283] *Verr*. 2.4.98.
[284] *Verr*. 2.4.98. There is a question among editors of whether "*ut posteris monumenta religiosa esse videantur*" is an interpolation; see Baldo 2004 *ad loc*. for the breakdown of the debate.

object's function as *luxuries* versus *monumentum*. A placement and use that enables an object to convey symbolic meanings, i.e., to act as a monument, is to be preferred to usage as a mere symbol of wealth and luxury. Verres' lack of *humanitas* here, then, is associated with his robbing posterity of these beautiful and sacred *monumenta*.

Another exemplar of *humanitas* in the *Verrines* is Marcellus. When Cicero turns to Syracuse in his catalog of Verres' plunders in *oratio* 2.4, he first briefly describes the city's splendor and topography,[285] before turning to Marcellus' treatment of the city when he captured it in 212 BCE. The following account acts as a foil to the ensuing narrative of Verres' mistreatment of the Syracusans:

> Although he had taken so famous a city by force and with the army, he thought that this thing would not befit the honor of the Roman people, namely effacing and destroying this beauty, especially since it offered no danger. Therefore all the buildings, public and private, sacred and secular, he spared so completely as if he had come to defend them with his army, not to besiege them.[286] In respect to the city's treasures he had regard for victory and regard for *humanitas*: he thought it appropriate to victory to carry away many things that might be ornaments to Rome; to *humanitas* not to entirely spoliate the city, especially since he wished to preserve it. By this division or treasure, Marcellus' victory sought no more for the Roman people than his *humanitas* preserved for Syracuse.
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> *Qui cum tam praeclaram urbem vi copiisque cepisset, non putavit ad laudem populi Romani hoc pertinere, hanc pulchritudinem, ex qua praesertim periculi nihil ostenderetur, delere et exstinguere. Itaque aedificiis omnibus, publicis privatis, sacris profanis, sic pepercit quasi ad ea defendenda cum exercitu, non oppugnanda venisset. In ornatu Urbis habuit victoriae rationem, habuit humanitatis; victoriae putabat esse multa Romam deportare quae ornamento urbi esse possent, humanitatis non plane exspoliare urbem, praesertim quam conservare voluisset. In hac partitione ornatus non plus victoria Marcelli populo Romano appetivit quam humanitas Syracusanis reservavit.*[287]

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[285] *Verr*. 2.4.117-119.
[286] This would have included the *bouleterion* already mentioned as spared by Marcellus at *Verr*. 2.2.50, discussed above.
[287] *Verr*. 2.4.120-121.

Cicero characterizes Marcellus' thought-process using similar rhetoric, as in the Scipio passage, of what befits—or in this case, what does not befit—Rome.[288] In the prior episode, focalized through Scipio, it befit Rome that her allies recover their plundered property when it was in Rome's power to return it. If we reverse the negative construction of this episode, we see focalized through Marcellus the idea that it befits Rome not to destroy the beauty (*pulchritudo*) of a defeated city. The passage goes on to describe what this means: sparing buildings (*aedificia*) and being moderate in the plundering of treasured objects (*ornatus*). Both sentiments convey the idea of allowing others to recover or retain their property of special value. Moreover, just as Scipio was concerned that beautiful objects (*pulchra*)[289] be used as public monuments,[290] rather than luxury items,[291] Marcellus is also concerned to preserve what is beautiful. Here, however, it is not just temples that are spared from plunder, as was the case with Scipio's *religio*; Cicero uses the two binary formulations of public/private and sacred/profane to indicate

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[288] *Verr*. 2.2.86: *hoc dignum populo Romano arbitraretur*; *Verr*. 2.4.120: *non putavit ad laudem populi Romani hoc pertinere*.

[289] A similar sentiment about preserving what is *pulchra* appears at *Verr*. 2.4.124, however in this case the determinative discretion about what constitutes "the beautiful" lies with the conquered Greeks, and it is incumbent upon the conquering Roman general to respect their views: "Perhaps they overly admire and lift up such things; grant that that's true. But nevertheless, it is more creditable to our country that our general in times of war should leave in their keeping what is beautiful in their regard than that our governor should carry these things off in times of peace"; *nimium forsitan haec illi mirentur atque efferent; esto; verum tamen honestius est rei publicae nostrae, iudices, ea quae illis pulchra esse videantur imperatorem nostrum in bello reliquisse quam praetorem in pace abstulisse*.

[290] A value shared by Marcellus, who, we are, told, thought it a virtue not to put any of the objects he plundered in his home (*nihil in aedibus nihil in hortis posuit, nihil in suburban; putavit, si Urbis ornamenta domum suam non contulisset, domum suam ornament urbi futuram*; *Verr*. 2.4.121).

[291] At *Verr*. 2.4.98.

the wide range of sites spared (*parcere*) by Marcellus, which spanned the gamut of property types.[292]

Two ruling-principles guide his plundering of moveable objects: his role as conqueror and consideration for victory (*ratio victoriae*) on the one hand, and his role as a good Roman and consideration for humanity (*ratio humanitatis*) on the other. As we recall from the discussion of the rights of victory above, the former entailed permissions to kill, destroy, and plunder. Contextually, we gather that the latter entailed refraining from the full extent of what was allowed to a conqueror. Therefore, though *victoria* and *humanitas* are presented here oppositionally in terms of syntax and rhetoric, logically they are not ends of a spectrum, with Marcellus's chosen behavior in the middle-ground. Nowhere do we get a negative picture of *humanitas* as overly nice and in need of tempering. *Humanitas* is, rather, a limiting mechanism that prevents the full expression of the rights of the conqueror. In sum, Marcellus is an exemplar of the humane general who spares buildings of all types (not just sacred) and uses moderation in taking spoils from a captured enemy city. His good code of conduct constitutes a balance between considering the interest of Rome and considering the interests of the defeated.

Of potential relevance here is a thought exercise involving *humanitas*, which Cicero discusses in *De Officiis*:[293] the exercise involves being at sea and having to choose between tossing overboard an expensive horse or a cheap slave. Cicero articulates that

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[292] Though Cicero does emphasize in short order that Marcellus did not violate nor touch a single god (*deum vero nullum violavit, nullum attigit, Verr*. 2.4.121). The dual construction here would seem to refer to Marcellus' decisions to refrain from both spoliating temples (*violare*) as well as plundering cult statues in specific (*attingere*)—both of which were offenses committed by Verres.
[293] *Off*. 3.89.

humanitas prevents the latter, while financial considerations prevent the former, and is ultimately unable to solve the dilemma. Though by modern standards of "humanity," this may seem to be a damning reflection of Roman *humanitas*, Høgel notes that this thought experiment problematizes the Stoic unity of the "the good" and "the useful," exemplifying issues and questions raised across Cicero's usage of the term *humanitas*: "the good" would be to save the slave and toss the horse, yet "the useful" would be to save the more valuable horse and toss the cheap slave. It is the slave's ambivalent identity as both man and property that creates the dilemma. If the man in the exercise were a free person, the thrower would be liable to criminal charges and, hence, "the good" and "the useful" would align in tossing the horse instead.[294] From this usage of *humanitas*—the last instance of the term in Cicero's writings[295]—we can understand that Cicero's exploration of conflicting ethical values is part of a larger philosophical question he explores throughout his corpora. The slave was legally property, yet ethically still subject to the *humanitas* ideal, just as we see expressed in this praise for Marcellus a tension between the legal permissibility of plunder and violence, on the one hand, and *humanitas* on the other.

To return to Marcellus' depiction in the *Verrines*, it is also notable that Marcellus' "humanity" not only entailed the preservation of the Syracusans' material culture, as

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[294] Høgel 2015, 43.

[295] Høgel 2015 suggests this passage may be evidence that Cicero moves further afield from the Stoic idea of the unity of good/useful over the course of his life. The *Verrines*, written early in his career, may well support the idea that Cicero was an initial endorser of the idea of Stoic unity, even if plagued by ethical tensions. In a way, his greater argument in the *Verrines* does seek to align the two, at least as regards *humanitas*: the political stakes Cicero constructs for Verres' mistreatment of the Sicilians and their cultural property makes "the good" (in this case: showing *humanitas*; not plundering; and sparing those under one's power) essential for ensuring Roman stability, i.e. "the useful."

represented by the buildings and treasured objects mentioned in this passage, but also intangible elements of their culture. In a passage in *oratio* 2.2, we are told that is was through Marcellus' actions that the Syracusans were able to preserve their festivals. This detail comes amidst a condemnation Cicero levels at Verres for abolishing the Marcellus festival in Syracuse, an act that renders him worse than Mithridates, who, though he was an "enemy" (*hostis*) both "savage" (*ferus*) and "terrible" (*immanis*), did not even stoop to abolishing the Scaevola festival when he overran Asia Minor: "you would not allow the Syracusans to bestow a festival day on the Marcelli, on whose account they were able to keep the rest of their festivals?" (*Tu Syracusanos unum diem festum Marcellis impertire noluisti, per quos illi adepti sunt ut ceteros dies festos agitare possent*).[296] Thus, part and parcel of Marcellus' commitment to not destroy Syracuse and to preserve its beauty, as we learn from the passage in *oratio* 2.4, seems to have entailed allowing the perseverance of Syracusan cultural practices like religious festivals, even if a new festival of thanks to Marcellus' family emerged alongside them.[297]

One last invocation of *humanitas* within the *Verrines* that I would like to discuss is paired with *religio* and similarly helps us understand these concepts' relation to exhibiting respect for cultural property and the preservation of heritage in Cicero's thinking. In this case, it is the *humanitas* of one of Verres' victims, Heius of Messana, which is in question. Towards the beginning of the large section of *oratio* 2.4 dedicated

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[296] *Verr.* 2.2.51.
[297] Cicero repeats that Marcellus allowed the Syracusans to keep their festivals at *Verr*. 2.4.151, the final chapter of book 4. He ends the speech by dwelling on how bad it was for Verres to have abolished the festival to Marcellus.

to Verres' abuses of Heius,[298] most notable of which is his theft of sacred and ancestral statues from Heius' family shrine, Cicero challenges the weak defense offered by Verres that Heius "sold" the statues to him. Incredulous, Cicero remarks, "It is incredible that a man like that, so wealthy, so noble, would put money before his *religio* and ancestral monuments" (*veri simile non est ut ille homo tam locuples, tam honestus, religioni suae monumentisque maiorum pecuniam anteponeret*).[299] The implication here is that one ought to value *monumenta maiorum* more than money. At the very least, Cicero calls into question the practice of selling ancestral monuments; at most, he implies a "pricelessness" to their value that transcends monetary worth. Further, by making *religio* and *monumenta* parallel, Cicero communicates that to betray one's ancestral monuments by selling them off for money is to also betray one's *religio*. Hence, one has a "duty" to preserve such monuments, and *religio* here functions as the principle according to which this is so. Lastly, Cicero's description of Heius as "wealthy" (*locuples*) and "noble" (*honestus*)—which lies behind the incredibility of Verres' claims—conveys the idea that this duty to preserve and protect the monuments of one's ancestors is one expected of elite men in particular. In other words, Heius belongs to a certain class of society that *ought* to value such objects more than financial profit by virtue of their *honestus* nature—and anyhow would not be forced to sacrifice this principle out of need, on account of their wealth. Thoroughly unconvinced, Cicero goes on to question Verres how much

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[298] *Verr*. 2.4.3-28.

[299] *Verr*. 2.4.11. Cicero often attacks the incredulous circumstances of these transactions as reported in Verres' records. Frazel explains that the "three essentials of sale" in Roman law necessary for rendering a transaction legally valid were 1) a "specified object," 2) a "definite purchase price," and 3) "mutual consent based on good faith about the first two." Consequently, "the good faith requirement rendered null and void any contract formed through *dolus malus*, wrongful deceit, or *metus*, duress;" Frazel, 2005, 336, n.12.

money could induce a man to do this, and in articulating this question frames selling of such statues as being "led away from humanity, duty, and principle" (*quanta pecunia fuerit quae potuerit Heium ab humanitate, a pietate, ab religione deducere*).[300] Here, *pietas* appears in conjunction with *religio* and *humanitas* as a third ethical force added to the list that prevents one from selling off ancestral monuments.

It is notable that Cicero evokes ideas of *humanitas* in these contexts urging Romans to respect the cultural values Greeks invest in various objects, sites, and practices, since at least one strand of discourse surrounding *humanitas* credited Greece with its origin.[301] Both this passage about Heius and the *exempla* of Marcellus and Scipio as noble Romans to be admired and imitated perform the work of associating certain treatment of cultural property – respecting divine statues and temples, not plundering highly valued sites and works of art, and allowing indigenous festivals to endure – with the conduct of noble Romans. Correspondingly, the failure to meet these standards is explicitly associated with negatively stigmatized "others," such as pirates and barbarians, but not Greeks.[302]

We have seen a number of expressions of this in the passages discussed thus far, such as the idea that a Roman need not keep oaths to pirates[303] or Cicero's casual comment in the *Verrines* that the Temple of Minerva in Syracuse looted by Verres looked more like it was attacked by "barbarian raiders" (*a barbaris praedonibus vexata*) than

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[300] *Verr.* 2.4.12.
[301] Cicero cites Greece generally as *humanitas*' provenance, while later Pliny the Younger pinpoints Athens as its origin; Cic. *Flacc.* 62; Plin. *Ep*. 8.24.2.
[302] That notions of *religio* and of *humanitas* were entangled and mutually reinforcing *religio* is suggested by Cicero at *De Legibus* 2.36, where he presents Attic mystery religions as the conduit that transported people from barbarism to *humanitas.*
[303] Cic. *Off.* 3.107.

"plundered by some enemy" (*direpta …ab hoste aliquot*).[304] Of course, the pointedness of the comparison is that Verres ought not to be acting like a barbarian *or* an enemy, yet even so that critique is rooted in the expectation that barbarians behave beyond the allowances of a civilized enemy in war. Perhaps the clearest illustration of the Ciceronian association between breaking the ethical principles surrounding plundering and barbarian identity comes in the episode of the Segestan Diana. Cicero relates that even after Verres intimidated the Segestans into authorizing the sacred statue's removal, no one (*neque liberum neque servum neque civem neque peregrinu*m) could be found who would dare to take the statue. Therefore, "some barbarians" (*barbari quidam*) had to brought in from Lilybaeum to undertake the work, who were "entirely ignorant of the affair and of religious principle (*ignari totius negotii ac religionis*).[305] In this episode, the reverence for this ancient and sacred statue is so deep that it transcends social dichotomies of citizen/alien resident and free/slave. Only a "barbarian" is so ignorant of religious scruple and distant from the cultural norms of the Segestans that taking down the statue is simply a job to them. Thus, *religio*, in this episode, is cast as a principle that transcends identitarian divides based on social status and citizenship within the Roman empire and differentiates these Roman social categories collectively from the barbarian other. Hence, one of the things that makes barbarians thus is their utter cultural distance: they do not share the same cultural values and mores. This episode, therefore, illustrates the way that the construction of various social identities intersected with the rules of behavior for interacting with cultural property.

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[304] *Verr*. 2.4.122.
[305] *Verr*. 2.4.77.

Passages such as these communicate the intersection of discussions about what it means to be a (good) Roman with ideas about the practice of plundering and proper rule of empire. In these episodes, *religio* and *humanitas* provide ideals that limit the extent of destruction and plunder in cases of conquest and encourage the sense of duty to preserve highly valued staples of culture (both tangible, e.g., *aedificia*, and intangible, e.g., *festa*) both for oneself, e.g., in protecting ancestral monuments, and also respecting what others view as important.[306]

A decade before the trial of Verres, in the *Pro Roscio Amerino*, Cicero had pled for the return of *humanitas* following the cruelty of the Civil War.[307] This is perhaps useful in understanding the Verrine comparison of Verres with Sulla,[308] who is the antithesis of the exemplary humane-general figures provided by Marcellus and Scipio. In *oratio* 2.3, Cicero makes a reference to Sulla, saying that "he was inclined to such audacity that he did not hesitate to say in a public address that, when he sold the possessions of Roman citizens, he was selling his loot" (*tantum animi habuit ad audaciam ut dicere in contione non dubitaret, bona civium Romanorum cum venderet, se praedam suam vendere*).[309] By connecting Sulla's wrongful plunder of citizens with the lack of *humanitas* Cicero perceived in his regime, we can begin to understand why Sulla might make an apt reference for Cicero's case against Verres. Becker may well be right in positing that Cicero blamed Sulla for causing a political upheaval that brought

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[306] E.g., *Verr*. 2.4.124.
[307] *Rosc. Am.* 153-4; Vasaly 2013, 152.
[308] Cicero identifies Verres as a supporter of Sulla (*Verr*. 2.1.37); alleges that he committed many crimes during "that time of Sullan proscription and pillage" (*illlud tempus Sullanarum proscription ac rapinarum*, *Verr*. 2.1.43); and likens Verres to Sulla, except without the state-granted authority (*Verr*. 2.3.81).
[309] *Verr*. 2.3.81.

unscrupulous men (such as Verres) into positions of power.[310] An equally important consideration is that Cicero's case against Verres builds on the concerns over wrongful plunder and abuse of power that were already under discussion Rome in the aftermath of the Civil War. The figure of Sulla, for all its *inhumanitas*, made an effective analog through which Cicero could channel repressed discontent among his elite audience, while also providing a visceral memory through which Roman might be able to understand the experiences of the Sicilians he relates.

In summary, the *Verrines* indicate a distinction in how a Roman ought to treat things such as temples, statues, and festivals, which we might consider "cultural property"—and which, as discussed in the introduction, constituted a fuzzy, yet perceptible category for Cicero—during contexts of peace versus contexts of war. To start, Cicero characterizes plundering as an activity that is permissible only in specific wartime contexts, and certainly not to be undertaken by a Roman official against provincials or fellow citizens. This inversion of the proper etiquette for war- and peace-time underlies Verres' other crimes (such as the assaults committed against people) and is at the crux of Verres' criminality, as it is presented by Cicero. Furthermore, even for the context of war, we see a range of limiting principles constructed through Cicero's *exempla*: those who surrender should not be sacked and plundered; one should not violate sacred spaces or loot sacred items; it befits Rome not to plunder or destroy objects and buildings of particular importance to the defeated; and, lastly, one should not plunder *everything*. Notably, the "right" to plunder and violate was not so absolute in Roman

[310] Becker 1996, especially chapter one.

discourse as it might first appear. Rather, what we see at play in Cicero's speech is an ethical tension between conflicting sets of principles—on the one hand, the legal justifications constructed to account for imperial expansion but, on the other, moral and humanistic considerations about what befits a noble Roman's behavior. A core aspect of these Republican legal permissions to plunder that has been largely overlooked by scholars is that they are often evoked as unactualized rights, bearing positively on the Roman who chooses to abstain from them. Much like with *patria potestas*, the Romans recognized that when it came to cultural destruction and violence the full extent of the law was not always apt to pursue.

Therefore, when we look for a moral in the *Verrines*, as regards the treatment of cultural property, we should not come away with the idea that plundering was an approved Roman practice, with the sole caveat that the plunder must subsequently be put to public use. As I hope to have shown in this section, this conclusion is reductive and misleading for several reasons. Plundering—and the larger issue of cultural destruction—was a behavior that was carefully demarcated and subject to a complex matrix of constructed rules, in part because of its association with negatively stigmatized others. Attention to these rules and the way in which they are constructed makes it clear that there was as much concern in Roman thought for how plunder was *taken* and whether in fact it *should be* as for the question of how plunder ought to be *used*.

2.3 Cicero's Culturally-Relative Approach to Assessing Plunder and Violation

The last section was largely concerned with what we can learn from the *Verrines* about the rules for how the treasures of another culture may or may not be treated

according to specific contexts. This section examines more closely the way that value is constructed around these treasured objects, sites, and practices: what types of meaning do they embody, and for whom? Much of this meaning-making reflects real or imagined values that Cicero attributes to the Sicilians, on whose behalf he undertook the prosecution of Verres. Therefore, the perceived cultural differences between Cicero's Roman readership and the trial jury, on the one hand, and the Greek Sicilians, on the other, come to the fore. Employing a universalizing perspective—which we saw contributing to the concepts of *religio* and *humanitas* in the last section—Cicero constructs for his audience a worldview in which heritage valuation is culturally constructed and invites them to think relatively in order to empathize with an emic Sicilian perspective. By doing so, Cicero is able to supersede perceived cultural differences and advocate for Rome to be considerate and respectful of the cultural property its provincials value.

In writing the *In Verrem*, Cicero undertook the job of bridging the cultural gap between the world of his Roman audience (the senatorial jurors of the *actio prima*, and the wider educated elite readership of the *actio secunda*) and that of the Sicilian communities victimized by Verres At times, he provides an *interpretatio romana*[311] or analogy to render particular cultural valuations of Sicilian communities intelligible for Romans; at times, he argues away their cultural distance altogether by integrating the mistreatment of Sicilian cultural property into larger contexts in which Rome is more clearly implicated.

[311] For discussion and reassessment of this concept, see Ando 2005.

There are a number of internal references to cultural difference within the speech. One example can be found in the middle of his narration of Verres' theft of several statues from Heius of Messana, where Cicero imagines an interlocutor who challenges this crime's magnitude: "'Well,' someone may say, but do you yourself set any high value upon such things?' I reply that, from my own point of view, and for my own purposes, I do not. But what you, I think, have to consider is what such things are worth in the opinion of those who do care for them" (*Dicet aliquis: 'Quid? Tu ista permagno aestimas?' Ego vero ad meam rationem usumque mecum non aestimo; verum tamen a vobis ita arbitror spectari oportere, quanti haec eorum iudicio qui studiosi sunt harum rerum aestimentur*…).[312] In this way, Cicero explicitly acknowledges the relativity of the construction of cultural value and argues for assessing the thefts of these objects from an emic perspective.

Cicero elaborates on this sentiment towards the end of *oratio* 2.4: after describing many episodes of plunder and temple violation, he characterizes the Sicilians (i.e., men of Greek culture) as caring more about art than Romans.

> Well now, do you think that they have been visited with an ordinary distress? Not so, judges. First of all, they are all persuaded by religion and believe that the ancestral gods received from their forefathers ought to be diligently worshipped and safeguarded by themselves. Furthermore, this ornamentation, these artworks and handicrafts, statues and paintings—such works overly delight Greek people. Therefore, we can understand from their complaints that these matters, which perhaps seem to us trivial and inconsequential, to them seem most severe…the Greeks are suffering and have suffered nothing more gravely than this sort of plundering of shrines and towns.
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> *Quid tum? Mediocrine tandem dolore eos affectos esse arbitramini? Non ita est, iudices; primum quod omnes religione moventur, et deos patrios quos a maioribus acceperunt colendos sibi diligenter et retinendos esse arbitrantur; deinde hic ornatus, haec opera atque artificia, signa, tabulae pictae, Graecos homines nimio opera delectant. Itaque ex*

[312] *Verr*. 2.4.13.

> *illorum querimoniis intellegere possumus haec illis acerbissima videri quae forsitan nobis levia et contemnenda esse videantur. …nullas Graeci homines gravius ferunt ac tulerunt quam huiusce modi spoliationes fanorum atque oppidorum*.[313]

Cicero provides three reasons why the incidents of theft and destruction related in *oratio* 2.4 constituted truly awful experiences for the Sicilian communities who suffered them. First, they are, the whole lot of them (*omnes*), inclined toward religious principle.[314] This makes it all the worse that many of the items with which Verres absconded were consecrated, integral to sacred rites, or otherwise linked to religious practice. Cicero's use of the third person here separates himself and his audience from the implied subjects of the sentence, creating an out-group, while *omnes* indicates a generalization; the passage, thus, performs an ethnographic function of describing an other for the benefit of the audience's understanding. The second reason Cicero lists is more a gloss on the first: he relates that "they" believe their ancestral gods must be diligently worshipped and preserved. This point is related to, but not the same as, the first. The Latin term *religio* held a wider meaning than our English cognate "religion,"[315] as we see, for example, in Ciceronian constructions like *contra omnes divinas atque humanas religiones* ("against all divine and human principles").[316] While most commonly applied to the gods (i.e.,

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[313] *Verr*. 2.4.132.

[314] It is unclear whether the reference to Greek religiosity here is intended by Cicero to ennoble them or to bear negative connotations, however, Cicero elsewhere implies that at least some among his audience might feel such religious scruple was anachronistic: at *Verr*. 2.4.10, Cicero imagines an interlocutor who tells him not to hold Verres to outdated standards: *noli eius facta ad antiquae religionis rationem exquirere*, "Do not scrutinize his deeds with regard to ancient principle."

[315] On the semantic range of the Latin term *religio* and Cicero's use of it as a code of discipline, see Barton and Boyarin 2016. Scheid 2015 has brought attention to the broader, yet related issue of Christian-centric assumptions about "religion" leading to misunderstandings and delegitimization of ancient Roman religious practices.

[316] *Verr*. 2.5.34. We also see *religio* as the principle ruling over the treatment of objects we would not typically consider sacred, such as at *Verr*. 2.4.46-7, which describes the ancient and excellently-crafted

religio deorum), *religio* on its own may simply have conveyed something akin to "established principle." Here, Cicero glosses his statement that *religio* is important to "them" with the more specific information about their diligence in worshipping their gods. The "gods" here, of course, refers to the physical statues which embodied the divine essence of their deities, statues which, quite literally, were handed down (à la *accipio*) through the generations (*a maioribus*) and in need of preserving (*retinendus*). In this way, we can understand that the value of these objects lies not only in their importance to cultic practice, but also in their nature as heirlooms, whose use united their contemporary worshippers with generations of forebears through iterative practice. The third reason Cicero provides pertains to the relative value placed on art by the Sicilians, compared to the Roman in-group constructed by the passage. Cicero tells us that Greek people (*Graeci homines*) delight too much (*nimio*) in ornamentation (*ornatus*), art works (*opera artifica*), statues (*signa*), and paintings (*tabulae pictae*). The use of *nimio* here conveys a clear cultural judgment that the extent of pleasure *Graeci homines* take in these types of things is inappropriate, with the implicit Roman viewpoint of Cicero and his audience serving as the measure of appropriate moderation. And we even hear that because the Greeks love their possessions (*res*) so much, the Roman *maiores* had something of an imperial policy of allowing peoples newly-incorporated in the empire to maintain their cultural property![317]

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goods in the households across Sicily that were maintained according to *religio* before Verres came along and stole them.

[317] *Verr*. 2.4.134: "Indeed it is remarkable the extent to which Greeks delight in these things we consider negligible. Because of this, our ancestors readily allowed them to keep as much of these things as possible: in the case of our allies, so that our empire might be as beautiful and flourishing as possible; in the case of those made subjects and tributaries, they nevertheless left them such things, so that they, for whom such

Whether or not Cicero accurately renders Sicilian values is less important than his argument that Romans take them into account. That is to say, the stakes are the same whether the viewpoints and values Cicero attributes to the Sicilians in these episodes are actually Sicilian values or whether they are only Roman ideas about Sicilian/Greek values. What is notable is that Cicero's strategy in making his case assumes a world in which different peoples invest cultural value and meaning in different objects, places, and practices and expect those objects, places, and practices to be treated deferentially, accordingly.

To be sure, through comments such as these, Cicero communicates some of the cultural bias against Greeks his audience undoubtedly shared. In particular, we can discern elements of Roman discourse that associated Greek culture with *luxuria* and its consequent decline in Roman morality and discipline.[318] Instead of following this train of thought and denigrating Greeks for their aberrant inclinations and behavior (by Roman standards), however, Cicero seeks to fill this cultural gap with understanding, inviting his Roman audience to look beyond their own perspective to consider Verres' crimes from the viewpoint of his victims.[319] From Cicero's choice of diction and framing in the passage above, for example, we can infer new characterizations to Verres' crimes: he

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things as we consider trivial are pleasing, would have them as amusement and consolation in their state of subjection;" *Etenim mirandum in modum Graeci rebus istis quas nos contemnimus delectantur. Itaque maiores nostri facile patienbantur haec esse apud illos quam plurima: apud socios, ut imperio nostro quam ornatissimi florentissimique essent; apud eos autem quos vectigales aut stipendiarios fecerant tamen haec relinquebant, ut illi, quibus haec iucunda sunt quae nobis levia videntur, haberent haec oblectamenta et solacia servitutis.*

[318] Consider, though, the likely fact that Cicero expects his audience to empathize with this supposedly "Greek" love for artistic and decorative stuff, since he has already accused them of being under Verres' sway as customers in his art-dealing business (*Verr.* 1.40-1).

[319] Cf. Polybius' objection to plundering, especially total plundering, rooted in the fear of tainting Roman culture with Greek *luxuria* (Polyb. 9.10).

disrupted Sicilian *religio*, by preventing their cult practices, and he took from them items they found particularly precious, both as ancestral heirlooms and artistic treasures. Through Cicero's careful explanation of why these thefts caused so much *dolor*, we understand that the stolen objects were imbued with sacred, ancestral, and artistic value and performed important roles in their communities' cultic, historical, and civic landscapes—an understanding otherwise lost upon Cicero's Roman audience. Via this new perspective, the Roman in-group can now understand (*intellegere possumus*) that seeming trifles (both the stolen objects themselves and the fact of their theft) are actually quite grave.[320] Through such contextualization, then, Verres' thefts become more than simply the improper transfer of property; they become affronts to Sicilian culture. Instead of describing the thefts by what Verres thereby wrongfully gained, indicating the monetary value for which he was currently subject to a *repetundae* charge, Cicero instead focalizes them through the viewpoint of the victims, characterizing them according to what was lost by their original owners. Thus, rather than deny the cultural difference between his subjects and audience of his *orationes*, Cicero takes pains to narrate the episodes of destruction he relates in such a way as to be intelligible to his audience and, in so doing, provides a platform for thinking about the value of cultural objects, sites, and traditions relatively.

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[320] In Zangari's analysis of *Verr*. 4.132, he notes that the terms *levis* and *gravis* can have the meanings of "individual" and "communal;" Zangari 2005, 77-79. If we can extend this here, then, in addition to signifying "minor" and "serious," Cicero might be getting at the cultural value of these items when he challenges the viewpoint that they were only *levia*: his description of them illustrates the way in which they factored into Sicilian culture— into the religious and civic life of their communities; thus, we can understand that they were not just private possessions whose theft impacted only their owners, but cultural objects of communal value and importance.

As we have begun to see, Cicero's accounts of Verres' many plunders and violations of sacred sites and traditions are more than a catalog of thefts.[321] He contextualizes the subject of each crime with ample description, which enables his audience to more thoroughly understand the role that the stolen object, damaged site, or violated tradition played within its owner's or community's culture. He similarly creates vivid portraits of the grief caused by its loss or destruction. We have seen the way Cicero does this in his description, analyzed above, of the crimes of Verres. By way of further illustration, let us look at the way Cicero narrates a specific criminal episode, the abolition of the Marcellus Festival at Syracuse. We hear that the festival's abolition causes the greatest grief and lamentation for the city (*maximo gemitu luctuque civitatis*),[322] indicating, generally, its preciousness to the community. Cicero goes on to explain the festival's creation on account of Syracuse's political indebtedness to Marcus Marcellus, who was clement toward Syracusan cultural property and sites (e.g., preserving their bouleuterion) after conquering the city, and out of patronage ties with the Marcellus family.[323] Next, Cicero provides a comparison of Verres' situation with that of Mithridates in Asia, who, we are told, did not abolish the Scaevola Festival there, though he was not only a *hostis*, but also savage (*ferus*) and monstrous (*immanis*); "nevertheless, he did not wish to violate that honor to this man, consecrated according to the rites of the gods" (*tamen honorem hominis deorum religione consecratum violare noluit*).[324] Though

[321] Contrary to Frazel's baffling claim that Cicero employs a "spare manner," "describ[ing] the objects that Verres carried off only enough for them to be identified": Frazel 2005, 368.
[322] *Verr*. 2.2.51.
[323] *Verr*. 2.2.50-51.
[324] *Verr*. 2.2.51.

this description modifies the Scaevola festival, spared by Mithridates, we understand, via the comparison, its pertinence to the Marcellus festival in Syracuse. Lastly, Cicero pinpoints the acute irony of Verres' abolition of the festival, since the Syracusans owed to the clemency of the Marcelli their ability to maintain all their other festivals:[325] the Syracusan festival to the man who refused to abolish Syracusan festivals was, itself, abolished. Thus, the suppressed celebration held political meaning and religious value, in addition to performing an obvious memorial function. Since it is a particularly Roman-facing tradition, Cicero can capitalize on its political symbolism in appealing to the sympathies of its audience: not only did Verres undo Marcellus' gift of clemency to the Syracusans by suppressing their festival and destroy an effective monument to a past Roman; he also destroyed an ongoing socio-political link between Syracuse and the Roman elite, since the contemporary Marcelli were equally honored by the tradition. Further, Cicero's comparison to Mithridates casts cultural aspersions on Verres, a man whose conduct was worse than that of an uncivilized enemy. Through these types of description, Cicero builds the value of the harmed conduit of culture and contextualizes the severity of the crime. This context aids the Roman juror or reader's ability to comprehend the importance of the object, site, or place violated by Verres and, hence, to assess the degree of his guilt.

Another way in which Cicero enables his Roman audience to think through the crimes he narrates is by appealing to analogs. We see this illustrated in a passage in

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[325] *Verr*. 2.2.51: "Would you not allow the Syracusans to bestow a festival day on the Marcelli, on whose account they were able to keep the rest of their festivals?;" *Tu Syracusanos unum diem festum Mercellis impertire noluisti, per quos illi adepti sunt ut ceteros dies festos agitare possent*?

oratio 2.4. Cicero poses the rhetorical question: "What [price] do you think the people of Regium, now Roman citizens, would want for that marble statue of Venus to be taken from them?" (*quid arbitramini Reginos, qui iam cives Romani sunt, merere velle ut ab iis marmorea Venus illa auferatur*?).[326] The pointedness of the question lies in the implicit idea that nothing in the world could induce the Regians to sell their famous (*illa*) Venus. At the same time, Cicero's attention to the citizen status of Regium calls attention to the fact that not only Greeks, but Romans too, hold dear certain statues and works of art. Cicero continues on to provide a list of other cities and their precious works of art, which, by context, we can deduce they would not easily part with. This includes a statue of Europa on the bull and a statue of a satyr in the temple of Vesta at Tarentum; a statue of Cupid at Thespiae, on the sole account of which people visit Thespiae (*propterea quod unum visuntur Thespiae*); the marble Venus at Cnidus; the painted Venus at Cos; the Alexander at Ephesus; the Ajax or Medea at Cyzicus; the Ialysus at Rhodes; and at Athens, their marble Iacchus, painted Paralus, and bronze cow by Myron.[327] This survey of artworks "worth seeing" (*visenda sint*) from specific cities makes the point that these places would not part with their precious pieces any less than the Sicilians theirs. Each object is of the highest value, relative to its own community's perspective. Such a list creates a web of perhaps more relatable (hypothetical) outrages for Cicero's Roman senatorial audience to imagine in order to understand the magnitude of Verres'

[326] *Verr.* 2.4.135.
[327] On the identification of some of these works of art, see Kelsall (1812) 2010, 155 n. 75.

misconduct against the cultural property of various Sicilian communities.[328] On this point, Cicero is rather explicit, ending the chapter with the following explanation: "In truth I have related these matters for this reason: I wish you to consider that those whose cities were robbed of these things endured an extraordinary degree of pain," (*verum illud est quam ob rem haec commemorem, quod existimare hoc vos volo, mirum quondam dolorem accipere eos ex quorum urbibus haec auferantur*).[329] In short, every city has its own treasures, and the readers of 2.4 need only imagine the loss of their own to understand the grief the Sicilians.

Alongside his use of analogs, Cicero also appeals to shared tradition as a means of providing perspective in his narratives of plunder and violation. He tells us, for example, that "there is a shrine of Ceres at Catina with the same sanctity as at Rome, as in other places, as in nearly the whole world" (*sacrarium Cereri est apud Catinenses eadem religione qua Romae, qua in ceteris locis, qua prope in toto orbe terrarium*).[330] In such an articulation, the goddess Ceres is worshipped almost world-wide. While it is logical to suppose that most peoples worship some sort of harvest deity, Cicero's assertion of a near-universal cult of Ceres here constitutes something of an *interpretatio romana*, equating other religious practices to an understandable Roman one. By such rhetoric,

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[328] It is also worth noting that this list of famous works of art belies any claims Cicero might make to ignorance when it comes art. Though he can gesture toward his investigative role as prosecutor to explain his artistic knowledge, the expectation of this rhetorical question is that at least one of these listed works of art will strike a familiar cord with his Roman audience. Hence, this rhetorical ploy speaks to a shared awareness of artistic landmarks, contra Frazel 2005, 371-373 and Zangari 2005, 39-85, who argue that knowledge about artistic matters was perceived as shameful among senatorial elite.
[329] *Verr.* 2.4.135. Frazel notes that "*invito domino*," i.e., "the owner's will not to be parted from a specific *res*," was a common element of the prosecution in a *furtum* (theft) case, a civic charge, which he sees as heavily influencing the way Cicero's undertakes this *repetundae* prosecution; Frazel 2005, 365, n. 6.
[330] *Verr.* 2.4.99.

Cicero's audience is invited to think about the sacredness of their own local shrine to Ceres, or, for that matter, whatever shrine to Ceres they find most sacred and inviolable. With such equalizing language, Cicero evokes the sense of a common, shared culture, bringing his audience in as stakeholders in the well-being of the Catina shrine. He makes a similar appeal when discussing the temple of Ceres at Henna, a little further in the *oratio*, calling the cult of Ceres a cult in common to all peoples (*in communi omnium gentium religione)* and describing the adoption of Ceres' rites by Roman ancestors.[331] These articulations seek to bridge the cultural distance between the Sicilians and Romans by emphasizing the shared traditions put under threat by Verres' actions.[332]

Throughout the *Verrines*, we are invited to consider the discrepant valuations of individual objects, according to who is considering them. We have already discussed above how valuable divine images were said to be to Sicilians on account of religious, ancestral, and artistic reasons.[333] A similar contextualization of value is applied to objects less obviously sacred. After introducing Verres' *canes* (literally, "hounds"), henchmen who search out potential loot, Cicero gives us a look into the impact of their plunders on domestic life.

> If any large vessel or great artistic work was found, they carried it off gleefully; if they were able to hunt out anything less than this sort of thing, to be sure these would be seized as small game—dishes, bowls, censers. Can you imagine what weeping of women, what lamentations were accustomed to be made over these things? Such things perhaps to you seem small, but they stir up great and bitter distress, especially for the women, since snatched from their hands were those things that they were accustomed to use in sacred rites, that they inherited from their kin, that had always been in their family.

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[331] *Verr*. 2.4.115.
[332] von Albrecht 2003 (210-211) takes this further, remarking that by calling Ceres and Libera gods of all people, Cicero depicts Verres, a violator of their rites, as enemy of the human race.
[333] *Verr*. 2.4.132.

> *Si quod erat grande vas et maius opus inventum, laeti afferebant; si minus eius modi quidpiam venari potuerant, illa quidem certe pro lepusculis capiebantur, patellae, paterae, turibula. Hic quos putatis fletus mulierum, quas lamentationes fieri solitas esse in hisce rebus? Quae forsitan vobis parvae esse videantur, sed magnum et acerbum dolorem commovent, mulierculis praesertim, cum eripiuntur e manibus ea quibus ad res divinas uti consuerunt, quae a suis acceperunt, quae in familia semper fuerunt*.[334]

In this account, we are given something of a hierarchy of value alleged from the perspective of Verres and his accomplices in plunder: they prioritize size and greatness, (presumably statues and monuments), then small things (literally here: "small game," "little hares"), glossed as things such as dishes. But these things are only small from the plunderers' perspective, which privileges grand aesthetics and high monetary value. Cicero here contextualizes the way that these "small" objects in fact bear great meaning and value to their owners. In particular, the passage expresses the relatively high value of these items like bowls and censers from the perspective of Sicilian women, due to their particular social location and the objects' role in domestic life. They have a similar importance to divine ritual (*res divinas*) and cultural and familial tradition (having been *in familia semper*) as the *signa* that Sicilians received from their ancestors,[335] yet these everyday items have especial value for the women who use them in their daily routines. Thus, the passage illustrates Cicero's awareness of the fact that different things are special to different people,[336] universalizing the idea of heritage valuation (even if what is valued differs according to societal context). This is one of the places where Cicero invites us to consider the value of a given object to the original owner(s) or stakeholder(s), when evaluating its theft. The loss of something that, to one man, might

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[334] *Verr*. 2.4.47.
[335] *Verr*. 2.4.132.
[336] Of relevance here is Lazzeretti's observation that "[i]n the Roman world, culture, art, religion, politics were inseparable and constituted different features of the same reality;" Lazzeretti 2015, 100.

seem small, might, to another man (or woman, as the case may be), be the source of great grief.

The type of relative thinking about the value of objects, sites, and practices that Cicero employs in his speeches reveals the way in which a single statue, for example, was understood to bear multiple, simultaneous meanings. At a number of points throughout the *Verrines*, particularly in *oratio* 2.4, Cicero expounds upon multiple abstract "things" lost by a particular community or individual when a single object was stolen from them. An actual episode of theft of a monument of Scipio exemplifies this.[337] Verres plunders a temple of Magna Mater near Engyion, stealing a number of dedications made by Scipio Africanus, including breastplates (*loricas*), helmets (*galeas*), and vases (*hydrias*). Cicero writes that "he left nothing behind in that holy sanctuary save the traces of this sacrilegious outrage and the name of Scipio *(omnia illa, iudices, abstulit, nihil in religiosissimo fano praeter vestigia violatae religionis nomenque P. Scipionis reliquit*), meaning that while the dedications themselves were gone inscriptions indicating that Scipio dedicated them remained. Cicero goes on to call these objects "spoils of our enemies, monuments of our generals, and decorative ornaments of shrines" (*hostium spolia, monumenta imperatorum, decora atque ornamenta fanorum*), indicating the multiple available ways of identifying and thinking about them, dependent upon their prior usage and means of acquisition, the way in which they got to the temple, and their function as dedications. He laments that "hereafter, having lost these distinguished titles, they will be named as part of the furniture and household goods of Gaius Verres"

[337] Recounted at *Verr*. 2.4.97.

(posthac his praeclaris nominibus amissis in instrumento atque in supellectile C. Verris nominabuntur).[338] Hence, it is their specific context--of being objects that had been taken from the enemy during war and subsequently dedicated in the temple of Magna Mater by Scipio—that actualizes their memorial function as symbols of both Scipio's religious piety and military prowess and Rome's political might. By removing them from this context, Verres has undone the social and political work they perform, removing them from the sight of future visitors to the temple and, most importantly, from the inscriptions which conveyed the contextual information necessary to constructing those meanings. In their new context, they are mere *supellex*.[339]

Cicero is even more explicit about how an object's multiple meanings make its theft constitute multiple crimes in an episode about the statue of Mercury at Tyndaris. In this case, Verres is first rebuffed by Sopater in his attempts to procure the statue of Mercury, a leading man of the city. After Sopater consults the local senate about this affair, gaining their support in his refusal of Verres, Verres has him stripped and mounted on a bronze equestrian statue of Gaius Marcellus, left to die of exposure.[340] It is under this duress that the local senate of Tyndaris acquiesces to Verres' demand for the

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[338] *Verr*. 2.4.97. Cf. Cato *Orationes* Frg. 98 (Prisc. *GL* 2.367k), discussed in Section 2.2 above. This is an instance where we see Cicero channeling Cato's disapproval of sacred plunder used as *supellex.*

[339] Another incident of plunder of Scipionic dedications prompts Cicero to recall their religious and political value and to equate the missing statue itself with the glory of Scipio, the memory of his virtue, and the monument of his victory: *Quo quidem scelere suscepto cum inanis esset basis et in ea P. Africani nomen incisum, res indigna atque intoleranda videbatur omnibus, non solum religiones esse violatas, verum etiam P. Africani, viri fortissimo, rerum gestarum gloriam, memoriam virtutis, monumenta victoriae C Verrem sustulisse*; "Indeed, this outrage having been done, when the pedestal stood empty, the name of Africanus engraved upon it, this thing seemed shameful and intolerable to all: namely, that not only were religious principles violated, but truly that Gaius Verres had moreover taken away from the glory of glory of the deeds, the memory of the excellence, the monuments of the victory of Africanus, a most honorable man," *Verr*. 2.4.78. These abstractions are embodied by the statue itself, even if the inscription is the conduit for constructing these meanings.

[340] *Verr*. 2.4.85-6.

Mercury statue.[341] Cicero exclaims that the statue's theft entailed so many crimes at once, and his ensuing list gives an indication of the types of meanings the statue held.

> This matter concerning the Mercury of Tyndaris may seem to be a single crime and to be described by me as such; they are [in fact] many, but I do not know in what way I shall be able to distinguish and separate them. It is the seizure of money, since he took a statue of great financial value from allies; it is embezzlement, since he did not hesitate to carry off a public statue of the Roman people, taken from the plunder of enemies and set up under the name of our general; it is treason, since he dared to topple and carry away a memorial of our power, of our glory, of our accomplishments; it is impiety, since he violated the greatest sacred principles; it is cruelty, since he contrived a new and singular kind of torment for an innocent man, your ally and friend.
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> *Unum hoc crimen videtur esse et a me pro uno ponitur, de Mercurio Tyndaritano; plura sunt, sed ea quo pacto distinguere ac separare possim nescio. Est pecuniarum captarum, quod signum ab sociis pecuniae magnae sustulit; est peculatus, quod publicum populi Romani signum de praeda hostium captam, positum imperatoris nostri nomine, non dubitavit auferre; est maiestatis, quod imperii nostri, gloriae, rerum gestarum monumenta evertere atque asportare ausus est; est sceleris, quod religiones maximas violavit; est crudelitatis, quod in innocentem hominem, in socium vestrum atque amicum, novum et singulare supplici genus excogitavit*.[342]

Cicero here parses out the plural wrongs of this one episode of statue theft. The various labels for his *crimen* (*pecuniarum captaram; peculatus; maiestas; scelus; crudelitas*) indicate the range of charges that could be brought against Verres,[343] from financial to political to moral, yet it is Cicero's glosses on these charges which get at the nature of each wrong. Verres has wrongfully taken property from an ally; he has wrongfully taken property from the imperial public;[344] he has committed a treasonous act against Rome by removing a symbol of Roman power; he has violated especially sacred rites; and he has tortured an ally and friend of Rome, for daring to prevent his crime. While the last charge is extraneous to, if motivated by, the statue's illicit removal, the first four depict the

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[341] *Verr*. 2.4.87.
[342] *Verr*. 2.4.88.
[343] For commentary on these charges, see Baldo 2004, 440-442.
[344] The description of the Mercury as a "public statue of the Roman people" (*publicum populi Romani signum*) blends the reality that the public who most encountered it was the community at Tyndaris with the abstract understanding that the statue symbolized Rome and her empire.

statue of Mercury as important to the Sicilians, important to the Roman people, important to the Roman government, and important to religion. Interestingly, though it is a statue of a god, only one of its important contexts invoked here is religious in nature, indicating that types of concerns surrounding cultural property extended far beyond issues of religious piety. Entangled in these charges are implicit rules about the treatment of provincials by Roman magistrates, the treatment of public property by individuals, the treatment of Roman monuments, and the treatment of sacred property and rites—rules that have been broken by Verres' actions. Furthermore, the web of stakeholders evoked (the community of Tyndaris; the public constituted by the *populus Romanus*; Rome herself; and anyone who shares in the cult of Mercury or respect for divine images) indicates the complex and overlapping claims that could be made in a single object. In the case of such monuments, any legal understanding of ownership becomes fraught,[345] just as the theft itself has so much more impact than simply the loss of a financial value.[346]

A couple of aspects of Cicero's rhetorical presentation are worth dwelling on. First, Cicero acknowledges that value does not lie only in intrinsic materiality, as for example the high monetary value of a gold cup, but also in the meanings an object (or site, or practice) bears for its stakeholders—that is, for the individual or community who

[345] In that the statue is said here to have been stolen from both the allies and from Rome.

[346] A similarly explicit, but more concise example pertains to the statue of Apollo by Myron, plundered from the temple of Aesclepius at Agrigentum. This was yet another "memorial of Scipio," meaning that he had either repatriated the statue to the Acragantines, after its original theft by the Carthaginians, or else simply acquired it as loot and dedicated it to Aesclepius. Cicero relates that "the community was grievously distressed: they felt the loss of so many things at once—Scipio's benefaction, their own religious peace of mind, their city's art treasure, the record of our victory, the evidence for their alliance with Rome" (*vehementer commota civitas est. Uno enim tempore Agrigentini beneficium Africani, religionem domesticam, ornamentum urbis, indicium victoriae, testimoniam societatis requirebant*, *Verr*. 2.4.93). Like the examples already explored, this statue performed social, religious, aesthetic, and political roles in the culture of Agrigentum as well as that of Rome. Such descriptions evidence Cicero's awareness of the way in which a single object can bear multiple meanings and valuations simultaneously.

cares about it. In many cases, a single object will have multiple, possibly overlapping, stakeholding groups that each value it in its own way. A much weightier advocacy is therefore occurring than simply Cicero advocating for the province of Sicily to recover a sum of money extorted by a Roman official. Rather, because of Cicero's universalizing framework for his argument—namely that he constructs the process of cultural valuation as a relative phenomenon that thereby renders Sicilian values intelligible by analogy to Roman ones—Cicero's advocacy can be understood to extend, at least in theory, to the rights of all provincials to have their cultural property respected by the Roman state.

Secondly, as Cicero's presents it, it is not that "*they* do not know that *x* is unimportant, as *we* intelligent Romans do"—which assumes the absolute objectivity of Roman valuation. Instead, what Cicero says is that *x* is important to them but not important to us; the implicit corollary is that any number of things is likely to be important to Romans that the Sicilians, in turn, may find trivial. This utilization of relativity allows for similarity in the face of difference, in that both Romans and Sicilians partake in this process of ascribing cultural value to certain things.[347] Moreover, Cicero's direct exhortation to his fellow Romans to consider what value *the Sicilians* place in the plundered goods, as well as his statement that the Roman *maiores* had a policy of allowing conquered people to keep this stuff since they cared for it so much, create a sense of Roman cultural responsibility to those within its *imperium*.

[347] We might understand this by analogy to the way polytheistic cult practice was conceptualized by Romans: the Assorians of Sicily may worship Chrysas, the god of their local river, while Romans may worship Quirinus, a divine personification of their founder and first king; however, both Sicilians and Romans share in their respect for *religio*.

2.4 Politicizing Verres' Destruction of Sicilian Cultural Property

Cicero constructs multiple political stakes for the trial and, hence, for Verres' crimes against Sicilian cultural property. These include stakes for individual elites, the entire senatorial order, and the whole Roman empire. Although such rhetoric was not unique, the circumstances of Verres' trial and Cicero's choice to emphasize episodes of plundering and temple violation resulted in bringing the topic of the treatment of others' cultural property into political discourse.

Early in the *actio prima*, Cicero writes: "I believe that no man exists who has heard the name of that man and cannot also recount his abominable deeds." (*hominem esse arbitror neminem, qui nomen istius audierit, quin facta quoque eius nefaria commemorare possit*).[348] This is the first instance of what becomes a constant refrain of Cicero's rhetorical approach, i.e., allusions to what everyone thinks, feels, or has heard—sometimes everyone generally, and sometimes everyone in a geographical location, be it the city of Rome, a province, or region.[349] Implicit in dwelling on the fact that people care, that everyone thinks *x*, is the idea that what people *en masse* think and feel has an impact for the present stakeholders. In this case, Cicero's many appeals to what "everyone has heard" about Verres and his crimes is meant to add pressure to his audience's judgment process as they evaluate the case.[350] It is not a peer-pressure, per se, as the proverbial "they" evokes a more popular voice than merely that of the senatorial

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[348] *Verr.* 1.15.

[349] A similar expression of incredulity that anyone exists who has not heard of the matter at hand occurs at *Verr*. 2.4.55; here, Cicero rhetorically poses the question "who has not heard of this [workshop]?!" in reference to the *officina* that Verres has established to rework stolen silver embossments onto golden cups and sell them as new. May 1988 (46) discusses the theme of the court of humanity in the *Verrines*.

[350] Cf. Gildenhard's note that the "scitis" in a statement about what "you all know" (*Verr.* 2.1.53) was an oratorical trope meant to flatter the audience; Gildenhard 2011b, 57.

jurors. Rather, the appeal to mass opinion, hearsay, and reputation at the same time reinforces the authority of what Cicero conveys (after all, everyone knows it), while also threatening the senators with their own judgment by the masses. Such rhetoric creates an imagined audience, to whose scrutiny not only Verres has been subject, but also the senatorial jurors of the extortion court as they pass judgment on Verres' crimes.

This is all the more clear a little further in the speech, when Cicero calls Verres "that man already condemned by universal opinion" (*istum…iam omnium iudicio condemnatum*).[351] In such phrasing, Cicero employs an imagined "everyman's" judgement as a measuring stick separate from what is technically and legally wrong in Verres' behavior. His repetition of such sentiments throughout the prosecution creates the impression of a code of behavior that supersedes law; regardless of the specific legal charges that can be made against Verres in the extortion court, the court of public opinion has already declared its verdict, which does not seem able to be changed. If we extend the supposition that there was, implicit to Cicero's rhetoric, a separate, informal evaluation system according to which Verres had been found wanting, then there was also a separate code of conduct than simply the available legal charges according to Roman law. This is consistent with the tension we see between legal permissibility and ethical restraint in Cicero's reflections on wartime plundering. Thus, what Cicero gets at in his attack on Verres, is a social code, entangled with reputation, at play, at least, for the constituents of his own senatorial *omnia*. Their reputation, Cicero suggests, is what is at stake for his senatorial jurors, in their judgment of Verres. Cicero goes on to situate the senatorial

[351] *Verr*. 1.34. A repetition of sentiments expressed at the speech's opening: *homo vita atque factis omnium iam opinione damnatus (Verr*. 1.2); *iam pridem omnium voluntate iudicioque damnatum* (*Verr*. 1.10).

order, at large, as already guilty according to the judgment of the people, writing: "Truly now…there are men [among you]…who seem, as if on purpose, to rush into the enmity and disfavor of the Roman people" (*Nunc vero….sunt homines…qui quasi de industria in odium offensionemque populi Romani irruere videantur*).[352] Their current unfavorable position renders their situation precarious, and Cicero provides them a scapegoat in the form of Verres, asserting: "You are able to erase and remove the baseness and the disgrace that have for some years now taken hold of this Order" (*Vos aliquot iam per annos conceptam huic ordini turpitudinem atque infamiam delere ac tollere potestis*).[353] His message, however optimistic and convenient, is clear: by finding Verres guilty, the jurors can save the face of the entire senatorial order and atone for past corruptions. In this way, Cicero uses the rhetoric of hearsay and popular opinion to taint senatorial reputation and thereby construct the threat of unfavorable political consequences for Verres' acquittal.

Cicero not only fashions Verres in the *actio prima* as the scapegoat for the senatorial order, by representing him as the manifestation of senatorial corruption, but he also closes off the option of acquitting him and retaining any honor, suggesting that those who would acquit Verres share an equal portion of his guilt. Early in the *oratio* 2.1, Cicero reminds his audience of the political stakes of the trial, asking, "Who cannot see that things will go well for us, if the Roman people are content with the punishment of this one man?" (*Quis hoc non perspicit, praeclare nobiscum actum iri si populus*

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[352] *Verr*. 1.35.
[353] *Verr*. 1.49.

Romanus istius unius supplicio contentus fuerit).[354] Here again, Cicero references the political threat that, he argues, looms for Rome's senators if corrupt deeds such as Verres' are allowed to stand; they will be lucky to get off with only Verres' punishment. In this ideal outcome, Verres will be the sacrificial offering that appeases the angry Roman people. By castigating Verres as the epitome of vice, Cicero distances him from the rest of the senatorial order. For senators to support Verres by voting to acquit him, then, means that they too partake in his wrongdoing. Cicero takes the hard line that to excuse Verres' crimes is to be just as responsible, or, at least, to be no better.[355] This has an added edge, since it comes in the *actio secunda*, after the trial was over. We would never know for sure who would have voted to acquit, but Cicero here levels an attack on the characters of those senators—and only they knew who they were. To acquit Verres is to be as morally bankrupt as plundering temples, murdering innocents, and crucifying citizens for oneself. With such rhetoric, Cicero communicates that the only honorable decision to be made is to condemn Verres.

Furthermore, it is not only the personal interests of the individual senators that are on the line, but also the interests of Rome as a whole.[356] Cicero situates Verres' case as being, in large part, a moral issue of sweeping consequence, putting his own reputation at

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[354] *Verr.* 2.1.9.

[355] "[Who cannot perceive] that man to have committed nothing greater in his crimes—when he despoiled temples, when he killed so many innocent men, when he inflicted upon Roman citizens death torture and crucifixion, when he released pirate chiefs, having accepted their bribes—than those men who, sworn to their own judgement, acquit that man so buried in so many and such awful crimes?," *Quis hoc non perspicit… non istum maius in sese scelus concepisse, cum fana spoliarit, cum tot homines innocentes necarit, cum cives Romanos morte, cruciatu, cruce affecerit, cum praedonum duces accepta pecunia dimiserit, quam eos, si qui istum tot, tantis, tam nefariis sceleribus coopertum iurati sententia sua liberarint?* (*Verr*. 2.1.9)

[356] After explaining that Sicily involved him in the case, in the opening chapter of 2.2, Cicero goes on to say that he took the case for the sake of the senatorial order as much as Rome herself: *Suscepi enim causam totius ordinis, suscepi causam rei publicae, Verr.* 2.2.1.

risk, on a personal level, and, at the opposite end of the spectrum, having political consequences that rendered Rome in danger. We see this, for example, when Cicero questions whether the jurors thought he would care about anything other than his duty and honor (*officio et dignitati meae*) "when the country and my own reputation are in such danger" (*in tanto reipublicae existimationisque meae periculo*).[357] Here, Cicero expands the scope of political consequence beyond the senatorial order's control over the extortion courts to implicate the entire Republic. He continues on to give teeth to this statement, by adding disgruntled allies to his portrait of a disgruntled Roman *populus*, exclaiming: "How memorable our law court, how distinguished the reputation of our Order, if the allies of Rome object to the very extortion court which was established by our ancestors for those allies' benefit!" (*O commemoranda iudicia praeclaramque existimationem nostri ordinis, cum socii populi Romani iudicia de pecuniis repetundis fieri nolunt, quae a maioribus nostris sociorum causa comparata sunt!*).[358] This exclamation embodies a triple punch: Verres' actions and potential acquittal pose a threat to senatorial court monopoly; will cause unrest with our allies; and furthermore disgraces "us" by going against ancestral intention (i.e. *mos maiorum*).[359] Verres' case is, therefore, politically relevant and important to both internal and external groups in the Roman

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[357] *Verr*. 1.27.

[358] *Verr*. 1.42. Similarly, Cicero goes on to say that Verres has dishonored Rome to the world: "since you have violated, among foreign peoples, the reputation of our *imperium* and of our name by your shameful acts and outrages" (*cum apud exteras nationes imperii nominisque nostri famam tuis probris flagitiisque violaris*, *Verr*. 2.1.82).

[359] At *Verr*. 1.51, Cicero repeats the ancestral-debt sentiment, speaking directly to Glabrio (who is presiding over the court): he tells Glabrio to think of the tribute he owes to his ancestors (*quid reddere maioribus tuis debeas*), since Glabrio's father played a key role in passing the Acilian Law, the measure proposed by C. Gracchus that had reformed extortion proceedings. The idea of ancestral debt also foreshadows the line of thinking that Roman ancestors established the court to help allies, not to be harm them, expressed at *Verr*. 2.1.42.

world; his conviction essential to keeping friends and allies happy and loyal, as well as to appeasing one's own civic population so as not to generate unrest and stasis. In short, no longer is the issue an internal class-conflict, but a matter of political stability, affecting Rome's relationship with her allies. Relying heavily upon tensions arising from the current political debate over membership of the extortion courts, Cicero thus constructs hefty political stakes for the outcome of a trial centered on the theft and destruction of cultural property.

As Cicero continues to appeal to universal repute within the *actio secunda*, we see the destruction of cultural property feature as the topic of such repute, and in this way acting as catalyst for looming political consequences. Cicero's narrative of Verres' plundering of the Temple of Juno at Samos, recounted in the first *oratio* of the *actio secunda*, illustrates political implications of temple violation.

> Truly, how sorrowful for the Samians was the storming of the most ancient and renowned temple of Juno Samia![360] How bitter for all of Asia! How universally notorious, such that not one among you hasn't heard it! When envoys came from Samos about its storming to Gaius Nero in Asia, they received the response that grievances of this kind, which concerned a legate of the Roman people, ought to be brought not to the provincial governor, but to Rome.
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> *Illa vero expugnatio fani antiquissimi et nobilissimi Iunonis Samiae quam luctuosa Samiis fuit, quam acerba toti Asiae, quam clara apud omnes, quam nemini vestrum inaudita! De qua expugnatione cum legati ad C. Neronem in Asiam Samo venissent, responsum tulerunt, eius modi querimonias, quae ad legatum populi Romani pertinerent, non ad praetorem sed Romam deferri oportere.*[361]

This series of results begins with local distress and ends with a universal awareness of the event, indicating the impact that a local unrest can have. Even though the temple in question is locally Samian, its violation is not only a matter of significance to the

[360] Mitchell 1986 (*ad loc.*) notes that Herodotus 3.60 calls this temple the largest he had seen among Greek temples.
[361] *Verr*. 2.1.50.

Samians; along with the Samians' grief, all of Asia is upset, illustrating a regional impact beyond the local community. Further, we see direct political action being taken in response to Verres' plundering, in the form of an official complaint lodged with Gaius Nero (the governor of Asia, during Verres' legateship), replete with the dissatisfaction of being referred elsewhere. That Verres' misdeeds have set an entire province abuzz is a common tactic Cicero employs to build the importance of the incident and threaten political consequence.[362] Similarly, in *oratio* 2.4, report of the infamous lampstand incident is said to have traveled through foreign peoples and to the very edges of the world.[363] In short, the good name of Rome had been defamed by Verres' misdeeds.[364]

Because Roman global reputation is at stake, so too is its physical safety. In the logic that Cicero weaves, the ultimate result of Verres' mistreatment of valued objects is violence. We see this fear expressed in Cicero's response to Verres' theft of the Segestan statue of Diana. Exasperated, Cicero demands:

> Will your wantonness, Verres, be so great that neither the provinces of the Roman people nor foreign peoples will be able to suffer and endure them? Is it not the case that what you see, what you hear about, what you desire, what you think of, unless it is before you at a nod of your head, unless it submits to your desire and greed, men will be dispatched, homes will be razed, not only conquered cities but indeed even those of our allies and friends will resort to violence and arms so that they are able to drive off, from themselves and from their children, the vice and lust of a legate of the Roman people?

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[362] Cf. episodes said to be famous in all Sicily: In an episode where Verres makes false charges against Diodorus of Miletus in order to procure some silver cups of his, Cicero says the matter was known throughout all Sicily (*res clara Sicilia tota; Verr.* 2.4.38-41, here 2.4.41); of the incident surrounding the statue of Diana at Segesta at *Verr*. 2.4.77, we hear that "no story is better known throughout Sicily" (*Quid hoc tota Sicilia est clarius*?).

[363] "Now, judges, direct your attention to the rest of the tale, which you have already heard; which the Roman people will not hear about now for the first time; which has traveled through foreign peoples up to the ends of the earth" (*Nunc reliquum, iudices, de quo et vos audistis, et populous Romanus non nunc primum audiet, et in exteris nationibus usque ad ultimas terras pervagatum est, Verr.* 2.4.64).

[364] Recall *Verr*. 2.1.82: *cum apud exteras nationes imperii nominisque nostril famam tuis probris flagitiisque violaris*

> *Tantaene tuae, Verres, libidines erunt ut eas capere ac sustinere non provinciae populi Romani, non nationes exterae possint? Tune quod videris, quod audieris, quod concupieris, quod cogitaris,*[365] *nisi id ad nutum tuum praesto fuerit, nisi libidini tuae cupiditatique paruerit, immittentur homines, expugnabuntur domus, civitates non modo pacatae, verum etiam sociorum atque amicorum, ad vim atque ad arma confugient, ut ab se atque a liberis suis legati populi Romani scelus ac libidinem propulsare possint?*[366]

In Cicero's articulation here, not only does Verres' immoderate lust for the statues and artefacts of others result in his own inappropriate use of violence against these objects' owners, but the plundering of these items in turn forces Rome's allies and other nations of the world to take violent action—that is, if the Roman court does not protect their rights from Roman misconduct such as Verres'.[367] In such a way, Cicero couples Roman international security with proper respect for provincial cultural property.

Furthermore, it is not only the inconvenience of insurrection that Cicero warns against, but rather the inability of Rome to endure such violent discontent. In the third *oratio* of the *actio secunda*, Cicero refutes the backward logic, allegedly offered by the defense, that Verres' case should be mitigated by the fact that other Roman magistrates had committed similar offenses in the past. It is in this argumentative context that Cicero communicates the ultimate political consequence for crimes like Verres':

> All the provinces are lamenting; all free people are complaining; finally, even foreign kingdoms are finding fault with our greed and injustice. There is no place now within the bounds of the outer Ocean that is either so distant or remote that the wantonness and inequity of our men in present times has not reached. It is not the force, the weapons, the warfare of all nations that the Roman people are unable to endure, but their distress, their tears, their laments. With the circumstances and customs being of this sort, if any who will be brought to trial, once he's caught in his outrages, will say that others have done

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[365] A neuter "quod" here stands in for both cultural property plundered and women raped (the preceding episodes)—both of which are things allowable in times of war, but not among allies. Verres' breach of peacetime protocol subsumes these two types of his crime.
[366] *Verr.* 2.1.78
[367] *Verr.* 2.1.82: "Do not, by the immortal gods, force allied and foreign nations to resort to this type of refuge, as they will out of necessity, if you do not avenge them!" (*Nolite, per deos immortals, cogere socios atque exteras nationes hoc uti perfugio, quo nisi vos vindicatis, utentur necessario*).

> the same, those examples will not be lacking: the Republic will lack safety if shameless men will be liberated from judgment and danger by the examples of other shameless men.
>
> *Lugent omnes provinciae, queruntur omnes liberi populi, regna denique etiam omnia de nostris cupiditatibus et iniuriis expostulant; locus intra Oceanum iam nullus est neque tam longinquus neque tam reconditus quo non per haec tempora nostrorum hominum libido iniquitasque pervaserit; sustinere iam populus Romanus omnium nationum non vim, non arma, non bellum, sed luctus, lacrimas, querimonias non potest. In eius modi re ac moribus si is qui erit adductus in iudicium, cum manifestis in flagitiis tenebitur, alios eadem fecisse dicet, illi exempla non deerunt: rei publicae salus deerit, si improborum exemplis improbri iudicio ac periculo liberabuntur*.[368]

In this passage, Cicero brings the issue home, in a very literal way: not only will the allies and subjects of Rome be forced to arms, but this will devastate Rome. He draws a distinction between the habitual success of Rome against her enemies in the usual type of armed conflict and the situation he sees arising from crimes like those committed by Verres, namely the emotional upset and discontent caused by Verres' oppressive behavior and the global reach of its report. On the outcome, he is clear: no safety (*salus*) will remain for the Republic; Rome simply cannot endure (*sustinere non potest*) the grief, tears, and lamentation (*luctus, lacrimas, querimonias)* of the world (*omnium nationum*). As to the how this outcome will be reached, Cicero is less explicit. On the one hand, Cicero may simply be speaking of the quality of the Republic and the existence of virtue at Rome: Rome can endure armies, but its honor cannot abide Verres' corruption. On the other hand, we can imagine that such threat to Roman reputation might jeopardize Rome's physical *salus*. Against individual enemies, Rome's military strength is strong, but Verres' crimes threaten the stability of Rome's infrastructure by muddling the line between enemy and ally. By oppressing provincials, Verres destabilizes Roman internal

[368] *Verr*. 2.3.207.

coherence, while the blow to Roman honor affected through widespread circulation of Verres' misdeeds diminishes Roman reputation with foreign peoples. In these ways, every avenue for alliance and support is cut off, while mutual feelings of grief and discontent unite the world against Rome, creating much more dire odds than a typical military conflict between a healthy Rome and the might of single *natio*.

Thus, Cicero's appeals to Rome's reputation implicitly construct a cause-and-effect sequence in which Verres' abuse of allied and subject cultural property (among other things) becomes a political threat to Roman security and stability, both internally and externally; the disillusionment of Roman citizens with the perceived (and confirmed, should Verres be acquitted) senatorial corruption has the political consequence of upsetting the administrative status quo within the city, just as the loss of face and decline in Roman reputation, due to Verres' misconduct, threatens Roman relationships with her allies. Roman global reputation is at stake, which renders its physical safety at stake.

2.5 So What?

2.5.1 Unifying the *Verrines*

By considering what the *Verrines* tells us regarding the ideas about the proper treatment of cultural property in elite discourse during the late republic, we are better able to understand the thematic unity of these speeches. No doubt due to its unwieldy length, few scholars have collectively examined the six *orationes* of the *In Verrem*, preferring to mine the speeches for relevant passages that shed light on a historical person, process, or event of interest, or to produce single-speech critical editions and commentaries. Another complicating factor is the perceived disjuncture between the *actio prima*, which was

actually delivered in Verres' trial, and the five-part *actio secunda*, which was published by Cicero after Verres fled to voluntary exile, yet maintains the pretense of being a speech delivered before Verres and the jurors in an ongoing trial. This has led some scholars to consider it "fictive" or categorically different from other forensic orations (and therefore not subject to the need to persuade the immediate audience) and has perpetuated the tendency to tackle individual *orationes* as distinct literary products.[369]

Understanding the intellectual concepts that Cicero wields in successfully criminalizing Verres requires a holistic approach in addition to consideration of the individual speeches. These orations were not discrete works with individual morals, but stages in one repudiation of an elite Roman. If we look at them collectively, we see the ways they work together to achieve their end. The mistreatment of cultural property is a consistent refrain that ties together the parts of the second action (along with the first), even if it is only the overt theme of *oratio* 2.4. For example, we can better understand the point of 2.5 once we have realized the major war/peace dichotomy, constructed by Cicero, that governs the permissible treatment of non-Romans' property. Scholars have interpreted the fifth oration as preempting the mitigating image of Verres as a glorious general or a savior figure. Putting aside the fact that the trial had ended before the publication of the second action, the logic of this interpretation is that Cicero fears

[369] For the *actio secunda* as fictive, see Gurd 2010, 80-101. The idea that delivered speeches are somehow more "true" becomes less meaningful when we consider that fact that our extant texts of speeches Cicero actually delivered were edited after the fact. Such an outlook also assumes that what it is important to gain from forensic oratory is an accurate accounting of what happened; not only is every literary text subject to bias and rhetorical influence, but it is now well-recognized that any historical account of "what actually happened" is also a selective product of innumerable conscious and subconscious decisions, greatly impacted by the context in which it was composed. Furthermore, Frazel 2004 has demonstrated that the *actio secunda* aligns with the conventions of actually delivered speeches.

Verres' jurors and fellow elites might excuse his bad behavior in violating the sacred, plundering provincials and allies, etc., because of his esteem as a successful military man. It is not that such misbehavior would seem acceptable, but rather that military greatness would be seen to outweigh his crimes, and, hence, he would not seem sufficiently guilty. According to this interpretive vein, the point of *actio* 2.5 is discrete from that of the previous 4 orations of the *actio secunda*—a one-off shoring up of Cicero's case by tackling a new and distinct topic of Verres' military reputation.

On closer inspection, however, *oratio* 2.5 has a deeper connection to the content of 2.4. Opening the fifth book of the *actio secunda* with an assertion that he has, at this point, convinced the jurors of Verres' guilt on the charge of plundering,[370] Cicero moves on to refute, at length, claims allegedly made by the defense that Verres was a great military commander (*optimus imperator*, 2.5.18). In particular, he debunks claims that Verres quelled several slave wars while he served as governor in Sicily.[371] The rest of the book mocks Verres' supposed military prowess and discipline, for example, by dramatizing accounts of his debauched drinking parties using martial language[372] and exposing not only Verres' inability to protect Sicily from pirates, but his actual fraternization with pirates, including hosting an pirate chief (*archipirata*) in his home.[373] Cicero's efforts to distance Verres from the image of a successful Roman general are

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[370] *Verr*. 2.5.1: "I think none of you, judges, doubts but that Gaius Verres most brazenly has plundered everything in Sicily—sacred and profane, public and private— and has engaged in every kind of thieving and plundering, not only without any scruple but indeed even without any attempt at concealment;" *Nemini video dubium esse, iudices, quin apertissime C. Verres in Sicilia sacra profanaque omnia et privatim et publice spoliaret, versatusque sit sine ulla non modo religione verum etiam dissimulatione in omni genere furandi atque praedandi*.
[371] *Verr*. 2.5.5ff
[372] *Verr*. 2.5.28.
[373] *Verr*. 2.5.54-76.

intelligible in their own right, as they aid in his efforts to vilify Verres character and inhibit Verres' defenders from clinging to the notion of his military virtue. But, more critically, they are important to maintaining the argument Cicero has presented throughout the entire prosecution that Verres' plundering, temple violations, and confiscations of property were inexcusable conduct for a Roman magistrate towards a loyal and peaceful province. Such behavior was legally allowable (even if morally questionable) in times of war, and, thus, it was important for Cicero to refute any claims that Verres was acting in a proper martial context that might mitigate or exculpate his extensive plunderings. Therefore, we can better understand *oratio* 2.5 as essentially integrated with the larger theme of war/peace inversion.

Understanding this theme as pervasive to the prosecution as a whole, the ending of 2.5[374] also becomes less abrupt. Although invocations to the gods are common elements of perorations in Roman oratory, the catalog of deities at the end of 2.5 has been called into question for its sudden return to the theme of 2.4 and seeming irrelevance to the topic of 2.5. Von Albrecht even goes so far as to suggest it is interpolated, having originally constituted the ending to 2.4.[375] Placed in 2.4, it provides a strong finish to a speech featuring violations against the gods.

The extant placement of this catalog at the end of 2.5 only seems to be an issue if we assume that the theme of violation is restricted to 2.4. As I hope to have shown, however, it underlay the prosecution as a whole and persists across the various orations, in the background of 2.3 and giving point to 2.5. As such, for Cicero to come back to this

[374] *Verr.* 2.5.184-9.
[375] von Albrecht 2003, 206-9.

theme and recall to his readers' minds Verres' temple violations, cultural plunders, and the many other atrocities he committed in his passion to acquire the cultural property of others (including the disturbance of the grain tax explored in 2.3 and the physical assaults narrated in 2.5), makes complete sense. Moreover, the way that Cicero employs this final invocation of deities also makes sense: he omits especially local Sicilian deities, such as the river god Chrysas, as well as particularly Roman deities, like Quirinus, Vesta, and Janus; the gods he does include relate to Sicily, Rome, and humankind, successively, achieving the effect of *amplificatio*.[376] This is entirely consistent with his overall approach of bridging the cultural differences between Romans and Sicilians. It is one final reminder of how they cohabitate in a larger, civilized world and one last behest to his fellow Romans to view the Sicilian victims as similar to themselves and thus worthy of respect.

In sum, Verres' crimes against culturally-valued objects, sites, and places are a mainstay of Cicero's case against Verres. Instances of his cultural plundering are evoked early in *actio prima* as well as at the close of the *actio secunda*, and feature prominently in the two books dedicated to his urban and provincial praetorships. Furthermore, the *oratio* that focuses most explicitly on this topic, 2.4, is the centerpiece of the thematic books, informing our understanding of the stakes of the crimes in 2.3[377] and giving added

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[376] von Albrecht 2003, 206-7, 211.

[377] *Oratio* 2.3 (nicknamed *de Frumento*, "on Grain") deals with Verres' interference in Sicilian agriculture and, by consequence, Rome's grain supply. However, as we learn from the episode about the Segestan Diana statue in *oratio* 2.4, Verres was wont to manipulate the corn tithe as a means of pressuring towns into surrendering prized objects that he coveted. In the case of Segesta, when Verres' requests for the city's statue of Diana were rejected, one of his means of retaliation was to increase their corn tithe (*Verr*. 2.4.76). The assertion by the people of Henna that the violation of their Temple of Ceres was worse than the oppressive grain tithes levied on them (*Verr*. 2.4.111) gives us reason to infer that Verres used this tactic

reason to Cicero's focus on Verres as a general in 2.5. By devoting an entire book to such crimes of Verres' as the plundering of statues and artistic items from individuals, communities, and sacred locales; the violation of temples; and the abolition of festivals, Cicero renders them categorically similar and crucial to Verres' condemnation. His organization and emphasis of these crimes throughout the six books of his *In Verrem* make this clear, despite Cicero's grappling with the absence of a term that adequately conveys the idea of cultural destruction.

A second, but related, point pertains to the relationship between the first and second *actiones* or, more accurately, to the role of the *actio secunda*. By thinking about the thematic emphasis on the plundering of cultural property and the impact of Verres' crimes in the communities he victimized, we also can impart additional purpose, beyond capitalizing on his forensic success and exhibiting his rhetorical skill, to Cicero's publication of the never-delivered *actio secunda*: advocacy. It is fully accepted that the *actio prima* constitutes an act of advocacy on behalf of the Sicilians, yet the atypical nature of the *actio secunda* as a forensic speech never delivered in court has led scholars to ascribe its production to personal motivations.[378] In the *Divinatio*,[379] Cicero had

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often and indicates that these types of oppression were frequently coupled. Therefore, though the focus of *oratio* 2.3 is on the grain supply, a number of the assaults and persecutions in the oration were motivated by Verres quest to attain statues and works of art.

[378] Miles 2002, 29: "Cicero did not want all of his research and preparation to go without an audience;" Mitchell 1986, 10: "…their publication would demonstrate the thoroughness and oratorical skill the circumstances had prevented him from exhibiting in full measure at the trial."

[379] *Div. Caec.* 5: "this that seems to be my prosecution speech ought to be regarded as not so much a prosecution, but a defense. For I am defending many individuals, many cities, and the entire province of Sicily. Because of this fact, since one man is being prosecuted by me, I seem to be nearly in agreement with my usual way and not entirely to be departing from the practice of defending and supporting men"; *haec quae videtur esse accusatio mea non potius accusatio, quam defensio est existimanda. Defendo enim multos mortales, multas civitates, provinciam Siciliam totam. Quam ob rem, quia mihi unus est*

articulated his prosecution of Verres as rather a defense of the Sicilians. While this functions as rhetorical apologetic, since prosecution was less honorably depicted in Roman discourse than advocacy,[380] we might nevertheless consider the extent to which Cicero's post-trial publication of the lengthy *actio secunda*, with its emphasis on the plunder and destruction of Sicilian heritage, was intended, at least partially, to advocate for the restitution forfeited by Verres' voluntary exile to Massilia. We have no specific knowledge of what became of the many items stolen by Verres,[381] but we are told of his violent end in 43 BCE, proscribed by Antony for not surrendering his treasures.[382] There is thus reason to believe that Verres kept much of his ill-begotten spoils to his dying day. In light of this fact, Cicero, as Sicily's chosen advocate, had much to advocate for, following the trial's abrupt end.

2.5.2 Social Identity and the Treatment of Cultural Property

In addition to understanding new dimensions of the *In Verrem* as a single rhetorical project, our study has also underscored the way in which ideas about the destruction of cultural property were entangled with the very definition of what it meant to be Roman (or not). As we have seen from our discussion of several Verrine passages, the proper and improper treatment of such things as statues and temples was associated with being civilized or uncivilized, respectively. The situation surrounding the removal of the statue of Diana from Segesta exemplifies this: Verres could find no one who was

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accusandus, prope modum manere in instituto meo videor, et non omnino a defendendis hominibus sublevandisque discedere.

[380] For the reluctant prosecutor as a trope in Latin forensic oratory. Zangari 2005, 39-40.

[381] Mitchell 1986 (10) writes that Cicero took his loot with him to Massilia, yet Lazzeretti 2015 (93) surmises, "it's not clear what happened when they knew the rightful owners of works of art and precious objects, although we can imagine that the law provided for the return of what was wrongly stolen."

[382] Pliny *NH* 34.6, Seneca *Suas.* 6.24, Lactantius 2.4.37.

willing to commit the outrage of removing so sacred and esteemed a statue—neither a free person nor a slave, neither a Roman citizen nor a provincial—with the result that his only recourse was to bring in barbarian men (*barbari*) from the coastal town of Lilybaeum (modern day Marsala) to take down the statue for removal. Cicero's description of these foreign men as ignorant of the circumstances of the affair (*negotii*) and of *religio*[383] indicates that it is because they are barbarians that they do not respect the statue, as literally *any* man in the Roman world would. While the blame in this episode is placed firmly with Verres, we can understand the way in which the negative valences of sacred plundering and of notions about barbarity could be mutually reinforcing. Considering these associations, it is no surprise that Apronius, Verres' agent for many of his acts of violation and plunder, is called *inhumanus ac barbarous*, "inhuman(e)[384] and barbaric."[385] Such a label encapsulates the constructed relationship between being beyond Roman identity and lacking the qualities that render one civilized, while implicating both in acts of cultural destruction.

One the other side of things, we have also seen the way that the concept of *humanitas* is frequently evoked to endorse such behaviors as abstaining from plunder and returning the beloved treasures of various communities. It is part and parcel to the worldview Cicero advocates of considering and respecting the objects, sites, and practices that provincials consider culturally valuable. Yet it is also the terrain of a

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[383] *Verr*. 2.4.77.
[384] Some confusion in how *humanitas* is interpreted and discussed in scholarship, particularly across linguistic divides, arises from the fact that English separates two aspects subsumed in the Latin *humanus* into "human" and "humane;" Høgel 2015, 14.
[385] *Verr*. 2.3.23.

respected in-group.[386] According to Susanna Braund, *humanitas* and *urbanitas* first appear in literature around the same time (80s BCE), and are used a parallels in the *Pro Roscio* (120-1).[387] We can thus understand a civilizing valence of the concept of *humanitas*, entangled as it was with ideas about settlement and urban refinement. By integrating *humanitas* into the powerful *exempla* of past Romans such as Marcellus and Scipio,[388] Cicero concretely ties *humanitas*, with all its implications for the treatment of cultural property, to the idealization of elite Roman character.

Somewhere along the spectrum between barbarians and those possessed of *humanitas*, we find bandits (*latrones*) and pirates (*piratae*), both of whom represent illicit plunderers (*praedones*). As Aaron Beek has argued, these three terms are used in the ancient sources interchangeably, and while *latro* and *praedo* tend to be associated with land activity more often than *pirata*, this distinction does not always apply.[389] Generally speaking, what sets these groups apart in Roman discourse is the fact that they do not obey the conventions of society; like Verres, they plunder when they wish, outside the bounds of legal permissibility.[390] Whereas the barbarian may be thought of as passively

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[386] For *humanitas* as an exclusionary cultural construct used to separate Self from Other, Braund 1997 is the foundational study. See further, Bauman 2002, 2; Høgel 2015, 57; Vesperini 2015, 132.
[387] Braund 1997, 25, following Rieks 1967 and Ramage 1973, 55-6.
[388] Calling them "forces of Romanisation," Braund asserts that *exempla* and the construct of *maiores* were major conduits for transmitting ideas about Romanity; Braund 1997, 28. Likewise, Kari Ceaicovschi calls *mos maiorum* "the fundamental principle by which the aristocracy practiced its cultural authority"; Ceaicovschi 2008, 10.
[389] Beek 2015, 4. A major argument of Beek's study is that these categories were so fluid that it makes sense to study them collectively as "freelance warriors."
[390] *Digest* 50.16.118 provides a definition for *hostis* in a list of standard word definitions. This definition suggests that in contrast to a *hostis*, *latrones* and *praedones* are those who do wartime activities outside the confines of a properly declared war; for Shaw's discussion of this passage, see Shaw 1989, 305.

other, bandits and pirates are perceived as actively so.[391] We see the former reflected in the neutral way that Cicero explains why the barbarians did not know better than to remove the Segestan Diana statue from, and the latter in the vitriolic accusations leveled at Verres and his cronies of brigandage and piracy. In addition to the opening of *oratio* 2.4, we hear of Verres' *latrocinia* several times across the *Verrines*—both generally among the list of his misdeeds[392] and in reference to particular incidents, e.g., his corrupt manipulation of a temple restoration for the purpose of stealing a boy's inheritance.[393] Similarly, Cicero directly calls Verres a *praedo* and a *pirata* on numerous occasions[394] and even calls Apronius a terrestrial pirate chief.[395] These descriptions are, in part, reflections of Verres' illicit and violent seizure of property from provincials and citizens alike, but they also serve to cast aspersion on Verres, who is behaving outside the limits of civilized Romanity.

Throughout the prosecution, Cicero effectively others Verres (and his associates) in a multitude of ways: he is depicted as a tyrant figure;[396] effeminate, debauched, and greedy, he is the poster-boy for *luxuria*; he is described as barbaric, like barbarians, and worse than barbarians; he exhibits *inhumanitas*; he is himself piratical and also consorts with pirates; and, of course, through his countless acts of wrongful plunder, he is a

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[391] Shaw asserts that the dominant Roman ideology of the bandit held that bandits engaged in their banditry "against their own innermost moral convictions," citing Seneca *De beneficiis* 4.17.4 on the idea of everyone seeing the truth and recognizing wrong, like banditry, even if they do not acknowledge it; Shaw 1989, 304, 333.
[392] Of plundering temples generally at *Verr*. 2.1.57; among Verres' criminal *cursus honorum* at *Verr*. 2.2.18.
[393] The temple is the temple of Castor in Rome; the boy is the young Junius, son of the late Publius Junius: *Verr*. 2.1.129-130.
[394] *Verr*. 2.1.90; 2.1.54; 2.4.23; 2.4.95; 2.5.122.
[395] *Verr*. 2.5.70: *Apronium, terrestrem archipiratam*. Cicero is really not Apronius' fan.
[396] Verres is the first political opponent Cicero stigmatizes as a tyrant: Tempest 2007, 31; Gildenhard 2011a, 85-92 and 2011b, 159.

bandit. The fact that treatment (or mistreatment) of such things as sacred temples, civic statues, festivals, and everyday cultural practice informs and intersects with all these social constructs is particularly revelatory of the integral role ideas about the treatment of cultural property played in the Roman worldview. This was an issue at the crux of a Roman's very sense of identity, with important implications for distinguishing self from other.

2.6 Conclusion

The *In Verrem* illustrates heritage-thinking within the imperial context of the late Roman Republic: Cicero's method of prosecution explores the way that certain objects, sites, and practices are invested with cultural value, while indicating the complex ethical matrix that informs and regulates their treatment on account of this cultural worth. Cicero brings the issue of the destruction of cultural property—focalized in the prosecution through incidents of plundering, temple violation, and even the abolition of a civic festival—into political discourses surrounding Rome's stability and prosperity as well as the honor and civilized status of the Roman people. The speeches not only demonstrate an awareness, on the part of Cicero and his Sicilian clients, that the construction of such value is culturally-relative, but also advocate for taking the cultural valuations of others into account when conducting Rome's foreign affairs—both in using their emic perspective when assessing the criminal destruction or violation of their cultural property and in articulating a Roman policy of allowing newly-incorporated peoples to maintain their cultural possessions and traditions. In these ways, Cicero opens up a discursive space for the discussion of cultural responsibility on the part of the Roman state.

Although the *Verrines* are innovative in their insightful awareness about the processes of cultural valuation and in their attention to the ethics surrounding the Roman treatment of cultural property, we should not imagine that Cicero was simply way ahead of his time in championing heritage ethics. Many factors influenced the way he built and presented the case against Verres.

To start, the Roman worldview was progressively widening at this point in the late Republic and adopting more of a universalistic outlook, which created room for the types of ethical construction we see in the *Verrines*. As we have seen, the concept of *humanitas*—with its inherent semantic relationship between what it is to be a human and the various ethical contexts to which the term is put—had emerged in Roman discourse in the decade prior to Verres' trial. A possible explanation for why this conceptual development occurs at this time may be suggested by Achim Mittag and Fritz-Heiner Mutschler. In a comparative study of Greek and Roman (and Chinese!) historical thinking, they assert that by contrast with the "universalistic tendencies" of the Greek tradition[397] "universalistic tendencies are lacking" in "early Roman historical thinking."[398] They explain that Romans initially understood their relationship to the rest of the world from a perspective of Rome's military and political conquest and continuous expansion, constructing ideas such as superior Roman *virtus* in justification. The Roman perspective eventually widens into an Italic one, however, at which points it comes to

[397] E.g., the Herodotean quest to preserve the great deeds of man, Greek or otherwise; Thucydides' intention for his work to be useful to posterity because human nature repeats itself.
[398] Mittag and Mutschler 2006, 534.

incorporate some criticism of Roman behavior towards allies and provinces.[399] Mittag and Mutschler's idea that the shift from a Roman to an Italian "center," which we see institutionalized in the granting of Roman citizenship to Italians following the Social War of 91-88 BCE, coincided with an increased capacity for Roman self-awareness and self-criticism is compelling. Indeed, the war provoked direct consideration of the way Romans treated those subject to its rule. And for the first time, Rome conceded that it ought to be treating a population better than it was. A "them" became an "us." The expansion of citizenship to former allies demonstrated that Roman identity, at least as it was embodied institutionally by citizenship, was malleable. Such a development must have led to further considerations about the distinctions between "Romans" and those other communities subject to Rome's *imperium* as well as presented new urgency to keep those subjected to Roman rule content. It makes sense, then, that it was within this historical and intellectual setting that discursively-universalistic notions of *humanitas* first appear in Roman writings.

Cicero, writing nearly two decades after the close of the Social War, certainly seems to build his case against Verres with just such a widened perspective. Cicero's approach in the *Verrines* translates Sicilian values, helping his Roman audience to understand the plight of the Sicilians by analogy. This mental exercise logically communicates the idea that "they are like us—let me help you see that." The method he employs in building up the stakes of Verres' crimes (i.e., rooting their vileness in harmed or lost cultural value) presents value as culturally constructed, which has the corollary

[399] *Ibid.*

that Roman values are not absolute truths, even if it is convenient for Cicero to appeal to them in order to effectively persuade his elite Roman audience. Importantly, Cicero takes the stand that all peoples have their own values and that these values are worth considering and respecting even if they differ from Roman ones (because, albeit, of the larger issue of Rome's social and political stability). This type of reasoning conceptualizes Rome as just one (albeit most important) node in the larger civilized, human world, which shares in a culturally-contingent system of valuation when it comes to cultural property.

Another influential event in the years immediately preceding the publication of the *Verrines*, were the proscriptions under Sulla. Just as the expansion of citizenship following the Social War collapsed *a* distinction between "us" and "them," so too, to an extent, did Sulla's proscriptions. In the course of Roman expansion, Romans were used to doing the plundering, while enemies subjected to Roman rule were plundered. The Sullan proscriptions, however, rendered Roman elites victims of plundering, eliding the "us" versus "them" of previous plundering frameworks: Romans were now both victims and perpetrators. Not only might this have given Roman elites—those persons driving political discourse in Rome—a direct experience with having their property confiscated, fostering a more sympathetic ethos in Rome to the incidents of plundering lamented by the Sicilians in the *In Verrem*, but it also firmly entangled the issue of confiscation of property with notions about abuse of power. Placed themselves in the role of the plundered and persecuted, for a change, Romans would have cause to contemplate the ethics of good governance, in contrast to their recent experience of terror and violence.

We can see Cicero drawing connections between Sulla's regime, *humanitas*, and Roman character in the final lines of the *Pro Roscio Amerino* (delivered in 80 BCE), where he laments that the cruelty of the Civil War has removed *humanitas* from the hearts of Romans.[400] During this time of *inhumanitas*, Romans quite literally saw their own possessions spoliated by those holding more political authority and wielding greater social power, much as a provincial abused by a Roman governor. The proscriptions, therefore, were another recent experience in Rome that elided the traditional distinctions between the experiences of Roman and other, one that was specifically tied to the issue of wrongful acquisition of property. This may go some way in explaining both Cicero's universalizing, relativistic approach as well as why Cicero might have practically thought an emphasis on incidents of plunder would effectively persuade his audience.

More broadly, Sulla's regime also had the effect of bringing up in Roman political discourse the *topos* of the tyrant, which provided to Cicero a useful model of political argumentation. Becker notes that branding Sulla as a tyrant was an element of *popularis* rhetoric, utilized by the reforming tribunes in the years preceding Verres' trial.[401] Cicero certainly employs the image of the tyrant to criticize and other Verres, applying the noun *tyrannos* to him and his right-hand-man Apronius seven times and the adjective *tyrannicus* to their actions twice.[402] The only other figures that merit this label in the *Verrines* are well-known tyrants of Sicily's past, such as Hiero, Dionysius, and

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[400] *Rosc. Am*. 53.154: *assiduitate molestiarum sensum omnem humanitatis ex animis amittimus*.
[401] Becker 1996, 48. See further: Thein 2006.
[402] *Tyrannus*: *Verr*. 2.1.82, 2.3.25, 2.3.31, 2.4.51, 2.4.123, 2.5.103, 2.5.117. *Tyrannicus*: *Verr*. 2.3.115, 2.5.21.

Phalaris.[403] Indeed, Verres is the first of many political opponents (a list including Clodius and Antony) whom Cicero would go on to castigate as a tyrant.[404]

Entangled with the image of the tyrant, imported from Greek and other traditions, were concepts of luxury and material excess.[405] In Greek discourse, the concept of *habrosunē* ("luxuriousness"), in particular, came to be associated with the tyrants of the Archaic period.[406] Hence, the tyrant image itself brought ideas about the abuse of power and the acquisition of material opulence into the same political conversation. Interestingly, it is not until the late Republican discourses of Rome, that luxury itself comes to be presented as the *cause* of moral and political corruption and ruin.[407] Indeed, we see this reflected in Cicero's case against Verres. In Verres' situation, it was the very love for luxury that Cicero depicts as driving his abuses of power. Cicero's nuanced presentation of Verres' *luxuria*, however, borrows more from Greek traditions surrounding tyranny than from more recent Roman anti-luxury moralizing, such as that of Cato the Elder.[408]

In Catonian moralizing, Roman moral decline was the result of the influx of luxuries from the Greek East. As such, Cato's ideas were rooted in clear cultural bias against the Greeks that would not suit Cicero's current cause. To be sure, elements of

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[403] *Verr*. 2.3.20, 2.4.73, 2.4.123, 2.5.68, 2.5.143, 2.5.145.
[404] Gildenhard 2011a, 85-92.
[405] Graham 2017, 31-32, 39ff.
[406] On this topic, see further Kurke 1992. The connection between luxury and tyranny is expressed by Semonides in his famous poem describing the types of women; he speaks of the ἁβρὴ ("dainty" or "luxurious") mare, who is vain and scorns work, whom only a tyrant of a husband would appreciate (Semonides 7). Polybius similarly seems to associate material decadence with the progression from monarchy to tyranny in his account of anacyclosis (Poly. 6.7.7-8).
[407] As Gorman and Gorman 2014 persuasively argue.
[408] Becker 1996 asserts that Cato was an important model for Cicero because of their shared identities as *novi homine*s, and asserts that Cicero in particular adopts Cato's "paradoxical method" of reinforcing the power of the senatorial order through "severe moral criticism of individual senators," 78-9.

Roman bias against Greek culture are at play in some of Cicero's rhetoric in the *Verrines*, such as his references to Greeks caring for paltry things. Nonetheless, the overall thrust of Cicero's case relies on turning such Catonian cultural politics on their head. It was in the interest of Cato's agenda to associate moral vices like greed and a perceived decline in Roman austerity and *virtus* with the influx of "luxury" from Greek communities, which transpired as Rome conquered Greek regions and imported/plundered Greek goods, thereby praising traditional "Romanity" by contrast to harmful Grecizing. In contrast, it was in Cicero's interests to underplay the differences between the culturally Greek Sicilians, whose cause Cicero was advocating in the Verrine prosecution, while simultaneously keeping the negative rhetoric related to greed and plunder for his condemnable character portrait of Verres. In Cicero's *Verrines*, a Roman is the villain, while "Greeks" are the victims, and hence the source of vice behind Verres' culpability cannot be rooted in Greekness in the same way as Cato depicted it. Verres is the problem, not the art and statues.

Furthermore, recent politics regarding sumptuary laws provided a Roman-against-Roman debate over luxury and a convenient reason for Cicero to channel Catonianesque moralizing against Verres and his defense. In 70 BCE (the same year of the trial), Verres' advocate Hortensius stood up to sumptuary laws proposed by Pompey and Crassus,[409] who had been elected consuls following their victory over Spartacus' slave revolt in the year prior.[410] Hortensius is said to have successfully argued that such laws were outdated and hypocritical. On the one hand, the fact that Hortensius had recently been the face of

[409] Lazzeretti 2015, 96; Cass. Dio 39.37, 2-3.
[410] Plut. *Crass.* 12.1.

the movement to oppose legal restrictions on luxury created an easy oppositional space in which Cicero could channel Roman moralizers like Cato and position himself against the decadent, vice-ridden Verres and his corrupted legal defense. On the other hand, Hortensius' success likely indicates that others in Rome agreed with the supposition that sumptuary laws were a stale concept in the late Republic. This may explain the added slants Cicero gives Verres' crimes: he makes them about political consequence, not just about social decay or hackneyed moralizing, on which issue his audience may well have been divided. For Cicero, Verres' avaricious plundering is inseparable from abuse of power and political malpractice.

These circumstances shaped the way that a relatively amateur *novus homo* decided to take on take the foremost orator of the day in a prosecution of a *homo illustris*, thereby advancing his political career and gaining respect and renown for the case as well as himself. Though Cicero did not consciously set out to write a treatise on cultural property or heritage ethics, nevertheless, his *Verrines* afford great socio-political consequence actions such as plunder and temple violation, entangle the issue of character and morality with proper conduct regarding cultural property, and broach the question of state responsibility for respecting the cultural property of communities encountered by and subjected to Rome's *imperium*.

CHAPTER 3: LIVY'S *AB URBE CONDITA*

3.1 Introduction

This chapter examines a series of Livian episodes depicting the contestation or political ramifications of plundering and related activities, as a means of accessing the ethical notions and attitudes surrounding cultural destruction within Livy's thought-world. Hence, the analyses in this chapter start from the premise that the depiction of episodes of cultural destruction, especially the presentation of character speeches reacting to it, can tell us about the moral and ethical principles pertaining in Livy's day, and do not necessarily reflect the ideas of the historical period in which the events occurred. Because I am interested in the way Livy uses and in turn shapes discourse about the ethics of cultural destruction, and because Livy was working within a historiographical tradition, it will be important to compare his telling of events to that of his known sources—notably Polybius—where possible, in order to more clearly discern the ways in which Livy gives his own shape and meanings to the episodes. Thus, examination of the way that Livy chooses to deploy these scenes also has stakes for our understanding of his authorial creativity, demonstrating that he does not merely copy episodes from his sources but repackages them to fit his own contexts and agendas.[411]

[411] Since beginning of Livian *Quellenforschung* a common interpretation has rendered Livy an unsavvy copyist who compiles various Roman annalistic and Polybian passages into an episodic history, with little to no effort to present a consistent voice or smooth out inconsistencies. This "scissors and paste" view of Livy is still commonly held, e.g., by Liebeschuetz 2009 (356), who argues that Livy lifts not only factual details but the "whole character" of sections from his sources. Tränkle 2009 more or less agrees that Livy makes little effort to join his annalistic and Polybian material, yet argues for the value of comparative analyses of Livy and Polybius, which reveal that Livy "portrays" where Polybius "reports," with much more emphasis on thoughts and feelings than his predecessor. Levene 2010 (82-163) pushes back against this view, and against Tränkle in particular, arguing that Livy is more complex with his allusions and take more liberties with his source material than has been generally recognized.

Livy's *Ab Urbe Condita (AUC)* makes a good subject for this study both because of the many instances of cultural destruction throughout his narrative of Roman history and because Livy is particularly interested in the treatment of cultural property in and after conquest. This interest is evident in his keen attention to plunder and plundering throughout his narrative of Rome's expansion. In the *AUC*, Livy uses the plunder-related terms *praedor* ("to plunder"), *praeda* ("plunder"), *praedatio* ("plundering"), *praedator* ("plunderer"), and *praedatorius* ("plunderous") far more than any other Latin author.[412] The prominent role of military campaigns in his history goes some way in accounting for this, but by no means all. Livy's "preoccupation" with spoliation has been noted by Ayelet Haimson Lushkov, who interprets it as an apt metaliterary symbol for Livy's relationship to his historical predecessors.[413] However, it was not *just* a metaliterary symbol; as Haimson Lushkov further states, Livy's interest is symptomatic of a broader cultural concern for the treatment and transfer of "cargo" that naturally resulted from Rome's military and commercial empire.[414] In his preface, Livy compares his history to a monument—setting forth good and bad *exempla*, from which one is able to learn and choose his best path forward.[415] This analogy ascribes an important societal function to physical monuments that reveals a genuine respect for cultural artifacts. Alongside any

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[412] According to the numbers generated by *PHI Latin Texts*, Livy uses these terms collectively 499 times, more than the subsequent top five users combined: Cicero at 164, Tacitus at 85, Plautus at 71, Ovid at 68, and Sallust at 47.
[413] Haimson Lushkov 2017, 30: "a parallelism exists in Livy between source text and war-won artifact, both areas fraught with concern over authority, ownership, and the question of how to render one's own something that properly belonged to someone else."
[414] *Ibid*.
[415] Liv. pr.10.

metaliterary connotations, therefore, we ought to understand in Livy's fascination with plunder a sincere interest in the meanings of material culture.

Written around fifty years after Cicero's *In Verrem* and within a Roman milieu that placed a premium on curating Roman identity through art, architecture, and tradition,[416] the *AUC* allows us to examine the reception, evolution, and reshaping of the ideas about the proper treatment of cultural destruction presented by the *Verrines*. Just as Cicero had included a wide variety of types of cultural destruction in his prosecution of Verres, the Livian episodes of contestation here examined react to plundering, physical destruction, abolition of festivals, and the violation of sacred locations. I hope to show that considering and speaking about these types of actions in similar ways is a tendency Livy picks up. This will emerge from an examination of a series of Livian debates, where these various acts of cultural destruction similarly become subject to controversy and constitute a difficult political issue that brushes up against, and sometimes conflicts with, legal concepts such as *ius belli* and *bellum iustum*.

This chapter consists of three sections. In Section 1, I examine Livy's narrative of "one of the great spoliative moments in Roman history,"[417] the sacking of Syracuse. I begin with the sack of Syracuse in part due to the obvious topical relationship to the material of Chapter 2. Marcellus' behavior in Syracuse and character, as depicted by Cicero, were used as a positive foil for Verres in the *Verrines*. By examining Marcellus'

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[416] Zanker's 1987 *Augustus und die Macht der Bilder* is the seminal work on "the power of images" on the Augustan period, but see further on the Augustan cultural revolution: Galinsky 1996, Habinek and Schiesaro 1997, Wallace-Hadrill 2008, and Spawforth 2011; on the use of art, statues, and coin imagery during the period: Wallace-Hadrill 1986, Welch 2005, Geiger 2008, Burnett 2011, and Roller 2013; on Augustan architecture and urban design: Nicolet 1988, Favro 1996 and 2017, and Phillips 2015.
[417] Haimson Lushkov 2017, 44.

characterization according to Livy, we are able to see the way that Cicero's version influenced Roman ideas about Marcellus and, more importantly for the purposes of this dissertation, the ethics of cultural destruction. This section furthermore establishes key themes that underlie the other two, including Livy's general disapproval of plundering and the ramifications of such culturally-destructive behavior for both personal reputation and the *maiestas* of Rome.

In the subsequent two sections, I analyze key episodes where attention is brought to culturally destructive acts such as plundering, the abolition of community traditions, and the violation of sacred sites. These sections demonstrate that Livy lends political consequence to cultural destruction through the mouths of his characters and within his own narration. Section 2 explores a series of disagreements that arise between characters concerning these issues. In these confrontations, accusations of plunder and violation are utilized as a tool against political enemies. Such debates occur not only internally, between rival Roman elites, but also between foreign states, who seek Roman resolution for their grievances. Over the course of these episodes, Rome takes an increasingly active role, exhibiting an increased sense of cultural responsibility. In Section 3, I show that it is not only in the mouths of his characters that cultural destruction is politically consequential by analyzing three examples from Livy's historical narration where plunder and sacred violation are given historical agency in impacting the interstate wars and alliances. Together, these examinations of the role of cultural destruction in Livy's history demonstrate the ongoing deployment of ethical ideas promoted in the *Verrines*, which has evolved and taken on new life by the Augustan period.

3.2 Livy on the Sack of Syracuse

It has been pointed out that the picture Cicero paints of Rome's capture of Syracuse in the *Verrines* is much rosier than other accounts.[418] In particular, choice remarks from Livy give a contrasting impression: for example, that "the city was given to the soldiers to plunder" (*urbs diripienda militia data est*),[419] or Livy's comment that "there was no limit to the pillaging until they carried off all property amassed on account of lasting good-fortune" (*rapinis nullus ante modus fuit quam omnia diuturna felicitate cumulata bona egesserunt*).[420] Such statements of total plunder paint a somewhat different picture than Cicero's humanely reserved foil to the voracious Verres. Yet, Livy's Marcellus is not all bad. There is an odd tension in Livy's account of Syracuse between depicting Marcellus as an upright Roman and a humane conqueror, on the one hand, yet condemning his plundering of Syracuse, on the other. Livy paints, as Levene describes it, a "morally complex double picture of Marcellus, as someone with scrupulous respect for the Sicilians in theory but who allows disastrous outcomes in practice."[421] I argue that this tension stems from two separate, but interrelated, motivations on Livy's part, influenced by Cicero's *Verrines*: on the one hand, Livy adopts Cicero's positive portrayal and appraisal of Marcellus' behavior in Syracuse; on

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[418] Miles 2008, 65 and 99; Wells 2010, 231, n.6. An illustrative example of Cicero's take: "when [Marcellus] had taken so famous a city by force and with the army, he thought that effacing and destroying this beauty would not befit the honor of the Roman people, especially since it offered no danger. Therefore all the buildings, public and private, sacred and secular, he spared so completely as if he had come to defend them come with his army, not to besiege them" (*Qui cum tam praeclaram urbem vi copiisque cepisset, non putavit ad laudem populi Romani hoc pertinere, hanc pulchritudinem, ex qua praesertim periculi nihil ostenderetur, delere et exstinguere. Itaque aedificiis omnibus, publicis privatis, sacris profanis, sic pepercit quasi ad ea defendenda cum exercitu, non oppugnanda venisset*; *Verr*. 2.4.120)
[419] Liv. 25.31.8.
[420] Liv. 25.25.9
[421] Levene 2010, 334.

the other, he also adopts Cicero's general disapproval of plundering. In this section I explore this tension, looking first at the way Livy mitigates Marcellus' role in Syracuse's plundering—through his emotionality over the city's impending demise and attempts to prevent and limit its sack—and then at Livy's moralizing coda on Syracusan plunder. I argue that the distance between Livy's praise of Marcellus in Sicily, yet condemnation of his despoliation of Syracuse is less about Marcellus *per se* than it is about Livy's views on plundering. By questioning Marcellus' plundering, Livy questions the Roman ethics that allowed it.

3.2.1 Marcellus, the Sympathetic and Reluctant Conqueror

One of the most remarked upon elements of Livy's narrative of the siege of Syracuse is Marcellus' weeping over the thought of the city's impending demise. Struck by the sight of the city and the onslaught of memories and associations it evokes, he is moved to tears and renews the attempt to prevent the city's sack by enticing the Syracusans to surrender:

> Marcellus, when, entering the walls, he saw from the lofty heights lying before his eyes nearly the mostly beautiful of all cities at that time, is said to have wept—in part on account of the joy of having accomplished such a thing, in part on account of the ancient glory of the city: the sinking fleet of the Athenians began to occur to him, and the two vast armies obliterated along with two most famous generals, and so many wars waged with the Carthaginians with so much danger, so many and such rich tyrants and kings, especially Hiero, both a king of recent memory and, above all that his own excellence and prosperity gave to him, distinguished for his benefactions to the Roman people. Since all these things together came to his mind and the thought occurred that within the hour everything there would burn and be reduced to ash, before he led his standards to Achradina, he sent forth the Syracusans that were in the Roman ranks, as was said before, in order that they might entice the enemy with gentle encouragement to surrender the city.
>
> *Marcellus ut moenia ingressus ex superioribus locis urbem omnium ferme illa tempestate pulcherrimam subiectam oculis vidit, inlacrimasse dicitur partim*

> *gaudio tantae perpetratae rei, partim vetusta gloria urbis. Atheniensium classes demersae et duo ingentes exercitus cum duobus clarissimus ducibus deleti occurrebant et tot bella cum Carthaginiensibus tanto cum discrimine gesta, tot tam opulenti tyranni regesque, praeter ceteros Hiero cum recentissimae memoriae rex, tum ante omnia quae virtus ei fortunaque sua dederat beneficiis in populum Romanum insignis. Ea cum universa occurrerent animo subiretque cogitatio, iam illa momento horae arsura omnia et ad cineras reditura, priusquam signa Achradinam admoveret, praemittit Syracusanos qui intra praesidia Romana, ut ante dictum est, fuerant, ut adloquio leni pellicerent hostis ad dedendam urbem*.[422]

In this passage, Livy focuses on Marcellus' mixed emotional reaction to Syracuse. His success in finally taking the walls brings him tears of joy, while the thought of the imminent ruin of the city brings him tears of grief. The beauty and antiquity of the city literally give Marcellus pause. The sight brings to mind the city's rich history, a history that notably includes Rome, rather than being distinct from it—a fact likely lending poignancy to the thought of Syracuse's demise. These historical reflections are unique to Livy's version of the scene, and Marincola has argued that they are Livy's way of gesturing to, and conquering in his own right, his historical predecessors.[423] While attesting to the antiquity and fame of the city, both of which heighten its prestige and therefore add to the upsetting nature of its impending destruction, the specific events remembered here by Marcellus are also notably destruction-centered. This emphasis perhaps suggests that the city has endured enough violence already, or possibly adds to the notion that it ought not to be destroyed, considering the remarkable fact that having endured so many wars it yet remains in such splendor. It is within this narrative framing, moved by the awareness of the city's beauty, of the city's antiquity, of how much violence already occurred, that Marcellus attempts once more to prevent the beautiful city

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[422] Liv. 25.24.11-15

[423] Marincola 2005; for discussion of the particular content of Marcellus' historical reflections, see 223-5.

from being "reduced to ash." His actions here cannot be sufficiently explained by an attempt to appeal to Roman "just war" ideology, since nothing about the weeping scene is necessary for simply meeting the basic requirement of allowing a city to surrender before conquering it. Marcellus has already made this request at the start of Livy's narrative, when he promised the Syracusans they would maintain their freedom and their own laws if they surrendered. This post-weeping attempt to get them to surrender is a second, and unnecessary, one, if he was only trying to meet the requirements of Roman "just war" ideology. What is more, there would certainly be no need for him to show any kind of emotional sensitivity through crying, if he was trying to intimidate his enemy into capitulation. Similarly, the details about Marcellus looking down on the beauty and antiquity of the city, thinking about its important place in Mediterranean history and how much it had been through already are all entirely superfluous to a purely legalistic motivation behind his second attempt at procuring the city's surrender. Rather, these tears evocatively portray Marcellus as a reluctant and sympathetic conqueror, in line with Cicero's representation of him as an exemplar of *humanitas*.[424]

The extent to which Livy innovates Marcellus' sympathetic demeanor is difficult to determine due to the fragmentary nature of Polybius' books on Syracuse (Books 8-9). His account breaks off during the narrative of the city's capture, and no mention of Marcellus' tears are extant, although scholars have assumed their presence on the basis of Livy's account. Marcellus is also said to weep in other, post-Livian accounts such as in

[424] Levene 2010 (212) cites Marcellus' weeping at Syracuse among a list of "merciful tendencies" Livy attributes to him, at odds with the "brutality" exhibited in other actions of Marcellus, such as his earlier permissive response to the massacre at Henna—discussed further in section 3.4.1 below. Walsh 1961 (102) similarly interprets these tears as illustrating Marcellus, *clementia*.

Plutarch and Silius Italicus,[425] which could either indicate that Polybius' Marcellus weeps and both work from his model, or simply that these later authors reflect Livy's more emotional Marcellus. In support of the former, Rossi and Marincola have situated Marcellus' weeping within the long-established *topos* of lament over the human condition in Greek tradition. If they are correct in connecting Marcellus' weeping to this Greek tradition then it would stand to reason that Livy adopted this detail from Polybius. However, there are some misalignments between Livy's Marcellus and the Greek literary trope they connect it with, which gives us pause to rethink their interpretation.

Both scholars connect this Livian scene with instances in the Greek literary tradition where soldiers weep over their enemy's defeat because it reminds them of the vicissitudes of human fate; in particular they point to Achilles weeping over the sight of Priam in *Iliad* 24.[426] Other weeping *comparanda* offered by Rossi are Antigonas Gonatas crying at the sight of the body of his enemy, Pyrrhus;[427] Antiochus the Great weeping when Achaeus, his enemy, is brought to him bound;[428] and Scipio Aemilianus weeping over the destruction of Carthage.[429] Rossi notes that the only other Livian parallel to this is when Aemilius Paullus weeps as he receives ambassadors from the defeated Perseus.[430] Both connect the motif to Polybius' theory of anacyclosis, seeing the tearful laments as

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[425] Plut. *Marc*. 19.1-3; Sil. *Pun*. 14.665-688. In Plutarch, Marcellus' weeping (δακρύω) is accompanied by the testimony that he prohibited his men's desire to raze the entire city, and only begrudgingly allowed his men to plunder; his sympathy (συμπαθέω**)** for the city is twice evoked. The verb Silius uses is *ingemo*, which might mean something like "groan," but we then hear that Marcellus sheds tears *also* (*quoque*) over the death of Archimedes; overall, the passage is rather heavy-handed with its anti-plundering moral, and Silius' Marcellus is very much Ciceronian in restraining the violence, protecting the temples, and limiting the plunder.
[426] Rossi 2000 (on *Il*. 24, p. 59) and Marincola 2005 (on *Il*. 24, p. 222).
[427] Plut. *Pyrrh*. 34.4.
[428] Polyb. 8.20.10.
[429] Polyb. 38.21; though on the difficulties with this passage, see p. 160 *infra*.
[430] Liv. 45.4.2-3; Rossi 2000, 58-9.

resulting from the realization of enemies' falls from greatness and of the likelihood that the weepers' fates will one day take a turn as well. On this theme of the mutability of fate, Marincola also cites the story of Croesus in Herodotus Book 1 and warnings exchanged between Athenians and Spartans about the fickleness of human prosperity in Thucydides Books 1 and 4—though these episodes do not include weeping.[431]

While it is possible to discern an element of the mutability of human fortune in the Livian episode (since we are reminded of at least Hiero's limited prosperity and certainly the most beautiful city being reduced to ash is a turn of fortune), Livy's Marcellus could certainly have been more explicit if this was his meaning. In many of the Greek passages noted above, there is *explicit* reference to the mutability of human fortune.[432] A second discrepancy is that the Greek weeping scenes discussed by Rossi involve the defeat of an individual, human enemy: Hector's death/Priam's humility; Pyrrhus; Achaeus; Perseus. Quite differently, Marcellus laments the destruction of a prosperous city, not a prosperous man. Moreover, in such Greek scenes, the enemies have been decisively defeated, prompting the consideration of human fortune over which the weeper weeps. To the contrary, when Marcellus weeps in Livy, Syracuse has not yet been captured. Certainly he anticipates that it will be, since he reflects that all will be ash

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[431] Marincola 2005, 222.

[432] Cf. the Livy *comparandum*: "when he looked on them [i.e., the envoys] crying and in dirty clothes, he himself is said to have wept for the fate of mankind" (*quos cum flentes ac sordidatos cerneret, et ipse inlacrimasse dicitur sorti humanae*, Liv. 45.4.2); and Polybius' assessment of Aemilianus at Carthage: "For to undertake reflection, during greatest success and enemies' misfortune, on domestic affairs and reversed circumstances and, in general, to keep readily in mind during good fortune the precariousness of fate is in the nature of a great and perfect man and, in sum, worthy of memory" (τὸ γὰρ <ἐν> τοῖς μεγίστοις κατορθώμασι καὶ ταῖς τῶν ἐχθρῶν συμφοραῖς ἔννοιαν λαμβάνειν τῶν οἰκείων πραγμάτων καὶ τῆς ἐναντίας περιστάσεως καὶ καθόλου πρόχειρον ἔχειν ἐν ταῖς ἐπιτυχίαις τὴν τῆς τύχης ἐπισφάλειαν ἀνδρός ἐστι μεγάλου καὶ τελείου καὶ συλλήβδην ἀξίου μνήμης, Polyb. 38.21.3).

within the hour, but the dynamic of a man weeping over the destruction he would soon cause is very different than Achilles or Antigonas Gonatas considering the plight of their already-vanquished enemies. This brings us to what is perhaps the most jarring discrepancy: that in none of those Greeks passages do the weepers regret the defeat of their enemy, and they certainly do not attempt to prevent his defeat, over which they weep. Yet that is exactly the action taken by Marcellus after his tearful reflection. His tears may be, in part, tears of joy for overcoming the walls of Syracuse—a historically difficult feat—but this joy does not extend to the thought of sacking the city, as is clear from Marcellus' immediate attempt to circumvent the city's lamentable destruction.[433]

The closest cited parallel to the scene of Marcellus' weeping over Syracuse is Scipio Aemilianus weeping over Carthage's destruction. But in the Polybian scene of Aemilianus at Carthage, the destruction is happening before his eyes, not a possibility he seeks to avoid. Like with the other Greek examples, this passage very directly evokes a lament over the change in human fortunes, whereas Livy's weeping Marcellus does not. Most critically, this Polybian passage is, as Rossi notes, "badly mutilated" and there is no extant reference to tears or any particular emotional reaction beyond Aemilianus' admission to Polybius that he fears for Rome's eventual demise.[434] Considering the differing contexts of Livy's weeping Marcellus and Greek scenes of weeping in the *Iliad*, Plutarch, and Polybius, Marcellus' tears are not fully explained by Greek intertexts about

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[433] On the tradition of "city laments" in the ancient Mediterranean, see further Bachvarova, Dutsch and Suter 2015. Laurence 1996 argues that it was a part of Roman Kriegethik to refrain from the destruction of cities, which held sacred and heavily ritualized valences in the Roman imagination.

[434] She argues that because Scipio is said to weep in Appian and Diodorus Siculus, who both used Polybius as a source, that Scipio "most surely" must have wept in Polybius too: Rossi 2000, 59 n. 21; App. *Pun*. 132; Diod. 32.24.

the mutability of human fortune. Rossi' suggestion that Livy has Marcellus weep in order to signpost Marcellus' philhellenism (through his reenactment of a Greek motif) seems even more of a stretch.[435] Alongside such motifs, we ought also to understand this scene within the context of emotionality brought on by cultural destruction.

We saw numerous instances of weeping in the *Verrines* caused by the destruction or loss of precious cultural property, such as beautiful works of art, historic monuments, and sacred votive offerings. Recall, for example, Cicero's image of envoys weeping as they looked upon (*lacrimantes intuebantur)* statues and ornaments plundered from their cities on display in the Roman forum.[436] In this same passage, Cicero also remembers his own experience viewing allied plunder, calling it "a decoration magnificent in appearance, but bitter and mournful in feeling and thought" *(ad speciem magnifico ornatu, ad sensum cogitationemque acerbo et lugubri*).[437] In Livy, Marcellus weeps as these envoys weep, and Cicero's personal observation is much like that of Marcellus, who takes in the magnificent sight, yet recognizes the sadness of it. Furthermore, Cicero's weeping envoys are a reworking of a Polybian passage, where the prior owners of plunder on display in Rome look upon it and have their hatred for Rome stoked by the memories it evokes.[438] Since these remarks by Polybius come within his statement of disapproval for the plunder taken by Syracuse following Marcellus' sack of the city,[439] it

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[435] Rossi 2000, 58.
[436] Cic. *Verr*. 2.1.59: *legati ex Asia atque Achaia plurimi Romae tunc fuerunt, qui deorum simulacra ex suis fanis sublata in foro venerabantur, itemque cetera signa et ornamenta cum cognoscerent, alia alio in loco lacrimantes intuebantur,*.
[437] Cic. *Verr*. 2.1.58.
[438] Polyb. 9.10.7-10.
[439] He calls it a "mistake" (ἁμάρτημα); Polyb. 9.10.5.

would be appropriate for both the Polybian passage and Ciceronian adaptation to have been in Livy's mind as he was writing about Marcellus in Syracuse.

Another affinity between Marcellus' weeping and *Verrine* precedents pertains to the notion of stakeholding. In one tearful *Verrine* episode, the Syrian prince Antiochus publicly weeps and decries to gods and men alike that Verres had stolen a magnificent candelabrum that he brought along on his journey to Rome to be dedicated in the Temple of Jupiter Optimus Maximus.[440] In another, a contract is placed to remove the statue of Diana at Segesta to the tears and lamentations of the entire community.[441] The latter episode more closely resembles Marcellus' weeping, in that the tears are at the prospect of the *impending* destruction.[442] In these Ciceronian scenes of weeping and in Polybius' assessment of Syracusan plunder, the emotional responses indicate that the victims are stakeholders in the art and objects threatened by Romans; the objects' ability to trigger an emotional response heightens the sense of their importance and value. Similarly, Marcellus' tears in Livy signal that he, and Rome, are stakeholders in Syracuse. Marcellus, prompted by the prospect of the great city's destruction, is inspired to reflect on Syracuse's importance in history (and in the historical tradition, in which Livy was partaking). That this is a shared historical past is communicated by the fact that he brings

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[440] Cic. *Verr*. 2.4. 76: *Rex maximo conventu Syracusis in foro…flens ac deos hominesque contestans clamare coepit candelabrum factum e gemmis, quod in Capitolium missurus esset, quod in templo clarissimo populo Romano monumentum suae societatis amicitiaeque esse voluisset, id sibi C. Verrem abstulisse.*

[441] Cic. *Verr*. 2.4.76: *magno cum luctu et gemitu totius civitatis, multis cum lacrimis et lamentationibus virorum mulierumque omnium, simulacrum Dianae tollendum locatur.*

[442] If we want to take the motif back to Homer, we can perhaps see a *comparandum* in Odysseus weeping at Demodocus' songs about the fall of Troy in the hall of the Phaeacians (Book 8): first Odysseus cries (lines 86-8) at a song that tells of "the beginning of the calamity for Trojans and Danaans" (πήματος ἀρχὴΤρωσί τε καὶ Δαναοῖσι, *Od*. 8.81-2); then, he weeps again at a song he himself requested, which tells of the Trojan horse and sack of the city (*Od.* 8.514-521). However, considering Odysseus weeps a number of other times throughout the Odyssey, unconnected to the sack of Troy, the similarity may be mere coincidence.

Syracusan history up to Rome's recent past. Syracuse had become part of Rome's, and now Marcellus' personal, legacy, and its destruction similarly destroys this history.

Moreover, his reflection on Syracuse's greatness is similar to the way that, in the *Verrines*, the violation of temples or theft of statues prompts Cicero to expound upon their fame, antiquity, or prior inviolability. That Marcellus recognizes his own potentially devastating role to play in the Syracuse's fate, and attempts to prevent it, humanizes him. Gowers has argued that in this Livian scene Marcellus is a conduit for expressing Romans' guilt over their conquest of the Greeks and their claim to share in intellectual prestige of Greeks.[443] Building on this interpretation, I suggest that instead of positioning Marcellus as a wise Greek, making time to reflect on the plight of man as he makes his way to a great victory, Marcellus' weeping enhances his image as a sympathetic conqueror.[444] Livy here attributes to the conquering Roman general the tears of Ciceronian victims.

While Marcellus' tear-driven attempt to procure Syracuse's surrender and so prevent its razing is perhaps the most dramatic, it is not the only point in Livy's narrative where Marcellus tries to reduce the harm to the city. In fact, the above passage is but one of several attempts by Marcellus to circumvent and limit the city's destruction. Right away in his account of the siege Livy tells us of Marcellus' attempt to settle things peacefully. "Lest he leave anything untried" (*ne quid inexpertum relinqueret),* Marcellus has some Syracusans spread the word to others that if Syracuse surrendered, they would

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[443] Gowers 2010, 79. In this vein, Gowers also notes (pp. 80-1) that "restoring Syracuse" became a common imperial undertaking.
[444] *Contra* Giordano 1985 (106-118), who argues that Livy sees Marcellus' over-emotionality as his fatal flaw.

be free and able to live under their own laws (*liberos eos ac suis legibus victuros esse)*.[445] Unfortunately, the men tasked with this initiative end up caught and killed (25.23.7), and thus the attempt fails.

Moreover, when the Syracusans of Achradina sue for terms of surrender after being abandoned by Epicydes and the Carthaginians, Marcellus agrees to limit the scope of his army's plundering. Livy tells us, "there was almost no disagreement that what property anywhere belonged to the kings would become the Romans', while the rest would be preserved for the Sicilians, along with their freedom and their laws" (c*um haud ferme discreparet quin quae ubique regum fuissent Romanorum essent, Siculis cetera cum libertate ac legibus suis servarentur).*[446] This concession is notable for two reasons. Firstly, because it includes an additional concession to limit plundering which was not included in an earlier agreement Marcellus made with specific Syracusan communities. After Marcellus' post-weeping attempt to get the city to surrender was unsuccessful,[447] he set up camp between the regions of the city called Neapolis and Tycha. Representatives from these communities then approached him, asking to be spared. On this occasion, Marcellus had agreed not to harm any free people, but stated that all the rest would be booty (*ne quis liberum corpus violaret; cetera praedae futura*).[448] Indeed, Livy's remark that "to plundering there was no limit until they had carried away all the possessions accumulated in a long continued prosperity" (*rapinis nullus ante modus fuit quam omnia*

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[445] Liv. 25.23.4.
[446] Liv. 25.28.3.
[447] The dispatched Syracusans are barred from entering Achradina by the anti-Roman instigators who stood to be punished should the city surrender to Rome; Liv. 25.25.1.
[448] Liv. 25.25.7.

diuturna felicitate cumulata bona egesserunt) refers to the army's treatment of Tycha and Neapolis.[449] In light of this preceding circumstance, the agreement to limit plundering is all the more striking. Note that the limit on plunder is also an addition to Marcellus' very first entreaty for peace, where he only offered freedom and their own laws.

Secondly, Livy here emphasizes the extent of agreement on these terms between all parties, describing it as nearly unanimous. This differs from Plutarch's version, which combines Livy's two plunder-related agreements (Tycha and Neapolis versus Achradina) into one final agreement once Syracuse has been taken. In Plutarch's account, the Roman soldiers and Marcellus are divided on the issue of plunder, and it is only through a begrudging compromise between Roman ranks that Marcellus agrees the troops may plunder but not destroy the city, with the caveat that no citizens be harmed.[450] Emphasizing the consensus of this agreement to abstain from plundering non-royal property, Livy presents the Romans as more generous and kindly conquerors.[451]

3.2.2 Marcellus, the Plunderer of Syracuse

Even while ennobling Marcellus' and Rome's conduct by comparison with others' accounts, Livy nevertheless expresses judgment at several points in his narrative of the siege of Syracuse. For example, after Achradina has finally surrendered and Marcellus decides to allow his troops to loot the city, Livy states that there was "much of

[449] Liv. 25.25.9.
[450] Plut. *Marc*. 19.2, as noted by Levene 2010, 211 n. 115.
[451] On Livy's intentional downplaying of negative traditions about Marcellus, particularly by contrast with Polybius, see: Marincola 2005, 226; Carawan 1984-5; Flower 2000, 46-7. Freudenberg 2017 (127ff., with notes) provides an excellent overview of ancient depictions of Marcellus. Essentially, he is portrayed negatively by Fabius Pictor, Cato the Elder, Polybius, and Coelius Antipater. In Ennius' *Annales*, Livy and Plutarch, he comes off positively despite more complex characterizations in the latter two. Freudenberg reports that there is evidence that Posidonius, Valerius Maximus, and Augustus took interest in the figure of Marcellus, but we do not know their estimations of him.

anger, much of greed" (*multa irae, multa avaritiae*) in the plundering.[452] As Levene has observed, "Livy's emphasis on the avarice exhibited at the sack of Syracuse makes it look uncomfortable even if not illegal."[453] Furthermore, in what is perhaps the most notable expression of condemnation, Livy pinpoints Marcellus' conveyance of the Syracusan plunder to Rome as the origin of bad Roman habits.

Ancient and modern sources alike have made much of the influx of Syracusan plunder to Rome, following the sack of 212 BCE. Gowers has called the removal of Syracusan art to Rome "the Elgin marbles of their day, an event interpreted both as a moral and aesthetic watershed and as a curse."[454] Similarly, Wells writes that the sacking was "so thorough that it was regarded in antiquity as a cultural and moral milestone."[455] Indeed, as Freudenberg notes, the conflictual treatment of Syracusan art is "a centerpiece" of Marcellus' legacy.[456] Livy, following on Polybius' comments about Syracusan plunder,[457] but providing his own take, writes:

> While Marcellus, having captured Syracuse, conducted the rest of affairs in Sicily with so much good faith and integrity that he increased not only his own glory but also the honor of the Roman people, he conveyed to Rome the ornaments of the city, statues and paintings with which Syracuse abounded, these things being spoils of the enemy and acquired according to the rule of war. Moreover, from this, for the first time, resulted the origin of admiring Greek works of art and of this license for plundering everything, everywhere, both sacred and profane, [a license] which later turned against the Roman gods, first of all against that very temple that was exceptionally adorned by Marcellus.

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[452] Liv. 25.31.9.
[453] Levene 2010 209.
[454] Gowers 2010, 80.
[455] Wells 2010, 231.
[456] Freudenberg 2017, 129. Carawan 1984-5 (137) also notes that even after the narrative of the sack and the senate hearing over Marcellus' actions in Syracuse in Book 26, the spoils of Syracuse keep getting brought up, for example in Cato's speech against the repeal of the Lex Oppia (Liv. 34.4.4), and also at 38.43.8 and 39.4.12.
[457] Polyb. 9.10.

> *Marcellus captis Syracusis cum cetera in Sicilia tanta fide atque integritate composuisset ut non modo suam gloriam sed etiam maiestatem populi Romani augeret, ornamenta urbis, signa tabulasque quibus abundabant Syracusae, Romam devexit, hostium quidem illa spolia et parta belli iure; ceterum inde primum initium mirandi Graecarum artium opera licentiaeque huius sacra profanaque omnia vulgo spoliandi factum est, quae postremo in Romanos deos, templum id ipsum primum quod a Marcello eximie orantum est, vertit.*[458]

Two tensions in this passage are particularly notable. First, Livy here contrasts Marcellus' otherwise upright conduct in Sicily with his plundering of Syracuse. By expressing that Marcellus' other actions augmented both his own glory and the *maiestas* of the Roman people, Livy suggests that his plundering of Syracuse, at the very least, did not.[459] Moreover the negative outcome of this event highlighted here—that the resulting *licentia* in Rome eventually turns against Rome's own gods[460]—implies that Marcellus' plundering of Syracuse in fact detracted from Roman *maiestas*. Through such rhetoric, Livy importantly connects the issue of plundering to the dignity of the Roman people and the essence of its superiority to other peoples.[461]

Second, Livy distances the legality from the ethicality of plundering. On the one hand, he specifies that the statues, paintings and other ornaments brought from Syracuse were acquired according to the law of war, as spoils of the enemy. Hence, from a legal standpoint, Marcellus' behavior is acceptable. Yet on the other, he draws out clearly

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[458] Liv. 25.40.1-2.

[459] Jaeger 1997 (128) interprets Livy as saying that Marcellus would have added to his glory if he had left Syracusan art in Syracuse, as Cicero remarks at *Verr*. 2.2.4 that by leaving Syracuse adorned Marcellus made it a monument to his victory, clemency, and moderation (*sed ita reliquit ornatam ut esset idem monumentum victoriae, mansuetudinis, continentiae*).

[460] According to Bragova 2018 (269), *licentia* is a vice frequently criticized by Cicero, often conveying a sense of crime, profit, and rampant desire. We can understand all of these valences at work within Livy's mention of it here.

[461] On the connotations of "superiority" within the Roman concept of *maiestas*, see Williamson 2016. By the late Republic, diminishing the *maiestas* of the Roman people (*maiestas populi Romani minuta*) had been criminalized through several *leges maiestatis*, including the lex Iulia sponsored by either Julius Caesar or Augustus; William 2016, 339.

negative consequences for Rome as a result of Syracuse's legally-permitted plundering. The dissonance in this passage over the appropriateness of plundering Syracuse displays the distance between Livy's own ideas about what is right and what was permissible according to Roman legal notions. As Levene notes, "there is a distinction to be made between the legitimacy of the behavior and its moral desirability."[462] We can therefore understand that Livy's judgement in this passage is not for Marcellus *per se*—in the way that Cicero criticizes Verres—but for the ethical standards that permit(ed) such plundering.

Another important consideration in interpreting Livy's coda in Syracuse is that the extent and nature of blame in this passage depends upon how we understand the relationship between the two phenomena said to have been initiated by Syracusan plunder (Romans' fascination with Greek art and Romans' licentiousness in plundering indiscriminately) and how we imagine this initiation occurred. According to Levene, Livy in this passage identifies Marcellus' spoils from Syracuse as "setting in motion a train of events that will lead to moral disaster for Rome herself."[463] Rossi connects the foreboding nature of Livy's comments here to Marcellus' earlier weeping; just as Achilles in *Iliad* 24 wept in part because he knew that Hector's death meant his own was imminent, so Marcellus wept because Syracuse's fall would spell decline for Rome.[464] Similarly, Jaeger has argued that by using the phrase *sacra profanaque omnia*, "all things, sacred and profane"—a phrase also used by Sallust in a passage alleging that the

[462] Levene 2010, 211.
[463] Levene 2010, 103, n. 44.
[464] Rossi 2000, 60-1.

Roman taste for plunder came from Sulla's troops in Asia—Livy corrects Sallust and redirects the source of corrupting luxury to Sicily.[465] By these interpretations, Syracusan plunder corrupted Rome.

To better understand the nuances of Livy's comment, it is worth considering his remarks on Syracusan plunder alongside both Sallust's comments about Sulla in Asia and another Livian passage that connects Rome's embrace of foreign luxury to Gnaeus Manlius Vulso's campaigns in Asia. Such a comparison will underscore both the relative lack of blame Livy levels at Marcellus and the way that Livy chooses to downplay the model of cultural contamination available to him through Sallust. Sallust's comments come in a passage about the civil strife, particularly robbery and pillaging, between Roman citizens that occurred after Sulla seized power in Rome. He refers to Sulla's behavior in Asia as an entry point for such behavior into the Roman populace:

> Besides this, Lucius Sulla treated the army that he led into Asia luxuriously and overly indulgently—on account of which he made it loyal to himself—against ancestral custom. The pleasant, delightful lands easily, during times of leisure, softened the spirits of the fierce army. In that place, for the first time, an army of the Roman people became accustomed to lust, to drink habitually, to admire statues, paintings, engraved vessels, to seize these things from private and public contexts, to despoil shrines, to defile everything sacred and profane.
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> *Huc accedebat, quod L. Sulla exercitum, quem in Asia ductaverat, quo sibi fidum faceret, contra morem maiorum luxuriose nimisque liberaliter habuerat. Loca amoena, voluptaria facile in otio ferocis militum animos molliverant. Ibi primum insuevit exercitus populi Romani amare, potare, signa, tabulas pictas, vasa caelata mirari, ea privatim et publice rapere, delubra spoliare, sacra profanaque omnia polluere*.[466]

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[465] Jaeger 2010, 24. The phrase *sacra profanaque omnia* is also used by Cicero in the opening of *Verrine* 2.5, as noted by Jaeger (*ibid*.) and Levene 2010, 124.
[466] Sallust *BC* 11.5-6.

Sallust here taps into notions of environmental determinism, suggesting that the Roman soldier's Asian surroundings softened their natural ferocity.[467] While the location itself seems to corrupt the troops,[468] it is suggested that Sulla's indulgences, in allowing them leisure, enables the corruption. Thus, the degeneration of previously stalwart Roman character is due in part to contamination by "soft" Asian culture and in part to Sulla's unRomanly generalship. With both of these negative influences acting upon them, the Roman soldiers first develop a series of vices including drunken carousing, a taste for art, and rampant plundering.

Livy also includes a passage about Asian luxury and the Roman army. In it we hear that Gnaeus Manlius Vulso, who campaigned against the Galatians in 189 BCE, had come under scrutiny for allegedly ruining the army's discipline, after he took over command from Lucius Scipio.[469] With this preamble, Livy adds, "for foreign luxury was first brought to the city by the army from Asia" (*luxuriae enim peregrinae origo ab exercitu Asiatico invecta in urbem est*). He then lists a series of luxuries that were then for the first time (*primum*) brought to or implemented at Rome, including the importation of fancy furniture and foods and the use of female musicians at banquets; cooking is likewise said to have changed from being utilitarian to an art. "Even so," writes Livy, "these things, which were remarked at, at that time, were scarcely the germs of the luxury

[467] For a survey of Greek and Roman perspectives on environmental determinism: Isaac 2004, 55-74. See also Isaac 2006 and 2009.
[468] The frequent inversion in Roman literature of the bucolic *topos* of *locus ameonus* would seem to apply here. On the *locus amoenus* as an unsafe place, see, e.g., Petrone 1998; Barrière 2013.
[469] Liv. 39.6.3-6.

that would come" (*vix tamen illa, quae tum conspiciebantur, semina erant futurae luxuriae*).[470]

The fact that both passages on Asia clearly condemn the Roman general in charge—with Sulla's literal spoiling of the troops said to be against *mos maiorum* and Vulso said to be in disrepute on several accounts—makes Livy's emphasis on Marcellus' integrity in his passage on Syracuse all the more striking. Livy furthermore separates elements of the Sallust passage into his two separate remarks on Syracusan and Asian plunder. Sallust lumps admiration for art in with drunken banquets and sacred plunder, whereas Livy focuses on art and plunder as a result of Syracuse's sack and more decadent behaviors such as lavish banquets as a result of Asian plunder. Sallust's explanation makes explicit that indiscriminate plundering of items from private and public, sacred and profane, contexts resulted because of the soldiers' desire for artistic items such as statues and carved cups, which is contextually presented as decadence on par with drunkenness and lust. Livy's distinction between the importation of foreign luxury from Asia and the Romans' admiration for Greek art—both of which are described as "firsts"[471]—suggests that he did not consider the Greek art brought back from Syracuse to be either foreign or luxuries (or both). If we look at the two Livian passages together we can understand how they work in tandem: Greek art from Syracuse has the effect of generating a Roman taste for plundering all types of things, sacred and profane, which

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[470] Liv. 39.6.7-9

[471] Liv. 25.40.2: *ceterum inde primum initium mirandi Graecarum artium opera licentiaeque huius sacra profanaque omnia vulgo spoliandi factum est*; Liv. 39.6.7: *luxuriae enim peregrinae origo ab exercitu Asiatico invecta in urbem est. ii primum lectos aeratos, vestem stragulam pretiosam, plagulas et alia textilia, et quae tum magnificae supellectilis habebantur, monopodia et abacos Romam advexerunt*.

then occurs when the army is in Asia; they bring back all types of luxurious everyday items (very much in the "profane" category), which change the culture at Rome from stark and utilitarian to having a taste for the artistic and magnificent. But what Livy says here is not that the morally degenerate (if we can assume some judgement is implied by the term *luxuria*) and decadent culture of his present came from Asia; what he says is that imported Asian luxuries were the seed from which Rome grew its own future luxury (*futura luxura*). This is a far cry from Sallust's interpretation of decadent Eastern ways softening Roman inborn ferocity because of Sulla's ingratiating laxity.

What is more, the comparison of these passages puts into sharper relief another important point about Livy's remarks on Syracusan spoils. Unlike the spoils and customs brought back from Asia, which are called *luxuria*, Livy does not critique Syracusan *plunder* so much as Roman *plundering*.[472] Livy does not blame Greek culture for corrupting stern Roman character, but rather gives the agency for this corruption to Romans themselves. This is made clearer by the mention of Marcellus' own temple's plundering—that Romans had even turned to plundering their own temples by Livy's day helps us understand that the fault lay with Romans, not with Syracusan or Greek culture.[473] Therefore, when we assert that Livy presents Syracusan plunder as the catalyst for Roman corruption, we must be clear about the nature of this impact. Livy does not present the Syracusan plunder, the Greek art, as inherently corrupting or contaminating—as if caring about such works of art necessarily resulted in the development of all kinds of

[472] Haimson Lushkov 2017 (44) similarly reads Roman looting as the target of this critique.
[473] On the timeline of the plundering of the Temples to Honor and Virtue, see Levene 2010, 125.

moral vices. For him, it is the passion for plundering, not Greek or Asian material culture, that is the problem.

Despite the legality of the plundering stressed by Livy, Marcellus' actions come under dispute. As Wells has observed, "even when general rules would seem to apply, discussion was possible."[474] In Book 26, when Syracusans find out that Marcellus has been once again appointed governor of Sicily, they send ambassadors to Rome to complain of Marcellus' previous treatment of them. Scholars have viewed this contestation over Marcellus' conduct in Syracuse as ineffectual, arguing that nothing came of the Syracusan complaints and that the whole thing was just an unsuccessful political maneuver by Marcellus' rivals.[475] However, in Livy's account, the Syracusan complaints do accomplish two important things. First, they result in a deliberation of the senate, prior to which Marcellus is driven to defend himself, twice appealing to the *ius belli* to condone his actions[476] as well as bringing up the fact that he had tried to make peace first.[477] Secondly, they result in Marcellus switching provinces with Laevinus. This exchange of provinces is not recorded by Plutarch. Carawan interprets this additional Livian detail as heightening the image of Marcellus' integrity, since he agrees to switch provinces anyway, despite the senate's upholding of his prior conduct in Sicily.[478] I would add that the switch also lends political consequence to the Syracusans' complaints about plunder—they successfully get Marcellus removed from being their governor

[474] Wells 2010, 241.
[475] E.g., Eckstein 1987, 171.
[476] Liv. 26.31.2; 26.31.9.
[477] Liv. 26.31.7.
[478] Carawan 1984-5, 138.

again. Marcellus is ultimately found to have acted properly, but this contestation over cultural destruction importantly is the first of a number to come in Livy's subsequent narrative of Roman expansion and interstate interactions.[479] It is to these to which I turn in Section 2.

From this examination of Livy's narrative of Syracuse, several key observations emerge that will underlie the rest of the chapter. First of all is the influence on Livy of the ideas and ways of speaking about cultural destruction expressed in the *Verrines*. Livy redeploys tactics that had been used by Cicero to condemn and build up the important stakes of cultural destruction. These include an attention to personal, emotional responses to the destruction of cultural property, problematizing the relationship between plundering's legality and ethicality, and rendering plundering an issue for Roman *maiestas*. Over the course of episodes analyzed in the next two sections, we will see Rome and individual Romans become progressively more active and culturally responsible responders to acts of cultural destruction. Moreover, this section has also established that Livy does not blindly follow Polybian models, but reshapes his episodes in subtle, yet meaningful ways, both heightening the *pathos* and negative moral valences of episodes of cultural plunder and destruction and often omitting and softening Rome's own role in such behavior.

[479] In Wells' words, the 210 senate hearing was "the first hint of a debate over the propriety of plundering religious objects from the region, and therefore the first hint that the Romans had begun to perceive the region as 'not other,' so far as religious sites were concerned;" Wells 2010, 231. See also Kendall 2012, 11-13.

3.3 Negotiating Cultural Destruction through Character Speech

One of the ways that Livy puts focus on issues of cultural destruction is by including and composing speeches and debates between his characters on this topic. Because character speeches allow for more expressive leeway than Livy's own narration,[480] they enable more explicit commentary on historical events, and are therefore especially useful for discerning moral judgements and ethical arguments.[481] While the moral takeaway is not always clear, particularly in instances where we are presented with a speech and counter-speech, or an even more complex debate, it is reasonable to presume that Livy accomplishes something narratively, by means of his speeches; the sentiments expressed in speeches have the ability to influence our interpretations of events by modeling reactions to them. It has been well established that Livy's speeches are "unhistorical in a literal sense," and that, though they more or less follow the general content and locations of the speeches in Livy's sources, they differ notably in length, style, tone, and wording.[482] Therefore, the particular words and ideas of Livy's speeches need to be understood within Livy's own time period and cannot reliably be attributed to

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[480] E.g., Jaeger 2010 (30) notes the shift in register between character speech, which is more hyperbolic, and Livy's comparatively reserved narration in as small a detail as how beautiful Syracuse is.

[481] Giordano 1985 (37) argues that Livy prefers to impart his own judgement through speeches rather than through narratological asides, stating, "Livy is well within the Greek tradition when he inserts speeches at key points in his narrative; he is well within Roman tradition when he propounds his moral viewpoint in these commentaries." Indeed, Levene 2010 (117-118, esp. n. 80) observes the tendency of Livian speeches to reveal too much knowledge on the part of their speakers regarding prior events they should not have known about and even non-Livian versions of events. Carawan 1984-5 (134) relatedly argues that Livy sometimes uses character speeches with the metaliterary objective of alluding to, and even critiquing, alternative versions of events.

[482] Walsh 1961, 219-244, here 220. Walsh also notes that Livy's liberties with his speeches gained him both censure from Pompeius Trogus (p. 235) and rave reviews from the likes of Seneca, Tacitus, and Quintilian, such that his speeches were published and circulated separately in Domitian's day (p. 219). Following Walsh, Eckstein 2014 (409) states that Livian speeches "have been reworked into masterpieces of Latin rhetoric," often introducing both Livy's own ideas and supplementing material from multiple sources. See also Badian 1959, 83.

their purported historical period. It is probable that Livy composes his speeches according to what he thinks appropriate for the given character and context, in a similar way as Thucydides transparently explains of his own method.[483] For our purposes, that the speeches purport to represent how their speakers might have made ethical arguments about cultural destruction for political purposes tells us a lot about the ideas in play during Livy's day. In particular, the episodes of verbal controversy examined in this section indicate a concern over and a preoccupation with acts of cultural destruction such as the plundering of a community, the abolishment of its customs, or the violation of a sacred precinct.

It is in the mouths of historical figures, through direct and indirect speech, that we most clearly see the negotiation of ethics surrounding various types of cultural destruction in process and ongoing throughout the *AUC*. In these speeches, characters react negatively to incidents including plundering, the violation of sacred sites, and the abolition of cultural mores. Such debates occur both in the context of interstate meetings in the East, where Rome features as a debate participant or as a third-party mediator, as well as between Romans at Rome. In the four case-studies that follow, we see two interstate examples (debate at the Aetolian Council of 199 BCE and the Roman commission to Achaea in 184 BCE regarding the Achaean settlement of Sparta), and two internal Roman examples (the dispute between M. Aemilius Lepidus and M. Fulvius Nobilior over Ambracian plunder in 187 BCE and the senate's rebuke of M. Fulvius Flaccus in 174 BCE). In both contexts, objections to plunder and allegations of

[483] Thuc. 1.22.1. On the tradition of Roman historians composing their own version of speeches, see Walsh 1961, 219.

mistreatment of sacred property feature as a political tool levelled against opponents, in order to make or break alliances and bring down political enemies. Moreover, the particular arguments of such debates demonstrate a constant grappling with where the line between acceptable and unacceptable is, when it comes to cultural destruction during times of war.

3.3.1 Debating Barbarity and Attic Destruction at the Aetolian Council

The first speech here examined is that of the Athenian envoys at the 199 BCE meeting of the Aetolian League in Naupactus.[484] In this council, Macedonian ambassadors attempt to persuade the Aetolians to join them against the Romans. In particular, the Macedonians appeal to their shared Greek identity as a reason for the Aetolians to ally against them, representing the Romans as foreign barbarians who must be expelled from Greece. In reaction to these arguments, the Athenians then offer an (indirect) speech that turns the Macedonians' identity-based arguments, rooted in notions of barbarity, on their head. They effectively "barbarize" Philip by describing his recent devastation of the monuments, tombs, and temples around their city and countryside. This debate exemplifies the intersection between the treatment of cultural property and the line between civilized and barbarian. Its context occurring in an interstate meeting to decide political alliances demonstrates the political import that ethical constructions regarding the proper treatment of cultural property could have.

The debate progresses as follows. The Macedonian representative speaks first, calling the Romans barbarians looking to essentially enslave the Aetolians and all

[484] On the protocol for meetings of the Aetolian League, see Briscoe 1973, 129 and 131.

Greeks.[485] They point to various cities Rome has recently captured under the pretense of liberating them, and they appeal to their own shared language with the Aetolians to foster a sense of common ethnicity against the domineering Roman foreigner.[486] Before the Roman envoy speaks, thoroughly refuting the accusations leveled against Rome, the Athenians speak up, positioning Rome as champions against Philip's cruelty and savageness (*crudelitatem saevitiamque*),[487] which is illustrated by recounting his destruction of their sacred sites:

> They lamented the devastation and wretched ravaging of their fields. Nor did they complain that they endured the usual treatment from an enemy, for there were certain things which it was lawful, by the law of war, to execute and to endure: burning crops, demolishing buildings, carrying off plunder in the form of men and livestock—enduring these was more wretched than undeserved. But in fact, they complained that those who call the Romans foreigners and barbarians so desecrated all divine and human laws together that in their first round of ravaging they waged an impious war with the gods below and, in their second, with the gods above. All the tombs and monuments within their borders were demolished, the departed spirits of all exposed, the bones of no one covered with earth. They had had shrines, which those living in small forts and villages in the country had once consecrated and which their ancestors had not left abandoned even when they were united into one city. Philip cast around all these temples hostile fires. Half-burned, mutilated statues of gods lay among prostrate posts of temples.
>
> *deplorauerunt uastationem populationemque miserabilem agrorum: neque id se queri, quod hostilia ab hoste passi forent; esse enim quaedam belli iura, quae ut facere ita pati sit fas: sata exuri, dirui tecta, praedas hominum pecorumque agi misera magis quam indigna patienti esse; uerum enim uero id se queri, quod is qui Romanos alienigenas et barbaros uocet adeo omnia simul diuina humanaque iura polluerit, ut priore populatione cum infernis deis secunda cum superis bellum nefarium gesserit. omnia sepulcra monumentaque diruta esse in finibus*

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[485] Liv. 31.29.14-15: "too late and in vain, when you have a Roman master, you will seek Philip as an ally…with foreigners and barbarians there is an eternal war for all Greeks, for they are enemies on account of nature, which is perpetual, not on account of causes that change day by day" (*sero ac nequiquam, cum dominum Romanum habebitis, socium Philippum quaeretis…cum alienigenis, cum barbaris aeternum omnibus Graecis bellum est eritque; natura enim, quae perpetua est, non mutabilibus in diem causis hostes sunt*). On Greek traditions of Romans as barbarians looking to enslave Greeks, see Walbank 1963, 8-9; Deininger 1971, 23-37.
[486] Liv. 31.29.
[487] Liv. 31.30.1.

> *suis, omnium nudatos manes, nullius ossa terra tegi. delubra sibi fuisse quae quondam pagatim habitantes in paruis illis castellis uicisque consecrata ne in unam urbem quidem contributi maiores sui deserta reliquerint: circa ea omnia templa Philippum infestos circumtulisse ignes; semusta truncata simulacra deum inter prostratos iacere postes templorum.*[488]

The destruction lamented in the Athenian speech had been previously narrated by Livy in two episodes, where Philip first assaults Athens itself, then lays waste to the Attic countryside. Here, the Athenian speech chiastically treats the more recently narrated rural devastation first, before continuing on to mention the destruction of particularly prominent urban sites at the acropolis and Piraeus.[489] We see in this speech a very specific parsing of what was permissible (*fas*) in times of war and what was not according to *ius belli*, "the law of war." Accordingly, it is permitted to burn crops, demolish *tecta*—likely meant to denote profane buildings, such as houses or shops—and collect loot in the form of people and animals. The Athenians express that while these experiences are unpleasant, they are not undue. However, a line is drawn between these previously listed types of destruction and the breach of both sacred and human law (*divina humanaque iura*). From such phrasing, we understand that prohibited types of destruction did not *only* concern impiety, but rather ethics concerning both the divine and human spheres were breached.[490] The types of behaviors that follows, we can infer, were not permissible by the law of war. By contrast with slaves and livestock, we gather that it

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[488] Liv. 31.30.2-7.

[489] Liv. 31.30.9: *eodem enim scelere urbem colentis deos praesidemque arcis Minervam petitam, eodem Eleusine Cereris templum, eodem Piraei Iovem Minervamque*.

[490] It is a subtle but important point made here that the destruction of something such a temple constituted a breach of human laws as well as divine ones. Scheid 1981*b* has argued that the Romans did not consider impiety a human concern, thinking the gods would punish it if they were offended. While Wells 2010 argues against this, tracing a progression of increasing Roman concern over impiety from the middle to late Republic, he relegates this concern to impieties against Italian temples only, asserting that Greek sacred sites were still religiously Other and therefore violable in the Roman conscience.

is *not* ok to loot other kinds of things. In particular, the category of sites and objects said to be off-limits include *sepulchra*, *monumenta*, *simulacra deorum*, *templa*, and *delubra*. Thus, the Athenians lay out their perspective on the boundaries of destruction allowed in war, which Philip has decisively overstepped.

Moreover, the Athenians appeal not only to the particular value of these targeted sites to their own community, but also to the shared Greek valuing of temples, graves, and monuments, in order to castigate Philip. In terms of the former, the antiquity and ancestral quality of the country temples seems to make their destruction worse.[491] Highlighting the continuity of use communicates their cultural importance and that they are staples of the community—they are so important that folks still travel out to them even though they no longer live nearby. Secondly, the Athenians focus on Philip's assaults on their art and their gods, cultural components underlying their shared Greekness with the Aetolians, which the Macedonian envoys had sought to coopt against the culturally-Other Romans. In particular, Philip is cast in the role of enemy of all Greece through the assertion that "in such a way that he made Attica, once ornamented and magnificent, he would make Aetolia and all of Greece, if he was allowed" (*qualem terram Atticam fecerit, exornatam quondam opulentamque, talem eum, si liceat, Aetoliam Graeciamque omnem facturum*).[492] In complement, the speech positions the Romans as

[491] While Livy and the Athenian representatives describe Philip's destruction of both rural and urban sacred sites, the rural shrines receive special attention in the Athenian lament because they are unprotected by both city defenses and the defending Romans, and therefore are subject to Philip's destruction. These may have had particular resonance for Livy's audience in light of Augustus' own construction of the Ara Pacis outside the city limits. In particular, the rural temples of Greece received special attention from Rome under Augustus and during the Julio-Claudian period, as evidenced by the relocation of Attic shrines to the Athenian agora; Alcock 1993, 191-196; Shear 2007, 245-6; Hoff 2013, 563.
[492] Liv. 31.30.8.

saviors and defenders of these sites, literally repelling Philip from Greek temples: "There would also have been a similar mutilation of their city, if the Romans had not come to their aid…But driven back not only from their temples but also from their walls by force and arms, [Philip] raged against those shrines for which religious scruple was their only defense" *(urbis quoque suae similem deformitatem futuram fuisse, nisi Romani subvenissent…sed ab eorum non templis modo sed etiam moenibus vi atque armis repulsum in ea delubra quae sola religione tuta fuerint saevisse)*.[493] Such remarks depict the Romans as defenders of the Athenian cultural landscape. At least for the urban temples and shrines, where the piety that was supposed to protect them was not a sufficient defense, the Romans were able to beat back the offending Macedonians.

We can understand this response to the Macedonians as casting the charge of barbarity back on to them, by way of their participation in the destruction of sacred property and civic monuments. The language the Macedonians had used to appeal to the Aetolians and castigate the Romans invoked notions of barbarity as a fixed and naturally-determined category: "too late and in vain, when you have a Roman master, you will seek Philip as an ally…with foreigners and barbarians there is an eternal war for all Greeks, for they are enemies on account of nature, which is perpetual, not on account of causes that change day by day" (*sero ac nequiquam, cum dominum Romanum habebitis, socium Philippum quaeretis…cum alienigenis, cum barbaris aeternum omnibus Graecis bellum est eritque; natura enim, quae perpetua est, non mutabilibus in diem causis hostes*

[493] Liv. 31.30.8-10.

sunt).[494] The Athenians' response effectively refutes this paradigm, suggesting that barbarity is more a matter of behavior, and that a category of behavior important to determining this is cultural plunder and destruction. More important than the fact that Philip speaks Greek is the fact that Philip destroys temples, tombs, and monuments.

The Athenians, thus, turn Macedonian arguments about ethnicity on their head: the fact that Philip is closer in culture and ought to have respected these sacred sites all the more makes the outrage worse. Eckstein has suggested that providing a speech that contradicts prior narration and which is subsequently thoroughly refuted is a rhetorical device that Livy adopts from Polybius.[495] While the situation at the Aetolian Council does not perfectly align, we can perhaps understand a similar phenomenon to be occurring: the Macedonians present a speech full of misleading accusations against the Romans, which is then thoroughly rebutted by the Athenians, with reference back to Livy's prior narrative of Philip's pillaging of Attica.[496] After the Athenians, the Roman representative speaks, in turn, to rebut the Macedonian's charges, with the added ammunition of the accusations leveled at Philip by the Athenians. In the course of his speech, he refers to the plundering and acts of sacred violation by Philip as *inhumana scelera*,[497] bringing the discourse of the humane into the discussion. Thus, we see in these speeches the way that the issue of cultural destruction is integral to a larger, politically-consequential debate about barbarity—both what types of behavior represent barbarity

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[494] Liv. 31.29.14-15.
[495] Eckstein 2014, 415.
[496] See Briscoe 1973, *ad loc*. for a "fact-check" of the Macedonia speech.
[497] Liv. 31.31.3.

and also how political alliances are to be made according to these more behavior-based identity categories.

We do not have any extant parallels for this debate in other authors, although a parallel for Livy's initial narration of Philip V's devastation of Athens is found in Diodorus Siculus and certain details of Philip's behavior are attested in Polybius. The events that are the subjects of the Athenians' speech occurred the prior year (200 BCE) and are related by Livy in Book 31. We first hear of Philip's ravaging of sites at Athens, following his desolation of the Attic countryside. According to Livy, Philip makes an assault on Athens near the Dipylon Gate. During his attack, Philip is said to have burned all the important sites around the city: "Cynosarges, the Lyceum, and whatsoever was sacred or pleasant around the city was razed. Not only buildings but the tombs were destroyed, nor was anything subject to the laws of gods or men spared from his unbridled rage" (*sed et Cynosarges et Lycium et quidquid sancti amoenive crica urbem erat incensum est. dirutque non tecta solum sed etiam sepulcra, nec divini humanive iuris quicquam prae impotenti ira est servatum*).[498] As we see, the affront to both human and divine spheres is a detail of Livy's narration mirrored in the Athenians' speech. Diodorus Siculus provides a close parallel, writing:

> Philip of Macedon, arriving in Athens, set up camp at Cynosarges. After this, he burned the Academy and razed the tombs, and even outraged the sanctuaries of the gods. And indulging his anger, just as if these actions were against the Athenians and not missing his mark by targeting the gods, he at that time, on the one hand, thoroughly incurred the hatred of mankind that had for a long time spoken ill of him, and on the other hand, he quickly met with fitting censure from the gods."

[498] Liv. 31.24.18.

> Ὅτι Φίλιππος ὁ Μακεδὼν ἐπὶ τὰς Ἀθήνας ἐλθὼν κατεστρατοπέδευσεν ἐπὶ τὸ Κυνόσαργες. μετὰ δὲ ταῦτα τὴν Ἀκαδημίαν ἐνέπρησε καὶ τοὺς τάφους κατέσκαψεν, ἔτι δὲ τὰ τεμένη τῶν θεῶν ἐλυμήνατο. χαρισάμενος δὲ τῷ θυμῷ, καθάπερ εἰς Ἀθήνας ἀλλ᾽ οὐκ εἰς τὸ θεῖον ἐξαμαρτάνων, ὑπὸ μὲν τῶν ἀνθρώπων καὶ πάλαι βλασφημούμενος τότε τελέως ἐμισήθη, ὑπὸ δὲ θεῶν ταχὺ τῆς προσηκούσης ἐπιτιμήσεως ἔτυχε…[499]

Briscoe asserts that Diodorus probably closely reflects the language of Polybius.[500] Certainly the essential details of Philip's attack are the same between Livy and Diodorus (i.e., Cynosarges, the Lyceum, temples and tombs), suggesting the likelihood that their shared source Polybius also mentioned these. As in the Livian passages, Diodorus states that these actions incurred the wrath of both men and gods, yet the relationship between these two is inflected differently. The suggestion that these acts of destruction were attacks on the gods and not actually on the Athenians—Philip errs to think this[501]—does not resonate with Livy's version, in which the Athenians characterize Philip's ravaging as an attack on Greek culture. In Diodorus, Philip's actions are more an issue of impiety, which the gods are said to punish, whereas in Livy, the Athenians and Romans take action against him. While we cannot know if Diodorus' claim of divine retribution is based upon Polybius, the focus on impiety is in keeping with Polybius' presentation of Philip. Indeed, Philip's impiety is a prominent feature of his downward character arc in Polybius' history.[502]

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[499] Diod. 28.7
[500] Briscoe 1973, 120.
[501] Polybius makes a similar comment regarding Philip V's destruction at Thermos, remarking that it is illogical to commit impiety towards the gods because one is angry at men; Polyb. 11.7.3.
[502] E.g., at Polyb. 5.9ff, Philip wreaks havoc at Thermos, foolishly punishing the Aetolians for their previous sacred plundering at Dium (narrated at Polyb. 4.62.2-4) with like treatment. Polybius presents this as a misguided attempt at retribution. While in this assault, Philip spares the sacred votives (ἀναθήματα), he later returns to Thermos and specifically destroys everything he has previously spared (Polyb. 11.7.2).

While we do not have Polybian versions of either the debate at the Aetolian Council or Philip's devastation of Attica,[503] we can safely say that Livy does draw on Polybius for certain details of Philip's behavior. For example, during Livy's narration of Philip's ravaging of rural Attica, he states, "it was not enough to have destroyed the temples themselves and toppled the statues, but even the individual stones—lest, intact, they fill up the ruins—he ordered to be broken" (*neque enim diruere modo ipsa templa ac simulacra evertere satis habuit, sed lapides quoque, ne integri cumularent ruinas, frangi iussit*).[504] This detail mirrors Polybius' account of Philip in Pergamum, where "he not only set aflame and cast aside temples and altars, having pulled them down, but he even shattered the stones so that nothing of what was destroyed could ever be restored" (οὐ γὰρ μόνον ἐνεπίμπρα καὶ κατασπῶν ἐρρίπτει τοὺς νεὼς καὶ τοὺς βωμούς, ἀλλὰ καὶ τοὺς λίθους ἔθραυε πρὸς τὸ μηδὲ πάλιν ἀνασταθῆναι μηδὲν τῶν κατεφθαρμένων).[505] Likewise, the emphasis on Philip's wrath in Livy also draws from Polybius, for whom the fact that Philip is a slave to his θυμός is essential to why he is a bad leader.[506] However, there is no indication in Polybius's various comments on Philip V that he see his acts of destruction of tombs and temples through a broader lens of cultural destruction (rather than simply impiety), nor that he connects it in any way to ideas of barbarity. In this, Livy

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[503] Briscoe 1973 (129) asserts that Polybius would had have speeches here, but that Livy has embellished them, "tak[ing] the opportunity…to present a full-scale debate."
[504] Liv. 31.26.12.
[505] Polyb. 16.1.5-6.
[506] Compare, e.g., Liv. 31.26.13: "And then, when his anger was not so much satiated as he lacked material for exercising it, he departed from his enemies' countryside for Boeotia and did not do anything else worthy of mention in Greece" (*et postquam non tam ira satiata quam irae exercendae materia deerat, agro hostium in Boeotiam excessit, nec aliud quicquam dignum memoria in Graecia egit*); Polyb. 16.1.2: "for indulging his insane anger, he enacted the greater part of his fury not against men but against gods" (χαριζόμενος γὰρ οἷον εἰ λυττῶντι τῷ θυμῷ, τὸ πλεῖον τῆς ὀργῆς οὐκ εἰς τοὺς ἀνθρώπους, ἀλλ᾽ εἰς τοὺς θεοὺς διετίθετο).

innovates, placing, through the mouths of the Athenian envoys, the issue of cultural destruction at the fore of a debate about who the *real* barbarians were—the Romans or the Macedonians—and, hinging on this, with whom the Aetolians should ally themselves.

3.3.2 Abolition of the Lycurgan System and Roman Intervention in Achaea

Another such debate concerning the behavior of one Greek state toward the cultural property of another occurs in 184 BCE, in the aftermath of the Achaean League's defeat of Sparta. A brief historical background to Achaean-Spartan relations will help contextualize the threads of this debate. In 192 BCE, the Achaean League, under the leadership of Philopoemen, had defeated and incorporated Sparta. Sparta's membership in the League was a point of contention between various Spartan factions and became the source of an ongoing dispute between Sparta and the Achaean League, in which Rome frequently became involved. Several resistance efforts to the Achaean League occurred in Sparta from 191 to 189, including the expulsion of the pro-Achaean faction and an attack on the *peroiokic* city of Las, where a number of Spartan exiles had taken up residence. In response to these aggressions, Philopoemen demanded that the ringleaders of this attack be handed over. Not only did the anti-Achaean Spartans refuse, but they executed thirty members of the pro-Achaean faction and declared Sparta's secession from the League. In retaliation, the Achaean League declared war on Sparta, and, in spring of 188, Philopoemen led an invasion of Laconia, setting up camp at Compasium.

Philopoemen's conduct out of Compasium would become subject to controversy from Spartan and Roman perspectives. First, he demanded that the anti-Achaean instigators be sent to Compasium to stand trial for their actions, guaranteeing their safety

throughout the course of the trial. When some 80 Spartans went to Compasium, however, many were massacred by a mob upon entering the city, while the rest were executed following a sham trial.[507] After this slaughter, Philopoemen ordered the walls of Sparta to be torn down, repealed certain measures of the late ruler Nabis,[508] and abolished the Lycurgan system.[509]

From what we can reconstruct from our sources, between their instigation in 188 and the debate of 184, these actions by Philopoemen were the source of numerous Spartan complaints to the Roman senate regarding their treatment at the hands of the Achaeans. For example, immediately following his narration of the events of 188, Livy mentions an otherwise unknown conference, at which the consul M. Fulvius was present, where grievances between the Spartans and Achaeans were heard.[510] In Polybius, we hear that in 187 BCE Spartan envoys travel to Rome to complain about the Compasium massacre. In response, M. Aemilius Lepidus sends a letter of censure to the Achaeans, who dispatch Nicodemus of Elis to represent them on the matter in the senate.[511] No account of the actual hearing survives, but in a fragmentary passage recorded for the following year, Nicodemus of Elis reports back to the Achaeans that the senate did not revoke any of the League's decisions but was nevertheless displeased (δυσαρεστοῦνται)

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[507] Livy reports that only 17 were killed in the massacre and 63 were shortly thereafter executed (Liv. 38.33.10), while Plutarch mentions that Polybius (in a non-extant passage) likewise reported 80 and that another tradition reported 350 Spartans were killed under Philopoemen (Plut. *Philop.* 16.3). It is debated whether this latter figure pertains only to the Compasium incident or additional punitive measures not reported by Livy or Polybius; for bibliography on this question see Michalopoulos 2016, 233 n. 12.
[508] He exiled the former helots that had been freed by Nabis' reforms as well as the mercenaries hired by Nabis, enslaving those who did not leave
[509] These forced changes are narrated by Livy at 38.34.1-3.
[510] Liv. 38.35.1. Piper 1986 (125-6) calls this "a confused passage."
[511] Polyb. 22.3.1-4.

over several matters. There is a lacuna in the acknowledgement of just what the senatorial displeasure referred to, but what remains references Sparta's walls and the Compasium massacre.[512]

Another round of dispute occurs in 185. On his way back from a senate commission to Macedonia, Quintus Caecilius Metellus stops in Argos where he meets with magistrates of the Achaean League, presumably motivated by Rome's expressed dissatisfaction with the way they were managing affairs in Sparta.[513] He accuses them of undue severity and cruelty towards Sparta and urges them to correct their mistake.[514] The Achaean response is divided. Polybius suggests that the silence of Aristaenus, the current *strategos* of the League, indicates his tacit agreement with the Roman rebuke. Another pro-Roman magistrate, Diophanes, then speaks up to express his discontent with the League's actions in Messene as well as Sparta. A rebuttal by Philopoemen, Lycortas, and Archon, in defense of the measures taken in Sparta, ultimately wins majority approval from the rest of the magistrates, although Metellus is still dissatisfied.[515] Requesting they convene a full meeting of the League to discuss the matter further, he is denied and leaves angry. In turn, in the winter of 185/4, Spartan and Achaean embassies find themselves again in Rome over the "Spartan question." The Spartan embassy is led by

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[512] Polyb. 22.7.6. Errington 1965 (188 n. 5a) asserts that the constitutional alteration must have been mentioned in the lacuna.
[513] Ager 1996 (300) suggests that Metellus was acting "in an *ex officio* capacity" in Argos. This supposition that may be supported by the fact that Metellus lacks the prior written approval of the Roman senate in order to convene the *synkletos*, however this cannot be determined due to the fragmentary nature of Polybius and Livy's silence on the matter. On Metellus' lack of paperwork: Piper 1986, 126.
[514] Polyb. 22.10.2: "having come in, Quintus began to censure them, saying they had treated the Spartans with more severity and cruelty than was necessary, and he encouraged them at length to amend their former mistake" (ἰσελθὼν ὁ Κόιντος ἐμέμφετο, φάσκων αὐτοὺς βαρύτερον καὶ πικρότερον τοῦ δέοντος κεχρῆσθαι τοῖς Λακεδαιμονίοις, καὶ παρεκάλει διὰ πλειόνων διορθώσασθαι τὴν προγεγενημένην ἄγνοιαν).
[515] Polyb. 22.10.1-15.

the "old-exiles" Areus and Alcibiades, [516] who complain of the destruction of the city's walls and the fact that they are subject to Achaean decrees. The Achaean embassy, led by Apollonidas of Sicyon, answers both their charges and the complaints of Metellus over their failure to comply with his requests in Argos. Apollonidas' defense mirrors that of Philopoemen, Lycortas, and Archon in Argos, asserting that affairs in Sparta could not have been better managed and were not changeable. The senate's response to these speeches is to appoint a commission to Greece to assess the situation further and to warn the Achaeans to show due respect to Roman envoys.[517]

It is during this commission that the 184 debate occurs. As promised by the senate, Roman commissioners under the leadership of Appius Claudius Pulcher come to Greece, and an Achaean Council is called at Kleitor in Arcadia. The Spartan exiles Areus and Alcibiades accompany Appius—a situation that is all the more alarming for the Achaeans, since they had sentenced Areus and Alcibiades to death *in absentia* for leading the protesting embassy to Rome in the prior year.[518] On the Achaean side, Lycortas, a supporter of Philopoemen and the father of Polybius, defends the League's conduct. The opening speech given by Appius is brief and indirect, expressing the displeasure of the Roman senate with Achaean treatment of Sparta and laying out the particular actions in dispute:

> Appius declared that those things which the Spartans had lamented before the senate had displeased the senate: first a massacre had been made of those who had come, summoned by Philopoemen to state their case; then, when there was

[516] The "old exiles" were those who had been banished under Nabis and allowed back by Philopoemen's recalling of all prior exiles: Shimron 1972, 108; Michalopoulos 2016, 129.
[517] Polyb. 22.11.5-12.4; Livy 39.33.6.
[518] Liv. 39.36.1-2: *terror Achaeis iniectus erat…quod Areum et Alcibiadem capitis ab se concilio proximo damnatos cum legatis videbant*.

> savagery in this way against men, lest their cruelty cease in any regard, the walls of that most renowned city were demolished, its most ancient laws repealed, and the system of Lycurgus, known throughout the lands, abolished.
>
> *Appius ea quae apud senatum questi erant Lacedaemonii displicere senatui ostendit: caedem primum ad Compasium factam eorum qui a Philopoemene ad causam dicendam evocati venissent; deinde cum in homines ita saevitum esset, ne in ulla parte crudelitas eorum cessaret, muros dirutos urbis nobilissimae esse, leges vetustissimas abrogatas, inclutamque per gentes disciplinam Lycurgi sublatam.*[519]

The three disputed deeds highlighted by Appius mirror those in Livy's prior narration: the killing of men summoned by Philopoemen to answer charges, the tearing down of the walls of Sparta, and the abolition of the Lycurgan system. These last two are mentioned in tandem with each other and separated from the first, through Appius' rhetoric (*primum…deinde*), signifying two main issues at hand: it was not enough to have killed Spartan men themselves, but the Achaeans also had to destroy their walls and legal and social system.[520] The first issue is the killing of men under false pretenses, which may have tapped into ethical notions adjacent to the supposed inviolability of envoys.[521] The second issue pertains to culturally destructive acts against Sparta. In the Roman imaginary of Livy's readers, the city boundary held important sacred valence and was an essential component of the way Roman conceptualized their relation to the wider world.[522] Thus, while the destruction of Sparta's walls had the obvious effect of rendering

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[519] Liv. 39.36.3-4.
[520] Interestingly, the two terms Appius applies to these atrocities, *saevitia* and *crudelitas*, are the same barbarian-adjacent labels that we saw levelled at Philip V and the Macedonians by the Athenians at the Aetolian Council of 199 BCE; see section 4.3.1, *supra*.
[521] Codifying ideas already espoused in Greek tradition, Romans considered it international law (*ius gentium*) that envoys were not to be harmed or killed. While the Spartans in this case were summoned for trial, not diplomats, they had been promised similar immunity. Their deaths constituted a comparable breach of trust. On Roman conceptions of the inviolability of ambassadors, and their place within ancient tradition, see Bederman 2001, 88-95 and 106-120. For Greek precedents, see Piccirilli 2002, appendix 1.
[522] On the role of the *pomerium* in a series of conceptual binaries within Roman thought, see Laurence 1994 and 1996, 112. Mignone 2016 (429) points out that though Rome's city walls and the notional boundary of

Sparta less defensible, it may have also symbolized the destruction of Spartans' identity as a discrete people. More directly damaging to Spartan culture was the destruction of its *mores*, embodied by the Lycurgan constitution. It is notable that these chief concerns of the envoys lump together human life, the physical landscape of the city, and the intangible elements of the Spartan way of life, as outlined by their political constitution; they represent attacks on the Spartans themselves and on their identity as a people.

After Appius' brief opening, Lycortas speaks on behalf of the Achaeans, addressing the three charges in succession. His main tactic on all accounts is to deflect blame, making everything the fault of the Spartan tyrants and their supporters. In this, he reifies the seriousness of the charges, since in first deflecting the blame, rather than justifying the actions, he positions them as indefensible, and in placing the blame with his own enemies in Sparta, he endorses the villainy of these actions. The accusation of wrongful killing is the easiest for Lycortas to dismiss.[523] The charges regarding the demolition of the walls and the constitutional abolition are acknowledged to be more difficult to defend, and Lycortas accordingly spends more time addressing them.[524] He begins by pointing out the irony of the two charges, since the walls destroyed by Philopoemen had only recently been built under the tyrants and were, he alleges, at odds

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the *pomerium* were not coterminous (evident from ancient attestations that the Aventine Hill was outside the *pomerium*, yet within the walls, up until Claudius' extension of the *pomerium* in 49 CE), they were often conflated in ancient thought.

[523] He appeals to the Roman ideology of just war (*bellum iustum*), asserting that those killed at Compasium had broken the treaty with Rome. This, in tandem with Spartan *stasis*—for, in killing some Spartans the Achaeans were defending others—renders the slaughter of the men at Compasium moot.

[524] Lycortas imagines an interlocutor objecting, "but certainly *those* things were your doing, Achaeans—that you abolished the laws and most ancient system of Lycurgus, that you pulled down the walls" (*at enim illa certe vestra sunt, Achaei, quod leges disciplinamque vetustissimam Lycurgi sustulistis, quod muros diruistis*; Liv. 39.37.1).

with Lycurgan ideology. He therefore asserts that Sparta, now unwalled, is truer to the Lycurgan way, a situation for which they have the Achaeans to thank.

Yet just as he points out the contradiction of the Spartan complaints in that they lament the loss of an anti-Lycurgan urban feature in the same breath as the destruction of Lycurgan cultural system, there is also dissonance in Lycortas' defense; he positions the Achaeans as defenders of Lycurgan ways in their demolition of the city walls, yet must also justify the repeal of what Lycurgan *mores* still remained in Sparta. Regarding this charge, he similarly redirects reproach onto the tyrants, claiming that it was they who truly destroyed the ancient laws. He asserts, "we did not deprive them of their laws, which they did not have, but gave them ours" (*nos non suas iis ademisse, quas non habebant, sed nostras leges dedisse*).[525] Thus, he absolves the Achaeans of the guilt of destroying the Spartan way of life. After some digression accusing the Romans of hypocrisy,[526] Lycortas returns to the issue of the Lycurgan system, recasting its abolition as a means of making the Spartans equal to the Achaeans. He closes by invoking the sacredness of the Achaean measures in dispute[527] and by pointing out that the Achaeans respected and feared the Romans and the gods, but the gods more.[528]

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[525] Liv 39.37.6.

[526] He complains that by taking Achaea to task over these measures Rome behaves not as one ally toward another but as a master towards slaves. Lycortas then points out the hypocrisy that Romans should protest Achaean actions in Sparta when Rome had done worse in Capua, destroying not just the walls but the entire city.

[527] Since the Achaean decree recording them had been set up in the temple at Aegium, the League's capital Briscoe 2007, 334.

[528] In comparing the Romans to the gods, this closing is reminiscent of the end of the Athenians' speech at the Aetolian Council. The Athenians had ended by exhorting the Aetolians to undertake the war against Macedonia "with the immortal gods as their leaders, followed by the Romans, who possessed the most power after the gods" (*ducibus diis immortalibus, deinde Romanis, qui secundum deos plurimum possent*; Liv. 31.30.11). Lycortas similarly singles out the gods and the Romans as entities the Achaeans are beholden to, if reversing the emphasis.

Two elements of Livy's narrative of this debate are particularly interesting. Firstly, through Appius' conduct, Livy positions Rome as patrolling acts of cultural destruction between Greeks. Appius opens the conference by literally speaking for the Spartans, taking up their grievances and accusing the Achaeans himself. In so doing, he takes a much more active role in this dispute between two Greek states than we might expect. That his actions are almost that of an advocate, pleading his client's case, even comes to the attention of the Achaean representative Lycortas, who begins his response by juxtaposing Appius' clear predisposition to the Spartan side of the dispute with the more even situation of two disputants being heard before the Roman senate. Referring back to the senate hearing on the matter in 185 BCE, Lycortas states, "then, it was a matter of responding to Spartan accusations. Now, we stand accused by you yourself, before whom our case must be stated. We submit to the inequality of the situation in the hope that [our case] will be heard by you with the spirit of a judge, the contention with which you just spoke having been set aside" *(enim Lacedaemoniis accusantibus respondendum erat; nunc a vobis ipsis accusati sumus, apud quos causa est dicenda. quam iniquitatem condicionis subimus illa spe iudicis animo te auditurum esse, posita contentione qua paulo ante egisti).*[529] Lycortas here reminds Appius that Rome's role in this contestation is as a third-party arbitrator, accordingly asking him to listen with the spirit of a judge (*iudicis animo*).[530] This situation is nearly the reverse of that of the Aetolian Council, where the Athenians spoke up to defend against accusations levelled at

[529] Liv. 39.36.6-8.
[530] On Rome's role in third party arbitration in the ancient Mediterranean, see: Ager 1996; Magnetto 1997; Marshall 1980; Ager 2008, esp. 24-34.

the Romans. Making good on the Athenians' claims about their character, the Romans here use their position and clout to speak up for the pillaged Spartans.

A second notable element of Livy's version is the significant attention paid to the abolition of the Lycurgan system. What precisely the dissolution of the Lycurgan system entailed is not entirely clear. Livy repeats the term *disciplina Lycurgi*, referring to it by proper name rather than description, although when he first mentions its abolition he writes, "they abolished the laws and customs of Lycurgus" (*Lycurgi leges moresque abrogarent*).[531] From this we get the sense that it denoted the Spartan way of life generally, entailing at least social and legal customs. Plutarch suggests that it was specifically a termination of the *agoge* educational system, mentioning that the Spartans were forced to adopt an Achaean παιδεία. He suggests Philopoemen took issue with the *nomoi* of Lycurgus, a Greek term incorporating the sense of both "law" and "custom," which Livy has rendered separately with *leges moresque*.[532] General scholarly consensus is that the entire Spartan constitution was abolished, with inscriptions from this time period suggesting the introduction of new types of magistracies in Sparta.[533] Thus, we can understand this abrogation as an attack on Spartan culture writ large, including their legal, political, and social traditions.

This effacement of Spartan culture is particularly highlighted by Livy's account. He writes that of all Philopoemen's measures, the destruction of the Lycurgan system was the most harmful thing done to Sparta: "weakened as it was by these actions, the

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[531] Liv. 38.34.2.
[532] Plut. *Philop*. 16.5. Piper 1986 (125) suggests that Livy's use of the term *disciplina* is intended as an equivalent to the Greek *agoge*.
[533] Piper 1986, 214, n. 29.

state of the Spartans was for a long time rendered subject to the Achaeans. But nothing caused as much injury as the abolition of the Lycurgan system, to which they had been accustomed for 800 years" (*per haec velut enervata civitas Lacedaemoniorum dui Achaeis obnoxia fuit; nulla tamen res tanto erat damno quam disciplina Lycurgi, cui per octingetnos annos adsuerant, sublata*).[534] Likewise, Plutarch likens the changes forced on Sparta collectively to "cutting away the sinews of the city" (ὥσπερ νεῦρα τῆς πόλεως ἐκτεμεῖν),[535] calling the abolition of the Lycurgan system in particular "a most cruel and most lawless deed" (τὸ περὶ τὴν πολιτείαν ἔργον ὠμότατον ἐξειργάσατο).[536] By contrast, there is no mention of the Lycurgan system in Livy's main source on Achaean matters, Polybius, although the Polybian Areus and Alcibiades do complain that they must follow Achaean decrees.[537] This may have been intended to evoke the fact that they are no longer under the authority of their own laws and constitution, however, it certainly does not convey the idea that their traditional way of life had been abolished, as in Livy, where the system's antiquity is repeatedly mentioned.[538]

In fact, Livy's and Polybius' accounts of the post-Compasium dispute between Sparta and Achaean differ substantially in content and tone. Livy neither mentions the hearing of 187, when Achaea is censured by a Roman consul, nor does he narrate in its own right Metellus' conference with the Achaeans in Argos, simply alluding to it briefly at the start of his account of the 185/4 senatorial hearing. He thus skips over some of

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[534] Liv. 38.34.9.
[535] Plut. *Philop*. 16.6.
[536] Plut. *Philop*. 16.5.
[537] Polyb. 22.12.2-3, though see *supra* n. 512 on Errington's assertions.
[538] At Liv. 38.34.9 (in Livy's voice); 39.33.6 (in the Spartan's voice); 39.36.4 (in Appius' voice).

these earlier skirmishes, moving directly from the initial narration of Philopoemen's measures to the conference in the Roman senate in the winter of 185/4, which sets up Appius' visit to Greece. Nor is it the case that we are supposed to understand these earlier debates to have occurred, despite Livy's silence: Lycortas' reply speech in his verbal exchange with Appius specifies that this is the Achaean's third time defending themselves against accusations of mismanagement of Sparta: first, in Achaea before Quintus Caecilius; then, in Rome, accused by the Spartan exiles Areus and Alcibiades; and now in Kleitor.[539] The result of this Livian arrangement gives more weight to Appius' exchange with Lycortas, making it the first time we see a clear judgement from Rome on the Achaean actions—and a very much condemnatory one at that.[540]

We unfortunately do not have Polybius' account of the meeting between Appius and Lycortas in Kleitor, but it is possible to discern clear differences of approach between the extant Polybian episodes of Achaean-Spartan dispute and Livy's. To start, Polybius spends much more time on the conference at Argos, which Livy only briefly references as background information to the senate hearing in Rome. Polybius takes the time to summarize the speeches of this debate, underscoring the dissent within the Achaean ranks by noting the three different response by Aristaenus, Diaphones, and the trio of Philopoemen, Lycortas, and Archon. He also dwells longer on the denial of Metellus' request to convene the *synkletos*, and the particular justifications the Achaeans made for

[539] This is somewhat odd, as it does not take note of the mysterious mention of M. Fulvius' post-Compasium hearing, where the Spartans and Achaeans disagreed; Liv. 38.35.1.
[540] Recall that Lepidus' letter of censure and Nicodemus' report of senatorial displeasure are only recorded in Polybius, and that during the hearing in Rome, the senate holds off on passing judgement and instead sends the commission led by Appius.

this. His interests lie not in the controversy over what happened to Sparta but in the Achaean dispute and, to a lesser extent, in the lack of Achaean deference shown to a Roman commissioner. Furthermore, Polybius exhibits little interest in the specific charges brought against the Achaeans by Spartan complainants, giving only basic summaries of the speeches he reports. Metellus chastises the Achaeans vaguely for their severity and cruelty. The reported defenses by Apollonidas in Rome and by Philopoemen, Lycortas and Archon in Argos express only that what was done, was done well and could not be undone without breaking Achaean oaths. By reporting more episodes of disputes with less detail about the contents of the complaints and speeches, Polybius emphasizes the mere fact of political contestation itself. He is interested in factionalism and in the power plays between these different states—a focus that makes sense considering Polybius' personal stake in Achaean politics, as the son of Lycortas, and his general interest in explicating the rise of Roman power.

Livy, by contrast, is much less interested in the inner turmoil of the Achaean League and far more interested in the particularities of the dispute between the Achaeans and the Spartans. He details the contents of the speeches at Kleitor, noting the specific issues in dispute and dwelling on their ethicality by reporting Lycortas' charge-by-charge defense. Indeed, a question posed by Lycortas—"how can these things, which were done according to the law of war, come into dispute?"[541]—gives voice to the very issues Livy grapples with in debate scenes such as this one: where was the line between acceptable and unacceptable, and does it align with legal principle such as *ius belli*? Contextually,

[541] Liv. 39.36.12: *quonam modo ea, quae belli iure acta sunt, in disceptationem veniunt*.

we can infer that these actions must have seemed wrong—at least in Livy's telling—in order to merit so much attention from Rome, paid in multiple conferences over a series of years. By emphasizing Roman contestation to the destruction of Spartan culture, as symbolized by the Lycurgan system, Livy takes part in the ongoing negotiation of Roman ethics concerning cultural destruction.

3.3.3 Roman Rivalry, *Invidia*, and the Ambracia Affair

Rome not only fielded complaints about cultural destruction from foreign states seeking support and protection, but also mediated internally-sown controversies over these issues. One such case occurred in 187 BCE, when a Roman consul, M. Aemilius Lepidus, instigated a dispute over the plundering of Ambracia in order to smear his political rival. Under the generalship of M. Fulvius Nobilior, Rome had defeated Aetolia in 189 BCE. One of the main conflicts of this struggle was the siege and capture of Ambracia, which even became the subject of a lost tragedy by Ennius.[542] Ambracia, the former capital of Pyrrhus' Epirus, had allied with the Aetolians against Rome. Like that of Syracuse, its sack meant lavish plunder for Nobilior and his army. This sacking of the city, however, was marred by controversy rooted in doubts about whether the city was in fact taken by force and, thus, liable to plundering. Moreover, the extent of the plundering, which was alleged to have extended even to temples and other sacred sites, tainted perception of Ambracia's capture. In 187 BCE envoys from Ambracia were introduced to the senate by Lepidus in order to issue complaints against Nobilior's conduct.

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[542] Cicero reports that Ennius accompanied Nobilior in Aetolia: Cic. *Brut*. 79; *Tusc*. 2.3. Only few fragments of play and of the narrative of Ambracia's capture from the *Annales* survive. On Nobilior's relationship with Ennius and depiction in his works, see Walther 2016, 180-207, esp. 186-7 for a survey of ancient attestations.

Unlike the other debates in this section, this debate is reported by Livy as being inauthentic, with Lepidus supplying the Ambraciotes with false charges designed to damage Nobilior's reputation.[543] Livy tells us, "in order to create ill-will toward [Nobilior], [Lepidus] led Ambracian envoys, having supplied them with accusations, into the senate" (*ad invidiam ei faciendam legatos Ambracienses in senatum subornatos criminibus introduxit*).[544] The fact that Livy considers this dispute disingenuous should not be interpreted to mean that Livy is dismissive of questions about wrongful plunder. As we have seen in the episodes examined above, the abuse of objects, sites, and traditions of cultural value was something Livy consciously associates with behavior unbefitting an agent of Rome. Furthermore, the very fact of the supposedly contrived nature of this dispute makes it all the more informative to our exploration of the ethical notions pertaining to the proper treatment of such things as statues and temples during armed conflict. Lepidus would not have brought the Ambraciotes into the senate if he thought that they would be laughed right out of it.[545] That he thought the laments about plunder and destruction to their city would be an effective means of producing *invidia* against his rival is a testament to the seriousness with which Livy's Lepidus, and therefore Livy, regarded these issues. The intentional and contrived nature of these

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[543] As Livy notes, there was *inimicitia* between Nobilior and Lepidus, partially due to Lepidus' opinion that Nobilior has hindered his bids for the consulship in prior year; Liv. 38.43.1. For a play-by-play of this feud, see Pittenger 2008, 196-211.

[544] Liv. 38. 43.2. The verb *suborno* carries a generally negative valence, typically referring to the procurement of a nefarious service, often false testimony or otherwise spreading falsehoods. Livy uses the verb four times: in addition to this passage, Hippocrates and Epicydes suborn a man to spread false report of a massacre at Leontini in order to incite Syracusans against Rome (24.31.14); the Macedonian king Perseus suborns men to assassinate Eumenes II at Delphi (42.15.3; discussed in section 2.3, *infra*); and the governor of Amphipolis suborns a man to pretend to be a courier delivering a fake massage in order to entice Thracian mercenaries to leave his city (44.44.4).

[545] As Wells 2010 (231 n. 6), regarding the Syracusan complaints against Marcellus. Wells situates the Ambracia dispute amid a pattern of "contest over piety" between Roman politicians during the Republic.

complaints as a political tool for invoking the disapproval of the Roman elite makes this dispute especially revelatory of what Livy supposed Lepidus thought would strike the senate as unethical or inappropriate behavior by Nobilior.

The indirectly-stated accusation runs as follows:

> They complained that while they were at peace and were obeying the previous consuls and were ready to furnish the same obedience to M. Fulvius, war was brought against them. First their fields were ravaged and a terror of plunder and slaughter was cast over the city, such that, on account of this fear, they were forced to close their gates. Then they were blockaded and besieged, and every manner of warfare furnished against them: bloodshed, fire, destruction, the plundering of the city; their wives and children were dragged away into slavery; their possessions were carried off; and what upset them more than all other things—the temples throughout the whole city were despoiled of their ornaments. The likenesses of the gods—no, the gods themselves— were wrenched from their seats and carried away. Stripped walls and doorposts remained to the Ambraciotes to worship, pray to, and supplicate.
>
> *Qui sibi, cum in pace essent imperataque prioribus consulibus fecissent et eadem oboedienter praestare M. Fulvio parati essent, bellum illatum questi, agros primum depopulatos, terrorem direptionis et caedis urbi iniectum, ut eo metu claudere cogerentur portas; obsesses deinde et oppugnatos se, et omnia exempla belli edita in se caedibus incendiis ruinis direptione urbis, conuiges liberos in servitium abstractos, bona adempta, et quod se ante omnia moveat, templa tota urbe spoliata ornamentis; simulacra deum, deos immo ipsos conuolsos ex sedibus suis ablatos esse; parietes postesque nudatos, quos adorent, ad quos precentur et supplicent, Ambraciensibus superesse*.

The thrust of the complaint dwells in the notion of Ambracian compliance, appealing to ideas about "just war;" the Roman ideology of *bellum iustum*, as outlined by Cicero, required that a statement of grievance and demand for satisfaction be made before engaging in war, and even then, only after an official declaration.[546] Thus, by positioning Nobilior as an unexpected aggressor, the Ambraciotes implicitly render all warlike treatments of their city undue.

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[546] Cicero *De Officiis* 1.33-41, esp. 1.36.

Their account of their experiences is said to move the senators (*motis patribus*).[547] Repetition of certain terms throughout their lament brings to mind the complaints of the Athenians at the Aetolian council. These subtle echoes include the fact that the first experience of war listed in each speech is the devastation of fields (*populationem agrorum* for the Athenians; *agros depopulatos* for the Ambraciotes). Both speeches appeal to the totality of the extent of sacred violation experienced, with the Athenians exclaiming that all the tombs and monuments within their borders had been destroyed (*omnia sepulcra monumentaque diruta esse in finibus suis*), and the Ambraciotes more briefly noting that the temples throughout their whole city were spoliated (*templa tota urbe spoliata ornamenits*). Both laments make particular reference to the *simulacra deum,* which were left half-burned and broken by Philip V and which were toppled and carried off by Nobilior. Both laments even end by conjuring the image of the *postes*, "door posts" of their respective temples; the image of the half-burned and mutilated Attic cult statues lying between temple door posts renders the utter absence of the gods all the more stark for the Ambraciotes, who are left with only empty wall and door posts.

The experiences of war the Ambraciotes enumerate span the gamut of those lamented by the Athenians, superseding the clear line drawn in that speech between what was *fas* and in accordance with *ius belli*, and what implicitly was not.[548] The complaints from Ambracia begin with field ravaging, which the Athenians would hold unfortunate, but nevertheless appropriate to war. The charges soon diverge from permissible behavior as it was outlined by the Athenians. The Ambraciotes complain of their women and

[547] Liv. 38.43.7.
[548] Cf. Liv. 31.30.2-7.

children being enslaved. The relation between this experience and that of plunder in the form of men, acknowledged as *fas* in the Athenians' view, is unclear. *Homines* may have been intended by the Athenians to mean specifically males, or simply people generally taken as slaves, particularly in the construction *praedas hominum pecorumque agi*, where people in general are distinguished from livestock. Even if the enslavement of women and children could be understood to comply with the Athenians' appropriate wartime experiences, the explicit detailing of women and children certainly evokes a more pathetic image. The subsequent Ambracian complaints more clearly cross the Athenians' boundary into undue experiences (*indigna*). That the possessions (*bona*) of the Ambraciotes were carried off is beyond the scope of slaves and livestock. Similarly so are the statues and ornaments spoliated from temples. Just as the Athenians had saved Philip V's destruction of tombs and temples for last, as their worst grievance against him, so too the Ambraciotes reserve the plundering of their temples for last. There is of course a major distinction in the content of these two cases of temple violation, in that Philip V was depicted as razing temples and breaking up statues of gods for the sake of sheer destruction, whereas Nobilior is alleged to have plundered rather than destroyed the temples of the Ambraciotes. The latter offense is implicitly represented more as an affront to the Ambraciotes, who are left with no gods to worship, than as a war on the gods, as Philip's attacks had been characterized by the Athenians.

Certain elements of the Ambraciotes' speech are also reminiscent of lines of argument and *pathos* presented in the *Verrines*. The crux of the lament relying on a perceived incompatibility between the wartime experiences of slaughter, fire, destruction,

and plunder (*caedes, incendia, ruinae, direptio*) and the alleged peaceful state of Ambracia encapsulates Cicero's main argument against Verres. Moreover, the detail that the Ambraciotes were most upset about the plundering of their temples, more so than all the other listed experiences, such as field devastation, the loss of their property, and even enslavement, matches a similar sentiment expressed in the *Verrines*, where the plundering of their temple to Ceres is said to be worse to the Hennensians than a series of other outrages by Verres, including his theft of their possessions (*bonorum direptiones*).[549] The general focus on the experience and perception of the Ambraciotes is likewise Ciceronian; note that the passage does not say that the temple plundering was ethically worse, but that it most upset the Ambraciotes, and the inability of the Ambraciotes to worship, pray, and supplicate similarly underscores their personal experience of loss in place of what could have been a mere statement that Nobilior left no divine statues in Ambracia. Additionally, the insistence in this passage on metonymy of the *simulacra* with the gods themselves mirrors the way Cicero refers to certain cult statues stolen by Verres as the god itself.[550] Both of these intertexts (Livy's Aetolian debate and the *Verrines*) hold the possibility of coloring the way Livy's reader interpreted the Ambracian complaints, and likewise render the senators' initial sympathetic response understandable.

Just as the senators are moved, these allegations are met with a rebuttal speech by the other consul, Gaius Flaminius, since Nobilior was still abroad at the time and unable

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[549] *Verr*. 2.4.111. Cf. also *Verr*. 2.2.88, where the residents of Thermae declare it were better to die than allow their public statues to be carried off by Verres.
[550] E.g., at *Verr*. 2.4.74 in reference to a cult statue of Diana.

to defend himself. Pittenger asserts that Flaminius "saw right through" Lepidus' "deliberate political stagecraft aimed at Nobilior and his triumphal *spes*."[551] Flaminius begins by stating that the Ambraciotes were treading an ancient and obsolete path (*veterem viam et obsoletam ingressos Ambracienses*), referring to the way Marcellus was accused by Syracusans and Quintus Fulvius by the Capuans. His point is that in both of these prior incidents, the complainants were unsuccessful: Marcellus' actions were upheld and the Capuans—who did not so much protest their treatment, which they recognized was deserved, as request a limit to their punishment—left their hearing even more upset by the additional sanctions decreed by the senate.[552] In a sarcastic *reductio ad absurdum*, Flaminius questions whether any Roman enemy can complain in their defeat. He then goes on to declare that loot from Ambracia will be paraded by Nobilior in his triumph over Aetolia, stressing that "there is nothing that separates them from the Aetolians; the situation of the Ambraciotes and Aetolians is the same." (*Nihil est quod se ab Aetolis separent; eadem Ambraciensium et Aetolorum causa est*).[553]

At first glance, Flaminius' rebuttal seems to simply speak past the complaints. However, his argument tackles the main point of the accusation, that Nobilior inappropriately made war on Ambracia. His main approach is to merge the more appropriately construed war with Aetolia with the treatment here of Ambracia. This reminds senators of a legitimate war context, implicitly refuting the claims that Ambracia was in a relationship of peace with Rome; Flaminius does not elaborate, but his

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[551] Pittenger 2008, 202.
[552] Livy narrates the Capuan embassy at 36.33-34. Their case differs from those analyzed in this chapter in that cultural destruction and plunder is not a factor in their pleas.
[553] Liv. 38.43.11.

implication is that since Ambracia allied with the Aetolians, they are liable to suffer the same fate in Aetolia's defeat. As for the particular pathetic experiences that the Ambraciotes delineated, Flaminius unconcernedly appeals to past custom in order to justify Nobilior. He boldly states that neither he nor Nobilior would deny that "statues and ornaments were taken from there and other things done which are customary experiences for captured cities" (*signa inde ornamentaque ablata et cetera facta quae captis urbibus soleant*).[554] This statement admits to the plundering of art, but makes no mention of the treatment of temples or sacred property, which was the crescendo of the accusation. Notably, he uses the more neutral term for "statues," *signa*, instead of *simulacra*, which more typically denotes statues of gods, yet his admission that *ornamenta* were taken echoes the Ambraciotes' complaint that temples were despoiled of their *ornamenta*. Which exactly of the experiences described by the Ambraciotes falls into Flaminius' category of *cetera facta quae captis urbibus soleant* is left unclear. Speaking from the side of the perpetrator and not the victim, Flaminius is less interested than the Athenians had been in drawing a clear boundary between what is *fas* and what was not. Rather, he appeals to what has happened in the past and is, thus, customary—a conveniently circular approach to ethical justification. It is worth noting, however, that any claims to what had previously been "gotten away with" in the context of a current debate reveals a changing perception of what is customary; that previously approved behavior must now be defended reveals a progression away from such norms.

[554] Liv. 38.43.9.

Flaminius' firm defense of Nobilior results in a temporary stalemate.[555] Livy reports that Lepidus is able to take advantage of Flaminius' chance illness, which causes his absence from the senate, in order to bring the issue forward again.[556] In the resulting senatorial decree, the Ambraciotes are granted the return of their possessions,[557] their liberty, and the use of their own laws,[558] while the matter of sacred plunder is referred to the college of pontiffs.[559] Notably, the senate's order to return the Ambraciotes' property intimates that it ought not to have been taken in the first place. This measure, as well as the decision to refer the issue of sacred plunder to the college of pontiffs,[560] represents an escalated Roman response to contestations of plundering by comparison with the earlier controversy over Marcellus that Flaminius's defense had brought to mind. Nevertheless, once Nobilior returns from his post, he is able to successfully defend himself against these charges and is granted a triumph. The large amounts of statues said to have been

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[555] Liv. 38.43.13.

[556] Pittenger 2008 imagines Lepidus strong-arming the senate, while Walther 2016 (110-115) sees the senators as initially in support of Lepidus and genuinely vacillating over their decisions out of due diligence to ensure that Nobilior's triumphal bid was deserved.

[557] Walther 2016 (102-3) argues that depriving Nobilior of the magnificent spoils of Ambracia, the public display of which would have further enhanced Nobilior's *auctoritas*, is a main motive of Lepidus.

[558] Liv. 38.44.4: *Ambraciensibus suae res omnes redderentur; in liberate essent ac legibus suis uterentur*. The clause establishing the use of their own laws is a fairly common approach taken by Rome, but may carry additional significance in light of the positioning of the episode after Livy's judgmental narration of the Achaeans' abolition of the Lycurgan system, but before the debate between Appius and Lycortas at Kleitor.

[559] Liv. 38.44.5: "The matter of the statues and other ornaments, which they complained were carried off from sacred temples, when M. Fulvius returned to Rome, it was proper to refer to the college of pontiffs and that whatever they determined be done;" *signa aliaque ornamenta, quae quererentur ex aedibus sacris sublata esse, de iis, cum M. Fulvius Romam revertisset, placere ad collegium Pontificum referri, et quod ii censuissent fieri*.

[560] *Contra* Pittenger 2008 (203), who downplays the referral to the college of pontiffs, Wells notes this referral as significant since senatorial responses to questions of sacred plunder had only recently been initiated in 204 BCE (when expiation for Q. Pleminius' violation of a temple of Proserpina at Locri was referred to the college of pontiffs); Wells 2010, esp. 232-4. That Romans were making *any* response on the question of impiety importantly refutes the contention of Scheid 1981b that impiety was not a crime in ancient Roman thought, because it was thought that if the gods considered it a slight to themselves they would punish it themselves.

paraded in his triumph indicates that not all, and perhaps none, of the Ambraciotes' possessions ended up being returned to them.[561]

Despite the fact that some of the sacred art taken by Nobilior would have still been on display in Rome in Livy's day,[562] Livy is intentionally opaque about whether or not Nobilior committed sacred plundering.[563] Flaminius only endorses that statues and ornaments were taken and would be paraded in Nobilior's triumph, but does not specify their provenance. The statues listed among Nobilior's triumphal spolia are called simply *signea aenea* and *signa marmorea*.[564] This careful avoidance of *simulacra* or other terms indicating sacred property is also reflected in Livy's prior narration of the capture of Ambracia had stated: "the bronze and marble statues and the paintings, with which Ambracia was more adorned than the other cities of this region, since the royal palace of Pyrrhus had been there, were all taken up and carried away; nothing more was touched or violated" (*signa aena marmoreaque et tabulae pictae, quibus ornatior Ambracia, quia regis ibi Pyrrhi fuerat, quam ceterae regionis eius urbes errant, sublata omnia avectaque; nihil preaterea tactum violatumve*).[565] Most notably, Livy's statement that nothing else was touched seems to preempt the later suborned claims that temples were

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[561] Liv. 39.5.14-16. Walther 2016, 98.
[562] Pittenger 2008, 211-212.
[563] Recall that similar questions remain about whether Marcellus plundered sacred sites in Syracuse: Levene 2010 (208-209) notes the absence of any mention in Livy's narration of Syracuse's capture, yet agrees with Wells 2010 (232) that Livy's contrast of Marcellus with Fabius—who is said to have displayed a "greater spirit" (*maiore animo*) by sparing the larger, divine statues of Tarentum— implies Marcellus plundered temples. Cf. the explicit statement to the contrary by Cicero at *Verr*. 4.120.
[564] Liv. 39.5.15.
[565] Liv. 38.9.13-14. The reference to Ambracia's overabundance of such works of art creates the impression that only the surplus of the statues and paintings were taken, mitigating the totalizing sense of *omnia*. Moreover, the mention of Pyrrhus associates this art with him, rather than the Ambracian community. We can recall that in Marcellus' early negotiations with Syracuse, the plunder confiscated by the Romans was to be limited to those things that had formerly belonged to the Syracusan kings. A similar idea may lurk behind Livy's phrasing in this passage.

plundered. That this explicit limiting statement is not found in Polybius' version of the capture of Ambracia has been noted by a number of scholars.[566] Arthur Eckstein speaks of this as one of numerous "occasions when Livy, for reasons of patriotism, downplays or even suppresses Polybius' criticism of the behavior of Rome or individual Romans."[567] Pittenger has interpreted the addition as Livy clearly taking Nobilior's side in the debate he has not yet related.[568] We can thus understand his narrative of the capture of Ambracia as another point where Livy makes subtle but important changes that mitigate Rome's role in cultural destruction, rendering Roman conduct less ethically objectionable.

Livy's choice to present the contestation as a ruse simultaneously downplays Roman wrongdoing, while reinforcing the significance of these kinds of complaints. By representing the Ambraciotes' complaints as contrived charges, rather than genuine laments, Livy suggests that Nobilior did not violate the temples of Ambracia or excessively plunder the city—an interpretation also supported by Livy's insertion of a limit to Nobilior's plunder in his narration of the city's capture.[569] Livy's concern to mitigate the history of Roman plundering suggests that by his day it had become more of a concern in Roman political discourses. At the same time as downplaying what Livy purports *actually* happened, the idea that Lepidus fabricated this dispute in order to cause trouble for his *inimicus* Nobilior gives significant weight to allegations of undue plunder and violation of sacred property. Lepidus' tactics assume that associating Nobilior with the plundering of Ambracian temples would malign his reputation and foster ill-will

[566] Walbank 1971, 61-2; Pittenger 2008, 208-9; Eckstein 2014, 410.
[567] Eckstein 2014, 410.
[568] Pittenger 2008, 208-9.
[569] Polyb. 21.30.9; Liv. 38.9.14.

towards him among the Roman elite. In this way, Livy's Lepidus weaponizes presumed ethical limitations to plundering, manipulating the discourses used by Cicero against Verres in the generation before Livy.

3.3.4 Temple Destruction and Senatorial Condemnation of Fulvius Flaccus

Like the contestation over Ambracian plunder, the last episode examined in this section is an internal, Roman conflict featuring contestation over an act of cultural destruction. Unlike the prior three episodes, however, it does not include a debate, but rather a single speech of rebuke leveled by the Roman senate against a Roman magistrate. In 174 BCE, Quintus Fulvius Flaccus, a censor of Rome, plunders the temple of Juno Lacinia in the allied city Croton of its roofing tile—to the dismay of allies and Romans alike.[570]

Livy tells is that while building a temple to Fortuna Equestris in Rome Flaccus strips half the roof tiles from the temple to Juno Lacinia, thinking they would increase the beauty of his own temple. Referring to this deed as a *sacrilegium,* Livy reports that the inhabitants of Croton were deterred from stepping in because of Fulvius' authority as censor (*auctoritate censoria sociis deterritis id sacrilegium prohibere*). The passage suggests that Flaccus tries to keep the tiles' origin secret, yet nonetheless, we hear that "it could not be concealed" (*non tamen celari potest*). In response to its coming to light, there is an uproar (*fremitus*) in the senate, and Flaccus is called in. Livy states that the senators, one and all (*singuli universique*), reproach him with particular vehemence:

> It was not enough that he had violated the most revered temple of that region, which not even Pyrrhus, not even Hannibal had violated, but he had foully

[570] This one-chapter episode is recounted at Liv. 42.3.

> unroofed it and nearly destroyed it. The roof stripped from the temple, naked of any covering, it lay open to rot from the rain. Was the censor for regulating public morals created for this? The one to whom it was entrusted to ensure that the roofs of public sacred buildings be restored and that places be protected according to ancestral custom—he was roaming about through the cities of Rome's allies destroying temples and stripping sacred shrines of their roofs. And what thing would seem unworthy even if he had done it to the private buildings of the allies, he was doing in demolishing the temples of the immortal gods. And he was making the Roman people guilty with respect to religion, building a temple out of the ruins of others, as though the immortal gods were not the same everywhere, but rather some needed to be worshipped and supplied with the spoils of others.
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> *templum augustissimum regionis eius, quod non Pyrrhus non Hannibal violassent, violare parum habuisse nisi detexisset foede ac prope diruisset. detractum culmen templo, nudatum tectum patere imbribus putrefaciendum. <ad> id censorem moribus regendis creatum? cui sarta tecta exigere sacris publicis et loca ... tuenda more maiorum traditum esset, eum per sociorum urbes diruentem templa nudantemque tecta aedium sacrarum vagari! et quod, si in privatis sociorum aedificiis faceret, indignum videri posset, id eum templa deum immortalium demolientem facere, et obstringere religione populum Romanum, ruinis templorum templa aedificantem, tamquam non iidem ubique di immortales sint, sed spoliis aliorum alii colendi exornandique,*[571]

Following the senate's reproach, Livy reports the conclusion to the hearing:

> Before the matter was brought, it was clear what the fathers thought, and, the motion having been made, all moved unanimously that the roof tiles, carried back, ought to be placed in the temple and expiatory sacrifices made to Juno. Which things, as pertained to religious duty, were done with care; the roof tiles, contractors reported, were left in the precinct of the temple, since no artisan was able to find a way of restoring them.
>
> *cum priusquam referretur, appareret, quid sentirent patres, relatione facta in unam omnes sententiam ierunt, ut eae tegulae reportandae in templum <locarentur> piaculariaque Iunoni fierent. quae ad religionem pertinebant cum cura facta; tegulas relictas in area templi, quia reponendarum nemo artifex inire rationem potuerit, redemptores nuntiarunt.*[572]

This episode underscores the cultural significance of the damaged temple. The structure holds obvious religious significance, as indicated by Livy's use of the term *sacrilegium*. The response of the Roman senate similarly claims that Flaccus' action renders the

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[571] Liv. 42.3.6-9. *id eum templa deum immortalium demolientem* is the text suggested by Briscoe, but on the issues of the manuscript tradition and textual considerations with this phrase see Briscoe 2012, 163.
[572] Liv. 42.3.10-11.

Roman people guilty with respect to *religio* (*obstringere religione populum Romanum*).[573] Relatedly, the sacred temple is clearly identified as more important than individual private structures. It is a communally valuable site, sacred to a communal sense of religion. Moreover, Livy's telling conveys a Roman awareness of the site's acute local value, even contrary to senatorial valuation; while the Roman senate expresses the equality of temples and deities through its chastisement of Fulvius' logic, the Croton temple is recognized as the most revered temple in the region of Bruttium (*templum augustissimum regionis*). Hence, the local significance of the temple plays a role in evaluating the violation, and Livy's senate hereby suggests that how a local population views a given heritage site ought to be considered in regulating Roman treatment of that site. Additionally, the reactions to the stripping of the roof –tiles themselves communicate the multiple levels of the temple's value, to both ally and Roman, individual and community. The implied local resistance, which is only prevented by Fulvius' magisterial *auctoritas*, as well as the swift spread of the incident's report demonstrate the locals' distress. Similarly, the immediate outrage (*fremitus*) in the senate, on both personal and collective levels (*singuli universique*), suggest that the violation spoke to the senators on personal, moral levels, as well on a broader political level.

These negative responses to Fulvius' deed reflect the boundaries between appropriate and inappropriate treatment of sites like the Temple of Juno Lacinia and the multiple strands of thought that contribute to the construction of these boundaries. A

[573] Poulle 2004 argues that Flaccus had mentally assimilated Juno Lacinia with Fortuna Equestris, and that rather than intending a sacrilege, he was reclaiming the cult for Rome and obliterating its association with Hannibal. After Briscoe 2012 (158-9), this argument seems implausible.

number of issues are at play in castigating this act by Fulvius, including impiety, abuse of power, and breach of the essence of the office of censor. The senators explain that the crime of Fulvius' mistreatment of the temple is threefold: not only does he 1) violate it (*violare*), presumably in this context by removing sacred material from its precinct,[574] buts he also 2) unroofs it (*detexisset)*, effectively defacing the structure with more permanent consequences than mere violation, and 3) he almost destroys it (*diruisset*)—the ultimate extent of his destructive mistreatment of the holy site. In this way, the scale of severity of his acts is based in the permanence of his abuse on the site itself. The further description that Fulvius has left the temple open to rot in the rain conveys that the condition of a regionally valued holy space is as much a consideration as the intangible impiety incurred against the gods. It is not simply that Fulvius has upset the *pax deorum* by taking the consecrated tiles; also emphasized is the fact that he has permanently damaged the temple through his particularly thoughtless manner of sacred theft.

The mere fact that Fulvius' stripping of the roof tiles is called a "sacrilege" and characterized as an act of "violation" (*violare*), communicates the fact that he is exceeding the bounds of appropriate behavior, specifically in a religious way. Livy's telling of this episode reinforces the relative severity of sacred destruction and plunder, which we saw expressed in the Aetolian Council and Ambracian disputes as well. As in those episodes, violation of sacred and profane sites is represented here as wrong,

[574] Removal of cult statues of votive offerings are a common basis of temple violation in Cicero's *Verrines*, but this is not the only way to violate a temple as the example of Livy's Hannibal makes clear at this same temple of Juno Lacinia (Liv. 30.20). In that case, committing murder of one's allies constituted a violation, whether on account of the breach of contract involved in such treachery or simply by the act of violence. It seems that the enactment of any socially recognized crime at a temple constitutes a violation of its sanctity, which is expected to be kept pure of illicit behaviors.

however, the violation of the sacred/public property is clearly considered worse. In addition, this episode includes an explicit invocation of *mos maiorum* as a social mechanism for regulating the treatment of important cultural sites, including, but seemingly not limited to, sacred temples.[575] Understanding what exactly is meant by this appeal to *mos maiorum* is complicated by the fact of Fulvius' position as censor. Livy's senate may only mean to convey that preserving special buildings constitutes Fulvius' specific, magisterial concern. It seems more likely, however, that a censor's magisterial concern entails a public concern, and, thus, the sentiment conveys the idea that this type of structure ought to be protected (*tuenda*) generally. Lastly, the emphasis in this narrative on Rome's allied relationship to the people of Croton signifies the important interrelationship of politics and the treatment of heritage sites and objects.

As the emphasis on Croton's allied status suggests, the political significance of Fulvius' behavior is not lost on Livy. Livy is clear that it is Roman political authority that provides the metaphorical muscle behind this inherently controversial act, since it is Fulvius' office as censor that keeps the locals from interfering. Moreover, the fact that Fulvius attempts to keep the origin of his new temple's roof tiles secret reveals that he perceived himself to be acting outside the bounds of approved behavior in dismantling the roof of the Juno Lacinia temple and wished to prevent the ill-will that would result from exposure. In Livy's representation, the wide repute of the temple seems to increase the heinousness of Fulvius' crime. One the one hand, this might be because the holier the

[575] The lacuna (*cui sarta tecta exigere sacris publicis et loca ... tuenda more maiorum traditum esset)* makes this line of thought difficult to parse out precisely, but it seems clear that a second type of site (*loca*) was mentioned in addition to the rooves of public, sacred buildings.

temple is, the worse the impiety of desecrating it. According to the senate's own admission, however, gods are gods and one is not more important than another. Thus, the real issue at stake is the rumor that was sure to have spread about this incident throughout the countryside and the consequences such a report might have on relations with Rome's allies. Indeed, the very fact that the origin of the tiles was known despite efforts to conceal it suggests that report of the incident had spread quickly. Such an act must have upset a significant portion of the population in the region, and the sowing of dissent among Roman allies was the opposite of what a proper Roman magistrate ought to be doing in Rome's burgeoning empire.[576]

The breach of Fulvius' position both culturally as a Roman and socio-politically as the top magistrate in the *cursus honorum* provides the basis for the reproaches in the second half of Livy's account. Focalized through the perspective of the angry senatorial fathers, we are told that not even Pyrrhus or Hannibal had violated the temple during their wartime interactions with the region![577] In fact, this assertion runs in contradiction to an earlier episode in Livy 30.20, where Hannibal kills his Italian allies in the temple of Juno

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[576] On the swift senatorial response as an attempt to maintain Italian goodwill: Toynbee 1965. Against this, Wells 2010 (238) asserts, "the senate decided to expiate the appropriation of the roof tiles not because they were concerned with Italian perceptions, but because their own sense of piety demanded it." It is important to realize, however, that there was no zero-sum game between notions of impiety and fears of perception, and in fact the two were often entangled. It is an overstatement on Wells' part to suggest that it was purely the inner moral compass of the Roman senators that led them to this decision, since morality and ethics are always constructed by culture, which is to say influenced by exterior circumstances. In this, optics play an important role.

[577] As Jaeger 2006 has pointed out, this use of comparison is a trope. Parallels can be found at Cic. *Verr*. 2.1.48, where even the Persians are said to have respected Delos, contra Verres. Similarly, at Cic. *Verr*. 2.4.102-104, the Temple of Juno near Melita in Sicily was not even harmed by the Carthaginians in the Punic Wars. At Tac. *Hist*. 3.72, neither Lars Porsenna nor the Gauls had burned the Capitol, which burns in the civil strife of 69 CE. In Ch. 4, we will see a similar choice in rhetoric used by Dio Chrysostom to make the Rhodians seems all the worse for plundering their own statues that had survived even the depredations of Nero (*Or*. 31.148, 150).

Lacinia. In his narration of this event, Livy describes the temple as having been inviolate *up until that point*. [578] Thus, when reading this charge of the senators against Fulvius, Livy's careful reader knows this not to be the case, but the truth of the claim is not as important as the rhetorical effect this line of argument is intended to have in the senate. In the eyes of the senate, Fulvius Flaccus' actions are unbecoming of a Roman and render him worse than a Hellenistic king or a barbaric Carthaginian. Moreover, the choice of these particular foils for Fulvius is not without political import. During both the Pyrrhic and Hannibalic Wars, Italian groups had supported Rome's enemy.[579] By reminding his reader of these times, Livy brings to the fore of his readers' minds the possible results when Italian allies are unhappy with Roman *imperium*. In this way, Livy's comparative rhetoric delivers an implicit warning about the consequences of mistreating the allies' sacred sites and thereby alienating them from Rome.

In the context of the passage, the offense against the allies rests midway on the scale of Fulvius' criminality: by betraying his office of censor, he commits an internal offense against Roman society; by disrespecting Roman allies, he creates a black mark in Rome's relations internationally; by insulting the gods, he exposes the Roman people to the risk of divine wrath. In such an expressed gradation, mistreatment of religiously valued sites in non-Roman territory creates problems for Rome's international reputation and diplomatic relations with other regions and states. In the face of such a dilemma, the senate consciously seeks to unite Rome and her allies. By invoking the universality of

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[578] Cf. Livy's description of the same temple earlier at 24.2-3, where Livy says it has never yet been violated by man or beast.
[579] Croton, specifically, had deserted the Roman cause following the battle of Cannae in 216 BCE; Orlin 2010, 178.

divinities, the rhetoric of the senate's admonishment seeks to bind the Romans and allies culturally together, controverting the rhetoric of Fulvius' deed, which asserted his intended Roman temple as more important than that of Juno Lacinia. Therefore, even while being situated as one among many levels of criminality, the offense to a sacred allied site is at the fore of this incident between Fulvius and Bruttium. Livy' final word on this matter dramatically expresses the permanence of Fulvius' violation: the tiles cannot be restored to the roof—though not for lack of trying.[580] Thus, while the religious impiety is able to be atoned, in terms of the insult to the allies' sacred site, the damage ultimately cannot be undone. This theme of political alienation as a result of cultural destruction is explored further in Section 3.

The speeches and debates examined in this section are exercises in negotiating the ethics of cultural destruction. From the Athenians' clear line between what is *fas* and what is *indigna*, to the questioning of that done according to *ius belli* in Kleitor, to Flaminius' appeal to what is usually experienced by captured cities, to the senate's condemnation of Flaccus, these disputes grapple with the boundaries of the appropriate treatment of culturally valued sites, objects, and traditions. In some of these episodes, a specific act of cultural destruction is contested, such as the abolition of the Lycurgan system in Sparta or the damage to the Temple of Juno in Croton, while in others, the contestation focuses more broadly on a *type* of destruction, such as Philip V's burning of urban and rural monuments, temples, and tombs and the general plundering of

[580] Regarding the inability to restore the tiles, Briscoe 2012 (163) conjectures, "presumably no new temples had been built in the area for some time, and the skills required had disappeared." What seems more likely is that Livy includes this detail for rhetorical effect; that no one living knew how to navigate its architecture, is yet another way of signposting the temple's antiquity.

Ambracia's art. Yet across these contestations, we see similarly tactics and lines of arguments employed, drawing on discourses constructed in the *Verrines*, suggesting that ideas we saw put forth by Cicero had continued to take on new life in Livy's day. Most importantly, these Livian disputes over cultural destruction depict Romans, in different ways, as enforcers for the proper treatment of cultural property. This lies behind the elite-infighting between Nobilior and Lepidus, but is more prominently visible in the Achaean dispute, where a Greek state brings complaints to Rome, who then acts as its defender, and in the Flaccus episode, where formally lodged complaints are not even necessary for the senate to take quick action to condemn and attempt to rectify the temple's destruction. It is also at fore of the Aetolian Council debate, where Rome plays the role of defender of Greek temples against the barbaric and impious marauding of Philip V. Thus, across these episodes, we see Rome ever increasingly attentive to, and responsible for, contested acts of cultural destruction. That Livy constructs his narrative in this way suggests the importance of these issues within Livy's own day.

3.4 The Political Consequence of Cultural Destruction within Livian Narration

It is not only within the speeches of his characters that Livy expresses negative judgments and averse political consequences of cultural plunder and violation. Within his narration, Livy also uses cultural destruction—and the outrage caused by it—as explanation for the progression of historical events. In the following three narrative examples, acts of plunder and violations of sacred locations are politically consequential, costing both Romans and non-Romans their allies in particular interstate wars, and even sparking one.

3.4.1 Deserting the Roman Cause

The first of these examples is Livy's account of M. Claudius Marcellus' dealings with the Sicilian city of Henna in 214 BCE, prior, and in fact contributing, to the siege of Syracuse.[581] According to Livy, the trouble starts when the Hennensians demand the keys to their gates from the Roman prefect Lucius Pinarius. Their claim is that they wish their independence, but it is suggested that their real intentions were to let the Carthaginians in the city to attack the Romans stationed there.[582] Pinarius, finding himself in a position of likely violence delays by calling a council, while his men make ready to massacre the crowd at his signal. This transpires. Livy is ambivalent about this butchery, twice mentioning the fact that the men were unarmed[583] and suggesting the deed was a necessary evil.[584] Marcellus arrives on the scene and allows his troops to plunder Henna. Livy is explicit that Marcellus' decision to allow the Roman army to plunder Henna (in combination with Pinarius' massacre) misfires and causes the Sicilians to unanimously desert to the Carthaginian side:

> Marcellus did not condemn the act and allowed to his soldiers the plunder of the Hennensians, thinking the Sicilians discouraged by fear from betraying the garrisons. But this calamity—seeing that the city was situated in the middle of Sicily and renowned, whether on account of the extraordinary natural fortification of the place or because it was entirely rendered sacred by the footsteps of once-seized Proserpina—nearly in a single day spread through all of Sicily, and since they thought the dwelling place not only of men but of gods to

[581] Eckstein 1987 (pp. 157-8) sees the siege of Syracuse largely as a result of decisions made by Marcellus in the field, rather than senatorial plan or direction. Following Livy's lead, he lists the assault on Henna as one of the decisions made by Marcellus that increased anti-Roman sentiment in Sicily leading up the siege and sack of the Syracuse.
[582] Liv. 24.37.2-7.
[583] Liv. 24.38.9: *inermes, incautos*; 24.39.6: *turbam inermem caedebant*. Levene 2010 (342) argues that by including this detail Livy undermines Pinarius' justification.
[584] Liv. 24.39.7: *Ita Henna aut malo aut necessario facinore retenta*, "Thus, Henna was retained by a deed either evil or necessary." The observation that "Livy has weighted the argument in favour of the former" seems correct; Levene 2010, 342.

> have been violated by the abominable slaughter, then in truth, even those who were previously wavering went over to the Carthaginians.
>
> *Marcellus nec factum improbavit et praedam Hennensium militibus concessit, ratus timore deterritos proditionibus praesidiorum Siculos. Atque ea clades, ut urbis in media Sicilia sitae claraeque vel ob insignem munimento naturali locum vel ob sacrata omnia vestigiis raptae quondam Proserpinae, prope uno die omnem Siciliam pervasit, et quia caede infanda rebantur non hominum tantum sed etiam deorum sedem violatam esse, tum vero qui etiam ante dubii fuerant defecere ad Poenos.*[585]

Since this episode is not related in the extant sections of Polybius, it is difficult to know how Livy's version compares to his source material on Marcellus in Sicily. Even so, Livy's comparatively brief account of Marcellus' miscalculated plundering of Henna bears many of the same components as Cicero's more extended narrative of Verres' plundering of sacred statues there.[586] For example, Cicero's prefatory account of the city's natural landscape[587] is mirrored by Livy's *insignem munimento naturali locum*. Just as Livy tells us that Henna is situated in the middle of Sicily (*in media Sicilia sitae*), Cicero had told us that "this place, because it is situated in the middle of the island, is called the navel of Sicily" (*qui locus, quod in media est insula situs, umbilicus Siciliae nominator*).[588] Livy's indication that the entire place is sacred (*sacrata omnia*) evokes several similar claims made by Cicero, such as that the entire island of Sicily was consecrated to Ceres and Libera (*vetus est haec opinion…insulam Siciliam totam esse Cereri et Liberae consecratam*).[589] Both the reference to mythic traditions about Proserpina's rape and even Proserpina's footsteps (*vestigia*) echo Cicero's telling of the

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[585] Liv. 24.39.7-9.
[586] Cic. *Verr*. 2.4.105-115.
[587] Cic. *Verr*. 2.4.107.
[588] Cic. *Verr*. 2.4.106.
[589] Cic. *Verr*. 2.4.106.

Verrine episode.[590] Furthermore, Cicero's claim that Henna was not considered to be a city but a temple (*etenim urbs illa non urbs videtur sed fanum Cereris esse*)[591] is reflected in Livy's explanation that it was because of the violation of not only men's dwelling place but that of the gods (*rebantur non hominum tantum sed etiam deorum sedem*) that Sicilians switched alliance to the Carthaginian side *en masse*. Likewise, fear plays an (unreliable) part in both accounts; Livy's narrative begins by describing Marcellus' misguided intention for the plundering of Henna to frighten the Sicilians into line, whereas Cicero's ends by describing the unintended religious terror that now gripped all of Sicily because of Verres' crimes.[592] Where Cicero says Verres' deeds had shaken all of Sicily,[593] word of the sack of Henna rapidly spreads through the island in Livy. Highly dramatic, it is the calamity at Henna itself (*ea clades*) that pervades Sicily, spreading as quickly as word of Verres' atrocities were often said to have travelled in the *Verrines*.[594] However, the *clades* was also, at least in the short term, a calamity for Rome

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[590] Cicero relates the myth at *Verr*. 2.4.106-7, concluding, "on account of the ancientness of this belief that the footsteps—almost the birthplace—of these gods are found in these regions, the public and private worship throughout Sicily of Ceres of Henna is rather astonishing;" *propter huius opinionis vetustatem, quod horum in iis locis vestigia ac prope incunabula reperiuntur deorum, mira quaedam tota Sicilia privatim ac publice religio est Cereris Hennensis, Verr*. 2.4.107.
[591] Cic. *Verr*. 2.4.11.
[592] Cic. *Verr*. 2.4.113: *tanta supersititio ex istius facto mentes omnium Siculorum occupavit*.
[593] Cic. *Verr*. 2.4.105: *quo provincia tota commota est*.
[594] E.g. at *Verr*. 2.1.50 Verres' plundering of the Temple of Samian Juno upsets all of Asia, and is known by all, such that not one of the Roman senators has not heard the story; when Verres steals the lampstand consecrated to Jupiter Optimus Maximus as gift from the Syrian prince Antiochus, *fama* of the incident reaches to the ends of the earth (*Verr*. 2.4.68); at *Verr*. 2.4.94 news of the attempt to steal the cult statue from the Temple of Hercules quickly rouses all of Agrigentum. Levene 2010 (342-3, n. 52) also cites Caesar *BG* 7.3 as a parallel of such a rapid spread of information.

costing her her Sicilian allies,[595] a mistake that Rome—and perhaps even Marcellus, if his comparative caution at Syracuse is any measure—eventually learns from.

In this episode, Livy, as historical narrator, lends cultural destruction important political ramification. The plundering of Henna and violation of its sanctity is presented as a tactical error, complicating the war for Rome. As in the *Verrines*, there is an emphasis on the role of rumor and the consequences of others' perception of the situation. It is specifically the *violatio* of the sacred site that has this determinative impact.[596] Moreover, the episode is important for how we understand Marcellus and the ethics of plundering and sacred violation during armed conflict. Livy seems to read how Cicero depicted Verres' actions backward in history onto Rome's earlier relations with Henna. Just as Verres did not duly respect the sanctity of Henna, Livy depicts this episode as a misunderstanding or miscalculation on Marcellus' part: he does not realize the grave sense of *religio* the Hennensians/Sicilians/Greeks have and how this will affect the Roman cause in Sicily. Cicero rectifies this in his own time by showing his own understanding of its immense sanctity within his composition of the *Verrines*,[597] and here Livy fills in the Roman miscomprehension that must have come before.[598] Scholars have interpreted, in Livy's character arc of Marcellus, an implicit judgement of his sack of

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[595] Levene 2010 (342-3) sees it as damaging to the Roman campaign only in the "medium term," somewhat questionably calling the incident "an immediate Roman success" and pointing out the eventual (long-term) victory of Rome in Sicily.

[596] While Levene 2010 (342) characterizes the massacre and sacred violation as two separate outrages contributing to the Sicilians' reaction, it is important to note, however, that the massacre *is* the sacred violation.

[597] Cic. *Verr*. 2.4.105-8.

[598] Kenty 2017 asserts a similar argument for Livy on Capua, i.e. that Livy uses Cicero's depiction of Capua in his *De Agraria* as an endpoint and retrojects a backstory to lead up to Cicero's depiction. On intertextual relationship between Livy and Cicero's *Verrines*, in particular, Jaeger 2010 and Levene 2010, 122-6.

Syracuse, in particular viewing this as a watershed moment setting in motion Marcellus' eventual demise.[599] While Marcellus' similarly-destructive actions in Henna may provide further support to such interpretations, I would add to this the possibility that we are meant to compare Marcellus' utter lack of reserve in the Henna episode with his subsequent attempts to circumvent the destruction of Syracuse (the failed peace talks and negotiations to limit plunder, the tears over Syracuse's imminent destruction, etc.). Thus, in the Livian interpretation, not only does Henna's violation cost Rome its allies in Sicily, necessitating further military action that results in Syracuse's incorporation into the Roman province, but the adverse repercussions also seem to influence Marcellus' approach to Syracuse, as seen in his generally reluctant and sympathetic behavior in Livy's rendering.

3.4.2 Perseus' Alienated Allies

Another narrated explanation of the loss of allies due to sacred violation occurs some forty-six years and twenty-one books later (Book 45) in Livy's historical narrative. However, before we look at this passage of Livian narration, some context will be helpful. Several books earlier, Livy describes the Macedonian king Perseus' assassination attempt on King Eumenes of Pergamum in 172 BCE.[600] Perseus orders the Cretan Evander to assassinate King Eumenes while he is visiting Delphi, where Eumenes is

[599] E.g., Carawan 1984-5, 138; Levene 2010, 103, n. 44; Wells 2010, 232.
[600] Liv. 42.15-16.

ultimately gravely wounded by a rock fall, but not immediately killed.[601] After the botched assassination, Evander flees to Samothrace, where he takes up asylum.

Livy does not comment on this as a pollution of Delphi or explicitly condemn it on account of sacred violation.[602] In fact, he narrates the assassination rather blandly, with the exception of casting aspersions on Macedonian character and morality. Despite the fact that it is a Cretan man whom Perseus contracts for the murder, it is the three Macedonians who carry it out that receive the most judgment from Livy. That it is Macedonian men who are brought in to perpetrate the crime may not surprise considering Perseus is the king of Macedon, however, their role here in an act of violating a sacred precinct brings to mind the speeches of Aetolian Council in 199 BCE (Book 31), where Philip V's plundering of sacred property in and surrounding Athens became the fodder for debates over who were the real barbarians, Romans or Macedonians. Livy underscores the connection between Macedonians and villainous behavior when he specifies that the Macedonians hired by Perseus were "accustomed to performing such deeds."[603] While Livy may only have in mind here treachery or violence, the aforementioned debate, in combination with Perseus' later retrospections on the impiety

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[601] Eumenes dies later in Pergamum. Some argue that the rockfall may have been natural; e.g., Walbank and Habicht 2012 (439, n. 67) assert "Perseus probably had nothing to do with it." Regardless of the truth of the matter, Perseus' role is unequivocal in Livy's version, and Brizzi and Cairo 2014 (389-90) connect this incident to a larger pattern in Livy of murders orchestrated by Perseus to look like accidents or natural deaths.

[602] It is not clear from the text whether the rockfall occurs with the sacred *temenos*, although thoughts of Perseus' later related by Livy suggest that the incident *did* pollute Delphi's sanctity (45.5.11).

[603] Liv. 42.15.3: *Evandrum Cretensem, ducem auxiliorum, et Macedonas tres assuetos ministeriis talium facinorum ad caedam regis subornat.*)

of the Delphi attack, give us reason to interpret this comment as suggesting Macedonians were also accustomed to violating sacred places.[604]

The narrative passage of interest comes in Livy's account of the aftermath of this assassination. In 168 BCE, the Romans visit Samothrace to demand the surrender of Perseus, who had joined Evander there after the Battle of Pydna.[605] We hear that Gnaeus Octavius is having a difficult time persuading Perseus to surrender, until he is assisted by the actions of one Lucius Atilius.[606] Atilius, an otherwise unknown Roman legate,[607] makes a speech to the Samothracians. He asks them to confirm that all Samothrace is considered sacred,[608] and once this is confirmed, demands to know why the Samothracians have allowed it to be violated by Evander's presence: "why, then, has murder polluted it, violated it with the blood of king Eumenes, and why—when the preface to all rites forbids from sacred things all whose hands are not pure—do you allow your sanctuary to be contaminated with the bloody body of a brigand?" (*cur igitur…polluit eam homocida, sanguine regis Eumenis violavit, et cum omnis praefatio*

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[604] Cf. Cic. *Verr*. 2.4.77, where barbarians have to brought in to take down a statue of Diana, that neither Roman nor provincial would violate. Livy further critiques the Macedonians for their cowardice in not finishing the job: Liv. 42.16.1,5.
[605] Liv. 45.5-6.
[606] Uncertainty about Atilius' role is evident in Livy's statement that "a circumstance accomplished whether by happenstance or planning aided him [i.e., Gn. Octavius] in this undertaking" (*adiuvit in hoc eum res seu casu contracta seu consilio*; 45.5.1).
[607] *MRR* 1.431. Livy simply calls him an *illustris adulescens* (45.5.1). As Briscoe 2012 (621) observes, he "appears to be acting on his own initiative" in the passage. On the unknown soldier as a "heroic type" In Livy, see Popov-Reynolds 2010.
[608] "Have we heard truly or falsely that this island is sacred and the ground entirely consecrated and inviolate?" (*utrum nos, hospites Samothraces, vere accepimus an falso sacram hanc insulam et augusti totam atque inviolate soli esse?*; Liv. 45.5.3).

sacrorum eos quibus non sint purae manus sacris arceat, vos penetralia vestra contaminari cruento latronis corpore sinetis?).[609]

After this, Livy reminds his reader that Eumenes' murder was almost successfully orchestrated by Evander at Delphi, reporting that "the story was well-known among all Greek cities" (*fama erat apud omnes Graeciae civitates*).[610] Livy recaps the essential details in a short phrase. The location at Delphi is evoked here, contrary to its omission in references to the assassination attempt in Polybius and Diodorus Siculus,[611] and indeed bears obvious relevance to Atilius' point. We then hear the Samothracians admit that Atilius' reproach is just. They send message to Perseus that they intend to try Evander according to their *mos maiorum* for polluting the sacred precinct with unclean hands and demand for Evander to turn himself over. Evander makes to flee and Perseus has him murdered. At this point in the narrative, Livy has Perseus suddenly realize the error of his deed: that he was now guilty of the same crime currently under the Samothracians' scrutiny. To hammer the point home and leave no doubt about the issue at hand, Livy relates Perseus' thoughts: "Eumenes was wounded at Delphi by that man; Evander, killed at Samothrace by himself; thus the two most sacred temples in the world were violated with human blood by his sole doing" (*ab illo Delphis volneratum Eumenen, ab se*

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[609] Liv. 45.5.4.
[610] Liv. 45.5.5.
[611] The extant portions of Polybius allude to the attempted assassination twice: at 27.6.2 he briefly describes that envoys from Perseus attempted to defend themselves to Rome on the matter of the plot against Eumenes—left undescribed—but says that the Romans had already decided on war; earlier, at 22.18, he takes issue with other historians who confuse the "pretext" (πρόφασις) for the war—of which, the attempt on Eumenes' life is one—with true "causes" (αἰτίαι). Diodorus Siculus' account is even briefer, relating only that when the attempt was made on Eumenes' life and false report reached Pergamum that he had died, his brother quickly moved in on his wife, which Eumenes chose to look past when he returned to Pergamum (Diod. 29.34.2). Like in Polybius, the location of the assassination at Delphi is not mentioned.

Samothracae Evandrum occisum; ita duo sanctissima in terris templa se uno auctore sanguine humano violate).[612] In his own narrative voice, Livy tells us that "with such a crime perpetrated against his single remaining friend…he alienated everyone. Each, on their own, went over to the Romans." (*tanto facinore in unicum relcitum amicum admisso…omnium ab se abalienavit animos. Pro se quisque transire ad Romanos*).[613] The result of these events at Samothrace are that Perseus is forced to flee, during which attempt he ultimately surrenders himself to the Romans.[614]

The series of events is somewhat nonsensical, and there are jumps in logic by Atilius, the Samothracians, and Perseus, Inexplicably, Atilius goes after Evander, even though it is Perseus' surrender that Octavius strives to obtain. What is more, there is an elision of Evander's violation of Delphi's sanctity and Samothrace's. The Samothracians are stirred up because of pollution to Samothrace accomplished by Evander's presence there, since Evander is a murderer with blood on his hands: the text is clear to say it is his stained (*cruente*) body that is the pollution. Yet the fact that the violence in question did not occur at Samothrace begs questions such as: how long did pollution from murder last before one could enter a temple?; did Evander simply skip some kind of purification ritual? It may be implicit, but it is never stated that the Samothracians see Evander as a defiler of the sacred on behalf of Delphi. Perseus makes a logical leap in transferring the crux of Evander's impiety to his actions at Delphi, making it more parallel to his own

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[612] Liv. 45.5.11.
[613] Liv. 45.6.1.
[614] Liv. 45.6.2-11. Polybius' account of the war with Perseus is fragmented and the details of the events at Samothrace are not extant; his narrative skips from Perseus fleeing at Pydna to a speech by Aemilius Paullus after Perseus is in Roman custody (Polyb. 29.20).

impiety in murdering Evander at Samothrace. According to the narrative at least, the Samothracians are not angry because Evander tried to killed Eumenes at Delphi, but rather because he then came to Samothrace polluted by murder. This pollution—of having someone who committed a murder elsewhere present in your sacred space—is quite different from the pollution Perseus incurs in killing Evander there at Samothrace. In Atilius' speech, the Samothracians' reaction, and Perseus' panicked reflections after Evander's murder, there is slippage between the Delphi incident and the Samothrace incident. It is as if Atilius' speech is really about the murder Perseus has not yet performed, while simultaneously causing that murder to come about. Thus, the way that Livy narrates this episode involves a convenient elision of events in order to excoriate Perseus for sacred violation and attribute his downfall to this action, with Atilius' rebuke foreshadowing and bringing to mind the ethics by which we, as Livy's readers, ought to be judging Perseus.

In dramatizing this incident as the ultimate downfall of Perseus, Livy employs several tools used by Cicero to condemn Verres' acts of cultural destruction. Firstly, Atilius' speech is an ingenious appeal to local cultural perspectives in order to castigate a political enemy's violation of sacred space.[615] He does this firstly by asking them to confirm their conception that the entire island is sacred and, secondly, by prompting the

[615] Incidentally, this episode speaks against Wells 2010's argument that the Romans in the second century considered Greek temples "other" and hence violable (by contrast with temples of southern Italy). To be sure, it was in Atilius' (and hence Rome's) interest to use the Samothracians' own sense of their temple's inviolability in order to get what he wanted—Perseus' surrender. However, when we come upon the Livian scene, Perseus is claiming asylum in a temple at Samothrace and the Romans are at a loss for how to get him to turn himself over to them. This means that instead of marching in and seizing Perseus, the Romans were respecting the asylum, or at least respecting their relationship with Samothrace enough not to breach it and thereby violate the temple.

Samothracians to assent that his chastisement is just. Livy likewise tells us that after Atilius' rebuke, the Samothracians initiate "traditional" proceedings against Evander as a sacred polluter, emphasizing the local nature of this procedure. In another similar detail, Livy mentions that all the Greek cities had heard about the assassination attempt on Eumenes at Delphi, indicating that report of this outrage travelled fast and widely. Furthermore, Atilius uses language of brigandage to castigate Evander,[616] marrying the roles of violator of the sacred with that of brigand.[617] Lastly, Livy emphasizes the great sanctity of these locales in order to build up the outrage of their pollution. He focalizes this through Perseus, who is said to recognize the fact that his actions have polluted the two most sacred shrines in the world.[618] The appeal to local perspectives, emphasis on optics, and association with Othered social categories are all tactics that has been used by Cicero to dramatize cultural destruction and underscore its significance.

Livy further underscores the important consequences of sacred violation in this episode in several ways. First of all, Perseus' panicked murder of Evander is described as resulting from his fear that Evander would implicate him in the sacred pollution with which he was currently being charged. While certainly being implicated in the assassination of a king and an ally of Rome would have great consequence, the passage focuses Perseus' fear on the issue of sacred violation: he realizes that whereas Evander only wounded Eumenes at Delphi, he murdered Evander at Samothrace. The murder itself indicates that for Perseus to be linked with such a violation of sanctity would have

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[616] Liv. 45.5.4.
[617] The charge of *latrocinia* is leveled at Verres many times by Cicero, in relation to his sacred violations and plundering: *Verr.* 2.1.57; 2.1.129; 2.1.30; 2.2.18; 2.4.1.
[618] Liv. 45.5.11: *ita duo sanctissima in terris templa se uno au'core sanguine humano violata*.

significant political consequences, such that he was willing to go to any lengths to prevent being associated with it. Secondly, the episode is capped off when Livy tells us that this crime alienated all of Perseus' remaining allies, who desert to the Romans.[619] Interestingly, it is by Eumenes' blood that the war with Perseus begins and ends: Atilius charges that Evander pollutes Samothrace "with the blood of king Eumenes" (*sanguine regis Eumenis*),[620] a phrase reminiscent of Livy's earlier account of the assassination, when it was by the blood of Eumenes that Perseus started the war (*a cuius sanguine ordiens bellum*).[621] Thus, sacred violation both starts the war and ends the war. And indeed, the Samothracians, whose reaction to the pollution of their sanctuary set in motion Perseus' surrender, are directly motivated by it.[622]

3.4.3 Justifying War with Antiochus

In between these two incidents of Marcellus' and Perseus' alienation of allies due to plunder and sacred violation, respectively, we see Livy ascribe another type of political consequence to an act of sacred violation: sparking the Syrian War of 192-188 BCE. At the close to Book 35,[623] Livy takes a moment to narrate an incident in which a Roman garrison is attacked by Antiochus' men, under Menippus' leadership, while at Delium in 192 BCE. Livy sets the scene by telling us that this attack occurs "when, in a shrine and grove, sanctified on account of religious sentiment and the law that applies to temples,

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[619] Liv. 45.6.
[620] Liv. 45.5.4.
[621] Liv. 42.15.3: *Eumeni ante omnes infestus erat; a cuius sanguine ordiens bellum, Euandrum Cretensem, ducem auxiliorum, et Macedonas tres assuetos ministeriis talium facinorum ad caedem regis subornat*.
[622] Diodorus similarly notes the incongruity of Perseus being in the sanctity of Samothrace and suggests that his downfall results from his impiety (*asebeia*); however, the impiety in question is patricide, as Diodorus claims the gods of Samothrace reject Perseus as a suppliant for his murder of Demetrius (29.25). Diodorous' version, thus, presents a very different locus of Perseus' demise than does Livy's.
[623] On Livy's use of structural emphasis, see Luce 1971, 294.

which Greeks call 'asylums,' [and when] war had neither yet been declared nor undertaken such that they had heard swords drawn or bloodshed made anywhere…" (*ubi, in fano lucoque ea religione et eo iure sancto quo sunt templa quae asyla Graeci appellant, et nondum aut indicto bello aut ita commisso ut strictos gladios aut sanguinem usquam factum audissent…).*[624] During the attack, Menippus takes fifty Romans alive and a few (*perpauci*) are able to escape, but most of the Roman garrison are killed. Livy tells us, "this incident…seemed to have added considerably to the right to make war on Antiochus" (*ea res…ad ius inferendi Antiocho belli adiecisse aliquantum videbatur*).[625]

The brevity of the narration allows for some ambiguity in how we interpret this incident. It is possible to say that simply in attacking the Romans at all (regardless of locale), Antiochus violated the already tenuous peace. Therefore, it would merely be the attack that lends justification to war, not the violation of Delium. However, Livy's staging of the scene lends importance to the fact that this assault *did* occur in a sacred locale, where it ought not to have. That he explains to his audience the Greek concept of asylum[626] suggests that this should factor into their interpretation of the events he is about to relate.[627] Moreover, with this explication, Livy utilizes a strategy that Cicero has also employed in the *Verrines*: appealing to local Greek viewpoints of the site in order to heighten the stakes of the crime. Notably, the dynamic is different here than in the *Verrines*, since the provided information about *asylia* does not help us better understand

[624] Liv. 35.51.2.
[625] Liv. 35.51.5.
[626] On Greek *asylia*, see Rigsby 1996.
[627] This explanation of asylum also means that we should already understand the concept when we come to Perseus and Evander in Samothrace in Book 45.

the victims' perspective of the site (here, the Romans'), but rather the perspective that ought to have held for those perpetrating the crime (the Seleucids). It is all the worse that Antiochus, who is culturally Greek, violates Delium, which he knows to be inviolable on account of *religio* and *asylia*.

Looking at Livy's narrative framing, we can infer several reasons why this attack was wrong: 1) because Delium is a sacred site (*religio*), 2) because of the sacred law (*ius sanctum*) of Greek *asylia*, and 3) because war had not been declared yet. These details tap into different ethical registers. The first of these seems to appeal to an ethic assumed to be universal, that of *religio*, while the second appeals to a particularly Greek iteration of the site's sanctity and what that means for what is permitted to happen there. The last is likely a reference to Roman fetial law in which acts of war needed to be officially declared in order to be just.[628] If so, it falls somewhere in between "universal" and "culturally-Greek" registers as an ethic the Romans projected to be commonly understood international law, between civilized societies. Thus, Livy's contextualization stresses both that no war had been declared and that the Romans ought to have been safe because they were in an inviolable sacred precinct. Though the phraseologies we have seen elsewhere of "sacred and profane" and "human and divine law" are not used in this passage,[629] we can nevertheless understand Antiochus' attack as a breach of both human-

[628] On Roman fetial law and the ideology of "just war," see Santangelo 2008 and Ando 2010. We may perhaps also be intended to understand here ethical ideas about sacred destruction that we saw on display in the *Verrines*, in which all sites are considered technically profane in war—meaning that *if* war had already been declared the assault at Delium would have been differently inflected, but, as it was, it was undeniably prohibited.
[629] As Liv. 31.30.4 and 25.40.2.

and divine-related ethics—human, in that he attacked the Romans outside of an officially declared war, and divine in that he polluted sacred Delium with bloodshed.[630]

We do not have a Polybian account of the Delium attack, although Livy's explanation of Greek *asylia* may indicate that Livy is, to some extent, following Polybius here.[631] Close similarities between Livy's opening to this chapter and a passage about Delium in Thucydides, however, gives us reason to think that Livy took his own liberties with this passage and was not merely parroting Polybius.[632] That this episode at Delium may not actually have been important in its own time lends further support to this; Badian argues that although Livy makes much of this incident as a cause of war, it was but one small part of a much slower progression toward what he calls the "cold war" between Antiochus and Rome, which he argues began long before the Delium incident.[633] Furthermore, he notes the fact that the Achaean League already considered Rome to be at war with Antiochus and Aetolians[634] "throws grave doubt" on the Delium massacre as an

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[630] By contrast, Grainger 2002 (206) implies Livy's emphasis on the sacred venue of this attack is just an excuse to explain why Romans were so easily defeated there: "Livy's account of the innocent unsuspecting Romans cut down while wandering about and sightseeing at the temple, and while in the sacred temple grounds, may be dismissed as a fantasy. The fact is they were keeping a slack guard, almost in the presence of an enemy force, and deserved all they got." His sentiment that the Romans deserved their fate echoes Badian, who sees the Romans' choice to congregate at Delium as a deliberate attempt to take advantage of the site's inviolability for military purposes: "they had gone to Delium in order to avoid Menippus' superior forces at Aulis and take deliberate advantages of the *asylia* of the place. They had about as much immunity as military transports marked with the red cross;" Badian 1959, 99 n.100.
[631] Eckstein 2014 (408-9), after Nissen 1863 (53-85), asserts that we can know Livy is following Polybius even in the absence of a surviving Polybian parallel when certain conditions apply, one of which is when Livy explains Greek terminology. The others listed conditions—1) when the Livy passage is in a continuous narrative and there is an extant Polybian parallel for its beginning, and 2) when there is too much detail about Greek affairs —are certainly flawed and render the assertion suspect.
[632] Cf. Thuc. 4.76.4, as noted by Briscoe 1981, 216. The similarities include that Delium is a temple to Apollo and its precise geographical positioning in relation to Tanagra and Euboea.
[633] Badian 1959, 96: "the *de jure* beginning of the war is as obscure as it is unimportant. *De facto* it undoubtedly began with the occupation of Demetrias."
[634] Liv. 35.50.2.

actual ἀρχή for the war.[635] Similarly, John Grainger argues on the basis of Antiochus' subsequent overtures to the Boeotians to ally with himself and the Romans[636] that Antiochus did not even consider this incident to have broken the peace.[637] He asserts, besides, that the Romans had already decided to go to war prior to the Delium incident.[638] Such observations make Livy's choice to emphasize this incident of Delium's violation and its role in sparking the war with Antiochus all the more striking.

Collectively, these passages of Livian narration position acts of cultural destruction as politically consequential. Moreover, if we consider them in their proper narrative and chronological sequence,[639] we notice Romans not only gradually realizing the political import of cultural destruction but also harnessing it to their own advantage. In the first scene at Henna, we see Romans err in allowing the violation of a sacred place and pay for their mistake in the loss of allies. In the second, at Delium, the Romans themselves are the victims of violence in a sacred location and use this experience to further justify going to war with Antiochus. Livy's use of distancing language here—it *seemed* to add to the right (*ius*) to wage war on Antiochus—communicates the usefulness of the incident, even if it was not a true cause of the war; it aided the Romans' ability to justify war, indicating Roman understanding that others would care about this sacred violation and that they could benefit from this. In the scene at Samothrace, we see a near inversion of the Henna episode: Rome's enemy Perseus loses his allies because of his

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[635] Badian 1959, 99 n. 101.
[636] Liv. 36.6.3-5; Polyb. 20.7.5.
[637] Grainger 2002, 217.
[638] Grainger 2002, 207.
[639] Due to the similar consequences of the Henna and Samothrace episodes, I have presented them out of order.

violation of Samothracian (and Delphic) sanctity, a consequence that only comes about because of the Roman Atilius' active instigation of Samothracians over the pollution of their sanctuary. In the arc of these passages, Rome not only learns the hard way the impact of breeching ethics surrounding the proper treatment of culturally-valued objects and sites but, more importantly, is depicted by Livy as becoming an enforcer of these ethics, holding both Antiochus and Perseus accountable for their violations. In turn, by presenting culturally-destructive behaviors such as plunder and sacred violation as making or breaking Roman, Seleucid, and Macedonian standing in interstate affairs, Livy gives teeth to these ethics by giving them historical agency.

3.5 Conclusion

This examination of the *AUC* has demonstrated that Livy not only knows his *Verrines*,[640] but also picks up some of the ways of thinking about and presenting cultural destruction that were utilized by Cicero.[641] These include: thinking about things such as plunder, temple violation, and the abolition of traditions together in similar ways; questioning whether what is permissible or customary is what is right; associating such acts of cultural destruction with negative character and identity valences, such as barbarity or political enemies, or as a source of *invidia*; and ascribing political consequence and agency to perceptions (real or otherwise) of cultural destruction. Such commonalities indicate that these ideas had gained traction in the fifty or so years since Verres' infamous conviction.

[640] A point already evident from intertextual studies of the Livy; e.g. Jaeger 2010; Levene 2010, 122-6; Kenty 2017.
[641] Cicero's influence on Livy has been noted by MacDonald 1957, 159-160; Tränkle 2009, 477; Eckstein 2014, 409. For the influence on Livy of Ciceronian value and morality, in particular, see Giordano 1985, 34 and Mineo 2014b, 133.

That Livy is influenced by Ciceronian moral sentiments regarding plunder and destruction to cultural sites and traditions is evident from the way Livy reshapes his episodes from his Polybian source material. Compared to Polybius, Livy dwells on and heightens the *pathos* of scenes of plundering, destruction, and urban devastation. Additionally, he at times casts Romans in a more humane light by softening and omitting historical episodes or narrative details pertaining to cultural plunder and violation that are related by Polybius. Together, these approaches retroject ethics about limiting plunder, respecting sacred sites and cultural traditions, and preventing temple violation into Rome's historical narrative. In this, Livy takes the ethical principles constructed for Cicero's rhetorical purposes one step further. In the *Verrines*, Cicero creates a dichotomy between what is acceptable for wartime contexts and what is acceptable for the peaceful governing of a Roman province; it is because Verres treats his provincial subjects as if he were a conquering general in war that is the core of his wrongdoing. Livy, however, takes these ideas about limiting cultural plunder and destruction—and the moralizing application of these to Roman character—and he writes them into Roman tradition, applying them *within* the wartime contexts of his subject material.

Livy's sensitivity to the treatment of culturally valued objects, sites, and places throughout his history of Rome may not seem surprising in light of the notable attention paid to material culture during the Augustan era. However, Livy is not simply taking a cue from Augustus, who suddenly innovates a concern for curating material culture for political propaganda. As the many Ciceronian echoes in Livy show, this attention to cultural property and its treatment emerged out of ideas that were being formulated in the

last century BCE, as discussed in Chapter 2. Thus, we can understand that Livy, as well as Augustus' public works agenda, was part and parcel of an ongoing Roman discourse about the importance of "stuff" to cultural identity and about how the treatment of these sites of culture reflects on one's character as a Roman.

CHAPTER 4: DIO CHRYSOSTOM'S RHODIAN ORATION (*OR*. 31)

4.1 Introduction

Dio Chrysostom's thirty-first oration, known as the *Rhodian Oration*, is a speech entirely dedicated to what he sees as the wrongful treatment of honorific statues. In this work, Dio presents a lengthy diatribe against the Rhodian practice of recycling their honorific statues by erasing the names of the old honorands and reinscribing them with new names—a practice known today as metagraphy (from the Greek μεταγραφή). Dio views this recycling as not only an act of physical destruction, via the erasure of the original inscription, but as the destruction of a number of abstractions, including the honor and memory of the original honorand, the history of Rhodian civic virtue, and even Greek identity. Throughout the course of his argument, Dio ascribes important social, political, and cultural functions and meanings to these statues, on the basis of which he advocates for the Rhodians to abandon their practice and protect and preserve their honorific statues from further reuse. Thus, not only is Dio's invective predicated on his own heritage-thinking, but the speech also presents a unique opportunity to explore a conflict of heritage ethics between the Rhodians and their protocol for recycling (as it is presented by Dio), on the one hand, and the argument Dio presents, on the other. A closer interrogation of the text reveals that the aims and values of the Rhodians in their recycling practice may not have been so divergent from Dio's own priorities after all, and in fact the archaeological evidence for metagraphy in imperial Greece does not support Dio's presentation of the situation at Rhodes. Rather, Dio's measured (mis)representation of the facts and creation of a controversy where there appears to have been none, I argue,

allows him to tap into Roman discourses surrounding the erasure of inscriptions and destruction of monuments. By aligning himself with Roman ideas about the power of inscription and reinscription, expressed by the likes of Cicero, Augustus, Pliny the Younger, and Suetonius, Dio is able to self-present as an honorable imperial elite. Through his utilization of this Roman heritage discourse, Dio simultaneously positions himself as a Greek warning Greeks about the destruction of Greek culture and as an educated citizen of the empire, chastising backward Rhodians for their shameful abuse of monuments. The *Rhodian Oration*, therefore, evidences the ongoing vitality and impact of a heritage discourse generated circumstantially within Cicero's *In Verrem*.

In what follows, I examine the heritage-thinking about honorific statues on display in the *Rhodian Oration* and analyze the political and social ends to which Dio participates in an ongoing heritage discourse within Roman literature. The first section explores fundamental questions surrounding the nature of the *Rhodian Oration*, including the sincerity and context of the speech. Next, I take a closer look at several threads of Dio's argumentation, specifically 1) the way that Dio makes honorific statues and his own conception of their proper civic treatment embody the essence of Greekness, 2) how Dio's representation of the cultural place of honorific statues pertains to scholarly discussions about memory in classical antiquity, and 3) the complex status of honorific statues, which defies easy categorization and therefore lends itself to multiple, sometimes conflicting, stakeholders and valuations. After examining these themes in the way that Dio constructs the value and societal place of honorific statues, I take a step back in the third section to consider what was at stake for Dio in pontificating on such a topic.

4.2 Historical and Literary Context

4.2.1 Dio's Life

Dio Chrysostom was born between 40-50 CE into a wealthy, elite family in Prusa, located in the Roman province of Bithynia in Asia Minor. He was born into Roman citizenship, inherited from a least one side of his family.[642] Dio came to Rome for his education. Though the exact reason is unknown, Dio was exiled by Domitian in 82 CE.[643] In his own oration on the topic (*Or*. 13, "On Exile"), he states that this was due to his friendship with an elite Roman whom Domitian held in disfavor.[644] In a later oration, Dio makes a comment that may suggest his exile resulted from his open and direct criticism of Domitian.[645] Whatever the exact cause, Dio's exile was individual, rather than a result of Domitian's blanket expulsion of philosophers from Rome.[646] During this time, he seems to have been banned from Bithynia as well as Rome,[647] and he alleges that he spent this time, in accordance with advice given him by the oracle at Delphi, as a

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[642] The majority of scholars suggest only from his mother's side, as Dio only ever specifies such (*Or*. 41.6). Berry 1983 (71) follows Von Arnim 1898 (125) in suggesting he was granted Roman citizenship by Nerva, thereby earning the name Cocceianus. Against this, it has been suggested that Dio won citizenship in 71 CE as a reward for composing his *Against Philosophers*, which does not survive: Sidebottom 1996, 452; Moles 1978, 86, no. 58. See further on the topic of Dio's citizenship: Jones 1978, 6-7 and Swain 1996, 190-1.

[643] On Dio's exile: Verrengia 2000, 66-85; Desideri 2007; Jones 1990; Jouan 1993.

[644] Dio calls him a man "who was at the time most close to those who were prosperous and holding magistracies" (τῶν δὲ τότε εὐδαιμόνων τε καὶ ἀρχόντων ἐγγύτατα ὄντος, *Or*. 13.1). This man was possibly Flavius Sabinus or Salvius Otho Cocceianus: Swain 2000b, 40 no. 95; Sidebottom 1996; Jones 1990.

[645] *Or*. 45.1. Whitmarsh 1998 has interpreted these remarks by Dio as a subsequent invention to bolster Dio's position within Antonine Rome. Desideri 2007 (194) thinks that these remarks were made by Dio in reference to his time *during* exile and are not intended to explain the *cause* of his exile.

[646] Philostratus' third century CE biography of Dio, included in his *Vitae Sophistarum*, even suggests that Dio went into voluntary exile, rather than being officially banished. Brancacci 1985 (97-14) and Civiletti 2002 follow Philostratus on this, while Desideri 2007 (193) firmly argues that Dio's exile was official.

[647] There remain questions about whether Dio's exile was a true exile or was voluntary, whether it included Bithynia or only Rome, and whether it was part of a blanket ban or was personal; Verrengia 2000 (66-85) provides a thorough treatment of the possibilities.

wandering philosopher.[648] Dio's exile was lifted by Nerva, as part of the larger Antonine program of reversing Domitianic policy.[649] After this, Dio engaged himself in local politics in Bithynia and advised and served on an embassy for Trajan.[650] Four orations, known as the *Kingship Orations*, offer Trajan advice on ruling and praise his regime. During his later years as a politically-active elite in Prusa, Dio got himself into trouble on a couple of occasions: he came under scrutiny for destroying a historic smithy in the process of a beautification;[651] similarly, he was charged by a political rival with profaning the image of the emperor by erecting it too close to his family tomb – a case which came to the attention of the then provincial governor, Pliny the Younger. Pliny discusses this dispute in his correspondence with Trajan, who ultimately urges Pliny to dismiss the case.[652] We have no evidence for when Dio died, though many scholars estimate between 115 and 120. It was certainly after 110/111, when he was embroiled in the latter dispute.

4.2.2 "The time-honoured problem of Dio the sophist"[653]

The extent to which any one of Dio's works is "sophistic" is an ongoing question among scholars of his works. What it means to be "sophistic" is also in question. While making a definitive statement on these matters is not necessary for the purview of this

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[648] *Or*. 13.9-13.
[649] Tim Whitmarsh presents a compelling argument that the recalling of Dio and his subsequent friendship held propagandistic value to Nerva/Trajan, who could use him as a symbol of their own patronage of the arts, education, and philosophy in contrast to the alleged suppression of these under Domitian: Whitmarsh 1998, 202-3.
[650] The extent of his relationship with Trajan is contested: Swain 2000b, for example, notes, "In Trajan's letter to Pliny about Dio, there is no sign of friendship or even acquaintance (Pliny, *Letters* 10.82)," 43. Scholars debate whether in fact some or all of the Dio's *Kingship Orations* (*Orr*. 1-4) where delivered before Trajan. Philostratus, for his part, reports that Dio rode in a triumphal chariot with Trajan, in the position typically reserved for a slave (*Vitae Sophistarum* 1.7).
[651] *Or*. 40.8-9.
[652] Pliny *Ep*. 10.81-2.
[653] Swain 2000b, 41.

chapter, they are important considerations in so far as they color the way one interprets the sentiments expressed in Dio's orations. In particular, this issue bears on whether we read the *Rhodian Oration* as a serious speech about a respectable topic, or whether it represents a mere exercise in making a good speech upon a somewhat silly premise.

Pervasive to interpretations of Dio's life and works is a tendency to identify a binary between philosophy and sophistry. Simon Swain, for example, described Dio's two sides as "the stylish story-teller and characterizer" and "the direct, angry moralist and Cynic."[654] This sense of Dio's duality likely originates from Philostratus' third-century labelling of him as a "philosopher-sophist."[655] In turn, the fifth-century Synesius argued for a linear progression of Dio, over the course of his life, from sophist to philosopher, with his exile as the pivotal catalyst for this transition—no doubt at least in part influenced by Dio's own witty account of his incidental transformation into a philosopher due to that fact that people kept mistaking him for one.[656] Dio's dual identity has persisted into modern scholarship on his life and literary corpus.[657] Thus, Von Arnim's 1898 study, which would remain the only book-length treatment of Dio Chrysostom until the 1970s, divides Dio's works into sophistic and philosophical, with a conversion from the former to the latter centering on his experience in exile. In his 1978 monograph on Dio, Jones is wary of the way that fifth-century views of sophistry may have motivated Synesius to depict Dio as gradually moving away from sophistry. Jones therefore denies

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[654] Swain 1994, 169. Similarly, Jackson 2017 (218) poses the question: "Is he a moral philosopher with a coherent agenda, or a sophist adopting whatever position fits the occasion?"
[655] *VS* 1.7. On Philostratus' *Lives of the Sophists*, see König 2001.
[656] *Or*. 13.9-13.
[657] For an in-depth treatment of Dio's image in antiquity and reception in the Byzantine period, see Brancacci 1985. Amato 2011 surveys the manuscript tradition, while Swain 2000b provides a thorough analysis of modern scholarly treatment of Dio.

any concept of "conversion," but nevertheless supports the view of Dio's exile as a decisive turning point in his career and relegates Dio's more "sophistic"-seeming orations to earlier periods of his life. Moles' seminal article on Dio's career, written in the same year as Jones' monograph, takes a harder line than Jones, rejecting altogether Synesius' division of Dio's works along sophistic and philosophical lines. Instead Moles is the first to put forth the increasingly standard view that Dio adopts Cynic and Stoic *personae* as but some of his many "masks" he wears throughout his speeches. Dio's "rhetorical role playing"[658] has since been noted and studied by a number of scholars.[659] Recent scholarship therefore has tended to focus on the way that Dio actively plays with such identities and resists binary categorizations, exploring instead his manipulations of personae as well as the possibility for simultaneous, even contradictory, readings of his orations. As Swain has aptly observed: "ultimately, there is an ambiguity about Dio. It is this that makes us feel we are confronting a complex personality who was responding to varied circumstances."[660]

The nevertheless persistent dichotomy between "sophistic" and "philosophical" rests on assumptions about the seriousness and moral implications of those texts considered "philosophical," on the one hand, and the notion of "sophistic" texts as mere rhetorical exercises, on the other. The idea is that because the sophistic speech is meant to be a feat of rhetoric, an impressive display of an orator's ability to speak persuasively on any topic, the content is of less concern than the form. Moreover, because it is all the

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[658] Jackson 2017, 220.
[659] E.g., Whitmarsh 1998 (206) speaks of Dio's "performance of the role of martyred champion of free Greece," while Kasprzyk 2018 (534-537) explores Dio's use of "masks."
[660] Swain 2000b, 8.

more impressive to speak cogently on absurd or trifling topics, one cannot assume a seriousness to the general themes and lines of argument within a sophistic speech. Such reservations about sophistic texts misleadingly imply that oratory of other genres can reliably be thought to reflect the orator's true feelings or that the contexts of other types of speeches are somehow less circumscribed. Moreover, this construction of a derogatory understanding and representation of sophistry is itself a byproduct of Classical Athenian culture, where sophistry—notably lampooned in Aristophanes' *Clouds*—was conceived of as destroying social order by teaching the ability to make weak arguments strong.[661] In such portrayals sophistry came to be negatively associated with the inversion of societal norms, immorality, the breaking of logic, and even the embrace of absurdity. Though it is a fair assumption that the Greeks writing in the period popularly labelled the Second Sophistic did not see themselves as following in the footsteps of a despicable literary tradition, these classical Athenian reservations about what it means to be "sophistic" have influenced the way that scholars have understood Dio's corpus.

Scholars have frequently posited that Dio's earlier works, of which the *Rhodian Oration* seems to be one,[662] tend to be more sophistic. And indeed, if Philostratus can be believed, Dio did pen some orations on flippant, somewhat absurd topics, such as his *Encomium to a Parrot*, which might fit such a view of sophistry as that discussed in the

[661] Hesk 2000 (212-215) demonstrates that accusations of sophistry in Athenian oratory were entangled with, among other things, ideas about witchcraft and magic—generally conveying the idea of "unAthenian" rhetorical practice.
[662] Further discussion of the speech's dating below.

last paragraph.[663] As for the *Rhodian Oration*, there are certainly some moments that might be considered "sophistic" in the rhetorical-feat sense. For example, in his opening, Dio prides himself on the fact that he is about to speak to the Rhodian assembly about a matter that is not currently before them, according to the logic that his service to them is thus all the more useful.[664] By his own framing, he is making an issue of a non-issue, and so we might understand the speech as exemplifying Dio's ability to speak eloquently on an unusual topic, while convincingly arguing for its surprising importance. Similarly, Dio at times makes sudden about-turns in his line of argument that illustrate his rhetorical skill and flexibility, such as when he first resolves that the reuse of statues *does not* constitute impiety and urges that this topic be dropped (ἀφείσθω),[665] then explores the ways in which it, in fact, might. However, compared to another Second Sophistic speech on the topic of honorific statue destruction, the *Corinthian Oration* written by Dio's student Favorinus,[666] the *Rhodian Oration* reads as solemn and sincere. The context of the *Corinthian Oration* bears obvious differences from Dio's *Rhodian Oration*, since Favorinus is upset at the removal of his own statue, whereas Dio is objecting to a civic practice that does not directly concern him. Whereas Favorinus' complaints, flow of thought, and use of literary allusions sometimes come across as comical, there is no hint in the *Rhodian Oration* that Dio is anything less than serious in his moral censure. In fact, he takes care in the speech's opening to stake his reputation and regard as an orator upon

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[663] Even within antiquity there was debate over the seriousness of particular orations of Dio's. E.g., Philostratus considered the *Euboicus* of no importance, while Synesius thought it very serious; Swain 1994, 169.
[664] *Or*. 31.4.
[665] *Or*. 31.13.
[666] *Or*. 37. For analyses of Favorinus *Or*. 37: Brod 2018; Konig 2001.

the importance of his topic.[667] Furthermore, despite the fact that many scholars place the *Rhodian Oration* in Dio's earlier, more allegedly "sophistic" period, scholars have tended to view the speech as uncharacteristically serious for this period. Swain lists *Or*. 31 among Dio's "great political speeches"[668] and conveys that it was both admired by Isaac Casaubon in his 17th century edition of Dio's works as an exemplar for making many arguments on a noble theme[669] and that Momigliano excepted *Oration 31* from his overall view of Dio's civic orations as collectively frivolous and immature.[670] There is, in short, reason to take the ideas expressed in the *Rhodian Oration* seriously.

4.2.3 The Context of the *Rhodian Oration*

On the surface, the context of the *Rhodian Oration* seems straightforward enough: Dio states in his opening that this is a speech he opts to deliver to the Rhodian assembly on a matter he considers of great importance. Despite this purported simplicity, many aspects of the *Rhodian Oration*'s context are subject to scholarly debate. To start, it is debated whether the oration was delivered at all or was merely circulated in written form,[671] especially due to the speech's unusual length[672] and the lack of hiatus.[673] While

[667] *Or*. 31.1-4.
[668] Swain 2000b, 49.
[669] Swain 2000b, 18.
[670] Swain 2000b, 35, no. 86.
[671] Among early scholars of Dio, Von Arnim supposes the speech was never delivered, while Lemarchand hypothesizes a subsequent merging and editing of two previously-delivered speeches. Swain 2000b hedges on the matter. Other scholars less critically take Dio at his word that he delivered the speech before the Rhodian Assembly: Jones 1978, Fernoux 2016, Guerber 2016, Bost-Pouderom 2016.
[672] It is the longest of Dio's extant speeches, nearly double the typical length of the others. Its unusual length has been explained by Kremmydas 2016, Bost-Pouderon 2016, and less confidently Jones 1978 as intentional homage to Demosthenes' *Against Leptines*. Lemarchand 1926 deals with this issue by his two-speech theory.
[673] Von Arnim was the first to suggest from the avoidance of hiatus that the speech was not actually delivered, while Lemarchand asserts that the removal of hiatus occurred when the two distinct speeches were later merged, either by Dio himself or in later antiquity.

such questions of audience are important considerations for any analysis of the text, the practice of editing speeches for circulation renders this debate less integral to the present study. Whether the initial version was actually delivered or not, the extant text survives to us because it was written down and circulated. *Or*. 31 is thus examined in this chapter as a literary product intended for wider readership than simply the purported audience of the speech.

Another point of contention concerns the manner by which Dio came to compose a speech about the Rhodian recycling of honorific statues. Jones, for his part, points to other Second Sophistic models – namely, the Athenian assembly inviting Apollonius of Tyana to address them[674] and the Rhodian assembly inviting Aristides[675]– and surmises, "presumably the magistrates or leading citizens had requested him, as a visitor of note, to address the people on a topic of his choice."[676] At the opening of the speech, however, Dio twice characterizes himself as μὴ κληθεὶς, "not invited,"[677] which makes for an odd choice if the Rhodians had indeed invited him to speak to them. It is Fernoux's opinion that some Rhodians in Dio's confidence suggested the topic to him.[678] This would make more sense if we are to understand that these men were against the metagraphy practice and wanted the issue confronted, without openly raising the issue themselves. We unfortunately have no evidentiary basis for determining whether Dio was invited to Rhodes or whether the topic was suggested to him. Dio certainly locates the impetus for

[674] Philostr. *VA* 4.22.
[675] Aristid. 24.1-3.
[676] Jones 1978, 28.
[677] *Or*. 31.1, 3.
[678] Fernoux 2016, 77.

both his visit and his topic with himself, perhaps to hide the secret invitation of dissenting Rhodians as Fernoux suggests, perhaps to bolster his image as a moralizer who went out of his way to rectify an ongoing wrong within the Rhodian community. By presenting himself in this way, Dio not only lends weight to his topic but also characterizes himself as deeply invested in the cultural and political stakes he draws out in the course of the speech. Whether or not the subject was suggested from within the Rhodian community, as I go on to show, Dio accomplishes his own agenda in the way he presents the topic.

Even more complicated a question is *when* the *Rhodian Oration* was composed. The majority of suggestions date it to the 70s or late 90s/early 100s CE; however, scholars have posited its composition under every emperor from Vespasian to Trajan.[679] Others, such as Jones 1978 and Desideri 1978, prefer to date it less precisely to the period of Dio's life prior to his exile (in 82 CE). Von Arnim's and Lemarchand's early studies of Dio proposed that the speech was composed in two stages, first under Titus, then again under Trajan, with Von Arnim supposing a single written work and Lemarchand two separately-delivered orations that were subsequently combined.

One key element of the dating debate is a passage in the *Rhodian Oration* in which Dio intimates that Rhodes currently enjoys a free status: Dio suggests that the Rhodians reuse the statues because they fear if they do not flatter every passing visitor, they will lose their freedom: ὑμεῖς δὲ τοὺς παριόντας δεδοίκατε, κἂν ἕνα τινὰ μὴ στήσητε χαλκοῦν, τὴν ἐλευθερίαν οἴεσθε ἀποβαλεῖν; "are you Rhodians so afraid of all your

[679] Momigliano 1971 (pp. 150-51) thinks a date under Vespasian is most likely, but finds a Domitianic date also possible; Swain 1994, Bost-Pouderon 2016, and Guerber 2016 follow his argument for Vespasian. Von Arnim 1898 and Lemarchand 1926 suggest it was written under Titus *and* Trajan, while Sidebottom 1992, Swain 2000b, and Kremmydas 2016 argue for Trajan.

casual visitors that you think if you fail to set up some one person in bronze, you will lose your freedom?”).[680] What can be said with confidence about Rhodes’ political status under Rome unfortunately ends in the reign of Vespasian, the earliest period to which the speech has been dated. Rhodes enjoyed a free status until under Claudius, when in 44 CE some Romans were killed in the course of a riot and this status was taken away. Cassius Dio, in a list of events wrapping up his account of the year 43/4 CE, states simply: “The Rhodians were deprived of their liberty because they had impaled some Romans” (τῶν τε Ῥοδίων τὴν ἐλευθερίαν ἀφείλετο, ὅτι Ῥωμαίους τινὰς ἀνεσκολόπισαν).[681] Claudius then granted them this status back in 53 CE for good behavior.[682] Suetonius suggests that this was at Nero’s urging, who pled the Rhodian cause in Greek.[683] Rhodes lost its freedom yet again under Vespasian, who, Suetonius tells us, reduced Rhodes to a Roman province.[684] There is speculation among scholars that it regained its free status under the Flavians or Antonines. These conjectures, however, are frequently entangled with the problematic dating of the *Rhodian Oration* and, thus, inconclusive.[685]

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[680] *Or*. 31.112.
[681] Cass. Dio. 60.24.4.
[682] Suet. *Claud*. 25.3 *libertatem…Rhodiis ob peanitentiam veterum delictorum reddidit. Cf.* Tac. *Ann.* 12.58, who intimates some sort of assistance provided by Rhodes, stating that Rhodian favor with Rome turned according to their domestic sedition or their military assistance abroad: *Rhodiis libertas, adempta saepe aut fermata, prout bellis externis meruerant aut domi seditione;* similarly, *IG* XII i 2.
[683] Suet. *Nero* 7.2. Nero felt an affinity for Rhodes due to it veneration – and famed colossus – to Helios, with whom Nero identified himself, and he mentions holding Rhodes in regard since his childhood at SIG^3 810.25-6: Hutchinson 2013, 108. Dio Chrysostom alludes to the special respect Nero paid to Rhodes when he remarks on the deep irony that Nero the great plunderer left all of their statues intact, only for the Rhodians to plunder themselves (*Or*. 31.148).
[684] Suet. *Vesp*. 8: *…Rhodum…libertate adempta…in provinciarum formam redegit.*
[685] Von Arnim and Lemarchand argue that it is under Titus that Rhodes’ free status is restored, because this aligns with their dating. Hutchinson 2013, 108, following von Arnim’s lead, points to a Rhodian inscription expressing gratitude to Titus (*IG* XII i 58) as evidence that he granted it freedom during his travels in 69 BCE (recorded by Tacitus, *Hist*. 2.1.1-4.2). Berthold 2009 (p. 219, no. 15) asserts that Domitian restored Rhodes’ free status, citing *Syll*.3 819, though notes that others argue for dates under Nerva or even Trajan.

Dio's treatment of Roman emperors within the speech is equally inconclusive for the question of dating. It seems likely that Dio was influenced in this speech by the Flavian condemnation of Nero's behavior, which included the abuse and misuse of others'—and indeed, divine—statues. However, the presentation of Nero within this speech is somewhat tempered by comparison with Dio's remarks on Nero in other orations.[686] More unusual, for a Trajanic dating at least, is the lack of apparent reference in the speech to Domitian. Dio is elsewhere rather vocal about his open opposition to Domitian, which may or may not have landed him in exile.[687] One might expect similar treatment here, if the *Rhodian Oration* were composed within an Antonine context so keen to denigrate Domitian. On the one hand, this may suggest the speech was written prior to Domitian's death. On the other, one wonders if it is possible that Dio intentionally, ironically, omits Domitian's name in his speech against the wrongful erasure of men's names. As we will see in a passage from Suetonius analyzed below, Domitian was, after all, himself guilty of this.[688] For the purposes of this dissertation, it will be enough to understand the *Rhodian Oration* as a late-first/early-second century CE example of a longer literary discourse about the value of statues and their inscriptions.

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[686] E.g. *Or*. 21.6-10, 32.60. This is perhaps because he prioritizes condemning the Rhodians by juxtaposition with the clearly-bad Nero: it is not to Nero's praise that he appears in a better light in this one particular matter, but to the Rhodians' utter shame.
[687] *Or*. 45.1. For the scholarly debate over the interpretation of this passage, see no. 644 above.
[688] Domitian was also subject to an official *damnatio memoriae*, on which see Flower 2006, 240-255.

4.2.4 The Subject

The subject of the *Rhodian Oration* is the Rhodians' practice of reusing old honorific portrait statues for new (implied Roman) subjects,[689] accomplished by means of erasing the names of the original honorands in the dedicatory inscriptions and replacing them with those of new honorands.[690] The erasure of the original honorand's name, so that it can be replaced with that of the new, is a practice known to us a metagraphy.[691] Even before he has described the practice of reusing statues, Dio articulates the issue at hand as the Rhodian "circumstances concerning benefactors and the honors of good men" (τὰ περὶ τοὺς εὐεργέτας λέγω καὶ τὰς τιμὰς τῶν ἀγαθῶν ἀνδρῶν).[692] Dio expresses a dual wrong inherent in the as-yet unnamed practice: firstly that new, contemporary benefactors are not receiving honors (literally: "no one any longer is honored among you, τιμωμένου λοιπὸν παρ᾽ ὑμῖν μηδενός); and secondly, that their benefactors of yore are being insulted and robbed of their honors (ὑβριζομένων καὶ τὰς τιμὰς ἀποστερουμένων).[693] Ironically, Dio positions himself as a benefactor to the Rhodians through his very delivery of a speech about how they dishonor their benefactors.[694] This

[689] Dio calls the new recipients *hegemones*, the term he most commonly uses to refer to Roman magistrates; see Guerber 2016 (35) for a chart detailing the terminology Dio employs throughout his orations to refer to Roman and local magistrates.
[690] *Or*. 31.9: "for your chief magistrate points out whichever appears to him of those already dedicated statues; then, with the prior inscription removed and the name of another engraved, the completion of the honor is achieved;" ὁ γὰρ στρατηγὸς ὃν ἂν αὐτῷ φανῇ τῶν ἀνακειμένων τούτων ἀνδριάντων ἀποδείκνυσιν· εἶτα τῆς μὲν πρότερον οὔσης ἐπιγραφῆς ἀναιρεθείσης, ἑτέρου δ᾽ ὀνόματος ἐγχαραχθέντος, πέρας ἔχει τὸ τῆς τιμῆς.
[691] Although ἡ μεταγραφή was an ancient Greek term, it is not used by Dio in the *Rhodian Oration*, and is used relatively rarely, by comparison to the verb μεταγράφω: the *Thesaurus Linguae Graecae*, returns fifty-three and six hundred ninety occurrences, respectively.
[692] *Or*. 31.8.
[693] *Ibid.*
[694] In the opening of his oration, he urges the Rhodians to evaluate how convincingly he makes his case: if they find what he says to be improper or unnecessary, he admits that he would be rightly considered a

self-positioning adds a sly element to his speech, which urges the Rhodians to better respect and honor their benefactors, a group now including Dio himself.

Throughout the speech, Dio approaches his argument from a number of angles. His frequent use of analogy sets Rhodian metagraphy alongside such things as mutilating divine statues, overturning altars, plundering temples, violating sacred precincts, official damnations of memory, tampering with official records, and counterfeiting coinage.[695] Dio alleges that the Rhodians are the only ones reinscribing their statues,[696] and that it is all the more shameful for them because they represent the last of the best of the Greeks.[697] For, we are told that the Athenians have already forsaken themselves in their passion for gladiatorial shows—but even they are not stooping to reusing their statues, like Rhodes.[698] The impression created by Dio is that the Rhodians are selling their heritage in order to gain favor with Roman officials.[699] This, he claims, is not only a disservice to their own city, which will suffer from a lack of true benefactors, but also a dishonor to Greek culture and identity at large.[700] This charge is one among a series of

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simpleton (εὐήθης) and meddlesome (περίεργος, *Or*. 31.2); but, if they concede it is a matter of great importance, he bids, "then be suitably grateful to me and consider me well-disposed to you" (εἰκότως ἂν μοι χάριν ἔχοιτε καὶ νομίζοιτε εὔνουν ἑαυτοῖς, *Or*. 31.2). In this way, he sets up his speech as a service to the Rhodians, and himself as their benefactor. His behest for the Rhodians to give him thanks and count him as a friend is evocative of the very practice of honoring benefactors which he takes as his topic. He further develops this idea of his oration as a benefaction by making an exculpating analogy to a more obvious type of benefactor: someone who donates money. Accordingly, Dio points out that the Rhodians would not consider a foreigner who wanted to give them silver to be meddlesome (περίεργος), and therefore urges that they similarly receive his offer of good counsel (γνώμης ἀγαθῆς, *Or*. 31.3).

[695] Mutilating divine statues and overturning altars: Dio *Or*. 31.37; plundering temples: 31.9-10, 82; violating sacred precincts: 31.54, 87-88; *damnatio memoriae*: 31.28, 84; tampering with official records: 31.86; and counterfeiting coinage: 31.33.

[696] *Or*. 31.103.

[697] *Or*. 31.123, 159.

[698] *Or*. 31.123.

[699] Because their statues are so special an attribute of Rhodes that not even Nero harmed them, their recycling constitutes an erasure of Rhodes' source of fame and regard: *Or*. 31.146-150.

[700] *Or*. 31.159.

ways that Dio characterizes the Rhodian reuse of statues as unethical. Raising the question of whether or not it constitutes impiety (ἀσέβεια) he states: "I do not see how it could be called anything else" (ἀναιρεῖν ἐγὼ μὲν οὐχ ὁρῶ πῶς ἂν ἄλλως ὀνομάζοιτο).[701] In addition to its impiety, he presents the practice as deceitful[702] and unfair.[703] Yet other reasons the statue reuse is wrong relate to property theft and the misapplication of memory sanctions, which are discussed further below.

4.3 Dio on the Value and Meaning of Honorific Statues

4.3.1 Honorific Statues as Greek Culture (under Threat)

Dio argues for many consequences of the Rhodian metagraphy practice, which itself is made to represent the larger issue of how Rhodes treats its benefactors. He asserts that Olympic athletes only exert themselves because of the promise of winning victory prizes[704] and generalizes that all men do great things for tokens of their achievement.[705] A chief concern raised throughout the speech is that if the Rhodians continue to abolish honorific statues by reusing them for new honorands, men will cease to exert themselves for virtue, since the honor and remembrance enabled by the statue

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[701] *Or*. 31.14. He labels the statue reuse as impious for many reasons: because it is ill treatment of the dead (*Or*. 3.114); because it dishonors the Rhodians' ancestors who granted the statues (*Or*. 31.15); as acts against the Graces, *chares* (Or. 31.37); because insulting heroes is impious (*Or*. 31.80*ff*.); because the whole city is sacred and, therefore, the statues are too and should not be altered (*Or*. 31.86-7); because the uninscribed statues probably depicted gods, and their recycling therefore desecrates divine images (*Or*. 31.90-93); and impiety-adjacent, because honored men are beloved by the gods (*Or*. 31.57).

[702] He describes it as forgetful of acting truthfully (ἀμελεῖ … τοῦ πράττειν ἀληθῶς, *Or*. 31.10). Dio points out that the Rhodians do not specify in the decrees granting the honor that the statues will be reused (*Or*. 31.38) and argues that the Rhodians would pass a law about this practice, if it were not shameful to admit officially (*Or*. 31.139-142).

[703] It is a problem for Dio that not all benefactors are being impacted by the selective statue recycling practice and that other forms of honors are not similarly being affected (*Or*. 31.22-5).

[704] *Or*. 31.21.

[705] *Or*. 31.22.

(and other types of honorific rewards) are the reason why men are brave.[706] For a city to meet the two-part duty to honor and remember benefactors is beneficial, because more men will be willing to render service when they know their efforts will meet with gratitude. Therefore, both the polity and the private citizen will be safer if Rhodes (and others) forgoes the practice of metagraphy.[707] Thus Dio makes the general claim that human virtue is predicated on a properly functioning honorific system.

He particularizes this to the Rhodians by representing them as custodians of Greek culture, the survival of which depends on the Rhodians' preservation of their benefactors' statues. Referring back to the claim that men do great things in exchange for honor and remembrance, Dio states,

> This made your ancestors fill the whole land and sea with trophies and—when the rest of Hellas had in a manner been quelled—alone by themselves, safeguard the common honor of the Hellenes up to the current time.
>
> τοῦτο ἐποίησε τοὺς ὑμετέρους προγόνους ἅπασαν γῆν καὶ θάλατταν ἐμπλῆσαι τροπαίων καὶ τῆς λοιπῆς Ἑλλάδος τρόπον τινὰ ἐσβεσμένης μόνους ἐφ᾽ αὑτοῖς διαφυλάξαι τὸ κοινὸν ἀξίωμα τῶν Ἑλλήνων εἰς τὸν νῦν παρόντα χρόνον.[708]

Thus, Dio positions the Rhodians as preeminent among the Greeks, since their abundance of monuments reflect deeds of bravery and virtue. Rhodian respectability and monuments go hand in hand. Additionally, Rhodes is represented as the last Greeks available to safeguard collective Greek honor. Elsewhere, Dio quite literally represents the Rhodians as the last scion of Greek culture, by comparing Rhodes to the last male descendant of a

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[706] *Or*. 31.16-18. Dio even threatens that Rhodes will cease to attain benefactors at all if they continue to selectively abolish their benefactors' honors by recycling these statues (*Or*. 31.65).
[707] *Or*. 31.7. Dio elsewhere describes the metagraphy practice as an injury to the state (*Or*. 31.22). Bailey 2015 sees the polis' security and continued prosperity as the focus of the speech.
[708] *Or*. 31.18.

great family upon whose conduct the glory of his family depends.[709] The metaphorical family that Rhodes represents is Hellas, and while this analogy imparts significance to all Rhodian conduct, it is clear from the speech's topic that Dio sees the management of honorific statues as an essential element of Rhodian (mis)conduct. By making the Rhodians stand for all Greeks within an oration that censures Rhodians for the way they treat their honorific statues (and hence, their benefactors), Dio connects the treatment of such statues to Greekness. How they manage these objects in their civic landscapes is thus made to be representative of their adherence to or betrayal of Greek culture and identity at large. Moreover, on the premise that the Rhodians are representative of all Greek culture, Dio characterizes his censure of their misconduct as an act of goodwill (εὔνοια) not only towards Rhodes but towards all Hellenes (πρὸς ἅπαντας τοὺς Ἕλληνας).[710] Through such rhetoric, Dio positions the Rhodian metagraphy practice as an unGreek practice, entangling the topic of the treatment of statues with what it means to be a Greek.

This weight that Dio gives to honorific statues aligns with his larger understanding of material culture's symbolic and communicative power. Regarding this, we are given a brief, but telling, glimpse as Dio dichotomizes the past glory of the Greeks and the dire present in which Rhodes is the last remaining Greek exemplar. Dio speaks of a "shared honor" (τὸ κοινὸν ἀξίωμα) among Greeks in former times, which arose from the efforts of many (ἐκ πολλῶν συνειστήκει).[711] He glosses the "many" as including

[709] *Or*. 31.159.
[710] *Or*. 31.157.
[711] *Or*. 31.157.

Rhodians, Spartans, Thebans, Corinthians (for a time), and Argives (in ancient times). He contrasts this past situation with the present (πρότερον μὲν… νυνὶ δὲ), in which only the Rhodians remain consequential and un-despised (καὶ γὰρ μόνοις ὑμῖν ὑπάρχει τὸ δοκεῖν ὄντως τινὰς γεγονέναι καὶ μὴ τελέως καταπεφρονῆσθαι).[712] He goes on to say that, for these other Greek communities, one cannot conceive of the prominence and splendor of their deeds and suffering (τὴν ὑπεροχὴν καὶ τὴν λαμπρότητα τῶν πράξεών τε καὶ παθῶν)[713] from looking at their current men, but rather it is the material remains of the past—specifically, he cites the stones and ruins (οἱ λίθοι… καὶ τὰ ἐρείπια τῶν οἰκοδομημάτων)[714]—that communicate the greatness of Hellas.

In sum, Dio communicates multiple, sometimes layered, abstractions that are embodied by the statues and their treatment. Statues embody the city's relationship to benefactors. To mishandle the one is an abuse of the other. They also embody the benefactor's service to the city, and hence stand in as tangible emblems of virtue, which not only passively retain the memory of past men's honorable conduct but also, in turn, have the power to engender and promote virtuous conduct in future generations. As this latter point expresses, they do not only embody the single relationship between an individual benefactor and the city that erected them, but rather they have wider social and political significance. Because these objects symbolize the way in which a city respects and honors those who do it service, the treatment of these statues represents a city's integrity, and therefore has the capacity to influence the city's reputation in the wider

[712] *Or*. 31.158.
[713] *Or*. 31.159.
[714] *Or*. 31.160.

Mediterranean world. Because of Rhodes' identity as a Greek city within a Roman political arena, this civic representation also bears upon the cultural identity of Greeks within a Roman world.

As we saw in our brief survey of the wrongs of metagraphy, one implicit vector of Dio's attack is that by recycling statues of past Greek benefactors for new, mostly Roman ones, the Rhodians are betraying their Greekness. A tension between Greek and Roman is a constant presence underlying the *Rhodian Oration*. At one point in the speech, Dio alleges that the Rhodians express they would not dare reuse statues of Romans.[715] Implicitly, then, we are to understand that the reused statues entail a Greek benefactor's honor and memory sacrificed to make way for a Roman's, a Roman who is immune to similar prospects of recycling. This is one of the ways that Dio depicts the Rhodians as prioritizing Romans over Greeks. Dio furthermore laments that there has been a devolution in services meriting statues, alleging that previously they were awarded for benefactions to the city but are now awarded to anyone with status.[716] He goes on to juxtapose ephemeral political status with the more permanent civic and social benefits of benefactions (and thus of a proper honorific system).[717] By making the point that political power is more fickle than benefaction, he levels an implicit critique at the Romans in power, who reap the honors of the reused statues without necessarily deserving them. The power Roman authorities exercised over Greek cities is, according to Guerber 2016, a

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[715] *Or*. 31.43.
[716] *Or*. 31.43.
[717] "For all know how much more durable is public service than power; for while there is no strength that time does not destroy, it destroys no public service" (πάντες γὰρ οἴδασιν ὅσῳ βεβαιότερον ἐστιν εὐεργεσία δυνάμεως. ἰσχὺν μὲν γὰρ οὐκ ἔστιν ἥντινα οὐκ ἀναιρεῖ χρόνος, εὐεργεσίαν δὲ οὐδεμίαν, *Or*. 31.43).

recurrent theme in Dio's civic orations, with the *Rhodian Oration* as one of Dio's harsher depictions of the Roman governor.[718] Dio even seems to place the impetus for the self- and Greek-effacing metagraphy practice with the Romans, suggesting that the Rhodians reuse the statues out of fear that they will lose their political liberty if they do not please Roman magistrates.[719] Following on this supposition, he argues that if their freedom were so precarious it would be better to be slaves already (δουλεύειν ὑμῖν τῷ παντὶ βέλτιον ἤδη).[720]

Yet despite these implicit digs at Rome, Dio is careful to bring his criticisms back upon the Rhodians and to keep the issue a local Greek one. At the same time he alleges the Rhodians reuse their statues to appease the Romans, Dio points out that this is a silly supposition for the Rhodians to be harboring: "For do not imagine the Romans are so stupid and ignorant that they prefer none of those subject to themselves to be free or noble, but wish, rather, to rule over slaves."[721] In so saying, Dio acts as an interpreter of Roman attitudes and values, correcting the Rhodians for their misunderstanding of Roman ways and rooting the blame for the practice he finds abhorrent in Rhodian foolishness rather than Roman vanity. Earlier in the speech, Dio similarly critiques the Rhodians, with an eye to Roman perspective: he says that while he will not say the Romans are insulted by the practice, he will declare that they are not gratified and do not consider themselves to attain anything by it on account of its ῥᾳδιουργία ("laziness," but

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[718] Guerber 2016, 31, 57. Veyne 1999 (516, 547) similarly reads a harsh stance on Rome in the *Rhodian Oration*.
[719] *Or*. 31.112.
[720] *Or*. 31.112. Rome is also implicitly critiqued when Dio censures Athens and Corinth for their enthusiastic embrace of gladiatorial shows (*Or*. 31.121-2).
[721] *Or*. 31.111: μὴ γὰρ οἴεσθε Ῥωμαίους οὕτως εἶναι σκαιοὺς καὶ ἀμαθεῖς ὥστε μηδέν᾽ αἱρεῖσθαι τῶν ὑφ᾽ αὑτοῖς ἐλευθέριον εἶναι μηδὲ καλόν, ἀλλὰ βούλεσθαι μᾶλλον ἀνδραπόδων κρατεῖν.

potentially "fraud" or "lack of principle").[722] Thus, Dio positions the Rhodians as not only effacing their own Greekness, but also doing so counter to Roman values as well.

Interestingly, in his initial presentation of the practice, it is a local Rhodian magistrate, the *strategos*, who is represented as carrying it out.[723] This is in addition to Dio's clear point in his opening that this is a civic matter among the Rhodians. In these ways, Dio keeps Romans out of the speech as actors, making it about Greek agency and choices, rather than Roman oppression. The product of such careful maneuvering is a speech featuring a Greek chastising other Greeks for effacing embodied symbols of their Greekness.[724]

4.3.2 The Memory Question: Temporality and Function of Honorific Statues

Scholars have questioned the purpose and function of honorific statues in ancient Greek and Roman society.[725] How long was an honorific statue supposed to last? Was it aimed at making meaning only in the present? Or was it intended to bear meanings for future audiences about the past? That is to say, to what extent were honorific statues intended to be permanent monuments concerned with the preservation of memory for future audiences, versus simply markers of status and social relationships with meaning only for the present. Diana Ng, in particular, has broached these questions using the

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[722] *Or*. 31.44.
[723] *Or*. 31.9.
[724] Elsewhere in his corpus, Dio complains about being looked down upon by other orators for discussing the contemporary example of Nero instead of Cyrus the Great or Alcibiades. In this context, he makes an analogy between 1) current authors using ancient models and *exempla*, and 2) booksellers forging cheap new books to look like old ones (*Or*. 21.11-12). In light of this criticism of the value placed on classical paradigms in contemporary literature, one wonders whether Dio did not find the reuse of old statues for new honorees an apt tangible metaphor for the Second Sophistic tendency of laying an ancient Greek veneer over modern, possibly non-Greek culture.
[725] E.g., Stewart 2004, 80.

evidence of Dio's *Rhodian Oration* to argue against the interpretation of honorific portraits and public sculptures in antiquity as objects of memory. She questions whether we ought to read a modern definition of "monument" onto ancient statues and challenges the assumption that in antiquity, an honorific statue constituted "a memorial whose relevance extended beyond the moment of its dedication."[726] Asserting that the *Rhodian Oration* demonstrates the ways in which such statues were "vulnerable to alteration, recycling, or forgetfulness,"[727] she concludes that such objects were more "expensive tokens of ephemeral relationships" than they were "permanent legacies for posterity."[728]

Ng's concern to avoid anachronism and her interrogation of just what a "monument" means (and to whom) is well-placed. Likewise, her claim that a primary function of honorific portrait statues was to establish or acknowledge social relationships is certainly accurate. However, her assertion that the *Rhodian Oration* supports the conclusion that the purpose of honorific statues was displaying public recognition, *rather than* preserving memory does not follow from the evidence. Firstly, an adversative relationship between these two functions is unnecessary. Certainly honorific statues were about honor, but honor and memory are not mutually-exclusive purviews. And Dio himself is quite consistent in mentioning both in tandem with each other throughout the *Rhodian Oration*. Even before articulating the topic of his speech—i.e., the Rhodian practice of recycling honorific statues—Dio implies a dual, or two-pronged, function of honorific statues involving both honor and memory: "Furthermore, reserving our duties

[726] Ng 2015a, 246.
[727] Ng 2015a, 236.
[728] Ng 2015a, 254.

to the gods, which it is necessary to hold as most important, of everything else there is nothing more noble nor more just than honoring good men and remembering those who have done us service" (καὶ μὴν ὅτι γε τῶν πρὸς τοὺς θεοὺς ἐξῃρημένων, ἃ δεῖ μέγιστα ἡγεῖσθαι, τῶν λοιπῶν οὐδέν ἐστι κάλλιον οὐδὲ δικαιότερον ἢ τιμᾶν τοὺς ἀγαθοὺς ἄνδρας καὶ τῶν εὖ ποιησάντων μεμνῆσθαι νομίζω μηδὲ λόγου δεῖσθαι).[729] Here Dio simultaneously emphasizes honor and memory, rather than privileging the former over the latter. Preserving the memory of good men, as much as honoring them, is the most important thing man can do (next to honoring the gods), and Dio takes this as a given in need of no defensive argument.

After pinpointing the practice with which he takes issue and beginning to enumerate the reasons why reinscribing and rededicating their honorific statues is shameful, Dio again couples honor and memory as the dual abstraction embodied by the statue. Deliberating on whether or not this practice constituted impiety (ἀσέβεια), Dio eventually decides that it does. It is within this context that he states: "committing outrage ("hubris") against good men and benefactors of the city, destroying their honors, and abolishing their memory—I do not see how it could be called anything else" (τὸ δ᾽ εἰς ἄνδρας ἀγαθοὺς καὶ τῆς πόλεως εὐεργέτας ὑβρίζειν καὶ τὰς τιμὰς αὐτῶν καταλύειν καὶ τὴν μνήμην ἀναιρεῖν ἐγὼ μὲν οὐχ ὁρῶ πῶς ἂν ἄλλως ὀνομάζοιτο).[730] Here, Dio presents the negative of his former statement; rather than articulating what men *ought* to do, he instead parses out the wrong that the Rhodians have committed, namely that they have committed an outrage against (ὑβρίζειν) their benefactors. This outrage, he

[729] *Or*. 31.7.
[730] *Or*. 31.14.

specifies, entails the destruction (καταλύειν) of their honor and the abolition (ἀναιρεῖν) of their memory. We can thus understand contextually that both the existence of their honor and the preservation of their memory were thought to be enacted through the inscription of the honorand's name on the statue base, such that its erasure undoes both of these.[731]

The consistent pairing of memory and honor in statements such as these, as well as Dio's general argument in the speech, makes it clear that the one entails the other: by granting men "honors"—i.e., rewards for acting honorably or virtuously[732]—a city creates a physical marker of the men's deeds that serves to memorialize them for posterity. The decision that a particular man is worthy of community remembrance is, itself, an honor, just as the physical object granted as the "honor" enables memory and meaning-making for present and future communities. This entangled and mutually-reinforcing relationship between honor and memory goes back to the Homeric notion of *kleos*, according to which particularly great deeds of men were thought to result in the perpetuation of their name and memory: their honor and their memory were one and the same. In the context of the civic honorific system that rewarded benefactors for service to the city, this dual honor/memory became symbolized and embodied in objects like statues

[731] Dio adds to the charge of impiety here leveled against the Rhodian metagraphy practice a series of base moral failings including ingratitude (ἀχαριστία), jealousy (φθόνος), and stinginess (μικρολογία), later in his speech, where he again focuses on the issue of memory, or more accurately, forgetting (ἐπιλανθάνομαι): "to let the memory of the noblest men be forgotten and to deprive them of the rewards of virtue cannot find any plausible excuse, but must be ascribed to ingratitude, envy, meanness and all the basest motives;" τὸ δὲ τῶν ἀρίστων ἀνδρῶν ἐπιλανθάνεσθαι καὶ τὰ τῆς ἀρετῆς ἆθλα ἀποστερεῖν οὐκ ἔνι τυγχάνειν οὐδεμιᾶς εὐπρεποῦς προφάσεως, ἀλλ᾽ ἀχαριστίᾳ, φθόνῳ, μικρολογίᾳ, πᾶσι τοῖς αἰσχίστοις ἀνάγκη προσήκειν, *Or*. 31.25.

[732] Elsewhere, Dio specifies the stele (ἡ στήλη), inscriptions (τὸ ἐπίγραμμα), and statues (τὸ χαλκοῦν ἑστάναι: literally, "being put up in bronze," *Or*. 31.20) as three types of honor that noble men strive for.

and inscriptions. Thus, for Dio, the two are inseparable, and it is misleading to privilege honor over memory.

Moreover, Dio stresses that it is the act of remembering that truly allows these statues to influence the communities in which they reside for the better. As Dio draws out the consequences for society, should the institution of honoring benefactors degenerate, he once again presents honor and memory as a pair, though he dwells in particular on the importance of the act of remembering. This comes shortly after the last passage, in an exposition of the various ways in which the erasure of the original honorand's inscription, and by proxy the nullification of their honor, qualifies as impiety. After explaining that for deceased honorands (probably, the majority of those whose statues were being reused), this reinscription constitutes abuse of the dead (something legally recognized as impiety), he goes on to explain that it still constitutes impiety even when the original honorand is still living, since it entails a wrong towards οἱ γονεῖς, one's ancestors, which is implicitly recognized as impiety.[733] He even goes so far as to suggest that the actions of venerating men are more crucial than those entailed in venerating the gods, since some people hold the religious belief that actual ritual is less important than intention (διανοίας);[734] the same cannot be said for the reverence due good men:

> But men need crowns and statues, the privilege of front-row seats, and to be kept in remembrance; indeed many even have died in order that they might obtain a statue of themselves, a proclamation by the herald or another honor, and that they might leave to posterity some fair reputation and memory of themselves. Anyway, if anyone should ask you, with all such things abolished and no memory left to posterity, nor praise for good deeds, if you think there would have been even the smallest portion of those men admired by all, either for contending zealously once in war or putting down tyrants or surrendering themselves or their

[733] *Or*. 31.15.
[734] *Or*. 31.15.

> children for the sake of public salvation or enduring great labors on behalf of virtue just as they say Herakles or Theseus or other half-divine heroes once did—I think not one of you would say so.
>
> οἱ δὲ ἄνθρωποι δέονται καὶ στεφάνου καὶ εἰκόνος καὶ προεδρίας καὶ τοῦ μνημονεύεσθαι. καὶ πολλοὶ καὶ διὰ ταῦτα ἤδη τεθνήκασιν, ὅπως ἀνδριάντος τύχωσι καὶ κηρύγματος ἢ τιμῆς ἑτέρας καὶ τοῖς αὖθις καταλίπωσι δόξαν τινὰ ἐπιεικῆ καὶ μνήμην ἑαυτῶν. εἰ γοῦν τις ὑμῶν πύθοιτο, ἁπάντων τῶν τοιούτων ἀνῃρημένων καὶ μηδεμιᾶς εἰς ὕστερον μνήμης ἀπολειπομένης μηδὲ ἐπαίνου τῶν εὖ πραχθέντων, εἰ καὶ πολλοστὸν ἡγεῖσθε μέρος ἂν γεγονέναι τῶν θαυμαζομένων παρὰ πᾶσιν ἀνδρῶν ἢ τῶν ἐν πολέμῳ ποτὲ προθύμως ἠγωνισμένων ἢ τῶν τυράννους καθῃρηκότων ἢ τῶν ἑαυτοὺς ἢ τέκνα προειμένων ἕνεκα κοινῆς σωτηρίας ἢ τῶν πόνους μεγάλους πονησάντων ὑπὲρ τῆς ἀρετῆς, ὥσπερ Ἡρακλέα φασὶ καὶ Θησέα καὶ τοὺς ἄλλους ἡμιθέους ποτὲ ἥρωας, οὐκ ἂν οὐθένα εἰπεῖν οἶμαι.[735]

Unlike gods, men need to be honored and remembered for their societal impact to be actualized. The gifts that signify the bestowal of honor and reward good deeds—here exemplified by crowns (στέφανοι), statues in their image (εἰκόνες), and the honor of sitting on the front seat at the theatre (προεδρίαι)—are accompanied by the need for being remembered (μνημονεύεσθαι), consistent with Dio's prior comments. Not only have past men exerted themselves virtuously for the very sake of receiving honors and leaving their memory to posterity (εἰς ὕστερον), but Dio communicates that the perpetuation of a proper honorific system is necessary for the *continued* existence of heroic and virtuous men. In short, the virtue of men is at stake. This ascribes a hefty societal function to the honorific statue: it not only rewards virtue, but actually causes it, a consequence that is only enabled by the statue's embodiment of the memory of prior honorable men. With his pointed question about Heracles and Theseus, Dio underlines the ability of such tangible symbols of honor as statues to influence present and future communities through their memorial function. Accordingly, posterity's remembrance and awareness of the past,

[735] *Or*. 31.16.

transmitted and/or activated through viewing these statues, is important to ensuring virtue; they inspire people and give them goals to which to aspire.[736] It is the *memory* of past men's rewards that leads current men to achieve great things and sacrifice for their communities, while the perpetuation of their memory in itself is an incentive. Dio therefore presents memory as integral to the meaning and function of an honorific statue.

Though one might suppose that the very fact that Dio makes such arguments regarding memory and honorific statues indicates that his intended audience did not share his opinion, this is not a safe assumption. We have no way of knowing how the Rhodians reacted to this speech, nor is it certain that Dio even delivered this speech in Rhodes at all. The only context we have is what is contained within the speech, so we cannot assume that the moral lessons Dio decides to deliver to the Rhodians are ones that they needed to hear—or even sentiments with which they would disagree. Limited, as we are, however, to Dio's presentation of the situation, it is worth dwelling on the sentiments he alleges the Rhodians expressed. If we consider the opinions Dio credits to imagined interlocutors throughout the speech, the Rhodians themselves prioritized a given statue's ability to perform its memorial function when deciding which statues to reuse. We see this, for example, in instances where Dio addresses the alleged Rhodian defense that they were only reusing anonymous statues.

> But, generally speaking, while not one of all the arguments they are about to offer is at all reasonable, this is the most baseless: that they do not touch any of the statues of known persons, nor those of persons whom any one has knowledge of, but rather they use some unmarked and exceedingly ancient ones.

[736] Polybius notes a similar inspirational effect of the ritual display of ancestral masks, *imagines*, within his description of the Roman funeral; Polyb. 6.53.10.

> Καθόλου δὲ πάντων ὧν μέλλουσιν ἐρεῖν λόγων οὐδενὸς ἔχοντος ἐπιεικὲς οὐδέν, ὁ τοιοῦτός ἐστιν ἀτοπώτατος, ὡς ἄρα οὐδενὸς ἅπτονται τῶν γνωρίμων ἀνδριάντων οὐδὲ οὓς ἐπίσταταί τις ὧν εἰσιν, ἀλλὰ ἀσήμοις τισὶ καὶ σφόδρα παλαιοῖς καταχρῶνται.[737]

Translators (as Cohoon and Crosby's Loeb translation) have taken τῶν γνωρίμων to refer to "well-known" men, as in those who are notable and distinguished in society, but in this they perhaps follow Dio's sentiments too far. In addition to the sense of "distinguished," γνώριμος may also mean, more generally, "familiar," "related" in the sense of kin, or even "intelligible." If we entertain these meanings of the terms, this qualifier for statue reuse more closely complements the next clause: they do not reuse identifiable statues, or ones for which anyone knows whom it represents—two slightly different points, as the first pertains to the statue's inability to identify itself, while the second clarifies that no one retains awareness of the statue's identity irrespective of a lacking label. Similarly, Cohoon and Crosby translate ἄσημος in the subsequent clause as "insignificant" rather than the literal meaning, "unmarked," again emphasizing notions of social status. It must be acknowledged that Dio does analogize this Rhodian explanation to being about social status and prominence, saying it is *as if* (καθάπερ) they were claiming they only wronged a commoner whom no one knew (τις τοὺς δημοτικοὺς καὶ οὓς μηδεὶς οἶδεν), not a famous person (τις τῶν ἐπιφανῶν).[738] The obvious point being that it is still a wrong. But these remarks are Dio's addition, not the reported explanation, and the καθάπερ signals the distinction between the two. Dio clearly wishes to depict the situation adversely, so he chooses to analogize it to the unequal treatment of citizens based upon perceived social

[737] *Or*. 31.74.
[738] *Or*. 31.74. Note that the language Dio uses in his analogy differs from that used in the explanation of the Rhodians, with Dio's ἐπιφανής and οἶδα more evocative of social status and connection than the more cognitive γνώριμος and ἐπίσταμαι.

status—a situation at odds with the democratic concept of *isonomia* at the root of the Greek civic ethos.[739] The original point attributed to the Rhodians is not about status so much as it is about the lack of the knowledge; indeed, the key hinge between Dio's social status analogy and the reported Rhodian explanation is the idea of no one knowing the individual. Dio himself admits that the two situations are not the same (καίτοι μὰ τὸν Δία οὐχ ὅμοιον),[740] conceding that it would actually be worse to assault an elite than a low-born person. He then doubles down on the idea that it is wrong to treat some honorific statues (and by proxy, benefactors) worse than others. It is in this context that he makes it clear the issue for the Rhodians is a literal lack of knowledge, not the honorands' lack of status, explaining that unlike with living men who fail to make a name for themselves, these statues' subjects are only unknown on account of the passing of time (διὰ μῆκος χρόνου).[741]

A similar sentiment placed in the mouths of Rhodians is expressed a little later, where we are told, "they claim to use the exceedingly old ones and some even that are uninscribed" (λέγωσι τοῖς σφόδρα ἀρχαίοις καταχρῆσθαι καί τινας εἶναι καὶ ἀνεπιγράφους).[742] This is a similar expression of the criteria for selecting statues to reuse; σφόδρα ἀρχαῖος replaces σφόδρα παλαιός in communicating the oldness of the reused statues, and an inability to identify the statues' subjects is more clearly and directly expressed by the description of the statues as uninscribed (ἀνεπίγραφος). According to

[739] The unequal treatment of benefactors and inherent unfairness of the selective recycling practice is a sticking point that Dio returns to numerous times.
[740] *Or*. 31.74.
[741] *Or*. 31.74.
[742] *Or*. 31.90.

these alleged explanations of the reuse practice, the Rhodians only recycled statues who were unable to perform their commemorative function: lacking inscriptions, and thus unidentifiable, and with no person living who knew who the statues were meant to portray, the statues no longer transmitted the memory of a past benefactor. The fact that the Rhodians, according to Dio, specifically did not reuse statues of known and identifiable men, means that they valued the commemorative work performed by these objects. It was only those statues that were unable to transmit the memory of their original subject on account of the long passage of time that were reused. Memoryless, and thus meaningless, statues were recycled into new monuments with active meaning.

One last consideration to be made on the topic of "memory" in the *Rhodian Oration* is the analytical spectrum that the term "memory" traverses in scholarship. In the introduction to *Cultural Memories in the Roman Empire*, Karl Galinsky and Kenneth Lapatin parse out different kinds of "memory," including individual memories (i.e., a person's biological ability to recall information), "supra-individual" memories (i.e., "collective" or "social" memory, which they describe as a static collection of a group's shared memories), and "cultural memory" (i.e., ever-evolving reconstructions of the past for the present).[743] Scholars and theorists split hairs over the distinctions between collective, social, and cultural memory; however, Matthew Roller has helpfully rearticulated the memory debate into two main ways in which the term is used: 1) a personal, psychological experience of recalling information and 2) the generation of

[743] Galinsky and Lapatin 2015, 2-3. The seminal work on "collective memory" is Halbwach's 1950 sociological study *La Mémoire Collective*; on the topic of "cultural memory" see Nora 1989 and Assmann 2015.

meaning on a collective, cultural level.[744] What we see in Ng's argument about Dio *Or*. 31 is a conflation of these two types of memory. It is true that the very semantic diversity and analytical imprecision of the term "memory" is one of Ng's main objections and the starting point of her critique of honorific statues as objects of memory.[745] But by using the testimony of statue alteration in the *Rhodian Oration* to conclude that "portrait statues were actually not very effective memorials for their elite subjects,"[746] Ng privileges the biological understanding of memory as the recalling of information; the implication is that the failure to retain information about the original elite honorand's name, titles, and deeds for which the statue was granted constitutes a failure of memory. From such a perspective, the memory equals the historical "facts," implying that for an object to qualify as a "memorial" (or at least an effective one), it must transmit such information from the past through time for future audiences.

It is worth briefly noting that this passive understanding of a memorial as a receptacle of information is at odds with Roman conceptions of a *monumentum*, since Ng's larger argument is after all concerned with the applicability of the term "monument" to the ancient world. Rather than being a passive conduit or keeper of archival information, the type of memory on which Ng focuses, monuments were conceptualized by ancient commentators as active triggers for memory- and meaning-making within their viewers. Both Varro, writing in the first century BCE, and Porphyrio, writing in the second century CE, convey this sense of agency, attributing to *monumenta* the actions of

[744] Roller 2010, 145.
[745] Ng 2015a, 240-1.
[746] Ng 2015a, 241.

"admonishing" or "reminding" (*[ad]monere*) and "appealing" or "invoking" (*testor)* memory.[747]

If we look at the *Rhodian Oration* with these two conceptions of memory and monument in mind—passive information receptacle and activator of meaning-making—we can see both in Dio's various lines of argumentation. When Dio uses the term ἡ μνήμη in the passages analyzed above,[748] he means the biological kind, the facts about the original honorand. This is clear both from his articulations of how the μνήμη of men has been lost on account of time[749] (i.e., the statue is now unidentifiable) and in his equation of the erasure of the original honorand's name to the abolition of his memory: "is it not a wrongful act to blot out their memory?" (οὐκ ἀδίκημά ἐστι τὸ τὴν μνήμην ἀναιρεῖν).[750] Dio further touches upon the kind of memory Ng has in mind by analogizing the Rhodian metagraphy practice to tampering with archives and official records[751] – a deed more obviously viewed as criminal. While Dio may have in mind here simply the act of changing a name in a record (as Verres was said to have done according to

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[747] Varro *Ling*. 6.49: *Meminisse a memoria, cum <in> id quod remansit in mente rursus movetur; quae a manendo ut manimoria potest esse dicta. Itaque Salii quod cantant "Mamuri Veturi" significant memoriam veterem. Ab eodem monere, quod is qui monet, proinde sit ac memoria; sic monimenta quae in sepulcris, et ideo secundum viam, quo praetereuntis admoneant et se fuisse et illos esse mortalis. Ab eo cetera quae scripta ac facta memoriae causa monimenta dicta;* "*Meminisse* 'to remember,' from *memoria* 'memory,' when there is again a motion toward that which *remansit* 'has remained' in the *mens* 'mind': and this may have been said from *manere* 'to remain,' as though *manimoria*. Therefore the Salii, when they sing "*O Mamurius Veturius*" indicate a *memoria vetus* 'memory of olden times.' From the same is *monere* 'to remind,' because he who *monet* 'reminds,' is just like a memory. So also the *monimenta* 'memorials' which are on tombs, and in fact alongside the highway, that they may *admonere* 'admonish' the passers-by that they themselves were mortal and that the readers are too. From this, the other things that are written and done to preserve their *memoria* 'memory' are called *monimenta* 'monuments'" (Transl. Kent 1938). Porph. *Hor. Carm*. 1.2.15: *monumentum non sepulchrum tantum dicitur, sed omnia, quidquid memoria<m> testator;* "Not only a burial is called a monument, but all things that appeal to memory."
[748] E.g., *Or*. 31.14, 31.16.
[749] *Or*. 31.74; *Or*. 31.80.
[750] *Or*. 31.81.
[751] *Or*. 31.86.

Cicero),[752] it nevertheless puts the metagraphy practice on par with other types of information keeping.[753] Similarly, as is clear from the overall thrust of his argument, Dio is extremely concerned about the preservation and importance of the *inscription* on an honorific statue. It is this detail that is at the crux of his presentation of the statue reuse. He even goes so far as to say that the integrity of the inscription is more valuable than that of the sculpture itself, since the inscription is what enacts and enables the conference of honor on the honorand:

> And yet, when a hand is taken away—or a spear, or a bowl, if it happens to hold one—the honor remains, the one honored retains the symbol of his excellence, and the bronze alone is diminished. But when the inscription is destroyed, of course the proof also has been destroyed that the man was deemed worthy of praise.
>
> καίτοι χειρὸς μὲν ἀφαιρεθείσης ἢ δόρατος ἢ φιάλης, ἐὰν τύχῃ κρατῶν, ἡ τιμὴ μένει καὶ τὸ σύμβολον ἔχει τῆς ἀρετῆς ὁ τιμηθείς, ὁ δὲ χαλκὸς μόνος ἐλάττων γέγονεν· τῆς δὲ ἐπιγραφῆς ἀναιρουμένης ἀνῄρηται δήπουθεν καὶ ἡ μαρτυρία τοῦ δοκεῖν ἄξιον ἐπαίνου γεγονέναι τὸν ἄνθρωπον.[754]

In other words, the label of the statue is essential to enacting its honorific function. Without this, the honor is annulled, and the memory of the original subject (along with whatever occasion merited the award) is lost. By this logic, effacing the inscription is worse than damaging the body of the statue itself. This is not only an interesting privileging of text over image, which implies a necessary readership for the honor to be

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[752] *Verr*. 2.1.158; for discussion of this document tampering, its treatment by Cicero, and the (re)creation of memory, see Gurd 2010, particularly 84-90.

[753] And at least some people in the ancient world (e.g., Pausanias, Cicero) did sometimes go around looking at statue inscriptions to gain information. Verity Platt asserts that due to the epigraphic habit of Graeco-Roman culture, "the written word thus had a powerful influence over the ways in which people with the inclination or appropriate level of literacy viewed public art"; Platt 2007, 250.

[754] *Or*. 31.83.

active, but it clearly communicates the idea that preservation of such archival information was desirable.[755]

In the face of all this, however, Dio also makes a strong argument for the meaning and societal impact of the statues themselves, bereft of any accompanying textual interpretation. In this way, he communicates the extent to which memory could be constructed around these objects within the public landscape of the city, without knowledge of their original circumstances or the identities of the statues' honorands. Indeed, Dio for his part makes the statues representative of such things as virtue, civic autonomy, Rhodian fame, and Greek culture. Through such discursive engagement with these statues, Dio makes meaning from them in ways similar to how everyday Rhodians (perhaps even those too illiterate to read inscriptions on the bases anyway) probably built narratives and meanings around these objects in their civic space. Through such engagements, honorifics statues contributed to collective and cultural memory, irrespective of any function they may have had as transmitters of archival memory about the subjects of the statues. Thus, scholars who question the relevance of "memory" to such ancient *monumenta* as honorific statues may miss the mark entirely by privileging one type of memory over another.

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[755] Dio is not entirely consistent on this matter: elsewhere (*Or*. 31.155-156), he complains about the visual disconnect of statues from their purported subjects, indicating some importance to the statue itself. The statue itself was almost certainly more frequently viewed by passers-by than the inscription, although the use of formulaic statue types may have detracted from the statue's ability to convey the individualism Dio is here concerned with. In terms of prestige, the statue itself likely enhanced the honor, beyond that that of a mere inscription or stele; similarly, we know that the positioning of statues and their visual interplay with nearby statues, buildings, and monuments were often important and meaningful to the meanings made from them.

In Dio's presentation, honor and memory work in tandem. To judge from the information presented to us throughout the speech, both Dio and the Rhodians embraced a present-centered valuation of honorific statues, rooted in their memorial capacity: for Rhodians, their memorialization of individuals still known to the present community; for Dio, their ability to spark a collective memory of past civic virtue and prestige, which could inspire the present community.

4.3.3 Between Public and Private: The Liminality of Honorific Statues

The tension between honorific statues as preservers of individuals' memory and activators of cultural memory on a collective scale is matched by a larger tension in the speech between the public and private nature of these statues and their management. To start, there is something of an inconsistency in the speech between how Dio presents the issue at hand. When he opens, he sets up a dichotomy between public and private concerns, explaining that he is not present to speak about a private matter (ὑπὲρ ἰδίου τινὸς πράγματος), but a public issue (τι κοινῶν).[756] He further dwells on this notion that the issue at hand (i.e., the practice of metagraphy) is a public one, going on to explain that private mistakes (τῶν ἰδιωτῶν ἁμαρτήματα) are not as weighty as public ones (τὰ κοινὰ)[757]—which are not only more visible, but also cast *all* citizens in a bad light. That is to say, the very collective nature of public misdeeds affects everyone who makes up that "public," while also being harder to hide; ironically, responsibility is more indirect, while the consequential blow to reputation more inescapable. In this way, Dio makes it clear that he is speaking about a public practice that bears public consequences. A little

[756] *Or*. 31.1.
[757] *Or*. 31.5.

further in the speech, however, he seems to contradict himself on the matter of Rhodian public (or civic) responsibility. When contemplating whether or not the Rhodians' reuse of honorific statues constitutes an impiety, he states, "and yet one might find impiety in such behavior—I do not speak about you or about the city, for you never decreed it nor did it occur by public consent—Rather, I am looking at the matter in itself from a private standpoint" (καίτοι καὶ τὴν ἀσέβειαν εὕροι τις ἂν ἴσως τῷ τοιούτῳ προσοῦσαν· λέγω δὲ οὐ περὶ ὑμῶν οὐδὲ περὶ τῆς πόλεως· οὔτε γὰρ ὑμῖν ποτε ἔδοξεν οὔτε δημοσίᾳ γέγονεν· ἀλλ᾽ αὐτὸ σκοπῶν κατ᾽ ἰδίαν τὸ πρᾶγμα).[758]

Exactly what distinction Dio is making here is not clear. He does not quite bring out the exact same dichotomy between κοινός and ἰδιώτης**,** though he does contrast κατ᾽ ἰδίαν with δημοσίᾳ. Dio elsewhere points to the fact that the Rhodians do not specify in their decrees that the honorific statues they are granting are to be recycled from old statues as evidence that they know this to be wrong and shameful.[759] His logic being that if there were no shame in the recycling habit, then they would be open and clear about it. Therefore, when Dio denies that the practice is being done δημοσίᾳ, he may simply be making a fine distinction between communal, public conduct and policy that has been officially resolved through due legal process. Considering the rather discerning criteria and process for selecting statues to be reused (including selection by the city's chief magistrate!), which Dio goes on to relate, a suggestion that the Rhodian city is not

[758] *Or*. 31.14.
[759] *Or*. 31.38.

officially responsible is somewhat odd.[760] It may also be the case that Dio feels an accusation of official impiety would be too alienating, and so equivocates here as a way of mitigating Rhodian culpability. Neither explanation is entirely satisfying, and minor internal inconsistencies such as this one contributed to Lemarchand's two-speech theory. Nevertheless, this inconsistency is on par with a larger tension in the oration between whether the statues in question—and by extension, monuments in the civic landscape generally—are considered to be publicly or privately owned.

At different points, Dio argues for each: the honorific statues as possessions of their honorands and their families, and as possessions of Rhodes as a whole. This fraught sense of ownership—and by extension the breaking of the complicated, overlapping rules of possession—is one of the many tools in Dio's argumentative arsenal for condemning the Rhodians' reinscription of honorific statues. One of Dio's first objections to the metagraphy practice, rooted in a conflict of ownership, is that Rhodes has no authority to rededicate the statues to new honorands.[761] Representing the statue reuse as trickery (παρακρούομαι) (with the recipient of the reused statue as passively tricked and those who give the reused statue to the second recipient as actively tricking the second recipient), Dio asks his audience if they think the one so tricked will be grateful to his deceivers. In the midst of this question, Dio glosses his charge of trickery by articulating

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[760] Though his later assertion that the reuse occurs against the city's will may support a similar reading here (*Or*. 31.35: ἀκούσης τῆς πόλεως αὐτὸ γίγνεσθαι).

[761] *Or*. 31.34. The earliest indication in the speech that the issue is, at least in part, one of ownership/property comes at the end of a section analogizing the statue recycling to stealing from one god in order to dedicatee to another—an action we will recall was condemned by Cicero in the *Verrines* as well by Livy in the episode regarding Fulvius Flaccus and the Temple of Juno Lacinia. Dio simply states, "but rather, the one giving A's goods to B robs A of what is his;" ἀλλ᾽ ὁ διδοὺς τὰ τοῦδε ἑτέρῳ τοῦτον ἀφῄρηται τῶν ἑαυτοῦ, *Or*. 31.11).

the following principle: "for what someone gives to another, no longer is he authorized to give it to yet another" (ὃ γὰρ ἂν ἄλλῳ δῷ τις, τούτου κύριος οὐκέτ᾽ ἐστὶν ἑτέρῳ διδόναι).[762] The term Dio uses to communicate authority is an adjectival sense of κύριος, literally "lord" or "master," a figure who had been the legal and customary head of the classical Greek household. In classical Athens, the κύριος possessed authority over the entire *oikos*, including all property as well as authority over the women, minors, and slaves that were a part of that household. There could only be one κύριος of the family at a time, typically the oldest male citizen. If we extend the provided maxim to the context of statue reuse, the logic makes sense: the initial act of "giving" the statue would transfer the authority over it from the city to the honorand and, hence, the city would no longer be in the position to give the object, of which another is now κύριος. In this statement, Dio therefore implicitly represents the granting of a Rhodian honorific statue as a simple transaction in which Rhodes transfers ownership to the individual recipient.

This situation, however, was not so clear even to Dio. Shortly after these remarks, Dio muddies the figurative waters by expressing something of a dual ownership over these statues, straddling the divide between the gifting city and gifted individual honorand. Dio expresses this tension between public and private ownership through an analogy to land. Accordingly, just as people would agree that the land—presumably we are to imagine Dio gesturing around himself—belongs collectively to the city of Rhodes yet nevertheless individuals are considered to own each plot, Dio suggests that the statues also collectively (ἁπλῶς μὲν) belong to the city (Ῥοδίων), yet individually (ἰδίᾳ δὲ) to

[762] *Or*. 31.34.

their honorands (τοῦ δεῖνος, ἢ τοῦ δεῖνος, ᾧ ἄν ποτε ᾖ δεδομένη; "to this man or that man, to whom it was once given").[763] Both the senses of "collectively"/ "individually" and "generally"/ "specifically" are communicated through ἁπλῶς and ἰδίᾳ. The juxtaposition between collective and individual, public and private, is communicated doubly. First, by the correlative adverbs and, second, by the distinction between "all" (πάσας) the statues (which are said to belong to the Rhodians) and "each" (ἑκάστην) statue (which is said to belong to its honorand). This tension ties directly back to their collective versus individual capacities and, in particular, to their roles in collective versus individual memorialization: the statues, as a collective, are a feature of the civic landscape and are the loci for the construction of cultural memory and meaning (e.g. virtue, civic integrity and autonomy, Greek culture), while individually they bear meaning for certain individuals and their families, perpetuating archival memory by bearing records of individuals' names, deeds, and historical contexts. Complicating the seemingly simple situation of ownership that he first implies, in which an honorific statue simply belongs to its honorand, these comments interestingly suggest a simultaneous sense of dual ownership. Accordingly, who is considered the "owner" is a matter of perspective and context. We saw a similar phenomenon of simultaneous, conflicting ownership in the *Verrines*, when Cicero articulates Verres' plundering of the statue of Mercury from Tyndaris as a theft from both Rome's allies and from Rome itself.[764]

The ownership of an honorific statue is thus complex, and Dio goes on to acknowledge that this relationship between an honorand and his statue is a different kind

[763] *Or*. 31.47.
[764] *Verr*. 2.4.88.

of ownership than what may be usually meant. He first sets the "ownership" of an honorific statue apart from other (unspecified) types of ownership. Then he sets this special type of ownership within a wider spectrum of different manners of possession. In the first case, he acknowledges that "each honorand does not in this way possess his statue just as some other thing acquired" (ἕκαστος τὴν εἰκόνα ἔχει τῶν τιμηθέντων, καθάπερ ἂν ἄλλο τι κτησάμενος).[765] The "in this way" refers once again to a land analogy in which individuals "own" specific plots of land that generally would be said to belong to a city or people as a whole. Therefore, though the comparison to "some other thing acquired" (ἄλλο κτησάμενος) is vague, we can presume such a category to include land that is owned. Dio asserts that nevertheless the statue cannot be said to belong to (προσήκειν) him less. In the mention of collective versus private ownership discussed above, Dio used simple possessive genitives to express his points, avoiding the issue of how to categorize the type of "ownership" that applies to either the city or an individual, with respect to honorific statues. Here, Dio draws a contrast between προσήκειν, "to belong to" or "to concern," and ἔχειν, "to have" or "to possess." The latter is implied to be a more traditional kind of ownership, such as when a man owns land, while the former (particularly in the sense of "to concern") is applied to the looser, more complicated way in which a man "owns" his honorific statue.

Dio next contextualizes this special form of ownership by appealing to a list of other things that a man is said to own in complicated, limited, or special ways. This list includes a priesthood (ἡ ἱερωσύνη), a magistracy (ἡ ἀρχή), a wife/marriage (ὁ γάμος),

[765] *Or*. 31.49.

and citizenship (ἡ πολιτεία). He explains, "for none of these is it permitted to those who possess them to give away or to use however one wishes" (ὧν οὔτε ἀποδόσθαι τι ἔξεστι τοῖς ἔχουσιν οὔτε ὅπως ἂν τις ἐθέλῃ χρῆσθαι).[766] Honorific statues, along with wives and political and religious offices, are thus to be understood among a special category of possession in which the possessed thing is not alienable (i.e., it cannot be sold or given to another by its holder) and is subject to special rules of use or treatment, unlike more simple possessions: 1) priests, public magistrates, husbands (since the "possessor" of a wife/marriage is a husband, whereas the possessor of a priesthood is a priest), and citizens must act in certain ways and not in others; 2) certain restrictions accompany the holding of the special statuses of priest, magistrate, wife/husband, and citizen; 3) a priest, magistrate, husband, or citizen cannot simply give their role to another; etc. The reference to the way that a man "possesses" a wife brings us back to the notion of the κύριος, and this may go some way in helping us understand the nuanced situation that Dio is trying to communicate about ownership here. "The prevailing notion was that the *oikos* and its assets did not really *belong* to its head, but were given to him as a trust to be transferred in due course to his legitimate heir" (my emphasis).[767] Similarly, Dio seems to be suggesting that the recipient of an honorific statue (as well as the city that gifted it to him) do not truly "own" the statue so much as maintain a custodial and (context-determined) authoritative claim to it. What Dio actually says is that, with respect to all of these things, there is a common (or shared) principle of justice (κοινὸν δίκαιον) that "what one has justly taken (possession of), he possesses firmly and it can by no means be

[766] *Or*. 31.49.
[767] Roisman 2005, 27.

taken from him" (τὸ πάνθ᾽ ὅσα δικαίως τις ἔλαβεν… βεβαίως ἔχειν καὶ μηδένα ἀφαιρεῖσθαι).[768] This emphasizes that with this special kind of possession, the possessor is not at liberty to get rid of what is possessed, nor can others deprive him of it.

Bringing the exploration of ownership and alienability full circle, Dio uses these arguments about the honorand's inability to sell or give away his statue to bolster the claim that the city that gave the statue can do so neither. He poses the rhetorical question: "For when it is not permitted to those who received them to destroy them, can it possibly be proper that this be allowed to those who gave them?" (ἃ γὰρ μηδὲ τοῖς λαβοῦσιν ἔξεστιν ἀνελεῖν, ἦπου γε τοῖς δεδωκόσιν ἐξεῖναι προσήκει).[769] The sum of his points on this issue present the honorific statues as belonging to both honorand and city, yet not alienable by either. This very inalienability and indeterminate property status mark them as special. The honorific statue resides at the edges of public and private ownership. Its very liminality—in its capacity to embody relationships on collective and individual levels—removes it from typical boundaries and rules of possession, rendering it inalienable by any of the stakeholding parties. Defying true ownership by either the giver or the receiver, impervious to sale or abolition on account of the conflicting claims to possession, the only remaining option for the honorific statue is to last forever.

Another element of dissonance within Dio's argumentation pertaining to the question of possession has to do with the double honorees of a recycled statue. The reuse results in two different acts of honoring inherent in one statue's display: that of the original, past honoree and that of the new, present honoree. For Dio, the Rhodian

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[768] *Or*. 31.50.
[769] *Or*. 31.56.

recycling practice fails to meet the basic goals of honoring and remembering for both past and present recipient. For the past recipient, Dio argues that their memory is being erased with their name, as no one will be able to identify the statue/honor with their identity any longer. But even more than simply not, or no longer, being honored, they are being strongly *dis*honored by the erasure of their name, as the erasure of names from inscriptions had become synonymous with official censure in Roman practice. These two interpretations are somewhat at odds with each other, since the first assumes an inability on the part of the viewer to associate the statue in question with the original recipient, while the second assumes that the viewer *will* associate the statue with the original recipient, along with the stigma that accompanied erasure. As has been pointed out by scholars of Roman memory sanctions, the point of *damnatio memoriae* was not to actually erase the memory of an individual, but rather to advertise their public shame through visual violence to their name and image.[770] The effectiveness of the punishment only works if the identity of the condemned individual remains knowable. Dio wishes to have it both ways in his articulation of the ill consequences of metagraphy: the original honoree of the statue will simultaneously cease to be remembered and will be remembered for infamy.

For the present recipient, Dio argues that giving a pre-used statue is no honor at all, and hence that the Rhodians have not honored their benefactors for some time now.[771]

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[770] Flower 1998.

[771] *Or*. 31.8. Dio's dual sentiment here that new benefactors are not being truly honored and old benefactors are having their honors robbed is echoed at *Or*. 31.12: "…but [this practice] on the one hand robs the one of their gift and on the other deceives, so to speak, and cheats the other;" ἀλλὰ τοὺς μὲν ἀποστερῶν τῆς δωρεᾶς, τοὺς δὲ ὥσπερ ἐνεδρεύων καὶ παραλογιζόμενος".

He compares it to pretending to offer a sacrifice to the gods, going through the motions but not actually killing the animal.[772] The implication is that a recycled statue is somehow "empty" of honor. It is as if there is a one-time, non-transferrable honoring capacity for an honorific statue: since the honor was already bestowed on another, none remains for the second recipient. This of course does not make sense, as it suggests that the honor remains with the original recipient, which Dio denies. On the issue of the memory of the present, new recipient, Dio is less explicit. He does spend some time on the absurd disconnect between the appearance of the statue and the identity of the newly-named honoree, for example, a young man depicted as an elderly man,[773] or a Roman as a Greek.[774] Implicitly, this may suggest that the new honorees will not be remembered *correctly*, either in terms of their appearance or for the deeds they accomplished, since the reinscription practice he describes is a simple replacement of the name. Any context for the gift that may have accompanied the original honorific statue would now be misleadingly applied to another, while all context about the present benefactor remains unexpressed. Overall though, Dio seems less concerned about the issue of memory as it pertains to the new honorees than he is about the lost memory of the original benefactors and the insult done to both past and present recipients.

Just as with the discussion of whether the statues belong to the recipients and their families or to the public, there seem to be multiple owners. But at the same time, there is a paradoxical absence of possession: Dio's claim that the old honorands are robbed of

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[772] *Or*. 31.10.
[773] *Or*. 31.156.
[774] *Or*. 31.155.

their honors implies that others are recipients of these stolen honors; yet simultaneously he maintains that the new honorands receive no honors at all. Instead, the Rhodians themselves are the robbers, and the act of reuse utterly demolishes the honor, such that honor is not being transferred, but destroyed. The possibility of sharing the honor, as the Rhodians seem to have felt was no problem at all, is thus impossible by Dio's logic.

4.4 Ethics in Conflict and the Use of a Discourse

4.4.1 Diverging Ethics?: The Rhodian Motives for Recycling Honorific Statues

It is precisely the fact that this speech represents a conflict of opinion surrounding the proper treatment of honorific statues in late first-century Roman Greece that makes it such fertile ground for our study of heritage-thinking in early imperial Rome. At several points in Dio's lengthy invective we glean information about real or alleged thinking *on the part of the Rhodians* regarding their statuary reuse. For example, imagined interlocutors introduce such excuses and explanations as the fact that Rhodes had so many statues already,[775] that it is cost effective,[776] or that the reuse is acceptable since the statues are profane and not sacred.[777] Though Dio's incorporation of these arguments serves solely to set up his refutations of them, they nevertheless suggest valid and likely considerations made by the Rhodians. Firstly, Rhodes *was* known in antiquity for its abundance of statues, as Pliny the Elder corroborates. Pliny writes: "Mucianus, who was consul three times, has reported that there are 3,000 statues at Rhodes, and no fewer are

[775] *Or*. 31.9; 31.146-7, 149.
[776] *Or*. 31.100. Dio refutes the alleged defense of the practice as a way to save money, both on the moral ground that committing a wrong for the sake of money is all the more despicable and because of Rhodes' reputed wealth. The archaeological evidence for metagraphy (both on the island of Rhodes and elsewhere in Roman Greece) is not consistent or widespread enough to suggest that such reuse was implemented on account of financial need: Fernoux 2017; Shear 2007.
[777] *Or*. 31.57.

thought to remain at Athens, Olympia and Delphi. What mortal could describe them all, and what value would be perceived in knowing?"[778] Pliny's queries make a good point: no one could be bothered to take note of too many statues. Considering the Rhodians' abundance of them, it was logical that they develop a system for managing their numbers. After all, we know from passages in Livy and Pliny the Elder[779] that the Romans too made occasional efforts to declutter their over-abundance of statues in public spaces such as the Capitol and Forum. Secondly, the fact that the statues' status as either sacred or profane is brought up indicates that there were important boundaries with regard to sacred objects that needed to be respected, and which the Rhodians felt they were successfully navigating in their recycling habit—even if Dio disagreed.[780]

In one passage in particular, Dio gives us a sense of the evolution of the Rhodian thought process behind the statue reuse. He writes,

> They say the origin of the practice was with those statues that were broken and not standing on their pedestals; for it was these the chief magistrates used, having repaired them and made them in a manner different from how they originally were. Next, then, those that were whole, but did not have inscriptions, were inscribed. And lastly, some that were already inscribed, provided they were very old. Now, let what they say be true. Next, by necessity, there will be no distinction at all, for it is this way with other such things—extravagance,

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[778] *HN* 34.7.36: *Rhodi etiamnum iii signorum esse Mucianus ter cos. prodidit, nec pauciora Athenis, Olympiae, Delphis superesse creduntur. quis ista mortalium persequi possit aut quis usus noscendi intellegatur*?

[779] Liv. 40.51.3 (censers decluttering statues around the Capitolium), Pliny *HN* 34.30 (censors removing statues of magistrates not officially granted by the SPQR from Forum). Both of these incidents occurred in the 2nd century BCE. However, a decree from Lindos dated to the early first century CE allows anonymous statues on the Acropolis to be reinscribed, provided the city is paid for them: Blanck 1969 101-2; Jones 1978, 28; Platt 2007, 255.

[780] Augustus in Suetonius melts down his own honorific statues (seemingly without reproach) in order to use the silver to make dedications to the gods, suggesting that he considers them to be profane and recyclable: *Divus Augustus* 52. A number of juristic opinions recorded in the *Digest* explore the special demarcation of sacred property, beyond traditional categories of public and private: 8.4.4.pr. (Javolenus); 11.7.2.4 (Ulpian); 11.7.2.5 (Celsus); 11.7.6.1 (Ulpian).

> disorderliness, luxuriousness; not ever will you find a particularly bad habit checked or continuing unchanged, until it is entirely prevented.
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> φασι τὴν ἀρχὴν λαβεῖν ἀπὸ τῶν συντετριμμένων καὶ οὐδὲ ἐφεστώτων ἐπὶ ταῖς βάσεσι· τούτοις γὰρ ἀποχρῆσθαι τοὺς στρατηγοὺς ἐπισκευάζοντας καὶ τρόπον τινὰ ἐξ ἀρχῆς ποιοῦντας ἑτέρους· εἶθ᾽, ὅπερ λοιπόν, τοὺς ὑγιεῖς μέν, οὐκ ἔχοντας δὲ ἐπιγραφάς, ἐπιγράφεσθαι· καὶ τὸ λοιπὸν ἤδη καὶ τῶν ἐπιγεγραμμένων τινὰς τῶν σφόδρα παλαιῶν· ἔστω γὰρ ὃ λέγουσιν ἀληθές· εἰς ὕστερον ἀνάγκη μηδεμίαν εἶναι διάκρισιν· καὶ γὰρ ἐπὶ τῶν ἄλλων οὕτως ἔχει, δαπάνης, ἀκοσμίας, τρυφῆς· οὐδέποτε τῶν χειρόνων ἐθῶν οὐθὲν εὑρήσετε ἱστάμενον οὐδὲ διαμένον, ἕως ἂν παντάπασι κωλυθῇ.[781]

The passage continues, as Dio compares the situation to an ulcer that progressively worsens.[782] If we look past the framing of this information as a degenerative disease, we learn a number of things about the Rhodians' practice of reusing honorific statues. First and foremost, it entailed a deliberate and careful selection process, performed by the *strategoi*, the city's "chief magistrates." Additionally, we learn which types of statues were typically selected for reuse. Dio, of course, wants us to read this series of acceptable criteria for reuse as successive, representing a progression of a bad habit and decline in Rhodian values. But whether or not they grew on one other successively, we can understand three main criteria for the Rhodians in choosing statues to be refashioned into new honorific monuments: being physically broken; having no inscription that identifies the statue's honorand; and being σφόδρα παλαιός, "exceedingly old." These conditions limited or entirely prevented the statues from performing the honorific function that Dio values so heavily in his speech: anonymous statues could honor no one, while the broken state of others, if they did not prevent the honorand's identification, certainly counter-indicated the subject's position of honor. Similarly, statues with known, but very ancient

[781] *Or*. 31.141-2.
[782] *Or*. 31.142.

subjects, were less likely to have living stakeholders who might be inspired by their example or claim their legacy as part of their family history.[783]

Repeatedly throughout the oration, Dio makes much of the way in which honorific statues have the propensity to influence the society in which they dwell. As discussed above, he asserts that men only perform brave deeds because they think they may be remembered and honored for them after death in the form of statues,[784] and he similarly suggests that Olympic athletes would not train hard if not for the reward of being immortalized in commemorative statues.[785] Such articulations characterize monuments and material culture as agents that can influence or determine human action. Building on arguments such as these, Dio frames the Rhodians' practice of statue reuse as a threat to their own state, since they will lose true benefactors and noble citizens, in the absence of such visual reminders.[786] In light of this viewpoint that privileges the power of the honorific statues to affect a society's character, it is all the more important for us to recognize that, according to the process Dio indicates, the Rhodians were consciously choosing to refurbish statues no longer able to efficiently perform their honorific functions into new statues that did.

Additionally, a brief passage in Pausanias, reporting that a statue of Augustus used to be a statue of Orestes,[787] indicates that even in cases where an old statue was rededicated

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[783] Earlier formulations of these three criteria are offered up as weak justifications in the mouths of imagined interlocutors: that only statues of those persons with no living relatives are reused (*Or*. 31.72), and that only old, uninscribed statues are reused (*Or*. 31.90).
[784] *Or*. 31.16-17.
[785] *Or*. 31.21.
[786] *Or*. 31.8, 65.
[787] Pausanias 2.17.3: "they say the statue that bears the inscription saying that it is the Emperor Augustus is Orestes'" (Transl. Stewart 2004,149). The statue in question is said to be in the Heraion near Mycenae.

to a Roman, the memory of the statue's original context and meaning was not necessarily lost. If we can imagine that elsewhere communities were able to maintain the original identity of statues that were reused then we need not assume a loss of memory at all. With this metagraphy practice, the Rhodian landscape does not change, yet the Rhodians gain the boons of bolstering new connections with contemporary elites. They are able to figuratively have their cake and eat it too, retaining the ancient monuments of their past, visually unchanged, but recontextualizing them (literally) to effectively garner the goodwill of persons important and influential in the present. This way, they sacrifice neither the physical monuments of their rich history, which bore meaning for future and present audiences, nor their present-centered social network.

In a similar vein, elsewhere in the oration, we learn that the Rhodians kept a list of all of their honorific statues, including those that were subsequently recycled. Dio writes, "I have heard someone saying as a particularly strong point in defense of this that you have made an official list of your statues."[788] This point about list-making is brought up in the larger discussion about the legal status of honorific statues as property—who "*owns*" them such that they have the authority to determine their fates. When Dio recalls this man's appeal to the fact that the Rhodians keep a list of all statues in their public records, the implication is that this proves them to belong to the city, and hence that the city is within its rights to recycle them, as it chooses. In short, the intention of the passage pertains to ownership and not to memory. However, the fact of official list-making does have meaning with regard to memory, and is important to consider in light of Dio's

[788] *Or*. 31.48: Ὃ τοίνυν ἤκουσά τινος ὑπὲρ τούτου λέγοντος ὡς ἰσχυρότατον, οὐκ ἂν ἀποκρυψαίμην, ὅτι δημοσίᾳ τοὺς ἀνδριάντας ἀπεγράψασθε ὑμεῖς.

arguments elsewhere in the speech that the statues' reinscription erases the memory of past men and the record of Rhodian civic virtue. Rather than being lost, the memory of the statues' original honorands was simply transformed into a more official, archival memory. An inscription from Kos, dated to 22 CE lists the names of men whose statues were melted down for reuse in a time of crisis.[789] In a similar fashion, the Rhodians' own official list may have mitigated the loss of memory that resulted from the statues' reinscription.[790]

Therefore, with nothing to lose and new relationships to honor, statue reuse made sense from a Rhodian standpoint. It constituted a conscious effort to manage their statues according to the socio-political needs of their present: that is, they recycled, rather than retained, statues whose honorific value was rendered moot by their anonymity, and the subsequently reused statues fostered ties between their new elite Roman subjects and Rhodes. Thus, we might understand the Rhodians' treatment of these monuments as part of a considered and conscientious statue management practice that strategically fostered its socio-political network without sacrificing its cultural landscape.[791]

4.4.2 Dio's Motives for Attacking Rhodian Metagraphy

One of the striking aspects about the Rhodian Oration is that Dio's account of Rhodian metagraphy does not accord with archaeological evidence. As Catherine

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[789] *IG* XII,4 2: 271.

[790] A more well-known Rhodian example of list-making to mitigate loss is the Lindian Chronicle: Shaya 2005; Higbie, 2003.

[791] In many ways, Dio's own arguments come back to relevance for the present and future as well, since he threatens they will not continue to gain benefactors if they keep this up, and suggests that the virtue of their citizens will decline.

Keesling would say, the "rhetoric" does not match the "realia."[792] To start, the reinscription of honorific portraits was not a prevalent practice in Rhodes, judging from statue bases found in the city of Rhodes and on the Acropolis at Lindos.[793] Furthermore, the minimal evidence for metagraphy that has been found at the sanctuary of Athena Lindia, demonstrates that the practice was not exclusive to Roman recipients. In a recent study, Henri Fernoux analyzed 18 statue-bases found at the sanctuary, from which he concluded that reinscription was practiced in Rhodes since the second century BCE, and that, originally, recycled statues honored Rhodian locals.[794] Therefore, although the majority of recipients from all sites studied were Romans, it is not correct to explain this practice entirely as a Greek response to Roman rule. Lastly, metagraphy seems to have been much more prevalent at other sites in Greece, such as Athens, Olympia, and Samos,[795] contrary to Dio's assertion that the Rhodians were the only ones reinscribing their statues at the time.[796] Examining a group of sixteen statue bases found on the Athenian Acropolis from the Roman period, Julia Shear found that seven had their original inscriptions erased and a Roman inscription added, as Dio describes, but nine simply had a second, Roman inscription added to the Greek original, a practice about which Dio makes no mention. Contrary to Dio's interpretation of the Rhodians as diminishing their Greekness to please Romans, Shear interprets the practice as Athenians advertising their long cultural heritage, and leveraging this among Romans, who would

[792] Keesling 2017, 189.
[793] Keesling 2017.
[794] Fernoux 2017.
[795] Keesling 2017, Ch. 5. According to Jakob Højte, once the Romans entered the Greek political arena, it became common in Oropos to reuse statues of Hellenistic kings for Roman magistrates; Jakob Højte 2002, 57.
[796] *Or*. 31.123.

have been eager for statues made by classical sculptors. From this viewpoint, the reinscription practice, rather than embodying Greek cultural betrayal, positioned Greeks as culturally superior to Romans, by creating a context in which Romans sought to be represented as Greeks.[797]

In light of these archaeological studies, Dio's speech becomes all the more curious. He presents a very different interpretation of Rhodian statue reuse from Shear's positive reading, and he clearly skews the facts of its use in Rhodes and Greece at large. The question remains, then: Why does he represent the state of affairs in Rhodes in this way?

For one, Dio no doubt desired to appear learned and sophisticated. With this in mind, several scholars have argued that *Or*. 31 is modeled on Demosthenes' speech 20, *Against Leptines*.[798] In this speech, Demosthenes speaks against a law proposed in Athens of 355/4 BCE by the eponymous Leptines. This law aimed to ban grants of exemptions from liturgies to individuals, whether granted by the city as an honor or requested by elites. This measure was an attempt to preserve and increase revenue for the state, during the costly Social War (357-355 BCE). Demosthenes' speech was delivered on behalf of Chabrias, who was fighting for the law's repeal in court. Among the similarities between Dio's *Or*. 31 and Demosthenes 20 are the way that the two speeches straddle oratorical genres, the fact that both were subsequently edited and probably augmented, the use of

[797] Shear 2007, 245-6.
[798] Jones 1978, 35 says that Dio "indirectly emulates" Demosthenes' *Against Leptines* and that the two arguments resemble each other; Bost-Pouderon 2016 goes so far as to call it a *réecriture* ("rewrite") of Dem. 20. See also, Kremmydas 2016.

procatalepsis, and the issue of trust/honesty as a central theme.[799] Likewise, it has been suggested that the unusual length of the Rhodian Oration is due to Dio's desire to match the length of *Against Leptines*.[800]

Despite such similarities, there are a number of crucial differences in the contexts of these speeches. The matter at hand in Demosthenes' *Against Leptines* is primarily a financial one. The proposed law sought to gain the state money by preventing elites from being exempted from having to pay liturgies. Demosthenes, in advocating for the law's repeal, is advocating for a financial boon to wealthy elite Athenian citizens. While he does make similar appeals to the virtues of an effective honorific system, much as Dio, the case is concerned first and foremost with financial entitlement. Dio, on the other hand, is concerned with the meaning and impact of honorific statues within the civic landscape. These statues are a tangible embodiment of virtue, civic identity, and Greek culture, which ought to be protected and preserved, whereas the tax exemption for elites in question in the Leptines case was an intangible financial boon to elite citizens. Both situations call into question what qualifies as behavior worth receiving civic honors, what constitutes an effective honor for a city to bestow on its worthy benefactors, and what the larger societal implications of such an honorific system are. In the Demosthenic case, the impact is more directly focused on the elites who may be dissuaded from further state service by no longer enjoying the benefit of exemption from liturgies, whereas in Dio's speech he takes great pains to argue that presence and visuality of statues of even unknown honorands have the consequence of inspiring present and future generations to

[799] Bost-Pouderon 2016, 319-325.
[800] Jones 1978, Bost-Pouderon 2016; Kremmydas 2016.

virtue and service. Moreover, whereas the "honor" under threat in the Athenian situation is a literal exemption from providing a service to the state—so by extension, Demosthenes argues for the continued practice of relieving citizens of the duty to serve the city—exemption from civic duty has no role in the Rhodian situation. The "honors" embodied in the portrait statues were rewards for benefactions, and Dio worries that the recycling of these statues augurs a degeneration of the civic gratitude that will concomitantly entail a degeneration in benefaction practice. In no way can his argument be read to support exempting individuals from civic duty. Additionally, due to the greatly different contexts of the two "honors" involved in these situations, Dio's oration is significantly more concerned with "memory." The presence of such markers of civic virtue and gratitude for service in the public space of Rhodes allows for the creation of collective memory around these physical sites. Not only might these statues preserve, via their inscriptions, archival types of information about past benefactors and their deeds, but their existence and accessibility enable the types of meaning-making in which Dio himself engages throughout *Or*. 31: the statues symbolize a rich and long history of excellent citizenry and Rhodes' honored placed in the Mediterranean. The meanings a viewer might construct around them is open, a phenomenon not possible for the tax-exemptions in question in Dem. 20.

It is important to keep in mind that the urge to read similarities between these two speeches might result from the fact that Dio himself makes a comparison between the Rhodian metagraphy practice and the situation surrounding Leptines' law within the *Rhodian Oration*. Jazdzewska has rightly pointed out that Dio may simply take up the

comparison to an Athenian situation because the Rhodians (according to Dio) appealed to the Athenians' practice of metagraphy in defense of themselves. The comparison "encourage[es] the audience to compare Athens and Rhodes, the past and the present, Demosthenes and Dio."[801] By such a comparison, Dio flatters the Rhodians as the new Athenians.[802] Moreover, to use the example of the Athenians as a cautionary tale and to question the cultural primacy of Athens was in vogue during this period.[803] Therefore, the argument that Dio intended the *Rhodian Oration* as an updated *Against Leptines* may lend too much weight to merely one of his many lines of argument throughout the oration.

I suggest that Dio is looking to and emulating Roman models as much as Demosthenic ones. I argue that, as "a public act of self-constitution,"[804] Dio's representation of the Rhodian situation was tapping into Roman discourses about the value of inscriptions to memory and the negative connotations of reinscription, in order to display his belonging within the *ethos* of the imperial elite.

To start, in Cicero's *Verrines*, we see the way in which Romans manipulated the meaning-making that surrounded statues belonging to provincial subjects, by means of reinscription. As a contrast to Verres, Cicero describes the way that Scipio Africanus repatriated Sicilian statues that had been plundered by the Carthaginians. In reference to the cult statue of Diana from Segesta, Cicero says:

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[801] Jazdzewska, 2015, 254-5.
[802] Jazdzewska, 2015, 255; Bost-Pouderon 2016, 334.
[803] Jazdzewska 2015, 253; Roberts, 1994, 110–17; Whitmarsh 2001), 178.
[804] Connolly (2017, 193) uses this phrase of actually-delivered oratorical performances in late Republican contexts when rhetorical opportunities were limited, but I also find it fitting for circulated oratory, working within a public sphere, contributing to a public discourse, as were Dio's Second Sophistic orations.

> It was at that time that the very Diana of which I speak was given back to the Segestans with utmost care. It was carried back to Segesta and returned to its ancient seat, with the greatest gratitude and rejoicing of the citizens. There in Segesta, it was placed on a rather tall pedestal, on which, in great letters, the name of Publius Africanus was inscribed, and it was written that he had restored it after capturing Carthage.
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> *Illo tempore Segestanis maxima cum cura haec ipsa Diana de qua dicimus redditur; reportatur Segestam, in suis antiquis sedibus summa cum gratulatione civium et laetitia reponitur. Haec erat posita Segestae sane excelsa in basi, in qua grandibus litteris P. Africani nomen erat incisum eumque Carthagine capta restituisse perscriptum.*[805]

Cicero has no qualms here about the reinscription of the Segestan cult statue, but rather represents it as a happy occasion. We can imagine, however, that this Roman intervention in the statue's symbolic meaning was not entirely welcome (even if its return to the city was). Indeed, another statue that Cicero mentions among the list of Scipio's repatriations was said to have come with a foreboding political slant. We hear that when Scipio returned the statue of the Bull of Phalaris to Agrigentum, "he is said to have told them to consider which were better for the Agrigentians, to act as slaves to their own kind or to submit to the Roman people, when they possessed one and the same monument of native cruelty and of our gentleness."[806] This act of repatriation added commemorative valence to the statue. Now, it simultaneously commemorated a local past as well as an imperial present. The message of Cicero's Scipio is clear: Rome's subjects were better off under her rule than on their own, and they would do well to remember it.

Though the reinscription of the Segestan Diana is presented as unproblematic, the reinscription of Roman statues is another matter for Cicero. Shortly after describing the

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[805] Cic. *Verr*. 2.4.74.
[806] Cic. *Verr*. 2.4.73: …*dixisse dicitur aequum esse illos cogitare utrum esset Agrigentinis utilius, suisne servire anne populo Romano obtemperare, cum idem monumentum et domesticae crudelitatis et nostrae mansuetudinis haberent*.

statue's happy return, Cicero expounds upon its function as a monument to Africanus, in order to appeal to the Scipiones in his audience. To this end, he chides Publius Scipio, asking, "When the tradition has been passed down from our ancestors, that every man should so protect the monuments of his ancestors, that he not even allow them to be adorned with the name of other persons: will you support this man [Verres]?"[807] Here, Cicero expresses reinscription as something to be guarded against, as an attack on the memory and honor of one's ancestors. Cicero's declaration to Atticus—"I hate false inscriptions on other people's statues" (*Odi falsas inscriptiones statuarum alienarum*)[808]—may suggest that he also felt that a reinscribed statue was no honor for the new recipient either. We can therefore see that there are two ideas expressed by Cicero that Dio also expresses: First, the propensity of the Roman Empire to make interventions into the meaning of local statues; and second, the view of reinscription as threatening to memory and honor.

The idea that for another man to add his name to one's monument would somehow be a usurpation of memory, which Cicero expresses to Scipio, is perhaps supported by Augustus himself. In his *Res Gestae*, Augustus congratulates himself for not inscribing his name on his renovations of others' public works, stating: "the Capitolium and the theater of Pompey, both works involving great expense, I rebuilt without any inscription of my own name."[809] This statement is made amid a list of Augustus own

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[807] *Verr*. 2.4.79: *Cum mos a maioribus traditus sit, ut monumenta maiorum ita suorum quique defendat ut ea ne ornari quidem nomine aliorum sinat, tu isti aderis…*
[808] Cic. *Att*. 6.1.26.
[809] *RG* 20: *Capitolium et Pompeium theatrum utrumque opus impensa grandi refeci sine ulla inscriptione nominis mei*.

public works, and the implication seems to be that refraining from adding his own name to the Capitolium and Pompey's Theatre is a testament to his modesty.

We find similar notions regarding the inscription of names expressed by Dio's contemporaries, Pliny the Younger and Suetonius. While the fraught dating of the *Rhodian Oration* makes it impossible to determine whether Dio could have been familiar with Pliny's *Epistles* or Suetonius' *Caesars*, these can nevertheless indicate what discourses regarding inscription, reinscription, and being uninscribed were in circulation during Dio's lifetime. In a letter dated to 106/107 CE, Pliny the Younger recalls the experience of coming upon the funerary monument of his friend Verginius Rufus, and being outraged to find it uninscribed with his name: "I felt grieved and indignant that ten years should have elapsed since his death, and that his remains and neglected ashes should still be lying without an inscription and a name, though his memory and fame have traversed the whole world."[810] Pliny calls his uninscribed tomb an insult and an indignity (*iniuriam ut indigniorem*)[811] to Rufus. Pliny's anecdote reveals a clear linkage in his mind between memory (*memoria*) and fame (*gloria*) and the inscription of one's name.[812] It is *despite* the lack of inscription of Rufus' name that his memory and fame live on, indicating the expected reliance of the latter on the former. In his letter, Pliny goes on to lament the sad state of contemporary affairs that a man clearly has to build his own tomb before he dies, a task that is supposed to be the duty of his heirs (*heredum*

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[810] *Ep*. 6.10.3: *Subit indignatio cum miseratione, post decimum mortis annum reliquias neglectumque cinerem sine titulo sine nomine iacere, cuius memoria orbem terrarum gloria pervagetur*.
[811] *Ep*. 6.10.6.
[812] Pliny links inscriptions on monuments to glory and renown in another letter as well; *Ep*. 9.19.

officia).[813] That proper memorialization is the duty of heirs echoes Cicero's notion of descendants safeguarding their ancestors' monuments. In the *Rhodian Oration*, both the failure of the Rhodians to preserve the memorials of their ancestral benefactors and the outrage effected by the overwriting of their names evoke similar sentiments.

Suetonius, another contemporary of Dio, includes the issue of reinscription within his rubric-style characterizations of "good" and "bad" Roman emperors. Although the reinscription mentioned by Suetonius pertains to buildings, and not statues, the episodes speak to the importance of inscriptions to defining an object's legacy and offer both positive and negative exempla regarding the act of re-inscription. In a chapter detailing Augustus' public works, Suetonius recounts Augustus' decision to abstain from reinscription:

> Nearest to the immortal gods, he bestowed honor on the memory of those generals, who gave back to the Roman state, the greatest imperium from the least. Therefore, he restored their public works, retaining their inscriptions, and he dedicated statues of all of them in triumphal attire in each portico of his forum, declaring in a proclamation: this had been devised by him, that he himself, while he lived, and the leading men of subsequent ages might be measured by citizens according to the example, so to speak, of those men.
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> *Proximum a dis immortalibus honorem memoriae ducum praestitit, qui imperium p. R. ex minimo maximum reddidissent. itaque et opera cuiusque manentibus titulis restituit et statuas omnium triumphali effigie in utraque fori sui porticu dedicauit, professus est edicto: commentum id se, ut ad illorum velut ad exemplar et ipse,*[814] *dum viveret, et insequentium aetatium principes exigerentur a civibus.*[815]

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[813] *Ep*. 6.10.5.

[814] Wardle 2014 (257-8) follows Lebek 1993 in supplementing *virtutem* following *illorum* (*ut ad illorum virtutem velut ad exemplar*…,): "he had devised this so that he himself and the leading men of time to come should be required by their citizens to live up to their <excellence> as an example." *Normam* and *vitam* have also been proposes as supplements). However, Kaster's explanation that the second *ad* in the archetype's *ut ad illorum uelut ad exemplar* "is the result of an error easily made, -*ut ad* repeated after *ut ad*," with *velut* giving the sense of "so to speak/as it were" (cf. Suet. *Ner*. 37.2; Liv. 21.43.2; Tac. *Ann.* 13.14.1) is persuasive; Kaster 2016, 100.

[815] Suet. *Div. Aug*. 31.5.

Whereas Augustus has bragged that he did not inscribe his own name, Suetonius praises him for preserving the inscriptions of prior patrons. Implicit is Augustus' decision not to re-inscribe the buildings he restored with his own name. Suetonius presents this as a testament to his respect for the generals of Rome's past and sets up Augustus as an *exemplum* of modesty. It is clear from this discussion that for Augustus to add his own name to the works, while perhaps expected, would be to alter the meaning and memory-making surrounding those facets of the Roman landscape, inserting Augustus into and, in all likelihood, overshadowing, the memory of the original founders and dedicators.[816]

Suetonius spells this out in his account of Domitian, who is a foil to Augustus in his treatment of the inscriptions of former Romans. We are told: "He restored many public works consumed by fire, among which was the Capitolium, which had burned again, but all of these under his name only and without any record of the former founder" (*Plurima et amplissima opera incendio absumpta restituit, in quis et Capitolium, quod rursus arserat; sed omnia sub titulo tantum suo ac sine ulla pristini auctoris memoria*).[817] What makes Domitian bad is not simply that he adds his own name to the structures, but that he deletes the name of former patrons. He is going beyond the expected practice of taking credit for one's public works, and demolishing the record of former Romans' achievements. By contrast, Augustus' example rings all the more noble because he does not add his name at all. From these extremes, we gather that the addition of an inscription is the normal, expected behavior in Suetonius' view, (with each emperor exceeding the norm, but in opposite ways). Adding an inscription is acceptable, but deleting the prior

[816] Of course, the very inclusion of their likenesses in his forum makes a claim on their memory.
[817] Suet. *Dom*. 5.1.

one goes too far. It constitutes, on Domitian's part, a tyrannical erasure of the past and a usurpation of other men's honor—a symbol of bad empire.

Dio's presentation of the Rhodian metagraphy practice exhibits several similarities with Roman discourses about the power of inscribed, reinscribed, and uninscribed names. Like Cicero, Pliny, Suetonius, and more implicitly Augustus, Dio views the erasure of names as a loss of memory and an affront to past individuals' honor. Building on this, he takes his interpretation one step further, to suggest that it also effaces Greek cultural identity. While Cicero presents reinscription as unproblematic collateral damage to the noble, Roman imperial practice of statue repatriation, he demonstrates that reinscription was a component of Roman interaction with the material culture of her subjects for some time already by Dio's day. Though the impact of reinscription at the local level is irrelevant to Cicero's point and his perspective as a Roman elite, this is not the case when statues of Romans are reinscribed. Indeed, Dio illustrates the way such reinscription can alter the meaning of a statue for its community.

To be sure, the specific contexts of the reinscription practices related by these various authors differ, and the way in which they characterize the acts of reinscription are heavily influenced by the narrative needs of each. What I hope these comparisons have shown is that conversations about reinscription and loss of memory provided a convenient forum for elites in the Roman world to further their political aims—whether that be taking down an opponent in the courts, constructing the character of Roman leaders, or saying something about the state of Greece in the Roman Empire. In his condemnation of Rhodian statue reinscription, Dio is doing more than simply lamenting

Roman political dominance. Certainly, Dio evokes the Homeric tradition, in which the removal of an honor is a grave insult.[818] And in so doing, he taps into Greek cultural pride and historic longevity. For those Greeks wishing to hear it, the reminder of Homeric nobility hints at Greek cultural superiority to encroaching Roman practices, such as the growing ubiquity of gladiatorial shows.

Even so, while Dio situates himself inside a collective Greek identity which he shares with the Rhodians, he also situates himself as an outsider looking in on a Rhodian practice and offering unsolicited criticism. Further, in building his reproach, he aligns himself with the Romans (even if only rhetorically) when he asserts that the *hegemones* being honored with recycled statues also cannot respect the Rhodian practice. In this way, he places himself among Roman elites as morally superior to the Rhodians. With his complex self-positioning as both insider and outsider and his broad, multi-tiered argument rooted in shared cultural sentiments (such as respect for the dead and religious piety), Dio showcases his place in both Greek and Roman culture. For Roman readership, he is partaking in an ongoing Roman conversation about how cultural materials ought to be treated, and thereby presenting himself as a sophisticated, imperial elite.

Dio further positions himself as an imperial elite by rebuking the Rhodians on the grounds that they improperly condemn the original honorands of the recycled statues to unwarranted *damnationes memoriae*. At one point the speech,[819] Dio says that oblivion or total annihilation is better than conspicuous mistreatment or abuse. He makes an analogy

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[818] Though an important distinction between this Homeric thinking and Dio's is evident in the fact that in the *Iliadic* situation, the removal of Achilles' γέρας, "prize of honor," does not does not bear on the reputation and legacy of his society at large.
[819] *Or*. 31.160.

to a dead body being utterly destroyed versus mutilated and argues that the mutilation is worse because of the shame; similarly, he says it were better for Greek cities that were totally annihilated than some of those remaining in the state they are in, implying that their compromising of their own character is a worse fate than ceasing to exist. In the former situation (the total destruction), he asserts "the memory of those men remains unimpaired" (ὑγιὴς γὰρ ἡ τούτων μνήμη μένει),[820] whereas in the latter situation their memory becomes tainted with the shame of degradation.[821] By the application of the analogy then, Dio implies that it is better that a statue or memorial be totally destroyed than that it be recycled and thus abused. This attention to the difference between erasure and conspicuous censure is at the core of Roman practices of *damnatio memoriae*, and it is clear Dio chooses to read the Rhodians actions through this lens to bolster his view that they ought not to reuse their statues—they are partaking in a practice without understanding what it means.

Thus, Dio cleverly coopts a Roman discourse about reinscription to condemn the self-effacement of Greek identity and history under Roman rule, while simultaneously appealing to that discourse in order to present himself as a tasteful imperial elite, in tune with Roman values. So much so that he can reproach the Rhodians both for their failure to understand Roman values and their inappropriate, accidental application of memory sanctions to their own past benefactors. In his *Rhodian Oration,* Dio is as much a Greek

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[820] *Or*. 31.160.
[821] Flower 1998 has explored the tensions between forgetting and remembering inherent in Roman practices of *damnatio memoriae*.

speaking to Greeks about corrupting Romans, as he is a citizen of the Empire, speaking to Romans about ignorant Greeks.

4.5 Conclusion

Despite the preservationist sentiments expressed in the *Rhodian Oration* and his self-positioning as a champion of ancient statues, Dio Chrysostom was not always for the preservation of ancient landmarks. Sometime after being recalled from exile, Dio undertook a campaign to beautify his home town of Prusa, which is the subject of his forty-seventh oration. In the course of these efforts he encountered criticism for the destruction of old buildings and monuments entailed in his project. In particular, he relates that some Prusans were particularly upset over the fate an old forge:

> But there was much and very distasteful talk—though not by many—that I am utterly destroying the city, that I have made it desolate, having nearly expelled the citizens, that everything has been destroyed, demolished, and there is nothing left. And there were some vehemently lamenting the forge of So-and-so, angry that these memorials of ancient prosperity not remain, as if the Athenian Propylaea were being disturbed, or the Parthenon, or we were ruining the Samian Heraion, or the Didymaion at Miletus, or the Temple of Artemis at Ephesus, not shameful and ridiculous ruins!
>
> Λόγοι δὲ ἐγίγνοντο πολλοὶ μέν, οὐ παρὰ πολλῶν δέ, καὶ σφόδρα ἀηδεῖς, ὡς κατασκάπτω τὴν πόλιν, ὡς ἀνάστατον πεποίηκα σχεδὸν ἐξελαύνων τοὺς πολίτας, ὡς ἀνῄρηται πάντα, συγκέχυται, λοιπὸν οὐδέν ἐστιν. καί τινες ἦσαν οἱ σφόδρα ὀδυρόμενοι τὸ χαλκεῖον τὸ τοῦ δεῖνος, χαλεπῶς ἔχοντες, εἰ μὴ μενεῖ ταῦτα τὰ ὑπομνήματα τῆς παλαιᾶς εὐδαιμονίας, ὥσπερ τῶν Ἀθήνησι Προπυλαίων κινουμένων ἢ τοῦ Παρθενῶνος ἢ τὸ Σαμίων Ἥραιον ἡμᾶς ἀνατρέποντας ἢ τὸ Μιλησίων Διδύμειον ἢ τὸν νεὼν τῆς Ἐφεσίας Ἀρτέμιδος, ἀλλ᾽ οὐκ αἰσχρὰ καὶ καταγέλαστα ἐρείπια…[822]

In this episode, much like the Rhodians portrayed in the *Rhodian Oration*, Dio is on the defense for sacrificing material remnants of the past for the sake of a present need. In Dio's case, it is the honor derived from a beautiful city that outweighs the ancient or

[822] *Or*. 40.8-9.

commemorative value of the historical forge. The "memorials of ancient prosperity" so lamented by his detractors, Dio considers "shameful" and "ridiculous." Inverting the valence of their commemorative ability, Dio goes on to call them "signs of former poverty and ill-repute" (τὰ σημεῖα τῆς ἔμπροσθεν πενίας καὶ ἀδοξίας).[823] It has been argued "that sentimental attachments to landmarks such as the 'smithy of 'So-and-so' as memorials should not be viewed as manifestations of genuine nostalgia, but instead should be understood as flimsy excuses for political or personal enmity."[824] While I would disagree with the dismissal of nostalgia or the genuineness of the sentiments at play in this controversy—for, even if the particular persons spearheading this critique did not care about the forge, the success of such a maneuver depended on evoking the care and concern for the historic, old building of others within the Prusan community—the controversy over the forge was certainly of political use to Dio's enemies.

We can perhaps understand the resistance to Dio's beautification campaign in a similar light as Dio's attack on Rhodian statue reuse. In the *Rhodian Oration* Dio's attack on metagraphy is similarly put to use for his own socio-political purposes. In this case, Dio is not attempting to smear the image of a political opponent—although, whether we suppose influence from Demosthenes' *Against Leptines* or Cicero's *Verrines*, *Oration 31* is suggestively reminiscent of a forensic speech. Nevertheless, Dio is able to use his opposition to Rhodian statue reuse in order to say something about *himself*, just as much as did those who mounted the campaign against Dio's building projects in Prusa. By castigating Rhodian metagraphy as immoral, depicting it as not only unGreek, but also

[823] *Or*. 40.9.
[824] Ng 2015b, 111.

un-imperial, Dio portrays himself as a man for tradition, a defender of the Greek past, and beacon of civic, Greek, and imperial values. In both of these contestations, we see elites making arguments about the mistreatment of ancient landmarks as a means of deriving political purchase.

The *Rhodian Oration* is but one example of an ancient conversation about monuments' societal relevance, impact, and meaning. Within the speech, we are presented with two conflicting sets of heritage values and practices. On the one hand, the series of arguments placed in the mouths of Dio's imagined interlocutors and in statements about what the Rhodians have told him reveal a well-considered Rhodian protocol for statue reuse: by growing Rhodes' network and recycling monuments whose symbolic valuations had become dormant or defunct, the Rhodians' management of their public statuary serves the socio-political needs of their present while maintaining their monumental landscape. On the other hand, Dio endorses an approach to the city's honorific statues that celebrates the past for the past's sake and builds upon the image of the noble Roman conserver of both *mos* and *monumenta maiorum*. Both the Rhodians' and Dio's perspectives are therefore inflected by their Roman imperial context. The *Rhodian Oration* thus exemplifies the ongoing negotiation of honorific statues' cultural value and illustrates how ancient heritage practices, such as statue conservation, were politically shaped.

CONCLUSION

Contesting Cultural Destruction in Early Imperial Rome: The Growth of a Discourse

This dissertation has traced the contours of an evolving cultural heritage discourse within early imperial Rome through an examination of literary episodes contesting acts of cultural destruction. The deconstruction of the assumed modernity of cultural heritage in Chapter 1 provided a theoretical foundation for examining cultural heritage within Roman antiquity as a politically-inflected set of processes involving the identification and regulation of sites, objects, and practices imbued with cultural value. In turn, the analyses of Cicero, Livy, and Dio Chrysostom in Chapters 2 – 4 have underscored these processes at work within the thought world of Rome in the first centuries BCE and CE.

Informed by the particular circumstances of the case against Verres and recent political events such as the Social War, Sullan proscriptions, and controversy over control of the extortion courts, Cicero's *In Verrem* established the issue of cultural destruction and the ethics surrounding the Roman treatment of cultural property as topics for elite political discussion. His influential prosecution speeches gave shape to a heritage discourse that condemned acts of cultural destruction, such as the plundering of art and monuments or the violation of sacred sites, and associated such behavior with a series of negative identity categories—most notably, the corrupt Roman magistrate, but also the barbarian, pirate, and brigand. By focusing on the significance of the objects, sites, and practices, stolen, damaged, or violated by Verres from the perspectives of their local communities and on their roles in local culture, Cicero demonstrated an awareness of and attention to the intangible cultural meanings expressed through these stolen statues,

pillaged temples, and cancelled festivals. The great success and fame of his case deepened and further disseminated into Roman consciousness a series of ethical notions pertaining to the treatment of cultural property, the association of breaches of these ethics with condemnable character, and the political import of respecting the cultural property of Roman subjects and allies.

The influence of these ideas on the Roman thought world is demonstrated by their echoes in Livy's history of Rome, the *Ab Urbe Condita*, written some fifty years after Verres' trial. While Livy cannot, of course, be credited with inventing the events that he relates, all of which (in the extant portions of the history) occurred before Cicero's speech, he nevertheless makes choices in his selection and presentation of historical episodes. Livy not only lends attention to acts of cultural destruction within his narrative by giving them political consequence in interstate conflict, but also by penning dramatized speeches and debates surrounding contested acts of plunder, temple violation, and abolition of traditions. His presentation of the debate at the Aetolian Council of 199 BCE focuses the question of barbarity—a label applied to the Romans by Macedonians, yet cast back at the Macedonians by the Athenians—around the issue of Philip V's destruction of important cultural sites in Athens and the Attic countryside, including the Lyceum, tombs, and ancestral rural shrines. This debate illustrates the association between disrespect for important sites of culture and stigmatized identity categories, such as "barbarian." Likewise, the depiction of plundering and temple violation as costing Roman, Seleucid, and Macedonian leaders their allies and precipitating either further conflict or their defeat further communicates disapproval of these behaviors. By

depicting, over the course of his history, Rome and individual Romans becoming more active in and responsive to contestations over cultural destruction, Livy's narrative progresses toward the Roman cultural responsibility that Cicero had championed in the *In Verrem*.

In turn, Dio Chrysostom's *Rhodian Oration*, composed a century after Livy's history, illustrates the ongoing vitality of heritage-thinking in elite discourses within the Roman empire. Dio's arguments against Rhodian reuse of honorific statues acknowledge these objects as tangible embodiments of a euergetistic system that is essential to ensuring the ongoing virtue of Rhodian society and, through this, of Rhodian reputation and Greek cultural identity. Since Dio equates these objects with their larger cultural meanings, his vilification of the statues' reuse and of their reinscription, in particular, is a condemnation of cultural destruction. Like the *In Verrem* and the episodes of cultural contestation in Livy, Dio's oration problematizes the discrepancy between what is legal and what is right, when it comes to the treatment of cultural property. The Rhodian practice of statue reuse that Dio condemns is obviously "legal" in the sense that it is officially enacted by the city's magistrates, yet his speech seeks to morally educate the Rhodians about why this practice is shameful and to sway them to cease it. Furthermore, the issue of magisterial corruption and wrongdoing, which underlay Cicero's prosecution of Verres and the Livian episode depicting the senate's condemnation of Fulvius Flaccus, resonates in the *Rhodian Oration* as well; just as Verres tried to hide his Sicilian plunder before the trial and as Flaccus attempted to keep the provenance of his temple's roof tiles secret, so too, Dio suggests, the Rhodians are less than open in their honorific decrees

about the fact that the awarded statue will be second-hand. Implied, in all of these actions, is a self-awareness of an ethical breach via the misappropriation of cultural property.

Tracing this ethical discourse over the course of these texts has revealed the ways that it takes on a discursive life of its own, from being incidentally generated because of the contexts of the Verres trial, to being retrojected by Livy into his narrative of Roman history, to being manipulated by Dio Chrysostom for his own self-positioning as an imperial elite. With each text, we see an expansion of the contexts for contesting cultural destruction that gives new shape to a basic concern to preserve and protect tangible and intangible expressions of culture. Cicero presents a broad ideal of *humanitas*, according to which it befits a Roman general to refrain from the plunder and destruction of the cultural objects and sites of his defeated enemy, and endorses the Roman practice of leaving those communities subjected to Roman *imperium* their possessions. Nonetheless, his main ethical argument is constructed around a division between what was appropriate to do during war versus during peace. It was the fact that Verres behaved toward Sicily as a general toward an enemy in war—plundering individuals and elite communities, violating sacred temples and cult statues—rather than as a provincial governor toward his constituents, that is at the crux of Cicero's prosecution. Livy, in turn, imposes these ethical notions about restraint from cultural destruction *within* his narrative of the wartime contexts of the third and second centuries BCE, depicting their active negotiation in a series of contestations over martial acts of cultural destruction. In Dio's *Rhodian Oration*, the expanded purchase of this discourse is evident in its application of

the concern to prevent cultural destruction outside martial contexts altogether. The oration's position is fundamentally rooted in the attitude that these concerns are things to care about in everyday life and are important considerations for routine administration. As has been mentioned, a connection between ethics surrounding the treatment of cultural property and administration had been important currents within the *In Verrem* and Livy's history as well. This was the very core of the case against Verres, even if Cicero's rhetorical approach utilized the ethics of warfare in order to expose the inappropriateness of Verres' conduct. Similarly, the proper treatment of cultural property for administration is also relevant to the series of Livian episodes exploring the dispute over the Achaean's league administration of Sparta and, more acutely, the episode involving Fulvius Flaccus and the Temple of Juno Lacinia, where his stripping of the temple's roof is especially grievous considering his magisterial role as Roman censor. By focusing on a community's destruction of their own cultural property, rather than the destruction of local cultural property by an agent of the Roman state, the *Rhodian Oration* indicates that elite discourses about the treatment of cultural property had become independent from ideas about imperial oppression, yet no less entangled with politics and social identity.

Contextualizing Cultural Destruction between Pagans and Christians in Late Antiquity

This study of Roman heritage-thinking offers several contributions to our understanding of Roman antiquity. To start, it provides context for the corpus of scholarship on late antique cultural destruction between pagans and Christians. The religious and ideological conflicts between pagans and Christians in the later Roman

empire were themselves based in cultural heritage conceptualization. The Christian destruction, appropriation, and abolition of pagan cultural property such as statues, temples, and ritual practices was motivated by the recognition of these objects, sites, and traditions as expressions of pagan identity and ideology. Therefore, the examination of earlier (pre-Christian) discourses reflecting on the cultural value of such things as statues and temples in the face of destruction helps us understand the intentional and targeted destruction that took place in late antiquity.

In particular, this analysis adds clarity to several contentions of this late antique scholarship. The first of these is the supposition that the anxieties prompted by the conflictual late antique religious situation in the Roman empire prompted Christians to reflect on and theorize the meaning of statues, which had, up to that point, been taken for granted.[825] As the preceding treatments of Cicero's *In Verrem* and Dio Chrysostom's *Rhodian Oration* have made clear, individuals within the Roman empire reflected on the meanings and functions of statues long before the rise of Christianity.

Secondly, we gain perspective on the shift, explored in late antique scholarship, from the concrete and visual to the virtual and textual as the locus of monumental representation. Franz Bauer has argued for an increasing independence of inscriptions on statue bases from their statues over the course of late antiquity, which he sees as symptomatic of a shift from image to text as the locus of representation. He contends this shift is evident in the rise of the epigram and simultaneous decline in the statue habit and, more generally, physical visual representation. As Bauer explicates, the textual

[825] As Stewart 2007, 30.

descriptions in epigrams could conjure "virtual" images of monuments and statues that need not have physical counterparts.[826] Dio's *Rhodian Oration* provides an important snapshot of earlier heritage-thinking that evidences this shift in progress. While the situation in Rhodes noted in the *Rhodian Oration* has been flagged in late antique scholarship as a precedent for the late antique *spolia* attitude toward statues, the Rhodian Oration has not been connected to this shift between physical monument to text-based virtual monument.[827] What is notable in the *Rhodian Oration* is not just that the Rhodians were reusing statues already in the late-first century CE, which, as Stewart notes, was neither unique to Rhodes nor the predominant approach to granting statues at the time. Indeed, plenty of new statues were still being made in the late first century, and it is not until the 3rd – 6th centuries that statue production declines and eventual stops.[828] More important is the shape of Dio's argument, which, while it places value on both the statues and their inscriptions at different points, puts especial emphasis on the representational capacity of the inscription. According to Dio, it is this which is essential to enacting the commemorative function of the honorific statue. Thus, he argues for the importance of preserving the inscriptions even above the integrity of the statues. In these lines of argument, we detect an ongoing progression toward the attitudes to text and image described by scholars of late antiquity as emblematic of the late Roman empire. As we saw in Chapter 4, the ideas about the value of inscriptions presented in the *Rhodian Oration* built upon elements of even earlier Roman discourse, reflected in Cicero's

[826] Bauer 2007. See also Bauer and Witschel 2007b.
[827] Stewart 2007, 34.
[828] 2007, 27; Coates-Stephens 2007, 183; Caseau 2014.

comments in the *Verrines* about the Roman duty to preserve ancestral monuments from reinscription, his personal distaste for reused honorific statues stated in his letters to Atticus, and in ideas about good and bad emperors expressed by Augustus and Suetonius. Dio's oration therefore helps us realize the longer tradition in Roman elite discourse of reflecting on the monumental and representative power of inscriptions.

Moreover, some late antique studies have argued for a discourse of temple destruction within Christian sources. For example, Ulrich Gotter has argued that temple destruction was utilized as a discursive tool in 4th and 5th century Christian texts for legitimizing or criticizing Christian emperors, independent from actual acts of destroying temples.[829] Aude Busine has similarly explored the symbolic use in 5th and 6th century hagiographical texts of motifs of temple destruction, purportedly narrating destructive events of the 4th and 5th centuries not supported by the archaeological record, in order to heroize Christian saints.[830] Both this scholarship on temple destruction as discourse and on "virtual" monuments suggest an overall increase in the importance of discourse about cultural property and its treatment in Roman late antiquity. By underscoring the importance of discourses about the value of cultural property and the politics of its treatment in the earlier Roman world, this dissertation helps situate these late antique discursive phenomena within the broader context of Roman history.

Cultural Destruction and Identity Politics

What is more, this dissertation has revealed the way that the negotiation of ethics surrounding the proper treatment of cultural property in Roman elite discourse was both

[829] Gotter 2008.
[830] Busine 2013.

informed by and, in turn, contributed to ancient identity politics. Within Cicero's *In Verrem*, for example, we saw the association between the proper and improper treatment of such things as statues and temples and notions of being civilized or uncivilized, respectively. On the positive side of the divide, Cicero's character sketches of Marcellus and Scipio Aemilianus connected their behaviors of abstaining from plunder and returning the beloved treasures of various communities with the abstract trait of *humanitas*, a term that represents an idealization of elite Roman character and inherently, through its linguistic root, connects a set of constructed ethical principles to what it means to be human. Through his usage of this term, Cicero tied his constructed principles of refraining from plunder and respecting the cultural property of others to what it means to be Roman and, more broadly, what it means to be a (civilized) member of humanity. On the negative side of this divide, Verres' mistreatment of cultural property, through his rapacious plundering and violation of sacred objects, sites, and festivals, was associated not only with a lack of *humanitas* but also with barbarity. This was expressed in the literal labelling of Verres' agent Apronius as *inhumanus ac barbarus*, "inhuman(e) and barbaric,"[831] as well as in the episode of the Segestan statue of Diana, where Verres had to bring in *barbari* from the coast to do his dirty work of taking down the statue for transport since no one civilized—free or enslaved, citizen or provincial—could be found who was willing to commit such an atrocity.[832] In addition to being characteristic of his lack of *humanitas*, Verres' immoral plundering of Sicilians' cultural property was also associated with bandits (*latrones*) and pirates (*piratae*), identity categories indicating

[831] *Verr*. 2.3.23.
[832] *Verr*. 2.4.77.

persons who operate outside the conventions of society. These associations similarly make a conceptual link between Verres' desecration of temples and theft of civic monuments and family heirlooms and being outside the limits of civilized Romanity.

In Livy we saw various aspects of these negative identity associations with cultural destruction resonate in their own ways within each episode. In the debate between Macedonians, Athenians, and Romans, over the allegiance of the Aetolians, we saw the concept of barbarity reformulated around the idea of abuse of cultural property. The Macedonian presentation of barbarity as an unchanging fact of nature, rooted in Greek linguistic sameness, was rejected and replaced with an understanding of barbarity determined by behavior, with adherence or failure to adhere to the expected norms for the treatment of such culturally valued sites as monuments, tombs, and temples as an important criterion. More important than the fact that Philip V spoke Greek was the fact that Philip destroyed important sites of the Athenian civic and sacred landscape—behavior that was incompatible with the Macedonian claim to civility. Philip's acts of cultural destruction were indicative of his barbarous *crudelitas* and *saevitia*[833] and corresponding lack of *humanitas*.[834] In the contestation over the Achaean abolition of the Lycurgan system in Sparta, the destruction of Spartan cultural ways was similarly represented as *saevitia* and *crudelitas*.[835] In the dispute over Ambracian plunder in the Roman senate, charges of widespread plundering, particularly involving the violation of

[833] Liv. 31.30.1.
[834] Through the description of these deeds as *inhumana scelera* by the Roman representative; Liv. 31.31.3.
[835] Liv. 39.36.3-4.

temples, were thought to invoke the *invidia*, "ill-will" of Romans towards Nobilior.[836] When the Roman censor Fulvius Flaccus stripped the roof from an allied temple, his conduct was condemned and his action represented as a clear breach of his position both culturally as a Roman and socio-politically as the highest position in the *cursus honorum*.[837] In all of the episodes, cultural destruction was condemnable and representative of a failure to live up to ideal Roman conduct.

These identity politics were also at play within Dio's *Rhodian Oration*. In many ways, the *Rhodian Oration* positioned Dio as an outsider looking in on a Rhodian practice and offering unsolicited criticism. His admonitions not only placed him on a moral high ground educating the wayward Rhodians on the cultural value of and resulting respect due to honorific statues, but also aligned him with Roman ideas about the condemnable erasure of monumental inscriptions, expressed by the likes of Cicero, Augustus, Pliny the Younger, and Suetonius. Thus, by contesting Rhodian statue reuse as an act of cultural destruction despite the seeming lack of controversy surrounding the practice within the Rhodian community, Dio tapped into Roman discourses surrounding the erasure of inscriptions and destruction of monuments as a means of promoting his own self-image in opposition the stigmatization that accompanied cultural destruction.

Across all these texts, we see the interconnectedness of contesting cultural destruction and identity politics. The fact that the treatment (or mistreatment) of such things as sacred temples, civic statues, festivals, and everyday cultural practice informs and intersects with all these social constructs and plays an important contributing role in

[836] Liv. 38.43.2.
[837] Liv. 42.3.

the construction of one's own and others' character is particularly revelatory of the integral role ideas about the treatment of cultural property played in the Roman worldview. These conclusions in no way mitigate those acts of cultural destruction that *were* perpetrated by Rome and Romans throughout antiquity, such as the destruction of entire cities,[838] the appropriation of mass amounts of cultural plunder by generals and soldiers, or the interventions in local cultural landscapes affected by Roman imperialism. Indeed, the Roman practice of triumphs entailed the literal celebration of cultural destruction by parading of plundered cultural property through the streets of Rome, while the various Roman practices referred to as *damnatio memoriae* utilized cultural destruction for politically propagandistic purposes. Nevertheless, alongside these components of Roman society there existed a heritage discourse in which Romans were also concerned to preserve and protect material culture and were cognizant of particularly formulated responsibilities to respect the cultural property of Roman subjects, allies, other members of the non-barbaric world, and even, to some extent, enemies.

This study, therefore, adds perspective to our understanding of such aspects of Roman culture by helping us recognize that these exploitative and culturally destructive behaviors were subject to constant (re)negotiation. Roman elites constructed and debated varying sets of ethics about what extent and what kinds of cultural destruction, plunder, and violation were allowable—in contexts of war and peace. As we have seen,

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[838] It may not surprise that a news article in the *Washington Post* responding to President Donald Trump's January 2020 threat to destroy Iranian cultural sites lists Rome's destruction of Carthage as an example of "attacks on cultural heritage sites…throughout the history of civilization"; Rick Noack, "The disturbing history behind Trump's threat to target Iranian cultural sites," *The Washington Post*, January 6, 2020 (Accessed March 21, 2002) <https://www.washingtonpost.com/world/2020/01/06/disturbing-history-behind-trumps-idea-target-iranian-cultural-sites/>.

discrepancies between what was deemed legal and what was deemed morally desirable meant that even legally-permissible acts of cultural destruction could have negative repercussions for one's image and standing. This bears on Roman triumphal culture in particular in such cases where a general's treatment of a city, including extensive plundering, might come into question, affecting his prospects of a being awarded a triumph. Real consequences could result from such contestations over cultural destruction. Magistrates could be punished for wrongdoing. Property plundered by the army during conflict could be ordered returned. And even more commonly, respecting or disrespecting these constructed ethics about the proper treatment of cultural property held consequences for reputation, image, and political standing, both for individuals as well as for Rome as a whole, in internal Rome political machinations and on an interstate scale. In short, this study has shown that there were realities to these ideals.

Related to this recalibration of our understanding of cultural destruction in Roman antiquity, these analyses have also provided a potential new outlook on questions of Roman imperialism. By this, I do not mean to suggest that the discourses contesting cultural destruction signify a kinder, gentler Roman imperialism. What I mean is that the lens of cultural heritage can help obviate some of the usual debates about imperialism in Roman antiquity, such as over the direction of cultural influence or the locus of agency. Throughout this study, particularly in Chapters 2 and 4, we have seen the way a single statue, for example, could bear simultaneous, even contradictory, meanings for different stakeholders. Because of the plurality of meanings available to heritage objects, sites, and practices, interpretations of changes to these expressions of culture often oversimplify the

situation by prioritizing one available meaning. The example of the statue of Phalaris said to have been repatriated by Scipio—a humane return of a historic monument to a local people, but also a newly signified monument of Roman power and generosity—exemplifies the fact that cultural property and changes made to it need not have been understood homogenously, let alone in the way that we might be tempted to interpret them. Indeed, they need not even have been understood in the way that an extant author has interpreted them for us. Dio Chrysostom's *Rhodian Oration* is a prime example of this. Dio reads the Rhodian practice of reusing honorific statues as damaging not only to local civic prestige and to the character of Rhodes' future community, but also to Greek cultural tradition. A facile interpretation of this practice as symptomatic of the effacement to local cultures as a result of Roman imperialism is made readily available through his rhetoric, yet by reading against the text we are able to discern a number of ways in which the practice bolstered the socio-political needs of the Rhodian community while retaining their cultural landscape. Thus, the heuristic of cultural heritage and a corresponding exploration of heritage-thinking invites us to appreciate the complexity of meanings various culturally-valued objects, sites, and practices bore for their ancient communities and to avoid overly reductive interpretations of changes in material culture.

Lastly, the conclusions here reached that heritage-thinking within the early Roman empire was entangled with ancient identity politics also help us see a connection between this ancient Roman heritage discourse and the more familiar instantiations of cultural heritage in modern history. In her recent monograph *A Future in Ruins*, Lynn Meskell has explored the way that the modern, Western concept of cultural heritage

disseminated by UNESCO was entangled with identity politics. According to Meskell, UNESCO's agenda presented the preservation of cultural property as indicative of modernity and hence integral to a nation's identity as a progressive, developed country:

> The foundational aspirations of UNESCO rest upon the modernist rhetorics of progress, development, and uplift that many critics consider its fatal flaw. Forged in the twilight of empire and led by the victors of the war and major colonizing powers, UNESCO's founders sought to expand their influence through the last gasps of the civilizing mission. Beginning as a program of reconstruction for a war-ravaged Europe, UNESCO soon set its sights on the developing world. Its aim was to formulate and disseminate global standards for education, science, and cultural activities.[839]

The concern to preserve and protect "cultural heritage" (i.e., the tangible and intangible expressions of culture) thus, became a marker of belonging to the modern, developed world, while a failure to do so became associated with primitivity.[840] According to this ideology, "conserving the past is a recognized global good that nation-states can promote as a sign of their modernity, progress, and international citizenship."[841] Meskell's study explicates the way post-war cultural reconstruction initiatives provided momentum for a larger project of protecting humanity's heritage, ultimately resulting in the creation of "World Heritage brand" that nations, particularly in the West, vied to endorse, even at the expense of the conservationist principles upon which the brand was founded.[842] Analyzing the "cultural diplomacy" surrounding the inscription of sites on the World Heritage list, she describes this process as "another tool in the arsenal of soft

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[839] Meskell 2018, xvi.
[840] Nielson 2011 (267) has similarly summarized UNESCO's earlier mission: "UNESCO should transmit the best of world culture and people should become civilized."
[841] Meskell 2018, 107.
[842] Meskell 2018, 93.

power…where international recognition in conservation is equated with good governance, transparency, civility, and modernity."[843]

By exploring the ways that ancient discourses contesting cultural destruction were informed by and in turned contributed to Roman identity politics, this study helps us understand a longer history in which caring about culture had political import. The negotiation of these types of ethics was not a new phenomenon made possible by the Enlightenment or eighteenth-century industrialization. In fact, it is not unique to modernity at all. Rather, ethical debates about cultural destruction have been many and varied throughout time, and analyzing their instantiations in ancient Rome not only allows us to make an important connection between past and present but also gives us a deeper understanding of this aspect of human experience.

[843] Meskell 2018, 116.

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